Written Representations submitted in response to East Pye Solar
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Submitted by BEPS (Block East Pye Solar [redacted])

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Objection

East Pye Solar is the wrong project, at the wrong scale, in the wrong place

BEPS objects to East Pye Solar in its entirety. The objection is not to solar generation or to the transition to a low-carbon electricity system. It is to the proposition that this particular 500MW-scale, transmission-connected development, dispersed across approximately 1,200 hectares of solar fields and 54 square miles of South Norfolk, is necessary or proportionate when weighed against the exceptional and largely irreversible harm it would impose on the place in which it is proposed.

The starting point must be need. The Applicant presents East Pye as part of the national imperative for additional solar generation. That proposition is materially more complicated than the application suggests.

NESO's original December 2024 Clean Power 2030 Action Plan envisaged that 90% of solar capacity would be provided through smaller projects connected to the **distribution network,** [1] with only 10% connected at transmission level.

For the T7 East Anglia transmission region, the original solar allocation was only **900MW** for the relevant 2031–35 period. East Pye Solar and Island Green Power's other Norfolk NSIP, The Droves, would together exceed that amount without even taking into consideration the multiple other solar NSIPS proposed across East Anglia.

In April 2025, the separate transmission and distribution allocations were replaced with combined Tx+Dx regional capacity limits. The effect was to remove the previous constraint on the proportion of solar capacity that could be delivered through very large transmission projects.

That was not simply an abstract technical adjustment. The documentary material before BEPS records that Island Green Power was among a group of solar developers that wrote to the Secretary of State on 3 December 2024 seeking changes to the regional connection methodology, including removal of the distinction between transmission and distribution projects. Extensive lobbying by Macquarie and private meetings with DESNZ followed, including the detailed discussion of East Pye Solar as one of the projects that would not be required under NESO's existing methodology. Macquarie also proposed combining Dx+Tx capacity limits to enable their pipeline of projects to receive grid connections. DESNZ subsequently wrote to NESO on 7 April 2025, saying that it had decided to combine Tx+Dx regional capacity limits for 2031-5 due to the increased transmission-connected solar pipeline not being reflected adequately in NESO's earlier assumptions.

BEPS does not ask the Examining Authority to infer impropriety merely from the existence of industry engagement. But where the promoter of this DCO was among those seeking a policy change that subsequently improved the position of large transmission-connected projects, and the Secretary of State who heads the Department responsible for that intervention will ultimately determine this application, the sequence gives rise to a serious **appearance-of-bias**

[1] 'The distribution network will play an important role in the deployment of renewable generation, with 29% of onshore wind and 90% of solar capacities connected to the distribution network in our pathways.' (NESO, Clean Power 2030, p. 27.)

and procedural fairness issue which warrants transparent examination. More fundamentally, it undermines any attempt to treat the revised Gate 2 allocation as independent proof that East Pye itself is regionally necessary.

The DESNZ policy change appears to have accommodated the existing transmission solar pipeline rather than demonstrated that the original system assessment had underestimated consumer need. A large queue of transmission projects is evidence of developer interest; it is not, by itself, evidence that all of that capacity is needed, that it is needed in East Anglia, or that transmission-scale solar represents the most efficient or least harmful means of meeting national solar objectives.

There is also a wider public-interest question. The benefits of a transmission-connected NSIP should not be expressed as though its electricity will preferentially 'power local homes'. Electricity exported at transmission level enters the wider electricity market. Statements that a project could power the 'equivalent' of a particular number of homes describe generation volume at maximum generating capacity; they do not identify the ultimate purchaser of that electricity or establish a direct benefit to the communities hosting the infrastructure. The commercial reality may include substantial corporate offtake. Cleve Hill Solar Park provides a clear example: Tesco has contracted for **65% of its generation** under a 15-year corporate power purchase agreement. Many of these vast NSIP solar plants will go on to power data centres – which will bring further development pressure and environmental degradation.

BEPS therefore submits that the Examination must distinguish between a general national need for renewable electricity (predominantly on the distribution network) and the alleged specific need for **East Pye Solar at this scale, in this transmission region and in this location**. The former does not automatically establish the latter.

This distinction matters because the environmental price of East Pye is extraordinary.

This is not development on a degraded industrial site. It is proposed across an ancient, settled and intensely interconnected South Norfolk landscape: productive arable farmland; medieval churches and historic timber-framed farmsteads; ancient hedges, woodland and veteran trees; nationally important bat habitat; chalk-stream catchments; historic sunken lanes lined with vanishingly rare assemblages of botany, historic commons and greens; conservation area rural settlements; fragile private water supplies; cherished public rights of way; and landscapes whose cultural and ecological structures have developed together over thousands of years.

The Applicant's own evidence confirms much of that sensitivity. Its bat surveys identify a nationally important assemblage. Its archaeological work reveals extensive evidence of prolonged human occupation. Independent heritage assessment identifies less-than-substantial harm from the principal built development to 36 designated heritage assets and adverse effects upon 41 designated heritage assets overall, compared with the substantially narrower harm identified by the Applicant (two). Statutory consultees have raised unresolved concerns about ecology, water, archaeology, transport, landscape and infrastructure. The Scheme requires extensive road intervention, cable corridors, substations, BESS infrastructure, fencing, access tracks, security measures and planting designed not to preserve or enhance the existing landscape but to conceal the industrial infrastructure inserted into it – some on a permanent basis.

Our central objection is that East Pye does not seek to fit respectfully within this landscape. It requires the landscape to be **re-engineered around the project**. Open fields become power-

generation compounds. Historic views are screened rather than preserved. Hedgerows become infrastructure boundaries and crossing points. Rural lanes become construction routes. Productive soils become the platform for a 60-year industrial use. Quiet approaches to churches and villages become settings for tracker arrays, substations and associated infrastructure. Ecological connectivity is expected to adapt around fencing, cabling, roads and repeated construction disturbance. New planting is then presented as enhancement even where its function is to screen development that should not have been placed within that historic open setting in the first place.

BEPS strongly rejects that approach to environmental planning. This approach sits uneasily with the NSIP good-design principles in EN-1, which require infrastructure to be designed as an integral part of the landscape and place within which it sits, with adverse environmental effects avoided or reduced through good design rather than merely concealed after the event. Good design is not achieved by first imposing the maximum engineering footprint and then using buffers, screening belts and later mitigation to make the consequences less visible. BEPS submits that East Pye represents mitigation-led concealment of harm, not the genuinely integrated, place-responsive and environmentally sensitive design expected of an NSIP.

This landscape is not empty space awaiting a nationally significant use. It is already **nature-dense, history-dense and community-dense**. Its value lies precisely in the accumulated relationships between farmland, water, wildlife, historic settlement, buildings, lanes, woods and the people who live within it. Those relationships cannot be recreated by biodiversity units, landscape screening, later management plans or the promise that the Scheme may ultimately be removed after sixty years. Some infrastructure will remain in perpetuity, as will the new screening planting which will permanently alter the wide-open spaces and views across our landscape on which our specific current ecology depends. The issue for the Examination is whether the harm presented by this project, on this scale, in this location is outweighed by need.

The original NESO framework did not envisage this concentration of transmission-scale solar in East Anglia. The subsequent expansion of the available transmission envelope followed direct industry pressure – including from Macquarie specifically about East Pye Solar – and accommodated a pipeline that already exceeded the earlier transmission assumptions. That substantially weakens the proposition that this particular Scheme represents an unavoidable national necessity.

Against that weakened needs case stand extensive and interacting harms to landscape, ecology, cultural heritage, agriculture, water, tranquillity, transport and community life.

BEPS submits that those harms are not incidental costs of an otherwise appropriate project. They are evidence that the Scheme is fundamentally misplaced. The planning system should require renewable infrastructure to respect and work with the places in which it is located. East Pye instead asks South Norfolk to be reshaped to accommodate it. The result would be the progressive industrialisation of a cherished and still remarkably intact area of already ‘nature dense’ ancient countryside for a ‘temporary’ project whose specific regional necessity has not been demonstrated independently of a connections framework altered to accommodate the transmission pipeline.

BEPS therefore asks the Examining Authority to reject the proposition that national support for solar generation is sufficient to justify East Pye. It is not. The proper question is whether the benefits properly attributable to this Scheme justify its particular environmental effects and

whether its scale, location and configuration are acceptable under the applicable policy framework. On the evidence before the Examination, BEPS submits that the answer is no.

Preliminary Chapter – CPO and DCO

Part I – Purpose and legal framework

P.1 The purpose of this Preliminary Chapter

This Preliminary Chapter addresses the legal consequences of the objections developed in Chapters 1–20. It does not repeat the detailed evidence concerning need, alternatives, scheme definition, ecology, water, transport, heritage, soils, ground conditions, noise, EMF, major accidents, cumulative effects or decommissioning. Those matters are addressed in the substantive chapters of this Written Representation.

Its purpose is narrower and more fundamental. The Applicant seeks two exceptional statutory outcomes. First, it asks the Secretary of State to make a Development Consent Order authorising the Scheme and conferring extensive statutory powers for its construction, operation, maintenance, replacement and decommissioning. Secondly, it seeks compulsory powers over land and third-party interests, including permanent acquisition, acquisition of rights and restrictions, temporary possession and interference with existing rights.

Those powers cannot properly be considered in isolation from the evidential deficiencies identified elsewhere in this Written Representation. The question in this Preliminary Chapter is therefore not whether individual environmental effects are unacceptable; those matters are addressed in the substantive chapters. The question is whether, in light of the uncertainties and defects identified there, the Applicant has demonstrated a sufficiently defined, deliverable and legally controlled Scheme to justify the powers contained in the draft DCO and the compulsory acquisition of private interests.

That distinction is important. Chapters 1 and 5 address the claimed need for East Pye and the alternatives available. Chapter 4 demonstrates extensive uncertainty concerning the physical identity, severability, grid connection, BESS, National Grid infrastructure, cable network, construction arrangements, replacement and decommissioning of the Scheme. Chapters 8–18 identify important environmental controls that remain dependent upon later surveys, detailed design, management plans, licences, permits and approvals. The present chapter asks what follows from those findings when the Applicant seeks statutory authority to implement the Scheme and coercive powers over third-party property.

The central proposition is simple. Statutory powers should follow a demonstrated and sufficiently defined need for those powers. They should not be granted at maximum breadth first, leaving the Applicant to determine later which development will actually proceed, which land will actually be required, which environmental controls will ultimately apply and which powers will in practice be exercised.

P.2 The distinction between development consent, DCO powers and compulsory acquisition

Three separate questions arise and they should not be collapsed into a single planning balance.The first is whether East Pye Solar is acceptable in principle under the relevant statutory and policy framework. That question engages the claimed need for renewable generation, alternatives, environmental effects, good design and the overall planning balance. It is addressed principally in Chapter 1 and the substantive environmental chapters.

The second is whether the draft DCO is an adequate legal instrument for the development that has actually been assessed. A decision that a solar project is acceptable in principle does not itself establish that every power contained in the draft Order is properly drawn. The DCO must define what is authorised, identify the geographical and physical limits of those powers and secure the controls upon which environmental acceptability depends.

Current Government guidance on DCO content emphasises that the draft Order is the legal instrument through which the authorised development and the powers required to implement it are established. It is not merely a description of the Applicant's present intentions. The Planning Inspectorate's drafting advice similarly requires the DCO itself to be prepared and submitted as part of the application; the Examination is therefore concerned with the legal powers actually sought, not only with the design the Applicant currently says it expects to construct.

This distinction is particularly important at East Pye. Chapter 4 identifies uncertainty concerning the relationship between solar and BESS, the severability of principal Works, the final National Grid connection solution, the number and configuration of major substations, cable-route flexibility, replacement and repowering, and what infrastructure would remain after decommissioning. The draft DCO must therefore be tested against the full range of development it legally permits, not merely against the Applicant's preferred present configuration.

The third question is different again: whether the Applicant has justified each compulsory power and each property interest sought. A conclusion that East Pye is desirable in planning terms would not automatically establish that permanent acquisition of a particular freehold is necessary. Nor would it establish that acquisition of a permanent right is justified where temporary possession would suffice, or that land should remain subject to compulsory powers where the Work requiring it may never be constructed.

That distinction is inherent in the Planning Act 2008. Section 122 does not provide that compulsory acquisition follows automatically from development consent. It imposes an additional statutory condition: there must be a compelling case in the public interest for the land to be acquired compulsorily.

Accordingly, even if the Examining Authority were ultimately to reject some of BEPS's substantive objections to the Scheme, two independent questions would remain.

First, does the Order precisely and effectively control the development which may lawfully be implemented?

Secondly, has the Applicant demonstrated that the particular compulsory acquisition powers sought are necessary and proportionate to that development?

BEPS submits that neither question can be answered simply by pointing to the national need for renewable energy.

P.3 The statutory threshold for compulsory acquisition

Section 122 of the Planning Act 2008 permits compulsory acquisition to be authorised only where the statutory purpose condition is satisfied and where there is 'a compelling case in the public interest for the land to be acquired compulsorily'. The latter is a substantive statutory condition, not a procedural formality. The Applicant must therefore do more than establish that East Pye would use land. It must justify the compulsory taking of the particular land or interest concerned.

The Government's Planning Act compulsory-acquisition guidance is directed specifically to DCO applications involving compulsory acquisition of land or rights over land. Its underlying approach is consistent with the general compulsory-purchase principle that compulsory powers require a compelling public-interest justification and should be pursued alongside reasonable attempts to secure land by agreement. For East Pye, the correct enquiry has several distinct elements.

First, there must be a sufficiently clear purpose for which the relevant land or right is required. It is difficult to demonstrate necessity where the corresponding Work remains optional, severable, capable of substantial relocation or dependent upon an unresolved connection solution.

Secondly, the interest sought must be no more extensive than the Scheme reasonably requires. The relevant question is not only whether a parcel is needed, but what interest in it is needed. Permanent freehold acquisition represents a materially greater interference with property rights than a lease, permanent right, restrictive covenant or temporary possession. The existence of statutory power to acquire the greater interest does not establish that the greater interest is necessary.

Thirdly, reasonable alternatives to compulsory acquisition must be properly considered. Those alternatives include not only different geographical parcels but, where relevant, less intrusive forms of land control.

Fourthly, the interference must be proportionate to the public purpose relied upon. That requires the strength and certainty of the public benefit to be weighed against the nature and extent of the private interference. The distinction matters particularly where a project is presented as temporary but the property interest sought is permanent.

Fifthly, the Applicant should be able to demonstrate that there is a reasonable prospect of the Scheme for which the land is sought actually proceeding. Compulsory powers should not be granted merely to preserve commercial optionality over land which may prove unnecessary if a BESS, substation, cable route, access arrangement or grid solution does not proceed.

These considerations are especially important here because Chapter 4 identifies extensive uncertainty over which parts of the authorised development are essential and which may be omitted, delayed or delivered differently. Chapter 11 identifies unresolved access and construction-deliverability matters; Chapter 8 identifies unresolved ecological and protected-species issues; Chapters 9 and 16 identify unresolved water, groundwater and ground-condition controls; and Chapter 15 identifies potentially long-lasting consequences for agricultural land and restoration.

The compulsory-acquisition case cannot be insulated from those uncertainties. If an essential Work is not presently demonstrated to be deliverable, the case for permanently taking the land required solely for that Work is correspondingly weakened. If the final configuration is not settled, the Applicant must demonstrate why the entire area and the full interest sought are nevertheless necessary.

The statutory sequence is therefore important: the Applicant must identify the development that is capable of proceeding; identify the land genuinely required for it; identify the minimum interest necessary to secure that land; and only then demonstrate why compulsory acquisition of that interest is justified by a compelling case in the public interest.

It would reverse section 122 to grant the widest powers now and allow necessity to be determined later through detailed design, commercial negotiation or implementation choices.

P.4 The DCO must authorise the Scheme assessed and secure the mitigation relied upon

The same discipline applies to the draft DCO itself. A DCO is not merely permission for the general concept of a solar farm. It defines the development which may legally be carried out and the powers by which that development may be implemented. The Order must therefore correspond with the Scheme assessed in the Environmental Statement and must secure those design limits and mitigation measures necessary to support the Applicant's conclusions.

Government guidance treats DCO control documents as instruments intended to provide specific and detailed practical controls over the proposed development. The 2024 pre-application guidance expressly describes control documents named within DCO Requirements as documents providing such controls and expects mature outline control documents to accompany the application. That approach is inconsistent with using outline documents merely as placeholders for environmental solutions yet to be worked out after consent.

Five principles follow.

First, the authorised development must be defined with sufficient certainty.

Chapter 4 demonstrates why this is a material issue at East Pye. The Scheme retains substantial flexibility concerning the solar/BESS relationship, BESS connection status, principal substations, the National Grid connection solution, cable routing, associated development, construction arrangements, replacement and decommissioning. The DCO must establish the boundaries of that flexibility. It cannot leave open such a broad range of implementation outcomes that it becomes uncertain which development has actually been assessed.

Secondly, the authorised development must remain within the environmental envelope assessed.

The Rochdale Envelope permits legitimate design flexibility where the parameters and reasonable worst case are properly defined. It does not permit the identity or essential environmental consequences of the project to be settled later. Chapter 2 identifies methodological concerns about whether a coherent whole-project worst case has been assessed; Chapter 4 develops that objection in relation to the actual design envelope.

The Order should therefore contain effective limits ensuring that subsequent detailed design cannot produce a materially different environmental outcome from that examined.

Thirdly, mitigation relied upon in the Environmental Statement must be legally secured.

This is particularly important because the substantive chapters repeatedly identify conclusions of limited or non-significant effect which depend upon measures not yet finally designed. Chapter 8 identifies extensive reliance on the Outline LEMP, later protected-species measures, future lighting design, CEMPs and later licensing. Chapter 11 identifies dependence on later construction traffic arrangements and highway controls. Chapter 15 identifies future soil-management and restoration controls. Chapter 16 identifies deferred intrusive investigations, Foundation Works Risk Assessments and HDD hydrogeological assessment.

Where the Applicant's significance conclusion assumes that a measure will occur, that measure cannot remain merely aspirational. A mitigation measure that may subsequently be omitted because it is considered impracticable, modified through a loosely worded final plan or displaced through later detailed design is not equivalent to secured mitigation.

Fourthly, later maintenance, replacement and repowering must remain within the assessed envelope.

This is especially important because Chapter 4 records that the Scheme contemplates complete replacement of the solar panels and repeated replacement of the BESS during the operational period. Those are foreseeable construction-like events involving new equipment, traffic, waste, ecological disturbance, noise and potentially different technology.

A broadly drafted power to "maintain" must not become a mechanism through which a materially different generating or storage project can be installed without further environmental assessment. The Order must distinguish ordinary maintenance from major replacement and from repowering, and it must prevent later technology or capacity changes from producing materially new or different effects.

Fifthly, material post-consent decisions must be subject to enforceable controls.

The application relies extensively upon later detailed design and discharge of Requirements. Some post-consent refinement is inevitable and legitimate. But there is a fundamental distinction between deciding how an already acceptable mitigation measure will be implemented and deciding after consent whether an environmentally acceptable solution exists at all.

That distinction is particularly important at East Pye because the substantive chapters identify unresolved matters concerning access, drainage, protected species, groundwater, foundations, archaeology, operational noise, BESS safety, soil restoration and other matters that go directly to environmental acceptability.

The DCO must therefore ensure that later approvals cannot be used to relax the environmental case examined, transfer harm from one receptor to another or substitute materially different mitigation without appropriate scrutiny.

These principles are not an attempt by BEPS to eliminate legitimate detailed-design flexibility. They are the minimum controls necessary if development consent is to operate on the basis of the Environmental Statement before the Examination.

The Applicant must ultimately be able to demonstrate a clear chain:

assessed effect → relied-upon mitigation → binding DCO mechanism → approval and consultation procedure → monitoring → remedial action → enforcement.

Where that chain is absent, the Environmental Statement's conclusion and the legal control of the authorised development become disconnected. That concern is not theoretical at East Pye. The Planning Inspectorate's own post-acceptance advice has already raised questions concerning the scope of preliminary works, the definitions governing commencement and maintenance, the precision of design parameters and the use of vague qualifiers in documents intended to control the development. The detailed DCO hearing issues identified by BEPS reflect precisely the same problem.

The proper starting position for the remainder of this Preliminary Chapter is therefore that the DCO must authorise no more than the development actually assessed, while securing every measure necessary to keep the development within that assessed case. Where the Applicant cannot demonstrate that correspondence, greater drafting flexibility is not the answer. The power must be narrowed, the control strengthened or, where the uncertainty concerns the acceptability of the development itself, the matter must be resolved before consent is granted.

Part II – Is there a sufficiently defined and deliverable Scheme to which the powers can attach?

P.5 The DCO powers attach to a Scheme whose final form remains materially uncertain

The draft DCO does not attach to a single, fully settled implementation case. Chapter 4 identifies material uncertainty over the relationship between the solar and BESS elements, whether principal Works are mandatory or severable, the final National Grid connection solution, the extent of cable-routing flexibility, the possibility of partial build-out and the sequencing of construction.

That uncertainty is not confined to secondary detail. Norfolk County Council’s LLFA has already identified that supporting infrastructure such as trenching, swales, drainage, services, access,

security measures and private-track improvements is grouped under generic associated-development descriptions rather than clearly allocated to individual Work Nos. It also records inconsistent use of the term “associated development” and uncertainty over what the Applicant means by flexibility in the “arrangement” of major components. Those are matters capable of affecting land take, environmental effects and the scope of statutory powers.

The same problem arises at the grid interface. The Applicant’s own material records that discussions with National Grid remain ongoing concerning the configuration and layout of the proposed National Grid substation and the associated overhead-line reconfiguration, with illustrative material capable of further revision through micrositing and orientation. Chapter 4 also identifies uncertainty over whether Works Nos. 4 and 5 are indispensable components of the Scheme, whether they could be constructed but not used, and what would occur if NGET adopted a different final connection solution.

Construction is similarly not a single fixed operation. The Applicant anticipates a 24-month programme but acknowledges that the programme may vary, while the application does not consistently provide scheme-wide maxima for simultaneous work fronts, compound area, piling activity, haul-road length, dewatering or other construction parameters. That uncertainty matters where different sequencing choices may change the duration, location and cumulative intensity of disturbance and the land required at any particular time.

These matters are analysed in detail in Chapter 4. Their relevance here is narrower: compulsory and statutory powers should not be granted more widely than is necessary for a development whose essential configuration and implementation pathway have been demonstrated.

The Applicant therefore needs to identify the minimum Scheme to which the claimed public benefits and compulsory powers attach, distinguish mandatory from optional Works and explain what powers remain necessary under every realistically permitted implementation scenario. A DCO should not operate as a portfolio of powers from which the undertaker may later select a materially different project.

P.6 Gate 1 BESS and the identity of the Scheme

The solar and storage components do not presently have equivalent connection status. The Applicant’s material records Gate 2 prioritisation for the solar component, whereas the BESS has only Gate 1 status. The Applicant has not demonstrated an equivalent Gate 2 position for the storage element. The DCO hearing material records the position more specifically: solar has Gate 2 Phase 2 prioritisation, whereas the BESS has Gate 1 status and no confirmed indicative connection date. The June 2026 Gate 2 Criteria Methodology materially sharpens that distinction. A project must satisfy both the Gate 2 Readiness Criteria and one Gate 2 Strategic Alignment criterion. For batteries, the potentially relevant routes are protection under Clause 2b, 3a or 3b, ordinary alignment with available CP2030 capacity, or Project Designation. Batteries are within the CP2030 framework and cannot rely upon the separate route for technologies outside CP2030.

On the presently available evidence, East Pye does not appear to satisfy Clause 3a or 3b because its DCO application post-dates the relevant planning cut-offs, and BEPS has identified no qualifying Clause 2b contract or regulatory approval and no Project Designation. Ordinary

CP2030 alignment is itself materially constrained by the existing T7 battery oversupply. The Applicant has therefore not demonstrated which Strategic Alignment route the BESS is expected to satisfy. That is directly relevant to the identity of the authorised development.

East Pye is promoted and environmentally assessed as a combined solar-and-storage Scheme. The BESS forms part of the project description, occupies land, requires associated electrical infrastructure and contributes to the Applicant's claimed flexibility and system benefits. Yet the draft DCO must be tested against what it legally permits if that storage component is delayed, reduced or never progresses beyond Gate 1.

The Applicant should therefore state unequivocally whether the BESS is a mandatory component of the authorised development, an independently severable Work or an optional component which may simply not be constructed. It should also explain whether the solar generating station may lawfully proceed and operate without it, whether the BESS may be constructed years later, and whether the associated electrical and land requirements change in those circumstances.

This is not an argument that Gate 1 status itself prevents development consent. The narrower point is that a component without the same connection certainty as the solar element cannot automatically justify permanent land and statutory powers on the assumption that the integrated Scheme will be delivered exactly as promoted.

That concern is reinforced by the Applicant's own analysis, which accepts that if the BESS is delayed, reduced, omitted or unable to obtain Gate 2 status, the Scheme may in practice operate principally as a 500 MW solar generator. The DCO therefore needs to identify the legal and land consequences of that scenario now.

No compulsory power should be justified by reference to a BESS or associated infrastructure whose need for the particular land interest has not been demonstrated under the implementation scenario actually capable of proceeding.

P.7 Partial implementation and unused statutory powers

The draft DCO must also address what happens where only part of the authorised development is implemented.

Chapter 4 identifies several realistic implementation scenarios: construction of only some solar Sites, solar without BESS, delayed or reduced BESS, omission of some project substations, a different National Grid solution, unused cable infrastructure and prolonged staged implementation. Those scenarios matter directly to compulsory acquisition because the need for land and rights is not necessarily constant across them.

If only some generating Sites proceed, it is not apparent why compulsory powers over land required solely for omitted Sites should continue. If the BESS does not proceed, land and rights required only for BESS infrastructure should not remain available indefinitely. If NGET adopts a materially different connection solution, the Applicant must explain whether land sought for Work No. 4 or related works remains necessary. If cable alignments are refined or particular

corridors become redundant, compulsory powers over unused corridor land should not simply survive because they appeared in the original Order.

The same applies to construction powers. A broad temporary-possession or access power should not remain capable of exercise over land once the Work for which that power was justified has been abandoned or definitively omitted.

The current application structure creates a risk that the DCO confers a wider reserve of land powers than any final version of the Scheme actually requires. That is inconsistent with the principle that compulsory acquisition must correspond to demonstrated need, not future optionality.

BEPS therefore submits that the DCO should include express expiry or release mechanisms. Where a principal Work is not commenced within a defined period, is formally omitted from the approved phasing plan or becomes unnecessary because another connection or design solution is adopted, the associated compulsory acquisition, rights and temporary-possession powers should cease to be exercisable except where separately justified.

Without such a mechanism, partial implementation could leave third-party land burdened by statutory powers for infrastructure that the undertaker no longer intends or is no longer able to construct.

P.8 The Applicant should provide a Scheme-to-powers schedule

The uncertainties identified above can be tested efficiently through a single Scheme-to-powers schedule. The Applicant should be required to provide, for every principal Work and material associated component, a definitive schedule identifying:

- whether the Work is mandatory, optional or severable;
- its present connection and deliverability status;
- the land required for it;
- the property interest or statutory power sought over that land;
- why that particular interest is necessary rather than a lesser one;
- the other Works upon which it depends;
- whether it may proceed independently;
- and whether the relevant land power survives if the Work is not implemented.

The schedule should include at least the solar generating Sites, BESS, project substations, National Grid substation, overhead-line works, cable corridors, access and highway works, habitat land and other land subject to permanent or temporary powers.

This would not create new information. It would force the Applicant to reconcile information currently dispersed across the draft DCO, Works Plans, Land Plans, Statement of Reasons, Book of Reference, Grid Connection material, Design Principles and Environmental Statement.

That reconciliation is necessary because the present application does not consistently identify which Works are indispensable to the Scheme and which merely preserve implementation options. Where the Applicant cannot identify a clear implementation purpose for a Work, it cannot simply assume that the corresponding compulsory power remains justified.

The Scheme-to-powers schedule should therefore be treated as a prerequisite to determining both the adequacy of the draft DCO and the section 122 compulsory-acquisition case.

Part III – Legal plans and certainty of the land and Works authorised

P.9 Inconsistent mapping and legal-plan reliability

The legal plans must provide a reliable geographical definition of the development and the land over which statutory powers are sought. At East Pye, that requirement is not presently satisfied consistently.

Chapter 4 records that the Works Plan and other application figures do not all use the same contemporary mapping baseline. Norfolk County Council's targeted-consultation response identified outdated mapping in relation to additional land areas 8 and 9 because the plans did not show or consider the operational Long Stratton Bypass. The LLFA concluded that the relevant assessment had not been undertaken using the latest available information and required further work.

The inconsistency persists across the application material. BEPS's review records that Figure 4.2 and the Works Plan use a pre-bypass base, while Figure 4.3 uses a more contemporary mapping base. The final Chapter 4 transport material may refer to the Long Stratton Bypass/Parker's Lane roundabout, yet the certified Works Plan still retains the older mapping.

That is not merely a cartographic defect. The Works Plan is one of the central legal instruments defining where numbered Works may be carried out. The bypass altered the physical and highway baseline, movement patterns, access relationships and drainage context. An obsolete map can obscure the relationship between authorised Works and existing highways, cable crossings, access points, receptors and land interests.

The problem is compounded by NCC's identification of inconsistencies between ES Chapter 4 and the Works Plans and by different depictions of infrastructure elsewhere in the application. Where different documents use different geography, the Examining Authority cannot safely assume that the land assessed, the land shown on the Works Plans and the land subject to compulsory powers are identical.

BEPS therefore asks for corrected Works Plans on an up-to-date base, together with confirmation that every environmental assessment and land document has been checked against the same geography. Where correction changes routeing, access, drainage, land take or receptor relationships, the consequential assessment must also be corrected.

The legal plans must define the Scheme that exists in the real landscape, not the landscape as it appeared before material infrastructure was constructed.

P.10 The Works Plans, Land Plans and Book of Reference must reconcile

The problem is not confined to the age of the base mapping. The DCO can safely confer land powers only if the documents defining the Works, plots and powers reconcile with one another.

Chapter 11 already demonstrates the problem in relation to highways. The Applicant is required to reconcile proposed highway interventions against the Order Limits, Works Plans, Land Plans, Streets Plan, Access and PRoW Plans, Book of Reference and draft DCO powers. A passing place, visibility splay, oversail area, vegetation-clearance zone or other intervention cannot be treated as secured if the necessary land or power is absent from the legal documents.

The same principle applies across the whole Scheme. For every numbered Work, the Applicant should be able to demonstrate a direct correspondence between:

- the geographical area shown on the Works Plan;
- the affected plot shown on the Land Plan;
- the ownership or interest recorded in the Book of Reference;
- the power sought in the draft DCO;
- and the development or right actually required.

NCC's LLFA has already identified inconsistencies between the works descriptions in ES Chapter 4 and references on the Works Plans and has called for reconciliation of the narrative description, Table 4.1, Works Plans, Land Plans, Design Principles, draft DCO and Commitments Register. That is strong evidence that reconciliation cannot presently be assumed.

The transport chapter gives a practical example of the form required. It calls for a consolidated schedule identifying for each access or intervention the Work No., Works Plan sheet, Land Plan plot, Streets Plan provision, Access and PRoW Plan reference, Book of Reference entry, landowner, DCO power and environmental assessment reference. That approach should be extended to every material Work involving compulsory acquisition or temporary possession.

Any mismatch matters because the DCO cannot lawfully make missing land appear after consent. Nor should the ExA grant compulsory powers over a plot where the Work said to justify those powers is not clearly and consistently shown.

BEPS therefore submits that a complete plan-and-land reconciliation exercise should be required before the compulsory-acquisition case is determined.

P.11 Plan hierarchy and precedence

The Applicant must also identify which document prevails where the application documents do not align. At present, the Scheme is described and controlled through multiple overlapping instruments: the Works Plans, Land Plans, Design Principles and Parameters, Environmental Statement figures, outline management plans, Schedule 1 works descriptions and other certified documents. NCC's evidence already demonstrates that those documents are not invariably consistent. That creates a legal-control problem.

If a Works Plan permits a wider area than the environmental figure assessed, which governs? If a Design Principle allows flexibility inconsistent with a more precise ES assumption, which prevails? If a final management plan departs from an indicative layout but remains said to be "substantially in accordance with" an outline document, does the plan or the original assessed

assumption control the development? If a Land Plan and Works Plan are inconsistent, which determines the geographical extent of the power?

The answer cannot depend upon the Applicant's intention after consent. The hierarchy must be apparent from the Order itself. This matters particularly because different documents perform different functions. A Land Plan identifies interests and plots; it does not necessarily define the precise physical extent of every Work. An ES figure may describe what was assessed but may not itself limit the statutory power. Design Principles may impose parameters but may also retain flexibility. Unless the Order identifies how those instruments interact, a narrow environmental assumption may be displaced by a broader legal power.

BEPS therefore asks the Applicant to provide an express document hierarchy and conflict provision identifying which certified document controls in the event of inconsistency. As a minimum, the hierarchy must ensure that no wider plan, parameter or later approval can override a more restrictive environmental limit or mitigation commitment relied upon in the ES.

The governing principle should be straightforward: where two certified documents conflict, the provision that affords the greater environmental protection and the narrower authorised envelope should prevail unless the DCO expressly provides otherwise following a justified and assessed change.

Without a clear hierarchy, the Examination cannot be certain that the development ultimately authorised will remain the development actually assessed.

Part IV Compulsory Acquisition and Land Rights: Whether the Applicant Is Seeking More Than the Scheme Requires

P.1 Principal objection

Before the environmental merits of East Pye Solar are considered, there is a more fundamental question about the powers the Applicant asks the Secretary of State to confer over other people's land.

The Applicant seeks compulsory powers across Order Limits extending to 1,212.3 hectares. The draft DCO includes power to acquire all interests in land, including freehold, under Article 21; to acquire new permanent rights under Article 24; to take temporary possession under Articles 31 and 32; and to suspend or override existing rights. The Applicant says that compulsory freehold acquisition is sought over parts of Work Nos. 1, 2, 3, 4, 7, 10 and 11. Work No. 1 is the ground-mounted solar generating station itself.

BEPS' objection begins with a simple question which the Statement of Reasons does not presently answer:

If the Applicant's intended commercial arrangement for the solar fields is a lease for the life of the Scheme, why does it require compulsory power permanently to acquire the freehold of those fields?

That question arises from the Applicant's own evidence. The Statement of Reasons confirms that Option Agreements have already been entered into with the relevant landowners for the Solar PV Sites, BESS, Project Substations and National Grid Substation. More importantly, paragraph 4.1.3 explains why compulsory powers are sought despite those agreements. One of the examples given is the possibility that a freeholder might fail to grant the Applicant a **lease** in accordance with a completed Option Agreement. The Applicant says compulsory powers are therefore required as protection against contracts not being performed or being disrupted by matters such as death, divorce or insolvency.

That evidence indicates that the underlying land bargain contemplated by at least the relevant Option Agreements is leasehold occupation, yet the DCO seeks a statutory power capable of replacing the existing owner altogether through permanent acquisition of the freehold.

The need for a statutory backstop and the need for permanent ownership are not the same thing. The Applicant may have a legitimate interest in ensuring that a project cannot be frustrated by failure to complete a contractual land agreement. But that does not establish that the appropriate statutory response is acquisition of a greater and permanent property interest than the 'temporary' Scheme actually requires.

This distinction goes directly to section 122 of the Planning Act 2008. Compulsory acquisition may only be authorised where the statutory land-purpose condition is satisfied and where there is a compelling case in the public interest for compulsory acquisition. The Applicant itself accepts that the Secretary of State must be satisfied that the land is needed, that no more land is acquired than is reasonably required, that reasonable alternatives to compulsory acquisition have been explored, and that the interference with property rights is necessary and proportionate. Current Government application guidance likewise requires the Statement of Reasons to explain why there is a clear and compelling case for the compulsory powers sought and why that case outweighs the potential private harm to landowners.

Those requirements demand more than proof that the 'temporary' East Pye Solar project needs permanent access to land. They require scrutiny of the **nature and extent of the interest** that the Applicant says it needs. For the solar fields, that scrutiny is presently missing.

P.2 The statutory question is not simply whether the Scheme needs land

The Applicant's Statement of Reasons correctly identifies the section 122 test and states that compulsory powers must be necessary, proportionate and no more extensive than reasonably required. It also accepts that there must be a clear idea of how the land is to be used, that reasonable alternatives must have been explored, and that the public benefits must outweigh private loss.

BEPS does not dispute that a 60-year solar project requires secure land control. The Applicant would plainly require sufficiently durable arrangements for construction, operation, replacement, maintenance, access and eventual decommissioning. That does not answer the present objection.

There are two separate questions. The first is whether the Scheme requires control of a particular parcel. The second is what legal interest in that parcel is actually required to provide

that control. A need to occupy land for a defined operational period does not automatically establish a need to own it permanently. A need to run a cable does not automatically require ownership of the surface. A need to maintain habitat does not automatically require the freehold. A need to preserve access does not automatically require permanent acquisition of the underlying land.

The Applicant itself implicitly recognises this distinction because the draft DCO contains a graduated range of powers: permanent freehold acquisition, acquisition of new rights and restrictions, subsoil rights and temporary possession. It further states that freehold acquisition has only been included where lesser powers would not be 'sufficient or appropriate'. That is therefore an assertion the Applicant must prove, not a conclusion the Examination should assume.

For each area of solar-field land over which Article 21 freehold powers are sought, the Applicant should demonstrate precisely why a lesser land interest would not secure the authorised development for its entire life.

P.3 Compulsory freehold powers materially alter the bargaining position in ongoing land negotiations

There is a further and more immediate proportionality concern. The Applicant is not merely seeking compulsory powers as a remote contingency after voluntary negotiations have failed. It is continuing to negotiate land agreements while simultaneously asking the Secretary of State to confer powers capable of compulsorily acquiring the freehold of the same land. That fact materially changes the bargaining position between the Applicant and affected landowners.

The Applicant's Statement of Reasons is explicit. It states that Option Agreements have already been entered into with relevant landowners for the Solar PV Sites, BESS, Project Substations and National Grid Substation, but that negotiations concerning land and rights remain ongoing. It says compulsory powers are nevertheless required even where agreement has been reached because, for example, a freeholder might not grant the lease required by the completed Option Agreement. In that event, the Applicant says it would be in the public interest for the Scheme to proceed and for the affected interests to be 'effectively converted into a claim for compensation'.

That is a significant statement. It means that a landowner negotiating the final terms of occupation is doing so in the knowledge that, if agreement is not reached or the contractual arrangements fail, the Applicant is seeking a statutory power not merely to secure the lease contemplated by the bargain but potentially to acquire the underlying freehold.

The Government's compulsory-purchase guidance expressly recognises the leverage inherent in that process. It permits compulsory-acquisition procedures to proceed in parallel with voluntary negotiations and observes that commencement of the formal process makes the seriousness of the acquiring authority's intentions clear and can encourage affected owners to enter more readily into negotiations. Once compulsory powers have been confirmed, the Government's public guidance states even more plainly that negotiations may continue in the

knowledge that, if they fail, the acquiring authority can secure ownership through compulsory acquisition.

BEPS does not suggest that parallel negotiations are unlawful merely because compulsory powers are being pursued. The statutory system expressly contemplates them. The concern at East Pye is more specific: **the bargaining leverage being sought appears potentially wider than the property interest which the Applicant's own commercial arrangements require.**

If the contemplated voluntary transaction is a 60-year temporary or similar project lease, the landowner's negotiating position should ordinarily concern the terms on which that temporary interest is granted: rent, indexation, access, liability, agricultural use, succession, restoration, decommissioning, taxation, insurance, environmental obligations and the condition in which the property will ultimately be returned.

Those negotiations are materially altered if the Applicant is simultaneously able to say, in substance, that failure to agree can result instead in permanent acquisition of the landowner's freehold and substitution of a statutory compensation claim.

A landowner deciding whether to accept a lease amendment, revised rent provision, decommissioning covenant, access right or other contractual term is not negotiating from the same position if refusal may expose the entire freehold interest to compulsory acquisition. The Examining Authority should therefore scrutinise whether the breadth of the compulsory powers sought is itself exerting leverage beyond that justified by the Scheme's actual land requirements.

The issue becomes especially important because the Applicant's own documents indicate that leasehold arrangements are expected where the Option Agreements operate normally. If the lease is sufficient where a landowner agrees voluntarily, the Applicant must explain why a substantially greater interest—the permanent freehold—is necessary merely because agreement is not ultimately reached. A compulsory-acquisition power should not be used to improve the Applicant's bargaining position beyond what is necessary to deliver the authorised development.

The current Planning Act application guidance requires the Applicant's Statement of Reasons to explain why the particular compulsory powers sought are necessary and proportionate, why there is a clear and compelling public-interest case for them, how that case outweighs private harm, and why the powers sought over each identified plot are justified. Those requirements become particularly important where the powers themselves materially affect the negotiations through which the Applicant says it is attempting to avoid compulsory acquisition.

The Examination should therefore establish not merely whether negotiations are continuing, but **what is being negotiated and against what compulsory alternative**.

For each solar-field landowner, the Applicant should identify whether the voluntary transaction contemplated is a lease, a freehold sale, permanent rights or some combination of interests; whether the form of transaction has changed since the Option Agreement was signed; and whether the Applicant has told the landowner that compulsory freehold acquisition may be pursued if agreement is not reached. It should also explain whether the commercial terms

currently being negotiated would be different if the DCO authorised only compulsory acquisition of the leasehold or other rights actually required to operate the Scheme.

This is relevant to the weight the Examination should give to subsequently concluded agreements. An agreement reached while the land is subject to proposed compulsory acquisition powers cannot simply be treated as evidence that the breadth of those powers was therefore uncontroversial or unnecessary to examine. Government guidance itself recognises that the existence of the compulsory process provides leverage which encourages agreement.

That is especially so here because the alternative confronting the landowner may not be equivalent to the voluntary bargain. The voluntary bargain appears, from the Applicant's own Statement of Reasons, to contemplate a lease. The compulsory alternative potentially permits acquisition of the freehold. The ExA should therefore require the Applicant to answer a basic question:

Why should a landowner negotiating a temporary lease for a temporary solar development have the permanent loss of the freehold hanging over those negotiations if permanent ownership is not actually necessary to construct, operate and decommission the Scheme?

Until that question is answered, it cannot safely be concluded that the freehold powers are the minimum proportionate interference with private property rights.

P.4 The Applicant must explain what happens to the landowner's contractual bargain if freehold powers are exercised

The relationship between the Applicant's Option Agreements and the compulsory powers also requires clarification because the economic consequences are potentially very different.

Under the voluntary model apparently contemplated by the Applicant's own Statement of Reasons, the landowner remains the freeholder and grants the Applicant a lease. Unless the actual agreements provide otherwise, the obvious commercial structure is therefore one in which the owner retains the reversionary title and receives the contractual consideration associated with the lease during the project period.

If the Applicant instead compulsorily acquires the freehold, that is a fundamentally different transaction. A general vesting declaration can transfer title itself to the acquiring authority. Government guidance confirms that compulsory acquisition can acquire existing freehold or leasehold interests and that compensation is then assessed under the compulsory-purchase compensation code. The overriding principle is financial equivalence, with compensation generally based upon the value of the interest taken together with any applicable disturbance, loss, severance or injurious-affection claims.

What is not clear from the East Pye Statement of Reasons is how that statutory compensation outcome interacts with the Applicant's existing Option Agreements. If the freehold is compulsorily acquired before the contemplated project lease is granted, is the landowner still entitled to the contractual stream of lease payments which would otherwise have been received over the Scheme's operational life? Is the option agreement terminated, overridden or

otherwise modified? Is loss of the contractual bargain separately compensatable? Is any compensation assessed by reference to the agricultural freehold in the statutory 'no-scheme' world rather than by reference to the solar lease consideration? Does the Applicant intend the option agreement itself to prescribe what happens upon exercise of compulsory powers?

Those questions cannot responsibly be answered without the actual contractual terms. The Applicant should answer them. Its Statement of Reasons says only that, in the event described, the landowner's interests would effectively be converted into a claim for compensation. That formulation conceals a potentially profound economic difference between the two outcomes. A landowner who expected to remain owner of the land, receive lease income throughout the operational period and recover unencumbered possession at the end of the lease may instead lose the freehold permanently in return for a compensation claim assessed under a different statutory regime. The ExA should know whether that is genuinely possible under this DCO before authorising the power.

BEPS is not required to establish what each confidential Option Agreement provides. The burden lies on the Applicant to demonstrate that the powers it seeks are necessary and proportionate. It should therefore disclose sufficient information about the standard commercial structure to enable the Examination to understand the consequences of compulsory acquisition without requiring publication of commercially sensitive individual rents.

P.5 Decommissioning makes the distinction between leasehold and freehold still more important

There is no general rule under which a solar-field freehold acquired compulsorily automatically revests in its former owner when the authorised solar development ends. The Crichel Down Rules do not provide such a mechanism. They are non-statutory arrangements principally concerning surplus government land. Where they apply, the normal principle is an opportunity for the former owner to **repurchase** qualifying surplus land, not automatic restoration of title. The Rules are recommended to local authorities and statutory bodies and are only commended in certain private-sector circumstances.

There is an additional problem specific to East Pye's proposed duration. Under the current Rules, the general offer-back obligation does not apply to agricultural land acquired on or after 30 October 1992 where the land becomes surplus and available for disposal more than **25 years after acquisition**. East Pye proposes a 60-year operational period. Accordingly, even if the Crichel Down Rules were applicable to this private project company – which should itself be established rather than assumed – the ordinary 60-year operating period would appear to extend far beyond the general 25-year offer-back horizon.

That makes it unsafe for the Application or the Examination to assume that compulsory freehold acquisition is compatible with a straightforward 'return of the land' after decommissioning. A lease provides an obvious legal reversion. At expiry, subject to its terms and any continuing statutory rights, the underlying ownership has remained with the landlord throughout. Compulsory acquisition of the freehold does not.

If East Pye Solar Limited or a successor owns the freehold at the end of the Scheme, the Examination needs to know what obliges that owner to transfer the land to the former freeholder or their successors, on what terms, at what price and in what condition. If there is no such mechanism, then 'restoration to agriculture' and 'return to the landowner' are entirely different propositions.

This creates several material decommissioning risks. Ownership of the land may have passed through a series of project companies or financiers over 60 years. The original owners may have died and their farming businesses may have reorganised. Boundaries, drainage systems and access arrangements may have changed. Some land may contain permanent biodiversity mitigation, woodland or infrastructure. Other areas may have become fragmented from the retained farm holding. The entity responsible for decommissioning may not be the entity which originally acquired the land.

The Applicant therefore needs to identify the intended legal end-state now. If its case is genuinely that the solar fields will be leased for the project period and returned to their owners following decommissioning, the DCO should be structured consistently with that proposition. If permanent freehold acquisition is to remain possible, the Applicant must explain what happens to those freeholds after the authorised use ends and why permanent deprivation of the former owner's reversionary interest is necessary in the first place.

P.6 Other solar NSIPs demonstrate that permanent freehold acquisition is not inherent to large-scale solar

The comparative evidence reinforces the need for an explanation. The SolarQ analysis supplied to BEPS examines 20 ground-mounted solar NSIP proposals. It categorises 17 as involving compulsory freehold acquisition of the solar fields and three—Byers Gill Solar, Helios Renewable Energy and Little Crow Solar—as seeking only compulsory acquisition of rights in the land of the solar fields. Those three schemes account for approximately 1,178 hectares in the analysis.

BEPS does not put that paper forward as legal authority, nor does it assume that every provision of those other DCOs is identical to East Pye Solar. Individual land arrangements and powers require examination on their own terms. The comparative evidence nevertheless establishes an important practical point. **Permanent ownership of every solar field is not an inherent technical requirement of NSIP-scale solar generation.** Large solar projects can and are structured around leasehold occupation, and compulsory acquisition powers for only for rights in the solar fields not freehold acquisition.

That is enough to require a project-specific explanation from East Pye Solar. The relevant question is not whether other solar promoters have also sought freehold powers; many plainly have. The question is why East Pye Solar needs permanent ownership when leasehold arrangements are demonstrably capable of supporting major solar development and when East Pye's own completed Option Agreements themselves appear to contemplate leases. They should also explain why they are seeking compulsory powers to acquire the leaseholds rather than simply rights in the land as a backstop.

The SolarQ evidence should therefore prompt the Applicant to explain, with reference to the actual terms and requirements of this Scheme, why East Pye falls on the freehold side of that distinction. An assertion that freehold acquisition is 'appropriate' cannot substitute for that evidence.

P.7 The Applicant must distinguish project necessity from commercial convenience

There may be obvious commercial attractions in owning land rather than leasing it. Freehold ownership can provide a developer or successor owner with greater flexibility. It may remove the need to administer long-term landlord and tenant relationships. It may simplify refinancing, sale, restructuring, repowering or future project changes. It may also give the project owner greater control over the land after the authorised solar use has ended. Those considerations may explain why permanent ownership is commercially attractive. They do not establish that it is required for the authorised development.

The statutory compulsory-acquisition case concerns the land interests necessary for the Scheme for which development consent is sought. Section 122 does not turn commercial preference into public necessity. The statutory test remains whether the land is required for the relevant development and whether there is a compelling case in the public interest for compulsory acquisition.

This distinction is especially important at East Pye because the Applicant has built flexibility into the DCO application itself. Its Statement of Reasons says that some detailed design cannot yet be confirmed, that future technology may differ from that currently available, and that flexibility is considered essential to successful delivery. That engineering flexibility should not become an unexamined justification for equally broad property powers.

The DCO should confer the land interest necessary to implement the assessed and authorised Scheme. It should not confer permanent ownership merely because permanent ownership would maximise the Applicant's future commercial options.

P.8 The Applicant's own alternatives evidence makes the inconsistency sharper

There is a further inconsistency in the Applicant's approach to compulsory acquisition. Chapter 5 records that the Applicant identified potentially suitable land closer to the final Point of Connection which could have reduced cable length, disruption to residents and businesses, environmental disturbance and cost. Those areas were not treated as reasonable alternatives because the land had not been made available to the Applicant. The Applicant expressly stated that, without willing landowners, compulsory acquisition would have been necessary and that it had sought to avoid that 'as far as practicable'. Landowner willingness therefore played a material role in defining the selected Scheme.

That makes the present freehold case particularly important. The Applicant relied upon willing landowners and voluntary agreements when deciding which land should form the Scheme, yet

it now seeks powers capable of permanently acquiring freeholds within that selected land package notwithstanding completed Option Agreements which appear to contemplate leases.

The Examination should not allow those two stages to blur into one another.

Landowner willingness may explain how the land package was assembled. It does not establish that the Applicant needs permanent ownership of that land. Nor can the proposition that compulsory acquisition elsewhere was undesirable be reconciled without explanation with a request for Article 21 freehold powers over participating solar-field land here.

P.9 The Statement of Reasons does not yet demonstrate why lesser powers are insufficient for Work No. 1

Work No. 1 is the NSIP itself: the ground-mounted solar photovoltaic generating station, including solar modules, mounting structures, electrical infrastructure and associated cabling. The Applicant confirms that compulsory freehold powers are sought over parts of Work No. 1. It simultaneously seeks permanent new rights and restrictions under Article 24 and temporary-possession powers under Articles 31 and 32.

The Statement of Reasons says that freehold has been sought only where those lesser powers are insufficient or inappropriate. It does not, in the material presently identified by BEPS, explain with sufficient specificity why they are insufficient for the ordinary solar-field component of Work No. 1.

Solar modules do not themselves require ownership of the legal estate in the land beneath them. The technical question is whether the Applicant can obtain sufficiently secure possession and control for the authorised operational period, together with the rights needed for construction, access, maintenance, replacement and decommissioning. The Applicant's existing Option Agreements appear already to contemplate leases capable of providing that fundamental possession. The draft DCO separately provides mechanisms for permanent rights and restrictions.

The Applicant should therefore identify the specific function which requires permanent freehold ownership of each Work No. 1 plot. If no such function exists, Article 21 powers over that plot are wider than the Scheme has demonstrated it requires. This is not a minor drafting issue. Work No. 1 comprises the land on which the generating station itself is spread across South Norfolk. The distinction between securing temporary project occupation and permanently extinguishing the landowner's title is potentially substantial.

This is especially important given the response by NGET in its relevant representation: there is no requirement for East Pye Solar to obtain the land for a National Grid Substation through compulsory acquisition, and NGET has yet to confirm where the location of any new substation will be.

P.10 Contractual risk does not, without more, justify acquisition of a greater interest

The Applicant's concern about contractual failure is understandable. A major infrastructure project cannot sensibly depend upon every private agreement remaining immune from dispute or unforeseen events over a lengthy delivery programme.

But the answer must remain proportionate to the risk.

If the risk is that a landowner who has contracted to grant a lease fails to do so, the Applicant should explain why the necessary statutory protection cannot be confined to the interest and rights required to put the Scheme in substantially the same operational position as performance of the agreed land arrangement would have achieved.

It is not self-evident why breach of an agreement to grant a lease should result in the Applicant acquiring a permanently larger interest in the property.

The Statement of Reasons also cites death, divorce and insolvency as examples of events which may disrupt contractual arrangements. Again, those matters may justify having compulsory powers available. They do not answer the separate question of what those powers should permit the Applicant to acquire.

A statutory backstop should secure delivery of the authorised development. It should not confer an unexamined windfall in the form of a greater land interest merely because the voluntary route failed.

The Applicant should therefore disclose, at least in sufficiently clear summary form to permit Examination, the landholding outcome contemplated by its Option Agreements and the materially different outcome permitted by Article 21.

P.11 Compensation does not answer the necessity objection

The Statement of Reasons repeatedly relies upon the fact that compensation is payable where compulsory powers are exercised.

That does not resolve this objection.

Compensation addresses the financial consequences of a compulsory acquisition which is otherwise justified. It does not establish that the particular interest acquired was necessary in the first place.

The question must be asked in the opposite order.

First, what interest is actually necessary to construct, operate, maintain and decommission East Pye? Secondly, is there a compelling case in the public interest for compelling the landowner to surrender that interest? Only then does compensation address the financial consequences of the acquisition.

It would be circular to justify an unnecessarily extensive property power by pointing out that the landowner can subsequently claim compensation for losing the property.

That is particularly important where the distinction is between a finite land interest consistent with a 60-year project and permanent loss of the freehold.

P.12 Other categories of land require the same interest-specific scrutiny

The solar fields present the clearest issue, but the same principle applies across the DCO.The Applicant seeks freehold powers over parts of Work No. 2, the BESS; Work No. 3, project substations; Work No. 4, the National Grid Substation; Work No. 7, security, landscaping and ancillary works; Work No. 10, habitat-management land; and Work No. 11, permissive paths and community-accessible space. Those uses do not all have the same landholding requirements.

A permanent electrical substation may present a different case from a solar field. A habitat-management parcel presents a different case again. A permissive path does not obviously require the same estate as major electrical infrastructure. Ecological mitigation may require long-term control, but long-term control and permanent ownership are not synonymous.

Indeed, the Applicant itself seeks new rights and restrictive covenants for parts of Work Nos. 1, 5, 6, 7, 9 and 10. That demonstrates that the DCO already recognises rights-based solutions as capable of securing important elements of the Scheme.

The Statement of Reasons should therefore not aggregate these materially different uses behind a general assertion that freehold is required. The justification must identify why the particular interest sought is the minimum sufficient interest for the particular purpose.

For Work No. 10 habitat-management land, for example, the Applicant should explain why long-term ecological management cannot be secured through an appropriate lease, covenant, management right or restriction. For Work No. 11, it should explain why provision of permissive paths or community-accessible space requires freehold acquisition where defined public-access and maintenance rights might achieve the stated purpose.

The same principle applies throughout: **control necessary for the Scheme is not automatically ownership necessary for the Scheme.**

P.13 National Grid land and the unresolved connection solution

The compulsory-acquisition case for the proposed National Grid Substation is materially undermined by NGET's own Relevant Representation. The Applicant has included land within the Order Limits for Work No. 4, works in connection with a new National Grid substation, and Work No. 5, works in connection with connection to the existing 400 kV overhead transmission line. It also seeks compulsory-acquisition powers over land and rights associated with those

Works. NGET records that the Applicant's original July 2023 connection agreement required the Applicant to identify a location for the National Grid Substation, provide the necessary land and secure planning or development consent. NGET expressly explains that this was the basis upon which the present DCO application came to include compulsory acquisition of the land and powers required for the substation.

That position has now materially changed. NGET states:

'It is important to note in this context that it is NGETs understanding that the new connection agreement will not include the requirement for the Applicant to secure land or consent for the National Grid Substation.'

That statement goes directly to the necessity of the compulsory powers sought. The factual premise relied upon to justify compulsory acquisition of that land has therefore materially altered. NGET expressly warns that grant of consent for the National Grid Substation would not oblige NGET to use it:

'For the avoidance of doubt, should the Applicant receive consent for the National Grid Substation as part of the Order, this does not trigger or constitute any obligation for NGET to accommodate any connection to the national grid at such a substation.'

NGET states that the wider regulatory and commercial position must still be worked through before the location of the new substation can be confirmed. It states that the final size, design and location of the point-of-connection solution will be influenced by the final Gate 2 offers and that, until those offers have been finalised, 'NGET cannot confirm what that solution will be'.

Those are unusually important statements from the statutory undertaker that would design and construct the National Grid Substation.The position is therefore not merely that detailed engineering remains to be completed. Three more fundamental matters remain unresolved:

- the Applicant may no longer be contractually required to secure the substation land or consent;
- NGET has not confirmed that the substation solution authorised by the DCO will be the solution ultimately adopted; and
- even if the DCO authorises the proposed substation, NGET expressly states that this creates no obligation upon it to accommodate East Pye through that substation.

Chapter 4.5–4.7 addresses the resulting scheme-definition and deliverability consequences in detail. The compulsory-acquisition consequence is narrower but particularly serious.

Section 122 requires a compelling case in the public interest for land to be acquired compulsorily. A power permanently to acquire land cannot properly be justified merely because the land may prove useful under one possible future transmission solution. The Applicant must demonstrate that the particular land interest is required for the development for which consent is sought. At present that causal chain is broken.

The Applicant originally sought the land because its connection agreement required it to provide the land for a particular National Grid solution. NGET now says the replacement agreement is not expected to impose that obligation and that the final connection solution itself

remains unconfirmed. In those circumstances, the Applicant must establish afresh why it requires compulsory powers over the Work No. 4 land at all.

It is not sufficient to argue that obtaining the land would preserve flexibility for NGET. System flexibility and compulsory-acquisition necessity are different concepts. NGET has its own statutory responsibilities and mechanisms for acquiring or securing land required for transmission infrastructure. The Applicant must explain why East Pye Solar Limited itself needs permanently to acquire the freehold of land for infrastructure which NGET may ultimately own, design, construct and operate, particularly when NGET itself says that the new connection agreement is not expected to require East Pye to secure that land. That raises a series of questions which should be answered before compulsory powers are granted.

The Applicant should identify whether it still has any contractual obligation to acquire the National Grid Substation land; who would own that land if Article 21 powers were exercised; whether and on what terms it would subsequently be transferred to NGET; whether NGET actually requires East Pye to acquire the freehold; whether rights rather than freehold would suffice; and what happens to the land and the compulsory powers if NGET adopts a different point-of-connection configuration.

Most importantly, the Applicant should explain why the Secretary of State should authorise compulsory acquisition now when the prospective operator of the infrastructure cannot yet confirm that the authorised solution will be used.

NGET's Relevant Representation does not merely raise a request for drafting protection. It removes an important part of the Applicant's original necessity case. NGET states that the replacement connection agreement is not expected to require East Pye to secure the land or consent for the National Grid Substation and that the final point-of-connection solution cannot yet be confirmed. BEPS therefore submits that compulsory freehold powers for the National Grid Substation land should not be recommended unless the Applicant produces clear evidence, supported by NGET, demonstrating that the particular land and the particular interest sought are genuinely necessary for a confirmed connection solution.

If NGET does not require East Pye to acquire the land, and if NGET has not confirmed that the proposed substation will be the final solution, the Applicant has not presently established why East Pye should be given compulsory powers to acquire it. The proper approach is not to authorise the widest land powers as insurance against whatever transmission solution may later emerge. The connection solution should determine the land requirement; the land power should not be granted first in order to preserve an unresolved connection option.

P.14 National Gas and other statutory undertaker interests

The same principle applies to existing statutory-undertaker land, apparatus and rights elsewhere within the Order Limits. Chapter 4.8 addresses in detail the interaction between the Scheme and National Gas Transmission infrastructure, including the FM05 Yelverton–Stowmarket high-pressure gas transmission pipeline, associated cathodic-protection infrastructure, easement requirements, access tracks, cable crossings, drainage, landscaping and the Applicant's proposed compulsory powers. Those matters need not be repeated here.

Their relevance to the compulsory-acquisition case is straightforward. Compulsory powers should not be granted in a form capable of extinguishing, overriding or materially interfering with operational statutory-undertaker rights and apparatus unless the necessity for that interference has been demonstrated and adequate protective provisions are secured.

That principle is confirmed by NGET's own Relevant Representation. NGET identifies numerous plots over which the Applicant seeks freehold, permanent or temporary rights notwithstanding existing NGET rights and apparatus. It states that its rights of access to inspect, maintain, renew and repair its infrastructure must be maintained at all times and that, where the Applicant seeks to acquire land or rights or interfere with existing or future NGET interests, "appropriate protection" is required.

NGET accordingly requires protective provisions under which the Applicant must obtain NGET's prior written consent before exercising compulsory powers over NGET land, rights or apparatus. It also records that further discussion and agreement with the Applicant remain necessary.

That evidence illustrates the wider problem. The DCO seeks coercive powers now while the detailed terms upon which those powers may safely interact with nationally important infrastructure remain unresolved.

The same concern applies to National Gas Transmission. Where the Scheme crosses or approaches the high-pressure gas main, associated easements and access requirements, the Applicant must demonstrate that the proposed Works, land rights and compulsory powers are compatible with the continuing safe operation, inspection, maintenance and emergency access requirements of that infrastructure.

Protective provisions are therefore not an administrative matter to be tidied up after the principle of the powers has been accepted. They are part of the evidence required to establish that the powers can lawfully and safely be exercised.

Where the statutory undertaker has not agreed the protection required, the ExA should not assume that agreement will inevitably follow. Nor should powers capable of overriding existing rights be granted merely because the Applicant expects commercial negotiations to succeed during or after Examination.

BEPS therefore submits that, before the relevant compulsory powers are recommended, the Applicant should identify every unresolved statutory-undertaker interaction, the plots and Works concerned, the rights potentially affected, the current status of protective provisions and whether the relevant undertaker agrees that the proposed development can proceed on the terms contained in the draft DCO.

Until those protections are settled, unresolved statutory-undertaker interfaces weaken both the deliverability case and the proposition that the compulsory powers sought are presently necessary, proportionate and safe to confer.

P.15 The human-rights analysis must address the intensity of the interference

The Applicant accepts that Article 1 of the First Protocol to the ECHR is engaged and that the draft DCO has the potential to interfere with the property rights of persons whose land or interests are acquired. It concludes that the interference is justified because the Scheme would produce very significant public benefits and because the powers are said to be necessary and proportionate.

That conclusion depends upon the very question BEPS raises.

Proportionality cannot be assessed solely by asking whether some interference with property rights is justified. The nature and extent of the interference matter.

Permanent loss of a freehold is materially different from granting defined rights or surrendering possession for the operational life of a project while retaining the underlying title.

Where the public purpose can be achieved through a materially less intrusive property interest, that is plainly relevant to whether the wider interference has been justified. The Applicant's own compulsory-acquisition guidance recognises the need for the interference with affected rights to be necessary and proportionate.

The human-rights analysis therefore cannot simply assume the necessity of Article 21 and then conclude that Article 21 is proportionate.

It must demonstrate why the lesser interference would not work.

P.16 The compulsory-acquisition objection stands independently of the wider need case

BEPS addresses the Applicant's wider need case in Chapter 1. That chapter explains why generic national renewable-energy policy, Gate 2 status, commercial optionality and possible future attrition do not demonstrate an unmet T7 requirement which East Pye itself is required to fill.

That issue is relevant to the second limb of the compulsory-acquisition case because the strength of the specific public benefit claimed for East Pye necessarily informs whether there is a compelling case in the public interest for taking private land. But the present objection does not depend upon Chapter 1 being accepted.

Even if the Examining Authority were to assume for present purposes that East Pye should be built, a separate question would remain:

Why must the Applicant own these solar fields permanently in order to build it?

The Statement of Reasons does not answer that question by referring to national renewable-energy need. National policy may bear upon the desirability of generating electricity. It does not establish the form of property interest necessary to place panels on a field for 60 years. The distinction should be maintained rigorously.

The Applicant must first establish the minimum land interest required to deliver the Scheme. Only then can the wider public-interest balance be applied to the compulsory taking of that interest.

P.17 The Applicant should be required to state its intentions unequivocally

The present Application leaves an avoidable ambiguity over one of the most serious powers contained in the draft DCO.

The Applicant should therefore be required to state unequivocally whether it actually intends the ordinary solar-field land to be held under long leases pursuant to the completed Option Agreements or whether it intends, or wishes to preserve the ability, to acquire those freeholds permanently.

If leases are intended, the Applicant should identify their duration and explain why the DCO cannot be confined to the lesser statutory rights required to guarantee delivery and remove third-party impediments.

If compulsory freehold acquisition is genuinely contemplated, the Applicant should identify the affected plots and explain, plot by plot, why ownership is required rather than leasehold occupation or lesser rights.

The Applicant should also explain what happens at decommissioning to any solar-field freehold acquired compulsorily. If the stated end-state is restoration to agricultural use, the Examination should understand who will then own the land and why permanent transfer of ownership was necessary to achieve a development whose principal solar use has ended.

Those questions should be answered before compulsory powers are authorised, not after consent when the Applicant decides which powers it wishes to exercise.

P.18 The comparative evidence makes a generic answer inadequate

SolarQ's analysis is particularly useful because it removes any basis for assuming that the answer is self-evident.

Its sample includes projects promoted through different landholding models. It identifies 17 projects characterised as seeking freehold possession and three characterised as leasehold schemes.

That does not mean East Pye must adopt the model used at Byers Gill, Helios or Little Crow.

It does mean the Applicant must explain why it cannot.

The question is especially compelling because East Pye's own documents already point towards a leasehold model. The Applicant is not being asked to adopt an unfamiliar mechanism imported from another project. Its Statement of Reasons itself describes completed Option Agreements under which freeholders are expected to grant leases.

The issue is therefore internal to the Applicant's own case.

Why is a lease sufficient when the landowner performs the Option Agreement, but permanent acquisition of the freehold potentially necessary when the landowner does not?

Unless there is a substantive project reason for that distinction, the difference appears to arise from the breadth of the statutory remedy sought rather than from the physical requirements of the solar farm.

That is precisely the kind of issue the necessity and proportionality tests are intended to expose.

P.19 Overall conclusion

The compulsory-acquisition case should not be approached on the basis that, because East Pye requires land, every land power in the draft DCO follows.

The Applicant seeks a sophisticated hierarchy of powers ranging from temporary possession and permanent rights to outright freehold acquisition. It therefore has both the ability and the obligation to distinguish between different levels of interference.

Its own evidence shows that Option Agreements are already in place for the Solar PV Sites and that those agreements contemplate freeholders granting leases. Its own environmental case describes the principal solar use as having a 60-year operational life followed by decommissioning. Its own Statement of Reasons says that freehold acquisition is sought only where lesser interests would be insufficient. Yet the DCO seeks Article 21 powers over parts of the solar generating land without presently providing a convincing explanation of why leasehold occupation and appropriately framed rights cannot secure that same temporary development.

The independent SolarQ comparison reinforces the point by identifying other large solar NSIPs proceeding on leasehold models.

The issue is therefore not whether East Pye needs land. It plainly does.

The issue is whether it needs **this degree of ownership**.

The Applicant has not yet demonstrated that proposition.

That failure is especially serious because compulsory acquisition is not a planning convenience. Section 122 requires a compelling case in the public interest for the land to be acquired compulsorily. The existence of a public purpose does not dispense with the need to justify the extent of the private interest taken.

BEPS therefore submits that the ExA should not recommend the Article 21 powers over solar-field land in their present form unless and until the Applicant has identified its intended landholding model, disclosed the substantive basis on which its existing Option Agreements require leases, and demonstrated plot by plot why a lesser interest would be insufficient.

Where a long lease and defined rights can secure construction, operation, maintenance and decommissioning for the full life of the Scheme, permanent acquisition of the underlying freehold has not been shown to be necessary.

Where the Applicant says it has no present intention of acquiring the freehold, that is not an answer. It is a reason to question why the power is sought.

Where it does intend to acquire the freehold, it should say so plainly and justify it.

The DCO should confer no greater property power than the authorised development demonstrably requires. On the Applicant's present evidence, that fundamental test has not yet been met.

P.20 Remedy sought

BEPS asks the Examining Authority to require, before the close of Examination, a revised compulsory-acquisition justification which distinguishes land occupation from land ownership and identifies, for every plot subject to Article 21, why permanent freehold acquisition is necessary rather than leasehold occupation, permanent rights, restrictions or temporary possession.

That revised case should state expressly whether the Applicant intends to acquire solar-field freeholds or to operate through the leases contemplated by its Option Agreements; identify the circumstances in which Article 21 would actually be exercised; explain the post-decommissioning ownership position; distinguish the land requirements of Work No. 1 from those of the BESS, substations, habitat land and community land; and reconcile the compulsory powers sought for the National Grid infrastructure with NGET's current position on the final connection solution.

If the Applicant cannot demonstrate why freehold acquisition is required for a particular parcel, the freehold power over that parcel should be removed and replaced, where genuinely necessary, with the minimum lesser rights sufficient to deliver the authorised Scheme.

The Secretary of State should not be asked to grant permanent compulsory ownership merely as insurance against contractual failure, for commercial convenience, or to preserve future optionality.

The power sought must follow the demonstrated need for the land interest. The Applicant cannot reverse that sequence by seeking the widest power first and deciding later how much of it it actually needs.

P.21 Confidentiality and non-objection obligations: landowners must remain free to participate

The Examination should establish whether any East Pye Option Agreement, lease, heads of terms or related land agreement contains confidentiality, non-objection or other provisions capable of restricting a landowner's participation in the DCO process. BEPS does not assert that such provisions exist at East Pye. The point is that, because the Applicant relies upon voluntary land agreements and the apparent absence or resolution of landowner objections as part of its land and compulsory-acquisition case, that freedom should be demonstrated rather than assumed.

The issue is not ordinary commercial confidentiality. There may be legitimate reasons to protect rents, option payments and other commercially sensitive terms. The concern is different: any provision which prevents or discourages a landowner from objecting to the Scheme, making a Relevant or Written Representation, appearing at a hearing, commenting on compulsory acquisition, providing factual evidence about the land, or communicating environmental or land-use concerns to the Planning Inspectorate or statutory bodies.

That question is particularly legitimate because another Island Green Power project, Lime Down Solar Park, attracted public controversy in 2025 over arrangements reported to contain a condition requiring affected landowners not to object and to withdraw existing objections. Island Green Power subsequently acknowledged that the wording should not have been included and stated that affected landowners remained free to make representations. That episode does not establish that comparable provisions exist at East Pye, but it makes the issue one which should be answered expressly.

The point is also material because East Pye Solar has evolved substantially since many land agreements may first have been entered into. The final application includes extensive solar development, BESS, multiple substations, National Grid infrastructure, cabling, access works, habitat land and compulsory-acquisition powers across approximately 1,212 hectares. A landowner who originally agreed an option or prospective lease may now face materially different infrastructure, access, drainage, environmental or compulsory-acquisition consequences. Agreement to an option is not necessarily agreement to the final DCO.

That is especially important where the voluntary bargain may contemplate a lease but the DCO seeks compulsory freehold acquisition. A participating landowner may have

relevant evidence about whether permanent acquisition was ever contemplated, the effect on the farm holding, severance, drainage, private water supplies, soils, access, local ecology or decommissioning. Such evidence is directly relevant to the Examination and must not be inhibited by private contractual terms.

The Applicant's own Statement of Reasons relies upon engagement with affected persons, voluntary agreements and continuing negotiations as part of its compulsory-acquisition case. Those matters can only be given proper evidential weight if participating landowners remain free to express concerns. Silence should not be treated as evidence of support if contractual provisions may have influenced that silence.

BEPS therefore asks the ExA to require the Applicant to confirm whether any East Pye Solar land agreement has at any time contained provisions which prevent or discourage objection, require support or withdrawal of representations, restrict participation in the Examination, make payments conditional upon non-objection, impose financial consequences for objecting, or restrict disclosure of information relevant to the planning or compulsory-acquisition merits of the Scheme.

If no such provisions exist, the Applicant should confirm that unequivocally. If any have existed, it should identify their nature, confirm whether they have been expressly and unconditionally waived, and notify the affected landowners that they are free to participate fully in the Examination without contractual or financial penalty.

The distinction should be explicit:

Agreement to enter into an option or lease is not agreement to every subsequent form of the DCO application, and commercial confidentiality must not prevent an affected landowner from giving relevant evidence about the Scheme or the compulsory powers sought over their land.

Until that position is confirmed, the ExA should not infer support, consent or absence of concern merely from the silence of participating landowners.

Part V – DCO controls: genuinely cross-cutting issues

P.22 Preliminary works and commencement must not precede essential safeguards

The definition of commencement is a cross-cutting control point because it determines when the principal Requirements begin to bite. If environmentally consequential activities can be carried out as "permitted preliminary works" before those Requirements apply, the protection offered by the DCO may be substantially weakened.

PINS has already identified this issue. Its section 51 advice questioned whether the proposed "permitted preliminary works" were properly captured within the authorised

development and advised the Applicant to consider whether the definitions of "commence" and "permitted preliminary works" should be amended so that site preparation capable of causing significant environmental effects is not excluded from commencement. The concern expressly extends to effects involving noise, protected species and archaeology.

The Applicant has now responded by introducing a specific control for permitted preliminary works. Revision 2 of Requirement 13 provides that those works must be carried out in accordance with a separate Permitted Preliminary Works Environmental Management Plan, introduced expressly in response to the Inspectorate's section 51 advice. BEPS welcomes the recognition that preliminary works require specific environmental control. The amendment does not, however, remove the examination issue. The ExA must establish precisely what activities fall within "permitted preliminary works", which Requirements are disapplied before formal commencement, and whether vegetation clearance, intrusive investigations, archaeological works, drainage works, access formation, piling trials or other potentially consequential activities could occur before the full suite of ecological, archaeological, hydrological and construction controls has been discharged.

That concern is well founded in the context of East Pye. Activities capable of being characterised as preparatory can themselves cause irreversible or difficult-to-remedy harm. Vegetation and hedgerow clearance can affect protected species and habitat connectivity. Intrusive ground investigation and trial piling can create groundwater pathways or disturb contamination. Archaeological investigation may itself involve destructive excavation. Access formation, compounds and temporary haul routes can disturb soils, drainage, trees and hedgerows. Utility diversions and drainage works may affect watercourses and third-party infrastructure. The environmental consequences of those activities are addressed in detail in Chapters 8, 9, 11, 15 and 16.

The legal point is narrower. Those safeguards must apply before the harm occurs. It would be circular for the DCO to require ecological, archaeological, groundwater, soil, drainage or traffic controls before "commencement", while defining commencement so narrowly that activities capable of causing those very effects may already have taken place.

The Applicant should therefore provide an exhaustive schedule of every activity excluded from the definition of commencement and identify, for each, the Requirements and other controls that apply before it may begin. No vegetation clearance, hedgerow or tree work, intrusive ground investigation, trial piling, archaeological excavation, access construction, drainage work, compound formation, utility diversion or comparable activity should escape substantive environmental control merely because it is labelled preliminary.

Where the Applicant wishes genuinely low-impact surveys or investigations to remain outside commencement, the exclusion should be tightly defined. Environmentally consequential preparatory works should either constitute commencement or be subject to a separate pre-commencement Requirement imposing the same relevant safeguards that would have applied had full construction begun.

The principle should be simple: the legal label attached to an activity cannot determine whether environmental protection applies. Its actual potential effects must do so.

P.23 Staging, phasing and token commencement

The Scheme extends across numerous geographically separate Sites, Sub-Sites, cable corridors, substations, access routes and grid works. That makes staged implementation inevitable, but the draft DCO must distinguish legitimate construction phasing from a power to define the project incrementally after consent.

The concern arises where Requirements may be discharged for a “stage” or “part” without the stages themselves first being fixed. If the undertaker can define stages after consent, environmental controls may be fragmented in ways not tested in the ES. One Site may proceed under one version of a management plan while another proceeds years later under another. Mitigation relied upon across the Scheme may be delayed until a later phase. Different construction fronts may overlap in combinations not assessed. Surveys undertaken for the application may also become materially out of date before later Sites are built.

Chapter 4 already identifies the possibility of prolonged staging, construction of only some solar Sites, delayed BESS, omission of substations and partial implementation. The DCO consequence is that the phasing structure must itself be controlled.

There is a further risk of token commencement. If a minor activity on one part of the Order Limits is sufficient to “commence” the authorised development as a whole, the Applicant may preserve the benefit of the entire DCO while leaving substantial Sites or Works untouched for many years. That could preserve statutory and compulsory powers over land long after the evidence used to assess particular Works has become stale.

This is particularly serious for ecology, where protected-species use and habitat condition can change materially; for drainage and groundwater, where physical and regulatory baselines may change; and for highways and surrounding development, where the network against which impacts were assessed may no longer be the same.

Revision 2 of Requirement 2 now requires, before commencement, a written scheme setting out the construction phase or phases, together with a timetable and a plan identifying the phasing areas. That is a useful improvement and acknowledges the need for greater control over phasing. It does not, however, resolve the concerns identified above. The Requirement does not specify a maximum interval between phases, an overall construction long-stop, the consequences of a phase being commenced but subsequently abandoned, expiry of unused Works powers, or the mitigation dependencies which must be maintained where construction is substantially staggered. Nor does a submitted timetable itself establish the maximum environmentally assessed phasing scenario.

BEPS therefore submits that that Requirement 2 should be strengthened so that the Scheme-wide phasing plan should identify the constituent stages, the Works included in each, their sequencing, the maximum periods between stages, mitigation dependencies and the point at which land and powers associated with any abandoned stage fall away.

The Order should also provide that commencement of a minor or preliminary element does not preserve indefinitely the right to build materially independent Works. Where a principal Site, BESS, substation or other severable component has not commenced within a defined period, its authorisation and associated land powers should expire unless a justified extension is approved through an appropriate statutory process.

The Applicant should not be entitled to obtain one DCO for a geographically dispersed Scheme and then preserve every element through nominal commencement of only one small part.

P.24 The Requirements must be precise, mandatory and testable

The draft DCO relies heavily upon Requirements and outline control documents. That approach is legitimate only if the obligations are sufficiently precise to be examined, discharged and enforced.

PINS has already identified a material weakness. Its section 51 advice criticised repeated use in the outline management plans of expressions such as “where practicable” and “as far as reasonably practicable”, warning that such unbounded qualifiers may reduce the clarity and precision of measures relied upon in the ES, and may affect their “examinability and testability”. PINS made the same point in relation to the Design Principles and Parameters, advising that unbounded qualifiers should be replaced with quantified and testable commitments.

That concern applies directly to the Applicant’s mitigation case. A measure relied upon to reduce an effect from significant to non-significant cannot safely remain subject to the undertaker’s later assessment of practicability. If the environmental conclusion depends on the measure, the default position should be that the measure is mandatory.

The problem is compounded by the frequent use of the expression “substantially in accordance with” when final plans are to be prepared after consent. Chapter 4 already identifies why this matters: unless the permissible departure is tightly bounded, a final plan may differ from the outline version on which the environmental assessment relied while still being said to satisfy the Requirement. BEPS has therefore already proposed that any amendment mechanism should prevent departure where it would exceed an assessed parameter, produce materially different effects, affect additional land, prejudice third-party rights, undermine mitigation or alter the compulsory-acquisition justification.

The revised Commitments Register does not cure that problem. Revision 2 improves administrative traceability by introducing individual commitment references and columns identifying delivery, responsibility and compliance. However, the Register continues expressly to state that it "is not a secured document"; it functions as a tracker directing commitments to other securing mechanisms. More importantly, substantive commitments continue to contain qualifications such as "where practicable", "as far as practicable", "where possible" and "as far as reasonably practical", including measures concerning vegetation retention, lighting, heritage settings, siting in relation to residential and recreational receptors and continued availability of PRoWs. Revision 2 therefore improves the administration of the commitments but does not answer the Inspectorate's underlying concern about whether mitigation relied upon by the ES is sufficiently precise, testable and enforceable.

The cross-cutting requirement should therefore be that every measure material to environmental acceptability is translated into a precise and enforceable control. Each Requirement should identify the approving body, required submission, mandatory consultees, objective standard, timing, monitoring obligation, remedial trigger and responsible party.

BEPS does not suggest that every management-plan sentence must be converted into an absolute prohibition. Some professional judgment will inevitably remain. But where discretion is retained, the DCO must identify who exercises it, according to what objective criteria and subject to what evidence and approval.

The present approach too often substitutes future judgment for present commitment. That is not adequate where the ES has already assumed the mitigation will work.

P.25 Post-consent approvals must not determine questions of principle

The substantive chapters identify extensive reliance upon later investigations, detailed designs, licences, management plans and approvals. The critical legal distinction is between legitimate implementation detail and a matter that determines whether the development is environmentally acceptable at all.

Post-consent controls are appropriate where the principle of the solution is already established and the later decision merely fixes its detailed implementation. They are not an adequate substitute where the later work must determine whether an acceptable solution exists.

That distinction arises repeatedly at East Pye. The Commitments Register records that intrusive ground investigations, Foundation Works Risk Assessments, UXO follow-up and hydrogeological assessments for trenchless crossings may be undertaken after consent or before construction. Transport arrangements depend materially upon later CTMP and related plans. Operational noise mitigation may involve selection of quieter equipment, relocation, reorientation, acoustic enclosures or barriers at detailed-design stage. BESS safety depends materially upon later BSMP and emergency-response arrangements. Archaeological work remains dependent upon further targeted investigation and mitigation.

The Environment Agency provides a concrete example of why that distinction matters. It has identified the absence of Maximum Design Scenario values for foundation and piling depths at the project substations and Site 1B 400 kV substation, stating that without the maximum vertical extent of disturbance the potential impacts on groundwater cannot be assessed. That is not merely a question of choosing a contractor's method after consent. The missing parameter affects whether the environmental effect can presently be assessed.

The same principle applies throughout. If later work is required to determine whether protected-species harm can be avoided, whether a highway route can physically operate, whether groundwater can be protected, whether operational noise can meet the required level, or whether a BESS emergency system can safely function, the Examination is not being asked merely to approve future detail. It is being asked to assume that a satisfactory solution will later be found.

That reverses the proper sequence. The Applicant should demonstrate the existence of an acceptable solution before consent and use Requirements to secure its implementation afterwards.

Where a matter affects the location, scale, principle, deliverability or environmental acceptability of a Work, it should be resolved during Examination or the relevant Work or flexibility should be removed. Chapter 4 already identifies that consequence for unresolved BESS, National Grid, cable and highway solutions.

The DCO should therefore not become a mechanism for completing the environmental design after consent. It should secure a design whose acceptability has already been demonstrated.

P.26 Requirement discharge, consultation, amendments and deemed approval

Where substantial matters are nevertheless left to discharge of Requirements, the discharge procedure becomes an important part of the environmental protection itself.

The DCO should identify mandatory consultees according to subject matter. Where the Environment Agency, Natural England, Norfolk County Council, the LLFA, National Highways, the fire and rescue service, the local planning authority, heritage officers or statutory undertakers possess relevant regulatory or technical responsibility, consultation should not depend upon whether the discharging authority or undertaker chooses to seek their view.

BEPS acknowledges that Revision 2 improves this position. Schedule 15 now provides that, where an approved document is subsequently amended, any body or authority which was required to be consulted upon the original approval is also a "requirement consultee" for the amendment. That improvement should be retained. It reduces, but does not eliminate, BEPS's concern about later alteration of environmentally important documents.

That is particularly important where those bodies have already identified unresolved issues during examination. A final groundwater, drainage, protected-species, transport or emergency-response plan should not be capable of approval without consultation with the body whose statutory function is directly engaged.

The procedure should also be transparent. Final plans, consultation responses, approvals and later amendments should be publicly available, with clear version control. Interested parties should be able to identify what has replaced the outline document examined and whether the environmental obligations have changed.

The more fundamental deemed-approval concern remains unaffected by that improvement. BEPS also objects to deemed approval for environmentally sensitive Requirements. Administrative silence cannot provide substantive evidence that a technically complex submission is acceptable. A drainage scheme, private-water-supply protection plan, protected-species strategy, BESS safety plan, archaeological mitigation scheme, soil-restoration plan or decommissioning scheme should not take effect merely because a decision-maker has failed to determine it within a specified period. The DCO hearing note identifies this concern expressly.

Any determination period should stop where further information is reasonably required, and deemed approval should not operate where a mandatory consultee has raised an unresolved objection.

Later amendments require equivalent control. A final approved plan should not be capable of incremental weakening through repeated “non-material” changes. An amendment should be permitted only where the approving authority is satisfied, following appropriate consultation and on evidence, that it remains within the assessed envelope, does not weaken mitigation, does not affect additional land or third-party rights and does not produce materially new or different effects.

The relevant principle is again straightforward: the DCO must secure the environmental outcome, not merely a process by which the undertaker may later propose a different one.

Part VI – Whole-life powers and liabilities

P.27 Maintenance, replacement and repowering

The legal definition of “maintain” requires particularly close control because the Applicant’s own development description anticipates major replacement programmes during the operational period.

Chapter 4 records that all solar panels may be replaced once, with a complete panel-replacement phase lasting between 12 and 24 months, an average workforce of approximately 129 and a peak workforce of 240. It also assumes that the BESS may be replaced up to five times and that transformers, with an assumed 30-year life, may be

replaced once. Construction routes would be reused and AIL approvals sought later where required.

Those activities are not ordinary maintenance in any meaningful environmental sense. A 12–24 month replacement of all panels resembles a second scheme-wide construction phase. Repeated BESS replacement may involve extensive HGV movements, cranes, temporary storage, hazardous or damaged batteries, waste handling and potentially different battery chemistry or technology.

PINS' section 51 advice has already raised the related drafting issue by asking whether the definition of "maintain" could authorise development with significant environmental effects that had not been assessed.

The DCO must therefore distinguish three concepts: routine maintenance, major replacement and repowering.

Routine maintenance may reasonably encompass repair and like-for-like replacement of individual failed components. Major replacement should be subject to separate environmental controls reflecting the scale of the operation. Repowering—meaning a material increase or alteration in generating or storage capacity, dimensions, technology or hazard profile—should not be capable of being achieved under the maintenance power at all unless separately assessed and authorised.

Replacement equipment should remain within the assessed maximum parameters and should not result in greater noise, heat output, EMF, fire risk, traffic demand or other environmental effect than the equipment assessed. The Environment Agency has separately identified uncertainty over the operational life and decommissioning of cabling, illustrating that whole-life component assumptions are not fully resolved.

The Order should therefore expressly prevent "maintain" from becoming an unexamined power to rebuild or materially re-engineer East Pye during its 60-year life.

P.28 The 60-year period must not be capable of indefinite extension

The Applicant presents the principal solar development as temporary, with an anticipated operational life of 60 years. The LVIA assumes decommissioning commencing in 2091, based upon that 60-year design life, and a further 12–24 month decommissioning period. That temporal limit must be legally precise.

The DCO should identify the event from which the 60-year period runs. It should not be capable of moving according to the date on which individual Sites, substations or BESS elements are commissioned unless that outcome has been expressly assessed.

Revision 2 now confirms that this is not merely a hypothetical drafting concern. Requirement 21 expressly provides for the 60-year period to run separately by reference to final commissioning of "each part" of Work No. 1.

A dispersed Scheme creates obvious ambiguity. If Site 1 begins operation in one year and Site 10 several years later, does each acquire its own 60-year operating period? If the BESS is constructed substantially later than the solar generation, does it receive a fresh 60 years? If panels are comprehensively replaced after 30 or 40 years, does that affect the end date? If only part of the Scheme is initially commissioned, can later commissioning of another part extend the overall life?

The answer should be no unless expressly justified and environmentally assessed.

Replacement should not reset the clock. Nor should delayed implementation enable successive components to extend industrial use across the Order Limits well beyond the period on which the planning and environmental case was presented.

The DCO should therefore contain a single objectively ascertainable operational end date or a clearly defined formula tied to first or final commissioning, together with an absolute long-stop date beyond which the relevant solar and BESS Works may not operate. Any materially later extension should require a fresh statutory consent process.

A development promoted as temporary should not acquire an effectively indefinite life through staggered commissioning and rolling replacement.

P.29 Cessation, abandonment and partial failure

The DCO also needs to regulate outcomes other than successful operation for exactly 60 years followed by orderly decommissioning.

The application itself permits realistic scenarios in which parts of the Scheme may be delayed, omitted or never fully implemented. The BESS has materially different connection status from the solar component. The National Grid solution remains subject to further determination. Partial build-out is therefore not merely theoretical.

The Order should specify what happens if a Site is constructed but never commissioned; if the BESS compound is built but cannot obtain a usable connection; if a solar Site ceases generating permanently; if infrastructure is abandoned after commencement; or if only part of the authorised development proceeds.

Without a cessation mechanism, land could remain fenced, industrialised or burdened by redundant equipment indefinitely even though the public purpose relied upon to justify the development and compulsory powers is no longer being delivered.

BEPS therefore seeks a defined cessation trigger. Where a material component has ceased beneficial operation for a continuous specified period, and the cessation is not caused by temporary maintenance or another objectively justified event, the undertaker should be required either to recommence operation within an approved period or to decommission and restore that component.

The same principle should apply to failed partial development. Unbuilt Works should not preserve land powers indefinitely, while built but stranded infrastructure should not remain simply because the overall DCO has not reached its 60-year endpoint.

The DCO should address failure, not assume it away.

P.30 Decommissioning security

A decommissioning plan is not the same as financial security for decommissioning.

Examination material now indicates that private landowner agreements contain decommissioning securities intended to protect against default or insolvency and capable of periodic revaluation or top-up. That materially changes the evidential position from that understood when BEPS's original objection was prepared.

It does not, however, establish the existence of a coordinated, Scheme-wide, publicly enforceable and independently costed restoration security. The outstanding question is whether the private securities collectively provide adequate and durable funding for the full liabilities arising from removal, soil and drainage reinstatement, contamination remediation, habitat obligations and aftercare, including following transfer or insolvency of the undertaker.

A future DEMP identifies a process. It does not demonstrate that money will be available to implement that process if the undertaker becomes insolvent or abandons the Scheme.

The liability is substantial. It may encompass removal of panels, BESS equipment, transformers, substations and access infrastructure; treatment of damaged or hazardous batteries; cable decisions; soil reinstatement; pollution remediation; habitat protection and restoration; protected-species measures; drainage reinstatement; waste transport and processing; and long-term remedial monitoring.

The Environment Agency has itself identified uncertainty concerning the lifespan and ultimate treatment of below-ground cabling and recommends that future removal be considered during pre-construction design. That illustrates why future end-of-life liabilities cannot responsibly be treated as a simple reversal of construction.

BEPS therefore submits that the DCO should require an independently costed, ring-fenced and insolvency-protected financial security mechanism. The amount should cover the full reasonably foreseeable cost of decommissioning and restoration, be index-linked, independently reviewed at regular intervals and increased where costs or liabilities rise.

The security should be callable upon default, insolvency or failure to comply with a decommissioning obligation. It should bind successors and transferees and should not be released merely because equipment has been removed. Release should occur only

after the responsible authority has certified that the required restoration and remediation have been completed to the specified standard.

The precise form of security can be determined through the Examination. The essential point cannot: the public and affected landowners should not bear the residual risk that a 60-year industrial development becomes financially incapable of restoring the land it occupied.

P.31 Transfer of the benefit of the Order

The transfer provisions require corresponding protection.

A DCO may outlive the original project company and may involve transfer of particular assets or Works to other bodies, notably NGET. That makes clarity over successor liability essential.

Chapter 4 already identifies the risk at the National Grid interface: construction, ownership, operation, environmental compliance and decommissioning responsibilities must not become divided in a way that leaves no identifiable entity responsible for a breach. The WR specifically warns against a situation in which the Applicant says a matter is controlled by NGET, NGET says it was constructed under the Applicant's DCO and the local authority lacks a clear party against whom to enforce.

The same concern applies more generally if the benefit of the Order may be transferred or split.

A transfer must not separate valuable operating assets from environmental liabilities. It must not leave one entity owning the solar plant, another the BESS, another the land or grid infrastructure, while responsibility for common drainage, ecological mitigation, emergency response or decommissioning becomes uncertain. Nor should transfer enable the financial security required from the original undertaker to disappear.

BEPS therefore submits that any transfer of the benefit of the DCO should automatically carry with it every relevant environmental, mitigation, maintenance, monitoring, emergency-response, restoration and decommissioning obligation. Chapter 4 already identifies that requirement in relation to NGET or another transferee.

Where the transfer is substantial, the transferee should also demonstrate adequate technical competence and financial resources, including continuation or replacement of any decommissioning security on terms no weaker than those previously secured.

No transfer should take effect in a way that leaves responsibility fragmented between entities or makes enforcement more difficult. Where the Order is split between undertakers, the DCO should identify expressly which body bears each continuing obligation and, where necessary, impose joint or continuing responsibility for cross-Scheme matters.

The benefit of the Order may be transferable. The liabilities on which its environmental acceptability depends must be equally durable.

Part VIII – Overall CPO/DCO consequences

P.33 The cumulative problem: the Applicant seeks the widest powers before resolving the Scheme

The defects identified in the substantive chapters are not isolated technical disagreements. Taken together, they reveal a more fundamental problem: the Applicant seeks extensive statutory and compulsory powers before it has demonstrated one settled, deliverable and environmentally controlled implementation case.

Chapter 4 identifies unresolved questions about the identity and severability of the authorised development, including the relationship between solar and BESS, optional or omitted Works, the National Grid connection solution, cable flexibility, partial build-out, replacement and decommissioning. Chapters 1 and 5 address the weight of the claimed project-specific benefit and whether less harmful alternatives were properly excluded. Chapter 2 identifies incomplete baseline evidence and excessive reliance on later surveys, plans and approvals. Chapters 8, 11, 15 and 16 identify unresolved protected-species licensing, transport deliverability, soil restoration and ground-condition controls. The cumulative chapter addresses whether those individual uncertainties interact across the Scheme as a whole.

The Applicant's own documents reinforce that concern. The Statement of Reasons accepts that compulsory acquisition requires a clear idea of how the land will be used, that no more land should be acquired than reasonably required, that reasonable alternatives must have been explored and that there must be reasonable prospects of the necessary funds being available. Yet the application simultaneously preserves substantial design and implementation flexibility, relies upon later consents, licences and agreements, and continues negotiations over land and rights. The Commitments Register is itself expressly not a secured document.

The cumulative consequence is that the Applicant seeks extensive coercive powers before it has demonstrated one fixed, deliverable and environmentally controlled implementation case to which those powers can safely attach.

That sequence is wrong. The Scheme should determine the powers required. The powers should not be granted at maximum breadth and the Scheme resolved afterwards.

P.34 The compelling case for compulsory acquisition has not been established

The Applicant's Statement of Reasons correctly recognises that section 122 requires both that the land is required for the Scheme and that there is a compelling case in the

public interest for compulsory acquisition. It further accepts that the land sought must be no more than reasonably required, that reasonable alternatives must have been explored and that funding must have a reasonable prospect of being available.

The present application does not yet demonstrate those propositions for all of the powers sought.

First, important Works remain uncertain or potentially optional. The BESS does not have the same connection status as the solar component. The National Grid solution remains unresolved. Some Sites, substations and cable infrastructure may be omitted or implemented differently. Where the Work itself is not shown to be necessary in the form authorised, the case for compulsorily acquiring the land required solely for that Work is correspondingly weakened.

Secondly, the Applicant seeks powers wider than the minimum interest may require. Its own Statement of Reasons confirms that Option Agreements are already in place for the solar Sites, BESS, project substations and National Grid Substation, while negotiations for leases and rights continue. A need for secure land control does not automatically establish a need for permanent freehold acquisition. Where a lease, permanent right or temporary possession would achieve the authorised purpose, the greater interference requires a separate justification.

Thirdly, unused powers may survive partial implementation. If the BESS does not proceed, if NGET adopts another connection solution, if cable corridors are refined or if some Sites are omitted, the DCO should not continue to burden land for Works no longer required. Compulsory acquisition cannot properly be justified as insurance against every possible future implementation scenario.

Fourthly, NGET's own Relevant Representation materially weakens the necessity case for the National Grid Substation land. NGET states that it understands the replacement connection agreement will not require East Pye to secure the land or consent for the National Grid Substation, and that consent for the proposed substation would not oblige NGET to use it. It also states that the final point-of-connection solution cannot yet be confirmed. That is difficult to reconcile with permanent compulsory acquisition of land for a solution which the future operator has not confirmed.

Fifthly, the funding position remains contingent. The Applicant's own material indicates an estimated project cost of approximately £1 billion–£1.05 billion, with further funding to be sought after consent, the final financing structure not yet determined and final investment decision occurring after DCO grant. PINS has separately raised concerns about the adequacy of funding assurance for compulsory acquisition. The issue is not that project finance must necessarily be fully committed before consent; it is that coercive land powers should not be treated as routine where the final delivery and financing arrangements remain unresolved.

The Applicant's conclusion that national energy policy itself establishes the compelling case is too broad. Its Statement of Reasons ultimately asserts that policy need and

claimed benefits justify acquisition of land and rights across the Scheme. Section 122 requires a more particularised exercise. The question is not merely whether renewable energy serves a public purpose, but whether this land, this interest and this power are necessary and proportionate for the Scheme actually capable of proceeding.

On the present evidence, that has not been demonstrated for the full extent of the compulsory powers sought.

P.35 The draft DCO does not yet provide an adequate control mechanism

The separate DCO question is whether the Order itself ensures that the Scheme ultimately built, operated, replaced and decommissioned remains the Scheme examined.

At present, it does not provide sufficient confidence.

The draft framework combines broad Works and maintenance powers, staged commencement, substantial detailed-design flexibility, later management plans, later licences and external consents. BEPS's DCO hearing analysis records that important mitigation remains subject to later design and that the Commitments Register is not itself secured.

The ExA cannot rely on statements about what the Applicant presently intends to do. The Order must itself control what the undertaker may lawfully do.

That requires six things.

First, the authorised envelope must be bounded by clear and enforceable parameters.

Secondly, mitigation relied upon in the ES must be secured by binding Requirements or equivalent legal mechanisms, not left only in narrative documents or the Commitments Register.

Thirdly, commencement and phasing must be controlled so that preliminary or token works cannot bypass safeguards or preserve materially independent Works indefinitely.

Fourthly, later replacement and maintenance must not permit unassessed repowering or materially different technology.

Fifthly, decommissioning and restoration obligations must be backed by durable financial and successor arrangements rather than assumptions about the continued solvency of the original project company.

Sixthly, powers and obligations must fall away or transfer coherently where Works are omitted, abandoned or transferred.

The issue is not whether post-consent detail is permissible. It plainly is. The issue is whether post-consent processes are being used to implement an acceptable Scheme or to determine whether an acceptable Scheme exists. The latter is not a drafting detail; it is a failure to resolve the development before granting the powers.

Unless those deficiencies are corrected, the draft DCO remains broader than the environmental and deliverability case presently supports.

P.36 Remedies sought

BEPS asks the Examining Authority to require the Applicant, before the close of Examination, to provide a revised DCO and compulsory-acquisition case which resolves the relationship between the Scheme assessed, the Works authorised and the land powers sought.In particular, the Applicant should be required to:

1. tighten the definitions, design parameters and limits of deviation in the draft DCO;
2. provide a Scheme-to-powers schedule and Work-to-ES audit identifying the environmental assessment and land powers supporting every principal Work;
3. correct and reconcile the Works Plans, Land Plans, Book of Reference and other legal plans;
4. identify which Works are mandatory, optional or severable;
5. demonstrate how the Gate 1 BESS and any solar-only or partial implementation scenario are controlled;
6. provide for expiry or release of powers over Works that are not implemented;
7. justify compulsory acquisition plot by plot and interest by interest;
8. remove freehold powers wherever leasehold, rights or temporary possession would adequately secure the authorised purpose;
9. tighten commencement and phasing provisions to prevent environmentally consequential preliminary works and token commencement;
10. provide a complete mitigation-to-Requirement audit;
11. strengthen Requirement discharge, statutory consultation, amendment and enforcement provisions;
12. distinguish routine maintenance from replacement and prohibit unassessed repowering;
13. include clear cessation and abandonment triggers;
14. secure independently costed, index-linked and insolvency-proof decommissioning and restoration security;
15. ensure all environmental and financial liabilities bind transferees and successors; and
16. confirm that participating landowners remain free to give evidence and make representations without contractual or financial penalty.

These remedies are not requests for additional drafting sophistication. They go directly to whether the statutory powers sought are justified and whether the environmental case relied upon is actually secured. The governing principle should be simple:

If the Applicant cannot demonstrate the necessity of a particular Work, land parcel, property interest or statutory power, that power should not be granted. If the environmentally acceptable operation of the Scheme depends upon a mitigation measure, that measure should be secured by the Order.

The DCO should not authorise first and resolve necessity, design, mitigation and financial responsibility later.

Chapter 1

1.1.1 The central question for the Examination

Has the Applicant demonstrated one environmentally coherent and deliverable scheme which has been designed for this particular landscape, or has it assembled a series of topic-specific assessments and mitigation measures around a predetermined 500 MW project, without demonstrating that those solutions are mutually compatible or acceptable when the environment is considered as a whole?

East Pye is not proposed within an environmentally interchangeable landscape. It would be imposed across 1,212.3 hectares of a still recognisably rural and agricultural part of South Norfolk, extending through ten dispersed Sites, numerous Sub-Sites, approximately 24 km of cable corridor, a BESS, multiple substations, a new National Grid Substation and associated highway and grid works. The Applicant's own baseline records rural villages and hamlets, mature hedgerows and trees, rivers and ordinary watercourses, important agricultural soils, County Wildlife Sites and Roadside Nature Reserves, nationally important wildlife sites, numerous Grade I and Grade II* listed buildings, conservation areas and historic settlement patterns within and immediately adjoining the Scheme.

The Applicant's own LVIA confirms that this is not a landscape of uniformly low sensitivity merely because it lacks a national landscape designation. It identifies High sensitivity receptors including the Tas Rural River Valley, Chet Tributary Farmland, Thurlton Tributary Farmland with Parkland and important recreational routes, with the remaining assessed landscape receptors generally of at least Medium sensitivity. The assessment itself predicts numerous significant adverse landscape and visual effects.

The historic, ecological and agricultural qualities of this landscape are also interconnected. Its value does not reside only in individual listed buildings, individual hedgerows, individual bird territories or isolated watercourses. It lies in the surviving relationship between villages and their agricultural hinterland; churches and historic settlements; lanes, footpaths and field patterns; mature hedgerows, trees and woodland; open farmland used by declining farmland birds; river valleys, ditches and groundwater; and land still managed for food production and wildlife. The Scheme is capable of changing those relationships for generations.

That risk cannot be dismissed simply by describing the solar development as temporary. The operational period is proposed to extend for 60 years. More importantly, the Applicant's own landscape assessment assumes that mature woodland, trees, hedgerows and scrub introduced as mitigation may remain after decommissioning, while the National Grid Substation and associated grid infrastructure would also remain. The environmental question is therefore not simply whether solar panels can eventually be removed. It is whether development on this scale would permanently reshape the structure, ecology, historic character and experience of the receiving landscape in order to accommodate it.

That distinction matters because the Environmental Statement repeatedly approaches the Scheme through individual technical disciplines. Landscape harm is addressed through planting. Ecological harm is addressed through habitat creation and management. Highway

problems are deferred to route refinement and haul-road solutions. Drainage problems are addressed through later drainage design. Noise may require barriers, enclosures, relocation or reorientation of plant. Agricultural effects are answered partly by long-term grassland management. Heritage effects are reduced through separation and screening.

Each solution may appear capable of addressing one problem when viewed through the relevant technical chapter. The central difficulty is that the same solution may create another.

New woodland and hedgerows may screen solar infrastructure but permanently enclose an historically open agricultural landscape. The same planting may alter the setting of heritage assets and reduce the openness and sightlines required by ground-nesting and open-country birds. Moving plant to protect a residential receptor may move it towards an ecological, heritage or drainage constraint. Rerouting haul roads to solve highway objections may require additional hedgerow removal, soil disturbance, watercourse crossings or works close to sensitive receptors. Additional drainage infrastructure may occupy land or affect habitats and archaeology. Retaining mitigation planting after decommissioning may preserve newly created habitat while preventing restoration of the former agricultural and historic landscape.

These are not theoretical concerns. They arise from the Applicant's own assessments.

There is also evidence that important methodological assumptions have been derived from generic experience of solar development rather than demonstrated from the particular characteristics of East Pye. Chapter 7, for example, justifies the extent of its visual study area partly on the basis that ‘previous experience of similar types of development’ indicates that a 2 km study area will normally capture significant effects. Chapter 14 similarly states that, because there is no solar-specific socio-economic methodology, its approach is based upon professional judgement, previous experience and good practice.

There is nothing inherently improper about drawing upon professional experience or established methodology. The problem arises if generic assumptions derived from other schemes become substitutes for examining the characteristics of the receiving environment itself.

The landscape threatened by East Pye must be assessed on its own terms. A standard methodology cannot establish that a particular two-kilometre study area captures the effects of a dispersed 1,212-hectare scheme. A standard planting strategy cannot establish that further enclosure is ecologically appropriate within habitat used by open-country birds, or where Countryside Stewardship fields have intentionally created habitat for ground-nesting birds. A generic assumption that solar development is reversible cannot establish restoration where the Applicant assumes that mature planting and permanent grid infrastructure will remain. Nor can the national need for solar generation establish that this particular 500 MW configuration, spread across this particular landscape, represents an environmentally acceptable way of meeting that need.

The design process should therefore be interrogated in the opposite direction from that presented by much of the Environmental Statement. The starting question should not be:

How can a 500 MW East Pye Solar project be fitted into this landscape and its resulting effects mitigated?

It should be:

What form and scale of development, if any, can this landscape accommodate without unacceptable loss of the environmental functions and characteristics which already exist?

That distinction goes to the heart of good design and the mitigation hierarchy. Where significant constraints are identified, the first response should be avoidance and design change, including reduction or removal of development areas where necessary. Screening, management plans, future detailed design and compensation come later. They cannot retrospectively demonstrate that the underlying choice of location, extent and configuration was environmentally appropriate.

This Written Representation therefore asks the Examining Authority to test the Application against one overarching proposition:

Has the Applicant demonstrated a single physically deliverable version of East Pye in which the access strategy, drainage design, landscape mitigation, ecological requirements, heritage protection, soil management, noise mitigation, grid infrastructure, residential protection and decommissioning end state can all coexist within the authorised envelope without creating effects greater than those assessed?

If the answer depends upon different assumptions in different chapters, future design choices which have not been environmentally reconciled, or mitigation measures which solve one problem by creating another, then the Environmental Statement has not yet demonstrated an environmentally coherent Scheme.

That is particularly serious here because the consequence of getting the assessment wrong is not simply a temporary localised impact. It is the potential long-term or even permanent reshaping of an unusually extensive, historically and ecologically important and interconnected rural landscape to accommodate a predetermined transmission-scale ‘temporary’ development.

BEPS submits that this question should sit at the centre of the Examination. The individual objections which follow are not separate complaints about unrelated environmental topics. They are evidence of the same underlying issue: whether East Pye has genuinely been designed around the constraints and carrying capacity of this particular place, or whether the place is being progressively redesigned to accommodate East Pye.

1.1.2 Good design: the appropriate examination framework

BEPS submits that the East Pye Solar Scheme should be examined expressly against the Planning Inspectorate's published **Advice on Good Design for Nationally Significant Infrastructure Projects**, read with section 4.7 of EN-1 (2025).

The relevance of that guidance is direct. The Applicant itself relies upon the Planning Inspectorate's Good Design Advice and states that its Design Approach Document and Design Principles demonstrate how good design has been delivered through the evolution of the Scheme.

The Examination should therefore test that proposition against the criteria which the Planning Inspectorate itself identifies.

The Advice makes clear that good design is not principally an aesthetic exercise. It requires a **holistic approach** which responds to place and takes account of complex environments. A successful design process must be intentional, transparent, iterative, multidisciplinary and deliverable. It must begin with a clear analysis of the context of the place, use environmental information and consultation to inform design choices, explain why those choices were made, and produce an integrated project-wide outcome.

The Advice further states that EIA should inform the design process and that its influence should be clearly articulated, particularly in site and infrastructure appraisal, site selection and alternatives. Where parameters are retained, the assumptions and design principles underpinning those parameters must be clear.

The August 2026 NPPF provides additional contemporary support for that approach. Policy DP3 requires development to respond to the history, character and features of its site and setting, to integrate with and enhance its surroundings and to contribute to nature, movement, compact form and a strong sense of place. Policy DP4 requires design quality to be considered throughout the evolution, assessment and delivery of development and guards against the quality relied upon at consent being materially diminished during subsequent detailed design. Those principles are particularly relevant to East Pye because substantial elements of the final disposition of infrastructure remain within a post-consent design envelope.

1.1.3 The critical distinction: designing for the place or fitting the project into it

This distinction is particularly important for East Pye. The Applicant's own Chapter 5 states that its project-level design principles seek to achieve the Applicant's required levels of energy generation and storage while responding to the local context. It also states that a smaller generating development was not considered further as an alternative. That sequencing requires close examination.

Good design, as defined by PINS, begins with understanding the place, its constraints and opportunities, and allowing that analysis to inform site selection and design evolution. It is not sufficient to establish the required size and technological form of a project first and then seek to accommodate its consequences through buffers, screening, offsets, management plans and later detailed design.

East Pye is proposed across a particularly sensitive and interconnected rural environment. Its historic villages, churches and farmsteads, open agricultural landscape, mature hedgerows, veteran trees, BMV soils, farmland-bird habitat, protected ecological sites, rivers, drainage

systems, dark skies, rural roads and recreational routes are not independent constraints. Together they constitute the place into which the development is proposed.

The question for good design is therefore not simply whether each constraint has been given a mitigation response. It is whether the combined constraints should have resulted in a different development. That may include a different site configuration, removal of particular parcels, relocation of infrastructure, greater avoidance, a materially smaller footprint or, where environmental capacity is exceeded, rejection of development in that location entirely.

1.1.4 Good design requires an integrated solution

The Planning Inspectorate's requirement for an integrated and holistic approach is especially important because East Pye's proposed mitigation measures frequently operate across more than one environmental discipline. Planting introduced to screen development may permanently alter landscape character, heritage setting and open-country bird habitat. An internal haul road introduced to solve a highway objection may affect soils, watercourses, hedgerows, archaeology, cultural heritage setting, and ecological and agricultural receptors. A drainage solution may affect land take, soil, groundwater and aquatic ecology. Noise mitigation may require relocation, barriers or enclosures with corresponding visual, ecological or heritage effects. Retention of mitigation planting after decommissioning may benefit newly created habitats while preventing restoration of the former agricultural and historic landscape.

These interactions are not peripheral to good design. They are precisely why the Planning Inspectorate requires a holistic, multidisciplinary process and an integrated design concept. The Applicant should therefore demonstrate that there is **one environmentally coherent design**, rather than a collection of individual mitigation solutions developed within separate ES disciplines.

1.1.5 Good design must be demonstrated by design evolution

There is also an important difference between mitigation and design. The Applicant records that environmental surveys and consultation resulted in removal or reduction of solar development in some locations. Those are relevant examples of design evolution and should be given appropriate credit. But the Examination must equally identify constraints which did **not** cause the project to change.

For example, the Applicant records that potentially preferable land closer to the Point of Connection was identified but not progressed because the land was not available to the Applicant. It also records that a smaller-capacity Scheme was not considered further. The final Scheme nevertheless remains spread across ten Sites and numerous Sub-Sites and requires approximately 24 km of interconnecting cable corridor.

The PINS good-design test requires more than demonstrating that environmental constraints were mapped. It requires a clear narrative explaining how analysis of those constraints shaped the choices eventually made. Accordingly, for each principal constraint the Applicant should be asked:

What did this constraint actually cause you to change?

If the answer is only a buffer, screening, later management or compensatory habitat, the ExA should ask why avoidance, relocation or reduction was not selected first. Place is an outcome, not merely a receptor

The PINS Advice places particular emphasis upon **place**. It requires a locally contextual design narrative, stewardship of the local landscape, enhancement of local identity and a clear explanation of the quality of place which the completed development will create.

That is a difficult but important question for East Pye Solar**. The Applicant should therefore be required to describe positively the landscape which will exist if the Scheme is built.**

Not simply where panels will be screened, but:

- What will the character of South Norfolk between these villages be?
- What happens to the historic relationship between settlements and their agricultural hinterland?
- What happens to openness?
- What happens to tranquillity and dark skies?
- What becomes of the agricultural identity of the landscape?
- What landscape will walkers and residents experience after the mitigation planting has matured?
- What ecological assemblage will the more enclosed landscape support?
- And what remains after 60 years when the solar equipment is removed but mature landscape mitigation and National Grid infrastructure may remain?

A proposal cannot demonstrate good design merely by reducing the visibility of its infrastructure. The resulting place itself must be coherent.

1.1.6 The examination test

BEPS therefore submits that the Planning Inspectorate's Good Design Advice provides an appropriate framework for examining the Scheme across chapter boundaries.

The Applicant should be required to demonstrate that:

1. the design started from a sufficiently detailed understanding of the particular environmental, historic, agricultural and community context of East Pye.
2. those constraints genuinely influenced site selection, scale and configuration rather than simply influencing subsequent mitigation.
3. consultation and environmental assessment caused identifiable, consistent and material design changes.
4. the design principles resolve competing environmental requirements rather than addressing them independently.
5. the permitted Rochdale Envelope contains at least one physically deliverable design which satisfies all relevant environmental assumptions simultaneously.
6. future design flexibility is sufficiently controlled to prevent later decisions from transferring harm between receptors.

7. the Scheme produces a coherent long-term place rather than relying predominantly upon screening to conceal an industrial development from the landscape in which it has been placed.
8. the proposed post-decommissioning condition is consistent across landscape, ecology, agriculture, heritage and land-use assessments.

The ultimate good-design question is therefore closely aligned with the central question BEPS asks of the Examination:

Has the Applicant demonstrated one integrated, environmentally coherent and deliverable Scheme genuinely designed in response to the particular character and environmental capacity of this area of South Norfolk, or has it sought to reshape that environment to accommodate a predetermined 500 MW development through a series of potentially incompatible topic-specific mitigation measures?

Since this Written Representation was prepared, the National Planning Policy Framework was replaced on 17 August 2026. The Energy NPSs remain the primary policy framework for this NSIP, but the current NPPF is capable of being an important and relevant consideration. It materially reinforces the issues raised in this chapter. In particular, Policy W3 gives substantial weight to relevant energy-security, economic-development and net-zero benefits and states that applicants should not generally be required to demonstrate the overall need for renewable or low-carbon energy development. BEPS therefore does not invite the Examination to impose a separate requirement upon the Applicant to prove generic national need for solar generation. The relevant issue is the weight properly attributable to the benefits of this particular Scheme, the deliverability of the components from which those benefits are said to arise, and whether its particular scale, configuration and environmental effects are acceptable when the NPSs and other relevant policies are applied.

That question should be examined expressly through the Issue Specific Hearing programme and addressed in the Examining Authority's final assessment of good design. ISH1 has materially strengthened this issue. The Applicant confirmed that the Illustrative Masterplan is not the final layout; the number and location of significant 33 kV switch rooms and conversion units remain to detailed design; ancillary operational buildings may be distributed across the Sites; fencing remains subject to further refinement; and material choices remain open concerning project-substation technology and layout. The ExA consequently required further parameters and illustrative material. The good-design question is therefore no longer hypothetical: the Examination must determine whether the DCO secures the design quality relied upon by the Applicant rather than merely an envelope within which that quality is hoped to emerge later.

1.1.7 The Application was required to be environmentally coherent before Examination

There is a key distinction between examining a design and completing one.

EN-1 (2025) requires applications to be ready for examination on submission. The DCO process is front-loaded: Examination should test a coherent, deliverable scheme, not be used to resolve fundamental design deficiencies. At East Pye Solar, many outstanding issues are not minor details but core elements of the physical solution, including access and haul routes, drainage, crossings, plant layout, noise mitigation, ecological measures, lighting, and the interaction of planting with heritage and habitat requirements.

While some flexibility is legitimate, there is a clear difference between refining an assessed scheme and using Examination to find the first environmentally acceptable scheme. If resolving objections requires materially different infrastructure arrangements, the Applicant must demonstrate that a single, internally consistent and fully assessed configuration already exists across all topics.

The Examination should not become an iterative design process. The key question is whether the Application already contains a complete, deliverable solution in which all mitigation measures are mutually compatible.

1.1.8 Residual harm cannot be identified until avoidance and mitigation are exhausted

EN-1 establishes a strict sequence: avoid, reduce, mitigate, then assess residual effects. Only then can CNP policy be applied. At East Pye Solar, national need does not convert avoidable harm into residual harm, and compensation does not reduce the original impact. Before any effect is treated as residual, the Examination should ask whether it could have been avoided through design change—such as site deletion, relocation, alternative routing, or reduced development in constrained areas.

The August 2026 NPPF reinforces that sequencing in particularly clear terms in relation to the natural environment. Policy N2 requires significant biodiversity harm first to be avoided through locating development on an alternative site with less harmful impacts; only where avoidance is not possible does the sequence move through mitigation and, ultimately, compensation. It also requires agricultural land quality and grade to be taken into account and poorer-quality agricultural land to be used where possible. At East Pye those principles are directly relevant because the Applicant's own design history shows that ecological, heritage and agricultural constraints were capable of producing avoidance in some parcels while materially comparable constraints remain within the retained Scheme.

EN-1 does not entitle an applicant to fix capacity and footprint first and then mitigate around them. The correct sequence is: avoid → reduce → mitigate → residual harm → compensation → planning balance (including CNP where applicable)

not: fix scheme → mitigate around it → reclassify remaining harm as residual → rely on CNP.

1.1.9 Precautionary assumptions are not a substitute for avoidance design

Where the Applicant relies on future micrositing or buffers, a precautionary assumption of species or features may be appropriate for assessment, but it is not sufficient for design.

If avoidance depends on location, the Applicant must demonstrate that the location and functional extent of receptors are known with enough precision to ensure avoidance is actually achievable.

It is not enough to assume, for example, that bats, birds, archaeological features or drainage pathways are present somewhere within a broad area and then rely on later refinement to avoid them. This issue was also identified in Lime Down.

The Applicant cannot rely on uncertainty to justify precaution, and then rely on future precision to justify avoidance. Where avoidance is the strategy, spatial certainty is a prerequisite.

1.1.10 The Examination should follow receptors across chapter boundaries

The ES is structured by topic, but effects are experienced by receptors. A single receptor may experience combined effects from multiple chapters: visual change, noise, lighting, traffic, habitat change, and construction disturbance. Individually acceptable effects may combine into a materially different overall experience.

For example:

- Residents may experience visual, noise, lighting, traffic and amenity impacts together.
- Heritage assets may experience combined setting, visual, traffic and construction effects.
- PRoW users may experience continuous exposure to infrastructure, noise, fencing, planting and traffic.
- Ecological receptors may experience habitat loss, edge effects, disturbance and hydrological change together.
- Watercourses may experience cumulative construction and drainage impacts.

The key point is that receptors experience one scheme, not separate ES chapters.

The Examination should therefore assess the combined effect on each receptor, not just the significance of individual topic-based impacts.

This is not standard inter-project cumulative assessment, but internal accumulation within East Pye itself. Without this approach, there is a risk that each chapter appears acceptable in isolation while the overall effect on receptors is never properly assessed.

1.1.11 Selective land removal does not demonstrate a consistently applied mitigation hierarchy

The Applicant relies upon the removal of solar development from a number of parcels as evidence that environmental assessment and consultation materially influenced the Scheme. BEPS accepts that those removals are preferable to retaining development in the affected locations. The difficulty is that the reasons given for removing development in those places recur elsewhere across East Pye, where development has nevertheless been retained.

The issue is therefore not simply whether some land was removed. It is whether the Applicant has applied a **consistent and intelligible threshold for avoidance across the Scheme**.

Chapter 5 provides a particularly clear example at former Sub-Site 3A. Solar infrastructure was removed entirely because of a combination of limited highway access, proximity to Spring Wood Ancient Replanted Woodland and associated bat roosts, part of Spring Wood Hempnall County Wildlife Site, high unexploded-ordnance risk, evidence of a former deer park and the fact that much of the parcel was Grade 2 BMV agricultural land.

Those are legitimate reasons for avoidance. But several of the same classes of constraint remain elsewhere within the Scheme.

Development remains immediately beside or close to ancient woodland and County Wildlife Sites elsewhere in the Order Limits. Site 7, for example, contains development around an exceptionally dense ecological and historic network, including Pope's Wood, D'Oyly's Grove and Saxlingham Grove, together with numerous nearby listed buildings. The Applicant's own design evolution records only partial removal from Sub-Site 7C notwithstanding listed buildings, adjacent residential properties, a PRoW and the need for ecological connectivity with Pope's Wood CWS.

The heritage comparisons are still more revealing.

At Sub-Site 8B, panels were removed from the northern part because Historic England and others raised concerns about elevated land affecting the setting of the Grade II listed Upgate Green Farmhouse. The Applicant describes that removal as necessary to ensure there would be no infringement upon its setting.

Yet development remains at Sub-Site 4B only approximately 45 metres from the Grade I Church of St Michael, 70 metres from the Grade II* Old Rectory and 10 metres from a Grade II listed barn. Site 5 similarly remains approximately 25 metres from the Grade I Church of St Catherine. Site 7 retains development close to numerous listed buildings, including Wood Farmhouse at approximately 30 metres, Grove Farmhouse at approximately 45 metres and several others within 100 metres.

BEPS does not suggest that distance alone determines heritage harm. Topography, orientation, historical association, visibility and the contribution made by setting must all be considered. The point is different: **if heritage sensitivity was sufficient to justify complete or substantial avoidance in one location, the Applicant must explain transparently why equally or more**

highly designated and closely related heritage receptors elsewhere are capable of being addressed merely through buffers, planting or residual assessment.

The same inconsistency arises with residential amenity. At Site 9, development was progressively removed because of effects upon residential properties on Mill Lane and High Green and the relationship with Brooke Conservation Area. Following statutory consultation, panels were removed entirely from the western part of the Site for those reasons.

Yet the final Order Limits retain development extraordinarily close to residential receptors elsewhere: Chapter 3 records dwellings approximately 25 metres from Sub-Site 4B, adjoining or close to Sites 5 and 6, approximately 25–50 metres from Sub-Site 7C, approximately 30 metres from Sub-Site 7D and approximately 15 metres from Sub-Site 7L. The fact that residential proximity prompted avoidance at Site 9 therefore raises an obvious question about the threshold applied elsewhere.

Agricultural land shows the same pattern. Grade 2 BMV land formed one of the reasons for removal of Sub-Site 3A. A discrete Grade 2 parcel close to Ringers Grove was also removed, and removals at Sub-Site 8B and Site 9 happened additionally to remove BMV land.
Those decisions demonstrate that avoiding BMV land was technically possible when the Applicant considered other constraints sufficiently strong. They do not demonstrate a Scheme-wide preference for poorer-quality agricultural land. Large areas of BMV land remain within the final development simply because, elsewhere, that same agricultural constraint has been treated as capable of mitigation or later restoration.

Aviation provides another example of the need for consistency. At Sub-Site 10B, panels were removed from the southern and eastern parts following discussions with Seething Airfield and the Applicant's aviation specialists concerning the consequences of aircraft engine failure. That demonstrates that aviation operational requirements can properly operate as an **avoidance constraint** capable of changing the solar layout. The Examination should therefore scrutinise with equal care the Applicant's response to the materially different but nevertheless substantive operational-safety concerns raised in relation to Tibenham Airfield and Site 1.

These examples matter because isolated land removals can otherwise create a misleading impression of a constraints-led scheme. A design process does not demonstrate effective application of the mitigation hierarchy merely by identifying a handful of locations where development has been deleted. The relevant question is whether the **principle which caused deletion has been applied consistently wherever the same type of constraint occurs**.

Nor is the answer necessarily that every constrained parcel must be removed. Different locations may legitimately produce different outcomes. But where they do, the Applicant should provide the comparative reasoning.

The Examination should therefore require the Applicant to identify, for each material parcel removal:

- the constraint or combination of constraints which triggered avoidance;
- the threshold or professional judgement by which removal was considered necessary;
- every retained development area where the same type of constraint occurs;

- why avoidance was required in the first location but not the second;
- what alternative mitigation is relied upon in the retained location; and
- why that alternative provides an environmentally equivalent or otherwise acceptable outcome.

Without that exercise, the design-evolution record demonstrates **selective avoidance**, not necessarily a consistently applied mitigation hierarchy.

There is a particular risk that the removed areas function as highly visible examples of design responsiveness while the overall scale and configuration of the 500 MW Scheme remain substantially intact. The Applicant's own Chapter 5 states that the project-level design principles are intended to achieve its required levels of energy generation and storage while responding to local context. It is therefore necessary to determine whether environmental constraints were permitted to determine the extent of development, or whether avoidance was applied only where sufficient generating land remained available elsewhere to preserve the predetermined project objective.

That is the distinction between substantive and tokenistic design evolution.

BEPS submits that the Applicant should receive appropriate credit for genuine avoidance where it has occurred. But those examples also establish an evidential benchmark against which the retained Scheme must be judged. If proximity to a heritage asset, residential receptor, ancient woodland, BMV land, flood risk or aviation constraint justified removing panels in one location, the Applicant must explain why materially comparable or more severe constraints elsewhere did not produce the same first-stage response.

Otherwise, the design-evolution exercise does not demonstrate that the environment shaped East Pye. It demonstrates that selected parts of East Pye were adjusted sufficiently to allow the underlying 500 MW Scheme to remain.

1.2 Regional Need and Public Interest (NPS EN-1 §4.2.3; §4.1.2)

National policy establishes a strong need for low-carbon energy infrastructure. The August 2026 NPPF reinforces that position: Policy W3 states that substantial weight should be given to relevant energy-security, economic-development and net-zero benefits and that applicants should not generally be required to demonstrate the overall need for renewable or low-carbon energy development.

BEPS therefore does not contend that the Applicant must prove a separate generic national need for 500 MW of solar generation. The narrower issue is the weight properly attributable to the benefits claimed for East Pye itself. Gate status, regional pipeline evidence and national renewable-energy objectives do not determine whether every component of this Scheme will be delivered as promoted, whether its dispersed configuration represents an environmentally appropriate means of delivering those benefits, whether its associated BESS will become operational on a compatible timetable, or whether claims concerning congestion, curtailment, balancing and consumer benefit are demonstrated by Scheme-specific evidence.

The T7 evidence is relevant for that purpose. It does not establish a statutory cap on further solar development, but it does demonstrate that Gate 2 status should not be treated as evidence of an otherwise unmet regional requirement. BEPS's evidence records approximately 4,015 MW of renewable generation already within the T7 long-term planning pipeline by January 2026, around 96% of it solar, against the 3,300 MW CP2035 Tx+Dx solar modelling envelope. NESO's FOI response records that its Gate 2 "at/over CP2035" assessment used operational capacity only rather than the wider consented and planning pipeline. The significance of that evidence is therefore one of weight and characterisation of Scheme-specific benefit, not a contention that 3,300 MW operates as a legal ceiling.

In T7 (East Anglia), Ofgem RESP/REPD data show approximately **4,015 MW** of renewable generation already in the long-term planning pipeline (in construction, consented or in planning examination by January 2026), of which around **96% is solar**. This already exceeds the CP2035 T7 (Tx + Dx) regional solar modelling envelope of **3,300 MW**.

However, NESO's FOI response confirms that the Gate 2 'at/over CP2035' assessment was conducted using **operational capacity only (552.84 MW at the Gate 2 window close date)** and did not account for consented or in-planning solar capacity. Gate 2 status therefore does not evidence unmet regional need; it evidences compliance with connections-reform criteria based on a narrow operational baseline, and reflects queue reform sequencing rather than spatial system optimisation.

Further, the 13 February 2026 joint industry statement confirms that **formal Gate 2 transmission offers will not be issued until between mid-May 2026 and January 2027**, following further engineering review. At present, East Pye Solar has been **allocated into the Gate 2 cohort**, but has not received or accepted a revised, engineering-confirmed Gate 2 connection offer. Allocation is not equivalent to a binding or deliverable connection agreement.

Where the planning pipeline already meets or exceeds the CP2035 modelling envelope, and where formal connection offers remain subject to ongoing engineering reassessment, further large-scale transmission solar in T7 for 2031 cannot be justified on the basis of regional capacity necessity. Gate 2 allocation does not demonstrate strategic need or confirmed deliverability.

Moreover, East Pye Solar's associated battery storage has secured only **Gate 1**, not Gate 2. This materially undermines any claim that the scheme provides firm flexibility, congestion relief or system balancing in the region. Allocating Gate 2 to generation without secured Gate 2 status for its associated storage increases constraint risk in a region already saturated in planning terms and offers no guaranteed optimisation benefit.

In addition, the scheme's grid connection is dependent upon a **new 400kV substation**, which is entirely scheme-driven and increases engineering complexity. The February 2026 statement makes clear that sequencing of offers will vary based on engineering complexity and scale of reassessment. In those circumstances, the scheme cannot rely on provisional Gate 2 allocation as proof of strategic regional benefit or confirmed grid deliverability.

The evidence does not merely fail to prove that East Pye is uniquely necessary. It positively undermines the Applicant's attempt to derive project-specific necessity from Gate 2 status or from generic national policy. T7 already has a substantial solar pipeline; that pipeline exceeds the published 3,300 MW regional figure relied upon by BEPS; and NESO's Gate 2 regional assessment used operational capacity rather than the wider consented and planning pipeline. The Applicant has therefore not demonstrated any unmet T7 solar requirement which East Pye is needed to satisfy. BEPS does not contend that the 3,300 MW figure is a statutory cap or that Gate 2 status is irrelevant; the point is that neither establishes a project-specific need for East Pye.

The public-interest case required by NPS EN-1 §4.1.2 and §4.2.3 is therefore not demonstrated.

1.2.1Consumer Cost and System Risk (NPS EN-1 §4.1.2)

The absence of demonstrable regional need has direct consumer cost implications. Where planning-pipeline solar capacity in T7 already exceeds the CP2035 modelling envelope, an additional 500 MW transmission-connected solar project requires particular scrutiny as to congestion, curtailment and constraint exposure, because those factors directly affect the useful system value of the additional generation.

The allocation of Gate 2 to generation capacity without secured Gate 2 flexibility or storage capacity compounds that risk. Under NPS EN-1 §4.1.2, decision-makers must have regard to the need to ensure security of supply at the lowest cost to consumers. A scheme which adds generation into an already saturated regional envelope, without secured balancing capability and without a confirmed engineering-backed connection offer, risks imposing avoidable system costs through curtailment and constraint management. EN-1 recognises that security of supply must be delivered at least cost to consumers.

In such circumstances, the claimed system benefit is not demonstrated and the proportionality of environmental, heritage and agricultural harms must be assessed against a materially weakened need case.

The Applicant provides no Scheme-specific evidence demonstrating that East Pye will reduce either consumer bills or whole-system electricity costs. That claim cannot simply be inferred from the generic proposition that solar generation has low marginal costs. The relevant question is whether this particular 500 MW transmission-connected Scheme remains cost-beneficial once the additional transmission infrastructure, new National Grid substation, network reinforcement, balancing requirements, constraint and curtailment costs, BESS charging and round-trip losses, and associated system costs are taken into account. This is particularly important because the Applicant positively asserts that East Pye 'will not cause grid constraints or experience excessive curtailment' at its connection point. That is a project-specific factual assertion and should be evidenced accordingly. The Applicant should therefore disclose the modelling and assumptions underlying it, including the generation profile, relevant network topology and reinforcement dates, competing Gate 2 generation, constraint boundaries, dispatch assumptions, BESS operating strategy, sensitivity years and projected annual curtailment. In the absence of that evidence, the ExA cannot safely give material weight

to affordability as a Scheme benefit. The wider evidence concerning of consumer benefit require scrutiny, but the decisive evidence must come from the Applicant, NESO, Ofgem and National Grid and must demonstrate that East Pye itself produces a net system and consumer benefit rather than merely adding generation and infrastructure costs to an already heavily developed transmission system.

NGET's own Relevant Representation establishes that the final size, design and location of the point-of-connection infrastructure remain undecided; that the wider regulatory and commercial position must first be resolved; and that consent for the Applicant's proposed National Grid Substation would not oblige NGET to use it. The Applicant therefore cannot presently rely upon the proposed Site 1B substation as evidence that East Pye represents an economic, efficient or cost-effective grid connection. Those are precisely the matters NGET says remain to be determined.

1.2.2 Inconsistency with CP2035 Objectives

CP2035 is intended to deliver a secure, cost-effective and balanced electricity system within defined regional envelopes. In T7, the RESP/REPD data show that the planning pipeline already exceeds the 3,300 MW CP2035 (Tx + Dx) solar capacity limit. NESO's FOI response confirms that the Gate 2 'at/over CP2035' assessment was conducted using operational capacity only, excluding consented and in-planning projects.

As a result, Gate 2 allocation does not demonstrate that East Pye is required to remedy an identified T7 solar shortfall or that this particular 500 MW project is necessary to achieve CP2035 objectives; it demonstrates only compliance with connections-reform methodology.

Where:

- The regional planning pipeline already meets or exceeds the CP2035 modelling envelope;
- Formal Gate 2 offers remain subject to ongoing engineering reassessment;
- The scheme depends upon delivery of a new 400kV National Grid substation; and
- The associated battery storage has not secured Gate 2 status;

- it is legitimate to question whether the project is consistent with the core CP2035 objectives of coordinated, cost-efficient and system-balanced deployment.
- On the present evidence, the scheme risks undermining — rather than advancing — CP2035's aims of efficient system design and least-cost delivery.

On the evidence presently available, the Applicant has failed to demonstrate that East Pye is required to meet any identified T7 solar shortfall, that refusal would frustrate the regional pathway, or that the full 500 MW Scheme is necessary in this location. Gate 2 allocation cannot fill that evidential gap because the regional Gate 2 methodology did not take the wider consented and planning pipeline into account (Appendix H).

1.2.3 Congestion, Curtailment and Strategic Positioning Risk

The National Energy System Operator (NESO) has recently warned that 'misalignment between the national wholesale price and locational balancing needs, along with the scale and predictability of congestion, presents significant risks of strategic positioning against constraints,' and that this risk increases where the network becomes more congested. East Anglia is already a structurally constrained transmission region. The T7 (East Anglia) solar pipeline materially exceeds the Clean Power 2035 capacity limit (c. 4,015 MW in the planning/consented pipeline against a 3,300 MW capacity limit), and NSIP-scale transmission-connected solar projects already account for a disproportionate share of regional capacity.

East Pye Solar proposes a further 500 MW transmission-connected scheme in this oversaturated node, reliant on a new 400kV substation and without confirmed Gate 2 BESS flexibility. In these circumstances, approval would add further transmission-connected solar generation into a region already exposed to substantial network constraints, increasing the importance of demonstrating how East Pye's output will be absorbed, stored or exported without materially increasing congestion, curtailment and balancing costs. That outcome is inconsistent with the Clean Power 2030 spatial principle of deploying 'the right projects in the right place at the right time,' and undermines the proportionality balance required under NPS EN-1. Where additional transmission-scale solar materially exacerbates congestion in a region already exceeding system targets, the harms cannot be justified by generic net-zero need.

the Applicant positively asserts that East Pye 'will not cause grid constraints or experience excessive curtailment' at its connection point (statement of Need APP/7.11 Executive Summary, p. 3). That is a project-specific factual assertion and should be evidenced accordingly. The Applicant should therefore disclose the modelling and assumptions underlying it, including the generation profile, relevant network topology and reinforcement dates, competing Gate 2 generation, constraint boundaries, dispatch assumptions, BESS operating strategy, sensitivity years and projected annual curtailment. In the absence of that evidence, the ExA cannot safely give material weight to affordability as a Scheme benefit.

NGET's own Relevant Representation materially weakens the Applicant's claim that East Pye occupies a settled, efficient and low-risk grid position. NGET expressly states that consent for the proposed National Grid Substation would not oblige it to accommodate the Scheme at that substation, that the "wider regulatory and commercial context" must still be worked through before the location can be confirmed, and that the final size, design and location of the connection solution will depend in part on the outcome of other Gate 2 offers. NGET further states that it cannot yet confirm what the final solution will be and that potentially significant additional transmission infrastructure may be required to facilitate East Pye's connection. This is difficult to reconcile with any suggestion that the present Site 1B solution is already demonstrated to be economically efficient, unconstrained or strategically optimal. At best, the Applicant has secured a route to a future connection; it has not established the final network solution, the infrastructure required to deliver it, or the resulting constraint and curtailment consequences. Those uncertainties should substantially reduce the weight attached to

claimed benefits based on assumed grid efficiency, low curtailment and cost-effective strategic positioning.

A further strategic inconsistency arises from the emerging North Anglia Node A connection point on the proposed Norwich–Tilbury transmission reinforcement. The TEC register identifies multiple substantial generation and storage projects with connection arrangements associated with North Anglia Connection Node A. That appears to contemplate a further major 400 kV connection node in South Norfolk on the new transmission infrastructure.

That emerging network configuration materially strengthens the need to scrutinise East Pye's proposed new National Grid Substation at Site 1B. East Pye is promoted as a 60-year 'temporary' solar development, yet the Applicant seeks consent for substantial National Grid infrastructure connecting into the existing 400 kV transmission line, infrastructure which the Applicant itself now accepts may remain after the solar generating station has been decommissioned. At the same time, National Grid appears to be developing a separate strategic connection node on the proposed new transmission line in broadly the same South Norfolk area for multiple future projects.

BEPS does not suggest that the existence of North Anglia Node A necessarily makes East Pye's proposed connection technically impossible or that National Grid can never require more than one substation. The issue is one of strategic necessity, efficiency and proportionality. If a new multi-user 400 kV connection node is already planned on the future transmission network in South Norfolk, the Applicant and NGET should explain why a second new National Grid substation should also be constructed on the existing network at Great Moulton principally to serve East Pye, particularly where East Pye is presented as temporary but the grid infrastructure may remain permanently.

The Examination should therefore require NGET to explain whether North Anglia Node A was considered as part of the connection options for East Pye; whether East Pye could technically connect to that future node or another element of the Norwich–Tilbury reinforcement; what network, programme or cost considerations led to rejection of that option; whether construction of the Site 1B substation remains necessary once the future North Anglia network configuration is taken into account; and whether the permanent infrastructure proposed at Site 1B represents the most economic and efficient long-term network solution rather than a project-specific connection arrangement driven by the timing of East Pye's existing connection agreement.

This is particularly important because NGET has itself stated that the final size, design and location of East Pye's point-of-connection solution remain subject to the wider regulatory and commercial process and that consent for the proposed Site 1B substation would not oblige NGET to use that solution. In those circumstances, the existence of a further planned multi-user connection node in the same part of South Norfolk reinforces BEPS's submission that the strategic necessity, permanence and proportionality of East Pye's proposed National Grid Substation have not yet been demonstrated.

1.2.4 East Pye is one project within the Applicant's much larger development portfolio

The project-specific need case must also be considered in the context of the Applicant's own development portfolio. East Pye is not the Applicant's only prospective contribution to national solar deployment. Island Green Power is a major utility-scale solar developer which is now owned by Macquarie Asset Management. Macquarie states that Island Green Power has a UK pipeline exceeding 15 GW of utility-scale solar and battery-storage projects. Island Green Power's own current portfolio identifies numerous large solar projects in development, including East Pye, The Droves, Lime Down, Green Hill, Humberhead, Arrow Valley and Light Valley, alongside the already consented Cottam and West Burton projects.That context is directly relevant to the weight which should be attributed to assertions of project-specific necessity.

Most importantly, the Applicant is simultaneously promoting **The Droves Solar Farm**, another proposed 500 MW solar project in Norfolk – its DCO application was accepted by the Planning Inspectorate on 16 December 2025.

The Applicant is therefore seeking consent for two separate 500 MW solar NSIPs in Norfolk in the T7 region at broadly the same time: **East Pye and The Droves**. This materially weakens any suggestion that the national need for renewable generation establishes a particular necessity for East Pye. The Applicant is not presenting East Pye as the sole project through which it can contribute to national solar deployment. It is pursuing a portfolio of very large projects, including another 500 MW project in the same county and wider transmission region, as part of a UK development pipeline measured in many gigawatts.

That is important when the Applicant relies upon concepts such as pipeline attrition and optionality. A large development portfolio necessarily creates commercial and system optionality. Some projects may obtain consent, some may be delayed, some may change and some may never proceed. Maintaining multiple prospective projects may therefore be rational from the perspective of the developer or the connections system. But that does not establish that every individual member of the portfolio is necessary. It also does not justify uncertainty for communities or compulsory purchase powers over their land.

Portfolio optionality is not project-specific necessity.

Nor does possible attrition elsewhere establish that the environmental harm of East Pye must be accepted now. The fact that another project might ultimately fail to proceed explains why a developer may wish to preserve multiple options. It does not demonstrate why East Pye must occupy this particular nationally important ecological and historic landscape.

The existence of The Droves makes that distinction particularly acute. If the same Applicant is separately promoting another 500 MW solar NSIP within Norfolk, the Applicant should explain what specific system requirement requires **both** projects, and what identifiable deficit would arise if East Pye were not consented.

It should also explain how the two projects relate to the same wider regional generation pipeline, transmission constraints and CP2035 modelling context. The relevant question is not simply whether each individual project can point to national renewable-energy policy. It is what additional system benefit East Pye provides once the Applicant's own other projects and the wider T7 pipeline are taken into account.

That analysis is especially important because the environmental cost of East Pye is unusually high. The Scheme would extend across ten dispersed Sites within a landscape supporting nationally important bats, multiple barbastelle maternity colonies, ancient woodland, BMV agricultural soils, sensitive water systems, historic conservation villages, ancient churches, listed buildings and substantial admitted landscape effects. The comparison must therefore be project-specific:

What demonstrable public benefit is obtained by consenting East Pye, in addition to the Applicant's other substantial solar projects and the existing regional pipeline, which is sufficient to justify the particular environmental harm of these ten Sites?

The Applicant has not answered that question merely by demonstrating that East Pye is capable of generating 500 MW or that some attrition elsewhere in the national pipeline may occur.

Indeed, Macquarie's acquisition of Island Green Power reinforces the need to distinguish public benefit from commercial portfolio strategy. Macquarie describes Island Green Power as a platform through which it intends to expand its UK renewable-energy activities, while Island Green Power maintains a UK utility-scale solar and storage pipeline exceeding 15 GW. There is nothing improper in that commercial strategy. But the planning system should not equate the commercial value of maintaining multiple development options with proof that each project is environmentally necessary.

The correct conclusion is therefore:

East Pye Solar must justify itself. It cannot derive project-specific necessity merely from the general national need for renewable generation, from the possibility of attrition elsewhere, or from the commercial value of maintaining a large portfolio of prospective solar projects. Possible attrition elsewhere does not establish necessity for East Pye Solar. Unless the Applicant identifies which capacity is assumed to fall away, on what evidence, and what resulting T7 deficit East Pye is required to fill, attrition remains an assumption rather than a project-specific need case.

That is particularly relevant where the Applicant is simultaneously promoting another 500 MW solar NSIP in Norfolk and has a UK utility-scale solar and storage pipeline exceeding 15 GW. The greater the availability of alternative projects within the Applicant's own portfolio and the wider national pipeline, the more important it is to demonstrate why the exceptional environmental cost of East Pye must be incurred in this particular landscape.

1.3 BESS undeliverability

East Pye Solar's claimed deliverability is materially undermined by the instability and asymmetry of its grid position. The project's transmission-connected solar element is in the Gate 2 queue with an indicative 2031 connection date (but no firm offer), yet its co-located BESS – which industry experts have acknowledged is essential to the commercial viability of large NSIP solar in congested transmission regions – remains only in the Gate 1 queue.

Recent reporting on NESO's revised connections timetable confirms ongoing delays, rerunning of engineering studies, and heightened uncertainty across transmission zones, together with no clear pathway for non-protected BESS projects to secure new capacity under the reformed queue. In that context, East Pye's storage element cannot be treated as secured or deliverable, and without firm storage capacity the scheme faces exposure to curtailment, congestion and revenue volatility in an already oversubscribed region. The project is therefore grid-dependent, storage-dependent and timetable-dependent on a reform process NESO itself describes as uncertain.

This materially weakens the claim that there is a reasonable prospect of implementation or a compelling case in the public interest, and strengthens the need for the Examining Authority to scrutinise deliverability, funding realism and financial security with particular care.

Under NESO's Connections Reform process, Gate 2 capacity has been prioritised for projects demonstrably aligned with Clean Power 2030 and already sufficiently advanced. Gate 2 Phase 1 offers (to 2030) have largely been issued to 'protected' or strategically aligned projects, and Gate 2 Phase 2 offers (covering 2031–35) are scheduled for issuance during 2026–27. However, industry reporting on the Gate 2 to Whole Queue outcomes confirms that battery storage is heavily oversubscribed, with only a subset of projects securing Gate 2 status and very limited headroom remaining within the 2035 planning window. Large volumes of storage schemes were reduced to Gate 1 only, with no defined timetable for a further application window under the enduring regime. In that context, East Pye Solar's BESS — which currently holds only Gate 1 status and is located within an already saturated T7 transmission region — cannot reasonably demonstrate a realistic prospect of securing a Gate 2 offer before 2035, if at all. Without Gate 2 allocation, the BESS lacks confirmed transmission capacity and therefore cannot be treated as deliverable under NPS EN-1 requirements that projects demonstrate a credible grid connection and implementation pathway. The project's reliance on unconfirmed future Gate 2 capacity renders the claimed flexibility, congestion mitigation and system-balancing benefits speculative rather than secured.

The position of the proposed 500 MW BESS is materially different from that of the solar generating element. The solar element has progressed through Gate 2, whereas the BESS remains at Gate 1. The issue is therefore not whether battery storage has generic national value, but whether the particular East Pye BESS has a demonstrated route to connection and whether the integrated solar-plus-storage benefits attributed to the Scheme are reasonably capable of being delivered.

The regional position is highly constrained. NESO's February 2026 EIR response records 784 MW of T7 Gate 2 battery capacity for the first relevant period and 927.6 MW for 2031–35, giving 1,711.6 MW in total, against connections-reform allocations of 200 MW and 200 MW respectively. Existing Gate 2 battery capacity is therefore approximately 4.28 times the combined 400 MW T7 allocation. NESO expressly identifies significant battery oversupply and records a further 4,283.1 MW of T7 Gate 1 battery projects which did not satisfy the relevant Gate 2 strategic-alignment or protection requirements.

NESO's June 2026 methodology expressly states that, where an application relies upon ordinary CP2030 capacity alignment in a technology zone oversupplied both zonally and nationally, NESO may determine that the relevant project technology stage has failed Strategic Alignment before detailed checks or queue formation. That provision does not apply where the project instead benefits from a protection or Project Designation.

This is directly relevant to East Pye because its BESS remains Gate 1 in a materially oversupplied T7 battery zone, while no applicable protection or designation has been identified.

The wider national position is also material. Ofgem's September 2026 evidence indicates that operational and prioritised battery capacity substantially exceeds projected 2035 system requirements. That does not mean that every additional battery project is unnecessary, but it makes the route by which a further Gate 1 project is expected to enter the prioritised queue a material project-specific question.

NESO's protection methodology is particularly important. Projects which progressed through the connections reform process under specified protection clauses may receive Gate 2 despite zonal permitted capacity having been exceeded. East Pye is not in the same position as earlier protected projects merely because its solar element has Gate 2. NESO's methodology expressly allows the protected and unprotected elements of hybrid projects to be treated separately.

For staged or hybrid projects, the methodology expressly provides that if one stage or technology meets the Gate 2 Strategic Alignment Criteria and another does not, only the qualifying stage or technology receives Gate 2. The solar element's Gate 2 status therefore does not itself confer Gate 2 upon the BESS.

East Pye's DCO application was not submitted until 2026. It therefore cannot satisfy the planning-submission date required for Protection Clause 3a, and it was likewise not submitted and validated by the earlier date required for Clause 3b. Protection Clause 2b remains theoretically available only if the BESS obtains one of the qualifying support or procurement arrangements specified by NESO. No evidence presently identified by BEPS demonstrates that East Pye BESS holds such an arrangement.

NESO's published connections-reform position is that there is presently no ordinary permitted capacity for additional batteries in future windows unless a project qualifies through an applicable protection route, more than approximately 55 GW of existing Gate 2 battery capacity exits the pipeline, or future strategic planning materially increases permitted battery capacity. Project designation provides a further exceptional route in qualifying circumstances, but the Applicant has not demonstrated that East Pye satisfies the current designation criteria.

The correct examination question is therefore not whether Gate 2 is legally impossible. It is: **what presently identifiable route does the Applicant rely upon for this particular 500 MW Gate 1 BESS to become connected and operational, and on what timetable?**

That question is material because East Pye is promoted as an integrated solar-plus-storage project. The Examination should distinguish between physical co-location within the same DCO and electrical and temporal co-deliverability. The presence of the BESS within the Order Limits does not establish that it will connect, commission or operate contemporaneously with the solar generation.

The Applicant should therefore identify and assess the reasonable implementation scenarios permitted by the DCO, including solar becoming operational materially before the BESS, delayed or reduced BESS, a differently configured BESS, and solar proceeding for all or a substantial part of its operational life without Work No. 2. For each scenario it should identify which claimed benefits remain, which are deferred or lost, and whether the environmental assessment, electrical design, replacement assumptions and DCO controls remain robust.

The benefits attributed to East Pye should correspondingly be disaggregated. The solar-generation benefit is available if the solar element proceeds, but flexibility and balancing benefits attributed to the BESS depend upon the storage component obtaining a connection and becoming operational. Claimed co-location benefits depend upon both elements operating on compatible timescales. Claimed reductions in curtailment require evidence that the BESS will actually be connected when required and can operate in the manner assumed. Wider system-cost or consumer benefits attributed to storage cannot simply be inferred from the inclusion of a BESS within the DCO.

The weight given to those claimed benefits should therefore reflect the demonstrated deliverability of the BESS rather than its physical inclusion within the application.

1.4 Deliverability Challenges of large-scale standalone solar

Industry evidence from the UK solar sector further underscores the systemic economic and deliverability challenges posed by large-scale standalone solar in a congested market. According to a Solar Power Portal article discussing outcomes from the Solar Finance & Investment Europe summit, ‘Panellists agreed that standalone solar is becoming more challenging. Folgado said returns are tightening as cannibalisation and negative pricing increase. ‘Solar co-located with batteries makes sense,’ he said. ‘Standalone solar is much tougher.’’ This admission from market participants confirms that as transmission-connected solar capacity proliferates and cannibalisation effects intensify, standalone solar projects face materially reduced economic returns and heightened risk of negative pricing. In the context of the Clean Power 2030 pipeline and **gate-based grid access reforms**, such realities further diminish the justification for advancing new standalone solar capacity in this region, particularly where congestion, curtailment, and negative wholesale pricing already undermine revenue certainty and project deliverability.

This market evidence is relied upon only as contextual evidence of the importance of storage, curtailment and revenue cannibalisation to the deliverability of large-scale solar. It is not relied upon as proof that East Pye itself is commercially unviable.

1.5 Negative Pricing

The experience in Spain demonstrates that very large volumes of solar capacity can create system-level problems where deployment runs ahead of grid capacity, storage, flexible demand and locational need. The result is not simply cheaper electricity, but increasing negative-price periods, curtailment, distressed asset values and pressure for further network and storage investment. This is directly relevant to the planning balance for East Pye Solar, because the applicant relies heavily on a generic national need for solar generation, while failing to demonstrate a specific regional or locational need for this scheme, or that its co-located storage will be available in time to make the solar generation genuinely useful to the system.

The Secretary of State should therefore be cautious about treating nameplate solar capacity as equivalent to deliverable public benefit. The relevant benefit is not the theoretical maximum output of the panels, but the extent to which the electricity can be absorbed by the grid, stored, exported, or matched to demand at the time it is generated. Where grid connection, storage, curtailment and regional need are uncertain, the public benefit should be reduced accordingly in the planning balance.

BEPS does not contend that the Spanish market provides a direct forecast for Great Britain. The comparison illustrates the general system consequence of adding large quantities of coincident solar output without equivalent network, storage and demand flexibility. The Scheme-specific issue remains whether East Pye's claimed curtailment, balancing and consumer benefits are supported by evidence for T7 and by a deliverable BESS.

1.6 Compulsory Acquisition and Protected-Species Licensing: Consequences of Unproven Locational Necessity

1.6.1 Compulsory Acquisition – No Compelling Case in the Public Interest

Under **Planning Act 2008 s122(3)**, compulsory acquisition powers may only be granted where there is a **'compelling case in the public interest.'** This is a high statutory threshold. The Secretary of State must be satisfied that:

- There is a compelling case in the public interest for the land to be acquired;
- The interference with private rights is proportionate; and
- The public benefits clearly outweigh the private harm.

NPS EN-1 §4.1.2 and §4.2.3 require a compelling public-interest case linked to national need. Where regional solar capacity in T7 already meets or exceeds the CP2035 modelling envelope (as evidenced by RESP/REPD pipeline data), and where Gate 2 status reflects queue methodology rather than unmet regional need, that compelling case is materially weakened.

Compulsory acquisition would:

- Permanently interfere with agricultural land interests;

- Override landowner rights;
- Sterilise Best and Most Versatile land;
- Impact private water supplies, fibre infrastructure and farming businesses.

The T7 evidence does not by itself determine the section 122 question. Its relevance is to the weight and certainty of the public benefits relied upon by the Applicant. The section 122 test remains whether the particular land or interest is required for the development and whether there is a compelling case in the public interest for its compulsory acquisition. Where material components of the Scheme remain optional, severable or dependent upon unresolved connection arrangements, and where the benefits attributed to those components remain contingent, that uncertainty is relevant to whether the particular compulsory powers sought have been justified.

The compulsory-acquisition case must therefore be made plot by plot and interest by interest against the Scheme actually capable of proceeding. Generic national renewable-energy policy cannot by itself establish why permanent freehold, rather than a lesser right or temporary interest, is necessary over a particular parcel.

1.6.2 European Protected Species licensing – no satisfactory alternative and unresolved favourable-conservation-status test

East Pye Solar engages European Protected Species licensing principally because of its potential effects on bats, including barbastelle, and potentially other species such as great crested newt. White-clawed crayfish are subject to separate statutory protection and conservation duties but should not be described as a European Protected Species for the purposes of this licensing test.

Under Regulation 55 of the Conservation of Habitats and Species Regulations 2017, a licence affecting a European Protected Species may be granted only for one of the purposes specified in Regulation 55(2) and only where the licensing authority is also satisfied that there is **no satisfactory alternative** and that the authorised action **will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range**. Natural England describes the three licensing tests in equivalent terms: the activity must be for an eligible purpose, there must be no satisfactory alternative causing less harm, and the activity must not harm the long-term conservation status of the species.

For development of this kind, the Applicant may seek to rely upon the public-interest purpose within Regulation 55(2). That is distinct from the separate Habitats Regulations Assessment derogation regime for European sites, under which IROPI forms part of the alternative-solutions/IROPI/compensation sequence. The two regimes should not be conflated.

The decisive difficulty for East Pye is therefore not an abstract assertion that renewable energy cannot serve a statutory purpose. It is whether the Applicant can demonstrate, on the evidence of this particular Scheme, both that there is **no satisfactory less-damaging alternative** and that the Scheme will not adversely affect the favourable conservation status of the protected species concerned.

The first of those questions is especially important because the Applicant has not demonstrated that this particular 500 MW development must occupy this particular landscape. Chapter 5 of this Written Representation shows that the broad project scale was fixed before full environmental optimisation; that the land search was substantially shaped by land availability and grid opportunity; that smaller configurations were not meaningfully pursued; and that the Applicant has not demonstrated a South Norfolk-specific or T7-specific necessity for the whole retained Scheme.

That matters directly to the 'no satisfactory alternative' test. The relevant alternatives are not confined to minor micrositing around individual roost trees after the Scheme has already been fixed. They include materially less damaging layouts, removal of development from the most important maternity-colony support landscapes, reduction in scale, alternative routing and, where necessary, alternative locations.

The Applicant's own design history confirms that removal of development is technically possible where it is judged necessary. Development has been deleted or reduced in response to ancient woodland, bat, heritage, BMV, residential and aviation constraints in some locations while materially similar constraints remain elsewhere. That makes it particularly important for the Applicant to demonstrate why avoidance of protected-species habitat elsewhere is not a satisfactory alternative.

The favourable-conservation-status test is still more problematic.

The Applicant's own surveys identify the bat assemblage across the Order Limits as being of **national importance**. Barbastelle was recorded throughout the Scheme, with extensive activity across the development landscape. The Applicant also identifies multiple maternity colonies and accepts that the Order Limits lie within overlapping Core Sustenance Zones.

The Norfolk Barbastelle Study Group has since provided further evidence confirming a maternity colony at Little Wood and indicating probable additional maternity colonies at Brooke Wood and Lower Spring Wood. Critically, the Study Group states that further radiotracking and woodland assessment are required before the full distribution and functional habitat use of the maternity-colony network can be established.

The present problem is therefore evidentially fundamental. The Applicant is asking the decision-maker to proceed before the full maternity-colony baseline, principal commuting routes, foraging areas, alternative roost networks and functional relationships between overlapping colonies have been established.

That uncertainty cannot properly be treated as evidence that favourable conservation status will be maintained.

The relevant receptor is not simply an individual roost tree. The evidence indicates a landscape-scale barbastelle metapopulation dependent upon interconnected woodland, mature hedgerows, tree lines, dark corridors, ponds, streams and agricultural foraging habitat. The Scheme would introduce panel arrays, fencing, lighting, access works, repeated hedgerow crossings, substations, cable corridors, construction disturbance and long-term habitat change across that functional landscape.

Natural England has itself emphasised, in another Norfolk bat case, that the developer must demonstrate both that there is no satisfactory alternative and that the conservation status of the bats will not be negatively affected. Those tests require evidence, not an assumption that later licensing will resolve the problem.

A future EPS licence application therefore cannot be treated as routine post-consent administration. Before development consent is granted, there must be a sufficiently robust evidential basis for concluding that any necessary licence has a realistic prospect of being granted. At East Pye, that requires a substantially clearer understanding of the protected-species population and its functional habitat than is presently available.

The Applicant's reliance upon generic buffers, future management plans, retained hedgerows and later protected-species licensing does not answer either statutory question. Retention of habitat features does not prove that they will remain functionally usable; nor does habitat creation elsewhere demonstrate that disruption of established maternity-colony support habitat will leave the population at favourable conservation status.

The consequence is not that BEPS must prove now that an EPS licence could never be granted. The burden is narrower. The Applicant must demonstrate a sufficiently evidenced and realistic licensing pathway before consent is granted. On the present evidence, it has not done so.

The position is especially serious because the outstanding information is capable of changing the Scheme itself. Further radiotracking may identify principal commuting routes, foraging areas or maternity-colony support habitat requiring additional avoidance or deletion of development. Once the DCO has fixed the development envelope and compulsory powers, later survey cannot provide the same opportunity for genuine avoidance.

The correct conclusion is therefore:

East Pye has not yet demonstrated that there is no satisfactory less-damaging alternative to development affecting the nationally important barbastelle landscape, nor that the Scheme can proceed without detriment to the maintenance of the affected populations at favourable conservation status. Those are statutory licensing questions, not matters that can safely be assumed away through future mitigation. Until the maternity-colony and functional-habitat baseline is sufficiently complete to answer them, the protected-species licensing pathway remains materially uncertain and the Application is premature.

1.6.3. Proportionality and the separate statutory tests

Both compulsory acquisition and EPS licensing involve significant interference with private rights and protected ecological interests. In public law terms, such interference must be proportionate. If:

- The CP2035 regional envelope is already met;
- Gate 2 allocation does not demonstrate unmet need;
- The associated battery storage lacks secured Gate 2 status and may be undeliverable;

- The scheme increases congestion risk in an already saturated region;

then the incremental public benefit of this particular scheme is marginal at best. In those circumstances:

- The proportionality balance shifts;
- those uncertainties materially affect the weight and evidence available when the relevant statutory tests are applied.

Where materially less damaging alternatives have not been adequately considered, or where the component said to justify land acquisition or environmental interference is not shown to be deliverable, those uncertainties bear upon the relevant statutory test.

1.6.4. Conclusion

Compulsory acquisition powers and EPS licences are not routine planning tools; they are exceptional legal mechanisms justified only by demonstrable public necessity.

Where:

- Regional solar capacity consented or ahead of it in Planning already meets or exceeds CP2035 capacity limits;
- Gate 2 allocation does not evidence unmet need;
- Engineering-confirmed connection offers have not yet been issued;
- Associated storage lacks secured Gate 2 status;
- The scheme is promoted for ‘optionality’ and in case of ‘attrition’

the scheme cannot demonstrate a compelling case in the public interest. The Applicant must satisfy the relevant statutory tests on their own terms, using the actual Scheme and the alternatives reasonably available to it. Generic national renewable-energy need does not answer whether a particular land interest is necessary under section 122, nor whether a less damaging satisfactory alternative exists for the purposes of any required EPS licence.

1.7 Availability of Alternative Regions with Unmet Capacity Envelopes

National renewable energy need is not geographically fixed to a single transmission region. Electricity generated at transmission level is distributed across the national network. Accordingly, large-scale transmission-connected solar projects are not inherently constrained to any one region unless there is demonstrable regional capacity necessity.

Publicly available CP2035 modelling identifies regional capacity envelopes for transmission and distribution (Tx + Dx). In T7 (East Anglia), the long-term planning pipeline already exceeds the 3,300 MW modelling envelope when consented, in-construction and in-examination projects are taken into account (as if Jan 2025). By contrast, other transmission regions remain below their respective modelling envelopes.

This establishes two uncontested propositions:

1. Solar deployment is regionally uneven;
2. Additional transmission-connected solar capacity is not uniquely required in T7 in order to meet national objectives.

Where some regions remain below their modelling envelopes, while T7 exceeds its envelope in planning terms, it follows that large-scale solar generation is capable of being delivered elsewhere without adding to cumulative saturation in T7.

This is not an argument that renewable generation is unnecessary. It is an argument that the applicant has not demonstrated why this scale of transmission-connected development must be located in a region where the modelling envelope is already met or exceeded by projects already consented or in planning by January 2026 according to T7 tResp.

In a nationally networked electricity system, the rational and proportionate approach to deployment is to direct additional large-scale infrastructure toward regions where modelling envelopes have not yet been met, particularly where doing so would avoid cumulative environmental, agricultural and heritage harm in already saturated areas. Accordingly, there is no locational necessity inherent in T7 unless regional capacity deficiency is demonstrated.

In the absence of evidence that T7 requires additional large-scale transmission solar to meet national targets, the applicant has not demonstrated why the project could not, and should not, have been brought forward in an alternative transmission region where capacity remains below modelling thresholds. T7 is primarily designed to facilitate the transmission of offshore wind – this is why it has relatively low solar 'capacity limits' (NESO's terminology). Offshore wind will prioritised, causing excess solar to be constrained.

Conclusion

The question is not whether the UK requires renewable energy. It does. The question is whether this particular 500 MW transmission-connected scheme, in an already oversubscribed and highly constrained transmission region, represents a proportionate, cost-efficient and strategically necessary deployment. On the present evidence, it does not.

1.8 Grid Capacity, Gate 2 Allocation and Deliverability Failure

East Pye Solar cannot demonstrate regional necessity or secured grid deliverability. The T7 transmission region already contains approximately 4,015 MW of renewable generation within the planning and long-term pipeline, materially exceeding NESO's CP2035 T7 (Tx + Dx) capacity limit of 3,300 MW. NESO has confirmed that its oversubscription assessment for Gate 2 allocation was based on operational capacity (c.552.84 MW) rather than pipeline capacity. Accordingly, the fact that East Pye has received Gate 2 status for its generation component does not demonstrate alignment with regional need under Clean Power 2030 or CP2035; it reflects a methodological approach that disregarded already consented and pipeline schemes.

Gate 2 allocation is therefore not evidence of necessity. It cannot itself establish an unmet regional solar deficit, project-specific locational necessity, or that East Pye is uniquely required. That distinction is decisive. Gate 2 demonstrates progression through the connections process under the methodology NESO applied. It does not answer the planning question whether a further 500 MW solar NSIP is needed in T7 in excess of the regional capacity limits, whether refusal of East Pye would create any regional shortfall, or why this particular Scheme should be located in this highly constrained landscape.

Industry evidence further confirms that additional standalone transmission-connected solar in saturated regions is economically and systemically problematic. As reported in Solar Power Portal:

'Panellists agreed that standalone solar is becoming more challenging. Folgado said returns are tightening as cannibalisation and negative pricing increase. "Solar co-located with batteries makes sense," he said. "Standalone solar is much tougher."'

This admission from market participants demonstrates that excess transmission-connected solar increases cannibalisation and negative pricing, heightens curtailment risk, and reduces effective system value. In an already oversubscribed region, additional large-scale standalone solar risks exacerbating congestion and constraint payments, transferring costs to consumers while delivering diminishing marginal benefit.

Crucially, East Pye's BESS does not hold Gate 2 status. Under NESO's Connections Reform process, Battery storage has proven heavily oversubscribed, with only a subset of projects securing Gate 2 offers in the 2030–2035 window. Large volumes of BESS schemes have been reduced to Gate 1 only, and no defined timetable exists for additional Gate 2 application windows under the enduring regime. In that context, East Pye's BESS — located within an already saturated T7 transmission region — cannot demonstrate a realistic prospect of securing Gate 2 allocation before 2035, if at all.

Without Gate 2 allocation, the BESS lacks confirmed transmission capacity and cannot be relied upon to mitigate congestion, smooth output, or address cannibalisation effects. The project therefore functions, in practical terms, as a standalone transmission-connected solar scheme in an oversaturated region — precisely the project type identified by industry itself as 'much tougher' under current market conditions.

At a Solar Power Portal webinar in January 2026, analyst Josh Cornes said: 'There are a lot of projects that are unfeasible without both solar and BESS, wind and BESS co-location, and because NESO haven't looked at them as one project, they've looked at them as two different things, they've given Gate 1s to mainly BESS and Gate 2 to the solar side of things, but obviously without the BESS, the solar can't be built … these projects just aren't feasible without both technologies.'

(https://www.solarpowerportal.co.uk/solar-planning/video-what-does-grid-connection-reform-mean-for-uk-solar-and-bess-developers).

Under **NPS EN-1 (2023)**, nationally significant infrastructure must demonstrate a compelling case in the public interest and a credible pathway to delivery. A scheme that:

- Exceeds regional planning capacity limits,
- Increases congestion in a saturated transmission zone,
- Faces tightening economics due to cannibalisation and negative pricing, and
- Relies on speculative future Gate 2 capacity for its storage component

cannot demonstrate secured system need, locational necessity, or deliverability. The claimed 500 MW public benefit is therefore not equivalent to 500 MW of reliably delivered or economically efficient capacity.

In these circumstances, the extensive environmental, heritage, ecological and community harms identified elsewhere in this objection cannot be justified as proportionate to any demonstrable regional system requirement.

The Applicant cannot place generic national renewable need on one side of the balance and the specific environmental harms of East Pye Solar on the other. The relevant benefit is the demonstrated public benefit of East Pye Solar itself. On the present evidence, no specific T7 deficit requiring East Pye has been identified

1.9 Deliverability Risks

In addition to the above deliverability risks, East Pye Solar faces multiple, interconnected others, arising from the exceptionally constrained site it has chosen. Most of the land parcels are impacted by several of these constraints at the same time. These are minimised in the chapter-by-chapter structure of East Pye Solar's own application, but patently evident from the land-parcel specific written representations made by BEPS/affected Parish Councils.

1.9.1 Deliverability Risk: European Protected Species Licensing

East Pye Solar faces a material protected-species licensing risk because the Scheme lies within the functional landscape of a nationally important bat assemblage, including multiple barbastelle maternity colonies and overlapping Core Sustenance Zones. The Applicant's own surveys establish widespread barbastelle activity across the Order Limits, while the Norfolk Barbastelle Study Group considers further radiotracking and woodland survey necessary before the maternity-colony network and its functional habitat use are fully understood.

Where works risk an offence affecting European Protected Species, any necessary licence must satisfy the statutory tests, including no satisfactory alternative and maintenance of the species at favourable conservation status. The issue for the DCO Examination is therefore whether there is a sufficiently robust evidential basis to conclude that any required licence has a realistic prospect of being granted.

At present, that confidence is not established. The Applicant has not yet demonstrated the complete distribution of maternity colonies, the principal commuting and foraging

routes, or the cumulative effects of development across overlapping colony landscapes. Nor has it demonstrated why less damaging alternatives—including deletion, relocation or reduction of development within important supporting habitat—are unavailable.

The licensing issue should therefore not be deferred on the assumption that later survey and mitigation will resolve it. Further survey may identify habitat whose importance requires avoidance or materially different design. That information is relevant now, before the development envelope is authorised.

The correct conclusion is not that an EPS licence can never be granted. It is that, on the present evidence, the Applicant has not demonstrated a sufficiently secure licensing pathway to enable the Scheme's deliverability to be assumed.

1.9.2 Deliverability Risk: Water Environment and WFD Compliance

East Pye Solar raises a material WFD and water-environment risk because substantial parts of the Scheme are hydrologically connected to the River Tas, Hempnall Beck and associated ditch and groundwater systems. The Environment Agency continues to identify unresolved matters concerning groundwater, watercourse crossings, piling, cabling, pollution prevention, fisheries, aquatic ecology and private and public water supplies.

The relevant question is not whether BEPS can prove in advance that WFD deterioration will occur. It is whether the Applicant has provided sufficient evidence to enable the competent authority to determine, with appropriate confidence, that the authorised Scheme will comply with the applicable no-deterioration and waterbody-objective requirements.

That has not yet been demonstrated.

Important components of the hydrogeological case remain dependent on future investigation, including Foundation Works Risk Assessments and potentially HDD-specific hydrogeological assessment. The aquatic baseline has also been affected by dry survey conditions and incomplete species evidence.

The consequence is therefore evidential and regulatory: the Applicant has not yet closed the pathway by which piling, trenching, HDD, drainage change, sediment mobilisation or pollution could affect connected waterbodies. Until it does so, the Examining Authority should not assume that WFD compliance or the claimed negligible residual water effects are secured.

If the outstanding evidence ultimately demonstrates a risk of prohibited deterioration that cannot be avoided or brought within the applicable regulatory framework, that would constrain consent. At present, however, the immediate problem is that the evidence required to reach the necessary conclusion is incomplete.

1.9.3 Deliverability Risk: Private Water Supplies and Aquifer Protection

The Scheme affects Principal Aquifer areas and lies close to clusters of private water supplies. The Environment Agency has repeatedly required greater clarity regarding abstraction locations, groundwater pathways, piling, underground cables, contamination and private and public water supplies.

The Applicant therefore needs to demonstrate that construction and operation will not create unacceptable risks to drinking-water receptors through preferential pathways, contamination mobilisation, altered recharge, transformer oil, BESS-related pollutants or contaminated firewater.

On the present evidence, that demonstration is incomplete. In particular, the available material does not provide a receptor-specific hydrogeological assessment for every potentially affected supply showing abstraction depth, aquifer unit, hydraulic connectivity, flow direction and relevant pollutant pathways.

The correct conclusion is not that any theoretical risk to a private supply makes the Scheme unlawful. It is that the DCO should not proceed on an assumption of negligible effect where the receptor and pathway evidence required to support that conclusion remains incomplete.

Where a private drinking-water supply could be affected, avoidance and protection must be demonstrated before consent or secured through sufficiently precise controls. If an acceptable protective solution cannot be demonstrated for a particular location or activity, that element of the Scheme should be redesigned or removed.

1.9.4 Deliverability Risk: Major Accidents and Disasters – Site 1 Infrastructure Cluster

Site 1 combines a proposed National Grid 400 kV substation, a 400 kV project substation and BESS infrastructure within a sensitive rural and hydrogeological setting. That concentration creates credible accident and pollution pathways involving transformer oil, battery fire, contaminated firewater, emergency access and potential interaction with surrounding receptors.

The Environmental Statement must therefore demonstrate that reasonably foreseeable major-accident scenarios have been adequately assessed and that the design and DCO controls are capable of reducing the resulting environmental effects to an acceptable level.

At present, important engineering parameters and emergency arrangements remain dependent on later design. The Environment Agency has required further detail concerning BESS and substation pollution control, and Norfolk Fire and Rescue has raised matters concerning emergency response.

The issue is not that the presence of BESS or 400 kV infrastructure itself prevents consent. It is that the Applicant cannot rely on a conclusion of negligible or not significant effect until the relevant containment, drainage, access and emergency assumptions are sufficiently defined and secured.

If those matters cannot be resolved within the assessed envelope, the infrastructure cluster would require redesign. Until they are resolved, the claimed residual safety and pollution effects remain mitigation-dependent rather than established.

ExQ1 has now independently required the Applicant to explain why aspects of BESS fire safety remain dependent upon later assessment and design. That reinforces BEPS's existing point that a future safety-management plan cannot substitute for establishing at examination stage that the authorised configuration has an acceptable maximum-case risk profile.

1.9.5 Deliverability Risk: Aviation Safeguarding and Glint/Glare

Site 1 lies within the operational environment of Tibenham Airfield. Norfolk Gliding Club continues to raise substantive concerns regarding glint and glare, thermal effects, engine-failure emergency landing and bird-strike risk, and argues that the Applicant's assessment does not adequately reflect actual gliding and powered-aircraft operations.

These concerns require resolution because aviation safety cannot be reduced to an ordinary visual-amenity issue.

The correct examination question is whether the Applicant has demonstrated, on the final layout and infrastructure parameters, that the Scheme can coexist safely with actual Tibenham operations and that any necessary mitigation is effective and secured.

Where significant design changes have occurred since earlier aviation work—including changes to substation voltage, height and grid infrastructure—the Applicant should demonstrate that the final worst case has been assessed.

The existence of an unresolved aviation objection does not itself prove that consent is legally impossible. It does mean that the Examining Authority should not assume the aviation case is closed while the airfield operator continues to identify credible safety mechanisms that it says have not been adequately assessed.

If those concerns cannot be resolved through evidence or design change, that would become a serious constraint on the acceptability and deliverability of Site 1.

ISH1 materially widened the aviation issue beyond glint and glare. The ExA required the Applicant to identify which aviation effects had been scoped out and why, and to provide a standalone aviation-safety document addressing the wider operational issues raised during the hearing. The examination issue now expressly includes emergency

landing/EFATO considerations, glider launch, obstacles and other operational interactions, not merely reflected sunlight.

1.9.6 Deliverability Risk: Heritage Harm and Setting

East Pye lies within a dense historic landscape containing Grade I, Grade II* and Grade II listed buildings, conservation areas and historic settlement patterns whose significance is in part derived from rural setting, openness and long-established relationships with surrounding farmland.

The statutory heritage duties require the decision-maker to give considerable importance and weight to the preservation of listed buildings and their settings. The planning balance must therefore address the actual degree of harm identified, not treat Chapter 20's 'not significant' EIA label as determinative.

Historic England accepts that the Scheme changes the settings of designated assets and that residual harm may remain after mitigation. It also identifies cumulative interaction with Tasway and incomplete archaeological evaluation as requiring further consideration.

The current draft should not speculate that substantial harm is likely unless the evidence supports that conclusion for a particular asset. The stronger argument is that even less-than-substantial harm must be given the statutory weight required, and that screening cannot necessarily restore the historic openness or landscape relationships which contribute to significance.

The heritage issue therefore becomes consent-limiting where, after proper weighting of the harm, the public benefits of this particular Scheme do not justify it. That conclusion must be reached asset by asset and cumulatively, not assumed from a generic EIA significance category.

The independent HIA identifies harm from the principal built development to 36 designated assets and harm to 41 designated assets overall once associated road and abnormal-load works are included.

1.9.7 Deliverability Risk: Construction Access and Abnormal Indivisible Loads

The transport case is different because some questions are genuinely binary.

Large 400 kV transformers and other abnormal loads must physically reach their destination. National Highways and Norfolk County Council continue to require further evidence and changes concerning strategic junctions, local routes, cumulative traffic, traffic controls and AIL arrangements.

The Applicant must therefore demonstrate an end-to-end route that is physically feasible, legally available, structurally suitable and compatible with the environmental constraints along it.

If no such route exists, the relevant infrastructure cannot be constructed as authorised. That is not simply an EIA significance judgment.

However, the present evidential position should still be stated carefully. The current evidence demonstrates that the routeing case remains unresolved; it does not yet prove that no feasible route can ever exist.

The appropriate conclusion is therefore that the Scheme's constructability has not yet been demonstrated. If the solution requires materially different highway works, third-party land, vegetation removal or environmental effects outside the assessed envelope, those changes cannot simply be deferred to a future CTMP.

ISH1 also confirmed that the access strategy for Sites 7–10 remains unresolved and that NCC favours additional internal haul-route solutions to avoid unsuitable rural roads. Those routes themselves create land, landscape, ecology, drainage, soil and PRoW effects which must be assessed rather than treated as environmentally neutral mitigation.

1.9.8 Deliverability Risk: Soils, Heavy Clay and Irreversibility

The Applicant's own assessment accepts a significant risk of irreversible loss or downgrading of BMV agricultural land. Natural England also requires fuller ALC coverage, avoidance of peat and measures to keep permanent infrastructure off BMV land where possible.

The soil issue is therefore not properly described as a legal gateway to delivery. It is a significant environmental and planning-balance issue whose weight increases where reversibility is uncertain.

The Applicant relies heavily on the proposition that the Scheme is temporary and that land can ultimately be restored. That assumption must be tested against heavy clay soils, compaction, cable trenching, access and haul routes, repeated replacement activity and altered agricultural drainage.

Where irreversible degradation would occur, the effect must be treated as such. It cannot be downgraded merely because the structures above ground are removable.

The Applicant should therefore demonstrate the extent to which the land can actually be restored to its previous agricultural capability and identify where that cannot be assured. Any permanent or irreversible loss must then be weighed expressly in the planning balance.

1.9.9 Deliverability Risk: Replacement and Lifecycle Assessment

The 60-year Scheme includes foreseeable replacement of panels, batteries and other electrical equipment. The Applicant's own material therefore anticipates substantial future works which may resemble construction in traffic, soil disturbance, ecological disturbance and waste generation.

The issue is not that every future replacement detail must be known now. The EIA must nevertheless assess the likely significant effects of the project over its whole life using a reasonable worst case.

Where future replacement could materially exceed the assessed effects, or where its impacts depend on routes, compounds, habitat conditions or equipment not presently controlled by the DCO, the whole-life assessment remains incomplete.

The appropriate consequence is that the Applicant should define and assess the reasonable replacement envelope now and secure appropriate controls. If it cannot demonstrate that foreseeable replacement remains within the assessed environmental envelope, the residual-effect conclusions should not assume that it does.

1.9.10 Deliverability Risk: Decommissioning and Financial Security

The absence of ring-fenced decommissioning security does not, by itself, establish that the Scheme is legally incapable of consent. It does, however, materially weaken the Applicant's reliance on eventual restoration as mitigation for a 60-year development.

Norfolk Wildlife Trust specifically asks how decommissioning obligations will survive changes in ownership, who will pay and what happens if the current developer no longer owns or controls the Scheme at the end of its life.

Those questions matter because several environmental conclusions depend upon removal, restoration and long-term management actually occurring.

Examination material now indicates that private landowner agreements contain decommissioning securities intended to protect against default or insolvency and capable of periodic revaluation or top-up. That changes but does not resolve BEPS's objection. The outstanding issue is whether those private, landowner-specific securities amount to a coordinated, independently costed, index-linked and publicly enforceable whole-Scheme restoration mechanism, including soil, drainage, contamination and aftercare liabilities, and whether they remain effective following transfer or insolvency of the undertaker.

1.9.11 Cumulative Infrastructure Nexus – Site 1

Site 1 concentrates numerous constraints: major 400 kV infrastructure, BESS, aviation activity, groundwater sensitivity, private water supplies, railway proximity, transport requirements and heritage receptors. The significance of that concentration is

cumulative. Each matter may be capable of resolution individually, but the Applicant must demonstrate that the solutions can coexist in one final design.

The risk is therefore not that one unresolved issue automatically makes the Scheme legally impossible. It is that mitigation for one constraint may worsen another, and the present Application has not yet demonstrated one integrated configuration satisfying all of them simultaneously.

Site 1 should accordingly be treated as a project-level test of environmental coherence and deliverability. If the Applicant cannot demonstrate one design in which aviation, access, drainage, groundwater protection, fire safety, grid requirements and environmental mitigation all operate together within the assessed envelope, the Site should not be assumed to be deliverable.

NGET's Relevant Representation materially qualifies the Applicant's presentation of the Site 1B National Grid substation as a settled connection solution. NGET explains that the original July 2023 connection agreement required East Pye Solar to identify land for the National Grid substation and secure the necessary consent, which is why the DCO application includes the relevant land and compulsory-acquisition powers. NGET now states, however, that its understanding is that the replacement connection agreement will not require the Applicant to secure either the land or consent for the National Grid substation. It further makes clear that granting consent for the proposed substation would not oblige NGET to use it, and that the final size, design and location of the point-of-connection solution cannot yet be confirmed because they depend upon the wider regulatory and commercial process and the outcome of Gate 2 offers. The present position is therefore that East Pye has a connection pathway, but the particular Site 1B transmission solution for which permanent infrastructure and land powers are sought is not yet confirmed by NGET as the solution it will ultimately implement. That uncertainty is material to scheme definition, environmental assessment, deliverability and the justification for compulsory acquisition of the relevant land.

The ExA has additionally required the Applicant to explain the National Grid substation's capacity to accommodate other projects, the certainty and timing of its delivery as East Pye's point of connection and how that timing would be secured, together with any cumulative or downstream consequences of future third-party use. The proposed substation therefore cannot yet be treated simply as a fixed East Pye component whose wider network consequences are exhausted by the present ES.

Great British Grid and the changing connection context

The Government's announcement of Great British Grid on 29 September 2026 materially changes the wider policy context in which East Pye's connection infrastructure should be examined. Great British Grid is intended to invest in electricity-network infrastructure, increase competition, accelerate connections, facilitate wider use of self-build connections and support competitive delivery of transmission assets. It does not replace NESO's system-planning role, Ofgem's regulatory role or the existing

network operators, and it does not itself resolve East Pye's Gate or connection position.

Its significance for East Pye is therefore not that a different connection solution can presently be assumed, but that the future delivery and ownership of transmission infrastructure is becoming more competitive and strategically coordinated. In circumstances where NGET has not confirmed that the Site 1B solution authorised by the DCO will be the final solution adopted, the Applicant should explain whether that proposal remains the most efficient and proportionate long-term network solution in the emerging transmission framework, whether alternative delivery or connection arrangements are now material, and whether the proposed permanent infrastructure is intended solely for East Pye or may perform a wider future network function.

Great British Grid does not remove the present uncertainty. It strengthens the case for resolving, before consent, what infrastructure is actually required and why.

Why should the DCO authorise this particular permanent 400 kV solution now when the connection solution is not confirmed and national policy is actively changing how future transmission infrastructure is planned, financed and delivered?

1.10 Cumulative Risk, Mitigation Limits and Planning Balance

The number and interaction of unresolved matters at East Pye are themselves material to the planning balance.

They include protected-species licensing, water and groundwater protection, private supplies, aviation, major-accident controls, transport and AIL feasibility, soils, heritage, grid uncertainty, replacement and decommissioning.

These should not all be described as separate 'legal gateways'. Their legal and planning consequences differ. Some concern whether statutory tests can ultimately be satisfied; some concern whether environmental effects have been adequately assessed; some concern physical constructability; others concern the weight to be given to residual harm.

The common point is narrower and stronger: the Applicant has not yet demonstrated that all of these matters can be resolved simultaneously within one authorised and environmentally assessed Scheme.

That distinction is important. A project is not made acceptable simply because each unresolved issue might theoretically be capable of later mitigation. The decision-maker must have sufficient confidence now that the authorised development is capable of implementation without departing materially from the assumptions on which the EIA and planning balance depend.

Where resolution would require substantial site deletion, materially different access, new infrastructure, altered drainage, changed grid works or mitigation outside the

assessed envelope, the problem is no longer one of detailed post-consent refinement. It is evidence that the Scheme as submitted has not yet been demonstrated to be environmentally coherent or deliverable.

The cumulative effect of these uncertainties should therefore reduce the weight attached to the Applicant's assertions of secured deliverability and increase the weight given to avoidance, redesign and, if the core conflicts cannot be resolved, refusal.

1.11 Failures of East Pye Solar's Chapter 1

Chapter 1 describes separate competent experts; it does not demonstrate an integrated EIA

Chapter 1 relies upon Regulation 14(4) of the EIA Regulations and identifies the competent experts responsible for each environmental chapter. BEPS does not question the principle that specialist disciplines should be prepared by appropriately qualified professionals. The difficulty is that competent preparation of individual chapters does not establish competent integration of those chapters.

The Applicant's own Table 1.2 demonstrates that the ES was prepared by several different organisations and specialist teams. Landscape, ecology, water, transport, noise and socio-economics were principally prepared by Stantec; cultural heritage by GHC Heritage; soils and agricultural land by Kernon Countryside Consultants; climate change by Bureau Veritas; and EMF and parts of Chapter 18 by Pager Power and others. That multidisciplinary structure is normal for an NSIP, but it creates an obvious need for systematic interdisciplinary reconciliation.

The Planning Inspectorate's guidance makes the requirement clear. Its cumulative-effects advice distinguishes effects with other developments from the interrelationships between environmental aspects of the proposed NSIP itself. It states that the ES should identify where multiple impacts combine upon sensitive receptors and assess those combined effects. More significantly for East Pye, it expressly states that mitigation proposed for one environmental topic must take account of other sensitive receptors, giving the example that planting intended to mitigate landscape and visual effects must also consider its ecological consequences.

The Inspectorate's EIA advice similarly states that interdependencies between environmental aspects must be assessed so that the environmental impacts of the development are considered as a whole, and that mitigation measures should not be developed in isolation because they may relate to more than one environmental aspect.

This goes directly to the problem identified throughout BEPS's Written Representation.

The question is therefore not whether the individual authors listed in Table 1.2 possess appropriate professional qualifications. It is whether there was an effective interdisciplinary process by which their assumptions, mitigation proposals and conclusions were tested against one another. Chapter 1 identifies no such process.

For East Pye Solar that omission is material. The same planting affects landscape, ecology and heritage. The same haul route affects transport, soils, water, ecology, landscape and residents. The same drainage system affects flood risk, groundwater, aquatic ecology and soil. The same plant relocation may affect noise, landscape, heritage, drainage and residential amenity. The same decommissioning assumption determines conclusions in landscape, soils, agriculture, ecology and heritage.

The Applicant should therefore demonstrate how the competent experts identified in Table 1.2 coordinated their assessments, how conflicting environmental objectives were resolved and how changes originating in one discipline were communicated to and reassessed by every other affected discipline.

A list of competent experts is evidence of specialist authorship. It is not evidence that the resulting Scheme has been assessed as one functioning environmental system.

1.12 Identified mitigation is not the same as secured mitigation

Chapter 1 states that the EIA identifies residual effects remaining after implementation of ‘secured embedded and additional mitigation measures’. **That description is too categorical.**

Across the Environmental Statement, important mitigation remains dependent upon outline documents, detailed plans to be prepared after consent, subsequent approvals, final equipment selection, micrositing, licences, monitoring arrangements and other future decisions.

For example, the transport assessment relies upon final Construction and Operational Transport Management Plans; operational noise conclusions rely upon future measures and final design capable of achieving specified noise outcomes; the landscape assessment relies upon future establishment and long-term management of planting; detailed ecological management remains dependent upon later implementation plans and, where required, licensing; and drainage, access and other matters continue to be refined.

The Applicant's own Commitments Register is particularly relevant because it states that the register itself is not a secured document but records commitments intended to be secured elsewhere.

There is an important legal and evidential distinction between:

- a mitigation measure which has been suggested;
- a commitment which the Applicant intends to implement;
- an outline management principle;
- a future approval mechanism;
- and a measure whose necessary environmental outcome is actually secured by the DCO.

Residual-effect conclusions should only assume mitigation to the extent that its delivery, location, performance and necessary environmental outcome are sufficiently certain.

That matters especially where the significance conclusion depends upon the mitigation. Chapter 12, for example, reaches residual operational noise conclusions after assuming additional mitigation even though the chapter describes those measures as ‘example additional mitigation’ and leaves aspects of the final solution to detailed design. The question is not whether some future acoustic treatment might be capable of reducing noise. It is whether the DCO secures the outcome upon which the residual-effect conclusion depends.

The same distinction applies across the ES. Accordingly, the Examination should not accept Chapter 1's general statement that residual effects are those remaining after ‘secured’ mitigation without testing, measure by measure:

- what precisely is required;
- where it must occur;
- what performance standard must be achieved;
- when it must be delivered;
- how long it must be maintained;
- who approves it;
- what monitoring verifies success;
- what happens if it fails; and
- which enforceable DCO provision secures that outcome.

Until that exercise is undertaken, some of the ES's residual-effect conclusions are better characterised as **mitigation-dependent predictions** rather than secured environmental outcomes.

1.13 Chapter 1 overstates the adequacy and continuity of the consultation-stage environmental information

Chapter 1 states that the PEIR enabled consultees to understand the likely significant environmental effects of the Scheme and develop an informed view. It then characterises the subsequent targeted-consultation changes as ‘localised’ and ‘minor’ and states that they did not give rise to materially new or different likely significant environmental effects. Those propositions are disputed and should not be treated as established facts.

Norfolk County Council, the Environment Agency, Highways, the LLFA, BEPS and ,ultiple other consultees raised concerns about the adequacy of the environmental baseline information available to consultees during the statutory consultation and targeted consultation stages. A significant proportion of the environmental surveys underpinning the Environmental Statement were not available at the time of statutory consultation, and many key survey datasets were either absent, incomplete, or not yet undertaken.

Following statutory consultation, the Scheme changed in several material respects. South Norfolk Council records the confirmation of the Site 1B National Grid Substation, abandonment of the alternative location, an increase in the Site 1B Project Substation from 132 kV to 400 kV, additional panels at Site 7D, additional land for grid and highway works, revised AIL arrangements and a changed construction traffic strategy. These were not merely drafting

alterations. They changed the location, scale or environmental relationship of major components of the Scheme.

Surveys were not issued or meaningfully updated even at the targeted consultation stage, neither was the PEIR updated. As a result, consultees were not in a position to review the full evidential basis for the environmental assessments when forming their views on the evolving Scheme. In practical terms, the Environmental Statement represents the first point at which the majority of these survey results have been made available in a consolidated and complete form, meaning that key aspects of the environmental baseline and impact assessment have not previously been subject to informed consultation.

The material issue is not whether the changes created an entirely new category of environmental effect. A change can materially alter the magnitude, location, receptor or interaction of an existing effect without creating a new environmental topic. Accordingly, Chapter 1's assertion that the changes produced no materially new or different likely significant effects requires evidential demonstration, not repetition. The Applicant should show, for each material post-PEIR change, the original assessed parameter, the revised parameter, the receptors affected, the original and revised effects, any altered mitigation and the basis upon which the significance conclusion was said to remain unchanged.

Without that reconciliation, Chapter 1's consultation narrative presents as settled the very environmental conclusion which remains in dispute.

1.14 The introductory description obscures the 500 MW design premise

Chapter 1 describes the Scheme simply as having generating capacity ‘exceeding 100 MW’. That may identify the statutory threshold relevant to NSIP status, but it does not adequately explain the design premise which produced East Pye.

Chapter 5 is considerably more revealing. It states that the Applicant began from the need to accommodate the 500 MW Grid Connection Agreement and, using the land requirements assumed for solar generation, searched for approximately 1,100 hectares of land capable of accommodating the panels and associated infrastructure. That distinction matters.

East Pye is not simply an unspecified generating station above the NSIP threshold. It is a project whose site search, land requirement, dispersed configuration and alternatives assessment were materially shaped by the Applicant's decision to pursue approximately 500 MW of transmission-connected solar generation. That premise should be explicit at the outset because it is central to the environmental case.

The Examination must distinguish between the statutory proposition that large-scale renewable generation is nationally needed and the project-specific proposition that **500 MW had to be accommodated within this particular search exercise**.

The latter is an Applicant design objective. It is not itself an environmental constraint or statutory requirement. That distinction is particularly important when considering whether

environmental constraints were permitted to reduce the extent of development, whether smaller configurations were genuinely considered, and whether the retained Scheme represents the environmental capacity of the place or the land area required to preserve the Applicant's chosen output.

1.15 Chapter 19 cannot cure interactions missed in the underlying assessments

Chapter 1 describes Chapter 19 as providing a summary of the cumulative and in-combination assessments presented within the individual technical chapters. That structure cannot cure a failure to identify cross-topic effects at source.

If, for example, landscape planting has been assessed only as visual mitigation without its consequences for open-country birds or heritage setting being identified in Chapters 8 and 10, Chapter 19 cannot retrospectively make those assessments complete. The same applies where transport mitigation creates new ecological or hydrological effects, or where significant landscape effects have not been carried through into tourism or residential amenity conclusions. A summary chapter can only combine effects which the underlying assessments have first recognised and evaluated.

The relevant test is therefore not whether Chapter 19 contains a cumulative-effects table, but whether the individual technical assessments have correctly identified the interactions between the Scheme's effects and mitigation measures so that their combined consequences can meaningfully be assessed.

An interaction omitted at source does not become assessed merely because the ES contains a later cumulative-effects chapter.

Chapter 2: EIA Methodology

2.1 Introduction: why methodology is a substantive issue

Chapter 2 is not merely introductory. It determines the reliability of every later Environmental Statement conclusion by establishing how receptors are identified and valued, how the baseline and future baseline are defined, how magnitude and sensitivity are combined, which effects are treated as significant, how duration and reversibility are classified, and how cumulative effects, embedded mitigation and professional judgment are addressed. A weakness in that framework is therefore capable of propagating through every technical chapter.

BEPS's central concern is that the EIA methodology does not demonstrate a sufficiently site-specific, ecosystem-led or precautionary assessment of East Pye Solar. It applies generic assessment structures to a dispersed scheme situated within an unusually sensitive and interconnected ecological, hydrological, historic and rural landscape. Those methodological weaknesses materially reduce confidence in repeated conclusions that effects will be minor, negligible or not significant.

The deficiencies arise at several levels. Chapter 2 contains internal uncertainty over duration, receptor sensitivity and effect classification. The methodology is not applied consistently between technical chapters. Material baseline information is incomplete, disputed or inaccurately described. At the same time, the assessment relies extensively on future management plans, surveys, investigations, licences and detailed design decisions that may determine whether effects arise and how significant they will be.

These concerns are not confined to BEPS. Norfolk County Council's Lead Local Flood Authority identifies inconsistencies in the treatment of construction, operation and decommissioning periods, the absence of clear future baselines, unclear sensitivity definitions and inconsistencies between the magnitude and significance tables. The Environment Agency identifies incomplete baseline evidence, missing maximum design parameters, inconsistent effect matrices, unresolved groundwater pathways and extensive reliance on later risk assessments and management plans. South Norfolk Council identifies baseline uncertainty, insufficient worst-case assessment and excessive design flexibility across ecology, noise, heritage and landscape. National Highways similarly identifies missing junction-level evidence, insufficiently granular cumulative assessment and construction controls that remain to be strengthened.

The issue is therefore not whether the ES contains a conventional methodology chapter. It is whether the methodology provides a reliable basis for assessing this particular Scheme, in this particular receiving environment, throughout its construction, operation, replacement and decommissioning life.

2.2 Applicable EIA principles and the applicant's own stated framework

A lawful and reliable EIA must identify, describe and assess the likely significant effects of a sufficiently defined development. Where flexibility is retained, the assessment must address the realistic worst-case outcome rather than a series of favourable or incompatible assumptions. Mitigation relied upon to reduce significance must be sufficiently certain, effective and secured. Cumulative and interrelated effects must be assessed, and the methods, assumptions, limitations and material professional judgments must be transparent. None of those requirements can be satisfied unless the baseline information is sufficiently complete, current and spatially appropriate to support the conclusions reached.

Since this Written Representation was prepared, the National Planning Policy Framework was replaced on 17 August 2026. The Energy NPSs remain the primary policy framework for this NSIP, but the current NPPF is materially relevant to the adequacy of the evidential basis on which environmental conclusions are reached. Its policies repeatedly require, or proceed on the basis, that the decision-maker has sufficient information to understand the receiving environment and the effects of development before relying upon mitigation or later detailed design. In particular, Policy N2 requires sufficient information to demonstrate compliance with the natural-environment policies and requires significant biodiversity harm first to be avoided through location on an alternative site with less harmful impacts; Policy P2 expects adequate site-assessment information concerning ground conditions and contamination; Policy F5 and the associated flood-risk and drainage policies require a sound evidential basis for locating and designing development in relation to flood risk; Policy HE5 requires the decision-maker to be satisfied that the assessment accurately reflects effects upon heritage significance; and Policy P3 requires cumulative pollution effects on health, living conditions and the natural environment to be considered. These policies reinforce BEPS's central methodological point: a conclusion of acceptability cannot safely precede the information necessary to establish the receptor, pathway, effect and mitigation on which that conclusion depends.

APP/6.3.2.3 sets out the legislation, policy and guidance which the applicant says govern ES Chapters 6 to 18. It records requirements concerning ecological networks and the mitigation hierarchy, Water Framework Directive compliance, flood risk and water resources, heritage significance and setting, landscape character, soil protection, climate resilience, whole-life greenhouse gas assessment, waste and major accidents. That appendix is a schedule of applicable standards; it is not evidence that the substantive chapters have met them.

The ES must therefore be tested against both the applicable legal and policy framework and the Applicant's own stated standards. It is insufficient merely to cite CIEEM guidance, Water Framework Directive requirements, Historic England guidance or the National Policy Statements if the underlying baseline is incomplete, the receptor hierarchy is inconsistent, the reasonable worst-case design is not defined, or the mitigation relied upon remains subject to later determination.

2.3 Failure to provide a site-specific, ecosystem-led methodology

The methodology is not demonstrably calibrated to the environmental character of the East Pye area. It relies on standardised sensitivity and magnitude matrices, conventional solar-development survey scopes and familiar mitigation measures such as buffers, hedgerow retention, grassland creation, trenchless crossing and later management plans. Those tools may be appropriate in principle, but the ES does not show that they have been adapted sufficiently to the particular environmental network affected by this Scheme.

The South Norfolk Claylands contain an unusually dense and interconnected set of receptors. These include confirmed and predicted maternity colonies of the European Protected Species barbastelle bat; overlapping Core Sustenance Zones; ancient woodland and priority woodland networks; chalk aquifer and surface-water connectivity; downstream chalk-stream habitat supporting or potentially supporting white-clawed crayfish; ponds, fen, grazing marsh, meadow, woodland, orchard and roadside habitats; rare and priority botanical assemblages; and farmland managed to support ground-nesting birds.

The applicant's own spatial plans reinforce this point. APP/2.9 shows the Order Limits and cable corridors in the context of County Wildlife Sites, Roadside Nature Reserves and Priority Habitat Inventory features including woodland, grazing marsh, lowland meadow, fen, ponds, reedbeds and orchards. APP/2.10 shows the wider relationship with statutory designations, ancient woodland, Sites of Special Scientific Interest and European sites. The receiving environment is therefore not a collection of isolated arable fields. It is a connected ecological and hydrological landscape.

A methodology designed principally around field-level assessment is not sufficient for a Scheme whose effects operate through woodland networks, aquifers, streams, hedgerows, flight corridors and multiple development parcels. The assessment needed to begin with those functional systems and then test the Scheme against them, rather than treating ecological connectivity mainly as an aggregation of individual parcel effects.

2.4 Failure to apply a landscape-scale ecological framework

Ecological effects must be assessed at the spatial scale at which the receptor functions. Barbastelle maternity colonies do not depend on a single woodland or hedgerow. They depend on networks of roosting woodland, overlapping Core

Sustenance Zones, dark commuting routes and dispersed feeding habitat. Chalk-stream receptors are connected to groundwater and may therefore be affected by piling, trenching, drilling or contamination sources located away from the immediate watercourse. Farmland parcels, ponds, woodland edges, hedgerows and green lanes likewise operate as parts of habitat mosaics rather than as self-contained receptors.

The ES nevertheless repeatedly structures its assessment around Sites, sub-sites, fields and individual designated features. That approach risks understating cumulative fragmentation, weakening of flight lines, displacement from feeding habitat, lighting effects across several corridors, hydrological pathways, repeated disturbance and the combined loss of functional habitat. The relevant ecological question is not simply how many hectares are physically removed from each field. It is whether the Scheme, considered as a whole, alters the functionality, connectivity and resilience of the ecological network upon which protected and priority species depend.

South Norfolk Council's RR materially supports that concern. It records ten bat species, describes the site as nationally important for its bat assemblage, and identifies twelve barbastelle maternity colonies whose Core Sustenance Zones overlap the Order Limits. It also raises the likelihood of further colonies in adjoining ancient woodland which has not been surveyed by the Norfolk and Norwich Bat Group, and requests species-specific assessment rather than reliance on broad bat groupings.

Norfolk County Council similarly records maternity roosts in woodland around the Scheme and considers the area potentially of national importance. It identifies possible direct effects on habitats used by those colonies during construction and potentially decommissioning. These are not marginal receptor-specific disagreements. They indicate that the ecological assessment may have been conducted at too narrow a spatial scale.

The same concern applies to water-linked ecology. The Environment Agency identifies omitted groundwater-dependent terrestrial ecosystems, potential preferential groundwater pathways, thermal effects from cables and risks arising from deep foundations and trenchless drilling. Those issues cannot be assessed adequately through separate parcel, watercourse and habitat evaluations without an integrated landscape-scale framework.

2.4.1 The central methodological problem: cross-topic inconsistencies and interactions

A recurring defect in the Environmental Statement is that environmental topics are assessed in separate chapters without adequate reconciliation of the assumptions, mitigation measures and conclusions between them. The division of an ES into specialist chapters is administratively necessary. It does not mean that landscape,

ecology, soils, water, heritage, transport, recreation, tourism and residential amenity exist independently of one another.

The EIA Regulations require assessment of the interaction between population and human health, biodiversity, land, soil, water, air and climate, material assets, cultural heritage and landscape. EN-1 (2025) expressly repeats that requirement and requires consideration of direct, indirect, secondary, cumulative, long-term, permanent and temporary effects. More importantly, paragraph 4.3.19 requires the decision-maker to consider how the accumulation and interrelationship of effects may affect the environment, economy or community **as a whole**, even where individual effects appear acceptable when considered separately with mitigation.

That requirement is particularly important for East Pye. This is not a compact development occupying one homogeneous site. The Order Limits extend across 1,212.3 ha, comprising ten dispersed Sites and numerous Sub-Sites, a BESS, multiple project substations, a new National Grid Substation, grid connection infrastructure, approximately 24 km of cable corridor and separate highway works. The same rural landscape, watercourses, soils, habitats, roads, heritage settings, recreational routes and communities are therefore affected repeatedly by different components of the same Scheme.

BEPS does not suggest that the existence of separate ES chapters is itself defective. The objection is that conclusions reached within them are not consistently propagated across the Environmental Statement. Measures treated as mitigation or benefit in one chapter may cause harm in another; assumptions about restoration in one chapter conflict with the future landscape assumed elsewhere; significant effects established by one discipline are discounted by a dependent assessment; and changes required to solve one unresolved problem may create effects which have never been assessed by the other disciplines.Chapter boundaries are an administrative convenience. They are not environmental boundaries.

ISH1 materially confirmed that this concern is not confined to BEPS's interpretation of the ES. The Examination identified numerous aspects of the Scheme whose final configuration remains unresolved across disciplines, including AIS/GIS technology for the project substations, the number and location of conversion units and switch rooms, ancillary operational buildings, fencing, lighting, construction compounds, haul routes and the final disposition of major infrastructure. The ExA also required the Applicant to correct inconsistencies between the Indicative Masterplan and Works Plans where land is variously shown as retained agricultural land, mitigation land, biodiversity land and cabling works. Those matters are methodologically important because the same physical space is being relied upon differently by different parts of the environmental case. A receptor-led and spatially reconciled EIA cannot assume mutually inconsistent land uses or design outcomes and then conclude independently within each topic that effects are acceptable.

2.4.2 Landscape mitigation may itself cause ecological and heritage harm

The clearest example is the Applicant's extensive reliance on new hedgerow, tree, woodland and scrub planting.

Chapter 7 treats that planting primarily as embedded landscape mitigation. Hedgerows are to be managed towards a target height of approximately 3 m to screen views from nearby PRoWs and visual receptors, while trees and woodland are expressly described as primary mechanisms for filtering and screening views. The same planting is also credited with providing habitat and strengthening ecological connectivity.

That is not an integrated assessment of the consequences of the planting.

As Chapter 8 of this Written Representation demonstrates, substantial parts of the existing landscape already perform important ecological functions precisely because they are open. The Applicant's own breeding-bird evidence records a major farmland-bird assemblage, including numerous skylark territories within permanent development areas. Ground-nesting and open-country birds require sufficiently large open areas, low disturbance and sightlines which allow detection of predators. Converting open farmland into smaller compartments enclosed by taller hedges, woodland belts, fencing and other vertical structures may therefore benefit some woodland, scrub or boundary species while reducing habitat suitability for skylark, lapwing and other open-country species.

That ecological trade-off cannot be converted into an unqualified biodiversity benefit merely because additional woody habitat scores positively elsewhere. The relevant question is whether the existing **function** of the habitat is retained for the species which currently depend upon it.

There is a parallel heritage issue. Chapter 10 itself acknowledges that the transition from agriculture to solar, together with new hedgerow and tree planting, alters historic landscape character from construction through to decommissioning. It nevertheless concludes that the planting will enhance existing field boundaries and that the overall historic landscape effect is negligible.

That conclusion requires more than an assertion that native planting is desirable. A new screening belt may conceal solar infrastructure while simultaneously enclosing an historically open view, changing the relationship between a church and its agricultural hinterland, altering a historic field pattern or changing the experience of an historic lane or conservation area.

The same hedge cannot simply be counted as landscape mitigation, heritage mitigation and ecological enhancement without assessing what it encloses, what open habitat it removes, what historic relationship it changes and what long-term landscape it creates.

Mitigation must itself be assessed as an environmental intervention.

2.4.3 The Environmental Statement contains incompatible concepts of reversibility and restoration

The same problem appears in the treatment of decommissioning.

Chapter 10 characterises the change from agricultural use to energy generation as temporary and reversible. Chapter 15 similarly anticipates that long-term grassland management may provide temporary soil benefits which may reduce or disappear if arable agriculture resumes after decommissioning.

Chapter 7 describes a materially different end state.

It assumes that the National Grid Substation and Grid Connection Scheme elements will remain and that established landscape mitigation planting, including woodland, trees and hedgerows, will also remain in situ. Elsewhere it states that broadleaf woodland, linear tree belts, scrub and hedgerows would be retained while only areas of grassland are assumed to revert to their former agricultural use.
Those are not equivalent baselines.

If substantial mature planting and permanent grid infrastructure remain, the post-decommissioning landscape will not be the pre-development agricultural landscape. Its landscape character, ecological structure, field enclosure, heritage relationships and potentially its agricultural functionality will have been altered for the long term.

The Applicant therefore needs one coherent end-state assumption, applied consistently across landscape, ecology, heritage, soils, agriculture, drainage and decommissioning. It cannot rely upon return to agriculture when assessing reversibility in one chapter while relying upon permanent retention of the very landscape changes created to screen the Scheme in another.

2.4.4 Significant landscape effects are not carried through into the socio-economic assessment

A further example is the relationship between Chapters 7 and 14.

Chapter 7 identifies numerous significant adverse landscape and visual effects. These include Major and Major-to-Substantial adverse effects upon high and medium sensitivity receptors and PRoWs around Sites 7, 8 and 9. It also identifies effects upon tranquillity, remoteness and the experience of the rural landscape.

Chapter 14 nevertheless assigns the tourism industry a Low magnitude impact and a Minor Adverse, not significant, effect during construction, operation and decommissioning. That conclusion is reached notwithstanding Chapter 14's own identification of local campsites, accommodation businesses and visitor attractions, and evidence of approximately 2.76 million tourism day visits and £84 million of associated expenditure in South Norfolk.

The cumulative assessment demonstrates the same compartmentalisation. Chapter 14 accepts that East Pye together with 22 other energy schemes may adversely affect visual amenity and thereby tourism, but reasons that only tourism activities in the 'immediate proximity' of individual sites are likely to be affected and consequently concludes only a Minor Adverse cumulative effect.

That reasoning does not adequately address a Scheme whose own Order Limits extend repeatedly across a wide part of rural South Norfolk. A walker, cyclist, visitor or rural accommodation customer does not experience the landscape through the boundaries of individual LVIA assessment parcels.

Nor does assessment of the tourism industry at South Norfolk district level answer whether particular businesses whose attraction depends upon tranquillity, countryside views, walking, cycling or rural character may experience materially greater effects.

An EIA cannot identify widespread significant landscape and recreational effects in one chapter and allow a dependent socio-economic assessment to proceed without explaining why those effects produce only a Low magnitude change to the economic receptors which depend upon that landscape.

2.4.5 Lighting illustrates the failure to reconcile a common impact pathway

Lighting presents another cross-topic issue.

The Planning Inspectorate expressly required assessment of night-time lighting effects on landscape and visual receptors and ecological receptors including bats, specifically identifying intermittent sources such as motion-activated security lighting.

Chapter 7 records that motion-sensing security lighting will be provided at the Project Substations, National Grid Substation and BESS Site but relies principally upon the Lighting Strategy to conclude that significant lighting effects are unlikely. The Chapter also states among its assumptions and limitations that lighting effects are not assessed within the LVIA itself.

The issue is not confined to landscape. The same lighting may affect dark rural character, residential amenity, the setting of heritage assets and the behaviour and functional connectivity of light-sensitive bats. Chapter 8 identifies the particular importance of maintaining dark commuting and foraging routes within a landscape supporting barbastelle maternity colonies.

A Lighting Strategy is a mitigation document. It is not a substitute for demonstrating, across all relevant topics, what the residual effects of the lighting will be. The Applicant should identify where the PINS-requested assessment of the common lighting pathway has actually been undertaken and reconcile its conclusions across landscape, ecology, heritage and residential receptors.

2.4.6 Water, soils, groundwater and aquatic ecology are one connected system

The compartmentalisation is equally problematic below ground.

The Scheme crosses a landscape containing the River Tas, Hempnall Beck, tributaries, ordinary watercourses, field drainage systems, aquifers and private water supplies. Chapters 8, 9, 15 and 16 divide responsibility respectively between ecology, the water environment, soils/agricultural land and ground conditions. The actual pathways do not divide in that way.

Soil disturbance and compaction can alter runoff. Runoff enters ditches and tributaries. Watercourse crossings affect flow and sediment transport. HDD or other trenchless construction interacts with groundwater and watercourses. Mobilised contamination can reach groundwater or surface water. Those waters support aquatic habitats and protected species and, in some locations, private water supplies.

Chapter 16 itself records disagreement concerning the appropriate treatment of groundwater travel times around private water supplies and ultimately concludes that credible contaminant linkages have not been identified. Evidence submitted in relation to the River Tas and white-clawed crayfish raises a parallel question about whether aquatic receptors and downstream pathways were adequately represented in the ecological baseline.

These matters cannot safely be resolved by each chapter assuming that the relevant pathway is dealt with somewhere else. The assessment must follow the pathway from source, through soil and groundwater or surface water, to the ultimate human and ecological receptor.

2.4.7 Changes to the transport solution may invalidate assumptions elsewhere

The same principle applies to the unresolved construction access strategy.

As Chapter 11 of this Written Representation explains, substantial elements of the final haul-road, access and construction route strategy remain disputed by the relevant highway authorities. Any material alteration to those routes is not merely a transport matter.

A new or relocated haul route may require additional land, hedgerow removal, tree works, watercourse crossings, drainage structures, soil stripping, proximity to dwellings, interaction with PRoWs, disturbance of protected species, works near heritage assets or crossing of utility infrastructure. It may also alter noise, air quality and traffic effects.

Management of a fixed and environmentally assessed route can properly be mitigation. Selection or material redesign of the route after consent is scheme design.

Accordingly, if the transport solution changes during Examination, the Applicant must demonstrate that every consequential landscape, ecological, hydrological, heritage,

soil, noise and safety effect remains within the assessed envelope. It is not sufficient for Chapter 11 alone to be amended while the dependent environmental chapters remain unchanged.

2.4.8 Agricultural management demonstrates a further unresolved trade-off

Chapter 15 anticipates a change over most of the Order Limits from arable cultivation to long-term grassland and relies upon that change in predicting beneficial effects upon soil organic carbon, erosion and soil health.

That assessment cannot be separated from the ecological and landscape management actually proposed.

As Chapters 8 and 15 of this Written Representation explain, the ecological consequences depend on whether land is grazed, mechanically cut, treated with herbicide, maintained as open grassland, planted with trees or hedges, or retained as open arable habitat for farmland birds. Those choices affect soil structure and carbon, botanical diversity, invertebrates, ground-nesting birds, runoff, chemical inputs and agricultural functionality.

There is therefore no single generic category of ‘grassland’ which can simultaneously be assumed to deliver soil benefit, biodiversity gain and agricultural continuity. The management regime must be fixed with sufficient precision for its consequences across all relevant environmental topics to be assessed.

2.4.9 Consequence for the reliability of the Environmental Statement

These examples reveal a wider methodological problem.

East Pye is assessed as though mitigation can be credited separately within each discipline. In reality, a change that reduces one effect may create or intensify another. Screening planting may reduce visibility while damaging openness. A buffer may protect a woodland while moving infrastructure onto BMV land. A haul-route change may solve a highway objection while creating a new ecological or hydrological impact. Long-term grassland may alter soil condition while removing existing arable-bird habitat. Retention of mature planting after decommissioning may preserve ecological habitat while preventing restoration of the historic and agricultural baseline.

The problem is therefore not simply cumulative impact from other developments. It is the **intra-project interaction of East Pye's own effects and mitigation measures**.

BEPS submits that these inconsistencies raise a material question as to whether the interaction requirement in Regulation 5(2)(e) and EN-1 section 4.3 has been adequately discharged. They also affect the weight which can safely be attached to individual residual-effect conclusions where those conclusions depend upon assumptions contradicted elsewhere in the application.

Before the close of Examination, the Applicant should therefore be required to provide a cross-topic reconciliation of the Environmental Statement. That should identify each material design or mitigation measure; the chapters which rely upon it; the beneficial and adverse consequences it produces for other receptors; and any resulting change to significance conclusions.

In particular, the Applicant should establish a single coherent description of the Scheme and receiving environment at construction, Year 1, Year 15, the end of the 60-year operational period and following decommissioning. Landscape, ecological, agricultural, heritage and socio-economic conclusions should all be tested against that same future environment.

Where a material assumption, route, management regime, mitigation measure or end state changes, every dependent assessment should be revisited.

The environment affected by East Pye is one functioning system. The decision-maker must therefore be given an assessment of the Scheme's effects upon that system as a whole, not merely a collection of individually tolerable conclusions reached within separate technical chapters.

2.4.10 Design changes and mitigation displacement across environmental topics

A further weakness is the assumption that unresolved design matters can be addressed within the technical chapter in which the problem first arises. In a scheme of this scale, mitigation is rarely confined to one environmental topic. Moving infrastructure, altering access, introducing barriers, changing drainage or enlarging buffers may reduce one effect while creating or intensifying another.

The transport case illustrates the problem. Norfolk County Council, as highway authority, does not support the submitted construction strategy for Sites 7–10 and instead requires a materially different approach involving access from appropriate standard roads and substantially greater use of internal haul routes and Cable Route Corridors. For Sites 7–9 it expects access through CRC8 with internal haul routes or CRC connections; for Sites 10A–10D it seeks a shared Harvey Lane access with internal routes. It expressly concludes that the present strategy does not adequately address significant highway constraints and cannot presently be supported.

Those changes are not exclusively transport mitigation. An internal haul route is physical development. Depending on its final alignment it may require soil stripping, temporary or permanent surfacing, drainage, watercourse crossings, hedgerow gaps, tree works and additional land. It may affect archaeological remains, protected species, BMV agricultural land, PRoWs, nearby dwellings and landscape character. The Order Limits already contain an approximately 24 km Cable Route Corridor running through a landscape crossed by the Hempnall Beck, River Tas and numerous ordinary watercourses and field drains. A transport solution dependent upon greater use of those corridors must therefore be tested against the assessments of ecology, soils,

water, heritage, landscape, noise and ground conditions, not simply inserted into a later Construction Traffic Management Plan.

The Applicant's own LVIA demonstrates the degree of residual flexibility. It identifies clashes between indicative access routes and ancient or veteran-tree buffer zones but assumes that these can be resolved at detailed design because the access routes may be relocated within Work No. 4. That may ultimately prove possible, but relocation is not environmentally neutral. Avoiding one tree may move an access route towards another hedgerow, habitat, watercourse, archaeological feature, dwelling or area of higher-quality soil. The environmental consequence depends upon where the route moves.

The same issue arises in drainage. The LLFA identifies significant outstanding matters in the submitted drainage case, including calculations which do not reflect the drainage layouts, inconsistent runoff coefficients and, critically, the absence of confirmed drainage designs, discharge locations and treatment trains for discrete drainage areas. It concludes that further work is required before the viability and water-quality performance of the drainage system can be demonstrated. It separately challenges assumptions concerning ordinary watercourses and surface-water flow paths and requires either hydraulic modelling or a precautionary approach avoiding the identified flood extent.

Again, the eventual solution may have consequences beyond Chapter 9. Additional attenuation, swales, drainage channels, treatment features or revised discharge locations may require additional land and excavation, alter soil handling, interact with habitats and watercourses, affect archaeological deposits and change the landscape design. If avoidance of a surface-water flow path requires infrastructure to move, the environmental consequences of the new location must also be assessed.

Operational noise provides a third example. South Norfolk Council's specialist review records that the Applicant may need low-noise equipment, acoustic enclosures, relocation or reorientation of plant or noise barriers, with the final solution left to detailed design. The Council also identifies shortcomings in the present acoustic assessment, including insufficient justification for the treatment of tonal and other acoustic characteristics and unresolved low-frequency noise issues.

Those measures again have cross-topic consequences. A noise barrier may increase the visual mass of infrastructure. Reorienting or relocating plant may alter effects on neighbouring dwellings, heritage assets, ecological buffers, drainage infrastructure or BMV land. Acoustic enclosures can change equipment dimensions and potentially the assessed design envelope. Moving equipment away from one receptor does not demonstrate mitigation unless the receiving location has also been environmentally assessed.

The same principle applies to ecological and landscape mitigation. Chapter 7 relies upon new hedgerows, trees and woodland as primary mechanisms for screening the Scheme and simultaneously credits them with ecological connectivity and habitat

benefits. Yet South Norfolk Council itself warns that reliance on tree planting can remove important views and create enclosure within the existing open landscape. As explained above, greater enclosure may also reduce the functional value of open farmland for ground-nesting and open-country birds. A measure which mitigates visual effects may therefore create heritage, landscape or ecological harm.

This is mitigation displacement. The Environmental Statement repeatedly assumes that the solution to an adverse effect can be developed within the relevant topic without demonstrating that the resulting intervention remains environmentally acceptable when considered across the Scheme as a whole.

BEPS does not contend that every detailed design decision must be fixed before consent. A parameter-based DCO necessarily permits some later refinement. The critical distinction is between refinement within an environmentally assessed envelope and a later design choice which determines the existence, location or significance of an environmental effect. Where resolving an outstanding problem requires infrastructure to be moved, a route to be changed, a drainage system to be redesigned, additional engineering works to be introduced or mitigation to occupy different land, the Applicant must demonstrate that the resulting configuration remains within the assessed worst case for **every affected environmental topic**.

A mitigation measure cannot be accepted merely because it solves the problem which caused it to be introduced.

2.4.11 Consequence: the residual-effect conclusions require cross-topic reconciliation

The consequence is material. The individual residual-effect conclusions in the ES cannot safely be treated as self-contained findings where they depend upon design assumptions or mitigation measures which remain unresolved, conflict with assumptions elsewhere, or create effects falling within another environmental discipline.

This is not a criticism that every uncertainty invalidates an EIA. Nor does BEPS suggest that all later detailed design is impermissible. The problem is cumulative and structural. Across the application:

- the highway authority rejects material elements of the submitted access strategy and seeks different haul-routing arrangements;
- the LLFA identifies unresolved drainage design, discharge, modelling and water-quality matters requiring further work;
- operational noise mitigation may depend upon plant selection, relocation, reorientation, acoustic enclosure or barriers at detailed design;
- landscape mitigation relies upon substantial new vegetation which itself changes landscape character, heritage setting and potentially ecological habitat function;

- access alignments remain sufficiently flexible to be relocated at detailed design in response to tree constraints;
- the post-decommissioning assumptions differ between environmental topics, with mature mitigation planting and National Grid infrastructure remaining while other chapters rely upon the concept of restoration or return to agricultural use; and
- significant landscape and recreational effects are not consistently carried through into dependent socio-economic conclusions.

These are not isolated drafting discrepancies. They concern the environmental configuration which has actually been assessed.

The significance conclusions in an EIA are the end product of a chain: **baseline → development parameters → impact pathway → mitigation → residual effect**. If a material element in that chain changes, the residual conclusion must be checked again. It is not sufficient to change the mitigation and retain the conclusion.

This is particularly important under the Rochdale Envelope. Flexibility is permissible only where the environmental assessment has considered the realistic worst case that the consent would allow. It cannot operate as a mechanism by which material environmental choices are postponed while the ES assumes that whichever choice is subsequently made will remain less harmful than the assessed scheme. That proposition must be demonstrated.

East Pye's dispersed form makes that discipline essential. The Scheme contains ten Sites and numerous Sub-Sites, multiple substations, BESS infrastructure, a National Grid Substation, grid works, approximately 24 km of cable corridor and separate highway interventions across a sensitive rural environment. A change made to resolve one constraint can readily intersect another.

The ExA should therefore require a formal cross-topic reconciliation before relying upon the ES residual-effect conclusions. At minimum, the Applicant should identify each material outstanding design or mitigation matter and state:

1. what assumption was used in each relevant ES chapter;
2. what range of final design outcomes remains authorised;
3. which environmental receptors could be affected by the final choice;
4. whether the worst case of each permitted outcome has already been assessed across all relevant topics;
5. what mitigation is relied upon and where it is secured;
6. whether that mitigation itself creates or displaces another environmental effect; and
7. whether any significance conclusion changes as a result.

Particular reconciliation is required for the final construction access and haul-route strategy; drainage and surface-water design; noise mitigation and final plant arrangement; landscape and ecological planting; watercourse and cable crossings;

soil-management requirements; lighting; substations and grid infrastructure; and the post-decommissioning end state.

Where the Applicant cannot demonstrate that a final solution lies within the assessed cross-topic envelope, the answer is not simply to defer the matter to a management plan. The relevant design must either be resolved and environmentally assessed during Examination, constrained by the DCO to the assessed outcome, or removed from the authorised development.

Until that exercise is undertaken, the repeated conclusion that individual effects will be Minor, Negligible or Not Significant gives a misleading impression of certainty. The question for the ExA is not whether each technical chapter can identify a possible mitigation measure in isolation. It is whether **one physically deliverable version of East Pye exists which simultaneously satisfies the assumptions, mitigation commitments and residual-effect conclusions across the Environmental Statement as a whole**.

On the present evidence, that has not yet been demonstrated.

2.5 Incomplete, uneven and untimely baseline data

A significance matrix cannot cure an incomplete baseline. Where the distribution, status, sensitivity or functional relationship of receptors is uncertain, the resulting magnitude and significance conclusions are necessarily provisional. This is particularly serious where the ES then relies upon those conclusions to justify a finding of no significant effect or to defer further surveys and mitigation until after consent.

The baseline difficulties identified across the application include incomplete or disputed evidence concerning bat maternity networks, white-clawed crayfish, botany, groundwater-dependent habitats, water quality, Source Protection Zones, private and public water supplies, historic hedgerows, veteran trees, archaeology, noise sources and strategic-road junctions.

The methodological concern is not that every baseline question must be free from all uncertainty. It is that material uncertainty must be identified, reflected in the significance judgment and resolved precautionarily where the consequences could be serious or irreversible. It should not be treated as a matter which can automatically be corrected through later surveys, contractor method statements or post-consent approval.

ExQ1 has now independently tested the same issue across multiple disciplines. The ExA asks why important matters concerning drainage and infiltration testing, soil characterisation, ground investigation, health mitigation, BESS fire assessment, transport measures and design remain dependent upon later work while present conclusions of acceptability have already been reached. The significance of those questions is methodological rather than topic-specific. They engage the same distinction identified throughout this chapter: whether later work merely refines an

already demonstrated acceptable solution, or whether it will determine whether such a solution exists at all.

That distinction should be applied consistently across the Scheme. Where later information may require relocation of infrastructure, a different foundation system, a different drainage strategy, greater ecological avoidance, altered access, additional stand-off, revised mitigation or deletion of a Work, the missing information goes to the acceptability of the authorised envelope rather than to routine implementation detail.

2.5.1 White-clawed crayfish and aquatic ecology

Statutory consultation proceeded without a complete downstream assessment of white-clawed crayfish across the connected chalk-stream system. The applicant's conclusion that the species is unlikely to be present appears to rely substantially on habitat appraisal and the absence of field signs, rather than on a complete presence-or-absence survey of all potentially affected connected habitat.

South Norfolk Council notes that the Aquatic Habitat Assessment found no field signs but questions reliance on that observation where a breeding population is known in the River Tas catchment. It considers that the conclusion appears to be based on habitat suitability rather than a definitive species survey. Norfolk County Council likewise states that absence of signs during a walkover cannot confirm absence and calls for robust biosecurity, pollution-prevention and sediment-management controls because of the species' vulnerability and the wider catchment context.

The methodological issue is not confined to whether crayfish occur within the Order Limits. The relevant question is whether construction and decommissioning activities may affect downstream connected habitat through sediment release, pollution, drilling-fluid breakout, altered groundwater or surface-water pathways, disease transmission, temporary crossings or disturbance of watercourse beds and banks.

That concern is reinforced by the Environment Agency's findings. APP/7.1 permits temporary construction access ramps over watercourses where haul routes cannot avoid them, while the final crossing methods and crossing schedule remain subject to detailed design. The Environment Agency requests firmer watercourse buffers, confirmation of trenchless methods at Main Rivers, improved drilling-fluid breakout procedures, fuller water-quality monitoring and clearer pollution controls for temporary works.

Accordingly, the absence of confirmed crayfish records at individual crossing points does not justify a conclusion that effects on the species or its supporting habitat are negligible. The assessment must follow the connected water system, identify downstream pathways and apply precautionary biosecurity, sediment and pollution controls wherever works could affect suitable habitat.

2.5.2 Bat survey coverage and maternity-colony function

The bat baseline must be sufficient to assess the Scheme at colony and landscape scale. South Norfolk Council records ten bat species, describes the assemblage as nationally important and identifies multiple barbastelle maternity colonies whose Core Sustenance Zones overlap the Order Limits. Norfolk County Council likewise identifies maternity roosts in surrounding woodland and considers the area potentially of national importance.

The December 2025 report by Jane Harris materially strengthens that concern. It explains that the South Norfolk Claylands support a barbastelle metapopulation dependent on scattered woodland, high hedges, pollarded trees, open fields and landscape connectivity. Using a 6 km Core Sustenance Zone, it identified six maternity colonies whose CSZs lie within or abut the Scheme area, including two colonies beside the proposed cable route and one expected to be surrounded by solar arrays. It also records that several woodlands, particularly at the eastern end of the Scheme, had not previously been surveyed.

The 2025 fieldwork assessed five woodland areas close to the Scheme. All contained suitable barbastelle roost features. Radiotracking confirmed a previously unknown maternity colony in Little Wood near Shotesham, with a pre-parturition emergence count of up to 36 bats and an estimated post-parturition colony of approximately 55, described as large in the Norfolk context. Acoustic results also predicted maternity colonies in Brooke Wood and Lower Spring Wood, while Spring Wood, Hempnall Green was confirmed as being used for roosting and feeding but requires further work to establish its status.

The report also establishes that relatively small belts of mature broadleaved trees within otherwise coniferous plantations may support maternity colonies and should not be dismissed without detailed assessment. It identifies ageing ash affected by dieback as an increasingly important source of split and lifting bark suitable for barbastelle roosts. This is particularly relevant to South Norfolk woodlands and means that woodland size, plantation classification or apparent commercial character cannot safely be used as proxies for low roost potential.

The Applicant should therefore identify the age and seasonal coverage of all bat data, whether every relevant adjoining woodland has been surveyed, whether effects were assessed colony by colony, and how overlapping CSZs, dark commuting routes, woodland edges, hedgerows, panel proximity, access tracks, lighting and construction disturbance were considered cumulatively. The assessment must include roosts outside the Order Limits where the Scheme may remove, fragment or disturb supporting habitat.

The Harris report expressly requires further radiotracking at Brooke Wood, Lower Spring Wood and Spring Wood, Hempnall Green, and assessment of additional candidate woodlands including Hempnall Little Wood, Winters Grove, Ringers Grove, Tindall Wood, Sexton Wood, Hedenham Wood, Park Plantation and smaller scattered woods

across the Scheme area. Its conclusion is clear: the effects of East Pye Solar cannot be properly assessed without a fuller understanding of barbastelle distribution and habitat use throughout the Scheme landscape.

That evidential gap also affects European Protected Species licensing. The tests of no satisfactory alternative and maintenance of favourable conservation status cannot be addressed reliably unless the maternity-colony network, roost resource, commuting routes and foraging habitat are sufficiently understood before consent.

2.5.3 Botanical baseline

BEPS's consultation-stage objection was that the PEIR did not demonstrate systematic botanical recording across all land affected or potentially affected by the Scheme. That concern is serious because the area is not botanically ordinary. The January 2026 letter from two experienced local botanists identifies multiple threatened and locally important species along roads, verges, tracks and field edges liable to be affected by access works, road widening and construction traffic. These include sulphur clover, listed as Endangered in Great Britain and Vulnerable in England; dyer's greenweed and pepper saxifrage, both listed as Endangered in Great Britain; and crosswort, listed as Near Threatened in England. The letter states that South Norfolk supports about 20% of the national sulphur clover population and that up to five of Norfolk's eight extant dyer's greenweed sites may lie within the affected area.

The concern is not limited to individual species. The letter describes irreplaceable assemblages surviving on ancient verges, drove roads, parish boundaries and former commons, including the nationally significant combination of dyer's greenweed, sulphur clover and spiny restharrow around Lodge Road, Hundred Lane, Carpenter's Walk and Prangle Lane. These communities may occupy strips only 30–50 cm wide and are therefore acutely vulnerable to road widening, vehicle overrun and verge damage. Their long continuity, associated fungi and local seedbanks mean that they cannot credibly be recreated elsewhere through generic seeding or BNG compensation.

A complete botanical baseline was therefore required before access routes, cable corridors and site entrances were fixed. The letter calls for full-area walkover surveys by a botanist of at least FISC level 5, with one survey in June for grassland vegetation and another after harvest but before sowing for arable flora, followed by redesign to avoid valuable areas and further consultation on any materially revised scheme.

The Applicant should now identify precisely what Phase 1, UKHab and targeted botanical surveys were completed, when, by whom, to what geographic extent and with what limitations. It must also explain how the results altered the layout, access strategy, cable route, BNG baseline and mitigation. Unless that is demonstrated, the ecological baseline may be understated, avoidance areas may have been missed and claimed BNG may rest on an unreliable valuation of existing habitat.

ISH1 has now resulted in a specific action requiring the Applicant to engage with local botanical evidence concerning rare species records and the effects of road widening

and access works, reinforcing BEPS's submission that the botanical baseline was not complete when significance conclusions were reached.

2.5.4 Other baseline omissions identified by consultees

The ecological concerns form part of a wider pattern. The Environment Agency identifies omitted or inadequately described groundwater-dependent terrestrial ecosystems, inaccurate Source Protection Zone information, missing water-quality data, insufficient ground investigation and incomplete assessment of private and public water supplies.

South Norfolk Council identifies uncertainty concerning historic hedgerows, veteran trees, great crested newt data, adjoining bat roosts, operational noise sources and contaminated land. National Highways identifies missing junction-level modelling and collision information for the strategic road network. Norfolk County Council identifies insufficient archaeological trenching in geophysically 'blank' areas and missing information on internal array cabling, preventing reliable assessment of combined below-ground effects.

These examples demonstrate that the problem is methodological rather than confined to one discipline: significance conclusions have repeatedly been reached despite material baseline uncertainty.

2.5.5 Consultation consequences of incomplete baseline information

Where material survey seasons or receptor assessments were incomplete during statutory consultation, consultees could not fully assess the likely significant effects or the effectiveness of the proposed mitigation. The Applicant must therefore explain what information became available later, how it altered the environmental assessment or Scheme design, and how affected consultees and communities were given a fair opportunity to respond.

Not every later survey necessarily required a fresh statutory consultation. The relevant question is whether later information materially changed the understanding of the baseline, likely effects, mitigation or development envelope. Where it did, the Applicant must demonstrate that consultation remained intelligent and informed.

2.6 Generic significance matrices are not calibrated to site-specific ecological sensitivity

The ES relies on standard sensitivity, magnitude and significance matrices, but does not adequately demonstrate that those matrices were adapted to the functional requirements of the receptors present. Barbastelle maternity colonies require dark and connected commuting and feeding networks; chalk streams and groundwater-dependent habitats may be affected by sediment, heat, drilling and altered flow pathways; white-clawed crayfish may be vulnerable to limited pollution or biosecurity

failures; and rare botanical assemblages or Countryside Stewardship habitat may have substantial functional value despite limited spatial extent.

Norfolk County Council's LLFA identifies internal uncertainty in Chapter 2. 'High' sensitivity combines national and international receptors, while 'Medium' includes receptors described as being of high importance. The relationship between value, importance, susceptibility and sensitivity is therefore unclear.

The Environment Agency also identifies materially different scale-of-effect matrices in Chapters 9 and 16 for comparable groundwater receptors. It considers that the Chapter 9 matrix may underestimate effects and prevent meaningful comparison between disciplines.

The matrix is not a neutral tool. Where receptor value is compressed, magnitude categories are broad and professional judgment is insufficiently explained, a small change in classification may determine whether a serious effect is labelled significant or not significant.

2.7 Generic mitigation assumptions do not demonstrate ecological functionality

The existence of a mitigation measure does not establish that it will function for the receptor concerned. Buffer strips, retained hedgerows, grassland beneath panels, replacement planting, sensitive lighting, trenchless crossings, pre-construction surveys and ecological supervision cannot automatically be treated as sufficient embedded mitigation.

The Applicant must demonstrate the receptor protected, the ecological function retained, the required width and condition, the securing mechanism, the period before the measure becomes effective, the monitoring regime, the response to failure and its continued effectiveness during replacement and decommissioning.

For barbastelle, retained hedgerows and generic buffers do not by themselves demonstrate maintenance of dark, unfragmented commuting and foraging habitat. For chalk streams and crayfish, general pollution-prevention wording does not resolve drilling-fluid breakout, sediment, temporary crossings, groundwater pathways or biosecurity risk. Ground-nesting bird habitat supported through Countryside Stewardship cannot simply be displaced or recreated without evidence of equivalent location, management, area and functional use.

APP/7.1 and APP/7.2 reinforce this concern because they defer important ecological controls to later walkovers, protected-species surveys, licensing, EcoCoW advice, lighting strategies and detailed management plans. Those documents may implement mitigation, but they should not be used to postpone determining whether the mitigation is feasible and sufficient.

2.8 Cumulative and functional-connectivity underassessment

Cumulative ecological assessment is not limited to adding hectares of habitat loss. It must assess the integrity and function of the ecological network affected by the components of this Scheme and by other developments.

2.8.1 Barbastelle Core Sustenance Zones

The assessment should map every confirmed and reasonably predicted maternity colony, overlapping Core Sustenance Zones, woodland and hedgerow links, dark corridors, panel proximity, access tracks, lighting nodes and construction disturbance. South Norfolk Council's evidence of twelve overlapping maternity-colony Core Sustenance Zones demonstrates why a broad bat-assemblage assessment is insufficient. Effects should be assessed by colony where the evidence permits and then cumulatively across the maternity network.

2.8.2 Hydrological connectivity

The assessment must connect BESS and substation locations, deep foundations, piling, cable trenches, HDD crossings, groundwater pathways, Source Protection Zones, groundwater-dependent habitats, chalk streams, aquatic ecology and water supplies.

The Environment Agency identifies risks from deep foundations, preferential pathways, cable heat, inaccurate Source Protection Zone descriptions and omitted groundwater-dependent ecosystems. It requires hydrogeological and foundation works risk assessments informed by intrusive investigation. These matters cannot be assessed reliably as separate ground, water and ecology effects where they share the same pathways and receptors.

2.8.3 Combined effects of the Scheme

The internal cumulative assessment should address the combined effects of solar arrays, BESS, substations, pylons, cable corridors, temporary compounds, access works, fencing, lighting, drainage and replacement cycles. The Scheme should not be divided into separate work packages where the same habitat network is exposed to repeated, overlapping or simultaneous disturbance.

The August 2026 NPPF now reinforces several of those receptor-network concepts expressly. Policy N2 requires ecological networks extending beyond the development site to be strengthened; Policy TR8 treats public rights of way as a network and recognises the importance of direct and circular recreational routes; Policy P3 requires cumulative pollution effects to be considered; and Policy TR6 requires reasonable future transport scenarios and cumulative effects to be assessed. ExQ1 similarly questions the Applicant's treatment of individual PRoWs in isolation and asks for consideration of sequential experience along circular routes. The principle is wider than

recreation: bats, residents, watercourses, heritage assets and settlements likewise experience connected and repeated effects rather than isolated technical-chapter events.

2.8.4 External cumulative schemes

The cumulative assessment must reflect the exceptional concentration of energy and infrastructure development in South Norfolk. Relevant schemes include other solar NSIPs and BESS projects, Norwich to Tilbury, offshore-wind cable and converter infrastructure, National Grid works, strategic highway schemes and major local development. These projects may overlap in programme, geography, haul routes, ecological networks and affected communities.

South Norfolk Council identifies cumulative risks to landscape, heritage, ecology, businesses and communities, including overlapping construction programmes, abnormal-load movements, road widening and associated loss of trees and hedgerows. Norfolk County Council likewise objects to the clustered loss of agricultural land and the cumulative effects of solar and transmission infrastructure across Norfolk, particularly in South Norfolk.

The assessment cannot lawfully stop at a list of projects or a comparison of individual land-take figures. It must assess whether combined construction traffic, habitat fragmentation, noise, lighting, hydrological disturbance and landscape industrialisation affect the same receptors at the same time. Where overlapping programmes remain uncertain, that uncertainty must be assessed rather than used to exclude effects.

2.9 Temporal methodology and ecological timescales

Chapter 2 applies generic duration categories that are not reliably adapted to ecological timescales. A two-year effect cannot automatically be treated as short-term merely because it is temporary in project terms. Nor can a 60-year loss of habitat function sensibly be described as temporary simply because eventual decommissioning is proposed.

The Environment Agency specifically rejects the ecology chapter’s classification of effects lasting up to two years as short-term for fish. It states that effects lasting more than six months should be assessed as permanent for relevant WFD purposes because two spawning or juvenile cohorts may be affected. This demonstrates why duration must be receptor-specific.

The same problem arises for maternity-colony function, mature hedgerows, woodland edges, soil communities and chalk-stream habitats. Their ecological function may take decades to recover, if it recovers at all. The methodology must also assess repeated BESS replacement, wholesale panel replacement and transformer replacement, including the disturbance of habitats that may have matured during operation. APP/7.2 confirms repeated BESS replacement and a major panel-replacement cycle during the 60-year life of the Scheme.

2.10 Future baseline and climate-dependent ecological change

The future baseline is insufficient if it assumes the receiving environment remains static while the Applicant's mitigation planting matures successfully. Over a 60-year operational period, ecological and hydrological conditions will change.

The assessment should address drought, groundwater decline, more intense rainfall, sediment and runoff risk, changing water temperatures, altered bat and bird distributions, habitat succession, planting mortality, invasive species and the future condition of surrounding habitats. Those changes may affect both receptor sensitivity and mitigation performance.

This is particularly important where the Scheme relies on long-term planting, drainage maintenance, watercourse protection and stable groundwater conditions. APP/7.2 shows that operational acceptability depends heavily on vegetation establishment and continued maintenance over decades. The Applicant cannot claim the future benefits of mature planting while failing to assess the future deterioration, displacement or increased vulnerability of the wider ecological network.

2.11 Professional judgment and unexplained ecological conclusions

Professional judgment is not objectionable in itself, but it must be transparent, evidence-based and precautionary where uncertainty is material. The ES repeatedly reaches conclusions of negligible, minor or not significant effect without always exposing the reasoning necessary to test them.

Examples include the conclusions that solar development will not materially affect barbastelle colony function; aquatic invertebrates, fish and crayfish will not be significantly harmed; cable heat will remain confined to the immediate cable vicinity; freshwater fish are of limited importance; private water supplies are of only moderate sensitivity; habitat fragmentation is minor; and generic buffers will be effective.

Several consultees dispute those judgments. The Environment Agency challenges the valuation of fish, the treatment of cable heat, groundwater pathways and water-supply sensitivity. South Norfolk Council disputes the sufficiency of the bat, noise and heritage judgments.

For each material conclusion, the Applicant should identify the evidence relied upon, the expert making the judgment, the assumptions adopted, the uncertainty recognised, the reason for the selected significance category and why a precautionary conclusion was not preferred. Without that audit trail, professional judgment becomes an unreviewable route to downgrading effects.

2.12 Rochdale envelope and changing ecological effects

The ecological assessment must correspond to the same maximum design configuration assessed elsewhere. Ecological effects may vary materially according to whether the Scheme uses 4.5 metre tracker panels or lower fixed panels, panel spacing and movement, proximity to woodland and watercourses, lighting design, BESS and substation footprint, foundation depth, cable burial depth, HDD depth, launch-pit location, access alignment and vegetation clearance.

APP/7.18 preserves substantial flexibility across those parameters. The Applicant must therefore demonstrate which maximum configuration was assessed in Chapter 8 and whether it is consistent with the maxima used in the landscape, water, noise and heritage chapters.

The Environment Agency's finding that maximum foundation depths are absent for some substations is particularly serious because ecological conclusions concerning groundwater-dependent habitats cannot be reliable if the vertical extent of disturbance is unknown. A flexible envelope is permissible only where the realistic worst case has been assessed and secured.

ISH1 has made the Rochdale-envelope issue more concrete. The Applicant confirmed that the Illustrative Masterplan is not the final layout and that important components remain subject to post-consent choice. The ExA consequently sought further information concerning overplanting, panel ratings, hectares per MW, panel type and location, minimum panel separations, conversion-unit and switchroom numbers and locations, fencing, lighting, substation technology and whether the authorised envelope could permit a materially greater installed capacity than that presented. These are not merely aesthetic matters. They affect landscape, heritage, ecology, noise, drainage, transport, ground conditions, aviation and cumulative effects. The EIA must therefore demonstrate that every materially different configuration permitted by the DCO remains within a discipline-specific and whole-Scheme reasonable worst case.

2.13 Outline controls and excessive deferral

The application relies heavily on future documents to resolve matters that may determine whether significant effects arise. APP/7.1 defers pre-construction walkovers, further protected-species surveys, licensing, detailed water management, crossing schedules, hydrogeological assessment and construction methods. APP/7.2 defers sensitive lighting, future ecological management, EcoCoW controls for replacement works, possible later badger licensing and detailed operational mitigation.

Post-consent information is not objectionable merely because it is produced later. The critical distinction is whether it refines implementation of an already assessed and acceptable solution, or whether it supplies information required to determine whether such a solution exists. East Pye repeatedly approaches that boundary.

Several of the outstanding matters are not questions of detailed design but questions of environmental knowledge. The Applicant still lacks, or has only recently begun to obtain or supplement, important information concerning botany, aquatic ecology, bat functional habitat, aviation safety, high pressure gas pipeline safety, private water supplies and hydrogeology. Those matters are capable of determining where development can safely occur, what avoidance is required, what mitigation is feasible and whether the authorised development can remain within the effects assessed. They therefore go to the environmental acceptability of the authorised envelope itself, not merely to its later implementation.

The distinction is fundamental. Later work may legitimately refine an already demonstrated acceptable solution. It should not be used to discover, after consent, whether an acceptable solution exists.

The correct test is simple: does the later document merely implement an already assessed and fixed outcome, or will it determine whether an effect occurs, how large it is or whether mitigation is feasible? If the latter, the environmental issue has not been resolved at examination stage.

Future surveys may update method statements, but they cannot lawfully substitute for an adequate baseline. Detailed design may refine mitigation, but it cannot be allowed to determine later whether protected-species habitat, groundwater pathways or watercourse crossings are acceptable. The present level of deferral materially weakens the reliability of the ES conclusions.

ExQ1 now provides direct examples. The ExA asks how an adequate ground, groundwater and contamination baseline can be demonstrated without application-stage intrusive investigation; how drainage design can be finalised where infiltration testing and hydraulic detail remain outstanding; how health and fire conclusions can be relied upon where future assessment is still required; and which transport and design measures remain dependent upon later approval. Those questions support BEPS's submission that some matters currently described as 'detailed design' are in substance pre-consent questions of feasibility and environmental acceptability.

2.14 Consequences for consultation, HRA and EPS licensing

2.14.1 Consultation

Where material ecological information was absent or incomplete during statutory consultation, consultees could not properly test the significance of effects or the adequacy of mitigation. That concern arises particularly in relation to barbastelle maternity colonies, botanical interest, white-clawed crayfish and hydrological connectivity. The later Harris report identified a new maternity colony at Little Wood, predicted further colonies at Brooke Wood and Lower Spring Wood, and concluded that the Scheme's effects could not be properly assessed without fuller knowledge of barbastelle distribution and habitat use. The botanical objection likewise identified

threatened species and irreplaceable verge assemblages not demonstrated to have been systematically surveyed at PEIR stage.

The Applicant must therefore show what material evidence emerged after consultation, how it changed the assessment or design, and whether affected consultees and communities had a fair opportunity to respond. The issue is not that every later survey required a fresh consultation. It is whether the later evidence materially altered the environmental case.

2.14.2 Habitats Regulations Assessment

The EIA defects do not automatically render the HRA unlawful. They do, however, undermine its evidential foundation where conclusions depend on ecological connectivity, groundwater pathways or cumulative effects that remain incompletely understood.

APP/2.10 shows the Scheme in the wider context of European sites, SSSIs and ancient woodland. The Environment Agency has identified omitted groundwater-dependent terrestrial ecosystems, unresolved hydrogeological pathways and risks from piling, trenchless drilling and cable heat. If those pathways could connect the Scheme to European sites or supporting habitats, screening and in-combination conclusions cannot safely rest on generic mitigation or later risk assessments.

2.14.3 European Protected Species licensing

The relevant EPS licensing tests are a permitted statutory purpose, no satisfactory alternative, and maintenance of the species at favourable conservation status. IROPI is not the applicable EPS licensing test.

Those tests cannot be considered reliably while the barbastelle maternity network remains incompletely defined. The Harris report confirmed a new maternity colony, predicted further colonies and identified additional woodlands requiring investigation. South Norfolk Council also records multiple overlapping Core Sustenance Zones and raises the likelihood of further colonies in unsurveyed woodland.

Without a sufficiently complete understanding of roosts, commuting corridors, foraging habitat and cumulative effects, the Applicant cannot demonstrate that alternatives have been properly considered or that favourable conservation status can be maintained. Licensing cannot be treated as a routine post-consent formality.

2.14.4 Planning balance

These methodological uncertainties materially reduce the weight that can be placed on the Applicant’s repeated conclusions that effects are negligible, minor or fully mitigated. They also weaken the proportionality and residual-harm assessment under EN-1 and EN-3.

Where the baseline is incomplete, the design remains flexible and mitigation is deferred, the decision-maker should not assume the most favourable outcome. Uncertainty concerning serious or irreversible harm must weigh against consent unless resolved during examination.

The August 2026 NPPF W3 does not reduce the need for robust environmental information. Substantial weight to renewable-energy benefits does not convert an uncertain environmental effect into a known one. The planning balance can only be completed against effects which have been adequately identified and assessed.

2.15 Wider cross-topic manifestations of the same defect

The methodological problem is not confined to ecology. The Environment Agency identifies inconsistent significance matrices between Chapters 9 and 16, missing maximum foundation depths, incomplete groundwater evidence and inaccurate Source Protection Zone descriptions. National Highways identifies missing junction-level modelling, collision assessment and sufficiently granular cumulative traffic analysis.

South Norfolk Council says the noise assessment does not demonstrate the true rural worst case, omits or inadequately explains key source data and relies on unconfirmed mitigation. It also questions the effectiveness of landscape planting and the completeness of hedgerow and veteran-tree evidence. Norfolk County Council identifies insufficient archaeological trenching in apparently blank areas, missing internal array-cabling information and inconsistencies in the temporal methodology and future baseline.

The same pattern recurs throughout: incomplete baseline evidence, broad professional judgment, missing maximum parameters, generic mitigation and post-consent deferral are used to support findings of no significant effect.

The hearing record provides several further examples of the same methodological defect. The Site 7 haul-road crossing of the high-pressure gas pipeline remained technically unexplained at ISH1. The Applicant was required to provide a standalone aviation-safety document addressing matters beyond glint and glare. The ExA required further explanation of the National Grid substation's capacity for other projects, the certainty and timing of its delivery and the cumulative or downstream consequences of future third-party use. It also required the Applicant to explain how adverse effects on some individuals are translated into a conclusion of no significant population-level health effect, and whether concern or anxiety arising from perceived risks has been assessed separately. These are not isolated requests for clarification; they show that the Scheme's environmental conclusions continue to depend upon interactions and assumptions which have not yet been fully reconciled.

2.16 Methodological consequences and overall finding

First, the methodology is not demonstrably tailored to the ecological and hydrological characteristics of the East Pye landscape. It treats a connected system of woodland, hedgerows, aquifers, streams, verges and farmland mosaics through largely generic and parcel-based assessment structures.

Second, the baseline remains incomplete or disputed in material respects, including barbastelle maternity networks, white-clawed crayfish, botanical interest, groundwater-dependent habitats, water quality, Source Protection Zones and other receptors.

Third, generic matrices and mitigation templates have not been shown to reflect the functional requirements of the receptors affected. Fourth, cumulative, hydrological and ecological connectivity have not been integrated adequately. Fifth, important matters remain deferred to later surveys, management plans, licences and design decisions.

In those circumstances, the ES cannot reliably determine the realistic scale and significance of effects across the full Scheme. The weakness is not confined to one ecology appendix. It affects consultation, cumulative assessment, protected-species licensing, water and groundwater assessment, the mitigation case and the weight to be given to residual-harm conclusions in the planning balance.

The methodological consequence is therefore now clearer than when this Written Representation was first prepared. The problem is not simply that some chapters contain gaps or that some mitigation remains to be detailed. The Examination has itself identified repeated instances in which the information needed to understand the receptor, define the authorised development, identify the reasonable worst case or test the effectiveness of mitigation remains outstanding while the ES has already reached conclusions of no significant effect.

The EIA can only support development consent if the Examining Authority can identify a coherent evidential chain for each material issue: baseline receptor → source/pathway → magnitude and significance → avoidance and mitigation → residual effect → secured DCO control.

Where the receptor remains incompletely defined, the pathway is uncertain, the design is still materially flexible or the mitigation is not yet demonstrated and secured, the residual-effect conclusion is necessarily provisional rather than established.

The ExA should therefore distinguish explicitly between matters which may legitimately be refined after consent and matters which must be resolved during Examination because they determine whether the Scheme is environmentally acceptable at all. Where the latter cannot be resolved within the assessed DCO envelope, the relevant flexibility or Work should be reduced, relocated or removed rather than deferred.

2.17 Examination questions

The Applicant should be required to provide:

1. A scheme-wide ecological-network plan showing statutory and non-statutory sites, ancient woodland, priority habitats, watercourses, ponds, known and predicted maternity colonies and overlapping Core Sustenance Zones.
2. A complete survey schedule identifying dates, seasons, coverage, limitations and unsurveyed areas.
3. Full details of Phase 1, UKHab and targeted botanical work across Sites, cable corridors, accesses and temporary works areas, and how that evidence informed design and BNG.
4. A colony-specific barbastelle assessment, including cumulative effects within overlapping Core Sustenance Zones and impacts on roosts outside the Order Limits.
5. The full evidential basis for concluding that white-clawed crayfish and other aquatic receptors will not experience significant effects.
6. An integrated assessment of groundwater, cable heat, trenching, HDD, piling, pollution pathways and terrestrial and aquatic ecology.
7. A schedule of every ecological conclusion dependent on future surveys, licensing or detailed design.
8. An explanation of how generic duration categories were adapted for fish, bats, breeding birds, ancient woodland and other receptors.
9. A reconciliation of the sensitivity and significance methodologies in Chapters 2, 8, 9 and 16.
10. An assessment showing how ecological effects change under the maximum tracker-panel, BESS, substation, pylon, piling, trenching and HDD envelope.

2.18 Remedies sought

The Applicant should be required to complete and disclose all necessary seasonally appropriate surveys, including a complete botanical baseline, updated maternity-colony assessment, adequate crayfish and aquatic ecology evidence, corrected statutory-site, GWDTE and Source Protection Zone information, and transparent survey limitations.

The ES should then be revised to provide a landscape-scale ecological assessment, colony-specific barbastelle analysis, integrated groundwater, surface-water and ecology assessment, receptor-specific duration criteria, cumulative functional-connectivity assessment and reconciled significance matrices.

The Scheme should be redesigned to remove or substantially reduce development within the most sensitive ecological networks, secure wider fixed buffers and dark corridors, avoid development immediately adjoining maternity-colony woodland, fix watercourse-crossing principles and impose tighter controls on lighting, piling, HDD and cable routing.

There should be a consolidated schedule identifying every material item of post-consent information and classifying it either as implementation detail or as information

capable of altering the acceptability, location or design of a Work; a cross-topic spatial reconciliation showing where mitigation, biodiversity land, retained agricultural land, cabling, access and other Works overlap or compete for the same land; a whole-Scheme reasonable-worst-case schedule identifying, for each flexible component, the configuration assessed in each environmental discipline and the DCO control which prevents a worse outcome.

The DCO should not rely on ‘where practicable’ wording for essential mitigation. It should prohibit material departure from assessed parameters, require consultation with Natural England, the Environment Agency and relevant local authorities, impose objective approval criteria and monitoring triggers, and prevent commencement where essential surveys, licences or risk assessments remain outstanding.

Unless these deficiencies are corrected during examination, the Examining Authority cannot safely rely on conclusions that ecological, hydrological and cumulative effects are minor, negligible or not significant. The primary remedy is refusal of the Scheme as presently defined. Alternatively, no favourable recommendation should be made unless the necessary evidence, revised assessments, avoidance measures and binding controls have been provided, consulted upon where necessary, examined and secured.

Chapter 3: The Order Limits

3.1 Overarching Objection to the Applicant's Treatment of Site and Surroundings

BEPS objects to the Applicant's treatment of site and surroundings on the basis that it does not provide a sufficiently complete, integrated or legally reliable account of the receiving environment against which the likely significant effects of the Scheme must be identified and assessed.

For a development of this scale, extent, duration and complexity, the description of site and surroundings is not a merely introductory exercise. It forms part of the environmental baseline on which the wider assessment depends. If that baseline is incomplete, artificially segmented or methodologically misconceived, the subsequent assessment is liable to misstate the sensitivity of the receiving environment, understate likely significant effects, and distort the planning balance.

The Scheme is not a limited intervention in a simple or homogeneous landscape. It is a dispersed, infrastructure-intensive proposal extending across a broad tract of South Norfolk countryside and involving generating areas, substations, battery storage, grid connection works, cable routes, access arrangements and associated development. The receiving environment is correspondingly complex and must be assessed as such.

Since this Written Representation was prepared, the National Planning Policy Framework was replaced on 17 August 2026. The Energy NPSs remain the primary policy framework for this NSIP, but the current NPPF materially reinforces the importance of correctly characterising the receiving environment. Policy N2 requires development proposals to consider the environmental qualities of the land proposed for development, including habitats, landscape character and the countryside; to take account of the quality and grade of agricultural land; to connect to and strengthen ecological networks extending beyond the site; and to conserve established natural features where possible. Policy DP3 similarly requires development to respond to the history, character and features of its site and setting so that it integrates with and enhances its surroundings. Those policies are difficult to apply reliably if the receiving environment is first divided into artificial development parcels and its landscape, ecological, agricultural, hydrological and historic functions are considered separately rather than as characteristics of one place.

3.2 Fragmentation of the Receiving Environment

The first and most fundamental defect in the Applicant's approach is fragmentation. The Scheme is treated as a series of separate sites, parcels, corridors and infrastructure components, rather than as a single development introduced into one coherent environmental and cultural landscape.

That is a methodological error, not a mere matter of presentation. The affected area is not properly understood by dividing it into operational compartments. The environmental reality is one of continuity and connection: fields are linked to lanes; lanes to settlements; settlements to heritage assets; heritage assets to their wider setting; woodlands to foraging habitat; habitat to hydrology; hydrology to aquifers, drains, ditches and private water supplies; and all of those elements to the ordinary use and experience of the countryside by residents, landowners and the public.

A parcelised description therefore risks obscuring the true scale and nature of the Scheme's interaction with its surroundings. It encourages an artificially narrow understanding of impact and tends to suppress the fact that the Scheme would operate across one living landscape rather than within a series of environmentally discrete compartments.

3.3 Failure to Describe Interrelationships

The second defect is the failure to describe adequately the interrelationships that define the site and its surroundings. In this part of South Norfolk, the relevant constraints and sensitivities are not discrete topics capable of being understood in isolation. They are overlapping aspects of one place.

The affected area is characterised by a settled agricultural landscape of heavy clay soils, productive farmland, historic villages and dispersed farmsteads, narrow rural roads, public rights of way, mature hedgerow patterns, designated and undesignated heritage assets, protected and ancient woodland, protected species habitat, stewardship-managed land, sensitive water environments, aquifer-linked systems, private water supplies and active aviation interests.

The significance of the landscape lies not merely in the presence of those individual receptors, but in their relationship to one another. Hydrology cannot lawfully be reduced to drainage features alone, because field drains, ditches, culverts, groundwater pathways, abstraction points and downstream receptors form connected systems. Heritage cannot lawfully be reduced to a list of designated assets, because significance depends in part on openness, tranquillity, long views, dark skies, settlement form and the continuing legibility of historic landscape patterns. Ecology cannot lawfully be reduced to habitat parcels, because species movement, foraging function, disturbance, lighting and hydrological dependency operate across the wider landscape. Agricultural land cannot lawfully be reduced to acreage alone, because soil structure, compaction risk, drainage, stewardship and reversibility are interdependent.

A lawful account of site and surroundings must therefore do more than identify the location of receptors or describe the land within a red-line boundary. It must explain how the landscape functions as an interconnected whole and how the Scheme's component parts would interact with that whole.

3.4 Understatement of Environmental Sensitivity

A further consequence of the Applicant's fragmented approach is that it tends to understate the sensitivity of the receiving environment. The land affected is not generic countryside. It is a historically settled, environmentally constrained and agriculturally productive landscape with multiple overlapping protections, vulnerabilities and functional relationships.

Its sensitivity derives not only from designated assets or mapped constraints viewed individually, but from the cumulative coexistence of heritage significance, ecological dependency, hydrological vulnerability, agricultural productivity, rural amenity, settlement character and infrastructure pressure. A description that isolates those matters from one another will almost inevitably dilute the apparent seriousness of the whole.

That is particularly material where the Scheme includes substantial industrial elements, including large-scale substations, battery storage and grid connection infrastructure, whose effects are not confined to the fields in which they sit. Such infrastructure alters the character, risk profile and lived experience of the wider area. A proper account of site and surroundings must reflect that transformation.

3.5 Failure to Treat the Area as a Living Historic and Environmental Landscape

The Applicant's approach also fails to treat the affected area as a living landscape. This is not an empty spatial envelope available for abstract allocation to infrastructure. It is countryside shaped by long-settled agricultural use, historic routeways, stewardship, ecological processes, inherited patterns of landholding, and the long-term relationship between villages, farmsteads, churches, lanes, fields and woodlands.

That matters because the assessment of likely significant effects must engage with the actual place likely to be affected, not a simplified development platform. A site-and-surroundings chapter that omits the lived, functional and historical character of the landscape risks misdescribing the baseline itself.

In this case, the landscape must be described as a living historic and environmental system in which agricultural management, habitat use, settlement pattern, rights of way, tranquillity, heritage setting, groundwater conditions and rural infrastructure all contribute to the significance and sensitivity of the area. Any treatment that fails to do so is materially deficient.

3.6 Consequences for the EIA as a Whole

These defects are not confined to a single chapter. They go directly to the adequacy of the environmental assessment as a whole. The site-and-surroundings chapter provides the baseline framework for subsequent topic assessments. If that framework is partial, compartmentalised or misleading, the defect is carried forward into later judgments on significance, mitigation and residual effect.

A fragmented baseline is liable to distort the assessment of landscape and visual effects by treating change as localised rather than systemic. It is liable to distort heritage assessment by

severing assets from their wider agricultural and spatial context. It is liable to distort ecology by underplaying functional habitat linkages and landscape-scale effects. It is liable to distort water assessment by failing to capture pathway connectivity. It is liable to distort soils and agricultural land by ignoring the interaction of soil type, drainage, management and reversibility. It is liable to distort transport, amenity and human health assessment by overlooking how burdens accumulate across settlements, lanes and community spaces.

It is equally liable to distort cumulative assessment. The cumulative burden of the Scheme cannot be properly understood if the baseline itself has already been artificially broken apart into separate technical components. In that respect, the inadequacy of the site-and-surroundings chapter is not incidental: it is capable of infecting the assessment of cumulative and in-combination effects across the Scheme as a whole.

3.7 Historic Settlement Pattern, Heritage Context and Rural Character

The Applicant's treatment of site and surroundings fails to reflect the fact that the Scheme is located within a historically settled and heritage-rich rural landscape whose character is inseparable from its pattern of villages, hamlets, farmsteads, churches, lanes, field systems and long-established agricultural use.

This is not a landscape in which heritage significance is confined to a small number of designated assets considered individually. Rather, the significance of the area derives to a substantial extent from the historic settlement pattern itself: the relationship between dispersed settlements and open farmland; between parish churches and their surrounding countryside; between historic farmsteads and the land historically associated with them; and between the surviving grain of lanes, boundaries and fields and the wider legibility of the historic landscape.

Rural character in this part of South Norfolk is therefore not simply visual in the narrow sense. It is spatial, historical and experiential. It arises from the continued readability of a settled agrarian landscape in which built form remains closely related to topography, field pattern, agricultural use and long views across open countryside. The contribution made by that setting is not incidental. It is often fundamental both to the significance of heritage assets and to the character of the area more generally.

In such a landscape, the distinction between 'heritage' and 'surroundings' cannot lawfully be treated as sharp or self-contained. The surroundings are part of the heritage context. The agricultural land between settlements is not empty space, but part of the setting in which historic assets are experienced and understood. The open character of the land, the continuity of historic routeways, the absence of large-scale industrial structures, the persistence of dark skies, and the ordinary relationship between settlement edges and surrounding fields all contribute to the significance of the place.

The Scheme would introduce industrial-scale solar infrastructure, substations, battery storage, security fencing, lighting, access works, cable works and associated engineered development into that historic rural context. The effect is not confined to direct physical change within

development footprints. It extends to the wider transformation of the setting in which historic settlements and assets are experienced. That includes effects on openness, rural composition, visual coherence, tranquillity, sequential views, and the legibility of the historic landscape as an agricultural system rather than an energy-industrial corridor.

The relevant heritage context must therefore be understood at landscape scale. A site-and-surroundings chapter is deficient if it treats historic villages, churches, farmsteads, listed buildings, conservation areas and undesignated historic features as isolated receptors detached from the countryside that gives them meaning. It is equally deficient if it treats the land between them as development space of limited significance simply because it is not itself designated. In a landscape of this kind, intervening farmland frequently performs a crucial heritage function by preserving separation, openness, historic approaches, key views and the agricultural setting of rural settlements and assets.

BEPS's position is that the Scheme area must be understood as part of a wider historic landscape of substantial sensitivity, in which numerous designated and undesignated heritage receptors are embedded within, and derive significance from, their rural surroundings. The historic environment here is not limited to individual buildings or sites, but includes settlement form, landscape pattern, routeways, field enclosure, visual relationships and the long continuity of agricultural land use.

That proposition is now supported by BEPS's final independent Heritage Impact Assessment. Following site visits to the potentially affected listed buildings and Conservation Areas, that assessment identifies less-than-substantial harm from the principal built development to 36 designated heritage assets and adverse effects upon 41 designated heritage assets overall once associated road and abnormal-load works are included. The affected assets include two Grade I and three Grade II* listed buildings. The importance of that evidence for Chapter 3 is not simply numerical. The HIA identifies recurring attributes of setting which the Applicant's more parcelised baseline tends to understate: openness and enclosure, topography, historic and functional relationships, group value, historic agricultural use, tranquillity, remoteness, seasonal visibility and the experience of moving through the landscape.

The HIA therefore reinforces the central proposition of this chapter. The farmland separating churches, farmsteads, villages and historic routeways is not environmentally or historically neutral simply because it is undesignated. In many locations it makes a positive contribution to significance through openness, agricultural continuity, views, approaches and historic relationships. Screening development from view may therefore reduce visibility while simultaneously changing the very openness or spatial relationship which contributes to heritage significance.

That point is especially important because the cumulative experience of the area depends on repeated and overlapping encounters with this historic rural character. The significance of one village or church cannot be fully understood without regard to its relationship with neighbouring settlements, surrounding farmland, connecting lanes and wider views. Likewise, the effect of the Scheme cannot properly be assessed by examining each heritage asset in isolation while ignoring the broader transformation of the rural matrix within which those assets sit.

A lawful and reliable description of site and surroundings must therefore identify expressly the historic settlement pattern, the density of heritage receptors, the contribution made by open agricultural land to setting and significance, and the importance of rural character as a heritage value in its own right. Any treatment that fails to do so materially understates the sensitivity of the receiving environment.

Accordingly, BEPS objects to any account of site and surroundings that presents this area as merely a collection of development parcels adjacent to selected heritage receptors. The correct baseline is a coherent historic rural landscape in which settlements, heritage assets and countryside form an interdependent whole. Unless that baseline is properly described, the subsequent assessment of heritage, landscape, amenity and cumulative effects will be fundamentally weakened.

3.7.1 Agricultural Land, Heavy Clay Soils, BMV Land and the Working Countryside

The Applicant's treatment of site and surroundings is also deficient because it fails to describe the Scheme area properly as a working agricultural landscape, rather than merely a spatial envelope within which energy infrastructure may be accommodated. In this part of South Norfolk, agricultural land is not a neutral backdrop. It is the principal land use, the basis of the area's historic and present character, and a core element of the environmental baseline against which the likely significant effects of the Scheme must be assessed.

The affected area comprises actively managed farmland forming part of a wider productive rural system. Its agricultural significance is not limited to the fact of cultivation. It includes land quality, soil function, drainage behaviour, field structure, farm viability, stewardship value and the continuing role of agriculture in sustaining the character and economy of the countryside. Any lawful description of site and surroundings must therefore identify the land not simply as open space, but as an operational agricultural resource with environmental, economic and landscape significance.

That requirement is especially important here because a substantial proportion of the proposed solar parcels lies on Best and Most Versatile ('BMV') agricultural land. The Applicant itself recognises that BMV land comprises Grades 1, 2 and 3a, and that national policy requires applicants to seek to minimise impacts on such land and, where agricultural land is necessary, to prefer poorer quality land where possible. The detailed surveys identify approximately 397.4 ha of Grade 2 and 431.7 ha of Grade 3a land, amounting to approximately 829.1 ha of surveyed Best and Most Versatile agricultural land. That represents approximately 78.7% of the surveyed land addressed in BEPS's later agricultural analysis, while part of the Cable Route Corridor remains unsurveyed. BMV land is therefore not an incidental feature of the Order Limits but one of the defining characteristics of the receiving environment.

The significance of that figure is heightened by the fact that this is not simply a question of abstract land classification. In South Norfolk, agricultural quality, soil condition and landscape character are closely connected. Productive farmland forms the physical and economic fabric of the countryside. Where land is both visually integral to the rural landscape and agriculturally

valuable, development upon it gives rise to a compounded form of harm: to land use, to rural character, to local farming systems and to the long-term integrity of the agricultural resource.

The Applicant's approach is also inadequate because it does not treat soils as a central characteristic of the place. This is a landscape of heavy clay soils, with all the consequences that follow from that condition: susceptibility to compaction, smearing, rutting, structural degradation, impeded drainage, difficult restoration and long-term uncertainty as to reversibility following intensive engineering activity. Those are not secondary technical matters to be addressed later in management documents. They are part of the description of the site itself. A lawful account of site and surroundings must recognise that the agricultural land affected is not only extensive and in significant part BMV, but also physically vulnerable.

That vulnerability is fundamental to the character of the working countryside in this area. Heavy clay soils shape patterns of cultivation, field management, drainage infrastructure and agricultural resilience. They also influence ecological conditions, surface-water behaviour, accessibility, and the practical consequences of construction traffic, piling, trenching, cable installation, substation works and repeated operational access. The interaction between soil type, agricultural quality and hydrological behaviour means that soils cannot lawfully be treated as a narrow topic chapter issue divorced from the general description of site and surroundings.

Nor is it sufficient to suggest that the continued presence of some agricultural activity would preserve the essential agricultural character of the land. The relevant baseline question is not whether fragments of ancillary grazing might persist around or beneath infrastructure, but whether the land would continue to function as productive, high-quality agricultural land forming part of a coherent working countryside. In BEPS's view, industrial-scale solar development across predominantly BMV farmland, particularly on heavy clay soils vulnerable to structural damage, cannot be described as leaving the agricultural character of the site materially unchanged.

The working countryside in this area also includes land subject to agri-environment and stewardship functions, including land managed for ecological purposes alongside food production. That reinforces the point that agricultural land here performs multiple roles simultaneously. It is productive land, ecological land, landscape land and heritage setting. A site-and-surroundings chapter that reduces it to available acreage or generic field parcels materially understates its significance.

The proper baseline must therefore recognise at least four connected propositions. First, the Scheme is proposed within a living agricultural landscape, not on surplus or degraded land. Second, a substantial proportion of the solar parcels are, on BEPS's analysis, located on BMV land. Third, the area is characterised by heavy clay soils whose physical vulnerability bears directly on agricultural function, drainage and reversibility. Fourth, the agricultural land affected contributes not only to food production, but to the wider rural character, environmental function and historic continuity of the South Norfolk countryside.

Accordingly, BEPS objects to any account of site and surroundings that does not expressly describe the affected area as a productive and sensitive agricultural landscape, including the

prevalence of BMV land and the importance of heavy clay soils to the functioning of the countryside. Unless that baseline is properly stated, the subsequent assessment of soils, agricultural land, landscape character, ecology, hydrology, reversibility and cumulative effects will be materially weakened from the outset.

The August 2026 NPPF now makes the relevance of that baseline still clearer. Policy N2 requires the quality of agricultural land, including BMV status **and its grade**, to be taken into account and states that, where significant development of agricultural land is necessary, areas of poorer-quality land should be used where possible. The agricultural baseline therefore needs to distinguish not merely between "agricultural" and "non-agricultural" land but between the different grades and physical characteristics of the land which the Scheme would occupy.

3.8 Water Environment, Drainage Connectivity and Private Water Supplies

The Applicant's treatment of site and surroundings is further deficient because it does not describe the affected area as a hydrologically connected environment in which fields, drains, ditches, culverts, groundwater pathways, aquifers, abstractions and downstream receptors operate as parts of one system. In this landscape, water environment constraints are not incidental or localised. They are fundamental to the character, functioning and sensitivity of the site and its surroundings.

The Scheme is not proposed on land that can lawfully be understood as hydrologically self-contained. The surrounding countryside is shaped by a network of surface and subsurface connections: field drains, drainage ditches, ordinary watercourses, culverts, groundwater movement, aquifer-linked pathways and catchment relationships. These features do not stop at field boundaries or red-line boundaries. They connect agricultural land, settlements, ecological receptors, private water supplies and downstream water environments into a single hydrological system.

That point is particularly important in a scheme involving extensive ground disturbance, cable trenching, substation works, battery storage, access construction, permanent foundations, drainage interventions and long-term operational infrastructure. The effects of such works cannot be understood solely by reference to the immediate footprint of individual components. The relevant question is how those components interact with the wider water environment, both on the surface and below ground.

In this part of South Norfolk, the water environment is also inseparable from the agricultural and environmental character of the landscape. Drainage infrastructure exists not merely as an engineering feature, but as part of the long-term management of heavy agricultural soils, cultivation patterns and water movement across the countryside. Groundwater conditions influence agricultural viability, habitat function, building conservation, private water supply security and the sensitivity of downstream receptors. A lawful description of site and surroundings must therefore recognise hydrological connectivity as a defining characteristic of the place.

The same is true of private water supplies. In a dispersed rural landscape such as this, private wells, boreholes and other abstractions are not exceptional or irrelevant receptors. They are part of the ordinary infrastructure of habitation and land use. Their existence materially increases the sensitivity of the receiving environment because it means that contamination risk, drawdown, pathway creation, altered drainage behaviour and accidental release events may affect not only abstract environmental receptors but real households, farms and businesses dependent on local groundwater.

A site-and-surroundings chapter is therefore inadequate if it fails to identify expressly the presence, significance and vulnerability of private water supplies across the Scheme area and its zone of influence. The baseline must include not only mapped watercourses and flood zones, but the wider pattern of hydrological dependency in the landscape: aquifer sensitivity, groundwater connectivity, drainage routes, abstraction points, receptor locations and the potential for interaction between them.

This is particularly material where the Scheme includes substantial electrical infrastructure, including substations and battery storage, because those elements introduce contamination and major accident pathways that are qualitatively different from ordinary agricultural use. Oil, firewater, construction pollutants, disturbed contaminated ground, sediment mobilisation and other hazardous releases must be understood not simply as on-site matters, but as risks operating through a connected hydrological system. If the receiving environment is described in fragmented or over-localised terms, those pathways are liable to be understated from the outset.

Nor is it sufficient to treat water environment issues as confined to flood risk in the narrow sense. Flooding is only one aspect of hydrological sensitivity. The relevant baseline also includes groundwater vulnerability, recharge and flow pathways, chalk-stream catchment sensitivity, water quality, drainage interdependence, water supply security and the relationship between land disturbance and downstream ecological receptors. A chapter on site and surroundings that reduces water to mapped flood constraints alone does not describe the real environmental conditions of the area.

The proper baseline must therefore recognise that the Scheme is proposed within a living hydrological landscape. The fields, drainage systems, aquifers, abstractions, settlements and ecological receptors potentially affected are interdependent. Water movement across this countryside is not incidental to the site; it is one of the principal ways in which effects may travel across it.

Accordingly, BEPS objects to any account of site and surroundings that does not expressly describe the affected area as a hydrologically connected and groundwater-sensitive environment, including the importance of drainage connectivity and the presence and vulnerability of private water supplies. Unless that baseline is properly stated, the subsequent assessment of water environment effects, major accident risk, human health, ecology, agricultural impact and cumulative effects will be materially weakened.

3.9 Ecology, Woodland Networks and Functional Habitat Connectivity

The Applicant's treatment of site and surroundings is also deficient because it does not describe the affected area as a functioning ecological landscape in which woodlands, hedgerows, field margins, watercourses, pasture, arable land and managed habitats operate together as interconnected components of a wider ecological system. In this part of South Norfolk, ecological value does not reside solely within isolated designated sites or discrete habitat parcels. It arises to a substantial degree from the connectivity of the landscape as a whole.

The Scheme is proposed within a countryside characterised by interlocking woodland networks, mature hedgerow systems, agricultural land used by protected and priority species, drainage features, and areas of land subject to ecological management and stewardship. The significance of these features lies not merely in their individual presence, but in the functional relationships between them: movement, foraging, commuting, breeding, shelter, hydrological dependency and seasonal use across the wider landscape.

That ecological reality cannot lawfully be captured by describing habitat on a parcel-by-parcel basis alone. Species do not observe development boundaries. Functional habitat extends across fields, routeways, hedgerows, woodland edges, grass margins, wet features and connecting corridors. A site-and-surroundings chapter that treats ecological receptors as fixed and localised risks fundamentally understating the sensitivity of the receiving environment and the extent to which effects may arise through fragmentation, severance, displacement, disturbance or loss of ecological coherence.

This point is especially important in a landscape where protected species are known or strongly likely to depend on the continuity of the countryside rather than on isolated habitat islands. Woodland blocks are not ecologically self-contained. Their value depends in part on the condition and accessibility of the surrounding land, including dark corridors, foraging areas, flight lines, edge habitat and the wider permeability of the agricultural matrix. Likewise, agricultural fields cannot be treated as ecologically negligible merely because they are farmed. In this area, farmland itself forms part of the habitat resource and movement network for protected and priority species.

The same is true of land managed under stewardship or other ecological enhancement regimes. Such land is not surplus space awaiting alternative use. It is part of an existing ecological system that has been deliberately managed to support species and habitat function over time. Its importance lies not only in species presence at a given moment, but in its contribution to the wider structure, resilience and continuity of the landscape. Any lawful description of site and surroundings must therefore identify existing ecological management and habitat functionality as baseline characteristics of the place.

The Applicant's approach is further deficient because it risks separating designated sites, protected woodlands and notable habitats from the wider countryside that sustains them. In reality, the sensitivity of woodland, including ancient and designated woodland, often depends not only on the condition of the woodland itself but on the integrity of surrounding land uses,

hydrology, lighting conditions, disturbance levels and habitat connectivity. A chapter on site and surroundings that does not explain those dependencies materially understates ecological sensitivity.

Nor can ecology lawfully be confined to a narrow inventory of habitats. The relevant baseline must include functional habitat connectivity, species use of farmed land, the role of hedgerows and margins as connective infrastructure, the significance of dark and quiet rural conditions, and the interaction between ecological function and other environmental characteristics such as hydrology, soil condition and agricultural management. In a landscape of this type, ecology is inseparable from the wider rural system.

That is particularly material for a Scheme of this scale and distribution. The environmental consequences do not arise only from direct habitat removal. They may also arise from the cumulative insertion of fencing, substations, battery storage, lighting, access routes, cable works, operational activity and long-term landscape change across multiple locations. Such infrastructure may alter movement patterns, reduce permeability, degrade dark corridors, fragment foraging land, intensify edge effects and weaken the coherence of habitat networks across the wider countryside.

The proper baseline must therefore recognise that the site and surroundings form an ecologically connected landscape in which woodland networks, agricultural land, stewardship land, hedgerows, water features and species movement corridors are interdependent. The sensitivity of the receiving environment lies not only in designated sites or isolated receptors, but in the functional integrity of the wider system.

Accordingly, BEPS objects to any account of site and surroundings that does not expressly describe the affected area as a connected ecological landscape, including the importance of woodland networks, functional habitat connectivity, species use of the wider countryside and the ecological role of managed farmland and margins. Unless that baseline is properly stated, the subsequent assessment of ecological effects, protected species impacts, mitigation, habitat compensation and cumulative effects will be materially weakened.

3.10 Public Rights of Way, Rural Amenity and the Experience of the Countryside

The Applicant's treatment of site and surroundings is further deficient because it does not adequately describe the affected area as a lived and experienced countryside used not only for farming and habitation, but for movement, recreation, quiet enjoyment and ordinary day-to-day contact with the rural environment. In this landscape, public rights of way, lanes, open views, tranquillity and the experience of passing through a coherent agricultural countryside form part of the environmental baseline and must be treated as such.

The Scheme is proposed within a rural area crossed and bordered by public rights of way, minor roads, lanes and other routes by which residents and visitors experience the countryside. These are not merely lines on a map or transport links of limited relevance. They are part of the historic

and functional structure of the landscape and part of the means by which its openness, continuity, quietness and rural character are encountered and understood.

The significance of public rights of way in this context is not confined to whether a route remains technically open. The relevant question is how the character, amenity and experience of those routes would change if the surrounding countryside were transformed by extensive solar infrastructure, substations, battery storage, security fencing, lighting, access tracks, compounds, cabling and associated activity. A route may remain legally available while being materially altered in character, attractiveness, perceived safety and amenity value.

That point is especially important in a dispersed rural landscape where the experience of the countryside depends on continuity between paths, lanes, fields, hedgerows, settlements and views. Rights of way do not operate in isolation from their surroundings. Their value lies in movement through an open and legible landscape, in the ability to experience historic settlement form and agricultural setting, and in the sense of relative tranquillity and escape from industrial development. A site-and-surroundings chapter that records rights of way merely as physical receptors or route constraints fails to capture their true significance.

Rural amenity in this area likewise cannot lawfully be reduced to visual impact in a narrow sense. It includes openness, tranquillity, dark skies, the absence of industrial activity, the relationship between villages and surrounding fields, the character of minor roads and lanes, and the cumulative experience of a countryside that remains recognisably agricultural rather than infrastructural. Those qualities are part of the ordinary enjoyment of the area by residents, walkers, riders, road users and others, and they contribute directly to the environmental sensitivity of the site and surroundings.

The Applicant's approach is therefore deficient insofar as it fails to describe the countryside as an inhabited and experienced place. The affected environment is not simply a technical platform for development. It is used and understood by people through daily movement, recreation, access to neighbouring settlements, appreciation of views, and long familiarity with a settled rural landscape. A lawful baseline must identify that experiential dimension expressly.

This is particularly material for a Scheme of this scale and distribution. The cumulative insertion of industrial elements across multiple parcels may alter the experience of the countryside well beyond the immediate footprint of infrastructure. Fencing, inverter stations, substations, battery storage, access movements, surveillance equipment, engineered tracks and the narrowing of routes into visually and perceptually enclosed corridors may collectively change the character of how the landscape is used and perceived. Such effects are real environmental effects and must be grounded in an accurate description of site and surroundings.

The proper baseline must therefore recognise that public rights of way and rural amenity are integral components of the receiving environment. The countryside here is not merely seen; it is traversed, inhabited and experienced. Its value lies partly in the continuity of that experience across fields, lanes, settlements and views. Any account that ignores or underplays that point materially understates the sensitivity of the landscape.

Accordingly, BEPS objects to any account of site and surroundings that does not expressly describe the affected area as a countryside experienced through public rights of way, rural routes, tranquillity, openness and everyday amenity. Unless that baseline is properly stated, the subsequent assessment of landscape, visual impact, amenity, accessibility, human health and cumulative effects will be materially weakened.

3.11 Cumulative Infrastructure Pressure and the Transformation of Rural Character

The Applicant's treatment of site and surroundings is also deficient because it does not describe the affected area in its true cumulative context. The Scheme is not proposed in a static or unpressured landscape. It is proposed within a part of South Norfolk already subject to substantial and increasing pressure from energy infrastructure, grid reinforcement, associated works and wider development change. That cumulative context is not a separate add-on to the baseline. It forms part of the site and surroundings themselves.

A lawful description of site and surroundings must therefore identify not only the present character of the countryside, but the extent to which that character is already being altered, or is at material risk of alteration, by overlapping infrastructure pressures. In this case, the relevant receiving environment is not simply an agricultural landscape in the abstract, but an agricultural landscape facing progressive industrialisation through the concentration of solar generation, substations, battery storage, cable corridors, overhead line works, construction traffic and related energy development.

That issue is particularly acute because parts of the Scheme, and in particular the principal grid connection area, function as a cumulative nexus rather than as isolated development locations. The significance of those areas cannot be understood by considering each component individually. The combined presence of large-scale substations, battery storage, cable connections, overhead line interface works and associated access and operational infrastructure creates a cumulative form of transformation that is qualitatively different from the effect of any single element viewed in isolation.

The same is true at landscape scale. The effect of the Scheme is not limited to the direct presence of infrastructure within particular parcels. It arises also from the wider shift in character produced when multiple parts of a settled rural landscape are progressively reconfigured around energy generation and transmission uses. That process changes how the countryside functions, how it is perceived, how settlements relate to their surroundings, and how the area is experienced by residents, landowners and users of the public realm.

A site-and-surroundings chapter is therefore inadequate if it presents the affected area as though it were a largely unchanging baseline into which one proposal is simply inserted. The baseline must include the cumulative burden already present or reasonably foreseeable: energy infrastructure concentration, grid-related development, associated land-take, pressure on roads and lanes, increased industrialisation of views, and the progressive erosion of the distinction between working countryside and utility corridor.

This is not merely a matter of visual accumulation. Cumulative infrastructure pressure affects multiple dimensions of the receiving environment at once. It alters landscape character, heritage setting, ecological coherence, agricultural continuity, hydrological risk, traffic conditions, amenity, perceptions of tranquillity and the overall integrity of the rural system. Where those pressures converge within one area, the sensitivity of the receiving environment is heightened rather than diminished.

The Applicant's approach is further deficient if it treats cumulative effects as a later-stage technical exercise detached from the initial description of site and surroundings. That is the wrong way round. In a landscape already under material pressure, cumulative context is part of the baseline from the outset. If it is omitted or downplayed at the descriptive stage, all later assessments risk understating the true magnitude of change produced by the Scheme.

In BEPS's view, the proper baseline must recognise that this part of South Norfolk is not simply rural in character, but rural under cumulative pressure. The environmental question is therefore not whether one further scheme can be visually or technically fitted into available land parcels. It is whether the cumulative concentration of energy and associated infrastructure is fundamentally transforming the character, function and resilience of the countryside as a whole.

That question is particularly important in a landscape whose value lies in continuity: continuity of agricultural use, settlement pattern, heritage setting, ecological function, hydrological integrity, quiet enjoyment and the ordinary relationship between villages and their surrounding land. Cumulative infrastructure pressure threatens that continuity even where individual elements are dispersed. The relevant transformation is systemic, not merely local.

Accordingly, BEPS objects to any account of site and surroundings that does not expressly describe the affected area in its full cumulative context, including existing and foreseeable infrastructure pressure and the resulting transformation of rural character. Unless that baseline is properly stated, the subsequent assessment of cumulative effects, landscape character, heritage setting, ecology, hydrology, amenity and overall environmental significance will be materially weakened.

3.12 Site-by-Site Fragmentation and the False Neutrality of Parcel Descriptions

The Applicant's site-by-site description of the Scheme is itself objectionable in method. Chapter 3 states that the Site is described 'in its entirety' and also by reference to individual Sites 1 to 10, with separate treatment of the BESS Site, the National Grid Substation Site and the Cable Route Corridor.

That structure creates a false impression of neutrality and containment. By presenting each parcel as an individual 'site' with its own brief description, distances and nearby receptors, the chapter tends to normalise each location as an ordinary piece of farmland capable of accommodating infrastructure subject only to localised effects. In reality, the parcels do not

function as separate environmental units. They form part of one dispersed but integrated industrial scheme operating across a single rural landscape.

The legal and assessment problem is that parcel descriptions of this kind invite a reductionist reading of the baseline. They encourage the decision-maker to ask whether each field, taken in isolation, appears sufficiently distant from particular receptors or sufficiently open to contain development. That is the wrong question. The correct question is how each parcel functions within the wider environmental, agricultural, hydrological, ecological, heritage and settlement system, and how the Scheme's multiple parcels operate cumulatively across that system.

The result is a form of false neutrality. Agricultural fields are described as though they were environmentally spare units, when in fact each parcel may carry site-specific constraints and also contribute to wider landscape integrity, ecological connectivity, agricultural productivity, hydrological function, heritage setting, settlement separation or cumulative industrialisation. A description that strips away those wider functions is not neutral; it is selective.

BEPS therefore objects to the parcelised structure of the chapter insofar as it obscures the true nature of the receiving environment and suppresses the fact that parcel-specific constraints cannot be understood apart from the landscape-scale system of which they form part. This objection is without prejudice to more detailed parcel-by-parcel objections to be provided separately.

The proper method is to treat the individual parcel descriptions as subordinate to, not a substitute for, an integrated account of the whole landscape. Unless that is done, the chapter risks understating both parcel-specific harm and scheme-wide cumulative transformation.

3.13 Site 1, the Grid Hub and the Cumulative Industrial Nexus

The Applicant's treatment of Site 1 is materially inadequate because it does not recognise that this area is not simply one more solar parcel. Chapter 3 identifies Site 1 as including sub-Sites 1A and 1B, describes it as agricultural fields, and notes that it lies to the south-east of Great Moulton, north of the National Grid Substation Site and BESS Site, with nearby residential receptors including individual dwellings within short distances.

That description gravely understates the significance of Site 1. In reality, Site 1 forms part of the Scheme's principal grid and energy hub. It must be understood together with the adjacent BESS Site, the National Grid Substation Site, associated grid connection works, access requirements and the wider concentration of major electrical infrastructure in the Great Moulton area. Considered properly, this is not an ordinary field parcel but a cumulative industrial nexus.

The environmental importance of Site 1 lies precisely in the interaction of multiple constraints in one location: proximity to Great Moulton and nearby dwellings; the concentration of large-scale electrical infrastructure; likely major accident and contamination pathways; groundwater and private water supply sensitivity; hydrological connectivity; agricultural land loss; aviation and safeguarding issues; and cumulative transformation of rural character. A site description

that treats the land merely as agricultural fields with nearby receptors fails to describe the true receiving environment.

Site 1 must therefore be assessed not in isolation but as part of an integrated hub of substations, storage, connection infrastructure and associated disturbance. The issue is not simply whether sub-Site 1A or 1B can physically contain development. It is whether the concentration of this infrastructure in one location fundamentally alters the character, risk profile and environmental functioning of the surrounding countryside and nearby settlement edge.

BEPS objects to any account of Site 1 that does not recognise it as a location of exceptional cumulative sensitivity and consequence. The baseline for this area must include the combined presence or proposed presence of the National Grid Substation Option 2 Site, the BESS Site, the separate National Grid Substation Site, grid connection infrastructure, nearby homes, private receptors and the wider hydrological and ecological setting.

The Examination has since confirmed that the final infrastructure position at this location remains materially unsettled. The ExA has required the Applicant to explain the National Grid substation's capacity to accommodate other projects, the certainty and timing of its delivery as East Pye's point of connection and how that timing would be secured, together with any cumulative or downstream consequences of future third-party use. The Applicant was also required to provide further illustrative material for the National Grid substation and overhead-line works and to clarify the parameters applying to project and National Grid substations.

ISH1 also materially widened the aviation issue at Site 1. The Examination is no longer confined to glint and glare: emergency landing and EFATO considerations, glider launch failure, obstacles, turbulence and the interaction of substations, pylons and BESS with the operational airfield environment are now expressly live issues. The receiving environment around Site 1 must therefore include the functioning aviation environment as well as the physical fields and settlements on the ground.

Those developments reinforce the description of Site 1 as a constraint cluster rather than an ordinary agricultural parcel. Its baseline includes major electrical infrastructure, unresolved future network use, aviation operations, groundwater and private-water receptors, nearby homes, agricultural land, landscape and heritage sensitivity and strategic transport and rail infrastructure. Those relationships must be understood together before the environmental capacity of the location can be assessed.

Unless Site 1 is described as a cumulative industrial nexus rather than a simple parcel of agricultural land, the subsequent assessment of landscape, amenity, human health, major accident risk, hydrology, agricultural land, ecology and cumulative effects will be materially weakened.

3.14 BESS Site, National Grid Substation Site and Grid Connection Infrastructure

Chapter 3 separately identifies a BESS Site and a National Grid Substation Site, including grid connection infrastructure. That separation in form should not be permitted to obscure the

reality that these are among the most industrial and consequential elements of the entire Scheme.

The BESS Site, National Grid Substation Site and related connection works are not ancillary in any ordinary sense. They are central components of the Scheme's industrial operation. Their environmental significance is qualitatively different from that of solar arrays because they introduce substantial built form, electrical plant, operational infrastructure, noise, lighting, security measures, engineering compounds, access demands and elevated major accident and contamination risks.

A lawful description of site and surroundings must therefore treat these elements as major industrial interventions in a rural setting, not merely as technical features sitting alongside the solar fields. Their effects are liable to extend beyond their footprints through changes to rural character, visual composition, amenity, perceived safety, hazard profile, hydrological risk and cumulative infrastructure concentration.

The same applies to grid connection infrastructure. Cable sealing end compounds, overhead line interface works, replacement or repositioned pylons, access arrangements and related engineering should not be presented as peripheral or neutral connecting features. They are part of the means by which industrialisation is extended across the countryside and may have significant interactions with heritage setting, hydrology, agricultural operations, ecology, aviation, public rights of way and rural amenity.

BEPS therefore objects to any treatment of the BESS Site, National Grid Substation Site and grid connection infrastructure that presents them as isolated technical components rather than as core industrial elements whose siting, concentration and interaction with the surrounding environment are central to the adequacy of the baseline.

The proper baseline must identify these locations as major infrastructure nodes within a sensitive rural landscape. Unless that is done, the chapter materially understates the industrial character of the Scheme and weakens subsequent assessment of major accident risk, human health, hydrology, landscape, heritage, amenity and cumulative impact.

3.15 Cable Route Corridor, Uncertainty and Concealed Effects

Chapter 3 states that the Sites are connected by a Cable Route Corridor within which the cable route would be located, and the wider PEIR makes clear that the corridor is being presented at this stage as a broad area expected to be refined later.

BEPS objects to that approach because it imports substantial uncertainty into the description of site and surroundings while at the same time normalising the corridor as though it were a settled feature of limited environmental consequence. It is neither. A wide and unresolved corridor can conceal significant uncertainty as to route alignment, construction impacts, crossing points, engineering requirements and receptor interaction.

The Cable Route Corridor is not merely a line between sites. It is a zone of potential disturbance extending across farmland, roads, verges, hedgerows, drainage systems, watercourses, habitat

networks, settlements, utilities and other sensitive receptors. Its environmental significance lies not only in the final route chosen, but in the breadth of the corridor itself and the fact that the actual route remains materially unsettled while consultation and baseline description are being undertaken.

That uncertainty is especially material in this landscape because cable works may interact with heavy clay soils, field drainage, ditches, culverts, groundwater pathways, private water supplies, agricultural management, fibre infrastructure, road margins, rights of way and ecological connectivity. These are not peripheral matters capable of being left to refinement without consequence. They go directly to the adequacy of the baseline.

A site-and-surroundings chapter is therefore deficient if it identifies the CRC only in broad spatial terms without describing the range of sensitive features and pathway risks potentially affected across its length. The unresolved width of the corridor increases, rather than reduces, the need for a careful and candid account of the surrounding environment.

The baseline mapping also now requires correction for material physical change which has occurred in the landscape. In particular, parts of the application mapping do not show the completed Long Stratton Bypass and its associated mitigation landscape. BEPS has identified that Cable Route Corridor CRC4 intersects newly established bypass biodiversity mitigation, including planted woodland and wildlife ponds, land which is consequently not represented accurately on older base mapping and has not been characterised as part of the Applicant's original ecological baseline. A cable corridor cannot be assessed reliably against a pre-development map where the receiving environment has since acquired new habitat and drainage features which the authorised works may affect.

BEPS accordingly objects to any treatment of the CRC that conceals uncertainty behind a schematic corridor description. Unless and until the corridor's interaction with hydrology, soils, ecology, utilities, access routes, settlements and agricultural operations is properly described, the baseline remains materially incomplete.

3.16 Settlement Proximity, Residential Receptors and Village-Edge Harm

The Applicant's site descriptions repeatedly identify nearby villages and dwellings by distance. Site 1, for example, is described by reference to Great Moulton and to individual residential dwellings lying relatively close to the sub-sites.

BEPS objects to that treatment insofar as it reduces residential and settlement receptors to proximity markers rather than recognising village-edge and dwelling-edge relationships as part of the environmental baseline itself. The issue is not simply how many metres separate infrastructure from the nearest house. It is how a historically settled rural landscape functions where villages, isolated dwellings, lanes, fields and surrounding open countryside are closely interrelated.

In South Norfolk, settlement character depends heavily on the relationship between built edges and surrounding agricultural land. The countryside around villages is not empty buffer space. It contributes to openness, visual relief, tranquillity, setting, access to the countryside and the

ordinary experience of living in a rural settlement. Where industrial-scale energy infrastructure approaches settlement edges, the resulting harm may arise through cumulative alteration of character and amenity, not merely through direct physical encroachment.

The same applies to isolated rural dwellings and farmsteads. Their environmental sensitivity is not captured by simple stand-off distances. It includes their dependence on dark skies, quiet surroundings, open views, workable access, agricultural context and the absence of nearby industrial plant, fencing, surveillance equipment, substations, battery compounds and related activity.

A lawful description of site and surroundings must therefore identify not only the location of residential receptors but the character of the settlement edge and the role of surrounding land in sustaining residential amenity and rural identity. A chapter that merely lists villages and closest dwellings by distance materially understates the sensitivity of the receiving environment.

BEPS accordingly objects to any account of settlement proximity that treats villages and dwellings as isolated receptors detached from the wider countryside that gives them meaning and amenity value. The baseline must reflect village-edge harm, settlement encroachment and the cumulative erosion of rural residential character.

3.17 Surrounding Infrastructure, Airfields, Rail and Baseline Change

The Applicant's treatment of site and surroundings is also deficient because it does not sufficiently identify the wider infrastructure relationships that shape the sensitivity of the affected area. In this case, the surrounding environment includes not only farmland and settlements, but active airfields, transport corridors, strategic infrastructure interfaces and an evolving baseline altered by recent and foreseeable development change.

Those surrounding relationships are not merely later technical topics. They are characteristics of the receiving environment which bear upon the suitability and sensitivity of the affected land. The aviation context is now particularly clear following ISH1 and ExQ1: the ExA has required a standalone aviation-safety document and an explanation of the aviation effects considered beyond glint and glare. Tibenham therefore needs to be described as an operational aviation receptor with emergency-landing, glider-launch and obstacle relationships to Site 1, rather than merely as an airfield from which panels may be visible.

A site-and-surroundings chapter is therefore inadequate if it presents the land as though it existed independently of those surrounding infrastructure relationships. The true baseline includes the operational and environmental constraints arising from nearby airfields, rail lines, roads and connection infrastructure, together with the way those elements already shape the functioning and sensitivity of the countryside.

The baseline must also reflect material change in the surrounding environment. In this case, recent and foreseeable changes to traffic patterns, settlement growth, infrastructure concentration and related development pressure are part of the real receiving environment

against which the Scheme falls to be assessed. A static account of site and surroundings risks becoming misleading where the surrounding baseline is itself changing.

That point is particularly important because baseline change may intensify existing pressures rather than relieve them. Altered road patterns, nearby housing growth, increased grid concentration and other infrastructure changes may interact with the Scheme to produce a more constrained and more cumulative environment than a simple site description would suggest.

BEPS accordingly objects to any treatment of site and surroundings that fails to identify surrounding infrastructure constraints, aviation and rail relationships, and material baseline change as integral components of the receiving environment. Unless those matters are built into the baseline at the outset, later assessment of transport, aviation, amenity, cumulative effects and overall deliverability will be materially weakened.

3.18 Baseline Deficiency

For the reasons set out above, BEPS objects to the Applicant's treatment of site and surroundings as materially deficient in method and substance. The chapter does not describe the receiving environment as it truly exists: a coherent, historically settled, agriculturally productive, hydrologically connected, ecologically functioning and increasingly pressured South Norfolk rural landscape.

Instead, the Applicant's approach fragments that landscape into parcels, corridors and infrastructure components, understates the interrelationship of receptors and constraints, and fails to identify the full cumulative context in which the Scheme would be introduced. In doing so, it risks presenting the land as more divisible, more containable and less sensitive than it is in reality.

That is not a minor descriptive flaw. It goes to the adequacy of the environmental baseline itself. A misdescribed baseline is liable to infect the subsequent assessment of landscape and visual effects, heritage setting, ecology, hydrology, agricultural land, amenity, human health, major accident risk, cumulative effects and overall environmental significance.

BEPS's position is therefore that the site and surroundings must be reassessed and described as a single interconnected environmental and cultural system, including the full significance of the working countryside, the prevalence of BMV land, heavy clay soil vulnerability, drainage and groundwater connectivity, private water supplies, historic settlement pattern, heritage context, functional habitat networks, public rights of way, residential and village-edge sensitivity, cumulative infrastructure pressure, and the exceptional consequence of the Site 1 grid hub area.

Unless and until that is done, the Applicant's account of site and surroundings cannot be treated as a reliable foundation for the wider EIA, and all subsequent topic assessments that depend on that baseline must be approached with corresponding caution.

3.19 Description of the Site and Surroundings / The Receiving Environment as it Truly Exists

The authorised Scheme now extends across Order Limits of approximately 1,212.3 hectares and comprises ten dispersed principal Sites and Sub-Sites, the BESS, project substations, the proposed National Grid Substation and grid-connection works, extensive cable corridors, access and highway works, construction areas and mitigation land. The relevant baseline is therefore the land actually contained within or functionally affected by the submitted DCO, not the materially wider and differently configured pre-application search area from which earlier site descriptions were derived.

This is not a simple or generic development location. It is a coherent rural environment whose significance lies in the interrelationship of its parts. The receiving environment is a living agricultural landscape of villages, hamlets, farmsteads, parish churches, narrow lanes, rights of way, hedgerows, tree belts, drainage features and long-worked fields. It is experienced not as separate numbered sites but as one connected countryside in which agricultural use, historic settlement pattern, ecological function, hydrological pathways and everyday rural amenity overlap spatially and functionally. Fields are not empty development platforms. They are part of the setting of villages and listed buildings, part of the working agricultural economy, part of habitat networks, part of drainage systems and part of the ordinary experience of moving through and living in the countryside.

The surrounding landscape is strongly defined by its agricultural character. It is an actively farmed countryside rather than degraded or transitional land. On EPS's analysis, approximately 83% of the solar parcels are on Best and Most Versatile agricultural land. That is a defining characteristic of the receiving environment. It means the Scheme is proposed predominantly on productive farmland of high agricultural value, not on poorer-quality or previously developed land. In this area, that agricultural value is inseparable from landscape character: the open, cultivated fields contribute not only to food production but also to rural identity, to the setting of settlements and heritage assets, and to the legibility of the countryside as a working agricultural system.

The physical condition of that farmland is equally important. This is a heavy clay landscape. The soils are therefore likely to be vulnerable to compaction, smearing, rutting, impeded drainage and long-term structural damage from repeated heavy construction activity, trenching, access works, substation construction and associated engineering. Those soil conditions are not merely technical matters for a later topic chapter. They are part of the site itself. They shape how the land is farmed, how water moves across it, how resilient it is to disturbance, and how far any claim of reversibility can realistically be sustained.

The historic environment is embedded throughout this countryside. Its significance does not depend only upon isolated designated assets. It derives substantially from the wider settlement pattern: dispersed villages and farmsteads, parish churches experienced across open farmland, historic routeways, mature boundaries and the continuing legibility of an agrarian landscape. BEPS's final independent HIA now identifies less-than-substantial harm from the

principal built development to 36 designated heritage assets and adverse effects upon 41 designated heritage assets overall once associated highway and abnormal-load works are included, including two Grade I and three Grade II* listed buildings. The importance of that finding is not simply the number of assets affected. It demonstrates how frequently open agricultural setting, historic approaches, tranquillity, group relationships and long-established landscape structure contribute to significance across the Order Limits. The true receiving environment is therefore not “agricultural fields with nearby heritage receptors”, but a heritage-rich rural landscape in which the countryside itself repeatedly contributes to significance.

The water environment is equally integral to the character and functioning of the site and surroundings. This is not hydrologically self-contained land. It is crossed and connected by field drains, ditches, ordinary watercourses, culverts and groundwater pathways. The wider landscape includes aquifer-sensitive areas, private abstractions and downstream receptors – the river Waveney and Tas chalk streams – whose condition depends on the continued integrity of these systems. In a rural landscape such as this, private water supplies are part of the ordinary infrastructure of life and farming, not exceptional anomalies. The receiving environment must therefore be understood as a connected hydrological system in which disturbance in one location may travel via drainage and groundwater pathways to affect homes, farms, ecology and water quality elsewhere.

That point is particularly important because the Scheme is not limited to solar arrays. It includes battery storage, major substations, cable trenching, joint bays, fibre chambers, access works and grid connection infrastructure. The wider EIA confirms that the cable route will cross roads and tracks, rights of way, underground utilities and chalk-stream connected watercourses; that open-cut trenching will primarily be used; that trenchless crossings such as HDD may be required; that joint bays, fibre chambers, access land, temporary compounds and laydown areas will be required within the corridor; and that local hedgerow removal may be needed for access and visibility splays. This confirms that the receiving environment is not simply the solar fields themselves, but also a web of roads, verges, drainage features, water crossings, field boundaries, utilities and access points distributed through the countryside.

Ecologically, the site and surroundings form a functioning landscape rather than a set of isolated habitat fragments. Ancient woodland blocks, hedgerows, tree belts, field margins, agricultural land and wet features together provide habitat structure, movement corridors, foraging areas and ecological continuity. In this part of South Norfolk, ecological value does not reside only within designated sites. It also arises from the permeability and integrity of the wider countryside. Farmed land itself is part of this ecological matrix, especially where it is under stewardship or provides feeding, movement or breeding function for protected and priority species. Woodland is not ecologically self-contained; its significance depends in part on the surrounding land remaining connected, dark, quiet and hydrologically stable. The true receiving environment is therefore a connected ecological landscape, not simply a set of fields near designated sites.

The countryside is also an inhabited and experienced place. It is crossed and bordered by public rights of way, restricted byways, footpaths, minor roads and lanes by which residents and visitors move through and understand the landscape. These routes are not incidental

constraints. They are part of the historic grain of the countryside and part of the way openness, tranquillity and rural continuity are experienced. The value of such routes lies not merely in technical access remaining available, but in the quality of the surroundings through which they pass: open agricultural land, relative quiet, long views, separation from industrial development and continuity between villages and countryside.

The relationship between settlements and surrounding land is likewise central. Villages and scattered rural dwellings and farmsteads across the area, do not sit apart from the fields around them. Their amenity, identity and character depend heavily on their immediate agricultural setting, on dark skies, on open views, on manageable access and on the absence of nearby industrial-scale infrastructure. The true receiving environment therefore includes village-edge and dwelling-edge sensitivity, not merely notional distance measurements.

The area must also be understood in its cumulative context. This is not a static rural landscape into which a single project is inserted. It is a countryside already under growing pressure from energy infrastructure, grid reinforcement, associated development and changing transport and settlement patterns. That cumulative pressure is especially acute around Great Moulton, where Site 1, the BESS Site, the National Grid Substation Site and related grid connection works form a single zone of exceptional consequence. The true receiving environment around Site 1 is therefore not an ordinary group of fields. It is a prospective grid and energy hub within a sensitive rural setting, close to homes, rights of way, agricultural land and heritage receptors, and likely to be one of the principal locations at which cumulative industrialisation would be experienced.

Taken together, the site and surroundings are therefore best understood as one coherent South Norfolk rural system: historically settled, agriculturally productive, heavily reliant on high-quality farmland, physically shaped by heavy clay soils and field drainage, hydrologically connected, ecologically functional, crossed by public routes, closely related to village edges and heritage assets, and increasingly vulnerable to cumulative industrial transformation. That is the receiving environment as it truly exists. It is not a collection of neutral development parcels linked by a technical corridor. It is a living countryside whose environmental value arises from continuity, interdependence and long-settled rural character.

3.X.4 BEPS will assess the Applicant's final treatment of site and surroundings against three core requirements. First, it must describe the affected landscape as an integrated environmental and cultural whole, rather than reducing it to a series of separate development parcels, corridors and infrastructure components. Second, it must identify the principal constraints, sensitivities and interrelationships that define this part of South Norfolk, including the interaction between agricultural land quality, heavy clay soils, hydrology, private water supplies, heritage setting, ecological function, settlement character, rights of way and cumulative infrastructure pressure. Third, it must provide a baseline that is sufficiently complete, specific and robust to enable the lawful identification and assessment of likely significant effects across the environmental topics. A chapter that fails those requirements is not merely incomplete in descriptive terms; it is liable to undermine the adequacy of the wider assessment that depends upon it.

3.X.5 BEPS's position is that the burden rests squarely on the Applicant to present an accurate, coherent and decision-useful account of the receiving environment. It is not for consultees, affected communities, local authorities or the decision-maker to piece together the true character, sensitivity and functioning of the site and surroundings from fragmented references dispersed across separate technical chapters, figures, appendices or later submissions. The chapter on site and surroundings must itself perform that function clearly and reliably. If it does not, the resulting Environmental Statement will proceed from a defective baseline, with corresponding consequences for the lawfulness and reliability of the subsequent assessment.

3.20 The Applicant's Baseline Is Contradicted by Its Own Statutory and Specialist Consultees

The inadequacy identified above is no longer merely BEPS's interpretation of Chapter 3. The Relevant Representations of Norfolk Wildlife Trust, Natural England and Historic England independently demonstrate that the Order Limits contain, adjoin or functionally interact with ecological, agricultural, hydrological and heritage features which Chapter 3 understates, fragments or fails to recognise as defining characteristics of the receiving environment.

Those representations carry particular weight. Natural England is the statutory nature conservation adviser and identifies unresolved issues concerning protected species, incomplete Agricultural Land Classification survey coverage, possible peat, permanent infrastructure on Best and Most Versatile agricultural land and the adequacy of future soil-management controls. It also confirms that the Order Limits are hydrologically linked to six Sites of Special Scientific Interest and two ancient woodlands.

Historic England is the Government's statutory adviser on the historic environment. Although it considers parts of the Applicant's assessment and mitigation approach appropriate, it confirms that the Scheme is likely to cause significant setting effects and policy harm to designated heritage assets, that residual harm is likely to remain, that archaeological evaluation is incomplete in parts of the Order Limits, and that cumulative effects with Tasway Energy Park and associated BESS development require further examination.

Norfolk Wildlife Trust brings detailed local ecological knowledge and has engaged directly with the Applicant and its ecological consultants throughout the pre-application process. Its representation identifies a landscape of ancient woodland, species-rich hedgerows, ecologically important road verges, rare flora, farmland birds and nationally important bat activity, and concludes that further information and design refinement are required before the Scheme can be regarded as ecologically acceptable.

BEPS does not suggest that all three bodies oppose every aspect of the Scheme. Natural England and Historic England take qualified positions and identify matters capable of resolution if evidence is supplied and mitigation is properly secured. The important point is that even those consultees identify unresolved questions of baseline

completeness, ecological and hydrological connectivity, archaeological uncertainty, mitigation efficacy and cumulative harm. Their evidence directly contradicts any suggestion that Chapter 3 provides a complete or environmentally neutral account of the Order Limits.

Subsequent examination developments reinforce that conclusion. ExQ1 asks Natural England specifically whether the Applicant has established an adequate bat baseline, including in relation to barbastelle and woodland adjoining the Order Limits; asks further questions concerning incomplete soils, drainage and ground-condition evidence; and requires a heritage schedule capable of reconciling the competing conclusions on affected assets. ISH1 has also generated specific actions concerning local botanical evidence, unresolved infrastructure layouts, transport routes and the environmental consequences of the final design. The adequacy of the receiving-environment baseline is therefore itself now an active examination issue rather than a matter which can be treated as settled.

3.21 The Scheme Is Located in a Landscape 'Dense with Nature', Not Generic Agricultural Land

Chapter 3 describes the landscape within and around the Sites as comprising 'predominantly agricultural fields and rural villages and hamlets', and later refers to fields bordered by hedgerows, trees and woodland blocks. That description is superficially accurate but environmentally misleading. It identifies physical land-cover categories while failing to explain how those features function together as a connected ecological system.

Norfolk Wildlife Trust provides a materially different and more environmentally informed description. It identifies pockets of ancient woodland, miles of species-rich hedgerows, semi-natural road verges, Roadside Nature Reserves, significant barbastelle maternity populations, rare farmland birds including corn bunting, turtle dove and yellowhammer, and rare threatened flora dispersed across the landscape. Its conclusion is direct: this is 'not a landscape of large flat fields, sparse with nature'; it is 'dense with nature – understated but infusing the landscape.'

Chapter 3's Terminology Conceals Ecological Function

Describing land as 'agricultural' does not establish that it is ecologically unimportant or of low sensitivity. In this landscape, agricultural fields form part of the functional habitat matrix supporting bats, farmland birds, protected species and wider ecological connectivity. Their value lies not only in the habitat present within individual fields, but in their relationship with hedgerows, woodland edges, watercourses, ditches, field margins and dark commuting routes.

Chapter 3 lists hedgerows, woodland blocks and nearby designated sites, but does not explain those functional relationships. It therefore encourages the reader to treat fields as development land, hedgerows as boundary features and woodlands as isolated constraints. That is not the ecological reality described by Norfolk Wildlife Trust. The

relevant receptor is the functioning landscape network, not the individual feature viewed in isolation.

This distinction is material. Bats commute and forage across multiple parcels. Farmland birds depend on extensive open and edge habitats. Rare botanical species survive along verges and margins. Woodland value depends partly on surrounding habitat, hydrology and darkness. A baseline that records the physical presence of these features but omits their functional interdependence materially understates the sensitivity of the Order Limits.

Ecological Value Is Dispersed Rather Than Confined to Designated Sites

Chapter 3 states that no international, European, national or local statutory nature conservation site lies within the Order Limits. That statement must not be allowed to imply that the land within the Order Limits is ecologically ordinary or unconstrained.

Norfolk Wildlife Trust's evidence demonstrates that ecological value is widely dispersed across the countryside. Rare flora, farmland birds and bat activity are not confined to protected sites. The Scheme's ecological sensitivity arises partly from the undesignated land connecting woodlands, hedgerows, watercourses, roosting locations and designated habitats.

The absence of a statutory designation within a particular solar parcel therefore does not mean that the parcel lacks ecological importance. Undesignated agricultural land may provide essential foraging habitat, movement routes, buffering, hydrological support or connectivity between higher-value features. Those functions may be impaired by fencing, lighting, trenching, access works, vegetation removal, construction disturbance and the cumulative occupation of multiple parcels.

Chapter 3's designation-led presentation consequently understates the true baseline. It records the location of protected sites but does not adequately describe the wider countryside on which the ecological integrity of those sites and species depends.

The Applicant Has Attempted to Reshape the Landscape to Fit the Scheme

Norfolk Wildlife Trust considers that the ecological character and landscape form of this part of South Norfolk are poorly suited to the proposed development. Its criticism is fundamental: the Scheme should have been reshaped to suit the landscape, whereas the current design attempts to reshape the landscape to fit the Scheme. It also describes the development as stretching across a 'huge swathe of land' and having a very significant impact footprint relative to its generating output.

Chapter 3's parcel-based approach facilitates that design error. By dividing the countryside into numbered sites, sub-sites and corridors, the Applicant presents ecological constraints as local matters to be buffered, crossed, restored or managed after the development envelope has already been selected.

The mitigation hierarchy requires the opposite approach. Once the receiving environment is correctly understood as ecologically dense, connected and constrained, the first response should be avoidance and fundamental redesign. The proper question is not how infrastructure can be inserted throughout the landscape and its effects subsequently managed, but why development remains proposed across the most sensitive and functionally important parts of that landscape at all.

Reliance on future buffers, habitat restoration, management plans and monitoring does not cure a defective siting strategy. It confirms that the Scheme has been designed across a landscape whose ecological character should have constrained the extent and location of the Order Limits from the outset.

3.22 The Order Limits Directly Contain and Adjoin Ecologically Sensitive Sites

Chapter 3 largely presents non-statutory ecological sites by reference to their distance from individual Sites and Sub-Sites. Norfolk Wildlife Trust's representation demonstrates that this approach is inadequate. It states that the Order Limits include parts of Lower Spring Wood County Wildlife Site and Fritton Grange Meadows County Wildlife Site, and include or adjoin several Roadside Nature Reserves, including Bussey's Loke, Market Lane and Parker's Lane.

These are not remote receptors capable of being dealt with through a simple proximity table. They are sites through which, beneath which, or immediately beside which authorised works may occur. Their ecological condition may be affected by the location of HDD compounds, access works, lighting, vehicle movements, construction activity, hydrological disturbance and the adequacy of protective buffers.

Chapter 3 Understates Direct Interaction with Non-Statutory Designated Sites

The distinction between a receptor lying 'within', 'adjacent to' or merely 'near' the Order Limits is environmentally decisive. A list of distances does not establish whether the authorised development, temporary working areas, HDD entry and exit compounds, access works, lighting, storage areas or construction traffic would enter a designated site, affect its buffer, alter its hydrology or impair the features for which it was selected.

Norfolk Wildlife Trust confirms that the precise locations of HDD entry and exit points will not be determined until detailed design. It therefore considers that the ecological effects on the affected County Wildlife Sites cannot yet be fully assessed and that the sufficiency of the proposed buffers has not been demonstrated. It specifically identifies risks from drilling compounds, vehicle movements, noise, lighting and hydrological effects, notwithstanding the proposed use of trenchless construction.

That uncertainty exposes a central defect in Chapter 3. The Order Limits are presented as a defined environmental envelope, but environmentally consequential works within that envelope remain unfixed. The chapter therefore gives the appearance of spatial

certainty while deferring the actual location and effects of works capable of harming sensitive habitats.

Norfolk Wildlife Trust seeks identification of HDD entry and exit points before the close of Examination, larger precautionary buffers, exclusion of compounds, lighting and storage from those buffers, and detailed hydrogeological assessment where HDD may affect fen habitat. Those requests demonstrate that the present description and assessment do not yet establish that the Order Limits can accommodate the works without unacceptable ecological effects.

Site 3 Is Not an Ordinary Solar Parcel

Chapter 3 describes Site 3 as approximately 57.8 hectares of land south of Lundy Green and notes only that it contains farm tracks and hedgerows delineating fields. That description materially understates the site's ecological context.

Norfolk Wildlife Trust states that it previously recommended deletion of Site 3 because of potential effects on a County Wildlife Site, ancient woodland and bats. Although it acknowledges that design changes have been made, it remains concerned about works in this area and continues to recommend that Site 3 should ideally be removed from the Scheme.

That is a landscape-level avoidance recommendation from the county's principal wildlife trust. It cannot be reconciled with a baseline that presents Site 3 principally as an agricultural parcel containing hedgerows and tracks.

The decisive planning fact is that Site 3 lies within an ecological context considered sufficiently constrained by woodland, County Wildlife Site and bat interests that avoidance through deletion remains the preferred response. That conclusion should have shaped the Order Limits before submission. It should not be treated as a matter to be managed later through local mitigation.

BEPS therefore submits that Site 3 is a clear example of the consequences of the Applicant's parcelised baseline. By describing the land physically rather than functionally, Chapter 3 conceals the very constraints that should have determined whether the parcel formed part of the Scheme at all.

The Scheme Boundary Has Been Drawn Around Unresolved Works

The precise locations of HDD entry and exit points, associated compounds and supporting infrastructure remain deferred to detailed design. Norfolk Wildlife Trust states that, without that information, the ecological effects on the affected County Wildlife Sites cannot be fully assessed and the adequacy of the proposed buffers cannot be determined.

That is a fundamental baseline defect. The Order Limits are presented as a defined environmental envelope, yet some of the works most capable of causing ecological and

hydrological harm remain unfixed within it. Their eventual locations will determine proximity to designated habitat, woodland, fen, hedgerows, watercourses and dark corridors, together with the effects of lighting, noise, access and vehicle movements.

The baseline therefore describes a fixed boundary around unfixed works. That does not demonstrate that the authorised development can be accommodated safely within the Order Limits. It merely transfers the decisive siting choices, and their environmental consequences, to the post-consent stage.

3.23 Roadside Verges Are Part of the Ecological Baseline, Not Expendable Highway Margins

Chapter 3 includes highway works within the authorised development but describes the affected roads principally as access infrastructure. It does not identify the connected roadside-verge network as an ecological receptor in its own right, notwithstanding the prevalence of Roadside Nature Reserves and species-rich verges across the Scheme area.

That omission is material. The construction strategy depends on rural roads, site accesses, passing places, visibility splays and routes for HGVs and abnormal loads. The environmental baseline must therefore include the habitats directly exposed to those works and movements.

The Baseline Omits Non-Designated Species-Rich Verges

Norfolk Wildlife Trust states that the application does not contain a comprehensive assessment of construction effects on roadside-verge habitats across the transport network. It identifies South Norfolk's verges as important for rare botany and explains that many rare plants persist there precisely because the verges have escaped agricultural improvement.

Those habitats are exposed to road widening, passing-place construction, visibility-splay clearance, HGV over-running, abnormal-load movements and repeated soil compaction. Even where direct removal is not proposed, construction traffic may degrade the vegetation and soil conditions on which rare species depend.

Chapter 3's treatment of these areas as highway margins therefore conceals their ecological significance. Before those routes can be relied upon, the Applicant must identify the affected verge habitats and demonstrate that important botanical assemblages will be avoided.

ISH1 has since resulted in a specific action requiring the Applicant to engage with the local botanical evidence concerning rare plant records and the effects of proposed road works. That action materially reinforces the point made here: highway land and roadside verges cannot be assumed to be low-value construction margins before their botanical interest has been properly established.

‘Temporary’ Highway Works May Cause Permanent Ecological Damage

The description of works as temporary says nothing about the permanence of their effects. Norfolk Wildlife Trust warns that temporary works may cause disproportionate ecological damage through vegetation clearance, disturbance, over-running and compaction.

Established verge flora cannot necessarily be recreated by reinstating the highway boundary after construction. Soil compaction, altered drainage and loss of mature vegetation may permanently change habitat condition.

The baseline cannot therefore classify such works by duration alone. Temporary possession or temporary engineering may cause irreversible ecological loss. Unless the affected verges are surveyed before consent and avoidance measures are secured, the significance of that risk remains unknown.

3.24 The Applicant Has Failed to Describe a Nationally Important Bat Landscape

Norfolk Wildlife Trust identifies bats as one of the most significant ecological issues raised by the application. The Applicant’s own ES records eleven bat species and concludes that the Order Limits and surrounding landscape support a ‘nationally important assemblage of foraging and commuting bats’. That assemblage includes barbastelle, identified by the Applicant as the rarest bat in the United Kingdom.

Chapter 3 does not convey the consequence of that evidence. It describes hedgerows, woodland blocks and watercourses as separate physical features, rather than as the connected landscape infrastructure on which the bat assemblage depends.

The Bat Receptor Is the Landscape, Not the Individual Hedge

The Applicant’s surveys show bat use across multiple development parcels. The relevant receptor is therefore not an individual hedge or woodland edge considered in isolation. It is the connected landscape-scale network of roosts, foraging areas, woodland edges, watercourses, tree lines, hedgerows and dark commuting routes.

Chapter 3’s division of the Order Limits into separate Sites, Sub-Sites and corridors is ecologically artificial. Bats do not follow the Applicant’s parcel boundaries. Severance, disturbance or lighting in one part of the network may reduce permeability and alter habitat use elsewhere.

A baseline which records retained habitat features but fails to describe their collective function cannot support a reliable assessment of effects on a nationally important assemblage.

Ten-Metre Hedgerow Gaps Cannot Be Assumed Harmless

The Applicant concludes that temporary hedgerow gaps of up to 10 metres would not significantly affect bat movement. Norfolk Wildlife Trust expressly questions whether that conclusion is sufficiently evidenced, particularly for barbastelle, and warns that relatively small breaks in linear features may alter commuting behaviour and landscape permeability.

This is a direct consequence of treating hedgerows as physical boundaries rather than functional ecological corridors. The relevant question is not merely how many metres of hedge would be removed. It is whether the break, together with lighting, noise, construction activity and surrounding land-use change, would continue to permit the established movement of bats.

The Applicant has not demonstrated that all proposed gaps are ecologically immaterial. An unsupported assumption of continued permeability cannot substitute for route-specific evidence.

Retention Is Not the Same as Maintenance of Function

The Applicant relies heavily on retaining existing hedgerows and habitat corridors. Retention on a plan does not establish continued ecological functionality.

Norfolk Wildlife Trust identifies risks from lighting, vehicle movements, construction disturbance, insufficient buffers and degradation of habitat quality. It seeks closer scrutiny of lighting controls, important commuting routes and the enforceability of mitigation commitments.

A hedge may remain physically present but cease to perform its existing ecological function if it is illuminated, severed, narrowed, repeatedly disturbed or enclosed by industrial development. The baseline must therefore identify functional corridors and the conditions necessary to maintain them, rather than treating physical retention as determinative.

New Planting Cannot Replace Established Functional Habitat

Norfolk Wildlife Trust also warns that habitat creation cannot automatically replace mature hedgerows and established commuting routes, which may take decades to achieve equivalent ecological function. It expresses particular concern that biodiversity-gain calculations do not fully account for temporal losses during habitat establishment.

The mitigation hierarchy requires the Applicant first to identify and avoid damage to existing function. It is neither rational nor precautionary to assume that quantified future planting can compensate immediately for the degradation of mature bat corridors supporting a nationally important assemblage.

Where equivalent function cannot be delivered at the time of loss, avoidance is required. Biodiversity units and future management commitments do not remove the intervening ecological deficit.

The Examination has subsequently put the adequacy of that baseline directly to Natural England. ExQ1 asks whether the Applicant has established an adequate bat baseline, expressly including barbastelle and woodland adjacent to the Order Limits. That question is significant because the issue is not merely whether bats have been recorded; the Applicant's own evidence already establishes a nationally important assemblage. The remaining question is whether the survey evidence is sufficient to identify the functional maternity-colony landscape, woodland relationships, commuting routes and foraging areas which need to be protected before the authorised layout is fixed.

3.25 Lowland Fen, Hydrological Dependency and Concealed Pathway Risk

The ecological baseline cannot be separated from hydrology. Norfolk Wildlife Trust identifies approximately 0.72 hectares of irreplaceable lowland fen within the study area, including habitat associated with Fritton Grange Meadows CWS and the Hempnall Beck corridor. It states that insufficient evidence has been provided to demonstrate that HDD beneath the fen would not affect groundwater conditions or the hydrological processes on which the habitat depends.

Natural England separately confirms that the Order Limits are hydrologically connected through watercourses or groundwater flow to nationally designated sites and ancient woodland. Chapter 3 lists watercourses, aquifers and flood zones, but does not disclose the ecological consequences of those connections.

The Order Limits Are Hydrologically Connected to Nationally Important Receptors

Natural England identifies hydrological links between the Order Limits and Fritton Common SSSI, Pulham Market Big Wood SSSI, Shotesham–Woodton Hornbeam Woods SSSI, Shotesham Common SSSI, Hedenham Wood SSSI and Tindall Wood Ditchingham SSSI. It also identifies links to Saxlingham Grove Ancient Woodland and Popes Wood and Doylys Grove Ancient Woodland.

These are high-sensitivity receptors. The surface-water and groundwater pathways connecting them to the Order Limits mean that disturbance or pollution need not occur within a protected-site boundary to cause harm.

Chapter 3's description of rivers, ordinary watercourses and aquifers therefore omits the decisive environmental fact: the Order Limits form part of a connected hydrological system capable of transmitting effects to a network of nationally designated and irreplaceable habitats.

The Applicant's Conclusions Depend on Mitigation Being Fully Secured

Natural England accepts that significant adverse effects on the identified SSSIs may be ruled out only on the basis that the mitigation in the outline CEMP is implemented and secured. It specifically requires controls over surface-water runoff, water quality and water quantity for the construction phase.

That is not a finding that the receiving environment is insensitive. It confirms the opposite: the receptors are highly sensitive and hydrologically connected, but effects may be controlled if the specified mitigation is effective, timely and legally enforceable.

Any failure to secure, maintain or implement those controls would undermine the basis of Natural England's qualified agreement. The Applicant cannot rely on that agreement while treating the underlying hydrological sensitivity as immaterial.

Lowland Fen Cannot Be Treated as an Isolated Mapped Habitat

Lowland fen is irreplaceable habitat dependent on groundwater level, water chemistry and the continued operation of hydrological processes extending beyond its mapped boundary. Passing a cable beneath the habitat does not necessarily avoid those processes.

HDD entry and exit compounds, drilling, dewatering, vibration, compaction, accidental frac-out and altered groundwater conditions may affect the system that sustains the fen even where no direct excavation occurs within the habitat itself. Norfolk Wildlife Trust therefore seeks additional hydrogeological evidence and monitoring commitments.

Until those pathways have been assessed at the actual crossing location, the Applicant has not demonstrated avoidance. It has merely substituted an assumed underground route for evidence that the hydrological function of the habitat will remain intact.

3.26 Protected-Species Uncertainty Remains Embedded Within the Order Limits

Natural England classifies protected species as an amber issue. The Outline Protected Species Mitigation Strategy indicates that licences may be required for water vole or otter, great crested newts, roosting bats and badger-sett closures. Natural England seeks confirmation whether licence applications have been made and strongly advises early action to prevent delay.

Those potential licensing requirements demonstrate that protected-species constraints are embedded across the Order Limits. They are not remote or speculative matters.

Chapter 3 Does Not Disclose the Extent of Potential Licensing Constraint

Chapter 3 describes fields, hedgerows, woodland and watercourses without explaining that works within those features may require statutory species licences. That omission prevents the reader from understanding the extent to which the Order Limits remain constrained by protected-species law and unresolved mitigation requirements.

The issue is particularly acute for a dispersed and phased project. Different works may affect different species, habitats and licence regimes at different times. A high-level reference to later ecological documentation does not provide a decision-useful account of those constraints within the Order Limits.

Licensing Uncertainty Is Also a Deliverability Issue

The absence of a licence at application stage does not automatically make the DCO unlawful. It does, however, require the Applicant to demonstrate with sufficient certainty that the necessary avoidance, mitigation and compensation are deliverable and that no obvious impediment exists to the grant of any required licence.

That demonstration has not yet been completed. Natural England continues to seek clarity regarding the need for licences affecting several species.

Until the licensing position is resolved, the Order Limits contain material ecological and legal uncertainty. The Examining Authority cannot simply assume that all affected works will later satisfy the relevant licensing tests.

Future Licensing Cannot Repair an Incomplete EIA Baseline

Protected-species licensing is not a substitute for environmental impact assessment. The ES must first identify the affected species, the habitat functions on which they depend, the likely effects of the authorised development and the avoidance or mitigation necessary to address them.

The Applicant cannot defer that assessment on the basis that detailed surveys or licence applications will follow consent. A future licence may regulate an identified offence; it cannot cure an ES that failed to establish the ecological baseline and assess the likely significant effects with sufficient certainty.

3.27 The Agricultural Baseline Remains Incomplete Across the Order Limits

Natural England identifies incomplete ALC coverage, possible peat, permanent infrastructure on BMV land and insufficient detail in the Soil Resource and Management Plan as amber issues.

Those are not confined to Chapter 15. They demonstrate that Chapter 3 does not provide a complete account of the land resource within the Order Limits, particularly across the Cable Route Corridor and temporary works areas.

The Cable Route Corridor Has Not Been Fully Surveyed for Agricultural Land Quality

Chapter 3 confirms that the Cable Route Corridor extends for approximately 24 kilometres and covers about 158.9 hectares. Natural England states that detailed ALC surveys should cover the whole Order Limits, including the cable corridors, but that the submitted information does not demonstrate that those surveys have been completed.

The Applicant therefore seeks powers over a substantial linear landholding without having established the agricultural quality and soil resources throughout it. That prevents informed route refinement and prevents the decision-maker from knowing the full extent of BMV land exposed to trenching, compounds, tracks and soil handling.

The Chapter 3 baseline is consequently incomplete across a significant part of the authorised development.

'Temporary' Cable Works May Permanently Degrade Land Quality

Natural England warns that underground cable installation, temporary access tracks and construction compounds may cause permanent soil damage, ALC degradation and long-term or permanent loss of BMV land if works are undertaken inappropriately.

That risk is heightened by the scale of the cable network and the breadth of the working corridor. Trenching, stockpiling, trafficking and reinstatement may alter soil structure, drainage and productive capacity long after the temporary works have ended.

The legal duration of possession does not determine the duration of the environmental effect. Temporary works may cause permanent agricultural degradation. The baseline and assessment must address that possibility directly.

Peat Has Not Been Adequately Resolved

Natural England seeks clarification regarding the possible presence of deep, permeable sandy and peaty soils affected by groundwater and advises that peat within the Order Limits should be avoided.

That uncertainty is material to soil conservation, hydrology, carbon storage, construction method and restoration. It cannot properly be deferred to later soil management.

Until the presence and extent of peat are conclusively established, the Applicant cannot demonstrate that the baseline is complete or that infrastructure and cable routes have avoided the most sensitive soils.

Permanent Infrastructure on BMV Land Has Not Been Avoided

Natural England records that approximately 6 hectares of BMV land would be permanently lost to infrastructure and advises that the siting of that infrastructure should be reconsidered to avoid BMV land. It also notes that BMV land is a high-

sensitivity receptor and that even relatively limited permanent loss may be significant, particularly cumulatively.

The statutory adviser's response is avoidance, not merely restoration or management. The Applicant has not demonstrated why the permanent grid infrastructure must occupy BMV land or why a less harmful configuration is unavailable.

A commitment to manage or restore other soils does not justify permanent development on high-quality agricultural land where avoidance has not been exhausted.

3.28 Ancient Woodland, Veteran Trees and the Inadequacy of Inconsistent Buffers

Natural England treats ancient woodland and ancient or veteran trees as a green issue only on the basis of specified mitigation. It requires the proposed 30-metre buffer to be recorded consistently in the LEMP, CEMP and DEMP and seeks strict controls including arboricultural survey, root-protection measures, no-dig methods, soil-compaction prevention and arboricultural oversight.

Norfolk Wildlife Trust separately seeks safeguards for ancient woodland, veteran trees, historic hedgerows and all temporary hedgerow removals.

Natural England's Acceptance Is Conditional

Natural England's green classification does not establish an absence of risk. It reflects reliance on a 30-metre buffer and a detailed suite of controls being secured and applied consistently through construction, operation and decommissioning.

Any inconsistency between the controlling documents would weaken that protection and undermine the basis of Natural England's position. The buffer cannot remain an informal commitment or appear in only one management plan.

The Order Limits therefore remain acceptable in this respect only if the required protection is legally secured for the full duration of the Scheme.

The Baseline Must Include Woodland Setting and Supporting Habitat

Ancient woodland cannot be described solely by reference to its mapped boundary. Its ecological condition may depend on adjoining soils, groundwater, surface-water movement, root zones, woodland-edge habitat, darkness and connectivity with the wider countryside.

Development may therefore affect woodland without entering it directly. Lighting, drainage alteration, soil compaction, pollution, severance and loss of surrounding habitat may degrade its condition and supporting function.

A baseline limited to mapped woodland polygons and stand-off distances fails to identify those dependencies. The surrounding functional habitat must form part of the receptor.

Hedgerow Replacement Is Not Functional Equivalence

The ES identifies partial removal of 32 hedgerows, removal of five trees and temporary hedgerow removal for cables and access. Norfolk Wildlife Trust seeks confirmation that no ancient or species-rich hedgerow will be removed and requires detailed restoration and monitoring for all temporary losses.

Replacement planting cannot immediately recreate the age, structure, species composition, soil relationships or ecological connectivity of an established historic hedgerow. Nor does reinstatement remove the intervening period of severance.

The Applicant must therefore avoid the most sensitive hedgerows rather than assuming that later planting will provide functional equivalence. Where loss would interrupt established ecological networks, replacement is not a sufficient answer.

3.29 Historic England Confirms That This Is a Heritage-Sensitive Rural Landscape

Historic England considers that the Applicant has provided an appropriate assessment of the location, type and significance of designated and non-designated heritage assets and broadly supports the siting approach for the Site 1 BESS, Project Substation and National Grid Substation. That qualified support must be acknowledged.

It does not, however, support the conclusion that the historic environment is unconstrained or that harm has been removed. Its Relevant Representation confirms significant setting effects, residual harm, incomplete archaeological evaluation and cumulative concern.

The Rural Landscape Is Defined by Churches, Listed Buildings, Conservation Areas and Medieval Settlement

Historic England describes the Scheme area as an extensive, predominantly agricultural part of South Norfolk containing important rural churches, listed buildings and small conservation areas focused on medieval settlement.

That description confirms that the cultural baseline is not a random distribution of isolated assets. It is an agricultural and settlement landscape in which churches, buildings, villages and conservation areas express a continuing rural and medieval pattern.

The open farmland between those assets is not neutral intervening space. It contributes to settlement form, rural approaches, visual relationships and the agricultural settings in which the assets are experienced and understood.

Significant Heritage Effects and Residual Harm Are Accepted

Historic England recognises that the Scheme will change the settings of designated heritage assets and that, in some cases, those changes will result in significant effects amounting to policy harm. It further confirms that residual effects are likely to remain after mitigation.

Chapter 3 does not prepare the reader for that conclusion. Its reliance on lists and distances understates the role of the wider countryside in the significance of the affected assets.

The statutory adviser's position confirms that the surrounding fields and views form part of the setting through which harm arises. Planting may reduce visibility, but it cannot necessarily preserve openness, historic relationships or the legibility of the rural landscape.

The Scale of Affected Designated Heritage Assets Is Substantial

Historic England identifies particular concerns regarding one Scheduled Monument, two Grade I listed buildings, two Grade II* listed buildings, 42 Grade II listed buildings and four Conservation Areas.

This does not mean that every asset will experience the same effect or level of harm. It does demonstrate that the Order Limits extend through an unusually dense and sensitive historic environment requiring both asset-specific and landscape-scale scrutiny.

The scale of that receptor population is inconsistent with any characterisation of the surrounding countryside as a collection of ordinary agricultural parcels.

Unknown Archaeology Remains Capable of Changing the Assessment

Historic England confirms that parts of the Order Limits have not been fully subject to archaeological evaluation and that previously unknown sites potentially equivalent in value to designated heritage assets may still be identified. It requires further evaluation, reassessment of effects and proportionate mitigation through the DCO.

The Applicant describes the Order Limits as though their historic-environment baseline were settled. Historic England confirms that it is not.

Until evaluation is complete, the presence, significance and susceptibility of archaeological remains remain unresolved across parts of the authorised area. Those findings may require avoidance or redesign, not merely excavation after consent.

The Cable Route Corridor Is a Particular Heritage Concern

Historic England expressly identifies the methodology and mitigation for the Cable Route Corridor as a likely area of concern on which it intends to comment further.

That concern is material because the Applicant seeks extensive compulsory powers across a lengthy corridor whose detailed alignment remains flexible. The archaeological and setting consequences of the final route have therefore not been fully resolved before the powers are granted.

The Applicant should not be permitted to treat archaeological mitigation as a substitute for route selection informed by a completed baseline. The corridor must first be refined to avoid harm wherever practicable.

The independent HIA identifies a materially wider pattern of harm

The independent HIA submitted by David Edelston (see Appendix G) materially develops the receiving-environment evidence It identifies less-than-substantial harm from the principal built development to 36 designated heritage assets and adverse effects upon 41 designated heritage assets overall once associated highway and abnormal-load works are included. Those include two Grade I and three Grade II* listed buildings.

The difference is methodological as well as numerical. The HIA identifies recurring heritage attributes which are difficult to capture through a parcel-and-distance description: openness and enclosure, topography, group value, historic and functional relationships, long-established agricultural use, tranquillity, remoteness, seasonal conditions and sequential experience while travelling through the landscape. It also identifies circumstances in which screening may itself harm significance by enclosing historically open settings or severing views and relationships.

The final HIA therefore strengthens Chapter 3's central proposition. The receiving historic environment is not a collection of designated buildings around otherwise neutral development land. It is a connected rural landscape in which open fields, lanes, settlement approaches and historic relationships repeatedly form part of the significance of designated assets.

3.30 Cumulative Effects Are Already a Concern to Ecological and Heritage Consultees

Historic England identifies cumulative effects with Tasway Energy Park and associated BESS projects as a potential concern requiring further consideration. Norfolk Wildlife Trust warns of cumulative farmland-habitat loss, fragmentation of ecological networks, degradation of bat commuting landscapes, pressure on protected species and reduced landscape permeability.

Those concerns confirm that the environmental baseline cannot be limited to the existing physical condition of individual East Pye parcels.

Cumulative Context Is Part of the Baseline

Where specialist consultees identify cumulative ecological and heritage risks, the receiving environment cannot be described as a static countryside affected by East Pye alone.

The baseline must recognise the existing and foreseeable concentration of solar, BESS, grid and associated infrastructure and the progressive pressure those developments place on rural character, habitat networks, heritage settings and agricultural continuity.

Deferring that context to a later cumulative-effects table understates its importance. The increasing infrastructure pressure is itself part of the environment into which East Pye would be introduced.

Cumulative Harm Operates Through Common Landscape Systems

The cumulative effect does not arise merely because several projects appear on the same list. It arises because they act upon the same receptors and systems: the same historic rural landscape, the same ecological networks, the same bat populations, the same farmland resource, the same roads and the same settlement settings.

The environmental system has no regard to project boundaries. Successive habitat losses may impair the same ecological network. Separate substations and battery compounds may industrialise the same rural setting. Different construction programmes may burden the same lanes and communities.

The assessment must therefore examine combined change to common receptors, not simply add together project-specific significance conclusions.

Parcel-by-Parcel Assessment Cannot Capture Landscape-Scale Accumulation

A methodology which first divides East Pye into Sites, Sub-Sites and corridors and then treats other projects as separate external additions risks missing systemic transformation.

Individually moderate or localised effects may combine to alter the character and function of the wider countryside. Habitat permeability may decline through repeated severance; heritage settings may be progressively eroded; and agricultural land may become fragmented by multiple energy uses.

The cumulative question is not whether each parcel or project remains tolerable in isolation. It is whether their combined effect would fundamentally transform the connected landscape.

3.31 The Consultees' Qualified Positions Cannot Be Converted into a Finding of Environmental Acceptability

The Applicant may seek to rely on Natural England's statement that it is broadly satisfied and Historic England's view that the heritage assessment is generally appropriate. Those statements must be read in context.

Neither representation amounts to an unqualified endorsement of the Scheme or confirmation that Chapter 3 provides a complete baseline.

Natural England's 'Green' Conclusions Are Conditional

Natural England's agreement regarding European sites, SSSIs and ancient woodland depends on specified mitigation being implemented and legally secured. It requires water-quality and runoff controls, consistent 30-metre buffers, lifetime management measures and detailed DCO provisions.

Its protected-species and soils positions remain amber. Outstanding matters include licence requirements, incomplete ALC surveys, possible peat, permanent infrastructure on BMV land and deferred detail in the Soil Resource and Management Plan.

Natural England's position therefore confirms conditional resolution of some pathways and continuing uncertainty on others. It does not establish general environmental acceptability.

Historic England's Positive Comments Do Not Remove Acknowledged Harm

Historic England considers the heritage assessment generally appropriate and broadly supports aspects of the Site 1 siting. At the same time, it anticipates significant setting effects, policy harm and residual effects; identifies incomplete archaeological evaluation; raises concern regarding the Cable Route Corridor; and flags cumulative effects with Tasway and associated BESS projects.

Those conclusions cannot be reduced to a statement that Historic England is satisfied. Its position is qualified, asset-specific and dependent upon further scrutiny and enforceable mitigation.

Most importantly, Historic England accepts that mitigation will not remove all harm. That residual harm must be identified and weighed, not obscured by selective reliance on areas of agreement.

Norfolk Wildlife Trust Continues to Require Substantial Redesign and Scrutiny

Norfolk Wildlife Trust considers the landscape poorly suited to the form of development proposed and criticises the Applicant for attempting to reshape the landscape to fit the Scheme. It recommends deletion of Site 3, disputes assumptions regarding bat

connectivity, seeks additional botanical and hydrogeological work, and identifies unresolved risks to designated sites, lowland fen, road verges, farmland birds and protected species.

Its overall conclusion is that further information and design refinement are required before the Project can be considered acceptable in ecological and environmental terms.

The Applicant must not aggregate limited or conditional areas of agreement into a general claim that the receiving environment has been adequately described or that the Scheme is environmentally acceptable. The consultees' positions are topic-specific, conditional and materially qualified. Read fairly, they confirm that the baseline remains incomplete, important effects remain unresolved and substantial design and securing work is still required.

3.32 The Consequences for Scheme Design and the Mitigation Hierarchy

The deficiencies in Chapter 3 are not merely descriptive. They go directly to whether the Scheme has been designed in accordance with the mitigation hierarchy. Once the Order Limits are correctly understood as an interconnected landscape of designated and undesignated habitats, nationally important bat activity, hydrologically linked protected sites, BMV land, possible peat, sensitive heritage settings and unresolved archaeology, the first question is not how the resulting harm might be managed. It is why so much development remains proposed in these locations at all.

The August 2026 NPPF now gives that argument a particularly clear contemporary policy basis. Policy N2 requires significant biodiversity harm first to be avoided through locating development on an alternative site with less harmful impacts before moving through mitigation and, only as a last resort, compensation. The same policy requires agricultural quality and grade to be taken into account and poorer-quality land to be used where possible. It also requires ecological networks extending beyond the site to be strengthened. Those provisions do not establish that every environmental constraint requires deletion of development, but they reinforce the need to demonstrate that avoidance has genuinely been applied before relying upon buffers, habitat creation and later management.

The Baseline Requires Avoidance to Be Tested First

Avoidance has not been applied consistently. Norfolk Wildlife Trust continues to recommend deletion of Site 3 because of its relationship with a County Wildlife Site, ancient woodland and bats. It also seeks larger buffers around County Wildlife Sites and Roadside Nature Reserves, protection of sensitive verges and dark commuting corridors, and prior identification of HDD compounds and entry and exit points.

Natural England advises that permanent infrastructure should be reconsidered to avoid BMV land, that any peat within the Order Limits should be identified and avoided, and that the whole cable corridor should be surveyed so that route refinement can avoid or minimise impacts on BMV soils. It also requires consistent protection of ancient woodland and veteran trees through secured 30-metre buffers.

Historic England identifies likely significant setting effects, residual heritage harm, incomplete archaeological evaluation and particular concern regarding the Cable Route Corridor. Those findings require route refinement, relocation and protection of sensitive settings, not merely later archaeological recording or landscape planting.

Taken together, the evidence requires the Applicant to demonstrate why avoidance has not been preferred at the most constrained locations. That includes responding substantively to Norfolk Wildlife Trust's recommendation concerning Site 3; reconsidering permanent infrastructure on BMV land and any confirmed peat; avoiding sensitive hedgerows, verges and habitat corridors where practicable; protecting dark ecological corridors; refining the Cable Route Corridor against the completed ecological, soil, hydrological and archaeological baseline; and considering removal or relocation of development where the final heritage assessment identifies harm which screening cannot satisfactorily address. The issue is not that each of those constraints automatically dictates deletion, but whether the Applicant has shown that avoidance was considered consistently before mitigation was relied upon.

That reverses the mitigation hierarchy. Avoidance should shape the Scheme before submission. It should not be displaced by an assumption that development may remain in sensitive locations provided that buffers, licences and management plans are produced later.

Mitigation Cannot Cure an Overextended Scheme

The Application relies on an extensive apparatus of future mitigation: detailed CEMPs and LEMPs, protected-species licences, soil-management plans, drainage strategies, lighting controls, HDD method statements, archaeological evaluation, habitat restoration, monitoring, adaptive management and remedial measures.

That volume of future control is not evidence that the Scheme is well sited. It is evidence that the Order Limits encompass too many sensitive and functionally important areas.

Norfolk Wildlife Trust says that further information and design refinement are required before the Scheme can be regarded as ecologically acceptable. Natural England retains amber concerns regarding protected species, incomplete soil surveys, peat, BMV land and deferred soil controls. Historic England anticipates residual heritage harm and confirms that archaeological uncertainty remains.

Mitigation may reduce effects, but it cannot retrospectively establish that the original site-selection exercise was sound. Nor can future habitat creation immediately replace

mature hedgerows, established bat corridors, functioning woodland relationships, rare verge flora, irreplaceable fen habitat, productive BMV soils or the historic agricultural settings of designated assets.

The increasing dependence on post-consent detail therefore exposes, rather than resolves, the underlying problem: the Scheme has been spread too widely across a landscape that should have constrained its extent from the outset.

The Order Limits Should Be Reduced, Not Merely Regulated

The appropriate response is material contraction of the Order Limits, removal of the most constrained sites and corridors, and relocation of permanent infrastructure away from BMV land, peat, irreplaceable habitat, key ecological networks and sensitive heritage settings.

The Applicant should not be permitted to retain a maximum development envelope across sensitive land merely because later plans may determine where works ultimately occur. The environmentally responsible boundary is not the widest area within which impacts might subsequently be managed. It is the smallest area demonstrably necessary after avoidance has been exhausted.

Unless the Applicant materially reduces and redesigns the Scheme, the proposed controls would regulate an environmentally overextended project rather than remedy its fundamental siting defects.

3.33 Overall Conclusion: Chapter 3 Conceals the Constraints That Should Have Shaped the Scheme

Chapter 3 describes 1,212.3 hectares of Order Limits, ten dispersed Sites, multiple substations, a BESS, highway works and approximately 24 kilometres of Cable Route Corridor through parcel areas, coordinates, distances and feature lists. It does not explain the environmental significance of that landscape as an interconnected whole.

Norfolk Wildlife Trust describes a materially different baseline: a landscape ‘dense with nature’, containing nationally important bat activity, ancient woodland relationships, species-rich hedgerows, rare flora, farmland birds, County Wildlife Sites, Roadside Nature Reserves and ecologically sensitive verges. It considers the development footprint inefficient, disputes important assumptions about ecological connectivity and continues to recommend removal of Site 3.

Natural England confirms unresolved protected-species, ALC, peat, BMV and soil-management matters. It also identifies hydrological links between the Order Limits and six SSSIs and two ancient woodlands, with its conclusions dependent on mitigation being effective and legally secured.

Historic England confirms that significant setting effects and policy harm are likely in Historic England confirms that changes to setting are capable of producing policy

harm, that residual heritage harm may remain after mitigation, that archaeological evaluation remains incomplete and that cumulative effects require further scrutiny. BEPS's subsequent independent HIA materially strengthens that evidence by identifying less-than-substantial harm from the principal built development to 36 designated assets and adverse effects upon 41 designated heritage assets overall, including two Grade I and three Grade II* buildings. The resulting heritage baseline is therefore materially more constrained than the Applicant's Chapter 3 description suggests.

The current NPPF reinforces the same conclusion at landscape scale. Policy N2 requires the environmental qualities of the selected land, agricultural quality and ecological networks extending beyond the site to be considered, while DP3 requires development to respond to the history, character and features of the site and its setting. Those policies depend upon the very integrated understanding of place which Chapter 3 presently fails to provide.

The defect in Chapter 3 is therefore not that it omits a few additional receptors. It describes the land in a way that suppresses the decisive planning fact: the Scheme has been laid across an exceptionally constrained, connected and sensitive rural landscape. The unresolved problems identified by the statutory and specialist consultees are not incidental matters of mitigation detail. They arise directly from that fundamental siting choice.

3.34 Remedies Sought

BEPS requests that the Examining Authority require the Applicant to provide a revised, integrated receiving-environment plan identifying all County Wildlife Sites, Roadside Nature Reserves, ancient woodland, veteran trees, species-rich verges, principal bat corridors, known roost areas, lowland fen, watercourses, hydrological links, private abstractions, ALC grades, peat, designated heritage assets, Conservation Areas and areas of archaeological uncertainty. That plan should use a current mapping base and identify material changes to the receiving environment since the earlier surveys, including the completed Long Stratton Bypass and its associated drainage, woodland and biodiversity mitigation.

The Applicant should be required to delete or substantially redesign Site 3 and respond directly to Norfolk Wildlife Trust's continuing recommendation that it be removed. Final HDD entry and exit points, compounds and lighting areas should be fixed before the close of Examination, supported by hydrogeological assessment wherever works may affect lowland fen, County Wildlife Sites, ancient woodland or groundwater-dependent habitat.

Complete botanical surveys should be undertaken for all potentially affected road verges, including non-designated verges, AIL routes, highway-work areas, passing places, visibility splays and locations vulnerable to over-running or compaction. A landscape-scale bat-connectivity plan should identify roosts, principal commuting

routes, foraging areas, dark corridors, temporary and permanent severance points, lighting zones and secured buffers.

Complete ALC and soil-resource surveys should cover the whole Order Limits, including every cable corridor, highway-work area, compound and temporary access area. The Applicant should identify all peat soils and relocate permanent infrastructure away from BMV land and peat.

The receiving-environment evidence should also incorporate the final heritage baseline identified through the Examination, including the assets and setting relationships identified in BEPS's final HIA, together with the outstanding archaeological evaluation. Where further evaluation or final infrastructure design materially alters the understanding of significance or setting, the consequences should be fed back into avoidance and layout rather than treated solely as a post-consent mitigation matter.

The Order Limits should then be materially reduced to reflect genuine avoidance of the most sensitive ecological, agricultural, hydrological and heritage constraints. The DCO must secure Natural England's 30-metre buffers, lifetime drainage inspection and maintenance, protected-species safeguards, detailed soil controls, monitoring, enforceable remedial triggers and long-term ecological management. A revised cumulative assessment should address East Pye, Tasway and other relevant solar, BESS, grid and infrastructure projects through the common ecological, heritage, agricultural, hydrological and landscape receptors they affect.

If the Applicant cannot provide that information, complete the outstanding baseline work and materially reduce the Scheme's interaction with the identified constraints, the proper remedy is not further post-consent management. If those deficiencies cannot be resolved during the Examination within the environmental envelope already assessed, the appropriate consequence is refusal rather than reliance upon further post-consent investigation to determine whether the authorised development can be accommodated acceptably.

Summary: Why the Application Should Be Refused

The application should be refused because the Order Limits have been drawn across an exceptionally extensive, interconnected and sensitive rural landscape without the Applicant first demonstrating that the development can be accommodated without unacceptable environmental harm. Chapter 3 describes 1,212.3 hectares of land, ten dispersed Sites, multiple substations, a BESS, highway works and approximately 24 kilometres of cable corridor principally through parcel areas, distances and feature lists. It does not provide an integrated or reliable account of how the landscape functions environmentally, agriculturally, hydrologically, historically or ecologically.

The deficiency is confirmed by the specialist consultees. Norfolk Wildlife Trust describes the area as a landscape 'dense with nature', containing ancient woodland, species-rich hedgerows, rare roadside flora, farmland birds and nationally important bat activity. It disputes key assumptions concerning habitat connectivity, identifies

unresolved effects on County Wildlife Sites and Roadside Nature Reserves, and continues to recommend deletion of Site 3 because of its relationship with woodland, bats and designated ecological interests.

Natural England identifies unresolved protected-species issues, incomplete Agricultural Land Classification surveys across the cable corridor, possible peat, permanent infrastructure on Best and Most Versatile agricultural land and insufficiently detailed soil-management controls. It also confirms that the Order Limits are hydrologically linked to six Sites of Special Scientific Interest and two ancient woodlands. Its areas of agreement are expressly dependent on mitigation being effective, consistently applied and legally secured.

Historic England confirms that the Scheme is likely to cause significant setting effects and policy harm to designated heritage assets, that residual harm is likely to remain after mitigation, that archaeological evaluation is incomplete in parts of the Order Limits and that cumulative effects with Tasway Energy Park and associated BESS development require further examination. Its concerns encompass one Scheduled Monument, two Grade I listed buildings, two Grade II* listed buildings, 42 Grade II listed buildings and four Conservation Areas.

These are not minor matters capable of being cured through post-consent detail. They arise from the fundamental siting and scale of the Scheme. The application depends on future surveys, detailed design, protected-species licences, HDD locations, management plans, soil controls, archaeological evaluation, monitoring, restoration and adaptive mitigation. That extensive dependence on later controls is not evidence of a well-sited project. It demonstrates that the Order Limits encompass too many sensitive and functionally important areas and that the Applicant has not completed the work necessary to show that the development is environmentally deliverable.

The mitigation hierarchy has therefore been applied in reverse. The Applicant has retained an expansive development envelope and sought to regulate its effects after the event, rather than avoiding the most constrained land at the design stage. Site 3 has not been removed; permanent infrastructure remains proposed on BMV land; peat has not been conclusively identified and avoided; the cable corridor remains insufficiently surveyed and refined; ecologically important verges and dark corridors remain exposed; and significant heritage harm and archaeological uncertainty remain unresolved.

The proper response is not another layer of future management. It is material contraction and redesign of the Scheme, including removal of the most constrained sites and corridors and relocation of permanent infrastructure away from BMV land, peat, irreplaceable habitat, key ecological networks and sensitive heritage settings. The Applicant has not undertaken that exercise and has not demonstrated that a materially reduced and less harmful Scheme would be incapable of meeting its stated purpose.

Development consent should therefore be refused. The Applicant has neither adequately described the receiving environment nor shown that the authorised development can be constructed, operated and decommissioned within it without

unacceptable and insufficiently assessed harm. The outstanding ecological, agricultural, hydrological and heritage problems are not incidental defects in mitigation. They are the foreseeable consequence of placing an overextended industrial scheme across a landscape whose constraints should have prevented this Order Limits boundary from being advanced in the first place.

Chapter 4: The Scheme

4.1 The statutory importance of an accurate scheme description

The starting point for the Examination must be a clear and legally reliable identification of the development for which consent is sought. The Examining Authority and, ultimately, the Secretary of State must be able to understand what each numbered work would authorise; the maximum physical and operational parameters of that work; which elements would be permanent and which temporary; the realistic worst-case form of the development; the relationship between components delivered by different bodies; the extent to which individual elements may be constructed separately; and the controls that would prevent the undertaker from subsequently implementing development materially different from that assessed in the Environmental Statement.

This is not a demand for every item of plant, cable connection, fixing or engineering detail to be selected before consent. Major infrastructure applications may legitimately retain detailed-design flexibility where the nature of the development is settled, its maximum parameters are defined, the environmentally worst realistic case has been assessed and the Development Consent Order contains effective controls ensuring that the final design remains within that assessed envelope. The lawful use of design flexibility therefore depends upon the envelope itself being intelligible, complete and enforceable.

A materially different problem arises where the uncertainty concerns not merely the later selection of equipment, but the identity, location, scale, ownership, necessity or delivery of an essential element of the project. A broad design envelope cannot cure uncertainty about whether a major substation will be constructed at the proposed location; whether it will be used by the relevant network operator; whether a battery storage facility will form part of the connected project; whether significant infrastructure will be delivered by the Applicant or by National Grid Electricity Transmission plc; or whether different parts of the authorised development may be omitted or implemented independently. Those are not ordinary matters of detailed design. They concern the development that the DCO would actually authorise.

The need for precision is particularly important in this application because the Scheme is not a single homogeneous generating station. It comprises dispersed solar sites, alternative panel technologies, a Battery Energy Storage System, multiple project substations, a proposed National Grid substation, overhead-line and pylon works, extensive underground cable corridors, numerous temporary and permanent accesses, construction compounds, drainage infrastructure and replacement activities over an asserted 60-year operational period. Some elements would be delivered and operated by the Applicant; others are intended to become part of the national transmission system. Some may be temporary; others may remain permanently after the solar generating station has ceased operating. The DCO must therefore define both the individual works and the operational relationship between them.

The importance of this issue is recognised expressly by South Norfolk Council. The Council states that the DCO must contain ‘robust, precise and enforceable provisions’ and warns that excessive flexibility, lack of precision and insufficient control could undermine the ability of the decision-maker to conclude that the development complies with the relevant National Policy Statements and the statutory framework under section 104 of the Planning Act 2008. It identifies points of principle where the draft Order introduces uncertainty and where inadequate drafting could exacerbate the significant harms already identified in the application.

The same concern appears in the detailed evidence of Norfolk County Council as Lead Local Flood Authority. The LLFA identifies limited descriptions for a number of Work Nos. and observes that infrastructure such as trenching, swales, drainage systems, utility connections, accesses, security measures and improvements to private tracks is grouped generically as ‘associated development’, rather than clearly allocated to the relevant authorised works. It concludes that the combination of limited works descriptions and a high-level generic description of supporting infrastructure produces an unclear description of the proposed development.

The LLFA also identifies internal inconsistency in the use of the term ‘associated development’. In one part of the Scheme Description it appears to refer to supporting infrastructure such as drainage, services and access. Elsewhere, the same expression appears to encompass major project components including the BESS compound, 132 kV substations, 400 kV substations and the National Grid substation. The LLFA further records that the Applicant relies on flexibility in the ‘arrangement’ of substations, conversion units, panels and the BESS, but does not explain whether ‘arrangement’ refers to location, layout, design type or some combination of those matters. These are not semantic objections. The meaning given to those terms determines the scope of development that may be authorised and the extent of post-consent change that may occur without further environmental assessment.

Norfolk County Council additionally identifies inconsistencies between the works descriptions in Environmental Statement Chapter 4 and the corresponding references on the Works Plans. It observes that some Work Nos. are not adequately described and that the supporting drainage and infrastructure required by major components cannot be identified from the Scheme Description with sufficient certainty. The consequence is that neither consultees nor the decision-maker can reliably determine which physical works are included within each numbered work, where those works may be carried out, or whether their maximum environmental consequences have been assessed.

The Environment Agency raises the same issue from the perspective of environmental protection and enforceability. It objects to the repeated use of the phrase ‘substantially in accordance with’ in the Requirements, stating that the expression introduces unnecessary uncertainty and may undermine the enforceability of controls and the environmental commitments on which consultees have relied. The Agency seeks removal of the word ‘substantially’ so that approved plans and mitigation are not weakened by an undefined tolerance for departure.

The Environment Agency also identifies missing maximum design parameters for significant below-ground works. In particular, it states that no maximum design scenario is provided for the depth of foundations or piling associated with the 132 kV and 400 kV project substations. Without a defined maximum vertical extent of ground disturbance, the Agency cannot assess the interaction with groundwater or the risk of creating pollution pathways. This illustrates why a general commitment to resolve engineering details after consent is not sufficient. Where the omitted parameter governs the maximum environmental effect, it must be established and assessed before the DCO is granted.

The statutory-authority evidence therefore demonstrates a common concern. South Norfolk Council identifies excessive flexibility and insufficiently precise DCO controls. Norfolk County Council identifies unclear and inconsistent descriptions of the works and associated development. The Environment Agency identifies incomplete maximum parameters and Requirements whose wording may permit departure from the documents relied upon in the assessment. These concerns arise independently from authorities exercising different statutory functions, but converge upon the same central issue: the development authorised by the Order must be identifiable and its maximum consequences must be controlled.

The Rochdale Envelope principle does not provide a general licence to defer essential characteristics of the project. It permits reasonable flexibility within an identifiable and assessed envelope. It does not answer uncertainty as to whether a major work is required, whether it will be delivered by the Applicant or another undertaker, whether its proposed location is accepted by the future operator, or whether the DCO could authorise a materially different combination of project components. Nor can reliance on future detailed design remedy a failure to assess the maximum depth, footprint, height, number, technology or operational scenario where those parameters determine the scale and significance of environmental effects.

The requirements of accuracy and certainty also extend beyond the Environmental Statement. The description of the Scheme bears directly upon:

- whether consultation was undertaken on the development now sought;
- whether the environmental worst case was assessed;
- whether mitigation corresponds to the works ultimately authorised;
- whether compulsory acquisition is necessary and proportionate;
- whether statutory undertakers' apparatus and rights are properly protected;
- whether the Scheme is technically and commercially deliverable;
- whether independently delivered components can operate together;
- and whether the Requirements are sufficiently precise to be enforced.

The central question is therefore not whether every bolt, cable and item of plant must be selected at application stage. It is whether the DCO defines a development whose maximum physical, operational and environmental consequences have been identified, assessed and made enforceable. For the reasons developed in the following sections, BEPS considers that the application has not yet achieved that standard.

Since this Written Representation was prepared, the National Planning Policy Framework was replaced on 17 August 2026. The Energy NPSs remain the primary policy framework for this NSIP, but the current NPPF materially reinforces the importance of controlling the development which is actually authorised. Policy DP3 requires development to respond to the history, character and features of its site and setting and to integrate with its surroundings, while Policy DP4 requires design quality to be considered throughout project evolution, assessment and delivery and guards against approved design quality being materially diminished during later detailed design. Those principles are particularly relevant where, as here, substantial elements of final layout, equipment technology and ancillary infrastructure remain to be determined after consent. The DCO must therefore secure the design quality and environmental assumptions relied upon at Examination rather than merely authorise an envelope within which an acceptable design may subsequently be sought.

4.1.1 The Applicant's reliance on the Rochdale Envelope

The Applicant expressly relies upon the Rochdale Envelope. ES Chapter 4 states that the physical description of the Scheme informs every technical assessment in ES Chapters 6 to 18. It recognises that aspects of the design remain unfixed, including the arrangement of the solar panels, conversion units, BESS, project substations, National Grid substation and Grid Connection Infrastructure. The Applicant says that the application and EIA are therefore based on maximum and, where relevant, minimum parameters selected to represent the realistic worst case for each environmental receptor.

The Applicant further states that Table 4.1 identifies the parameters assessed in the ES and that the Design Principles, Parameters and Commitments document provides the principles and maximum parameters for detailed design. Its case is that the draft DCO will require the detailed design to accord with that document, ensuring that the resulting environmental effects are 'the same as or no worse than' those assessed in the Environmental Statement.

That express case establishes the standard against which the application must be examined. It is not sufficient for a parameter merely to appear somewhere within the application. The decision-maker must be satisfied that:

1. every parameter capable of materially affecting an environmental receptor has been identified;
2. the stated maximum is internally consistent across the application documents;
3. each technical chapter has actually assessed the relevant maximum or other realistic worst case;
4. the Works Plans and draft DCO authorise no wider development;
5. and the Requirements make compliance with the assessed envelope legally enforceable.

A Rochdale Envelope does not dilute the obligation to describe the development. It permits limited design flexibility within a defined and assessed boundary. Its legitimacy depends upon the envelope being sufficiently complete, intelligible and controlled to

ensure that the development ultimately constructed cannot produce materially different or greater effects.

4.1.2 Legitimate detailed-design flexibility

BEPS does not suggest that every bolt, cable termination, equipment supplier or minor engineering detail must be selected before consent. Legitimate detailed-design flexibility may include, for example:

- selection between manufacturers whose equipment remains within fixed dimensions and environmental performance standards;
- adjustment of equipment positions within a clearly defined compound;
- refinement of drainage details within a secured maximum impermeable area and discharge regime;
- and selection of a foundation technique within assessed maximum dimensions and depths.

Such flexibility is capable of being lawful where the essential character of the work is settled, the range of possible outcomes is defined, the environmentally worst realistic outcome has been assessed and the DCO prevents departure from that envelope.

The application does provide some maximum parameters of this kind. For example, Table 4.1 specifies maximum panel heights, mounting depths, substation compound areas, cable-trench dimensions, pylon heights and certain building dimensions. Those stated parameters can, in principle, form part of a lawful design envelope, provided they are consistently assessed and secured.

4.1.3 Uncertainty concerning the essential nature of the development

A materially different problem arises where the uncertainty does not concern later equipment selection but the identity, location, scale, ownership, necessity or delivery of an essential work.

That includes uncertainty about:

- whether a proposed National Grid substation will form the final point-of-connection solution;
- whether NGET will construct or use that substation;
- whether the solar and BESS components will be delivered as one integrated project;
- whether the BESS can be omitted, delayed or materially reduced;
- whether major works may be constructed independently;
- whether infrastructure authorised for one connection solution could remain unused if a different solution is selected;
- and whether compulsory powers are sought for works that may not be required.

ISH1 has since confirmed that the retained uncertainty extends further than was apparent when this Written Representation was drafted. The Applicant confirmed that the Illustrative Masterplan is indicative rather than determinative; that important

choices remain open concerning AIS or GIS technology for the project substations; that the precise number and location of 33 kV switch rooms and conversion units remain to detailed design; that ancillary operational buildings may be distributed across the Sites; and that material aspects of fencing, lighting, construction compounds and layout remain capable of later refinement. The ExA consequently required additional parameters, illustrative material and explanations of how those components would be controlled.

Those matters strengthen the distinction drawn in this section. The issue is not whether a manufacturer or exact equipment model remains to be selected, but whether the spatial accumulation, number, technology and distribution of material infrastructure have been sufficiently defined for their combined environmental effects to be assessed and secured. Those are not ordinary matters of detailed design. They determine the nature of the project that the DCO would authorise.

The distinction is fundamental. Selection between two transformer models within a fixed compound may be a detailed-design matter. Selection after consent of a different substation location, a different point of connection, a materially different operational configuration, or a solar-only development in place of the assessed solar-and-storage project is not.

A broad envelope cannot cure uncertainty where the unresolved matter is the identity of the development itself. Nor can post-consent approval properly be used to determine whether an essential work is required, where it will be constructed, who will deliver it or whether the project can operate without it.

4.1.4 The breadth of the authorised works

The need for precision is reinforced by the breadth of Schedule 1 as described in ES Chapter 4. The authorised development is divided into overlapping Work Areas, including:

- Work No. 1: the solar generating station and associated electrical equipment;
- Work No. 2: the BESS compound, access and temporary construction compounds;
- Work Nos. 3A and 3B: up to three 400 kV and up to three 132 kV project substations;
- Work Nos. 4A to 4C: the National Grid substation, associated landscaping, drainage, biodiversity works, temporary compound and access;
- Work Nos. 5A to 5D: new, modified, diverted and removed overhead-line and pylon works;
- Work No. 6: cables up to 132 kV and 400 kV, including tunnelling and supporting infrastructure;
- Work No. 7: fencing, security, access, earthworks, drainage, acoustic barriers, connections and laydown areas;
- Work No. 8: temporary construction and decommissioning laydown areas;
- Work No. 9: access and highway works;
- Work No. 10: habitat-management areas;
- and Work No. 11: permissive paths.

The Work Areas may overlap. In addition, paragraph 4.2.17 describes a very broad category of associated development connected with Works Nos. 1 to 11, including bunds, embankments, trenching, swales, drainage, utilities, accesses, private-track works, site preparation, earthworks, excavations, tunnelling, boring, drilling and other mitigation works.

This drafting makes it especially important that the plans, parameters and Requirements identify where such works may occur, their maximum extent and the principal work to which they relate. Otherwise, generic associated-development powers may extend the physical development beyond the particular works and effects described in the Environmental Statement.

4.1.5 South Norfolk Council's concern about excessive flexibility

South Norfolk Council expressly identifies this issue. It states that the DCO must contain robust, precise and enforceable provisions and warns that excessive flexibility, lack of precision or inadequate controls could undermine the ability of the decision-maker to conclude that the development accords with the relevant National Policy Statements and the section 104 framework.

The Council explains that points of principle arise where the current drafting introduces uncertainty or insufficient control, particularly where those defects may exacerbate the substantial landscape, heritage, ecological and amenity harms already identified.

This is not an objection to design evolution in principle. It is an objection to flexibility that is not bounded by precise maximum parameters or enforceable approval mechanisms.

South Norfolk Council also identifies a specific uncertainty in Requirement 5. It notes that the detailed-design Requirement does not include Works Nos. 4A and 4B relating to the proposed National Grid substation and asks whether those works would be undertaken separately by National Grid or approved through a separate planning application.

That is a direct illustration of the distinction between detailed design and uncertainty about an essential work. If the principal detailed-design Requirement does not apply to the National Grid substation, the application must identify:

- who will approve its detailed design;
- under what statutory mechanism;
- by reference to which environmental parameters;
- and how the decision-maker can be assured that the resulting infrastructure will remain within the assessed envelope.

4.1.6 Norfolk County Council's concern about unclear works descriptions

Norfolk County Council's Lead Local Flood Authority reaches a similar conclusion from its review of the Scheme Description.

The LLFA identifies limited information in the descriptions of a number of Work Areas, including Works Nos. 8, 10 and 11. It observes that supporting infrastructure such as trenching, swales, drainage systems, services, utilities, access, security measures and improvements to private tracks is grouped within a generic associated-development description rather than clearly allocated to individual Work Nos. The LLFA concludes that this combination of limited works descriptions and generic supporting infrastructure produces an unclear description of the proposed development.

The LLFA also identifies two different uses of the expression 'associated development'. In one place it refers to supporting infrastructure such as drainage, utilities and access. Elsewhere it is used to describe major components including the BESS compound, 132 kV substations, 400 kV substations and National Grid substation. It further records that the Applicant seeks flexibility in the 'arrangement' of those components but does not make clear whether 'arrangement' concerns location, layout, technology, configuration or design type.

That ambiguity matters because the environmental consequences of moving equipment within a compound may be limited, whereas changing the location or configuration of an entire substation may materially alter:

- landscape and visual effects;
- heritage setting;
- noise exposure;
- flood risk;
- groundwater effects;
- construction traffic;
- aviation safeguarding;
- and the land required.

The LLFA also records inconsistencies between the works descriptions in ES Chapter 4 and the references on the Works Plans. The Applicant must therefore reconcile the narrative description, Table 4.1, Works Plans, Land Plans, Design Principles, draft DCO and Commitments Register in a single authoritative schedule.

Norfolk County Council's concern about unclear works descriptions and inconsistent mapping

The reliability of the Scheme Description also depends upon the accuracy and consistency of the plans used to define the authorised development. The Works Plans are not merely illustrative background material. They identify the geographical extent and relationship of the numbered works and are therefore central to understanding what the DCO would authorise. Where those plans use outdated base mapping or are

inconsistent with other application drawings, it becomes more difficult for consultees and the decision-maker to identify the development, its interaction with existing infrastructure and the land over which powers are sought.

Norfolk County Council's targeted-consultation response provides a specific example. In relation to additional land areas 8 and 9, the County Council's Lead Local Flood Authority states that the Applicant was using outdated base mapping because the plans did not show or consider the operational Long Stratton Bypass. The LLFA concluded that this demonstrated that the relevant assessment had not been undertaken using the latest available information and required further work.

That defect is particularly significant because the Long Stratton Bypass was no longer a merely proposed development. It was operational by the time of the County Council's November 2025 response. A Works Plan or supporting assessment that continues to depict the previous highway arrangement does not provide an accurate representation of the environment within which the authorised works would be constructed.

The absence of the bypass potentially affects more than cartographic presentation. It may affect:

- the identification of existing roads and junctions;
- the relationship between Work No. 9 highway works and the current highway network;
- construction and AIL routeing assumptions;
- drainage catchments and impermeable highway areas;
- access to individual sites and compounds;
- cumulative traffic assessment;
- vegetation and land-take assumptions;
- and the accuracy of environmental baseline mapping.

The outdated Works Plan must also be considered alongside the wider evidence of inconsistent mapping across the application. Norfolk County Council's LLFA identifies inconsistencies between ES Chapter 4 and the Works Plans. Other parts of the application use different depictions of the Scheme, infrastructure proposals and surrounding development. Major developments are at times represented only by point symbols rather than their true geographical extent, while proposed and operational infrastructure is not shown consistently between plans.

The result is that there is no single, reliable geographical representation against which the full extent of the authorised development can readily be checked. That undermines the Applicant's reliance on Chapter 4 and the Works Plans as the definitive basis for the environmental assessment.

The Applicant should therefore be required to provide:

1. corrected Works Plans using an up-to-date Ordnance Survey or equivalent base;
2. plans showing the operational Long Stratton Bypass accurately;
3. a schedule identifying every application plan that has been superseded or corrected;
4. a reconciliation plan showing all numbered works, existing infrastructure and relevant committed development on one consistent base;

5. confirmation that all environmental assessments used the corrected geography;
6. and revised assessments where the outdated mapping affected routeing, drainage, land take, access or receptor identification.

The issue is not remedied merely by acknowledging that the base map is old. The Examining Authority must be satisfied that the development assessed geographically corresponds with the development shown on the certified Works Plans and capable of being authorised by the DCO.

The Examination has now identified a further internal-plan problem. The ExA required the Applicant to correct inconsistencies between the Indicative Masterplan and the Works Plans, including areas variously depicted as retained agricultural land, mitigation land, biodiversity land and cabling works. That is directly relevant to Scheme definition because those are not interchangeable land uses. The same area cannot simultaneously be relied upon as retained agricultural land, biodiversity mitigation and construction or cable land without the environmental consequences of each permitted use being reconciled.

4.1.7 The Environment Agency's concern about incomplete and uncertain controls

The Environment Agency raises the same issue from the perspective of environmental protection and enforcement.

It objects to the repeated use of the phrase 'substantially in accordance with' in the Requirements. The Agency states that this wording undermines enforceability and creates unnecessary uncertainty because it may allow departure from documents and mitigation commitments upon which the Agency and other consultees relied. It therefore seeks removal of the word 'substantially'.

The concern is particularly material to decommissioning. ES Chapter 4 states that the future Decommissioning Strategy would be prepared 'substantially in accordance with' the Outline Decommissioning Environmental Management Plan. Yet the specific decommissioning method remains uncertain, the National Grid substation and Grid Connection Infrastructure would remain, below-ground infrastructure may be cut off at 1.2 metres, and cables, ducts and joint bays may be left in place.

An undefined tolerance for departing from the outline document would therefore apply to a phase in which the application already retains substantial uncertainty about what will be removed and what will remain.

The Environment Agency also identifies incomplete maximum design information concerning foundations, piling, cabling, drainage and groundwater interaction. Although Table 4.1 supplies maximum depths for several categories of works, including piles up to 12 metres for substations and BESS equipment, the Agency considers that the maximum design scenario is not sufficiently complete or clear across all relevant structures and locations to assess groundwater effects reliably.

This should be resolved by a structure-by-structure and location-by-location maximum foundation schedule, rather than by reliance on generic post-consent risk assessment.

4.1.8 Consequences for the Examination

The same audit must be undertaken geographically. The Applicant should demonstrate that the final Works Plans, Land Plans, Access and Rights of Way Plans, environmental figures and construction-route plans all use a consistent and current baseline. The known omission of the operational Long Stratton Bypass from the Works Plan is evidence that this exercise has not yet been completed.

A DCO should not be made by reference to certified plans that inaccurately depict material existing infrastructure. If the Works Plans are corrected during Examination, the Applicant must explain whether the amendment changes:

- the limits of deviation;
- the relationship between numbered works;
- the land and rights sought;
- highway and drainage effects;
- construction access;
- or the environmental assessment.

Where a correction is substantive rather than purely cartographic, affected parties must be given a fair opportunity to understand and comment on the revised proposal.

An inaccurate or incomplete Scheme Description affects more than the presentation of the application. It bears directly upon:

- whether the development now sought was the development consulted upon;
- whether the realistic worst case has been assessed;
- whether mitigation corresponds to the works ultimately authorised;
- whether independently delivered components can operate together;
- whether the Scheme is technically and commercially deliverable;
- whether compulsory acquisition is necessary and proportionate;
- whether statutory undertakers' rights and apparatus can be protected;
- whether cumulative effects have been assessed against a reliable programme and configuration;
- and whether the Requirements can be enforced.

The Applicant's own approach makes this especially important. It says that the parameters in Chapter 4 inform all technical assessments and that the detailed design will produce effects no worse than those reported. If any technical chapter has assessed an earlier, smaller or different configuration, the Applicant's claimed control mechanism fails.

The Examination must therefore audit the technical assessments against the final Chapter 4 envelope, including:

- tracker panels up to 4.5 metres;
- fixed panels up to 3.5 metres;
- panel piles up to 4 metres;
- project-substation piling up to 12 metres;
- the Site 1B project substation up to 15 metres;
- the National Grid substation occupying up to six hectares;
- up to four new pylons reaching 61 metres;
- cable trenches up to seven metres wide and two metres deep;
- trenchless works reaching 12 metres;
- complete replacement of all panels over a further period of up to 24 months;
- up to five BESS replacement cycles;
- and permanent retention of the National Grid substation and Grid Connection Infrastructure.

The central question is not whether every bolt, cable and item of plant must be fixed at application stage. It is whether the DCO defines a development whose maximum physical, operational and environmental consequences have been identified, assessed and made enforceable. For the reasons developed below, BEPS considers that the application has not yet demonstrated that the authorised development, the assessed development and the development ultimately capable of being delivered are one and the same.

4.2 Authoritative description of the development applied for

The application describes East Pye Solar as a large, dispersed solar photovoltaic generating station with associated battery storage, project substations, a new National Grid substation, underground cable infrastructure, overhead-line works, access and construction infrastructure. South Norfolk Council summarises the application as a proposed 500 MW solar farm with a Battery Energy Storage System, up to three 132 kV substations, up to three 400 kV substations and a new National Grid substation. Norfolk County Council records that the Order Limits extend across approximately 1,212 hectares of agricultural land and that the Scheme is anticipated to have an operational life of 60 years.

That summary, however, does not itself define the full development authorised by the DCO. The Scheme includes alternative technologies, dispersed work areas, substantial temporary infrastructure, repeated replacement activity and elements intended to remain after decommissioning. It is therefore necessary to describe each principal component and to identify where the application retains flexibility or leaves material parameters unresolved.

4.2.1 Solar photovoltaic generating station

The generating element comprises solar photovoltaic development distributed across multiple sites and sub-sites within the Order Limits. Norfolk County Council records

that the application retains both single-axis tracker panels and fixed panels as options and has not narrowed the design to one technology.

The distinction is environmentally material. South Norfolk Council records that tracker panels may reach a maximum height of approximately 4.5 metres and identifies their movement, changing orientation and greater visual prominence as materially different from lower fixed panels. The Council seeks controls requiring panels of no more than approximately 3 metres in sensitive locations, including within the settings of heritage assets.

The authorised solar development therefore appears capable of comprising:

- fixed photovoltaic panels;
- single-axis tracking panels;
- mounting structures secured by driven posts, screw piles, concrete feet or other non-ground-penetrative techniques;
- electrical conversion equipment;
- inverter or conversion units;
- switch rooms;
- internal cabling;
- perimeter fencing;
- security infrastructure;
- CCTV and monitoring equipment;
- internal access tracks;
- drainage works;
- and associated landscaping and ecological mitigation.

The Scheme Description must identify, for each technology, the maximum:

- panel height;
- panel length and width;
- tilt and rotational range;
- row spacing;
- minimum ground clearance;
- mounting depth;
- foundation footprint;
- extent of hardstanding;
- and number and dimensions of associated conversion units.

The available authority evidence indicates that not all of those parameters are presently fixed. Norfolk County Council's LLFA notes, for example, that the application permits concrete feet or other non-ground-penetrative mounting techniques but does not clearly identify all circumstances in which those techniques may be used or their maximum dimensions. The LLFA consequently cannot determine the resulting increase in impermeable area or the drainage infrastructure required.

The application must also explain whether fixed and tracking panels may be mixed freely across all solar sites, whether any site-specific technology restrictions apply, and whether the environmental assessment consistently adopts the more harmful option

for each receptor. A nominally common ‘solar panel’ envelope cannot be treated as environmentally neutral where panel height, movement, mounting method, reflectivity, vegetation clearance, runoff behaviour and visual effects differ materially.

ISH1 has since exposed an additional uncertainty concerning the scale of Work No. 1 itself. The ExA required the Applicant to explain the proposed overplanting ratio and panel ratings, provide hectares-per-MW comparisons with other consented or proposed solar schemes, explain why panel type and final locations remain unfixed, identify minimum separation distances and address whether the absence of an express maximum generating-capacity limit could permit a materially greater installed capacity within the same physical envelope.

This matters because a physical-envelope approach is only sufficient if all environmentally relevant consequences remain bounded independently of electrical output. If technological change permits materially greater generating capacity within the same fields, the Applicant must demonstrate that the resulting number or rating of inverters, transformers, conversion units, switchgear, cooling requirements, noise, heat, EMF, replacement activity and grid infrastructure cannot exceed the assumptions assessed in the ES.

The ExA also required the Applicant to explain why East Pye relies upon a minimum residential separation of 50 metres where the Applicant’s related Droves Solar Farm uses 250 metres. That comparison does not establish that 250 metres is automatically required at East Pye, but it does require the Applicant to explain the environmental and design basis for the materially different minimum adopted here.

4.2.2 Battery Energy Storage System

The Scheme includes a Battery Energy Storage System forming part of the associated development. The BESS is described as occupying a dedicated compound and comprising battery enclosures, power-conversion and electrical equipment, transformers, cooling systems, auxiliary plant, security fencing, access, drainage and fire-safety infrastructure.

The application must define, or expressly acknowledge that it does not define:

- the electrical storage capacity;
- discharge duration;
- maximum compound area;
- maximum number of battery enclosures;
- maximum enclosure dimensions and height;
- battery chemistry or technology envelope;
- number and rating of transformers;
- cooling and ventilation plant;
- auxiliary generation;
- acoustic mitigation;
- fencing and wall heights;
- fire separation distances;

- internal access and emergency routes;
- surface-water drainage;
- firewater containment;
- and the maximum volume of potentially contaminated water requiring storage.

Norfolk County Council's LLFA records that the Applicant had not identified the number or size of the battery storage enclosures and that the BESS might be founded on a reinforced concrete slab or concrete piling. It observes that the equipment, compound, hardstanding and access tracks would create a material impermeable area, but the Scheme Description does not adequately identify the corresponding drainage and attenuation requirements.

The Environment Agency similarly identifies insufficient detail regarding the drainage and pollution-control design of the BESS. It seeks clear confirmation that the entire drainage system would be impermeable, that contaminated firewater could be isolated and contained, that automatic and manual closure systems would be provided, and that the design would accommodate decontamination and potential removal of contaminated drainage aggregate.

The Environment Agency also notes that the BESS could be replaced up to five times during the operational period but considers that the application provides inadequate detail regarding the removal, temporary storage and disposal of damaged or end-of-life batteries. The BESS description must therefore encompass not only its first installation but the maximum foreseeable replacement activity authorised over the 60-year project life.

The Scheme Description must now also distinguish physical authorisation from connection deliverability. The BESS remains at Gate 1 whereas the solar element has progressed to Gate 2. The existence of Work No. 2 within the DCO therefore does not establish that it will connect, commission or operate on the same timetable as the solar generating station.

The description of Work No. 2 should consequently state whether the BESS is mandatory, severable or optional; whether the solar generating station can operate without it; whether it may be commissioned substantially later; and whether its capacity, duration, technology or operating regime may change if connection is delayed. Those implementation scenarios are part of the development capable of being authorised and cannot be left merely as commercial possibilities outside the environmental assessment.

4.2.3 Project substations

The application includes multiple project substations required to collect, transform and transmit electricity from the dispersed solar sites and the BESS. South Norfolk Council

describes the Scheme as including up to three 132 kV substations and up to three 400 kV substations.

The substations may include:

- power transformers;
- switchgear;
- busbars;
- control and protection equipment;
- control buildings;
- switch rooms;
- telecommunications equipment;
- welfare facilities;
- security fencing;
- lighting;
- internal roads;
- hardstanding;
- drainage;
- oil containment;
- firewater containment;
- and permanent access.

The application must state the maximum number of substations that may be built, their maximum footprints and heights, whether they may be single or double configurations, the maximum number and capacity of transformers, the maximum oil inventory, and the maximum extent of buildings, hardstanding and drainage infrastructure.

Norfolk County Council's LLFA records that the application does not clearly establish where all 132 kV equipment will be placed or whether substations will be single or double installations. It identifies the same uncertainty in relation to the 400 kV substations and concludes that the corresponding impermeable areas and surface-water runoff cannot be quantified from the Scheme Description.

The Environment Agency identifies a further gap: no maximum design scenario is provided for the depth of foundations or piling associated with the 132 kV and 400 kV substations. It considers that the potential interaction with groundwater cannot be assessed without that parameter.

The application also underwent a material design change from a 132 kV project substation to a 400 kV installation at Site 1B. Norfolk County Council records that the change increased the proposed maximum height from approximately 7 metres to approximately 13 metres and appeared to involve a significantly larger footprint. That changed component must be treated as part of the authoritative Scheme Description, rather than as a minor detailed-design variation.

ISH1 has subsequently confirmed that the Applicant continues to retain both AIS and GIS options for project substations, principally because procurement and final equipment selection remain unresolved. The ExA required the Applicant to identify the reasonable worst case associated with those alternatives. That is important because

AIS and GIS do not necessarily produce the same footprint, massing, building requirement, visual effect, construction requirement, SF6-related characteristics or maintenance environment.

The Examination also established that the precise number and location of 33 kV switchrooms and conversion units remain unfixed and that these components may occur throughout Work No. 1 areas. The resulting environmental issue is therefore not merely the maximum dimension of one unit, but the number, spacing and cumulative visual, landscape, noise, drainage and access effect of all units which the DCO could permit.

4.2.4 National Grid substation and associated grid works

The Scheme includes a proposed new National Grid substation at Site 1B and associated works to connect it to the existing 400 kV overhead transmission network. The draft Order identifies National Grid substation works under Work Nos. 4A and 4B, together with associated overhead-line and pylon works.

The National Grid element appears to include:

- a new transmission substation;
- diversion of the existing dual-circuit 400 kV overhead line;
- new or replacement pylons;
- overhead conductors;
- connection or sealing-end infrastructure;
- control and protection equipment;
- access roads;
- fencing and security;
- hardstanding;
- drainage;
- lighting;
- and land required for construction and permanent operation.

Norfolk County Council records that the assumed footprint of the National Grid substation increased from approximately three hectares at consultation to up to six hectares in the application. It states that the location remained indicative and that no final design had been provided.

The targeted-consultation evidence also records the potential need for a new 400 kV pylon of up to approximately 61 metres, compared with existing pylons of approximately 53 metres. The application must identify the maximum number, height, location and type of new or replacement pylons and the extent of any permanent overhead-line diversion. The National Grid substation is separately subject to a maximum busbar height of 15 metres.

The Scheme Description must further distinguish:

- works constructed by the Applicant;

- works constructed by NGET;
- land acquired by the Applicant;
- land transferred to or retained by NGET;
- assets owned and operated by NGET;
- and works for which detailed approval would occur outside the Applicant's principal design-control Requirement.

South Norfolk Council notes that the detailed-design Requirement does not appear to include Works Nos. 4A and 4B and asks whether those works would be undertaken separately by National Grid or approved through another planning route. That uncertainty must be resolved in the authoritative description of the development.

4.2.5 Cable Route Corridors

The Scheme includes extensive underground cable corridors connecting the solar sites, substations, BESS and National Grid connection infrastructure. Those works may comprise:

- high-voltage and lower-voltage cables;
- internal array cabling;
- cable trenches;
- ducts;
- joint bays;
- link boxes;
- trenchless crossings;
- horizontal directional drilling;
- launch and reception pits;
- temporary haul roads;
- temporary compounds;
- soil-storage areas;
- drainage and dewatering;
- reinstatement;
- and permanent marker or access infrastructure.

The application must identify:

- the maximum corridor width;
- maximum construction working width;
- number and voltage of cables;
- maximum trench depth and width;
- number and dimensions of joint bays;
- maximum HDD depth and length;
- launch and reception pit dimensions;
- locations of watercourse and infrastructure crossings;
- and the extent of land required temporarily and permanently.

Norfolk County Council identifies an absence of detail concerning the cabling associated with the photovoltaic arrays and states that the cumulative below-ground effects of piling and cabling cannot therefore be determined with confidence.

The Environment Agency identifies further uncertainty concerning the operational lifespan of below-ground cabling, possible thermal effects, the risk of cable trenches acting as preferential groundwater pathways and the design of trenchless crossings. Those matters are part of the development authorised, not merely future construction methodology.

4.2.6 Accesses, haul roads and construction infrastructure

The Scheme requires substantial temporary and permanent construction infrastructure distributed across the Order Limits. That infrastructure includes:

- construction compounds;
- laydown areas;
- temporary and permanent access points;
- internal haul roads;
- cable-route haul roads;
- road-crossing points;
- temporary hardstanding;
- worker welfare facilities;
- temporary water and power supply;
- wheel-wash facilities;
- fuel, oil and chemical storage;
- soil and spoil-storage areas;
- temporary drainage;
- temporary lighting;
- security fencing;
- highway visibility splays;
- abnormal indivisible load works;
- temporary removal of street furniture;
- vegetation clearance;
- and local highway alteration.

Norfolk County Council's LLFA records that approximately ten temporary construction compounds are shown only at a scale that does not reveal their size or layout. It cannot determine whether those compounds and associated hardstanding have been allowed for in the surface-water drainage design.

The targeted-consultation material also added land for visibility splays, AIL movements, temporary highway works and vegetation removal. Norfolk County Council identified a number of those areas as lacking sufficient information to establish whether new impermeable surfaces, drainage works or access tracks would be required.

The construction description must therefore identify the maximum number and area of compounds, the maximum length and width of haul roads, the land required for AIL works and the maximum area of vegetation removal. General reliance on later Construction Traffic Management Plans and Construction Environmental Management Plans cannot substitute for identification of the physical development and land powers sought in the DCO.

4.2.7 Operational period, replacement and repowering

The application assumes an operational period of 60 years. Norfolk County Council records that the Environmental Statement assumes:

- solar panels may have an operational life of approximately 40 years and may be replaced once;
- the BESS could be replaced up to five times;
- and transformers may require replacement during the Scheme's operational life.

These activities must form part of the authoritative project description because they may involve:

- removal and delivery of large quantities of equipment;
- re-establishment of compounds;
- heavy goods vehicles and abnormal loads;
- lifting operations;
- noise and vibration;
- soil disturbance;
- temporary drainage;
- hazardous and non-hazardous waste;
- battery storage and transport;
- and temporary interference with ecological mitigation.

The application must state whether complete replacement of each component is expressly authorised, whether any maximum replacement frequency or simultaneous work area applies, and whether replacement is treated as operational maintenance or as a renewed construction phase.

The Environment Agency's concern regarding repeated BESS replacement illustrates the significance of the omission. It seeks details of how removed batteries would be handled, stored and taken off site, particularly where damaged or leaking batteries may pose a pollution risk. South Norfolk Council similarly seeks controls ensuring that replacement equipment does not worsen the operational noise environment.

4.2.8 Decommissioning and retained infrastructure

At the end of the 60-year operating period, the application proposes removal of the solar panels, BESS and much of the associated infrastructure. The Scheme Description must, however, distinguish clearly between:

- infrastructure that must be removed;
- infrastructure that may be left in place;
- infrastructure that will be transferred to another operator;
- and development that is intended to remain permanently.

Norfolk County Council's LLFA records that the National Grid substation, pylons and overhead-line works appear intended to remain after the solar development is

decommissioned. It also records that cable ducting and joint bays may remain in situ and that below-ground foundations may only be removed to a specified depth. The LLFA considers that infrastructure not intended to be removed should be treated and assessed as permanent development.

The Environment Agency identifies inconsistencies in the application documents concerning whether the National Grid substation and grid connection infrastructure would be subject to decommissioning. The DCO must therefore contain an unambiguous schedule identifying every work that will be removed, every work that may remain, the body responsible for retained infrastructure and the environmental controls that will continue to apply.

4.2.9 Consolidated description and identified uncertainties

The development applied for may be summarised as follows:

Scheme component	Development apparently authorised	Principal maximum or operational parameters	Material uncertainty requiring resolution
Solar generating station	Dispersed ground-mounted photovoltaic arrays across multiple sites and sub-sites	Up to approximately 500 MW; fixed and/or single-axis tracking panels; trackers up to approximately 4.5 m	Final technology by site; row arrangement; foundation methods and depths; total equipment numbers; minimum clearance and impermeable footprint
Mounting and conversion infrastructure	Driven or screw-mounted posts, concrete feet, conversion units, inverter equipment and switch rooms	Multiple foundation and equipment alternatives	Maximum foundation dimensions and depths; drainage consequences; distribution and number of units
BESS	Battery enclosures, transformers, cooling plant, auxiliary systems, fencing, access and firewater infrastructure	Dedicated compound; repeated replacement contemplated	Capacity and duration; technology; enclosure number, size and height; maximum compound layout; drainage and firewater capacity
132 kV project substations	Transformers, switchgear, buildings, access and drainage	Up to three stated by South Norfolk Council	Single or double configurations; equipment numbers; footprints;

			heights; oil inventory; foundation depth
400 kV project substations	Transformers, switchgear, buildings, access and drainage	Up to three stated by South Norfolk Council; Site 1B installation increased from approximately 7 m to 13 m	Final configuration; equipment and transformer numbers; maximum footprint; foundation depth; full reassessment of 132-to-400 kV change
National Grid substation	New transmission substation at Site 1B under Work Nos. 4A and 4B	Assumed footprint up to approximately 6 ha	Final location, size and design; NGET acceptance; Applicant/NGET division of responsibility; detailed approval mechanism
Overhead-line and pylon works	Diversion and connection to existing 400 kV line	New or replacement pylons potentially up to approximately 61 m	Final number, design and alignment; ownership; construction responsibility; permanent retention
Cable Route Corridors	Underground cables, trenches, ducts, joint bays and trenchless crossings	Broad corridors across the Scheme	Cable numbers and voltage; maximum working widths; trench and HDD dimensions; crossing locations; cable lifespan
Construction compounds	Temporary compounds, laydown, welfare, materials and plant	Approximately ten compounds referred to by NCC LLFA	Maximum area, layout, hardstanding, drainage and duration
Access and haul roads	Temporary and permanent accesses, internal roads and cable haul routes	Extensive network across dispersed sites	Final routes; widths; impermeable area; highway crossings; restoration
AIL and highway works	Visibility splays, road alteration, vegetation and street-furniture removal	Added land identified at targeted consultation	End-to-end routes; physical highway works; land requirements; drainage and reinstatement

Operational replacement	Replacement of panels, BESS and transformers	Panels potentially replaced once; BESS up to five times; transformers during project life	Maximum simultaneous replacement; compounds; traffic; waste; battery handling; environmental controls
Decommissioning	Removal and restoration at end of 60 years	Solar and BESS removal generally proposed	Infrastructure left in situ; retained cables, ducts, foundations, pylons and National Grid works; long-term responsibility

This is the development that must be reconciled against the numbered works, Works Plans, Land Plans, Environmental Statement, Requirements and Commitments Register. Where the application leaves a parameter undefined, the Applicant must either provide and assess a maximum value or accept a binding DCO control restricting the development to the envelope actually assessed.

Until that reconciliation is completed, the description of East Pye Solar remains partly a description of a project concept and partly a collection of alternative future designs. The function of the DCO, however, is to authorise identifiable development. The remainder of this chapter examines whether the uncertainties summarised above concern permissible detailed design or the essential nature and deliverability of the Scheme itself.

4.3 Material design evolution after statutory consultation

The Scheme submitted for development consent is not the same design that was presented during the Phase Two statutory consultation undertaken between 18 June and 6 August 2025. Following that consultation, the Applicant made a series of changes affecting the location, scale and configuration of major electrical infrastructure, the extent of solar development, the Order Limits, abnormal-load works and the construction traffic strategy.

Design evolution is not objectionable in itself. Consultation is intended to inform and improve a proposal. The material question is whether changes made after statutory consultation were accompanied by sufficient updated environmental information to allow consultees and the decision-maker to understand their effects, compare them with the PEIR scheme and determine whether the final application remained within the environmental envelope previously presented.

In this case, the Applicant proceeded by way of a targeted non-statutory consultation between 22 October and 26 November 2025. South Norfolk Council records that the information supplied consisted principally of a 20-page change note and that the PEIR was not revised or updated. Norfolk County Council likewise concluded that the

changes did not resolve the substantive strategic and technical concerns it had raised during the statutory consultation.

The changes were not confined to minor micro-siting or drafting corrections. They included selection of the final application location for the proposed National Grid substation, abandonment of an alternative connection site, replacement of a 132 kV project substation with a substantially larger 400 kV installation, taller electrical infrastructure, additional solar development, extensions to the Order Limits and revised construction and AIL arrangements.

4.3.1 Selection of the Site 1B National Grid substation

The PEIR presented two potential locations for the new National Grid substation and point of connection near Great Moulton.

The first option was south of Hundred Lane, close to the BESS and other project electrical infrastructure. The second was within Sub-Site 1B, immediately to the north-east and crossed by the existing 400 kV overhead line. The Applicant's ES Chapter 5 confirms that both options were refined and presented at statutory consultation.

The targeted consultation then confirmed that the Applicant would pursue the Site 1B option and abandon the alternative to the south. South Norfolk Council records this as one of the principal post-consultation changes. Norfolk County Council confirms that the southern option had been favoured by the County Council because it was farther from Great Moulton and would consolidate the BESS, project substation and transmission infrastructure in one area, reducing wider visual effects and construction disturbance. The Applicant instead selected the Site 1B location closer to the village.

The Applicant's final alternatives chapter explains that the southern option was affected by overlap with a consented solar development and was also considered less favourable because of flood-risk and public-right-of-way constraints. Those matters may explain why the Applicant preferred Site 1B, but they do not remove the obligation to reassess the consequences of moving the National Grid substation closer to Great Moulton and its heritage, landscape, residential and aviation receptors.

Norfolk County Council identifies the consequences directly. It records that the selected substation and associated new pylons would be closer to Great Moulton and raises concerns about:

- visual effects on residents and the setting of the village;
- health and safety in the event of a substation fire;
- and physical and mental health effects on residents that had not been investigated adequately.

The change also altered the geographical relationship between the National Grid substation, the existing 400 kV line, the BESS, the project substations, access routes, drainage infrastructure and nearby designated heritage assets. It was therefore capable

of changing the distribution and significance of effects even if the broad categories of effect remained the same.

4.3.2 Abandonment of the southern substation alternative

The abandonment of the southern alternative had consequences beyond the loss of one option from the plans.

The southern site would have consolidated major energy infrastructure near the BESS and project substation. By selecting Site 1B, the Applicant separated the National Grid substation from some of the other principal electrical components and introduced additional overhead-line diversion and pylon works nearer Great Moulton.

The final ES describes the selected solution as a new National Grid substation of up to approximately six hectares, with electrical structures reaching approximately 15 metres and up to four new pylons reaching 61 metres. The environmental comparison therefore needed to address the full final envelope, not simply the fact that one consultation option had been removed.

This was especially important because NGET's subsequent Relevant Representation indicates that the Site 1B substation is not yet a confirmed final network solution. The Applicant therefore selected and assessed a specific location after statutory consultation, while the future network operator has not confirmed that it will be required to use that location or configuration. That issue is addressed in detail below, but it reinforces the importance of a transparent and complete reassessment of the selected design.

4.3.3 Upgrade and relocation of the project substation from 132 kV to 400 kV

The targeted consultation also confirmed that the project substation within Site 1B would be relocated and upgraded from 132 kV to 400 kV. South Norfolk Council records this expressly as a change in both location and size.

Norfolk County Council understood the change to increase the maximum height from approximately 7 metres to approximately 13 metres and to involve a materially larger footprint. It considered that the taller and larger structure would be more visible from Great Moulton and the surrounding countryside and requested clarification of the final footprint.

South Norfolk Council's heritage officer similarly observed that the targeted-consultation material referred to an increase from 7 metres to 13 metres but did not explain whether 13 metres represented a small isolated element or the height of a substantial part of the substation's massing. The Council considered the structure likely to be visible and intrusive in the settings of surrounding heritage assets, including assets within Great Moulton and Moulton Farmhouse, and stated that the heritage impact had not yet been assessed.

The final application widened the envelope further. ES Chapter 4 permits the Site 1B 400 kV project substation to reach approximately 15 metres to the busbars. The progression was therefore:

- approximately 7 metres for the 132 kV design;
- approximately 13 metres in the targeted-consultation material;
- and approximately 15 metres in the final application envelope.

That progression must be traced through every relevant assessment. The Applicant should identify whether the final landscape, heritage, aviation, lighting and noise assessments used the 15-metre structure or an earlier 13-metre assumption.

The voltage change was also capable of altering:

- transformer number and dimensions;
- switchgear and busbar configuration;
- foundation depth;
- transformer oil inventory;
- fire and pollution risk;
- operational noise;
- lighting;
- hardstanding;
- drainage;
- AIL requirements;
- and construction methodology.

It was therefore not sufficient to treat the change merely as a revised label or technical refinement.

4.3.4 Taller new 400 kV pylons

The targeted consultation confirmed that the selected Site 1B connection solution would require changes to the existing 400 kV overhead line and new pylons.

Norfolk County Council records that the proposed new tower could reach approximately 61 metres, compared with the existing towers along the route, which were understood to be approximately 53 metres. It considered that the change raised further landscape and visual concerns and reiterated its earlier preference for avoiding additional pylons.

The final ES authorises up to four new pylons reaching 61 metres, together with overhead-line diversion and temporary pylon works.

The increase was capable of altering:

- long-distance landscape views;
- the setting of Great Moulton and nearby heritage assets;
- aviation safeguarding and visibility;
- construction access and crane requirements;

- foundation works;
- ecological effects;
- and cumulative effects with existing and proposed transmission infrastructure.

The final assessment should therefore demonstrate that the full number, location and 61-metre maximum height were assessed, rather than relying on the scale of the existing pylons or an earlier indicative design.

4.3.5 Additional solar panels at Site 7D

The targeted consultation added solar panels within part of Site 7D.

South Norfolk Council records the additional panels as a specific post-consultation change. Norfolk County Council describes an extension of approximately 4.85 hectares and states that, although limited when viewed alone, it adds to an already extensive solar development and must be included in cumulative landscape and visual assessment.

The County Council's LLFA also records that Site 7D lies at the head of a catchment associated with a natural flood-management scheme at Saxlingham. It considered the catchment sensitive and required clear evidence that the additional panels would not increase flood risk.

South Norfolk Council's heritage officer considered that additional panels could be visible from the upper storeys of designated heritage assets within Saxlingham Green Conservation Area and noted that no details of possible mitigation had been supplied.

The change was therefore capable of affecting:

- landscape character and visual receptors;
- the setting of Saxlingham Green Conservation Area and listed buildings;
- surface-water runoff and downstream flood risk;
- soil and agricultural land;
- ecology and BNG calculations;
- construction access;
- and the cumulative extent of solar industrialisation.

The relevant question was not simply whether 4.85 hectares represented a small percentage of the overall Scheme. It was whether adding panels at that particular location changed effects on sensitive receptors.

4.3.6 Additional land for overhead-line and grid connection works

The targeted consultation added land adjacent to and north-east of Site 1 and to the south-west of Site 1 for works connecting the proposed National Grid substation to the existing overhead transmission line.

Those additions were associated with major grid works rather than incidental landscaping. They potentially enabled:

- pylon construction and replacement;
- overhead-line diversion;
- crane and plant access;
- temporary compounds;
- conductor-stringing areas;
- foundations;
- vegetation removal;
- and permanent operational access.

Norfolk County Council considered that even relatively small additional parcels should be assessed fully where they might accommodate above-ground infrastructure or intensify construction effects.

The added land also reinforces the need for a clear boundary between the Applicant's works and NGET's works. The final application must identify which added parcels are required permanently, which are temporary, what works may occur on each, and whether the associated compulsory powers remain necessary in light of NGET's subsequent position on the connection solution.

4.3.7 Additional land for AILs, visibility splays and highway alterations

The Applicant also expanded the Scheme boundary at numerous locations to accommodate:

- updated visibility splays;
- AIL movements;
- temporary highway alterations;
- temporary removal of street furniture;
- vegetation removal;
- and revised access arrangements.

These changes responded to the practical difficulty of transporting large transformers and other electrical equipment through the rural highway network. They were not environmentally neutral.

South Norfolk Council's landscape officer objected in principle to the removal of mature trees merely to meet temporary construction needs and identified particular concern where added areas lay within or adjacent to the conservation areas of Saxlingham Green, Saxlingham Nethergate and Long Stratton. The Council also noted that the consultation material did not always distinguish temporary vegetation clearance from permanent operational access.

Its heritage officer identified a long section of proposed highway alteration through Saxlingham Nethergate and Saxlingham Green Conservation Areas. The officer observed that grass verges, vegetation and street furniture contribute to the character

and appearance of those areas and that the proposed works were therefore capable of affecting the designated heritage assets.

Norfolk County Council's LLFA found that several added areas lacked sufficient information to determine whether new impermeable surfaces or drainage works would be required. It also identified outdated mapping at areas 8 and 9 because the operational Long Stratton Bypass was not shown or considered.

The post-consultation highway changes were therefore capable of affecting:

- rural lane character;
- conservation areas;
- trees and hedgerows;
- roadside habitats;
- surface-water runoff;
- land take;
- highway safety;
- construction noise and vibration;
- and the accuracy of the baseline mapping.

4.3.8 Changes to construction traffic and AIL routes

The targeted-consultation material also revised the construction traffic strategy. South Norfolk Council records that the changes were said to reflect stakeholder feedback, design evolution, local road constraints and an intention to internalise more construction traffic within the Scheme.

However, the relevant highway authorities did not regard the strategy as settled.

Norfolk County Council's highway authority considered the proposed access strategy unacceptable and stated that construction traffic should generally enter from B-class roads and use internal haul routes. It rejected or questioned a number of routes and access points and required further highway-boundary information, crossing designs and safety audits.

National Highways subsequently stated that the strategic AIL routes had not been determined and that an acceptable routeing strategy should be established in principle before the DCO was decided.

This evidence demonstrates that the route changes were not merely refinements within a settled transport envelope. The final means of delivering the Scheme's major transformers, substations, battery equipment and grid components remained unresolved.

4.3.9 The Applicant's decision not to revise the PEIR

The central procedural and evidential issue is the Applicant's treatment of the changes.

South Norfolk Council records the Applicant's position that the additional areas and activities had been reviewed as part of the environmental assessment and did not change the likely significant effects reported in the PEIR. On that basis, the Applicant made no revisions or updates to the PEIR in support of the targeted consultation.

The Council rejected that approach. It considered that updated information should have been supplied once the Applicant had:

- selected the Site 1B National Grid substation;
- abandoned the southern option;
- and confirmed the upgrade of the Site 1B project substation from 132 kV to 400 kV.

The Council also stated that the 20-page change note provided limited information and that its earlier statutory-consultation concerns remained unaddressed.

Norfolk County Council reached the same overall conclusion. It stated that the targeted changes did not address the substantive matters raised during the PEIR consultation and that the revised substation location and scale created additional concerns requiring further investigation and mitigation.

4.3.10 A general assertion of unchanged significance was insufficient

The Applicant's conclusion that the changes did not alter likely significant effects is itself an environmental conclusion. It required a transparent evidential basis.

A development change may introduce no new category of effect but still change:

- the receptor affected;
- the magnitude of the effect;
- the geographical extent;
- the duration;
- the interaction with other effects;
- or whether the effect crosses the threshold of significance.

For example:

- moving the National Grid substation may not create a new category called 'landscape effect', but it may materially increase the effect on Great Moulton;
- increasing a substation from 7 metres to 13 metres, and ultimately 15 metres, may change heritage and visual effects even though substations were already part of the Scheme;
- adding panels to Site 7D may alter flood risk or conservation-area views even though the total project area changes only modestly;
- and altering AIL routes may affect different conservation areas, bridges, hedgerows and residential receptors.

The appropriate response was therefore a change-specific assessment showing:

1. the PEIR design assumption;

2. the revised design;
3. the affected receptors;
4. the original effect;
5. the revised effect;
6. any changed mitigation;
7. and the reason why the significance conclusion remained unchanged or changed.

No equivalent topic-by-topic comparison was supplied with the targeted consultation.

4.3.11 Landscape and visual consequences

The selected Site 1B National Grid substation, taller project substation, 61-metre pylons, additional Site 7D panels and expanded highway works were all capable of increasing landscape and visual effects.

The principal concerns included:

- closer proximity of major electrical infrastructure to Great Moulton;
- a larger and taller project substation;
- additional vertical infrastructure;
- additional panel coverage;
- removal of roadside vegetation;
- widening or alteration of rural lanes;
- and cumulative interaction with other energy infrastructure.

Norfolk County Council repeatedly sought further details of design, scale and mitigation and encouraged the Applicant to consider an alternative National Grid substation location farther from Great Moulton. South Norfolk Council likewise considered that the changes required updated landscape and visual information.

4.3.12 Heritage consequences

The changes were capable of affecting the settings of heritage assets at Great Moulton, Saxlingham Green, Saxlingham Nethergate and elsewhere.

South Norfolk Council identified:

- closer proximity of the Site 1B substation to designated heritage assets at Great Moulton;
- potential intrusion from the taller 400 kV project substation;
- possible views of the additional Site 7D panels from designated assets;
- and highway alterations affecting the character and appearance of conservation areas.

The Council expressly stated that the effect of the enlarged substation had not yet been assessed by its heritage consultants. That alone demonstrates why an unsupported conclusion of unchanged significance was inadequate.

4.3.13 Noise and residential amenity

South Norfolk Council's Environmental Management Officer considered that confirmation of the BESS and substation locations required the noise assessment to be updated. The officer also required further air-quality and contaminated-land information and warned that the BESS and substation could materially affect amenity and potentially constitute a statutory nuisance unless effective mitigation were secured.

The selected substation location and larger electrical equipment could change:

- the distance to noise-sensitive receptors;
- the number and type of transformers;
- cooling and ventilation requirements;
- tonal characteristics;
- night-time background comparisons;
- and the feasibility of acoustic mitigation.

Those matters required updated modelling based on the final equipment and locations.

4.3.14 Fire, emergency response and public health

Norfolk County Council's Fire and Rescue Service raised concerns about the proximity of the Site 1B National Grid substation and upgraded project substation to residents at Great Moulton. It identified issues relating to:

- emergency vehicle access;
- cordon control;
- and protection of residents from smoke plumes.

The County Council's public-health evidence also considered that the revised location and scale increased the potential for disturbance and adverse physical and mental-health effects. It sought a dedicated assessment, particularly for vulnerable people and those sensitive to noise and environmental change.

Those concerns could not be answered by stating generally that substations had already formed part of the PEIR scheme. Their final proximity, scale and configuration were the relevant variables.

4.3.15 Drainage and flood-risk consequences

The larger substations and added highway works potentially increased impermeable area and displaced existing surface-water storage.

Norfolk County Council's LLFA stated that both the National Grid substation and the 400 kV project substation would require surface-water management because of their substantial impermeable areas. It found insufficient information to determine whether

adequate space had been reserved for attenuation and noted existing areas of surface-water flood risk.

The LLFA also identified:

- flood-risk sensitivity at Site 7D;
- potential runoff from road widening and internal access tracks;
- and insufficient information for several additional land parcels.

The changes therefore required updated drainage plans and calculations, not merely confirmation that drainage would be dealt with later.

4.3.16 Aviation safeguarding consequences

The taller substation and pylon infrastructure, additional panels and revised Site 1 configuration were also capable of altering effects on Tibenham Aerodrome.

Norfolk Gliding Club and the General Aviation Awareness Council state that the Applicant did not undertake meaningful early engagement with the aerodrome operator and had not provided an adequate site-specific operational assessment or mitigation. Site 1 lies on or close to the extended runway centreline and within land said to be relevant to emergency aviation operations.

The final design changes therefore required consideration of:

- the maximum panel extent;
- panel height and movement;
- reflective effects;
- pylon height;
- substation structures;
- emergency landing availability;
- and cumulative effects with other solar and BESS developments.

The aviation consequences are addressed fully in Chapter 18, but they also demonstrate why design changes at Site 1 could not be treated as environmentally neutral.

4.3.17 Archaeological and ecological consequences

Norfolk County Council's Historic Environment Team considered that the proposed changes increased potential impacts on below-ground archaeology. It also recorded that remains of regional significance had already been identified and that substantial archaeological mitigation would be required.

The Natural Environment Team required the additional areas and vegetation removal to be incorporated into the environmental assessment and BNG metric. It also sought assessment of effects on roadside nature reserves and cumulative assessment with the nearby Tasway scheme and BESS proposals.

The changes could therefore alter both the quantity of habitat affected and the reliability of the proposed biodiversity calculations.

4.3.18 Cumulative effects

The design evolution occurred within an area already subject to multiple proposed and consented energy and infrastructure schemes.

South Norfolk Council identified potential cumulative effects with:

- Tasway Energy Park;
- Norwich to Tilbury;
- consented and proposed TCPA energy schemes;
- highway infrastructure;
- and offshore-wind connection works.

It considered that overlapping construction periods could increase landscape, heritage, ecological, community and economic effects.

Norfolk County Council similarly remains concerned about cumulative effects with Tasway, Norwich to Tilbury, Hornsea Three and other solar schemes.

A changed substation, taller pylons, added panels and revised construction routes could alter the Scheme's interaction with those projects. The cumulative assessment therefore needed to be checked against the final design and updated programme.

4.3.19 Conclusion

The post-statutory-consultation changes were material to the physical description and environmental consequences of the Scheme. They included:

- selection of the Site 1B National Grid substation;
- abandonment of the southern alternative;
- relocation and upgrading of the Site 1B project substation from 132 kV to 400 kV;
- an increase from approximately 7 metres to 13 metres at targeted consultation and ultimately 15 metres in the final ES;
- up to four new pylons reaching approximately 61 metres;
- additional solar panels at Site 7D;
- additional land for grid connection works;
- additional land for AILs, visibility splays and vegetation removal;
- and changes to the construction traffic strategy.

Those changes were capable of altering landscape, heritage, noise, fire, public-health, drainage, aviation, traffic, ecology, archaeology, residential-amenity and cumulative effects.

The Applicant's general assertion that the changes did not alter likely significant effects was not a substitute for topic-specific reassessment. The targeted consultation should

have been supported by a transparent comparison showing the effects of the PEIR design against those of the revised design.

The adequacy and legal consequences of the targeted consultation are addressed in the procedural chapter. For present purposes, the important Scheme Description point is that the final application contains materially changed infrastructure whose environmental consequences must be demonstrated by reference to the final submitted envelope, not assumed to be unchanged from the PEIR.

The Applicant should be required to provide a consolidated design-evolution schedule identifying, for every material change:

- the PEIR parameter;
- the targeted-consultation parameter;
- the final application parameter;
- the affected environmental chapters;
- whether those chapters were updated;
- the mitigation added or changed;
- and the Requirement securing the final design.

Unless that audit is completed, the Examining Authority cannot safely conclude that the final development described in ES Chapter 4 has been assessed consistently across the Environmental Statement.

4.4 Solar and BESS are not aligned as one confirmed connection project

The Applicant presents East Pye Solar as an integrated solar-and-storage project. The Scheme Description includes both the solar photovoltaic generating station and a substantial Battery Energy Storage System, while the alternatives and need case rely upon the benefits of co-locating generation and storage. The BESS is described as enabling electricity generated by the solar arrays to be stored and released at times of higher demand, while also providing balancing and resilience services to the transmission system. ES Chapter 4 further states that the BESS may charge either from the solar generating station or directly from the grid. (nsip-documents.planninginspectorate.gov.uk)

The project is therefore promoted as more than a solar farm accompanied by optional ancillary equipment. Storage is relied upon as part of the Scheme's operational rationale and as a means of addressing intermittency, shifting output and supporting the electricity system. ES Chapter 5 describes co-located solar PV and BESS as the Applicant's preferred generating solution and refers to the BESS as supporting grid resilience and stability. (nsip-documents.planninginspectorate.gov.uk)

However, the connection status of the two principal components is not aligned. NGET's Relevant Representation records that the solar generating component has secured Gate 2 status, while the BESS remains at Gate 1. The application therefore combines,

within one DCO, a solar generating station whose connection position has progressed through the Gate 2 process and a storage component whose connection position has not.

That distinction is material because Gate 2 and Gate 1 do not represent the same degree of connection certainty. The solar and BESS components cannot simply be treated as sharing a common confirmed delivery status merely because they are contained within the same application, occupy adjoining land and are described as one project.

4.4.1 Physical co-location does not establish co-deliverability

East Pye is promoted as an integrated solar-plus-storage Scheme. The solar generating station and 500 MW BESS are physically co-located within one DCO and the Applicant attributes system flexibility, balancing, storage and other benefits to that combination.

The connection position is, however, divided. The solar element has progressed to Gate 2, whereas the BESS remains at Gate 1. The fact that both Works appear within the same Order Limits does not establish that they will become operational together, share the same connection timetable or deliver the benefits attributed to an integrated generation-and-storage project.

The Examination should therefore distinguish between **physical co-location** and **electrical and temporal co-deliverability**. The planning and environmental case must be tested against what the DCO permits if the solar element becomes operational substantially before the BESS, if the BESS is reduced or delayed, or if Work No. 2 never progresses to connection.

4.4.2 The BESS has no demonstrated Gate 2 route on the evidence presently available.

The BESS remains at Gate 1. No presently demonstrated project-specific route has been identified by which the East Pye BESS satisfies the June 2026 Gate 2 Strategic Alignment Criteria.

East Pye's 2026 DCO submission date means that it does not satisfy the earlier planning-submission dates associated with the principal planning-based protection routes available to projects which progressed through connections reform.

The Applicant should therefore state expressly which NESO strategic-alignment or protection criterion it relies upon for Work No. 2; whether any qualifying support or procurement arrangement is already held; whether NESO or NGET has provided any project-specific indication that the BESS is expected to obtain Gate 2; and what connection date is assumed in the environmental and benefits case.

4.4.3 The draft DCO must be tested for severability

The critical legal question is what combinations of development the draft DCO would permit.

The Applicant should be required to identify whether the Order allows:

- the solar generating station to be constructed and operated without the BESS;
- the BESS to be delayed for a substantial or indefinite period;
- only part of the BESS compound to be constructed;
- a materially reduced storage capacity;
- the BESS compound and foundations to be constructed before a connection is secured;
- battery equipment to be installed but not energised;
- the BESS to be omitted permanently;
- or the BESS to operate later under a materially different technology and capacity.

The answer cannot be inferred merely from the fact that Work No. 2 appears in Schedule 1. The Applicant must identify the commencement, phasing and dependency provisions that make construction of the BESS mandatory, optional or severable.

If Work No. 1 can be commenced and brought into operation independently of Work No. 2, the DCO is capable of authorising a solar-only scheme. If the BESS may be delayed indefinitely, the same practical result follows for an unknown part of the 60-year operating period. If only a reduced part of the BESS must be built, the benefits and effects of the assessed project may differ materially from those relied upon in the application.

4.4.4 Solar-only development

A solar-only implementation scenario is plainly realistic if the solar component has Gate 2 status and the BESS remains at Gate 1.

The Applicant must therefore explain whether the Environmental Statement and need case assess:

- solar construction without BESS construction;
- operation of the solar farm without storage;
- altered export patterns;
- reduced balancing and time-shifting benefits;
- changed use of the project substations and cables;
- changed construction traffic and land take;
- reduced fire and drainage effects at the BESS site;
- and the consequences for mitigation designed on the assumption that the BESS would be delivered.

An assessment of the full project does not automatically assess the solar-only subset. Some effects may be lower, but others may be different rather than simply reduced. The

operational profile, claimed system benefits, connection arrangements, construction sequence and justification for particular works may all change.

The Secretary of State should not be invited to place weight upon storage benefits unless delivery of the storage component is secured or the solar-only scenario is assessed transparently.

4.4.5 Delayed BESS construction

The DCO may also permit the BESS to be constructed later than the solar component.

A delayed BESS could produce:

- a separate major construction phase;
- repeated mobilisation of compounds and haul routes;
- later HGV and AIL movements;
- renewed noise and disturbance;
- further soil and ecological impacts;
- and a prolonged period during which the project operates without the storage benefits relied upon in the application.

The Applicant should identify:

- the latest permitted commencement date for Work No. 2;
- whether Work No. 2 may commence after the solar farm is operational;
- whether temporary construction compounds may be re-established;
- whether traffic limits apply separately to delayed BESS construction;
- and whether mitigation and baseline surveys must be updated before that later phase.

If no longstop applies, the Order may authorise a solar farm now and leave the BESS as an unimplemented option for a substantial part of the project life.

4.4.5A Claimed co-location benefits must be tested against timing

The benefits attributed to East Pye should be disaggregated rather than assumed to arise from one integrated project. The solar-generation benefit is available if the solar element proceeds, but BESS flexibility and balancing benefits depend upon the storage component obtaining a connection and becoming operational. Claimed co-location benefits require both elements to operate on compatible timescales. Any claimed reduction in curtailment likewise requires evidence that the BESS will actually be connected when needed and is capable of operating in the manner assumed.

The Applicant should therefore assess at least the following reasonable implementation cases:

- solar and BESS commissioning contemporaneously;
- solar operating materially before the BESS;
- materially delayed BESS;

- reduced-capacity or differently configured BESS; and
- solar operating for all or a substantial part of its life without Work No. 2.

For each case the Applicant should identify which benefits remain, which are deferred or disappear, whether the electrical architecture changes and whether the EIA remains within the assessed envelope.

4.4.6 Partial or reduced BESS

The application does not clearly define the minimum storage capacity that must be delivered.

The Applicant should therefore explain whether it could construct:

- only part of the BESS compound;
- fewer enclosures than assumed in the environmental assessment;
- a lower MW capacity;
- a shorter-duration system;
- fewer transformers and inverters;
- or only sufficient equipment to preserve the appearance of compliance with Work No. 2.

A materially reduced BESS could affect:

- the scale of claimed grid-support benefits;
- the extent to which solar output can be time-shifted;
- the operational justification for grid charging;
- construction and replacement traffic;
- drainage and firewater requirements;
- noise;
- and the economic relationship between the solar and storage components.

The Applicant should state whether any minimum BESS capacity is secured and, if not, why the decision-maker should treat the project as a 500 MW-class solar-and-storage scheme rather than a solar scheme accompanied by an undefined optional storage facility.

4.4.7 Different battery technology at initial construction or replacement

The Scheme retains flexibility over battery technology and anticipates that the BESS may be replaced up to five times over the 60-year operating period. (nsip-documents.planninginspectorate.gov.uk)

That creates two related uncertainties.

First, the initial BESS may use a chemistry or enclosure type not specifically identified in the application. Secondly, later replacement cycles may introduce materially different technology.

A different battery system may alter:

- energy density;
- thermal-runaway behaviour;
- firewater demand;
- toxic emissions;
- spacing requirements;
- cooling plant;
- operational noise;
- transformer and inverter requirements;
- equipment weight;
- drainage;
- waste classification;
- and emergency-response procedures.

The Applicant should therefore identify the technology envelope actually assessed and the limits applying to replacement equipment.

A general requirement that replacement equipment should have effects 'no worse than' those assessed is insufficient unless the DCO also identifies the measurable standards against which that judgment will be made. Those standards should include, at minimum:

- maximum stored energy;
- fire propagation characteristics;
- maximum sound-power level;
- maximum heat rejection;
- pollutant inventory;
- maximum enclosure dimensions;
- firewater requirement;
- and maximum traffic and AIL demand.

4.4.8 Construction of BESS infrastructure without a confirmed connection

The DCO may permit the Applicant to construct the BESS compound, foundations, drainage, fencing, access and project-substation infrastructure before the BESS has a confirmed Gate 2 connection position.

That creates the possibility of substantial infrastructure being built but never used for its intended purpose.

The Applicant should explain:

- whether commencement of Work No. 2 is conditional upon an accepted Gate 2 offer or equivalent connection entitlement;
- whether construction may proceed while the BESS remains Gate 1;
- whether the project substation can be oversized for a BESS that is never connected;
- whether land may be compulsorily acquired for unconfirmed BESS works;
- and what restoration obligations would apply if the connection is not obtained.

The need for this control is strengthened by the Applicant's own description of the BESS as capable of charging directly from the grid. The BESS is therefore not merely passive equipment ancillary to the solar arrays. It requires a defined import and export entitlement and an operational relationship with the transmission system.

4.4.9 Environmental consequences of the connection mismatch

The difference in connection status affects several parts of the Environmental Statement.

Construction and phasing

If the BESS is delayed, the assessed 24-month construction programme may not represent the full construction period. A later BESS phase may create a second programme of:

- piling;
- concrete works;
- equipment deliveries;
- cable installation;
- commissioning;
- and traffic.

Transport and AILs

BESS transformers, containers and auxiliary plant may require substantial HGV and AIL movements. If delivery occurs later, the route, highway condition, cumulative-project context and receptor baseline may differ from those assessed.

Noise

The operational noise assessment depends on the number, type and location of:

- battery cooling units;
- inverters;
- transformers;
- and auxiliary plant.

A reduced, delayed or technologically different BESS may not correspond with the assessed source inventory.

Fire and major accidents

Firewater containment, emergency access and plume assumptions depend on:

- chemistry;
- enclosure number;
- stored energy;

- spacing;
- and fire-suppression design.

Those parameters cannot be treated as immaterial to connection status because a later Gate 2 offer may relate to a materially different capacity or technology.

Drainage and water environment

The BESS compound, hardstanding, foundations and firewater systems are a substantial part of the drainage design. Partial or delayed implementation raises questions about whether temporary or permanent drainage would be constructed in advance and whether it would remain unused.

Landscape and land use

If the BESS is omitted but the compound, substation or access remains, the development may produce environmental harm without delivering the storage benefits relied upon to justify it.

Need and benefits

If the project operates as solar-only development, the claimed benefits associated with:

- time-shifting generation;
- reducing curtailment;
- grid balancing;
- system resilience;
- and dispatchability

may be reduced or absent.

4.4.10 The planning balance must not assume benefits which are not demonstrated as deliverable

The Applicant's alternatives and Scheme Description documents treat co-located storage as a positive and integral feature. The decision-maker may therefore be invited to give weight to the ability of the BESS to store renewable generation, release it at times of demand and support the grid.

Those benefits should be treated with caution unless the Applicant demonstrates:

1. that the BESS has a deliverable connection route;
2. that the DCO secures its construction;
3. that a minimum storage capacity and duration are fixed;
4. that it will be available within a defined period;
5. and that the assessed BESS is the BESS capable of obtaining connection.

Otherwise, there is a mismatch between the project whose benefits are advanced and the development the Order may actually deliver.

The Secretary of State should not assess the benefits of a fully integrated solar-and-storage project while granting an Order capable of delivering a materially different solar-only scheme without expressly examining that scenario.

4.4.11 Required works-severability schedule

The Applicant should provide a works-severability schedule setting out, for every principal Work No.:

Matter	Required information
Independent commencement	Whether the Work may commence without the other principal components
Independent operation	Whether the Work may operate independently
Dependency	Which other Work Nos. are legally and technically required
Connection status	Gate status and connection entitlement
Longstop	Latest date by which the Work must be commenced or completed
Minimum implementation	Minimum capacity or physical extent required
Omission	Whether the Work may be omitted permanently
Consequences	Effect of omission on need, benefits, mitigation and compulsory acquisition

The schedule should address Work No. 1, Work No. 2, Work Nos. 3A and 3B, Work No. 4 and Work No. 6 in particular.

Associated-development relationship

Materially asynchronous implementation also bears upon the Applicant's case that the BESS constitutes associated development to the solar NSIP. The fact that Work No. 2 is physically close to the generating station does not by itself answer the functional question. If the solar generating station can be constructed and operated for a material period without the BESS, the Applicant should explain the operational relationship which nevertheless justifies consenting the whole 500 MW BESS as associated development to this NSIP.

BEPS does not contend that asynchronous commissioning necessarily prevents the BESS from constituting associated development. The point is that the functional

relationship relied upon should be demonstrated rather than assumed from common ownership, proximity or shared infrastructure.

4.4.12 Required connection-status schedule

The Applicant should also provide a connection-status schedule identifying:

- the Gate status of the solar component;
- the Gate status of the BESS;
- the capacity assigned to each;
- the relevant connection agreement or offer;
- whether import and export are both authorised;
- the connection date;
- conditions precedent;
- works required from the Applicant;
- works required from NGET;
- and the consequences if the BESS does not progress to Gate 2.

This should be supported by the relevant connection documents, subject only to justified redaction of commercially sensitive material.

4.4.13 Required technical and legal confirmation

The Applicant should confirm expressly:

1. whether the solar farm may lawfully operate without the BESS;
2. whether the BESS may lawfully charge from the grid under the present connection arrangements;
3. whether the BESS may export independently of contemporaneous solar generation;
4. whether the present connection rights include the BESS capacity assumed in the application;
5. whether Work No. 2 may commence while the BESS remains Gate 1;
6. whether the BESS is subject to a separate future connection application;
7. and whether any material change to BESS capacity or technology would require further consent.

The Applicant should also identify which claimed benefits remain if:

- the BESS is not constructed;
- the BESS is delayed;
- the BESS is materially reduced;
- or the BESS receives no connection entitlement.

4.4.14 Required DCO controls

Unless the Applicant demonstrates that the solar and BESS components form one confirmed and deliverable connection project, the DCO should include controls providing that:

- Work No. 2 may not commence until the BESS has a confirmed connection entitlement;
- the maximum and minimum MW and MWh capacity are fixed;
- the permitted battery technology envelope is defined;
- grid charging and independent operation are expressly controlled;
- delayed BESS construction is subject to updated environmental surveys and management plans;
- replacement technology must remain within measurable fire, noise, pollution and traffic limits;
- land and compulsory powers relating solely to the BESS may not be exercised unless its delivery is confirmed;
- and solar-only implementation is either prohibited or expressly assessed and controlled.

4.4.15 Conclusion

The application presents East Pye Solar as an integrated solar-and-storage project and relies upon the operational and system benefits of co-located BESS. Yet NGET's Relevant Representation indicates that the solar component has Gate 2 status while the BESS remains Gate 1. The two principal components therefore do not presently share the same connection certainty.

The draft DCO must be examined to determine whether it permits:

- solar without BESS;
- delayed BESS;
- partial BESS;
- materially reduced storage;
- construction of unconnected BESS infrastructure;
- replacement by materially different technology;
- or permanent non-delivery of the storage component.

Each is a realistic implementation scenario requiring explicit assessment.

An environmental assessment of the full solar-and-storage Scheme does not automatically assess a solar-only development or a project in which storage is delayed for years. Nor should the need case receive the benefits of storage unless delivery of a defined storage component is secured.

The Applicant should therefore provide a complete works-severability schedule, a connection-status schedule, confirmation of the legal and technical operating relationship between the solar farm and BESS, and a transparent account of which benefits survive if the BESS is not delivered.

The decision-maker should not assess the benefits of a fully integrated solar-and-storage project while granting an Order capable of delivering a materially different solar-only scheme without expressly examining and controlling that outcome.

4.5 The proposed National Grid substation is not a confirmed connection solution

The proposed National Grid substation at Site 1B is one of the largest, most permanent and most consequential components of East Pye Solar. The application seeks development consent and compulsory powers for a specific transmission connection solution comprising a new National Grid substation, extensive associated works, modification and diversion of the existing 400 kV overhead transmission line and up to four new pylons.

The Scheme Description treats that infrastructure as integral to East Pye. The fourteen Cable Route Corridors are designed to converge upon Site 1B; Work No. 4 authorises works in connection with the National Grid substation; and Work No. 5 authorises the associated transmission-line works. The alternatives assessment similarly proceeds on the basis that a new substation adjacent to the existing Bramford–Norwich 400 kV line is required.

That apparent certainty is not reflected in NGET's own Relevant Representation.

NGET does not merely reserve detailed engineering choices. Its evidence indicates that the final size, design and location of the point-of-connection solution remain subject to the wider connections-reform process, other Gate 2 projects, technical network requirements and unresolved commercial arrangements. Most significantly, NGET states that obtaining DCO consent for the proposed Site 1B substation would not oblige NGET to accommodate East Pye Solar through that substation.

The application therefore seeks consent, land and compulsory powers for a substantial and potentially permanent item of transmission infrastructure before the prospective network owner and operator has confirmed that the authorised solution will be required or used.

4.5.1 The infrastructure for which consent is sought

The scale of the proposed works is material to that uncertainty.

The application authorises a National Grid substation compound of up to approximately six hectares, with access, drainage, landscaping, biodiversity works and temporary construction areas. Foundations may extend to approximately 12 metres below ground, electrical structures and busbars may reach approximately 15 metres in height, and the associated overhead-line works may require up to four new pylons reaching approximately 61 metres.

Works Nos. 4 and 5 also permit modification, realignment, dismantling and reconstruction of existing transmission infrastructure.

These are not incidental connection works. They are major transmission assets with their own permanent land take, landscape and visual effects, drainage requirements, foundations, access, construction traffic, aviation implications, ecological effects and compulsory-acquisition consequences. The Applicant also accepts that the National Grid substation and Grid Connection Infrastructure may remain after the 60-year solar generating station has been decommissioned.

The distinction between temporary generating infrastructure and potentially permanent transmission infrastructure therefore requires particular scrutiny. A permanent network asset should not be authorised simply because it is presently convenient to the connection strategy of a temporary generating project. Its enduring necessity must itself be demonstrated.

4.5.2 NGET has not confirmed that Site 1B is the final solution

The Applicant's environmental and alternatives cases proceed from the premise that Site 1B is the selected connection solution. NGET's evidence materially qualifies that premise.

NGET states that the final solution remains dependent upon wider regulatory, commercial and network considerations and may be affected by other projects seeking connection in the same part of the transmission system. Those considerations may alter the size, number of bays, electrical configuration, layout, location and associated transmission works ultimately required.

The distinction is therefore not between an indicative and a detailed version of the same substation. It is between the specific Site 1B solution assessed in this application and the transmission solution which NGET may ultimately determine is appropriate.

That distinction is reinforced by the anticipated replacement connection agreement. The Applicant's site-selection case appears to have proceeded on the basis that its existing connection arrangements required it to identify the substation site, provide the necessary land and secure consent. NGET now indicates that the replacement agreement is not expected to require the Applicant to secure the land or consent for the National Grid substation.

That is a material change in the premise upon which Site 1B was selected and upon which compulsory powers are sought.

The Applicant should therefore explain precisely what obligations remain under the existing agreement, what will change under the replacement agreement, who will become responsible for securing the transmission land and consent, and why Works Nos. 4 and 5 remain necessary components of this DCO if that original contractual obligation is removed.

Most importantly, NGET states that DCO consent for the proposed substation:

“does not trigger or constitute any obligation for NGET to accommodate any connection to the national grid at such a substation.”

That statement has direct consequences for the Examination. Consent would provide legal authority for the infrastructure but would not secure NGET’s commitment to construct, adopt, operate or use it.

The ExA should therefore distinguish clearly between an authorised connection option and a confirmed connection solution.

4.5.3 Strategic network planning and North Anglia Node A

The strategic efficiency of constructing a new project-specific National Grid substation on the existing 400 kV transmission line also requires examination in the context of the emerging transmission network in South Norfolk.

The proposed Norwich–Tilbury reinforcement includes North Anglia Node A, and multiple generation and storage projects are identified in the transmission connection pipeline as connecting at that future node. North Anglia Node A therefore appears to be developing as a strategic multi-user connection point associated with the new transmission network.

That emerging network architecture raises an obvious question about the long-term role of Site 1B.

East Pye is promoted as a 60-year solar generating project, whereas the National Grid infrastructure authorised by the DCO may remain permanently. At broadly the same time, National Grid is progressing a separate strategic transmission reinforcement through South Norfolk incorporating a further 400 kV connection node intended to accommodate multiple projects.

BEPS does not suggest that the existence of North Anglia Node A proves that Site 1B is technically unnecessary. Different substations may serve different electrical functions and connection dates. The point is that the strategic alternative now exists and must be addressed.

The Applicant and NGET should therefore explain whether connection through North Anglia Node A, or another part of the future Norwich–Tilbury network, was considered for East Pye; whether such an option is technically possible; what programme, network-security or cost factors rule it out; and why constructing a further permanent National Grid substation on the existing transmission line remains the most economic and efficient long-term network solution.

That question assumes greater importance because NGET has not yet confirmed Site 1B as the final point of connection. The ExA should not be invited to authorise permanent project-specific transmission infrastructure without understanding its

relationship to the strategic network that is simultaneously being developed in the same part of South Norfolk.

4.5.4 Consequences for Scheme definition and deliverability

The uncertainty over the connection solution affects the identity of the authorised development.

On the Applicant's case, Works Nos. 4 and 5 appear essential. All fourteen Cable Route Corridors are directed towards Site 1B and the generating station requires a transmission connection. Yet NGET's position suggests that Site 1B may represent one possible solution rather than the finally determined one.

The Applicant should therefore state unequivocally whether Works Nos. 4 and 5 are mandatory components of East Pye or severable connection options.

If they are essential, there must be sufficient confidence before consent that they can and will be delivered.

If they are optional, the Applicant must identify the alternative means by which the generating station could operate, demonstrate that those alternatives have been environmentally assessed and explain how the DCO prevents partial implementation from producing a materially different project.

The same issue arises in relation to sequencing. The DCO should not permit extensive solar, cable or transmission works to proceed on the assumption of a connection solution which NGET subsequently changes.

The Applicant should therefore explain whether the solar generating sites may be substantially constructed before the final point of connection is confirmed; whether Cable Route Corridors may be installed before NGET has committed to Site 1B; whether overhead-line works may begin before the transmission solution has been approved; and what happens if the connection solution changes after those works have been undertaken.

Without appropriate hold points, the DCO could permit substantial stranded infrastructure: cables, foundations, access roads, pylon works or even the substation itself could be constructed without ultimately forming part of the operational network solution.

That is not merely a commercial risk. It creates potential environmental harm without the public benefit relied upon to justify that harm.

ISH1 has since sharpened these issues through specific action points. The ExA required the Applicant to explain:

- the proposed National Grid substation's capacity and whether it may accommodate other projects;
- the certainty and timing of its delivery as East Pye's point of connection and how that timing would be secured;
- whether future third-party use may create additional cumulative or downstream consequences;
- and to provide an indicative drawing of the substation.

Those questions materially reinforce BEPS's existing objection. The National Grid substation cannot presently be treated simply as a fixed East Pye component whose need, scale, timing and wider network consequences are already exhausted by the ES. The final role of the infrastructure within the wider network is itself now an examination issue.

4.5.5 The assessed envelope cannot accommodate an unknown transmission solution

The Applicant must also demonstrate that the transmission infrastructure ultimately required by NGET will remain within the environmental envelope examined.

The ES presently assesses a defined connection geography: the Site 1B substation, the Cable Route Corridors converging upon it and the associated overhead-line modifications. The maximum parameters include the six-hectare substation area, structures of approximately 15 metres, deep foundations, an eight-metre access track and up to four new pylons reaching approximately 61 metres.

The Applicant should first demonstrate that those maxima were used consistently across landscape, heritage, aviation, transport, ecology, drainage, groundwater, noise and construction assessments. This is particularly important because earlier consultation material referred to a materially smaller substation footprint.

More fundamentally, however, that assessment does not appear to encompass a materially different NGET solution.

If the connections-reform process or other Gate 2 projects require a larger substation, additional bays, further pylons, a different line-entry arrangement or a different geographical location, the resulting effects may differ materially. Those changes could alter landscape and heritage effects, aviation risk, flood and drainage requirements, construction traffic, abnormal-load routes, ecology, land take and compulsory-acquisition requirements.

The Applicant should therefore identify the legal and environmental consequence if the final NGET solution falls outside Works Nos. 4 and 5 or exceeds the assessed parameters. It cannot be assumed that such a change would constitute ordinary detailed design.

Nor should reasonably foreseeable future transmission infrastructure be fragmented from the environmental assessment. If further network works are likely to be required in order for East Pye to operate, the Applicant should identify those works, their likely consent route and programme, and demonstrate that their cumulative effects have been considered.

If the substation is capable of functioning as infrastructure for other projects, the Applicant should distinguish the effects attributable to East Pye from the environmental and land consequences of creating infrastructure with a wider future network role. Conversely, if it is solely required for East Pye, the Applicant and NGET should explain how its delivery is sufficiently certain to support the connection and compulsory-acquisition case.

4.5.6 Compulsory acquisition cannot precede confirmed necessity

The uncertainty over Site 1B is particularly important because the Applicant seeks compulsory powers over land required for the proposed National Grid substation, its access, construction areas, landscaping, drainage, cable interfaces and overhead-line works.

Section 122 requires a compelling case in the public interest for compulsory acquisition. That necessarily requires the Applicant to demonstrate that the land and interest sought are genuinely required for the development authorised.

NGET's evidence weakens that case in three respects.

First, the final location and configuration of the connection solution have not been confirmed.

Secondly, the replacement connection agreement is not expected to require East Pye to secure the substation land or consent.

Thirdly, NGET expressly states that the existence of DCO consent would not oblige it to use the Site 1B substation.

The Applicant must therefore establish afresh why East Pye Solar Limited requires compulsory powers over this particular land.

It should explain whether NGET actually requires East Pye to acquire the land; whether NGET would instead obtain its own interests; whether rights rather than freehold ownership would suffice; whether East Pye would acquire land only to transfer it to NGET; and what happens to the land and powers if Site 1B is not ultimately selected.

Preserving a possible future transmission option is not equivalent to demonstrating that compulsory acquisition is presently necessary.

The DCO should therefore prevent the exercise of compulsory powers for Site 1B until NGET has confirmed in writing that the relevant land and infrastructure are required for the final connection solution. Any land or rights rendered unnecessary by a different solution should cease to be subject to the corresponding powers.

4.5.7 Responsibility, ownership and enforceability

The division of responsibility between the Applicant and NGET also remains insufficiently clear.

The DCO seeks consent for works which NGET may ultimately design, construct, own and operate. The Examination therefore needs to understand who is responsible at each stage for the land, civil engineering, electrical equipment, pylon and overhead-line works, drainage, environmental management, testing, commissioning, operation, maintenance and eventual permanent retention or decommissioning.

This matters because a Requirement imposed upon the Applicant is of limited value if the relevant asset is subsequently transferred to NGET without equivalent continuing obligations.

The position should therefore be recorded in a joint responsibility and ownership matrix identifying, for each material component of Works Nos. 4 and 5:

the design authority; landowner or rights-holder; construction party; operator; body responsible for environmental compliance; body responsible for drainage, access, landscaping and biodiversity measures; emergency responsibility; and long-term responsibility following East Pye's decommissioning.

The DCO should ensure that every relevant environmental obligation transfers with the infrastructure or otherwise continues to bind the body controlling it.

This is particularly important because the transmission infrastructure may remain after the generating station has ceased operating. The application must therefore distinguish clearly between East Pye's restoration obligations and the continuing environmental obligations associated with infrastructure retained permanently by NGET.

4.5.8 Information required during Examination

The remaining uncertainty can be addressed efficiently if the Applicant and NGET provide a consolidated evidential response rather than further isolated statements.

BEPS submits that the ExA should require sufficient information to establish:

- the material terms of the existing connection agreement and proposed replacement agreement insofar as they concern land, consent and delivery responsibility;

- the present Gate 2 position of the solar generating element and the separate Gate status of the BESS;
- the current preferred point of connection;
- whether Site 1B remains NGET's preferred location;
- whether the six-hectare and four-pylon envelope represents the full presently anticipated requirement;
- whether other Gate 2 projects may alter the solution;
- the relationship between Site 1B and North Anglia Node A/the Norwich–Tilbury reinforcement;
- the respective responsibilities of East Pye and NGET;
- the current programme for finalising the connection solution;
- and the point at which NGET expects to be able to confirm the size, location and configuration finally required.

Commercially sensitive pricing does not need to be disclosed. What matters is the factual and contractual basis upon which development consent and compulsory powers are sought.

4.5.9 DCO controls required

Unless the connection solution is finally confirmed during Examination, the Order should contain safeguards preventing uncertainty from being transferred into the post-consent period.

At minimum, commencement of the National Grid substation and associated overhead-line works should be prohibited until NGET has confirmed the final connection solution in writing. Compulsory powers over the Site 1B land should not be exercisable until NGET confirms that the land is required. Cable infrastructure whose sole purpose is to serve Site 1B should not be compulsory purchased or constructed before the connection point is fixed.

Any final NGET design must remain within the environmental parameters assessed. A materially different location, footprint, pylon requirement or transmission configuration should require the appropriate further consent rather than being treated as detailed design.

The Order should also secure the allocation of ownership and environmental responsibility, ensure that permanent drainage, landscape and other mitigation obligations bind the future owner or operator, and require restoration of any connection works commenced but subsequently rendered redundant.

Most fundamentally, the generating station should not be commissioned unless a lawful and technically deliverable transmission connection has been secured.

4.5.10 Conclusion

The application presents the Site 1B National Grid substation as an essential and geographically defined component of East Pye Solar. It seeks consent and compulsory powers for a substantial six-hectare transmission site, deep foundations, associated access and drainage, overhead-line modification and up to four new pylons reaching approximately 61 metres.

NGET's own evidence demonstrates that the position is materially less settled. The final size, design and location of the point-of-connection solution remain subject to wider regulatory, commercial and technical decisions. Other Gate 2 projects may influence the required infrastructure. The proposed replacement connection agreement is not expected to retain the Applicant's existing obligation to secure the substation land or consent. Most importantly, NGET expressly states that DCO consent for Site 1B would not oblige it to accommodate East Pye through that substation.

The emergence of North Anglia Node A on the proposed Norwich–Tilbury reinforcement further strengthens the need to examine the long-term strategic justification for constructing a separate permanent National Grid substation on the existing transmission line for a generating project promoted as temporary.

The resulting uncertainty affects more than grid engineering. It goes directly to the definition and deliverability of the Scheme, the adequacy of the environmental assessment, the proportionality of compulsory acquisition, construction sequencing, stranded-infrastructure risk, ownership, environmental enforcement and the long-term justification for infrastructure which may remain after East Pye itself has been decommissioned.

The correct sequence is therefore important. The final transmission solution should determine the land, infrastructure and powers required. The DCO should not authorise the widest connection solution and compulsory powers first, leaving NGET to determine afterwards whether that infrastructure is actually needed.

Unless the Applicant and NGET can demonstrate during Examination that Site 1B forms a sufficiently defined and deliverable connection solution, the associated development and compulsory powers should be narrowed and made subject to binding hold points which prevent construction or acquisition before that necessity has been established.

4.6 The change from a 132 kV to a 400 kV project substation

The change to the project substation at Site 1B remains a material alteration to the Scheme, but the distinction between the project substation and the adjacent National Grid substation must be stated accurately. The infrastructure presented during statutory consultation was a 132 kV project substation with a materially smaller scale. The targeted consultation subsequently confirmed relocation and upgrade to a 400 kV project substation. The relevant maximum project-substation busbar height is

approximately 13 metres; the separate 15-metre busbar parameter applies to the National Grid substation.

ISH1 has since exposed uncertainty within the Applicant's own presentation of those parameters, and the ExA required correction of the relevant ES table. That correction matters because two adjacent but legally and operationally distinct 400 kV installations must not be conflated when assessing their landscape, heritage, aviation, drainage, noise and cumulative effects.

The design evolution was therefore not simply a move from one nominal voltage designation to another. The position progressed from a smaller 132 kV installation, described at consultation as approximately 7 metres high, to the 400 kV project substation now proposed with an approximately 13-metre maximum busbar height, alongside the separate National Grid substation for which the maximum busbar height is 15 metres.

4.6.1 Comparison of the consulted and applied-for designs

Parameter	Statutory consultation	Targeted consultation and final application	Assessment updated?
Voltage	132 kV project substation	Upgraded to 400 kV	The Applicant must identify every ES chapter amended to reflect the voltage change
Location	Earlier 132 kV position within or near Site 1B	Relocated eastwards within Site 1B	A location-specific audit is required for all nearby receptors
Maximum height	Approximately 7 m	Approximately 13 m in the targeted consultation; 15 m in final ES Chapter 4	It is not demonstrated that every final assessment used the 15 m envelope
Maximum compound area	No directly comparable final parameter identified in the targeted change note	Final ES permits up to 1.1 ha	The Applicant must show that the final footprint, not the earlier design, was assessed
Transformer number	Not clearly fixed	Not clearly fixed	Not demonstrated; maximum transformer number must be stated

Transformer dimensions and rating	Based on a 132 kV installation	400 kV equipment required	Not demonstrated through a consolidated before-and-after schedule
Transformer oil inventory	Not stated	Not stated	No clear maximum oil inventory identified
Busbars and switchgear	Lower-voltage substation configuration	400 kV busbars up to 15 m and associated switchgear	Must be checked against final landscape, noise and major-accident assumptions
Control and switch-room buildings	Earlier design not clearly quantified in the targeted material	Relay/control room and 33 kV switch room each up to 7 m × 19 m × 4.2 m	Applicant must confirm inclusion in all relevant assessments
Foundations	Earlier foundation envelope not clearly reconciled	Concrete base or plinth up to 1 m, or piling up to 12 m	Groundwater and piling assessments must be shown to use the final foundation case
Hardstanding	Smaller 132 kV design presumed	Larger 400 kV installation and access infrastructure	Maximum impermeable area is not consolidated
Drainage area	Based on earlier footprint	Must accommodate the 1.1 ha compound, hardstanding, access and oil containment	LLFA concerns indicate that adequate space and calculation were not demonstrated at targeted consultation
Operational noise sources	132 kV transformer and switchgear assumptions	400 kV transformers, switchgear and auxiliary equipment	South Norfolk Council expressly required an updated noise assessment
Lighting	Earlier substation design	Larger and taller operational compound with safety, security and maintenance lighting	Maximum lighting design and revised effects are not clearly compared
Fire and oil containment	Earlier voltage and equipment arrangement	Potentially larger transformers and oil inventory	Maximum inventory and containment volume remain unclear

Firewater containment	Not clearly defined	Must reflect final equipment and worst-case incident	No clear final design parameter identified
AIL requirements	Smaller 132 kV equipment assumptions	Larger 400 kV transformers and associated equipment	Final equipment weights, routes and delivery requirements must be stated
Construction plant and duration	Earlier design assumptions	Potential for greater piling, concrete, crane and AIL requirements	No transparent comparison has been provided
Landscape mitigation	Designed around smaller structure	Must mitigate a 15 m structure within a 1.1 ha compound	Applicant must show that mitigation was redesigned for the final envelope
Heritage assessment	Earlier 132 kV structure	Larger and taller development closer to Great Moulton assets	South Norfolk Council stated that updated heritage information was needed
Aviation assessment	Earlier lower structure	15 m substation and associated 61 m pylon infrastructure	Applicant must demonstrate assessment of the final combined vertical envelope

The absence of information in a cell is itself material. Where the Applicant has not stated the maximum transformer number, oil inventory, hardstanding area, firewater volume or source sound-power level, it is not possible to confirm that the final 400 kV installation falls within a complete environmental envelope.

4.6.2 The voltage change altered the physical project

The Applicant's final parameters demonstrate why the change cannot be dismissed as an internal electrical-design matter. The 400 kV project substation may include a compound of up to 1.1 hectares, busbars reaching approximately 13 metres, buildings, switch rooms, access, fencing and major foundations.

A 400 kV installation may require materially different:

- transformers;
- busbars and switchgear;
- electrical clearances;
- gantries;

- protection and control equipment;
- foundations;
- access for maintenance and replacement;
- oil containment;
- drainage;
- lighting;
- and abnormal-load delivery arrangements.

The relevant environmental question is therefore not simply whether both designs are described as ‘substations’. It is whether the final design has a greater physical, operational or risk envelope than the design on which earlier consultation and assessment were based.

4.6.3 The project and National Grid substation parameters must be kept distinct

The application contains two materially different 400 kV infrastructure components at Site 1B: the Applicant’s project substation and the National Grid substation. The project-substation parameter is approximately 13 metres to the top of the busbars, whereas the National Grid substation may reach 15 metres. The ExA has required the Applicant to correct the application material so that those parameters are presented consistently.

The distinction must be carried through every environmental assessment and visualisation. The Applicant should identify which height, footprint and layout were used for each structure in the LVIA, heritage assessment, aviation work, noise assessment and cumulative assessment, and confirm that the two adjacent compounds were assessed simultaneously in their respective reasonable worst-case forms.

The material design change remains significant even at 13 metres. The relevant comparison is between the smaller 132 kV installation consulted upon and the substantially larger 400 kV project substation now proposed, together with the adjacent 15-metre National Grid infrastructure. The environmental issue is therefore one of scale, massing and cumulative electrical infrastructure, not an incorrectly stated two-metre increase in the project-substation busbar height.

4.6.4 Landscape and visual effects

Norfolk County Council considered that the move from a 132 kV to a 400 kV substation would result in a more visible structure and that the footprint appeared significantly larger. It raised concerns about effects on Great Moulton and the surrounding countryside and requested clarification of the final scale and mitigation.

The final assessment should therefore demonstrate that it used:

- the full 1.1-hectare compound;

- the 15-metre busbars;
- all control and switch-room buildings;
- fencing;
- access;
- lighting;
- maximum transformer and switchgear massing;
- and the combined effects of the adjacent National Grid infrastructure.

The issue is cumulative even within Site 1B. The project substation would not be perceived in isolation from the six-hectare National Grid substation, BESS, overhead-line diversion and pylons.

4.6.5 Heritage effects

South Norfolk Council's heritage evidence identified concern that the upgraded substation would be larger and taller and that its final massing had not been explained. The Council considered that it could be visible and intrusive in the settings of designated heritage assets around Great Moulton and Moulton Farmhouse and stated that more detail and assessment were required.

The final heritage assessment must therefore identify:

- the assets from which the substation may be experienced;
- whether the 15-metre maximum is visible;
- the extent to which the larger compound changes the rural backdrop;
- effects of lighting and moving maintenance activity;
- and the combined effect with the National Grid substation and pylons.

A heritage assessment derived from the earlier 132 kV or 13-metre design would not assess the final application envelope.

4.6.6 Operational noise

South Norfolk Council's Environmental Management Officer stated that confirmation of the BESS and substation locations required the noise assessment to be updated. The officer considered that the BESS and substation could materially affect amenity and potentially amount to statutory nuisance unless substantial mitigation were secured.

The noise assessment must identify the final 400 kV source inventory, including:

- the maximum number of transformers;
- transformer sound-power levels;
- tonal corrections;
- switchgear;
- cooling systems;
- auxiliary equipment;
- control-building ventilation;
- emergency equipment;
- and simultaneous operation with the BESS and National Grid substation.

The application should not rely on generic substation data or equipment information derived from the former 132 kV design. The DCO should secure a receptor-based noise limit and require replacement plant to perform no worse than the equipment assessed.

4.6.7 Air quality and construction emissions

A larger substation may require more:

- excavation;
- piling;
- concrete;
- aggregate;
- crane activity;
- HGV deliveries;
- and abnormal loads.

South Norfolk Council stated that additional air-quality information was required following confirmation of the revised BESS and substation design. The Applicant should identify whether construction dust, plant emissions and traffic modelling were recalculated using the final 400 kV design and its delivery requirements.

4.6.8 Fire, oil and major-accident consequences

A 400 kV transformer compound may contain a larger transformer and oil inventory than the earlier 132 kV design. Yet the final Scheme Description does not provide a consolidated maximum transformer number or oil inventory for the Site 1B project substation.

That prevents clear identification of the worst case for:

- transformer fire;
- oil release;
- contaminated firewater;
- smoke generation;
- separation distances;
- emergency access;
- and pollution containment.

The Applicant should provide the maximum:

- transformer number;
- oil volume per transformer;
- total oil inventory;
- firewater demand;
- bund and containment volume;
- and credible accident scenario.

The fire and major-accident assessment must then demonstrate that it is based on those maxima.

4.6.9 Drainage and impermeable area

Norfolk County Council's LLFA stated that the enlarged project substation and the National Grid substation would create substantial impermeable areas requiring surface-water management. At targeted consultation, it found insufficient information to determine whether adequate space had been reserved for attenuation or whether existing surface-water storage would be displaced.

The final application identifies a compound area of 1.1 hectares but does not, in the Scheme Description, provide a complete breakdown of:

- impermeable hardstanding;
- permeable aggregate;
- building roofs;
- transformer bases;
- access;
- bunds;
- attenuation;
- firewater storage;
- and exceedance routes.

The Applicant should provide a final drainage-area schedule for the 400 kV design and demonstrate that the land required for SuDS and contaminated-water containment lies within the authorised and controlled compound.

4.6.10 Groundwater and foundation effects

ES Chapter 4 permits a concrete base or plinth up to one metre deep or piles to a maximum depth of 12 metres for major project-substation infrastructure.

The final groundwater and ground-conditions assessment should therefore consider:

- the maximum number and diameter of 12-metre piles;
- concrete volume;
- interaction with aquifers;
- preferential pathways;
- piling fluids or grouts;
- contaminated runoff;
- and cumulative effects with the adjacent BESS and National Grid foundations.

A generic statement that piling will be subject to later risk assessment does not demonstrate that the final 400 kV worst case has been assessed. The need for a consolidated foundation envelope is reinforced by Revision 2 of the draft DCO, which preserves additional flexibility in foundation and piling technology elsewhere within the Scheme, including the BESS.

4.6.11 Aviation consequences

The project substation forms part of the enlarged Site 1B electrical complex near Tibenham Aerodrome. The final aviation assessment should consider the combined maximum envelope of:

- a 13-metre project substation;
- a 15-metre National Grid substation;
- up to four 61-metre pylons;
- lighting;
- solar arrays;
- and associated cranes during construction and replacement.

The question is not whether a 15-metre substation alone would necessarily breach a formal safeguarded surface. It is whether the Applicant's aviation assessment used the actual final layout and considered pilot visibility, emergency operations and the cumulative concentration of infrastructure beneath or near relevant flight paths.

4.6.12 Construction traffic and abnormal loads

The change to 400 kV may alter the dimensions and weights of transformers, switchgear and ancillary equipment. It may therefore affect:

- the number of AIL deliveries;
- trailer length and width;
- bridge and junction requirements;
- crane capacity;
- access-track design;
- and local highway alterations.

The local and strategic AIL routes were not agreed at the time of the targeted consultation and remained the subject of objection by Norfolk County Council and National Highways. The Applicant should provide a component-specific delivery schedule for the Site 1B project substation and demonstrate that the final 400 kV equipment can be delivered through the assessed route.

4.6.13 Audit required of the final Environmental Statement

The Applicant should provide a topic-by-topic audit showing whether the final ES assessed the 400 kV Site 1B project substation using the following parameters:

Topic	**Final parameter that must be demonstrated**
Landscape and visual	1.1 ha compound, 15 m busbars, full buildings, fencing and lighting
Heritage	Final massing and combined effect with National Grid infrastructure

Noise	Maximum transformer, switchgear, ventilation and auxiliary source inventory
Air quality	Construction plant, HGV and AIL requirements for the final design
Major accidents	Maximum transformer number, oil inventory and fire scenario
Drainage	Maximum impermeable area, attenuation and firewater containment
Groundwater	Maximum 12 m piling and foundation footprint
Aviation	15 m structure and combined Site 1B vertical infrastructure
Traffic	Final transformer weights, AIL numbers and delivery routes
Climate and materials	Concrete, steel, equipment and replacement assumptions
Waste	Transformer, oil and equipment replacement and decommissioning

Where an assessment was not updated, the Applicant should explain why the earlier design remained a valid worst case. A bare assertion that the voltage change did not alter likely significant effects is not sufficient.

4.6.14 Conclusion

The Site 1B project substation changed materially after statutory consultation. The development evolved from a 132 kV installation approximately 7 metres high to a 400 kV design described at targeted consultation as approximately 13 metres high and finally to a 15-metre, 1.1-hectare maximum envelope in ES Chapter 4.

The change was capable of altering:

- landscape and visual effects;
- heritage setting;
- operational noise;
- air quality;
- transformer-fire and pollution risk;
- drainage;
- groundwater effects;
- aviation safeguarding;
- construction traffic;
- and AIL requirements.

The Applicant must demonstrate that every relevant ES chapter assessed the final 400 kV design rather than carrying forward assumptions derived from the earlier 132 kV proposal. Until that audit is supplied, the Examining Authority cannot safely conclude that the submitted Environmental Statement consistently assesses the development now authorised by Work No. 3A.

4.7 Uncertainty over the boundary between Applicant works and NGET works

The application seeks consent for substantial transmission infrastructure which would ultimately form part of the national electricity transmission system, but it does not yet provide a sufficiently clear and enforceable account of where responsibility passes from East Pye Solar Limited to National Grid Electricity Transmission plc.

That boundary matters because it determines who may exercise the powers in the DCO, who is responsible for detailed design and construction, which body is bound by the Requirements, who owns and maintains the resulting infrastructure, and against whom environmental obligations can ultimately be enforced.

The issue is therefore not one of private commercial allocation. It goes directly to whether the DCO provides a complete and legally effective control mechanism for Works Nos. 4 and 5.

4.7.1 The DCO authorises the transmission works themselves

Work No. 4 includes the National Grid substation, associated landscaping, sustainable drainage, biodiversity measures, construction compound and access. Work No. 5 includes construction and reconfiguration of the overhead transmission line, gantry and pylon works, temporary compounds and the dismantling or modification of existing transmission infrastructure.

The application is therefore not confined to providing land or enabling works for a future NGET project. It seeks development consent for the principal transmission infrastructure itself.

That makes it necessary to identify which body is responsible for each stage of its delivery and operation.

The Scheme Description presently identifies the physical components more clearly than it identifies the institutional responsibilities attached to them. It is not sufficient to state that the substation will ultimately be operated by NGET. The Examination must understand who designs it, who constructs it, who obtains approval of the detailed design, whose contractors carry out the works, when ownership transfers, and which body remains responsible for the environmental obligations that survive that transfer.

4.7.2 The delivery model remains insufficiently defined

The likely division of responsibility may involve the Applicant securing land and undertaking some civil works while NGET or its contractors install and commission the transmission equipment. The precise boundary has not yet been stated clearly.

That matters because the civil and electrical elements cannot sensibly be treated as environmentally separate projects. Site clearance, access construction, compound formation, foundations, drainage, busbars, switchgear, transformers, pylon foundations, conductor stringing and testing together comprise the authorised development.

All such works must therefore remain subject to the relevant construction and environmental controls irrespective of which organisation or contractor physically undertakes them.

The DCO should not create a position in which the Applicant's contractors are subject to construction hours, traffic limits, ecological safeguards, pollution controls and archaeological requirements, while materially similar works undertaken by NGET are treated as falling outside those same controls because responsibility has transferred.

The Applicant and NGET should accordingly identify the intended delivery model during Examination, including the point at which responsibility for the land, civil works, electrical plant and transmission-line works changes hands.

4.7.3 Detailed-design approval must be legally identifiable

This question is particularly important in relation to detailed design.

The Applicant relies on the Design Principles and Parameters and the DCO Requirements to ensure that later design remains within the assessed environmental envelope. However, South Norfolk Council has identified that Works Nos. 4A and 4B do not appear to be included within the principal detailed-design Requirement and has queried how those works will instead be approved.

That issue should be resolved expressly.

The Applicant should identify the statutory approval mechanism governing the final design of the National Grid substation and associated works, the approving authority, the mandatory consultees and the environmental parameters against which approval will be tested.

If the works are to be approved under the DCO, the relevant Requirement should be identified and should bind the body responsible for delivering them.

If any part of the transmission infrastructure is instead expected to require a separate planning permission under the Town and Country Planning Act 1990 or another statutory regime, the Applicant should identify precisely which works are affected and explain the relationship between the two consent regimes.

A work should not simultaneously be presented as authorised development under the DCO while its essential form remains to be determined under a separate planning process without a clear legal hierarchy between those approvals.

In particular, any separate consent route must not enable a later transmission design to exceed the environmental envelope examined in this DCO.

The current NPPF DP4 provides additional policy context for that problem. Design quality relied upon in the assessment should not be materially diminished during delivery merely because detailed engineering is undertaken by a different undertaker. The division between EPS and NGET therefore cannot create a regulatory gap in which National Grid detailed design falls outside the environmental parameters and design controls relied upon by the DCO.

4.7.4 NGET engineering flexibility must remain within the assessed envelope

NGET will necessarily retain a degree of technical control over infrastructure which must comply with transmission-system standards and wider network requirements. That does not remove the need for the DCO to establish the maximum environmentally assessed envelope.

The final design may involve choices concerning switchgear technology, busbar configuration, bay numbers, transformer arrangements, gantries, control buildings, pylon geometry and other technical matters. Those choices may properly be refined after consent provided that they remain within the parameters assessed.

What must not occur is a transfer of the Order to NGET which effectively creates a power to redesign the transmission component beyond those limits.

The Applicant should therefore identify which technical matters remain subject to NGET determination and demonstrate that the retained discretion cannot increase the footprint, height, pylon requirement, access requirement, foundation depth, lighting, drainage discharge or other material environmental parameter beyond the assessed maximum.

Any design change which materially exceeds that envelope should not be capable of treatment as ordinary detailed design. It would require further environmental assessment and, where necessary, further consent.

4.7.5 Transfer of the Order must transfer the obligations as well as the powers

The draft DCO must also address the possibility that the benefit of the Order, or part of it, is transferred to NGET.

The ExA should establish whether East Pye Solar Limited will initially be the undertaker for all Works and whether NGET will subsequently become the undertaker for Works Nos. 4 and 5, either wholly or in part.

The critical principle is that the environmental liabilities must follow the powers.

A transfer should not enable the original undertaker to cease responsibility before the receiving body has become legally bound by the corresponding Requirements and mitigation obligations. There should be no period during which construction or operation is authorised but responsibility for compliance is uncertain.

This is particularly important for obligations concerning construction environmental management, drainage, pollution control, access, traffic, lighting, landscaping, biodiversity, noise and emergency response.

The DCO should therefore ensure that any transfer of the transmission works automatically transfers or otherwise preserves every relevant environmental obligation applying to those works.

4.7.6 Land ownership and compulsory powers must reflect the actual delivery model

The division of responsibility also bears directly upon the compulsory-acquisition case.

The application should state whether East Pye Solar Limited intends to acquire the freehold of the National Grid substation land and transfer it to NGET; retain the land and grant NGET a lease or rights; enable NGET to acquire the land directly; or adopt some other arrangement.

That information is particularly important in light of NGET's evidence that the replacement connection agreement may no longer require the Applicant to secure the substation land or consent.

If NGET will ultimately require and control the land, the Applicant must explain why East Pye Solar Limited itself needs the compulsory powers now sought and whether permanent freehold acquisition is necessary.

The land interest, the party requiring it and the ultimate owner should therefore be identified consistently. Compulsory powers should not be granted to one body merely as an interim convenience where the need for the land arises from the requirements of another.

4.7.7 Long-term ownership creates continuing environmental obligations

The issue continues beyond construction.

The Applicant states that the National Grid substation and Grid Connection Infrastructure may remain after the solar generating station has been decommissioned. The environmental obligations associated with those permanent assets must therefore survive the end of East Pye itself.

That includes responsibility for access, surface-water drainage, oil containment, firewater systems, security, lighting, landscape mitigation, biodiversity measures and emergency response.

These matters cannot be treated as temporary construction obligations if the underlying infrastructure remains indefinitely.

The final DCO should therefore identify which body becomes responsible for the permanent transmission assets and ensure that the obligations necessary to maintain their environmental acceptability remain enforceable against that body and any successor.

This is especially important for drainage and landscaping.

Drainage infrastructure may require long-term maintenance, inspection of attenuation systems, pollution response and management of contaminated water. Likewise, landscape and biodiversity measures relied upon to reduce visual or ecological effects may require establishment, replacement planting and continuing management long after East Pye Solar Limited has ceased to operate the generating station.

The environmental assessment cannot rely on those measures unless responsibility for maintaining them is legally durable.

4.7.8 Enforcement responsibility must be unambiguous

The present uncertainty also creates an enforcement risk.

If a pollution incident, drainage failure, traffic breach, ecological impact, unauthorised design change or mitigation failure occurs, the enforcing authority must be able to identify immediately which body is responsible.

The DCO should not create a position in which the Applicant says that the matter lies with NGET, NGET says that the infrastructure was authorised and constructed under East Pye's DCO, and the local authority is left without a clearly identifiable party against whom to enforce.

That risk is particularly acute where assets, land and operational responsibilities transfer at different stages.

The Applicant and NGET should therefore provide an agreed responsibility and approvals schedule during Examination covering the principal stages of the transmission works: design, land acquisition, construction, environmental management, testing, commissioning, ownership, operation, maintenance, emergency response and permanent retention.

The purpose is not to expose private commercial arrangements. It is to demonstrate that every authorised activity has an identified responsible body and a corresponding enforceable DCO control.

4.7.9 Decommissioning and permanent retention must be divided expressly

The same clarity is required at the end of the Scheme's life.

East Pye's solar generating station is proposed for a finite operational period, whereas the National Grid infrastructure may remain permanently.

The Applicant and NGET should therefore identify which assets would be removed by East Pye, which would transfer or remain with NGET, which temporary areas would be restored, which access routes would be retained and who would remain responsible for the environmental mitigation associated with the permanent infrastructure.

That division should be established now rather than deferred until decommissioning several decades hence.

A decommissioning obligation directed only at East Pye Solar Limited is insufficient if the relevant infrastructure has previously transferred to NGET and is intended to remain in operation.

4.7.10 Information and DCO controls required

The uncertainty can be resolved without an elaborate activity-by-activity matrix if the Applicant and NGET provide a single agreed responsibility and approvals schedule during Examination.

That schedule should identify, for each principal component of Works Nos. 4 and 5:

the body responsible for detailed design; the body constructing it; the approval mechanism; the landowner or rights-holder; the owner and operator following commissioning; the Requirements and other environmental controls which apply; the point of any transfer; and the body responsible for long-term maintenance and permanent retention.

It should also identify any part of the works proposed to be approved separately under the Town and Country Planning Act or another statutory regime and explain how that approval is reconciled with the DCO.

The final Order should then secure four essential principles.

First, no transmission work should fall outside an identifiable detailed-design and environmental approval mechanism.

Secondly, any transfer of the benefit of the Order must carry with it the corresponding environmental obligations and liabilities.

Thirdly, NGET's technical discretion must remain within the environmental envelope assessed in this application unless further consent is obtained.

Fourthly, responsibility for permanent drainage, landscape, biodiversity, access, pollution and emergency obligations must remain enforceable for as long as the retained infrastructure exists.

4.7.11 Conclusion

The application authorises major permanent transmission infrastructure but does not yet define with sufficient precision the legal and operational boundary between East Pye Solar Limited and NGET.

That uncertainty affects detailed design, land acquisition, construction, environmental management, ownership, operation, maintenance, transfer, decommissioning and enforcement.

It is particularly significant because South Norfolk Council has already identified uncertainty over the detailed-design control applying to Works Nos. 4A and 4B, while NGET's own evidence indicates that the future contractual and connection arrangements remain in development.

The problem is therefore not simply that commercial responsibilities have yet to be finalised. The DCO must ensure that every authorised Work remains subject to an identifiable approval route, an identifiable responsible undertaker and enforceable environmental obligations throughout its life.

BEPS accordingly submits that the Applicant and NGET should provide an agreed responsibility and approvals schedule before the close of Examination and that the final DCO should secure the resulting allocation of powers, responsibilities and environmental liabilities.

The governing principle should be straightforward: the power to construct, own or operate the transmission infrastructure must never become separated from the legal responsibility to comply with the environmental case on which that power was granted.

4.8 Unresolved interaction with National Gas Transmission infrastructure

The Order Limits intersect nationally significant gas-transmission infrastructure owned and operated by National Gas Transmission plc ("NGT"), including the FM05 Yelverton–Stowmarket high-pressure feeder main and associated cathodic-protection equipment. The application seeks works, compulsory-acquisition, temporary-possession and rights

powers over land in which NGT has existing statutory, property and operational interests.

NGT's Relevant Representation identifies the feeder main and associated protection systems within or close to a number of Order plots, including plots 16-003, 16-004, 15-009, 11-036, 06-003, 06-002, 05-049, 06-001 and 05-048. NGT maintains an objection until satisfactory protective provisions and related protections are agreed.

The issue is therefore not simply the existence of a buried pipeline. It is whether East Pye's development envelope, land powers and long-term management arrangements have been shown to be compatible with the safe operation, maintenance and emergency accessibility of nationally significant gas infrastructure.

4.8.1 The FM05 feeder main is a fixed operational constraint

The FM05 feeder main forms part of the national high-pressure gas-transmission system. Its safe operation requires protection from incompatible loading, excavation, piling, ground disturbance, obstruction and loss of emergency access.

The Applicant must therefore demonstrate, in a single authoritative interface plan, how every relevant element of the Scheme relates to the pipeline easement and operational protection zone.

That interface is potentially extensive. It includes solar arrays and foundations, fencing, conversion equipment, access tracks, internal haul roads, cable trenches, trenchless crossings, drainage infrastructure, earthworks, compounds, soil storage, landscaping, habitat creation and permissive paths.

The problem with the present application is not that those activities are necessarily incompatible with the pipeline. It is that many are authorised through broad Work descriptions and associated-development powers without a consolidated plan showing where NGT's restrictions apply and which works are prohibited, constrained or subject to prior approval.

That uncertainty goes directly to physical deliverability. If parts of the solar, cable, drainage, access or biodiversity design cannot lawfully or safely occupy the NGT easement, the Scheme may require redesign.

4.8.2 Cathodic-protection infrastructure must also be protected

The pipeline is not the only relevant NGT asset. NGT also identifies cathodic-protection groundbeds, transformer-rectifier equipment and associated cabling.

Those systems are integral to the long-term corrosion protection of the pipeline and may themselves impose electrical, spatial and access constraints.

The Applicant should identify their precise locations and demonstrate adequate separation from East Pye's electrical and civil infrastructure. Particular attention is required where piling, buried cables, access tracks, drainage alterations or high-voltage equipment may interact with cathodic-protection systems.

The environmental and engineering assessment should not treat the pipeline corridor as though only the physical pipe itself matters. Interference with its protection systems may also affect operational safety.

4.8.3 The easement restrictions engage a wide range of East Pye works

NGT's easement rights and restrictions appear to control structures, changes in ground level, material storage and continuing access. Those restrictions potentially affect a substantial range of authorised works.

Solar development may involve driven piles, concrete foundations, fencing, gates, CCTV, electrical compounds, tracks, drainage and buried cables. Construction may additionally require excavations, HDD compounds, cranes, stockpiles, welfare areas and temporary storage.

The Applicant should therefore demonstrate that the DCO envelope has been designed around those pre-existing legal and operational constraints rather than leaving compatibility to detailed design.

In particular, the final plans should identify any permanent structure, foundation, pile, cable, drainage feature, compound, stockpile or planting proposed within or close to the easement. Where a work depends upon NGT approval, that should be stated expressly and secured through the Order.

A general commitment to consult NGT later is not equivalent to demonstrating that the authorised development can be implemented.

4.8.4 Ground levels, loading and access require specific control

Three interfaces require particular attention: ground levels, construction loading and continuing NGT access.

First, alterations to ground levels may change cover depth, loading, erosion conditions and emergency accessibility. Earthworks, swales, bunds, attenuation features, track construction and reinstatement therefore require specific control wherever they intersect the pipeline corridor.

Secondly, temporary and permanent vehicle loading may be materially greater than existing agricultural use. Internal haul roads, HGV routes, cranes and abnormal loads crossing the feeder main should therefore be subject to an agreed crossing design based on actual axle loads, pipeline depth, crossing frequency and NGT's technical standards.

Thirdly, NGT must retain continuous access for inspection, repair and emergency intervention. Solar fencing, security systems, construction compounds, landscaping or habitat measures must not create a situation in which NGT depends upon discretionary consent from the Applicant or site operator before entering the easement.

The DCO should therefore ensure that NGT's emergency and maintenance access takes priority over site-security and landscape-management arrangements.

4.8.5 Cable and drainage crossings must be fixed and controlled

Work No. 6 authorises substantial underground electrical infrastructure, including cables up to 132 kV and 400 kV, trenches, joint bays and trenchless crossings.

Every crossing of the FM05 feeder main or associated cathodic-protection infrastructure should be identified before the close of Examination, together with the proposed method, separation distances, crossing angle, bore or trench depth, construction plant and NGT supervision requirements.

Open-cut and trenchless methods present different risks. Open-cut works may affect support, cover or protection systems, while HDD and other trenchless methods introduce risks from drilling deviation, vibration and drilling-fluid migration. The crossing method should therefore not remain wholly undefined where its safety implications differ materially.

Drainage infrastructure requires equivalent scrutiny. Swales, infiltration systems, attenuation features, drains and outfalls may alter moisture conditions, erosion patterns or access. No infiltration, concentrated discharge or excavation within the relevant pipeline protection area should therefore occur without NGT approval.

4.8.6 Landscaping and BNG cannot conflict with pipeline safety

East Pye also relies extensively upon landscaping, ecological mitigation and biodiversity enhancement. Those measures must remain compatible with the operational requirements of the feeder main.

Deep-rooting trees, wetland creation, dense scrub, fencing or long-term habitat-management prescriptions may interfere with access, excavation, drainage or pipeline protection.

The Landscape and Ecological Management Plan should therefore identify the easement as a permanent operational constraint. It should make clear where trees and deep-rooting vegetation are prohibited, confirm NGT's right to remove vegetation where necessary, and ensure that biodiversity calculations do not rely upon habitat which cannot lawfully or safely be maintained for the required management period.

BNG obligations cannot override the continuing operation and safety requirements of nationally significant gas infrastructure.

4.8.7 Protective provisions remain unresolved

The most important legal issue is that the Applicant's Statement of Reasons appears to proceed on the basis that statutory-undertaker protections are adequate, while NGT itself maintains an objection because satisfactory provisions have not been agreed.

The Statement of Reasons relies upon sections 127 and 138 of the Planning Act 2008, article 33 of the draft DCO and the protective provisions in Schedule 14. It asserts, in substance, that those provisions prevent serious detriment to statutory undertakers.

NGT's Relevant Representation demonstrates that this conclusion is not agreed by the affected undertaker. Generic protective provisions may provide a starting point, but they cannot simply be assumed to satisfy the statutory tests where the relevant undertaker identifies unresolved safety, access or asset-protection concerns.

The ExA should therefore require the Applicant and NGT to identify clearly which provisions remain disputed and what site-specific protections are required in relation to the FM05 feeder main and its associated systems.

Those protections may need to address stand-off distances, structural loading, crossing design, prior written approval, supervision, access, emergency intervention, indemnity, cost recovery, as-built information, vegetation management and the treatment of future replacement and decommissioning works.

ISH1 identified a further unresolved interface at Site 7. BEPS asked how the proposed haul-road arrangement would cross the high-pressure gas transmission pipeline, and the Applicant was unable at the hearing to provide the engineering answer. The matter became a formal action point.

That is important because a haul-road crossing is not simply a traffic-management detail. It may require assessment of loading, protection slabs or bridging, depth of cover, construction sequencing, pipeline operator access, cathodic protection, drainage and emergency arrangements. If the engineering solution requires additional land, structures or route alteration, those consequences must remain within the assessed environmental and DCO envelope.

4.8.8 Compulsory-acquisition powers require particular scrutiny

The unresolved protective-provisions position also affects the compulsory-acquisition case.

The Applicant seeks powers capable of acquiring land or rights, imposing restrictions, taking temporary possession and potentially interfering with existing statutory-undertaker interests.

Where NGT's easement rights are integral to the safe operation of national gas infrastructure, those powers cannot be treated as ordinary third-party land interests.

The Applicant should therefore identify, plot by plot, the precise NGT interest affected, the Work No. said to require interference, the power sought and whether that power could extinguish, suspend, override or materially constrain NGT's existing rights.

The question is not merely whether the Applicant presently intends to move the pipeline. A power capable of overriding or constraining NGT's access or easement protections may itself have legal significance.

The Statement of Reasons should therefore be reconciled with NGT's objection before the ExA reaches any conclusion under sections 127 or 138. A finding that serious detriment has been avoided should rest on agreed or otherwise demonstrably sufficient protection, not on an assumption that agreement will be reached later.

4.8.9 The interface must remain safe for the whole life of the Scheme

The NGT interaction is not confined to initial construction. The application anticipates complete panel replacement, repeated BESS replacement, transformer replacement and eventual decommissioning. Each of those stages may reintroduce HGV movements, cranes, excavation, stockpiles, compounds, cable works and access restrictions.

Protective provisions and asset-protection controls must therefore apply throughout construction, operation, replacement and decommissioning, and must bind any successor or transferee of the DCO.

The same applies to emergency planning. The Applicant's management plans should address accidental pipeline strike, excessive loading, interference with cathodic protection, erosion, flooding, fire near the easement and any event requiring simultaneous coordination between solar, BESS, electrical and gas infrastructure operators.

The DCO should not assume that protection agreed for initial construction automatically covers materially different plant, loading or working methods several decades later.

4.8.10 Information and controls required

The remaining uncertainty should be resolved through one consolidated NGT interface package rather than multiple disconnected schedules.

BEPS submits that the Applicant should provide:

- a single detailed plan showing the FM05 feeder main, cathodic-protection infrastructure, easement and operational protection zones against all relevant East Pye works;
- a plot-by-plot reconciliation with the Book of Reference identifying the NGT interest, Work No., land power sought and potential interference;

- the agreed or disputed protective provisions;
- any required asset-protection agreement;
- a drawing and engineering methodology for every proposed construction or operational crossing of the FM05 pipeline, including the Site 7 haul-road crossing.
- and confirmation from NGT that the final solar, cable, access, drainage and biodiversity proposals are compatible with its operational requirements.

The DCO should then secure four core principles.

First, no work within the NGT protection zone should commence without the approvals required by NGT.

Secondly, no compulsory power should extinguish, suspend or materially interfere with NGT's rights or apparatus except in accordance with agreed protective provisions.

Thirdly, NGT must retain unrestricted operational and emergency access throughout the life of the Scheme.

Fourthly, all protections must continue to apply to replacement, decommissioning and any successor undertaker.

4.8.11 Conclusion

East Pye intersects nationally significant gas-transmission infrastructure and associated protection systems, yet the application does not presently demonstrate in one coherent document how the authorised development, land powers and mitigation measures are reconciled with those pre-existing constraints.

The issue extends beyond the physical pipeline. It includes cathodic-protection systems, easement rights, loading, ground-level changes, cable and road crossings, drainage, long-term access, biodiversity proposals, replacement works and compulsory-acquisition powers.

The Applicant's Statement of Reasons treats adequate statutory-undertaker protection as established. NGT's Relevant Representation demonstrates that, at submission, it was not.

That unresolved position has consequences for physical deliverability, environmental control and the statutory tests governing interference with NGT's land, rights and apparatus.

BEPS therefore submits that the NGT interface should be resolved during Examination through a detailed interface plan, plot-specific land and rights reconciliation, agreed protective provisions and any necessary asset-protection agreement.

Until those matters are resolved, the ExA cannot safely assume that the full development envelope can be implemented as authorised, that the compulsory powers sought are necessary and proportionate, or that serious detriment to NGT's undertaking has been excluded.

4.9 Cable Route Corridors and unresolved connection geography

The cable network is the physical system intended to connect the dispersed solar generating areas, the BESS and the project substations to the proposed National Grid substation at Site 1B. It is therefore not a secondary or incidental part of the Scheme. Its route, capacity, construction method and final destination determine whether the authorised generating station can operate and whether the environmental effects of the connection infrastructure have been assessed accurately.

ES Chapter 4 identifies fourteen Cable Route Corridors. The Applicant states that the precise cable alignments would be selected at detailed-design stage and that, unless otherwise stated, the Environmental Statement has assessed cables as capable of being installed anywhere within the relevant corridor. The DCO therefore does not authorise one fixed cable alignment. It authorises a broad spatial envelope within which one or more cable systems, construction works and associated infrastructure may later be placed.

That flexibility must be considered together with the uncertainty identified in Section 5.5. The cable network is designed around the proposed Site 1B National Grid substation, but NGET has not confirmed that Site 1B will be the final connection solution. The application must therefore establish whether the cable corridors are genuinely fixed to a confirmed point of connection, whether they may be constructed before that solution is settled, and what prevents unused or duplicated underground infrastructure from being installed.

4.9.1 Cable works authorised by the DCO

Work No. 6 authorises electrical cables with voltages up to 132 kV and 400 kV, together with associated construction and supporting works. ES Chapter 4 describes a cable system that may include:

- DC and low-voltage AC cabling within the solar sites;
- communications and fibre-optic cables;
- 33 kV collection cables;
- 132 kV cables;
- 400 kV export or connection cables;
- open-cut trenches;
- ducts;
- joint bays;
- link boxes;
- fibre chambers;
- trenchless crossings;

- horizontal directional drilling;
- launch and reception pits;
- temporary compounds;
- working areas;
- access and haul roads;
- dewatering;
- drainage;
- soil storage;
- and reinstatement.

The Work No. is accompanied by broad associated-development powers for excavation, trenching, tunnelling, boring, drilling, drainage, access and temporary works. The actual authorised cable development is therefore wider than the buried conductors alone.

4.9.2 Number and voltage of cables

The application identifies the maximum voltage classes but does not provide a complete consolidated schedule of the number of circuits or individual cables authorised.

The cable network may include cables operating at:

- low voltage and DC within the solar arrays;
- 33 kV between solar areas and project substations;
- 132 kV between substations or project components;
- and 400 kV between project infrastructure and the proposed National Grid connection.

However, the Scheme Description does not clearly state:

- the maximum number of 33 kV circuits;
- the maximum number of 132 kV circuits;
- the maximum number of 400 kV circuits;
- the number of individual cables per circuit;
- whether spare ducts may be installed;
- whether multiple parallel trenches may be used;
- or whether additional circuits may be constructed for the BESS or future connection configuration.

Those quantities are material because they determine:

- trench width;
- working width;
- soil disturbance;
- thermal output;
- number of joint bays;

- construction duration;
- dewatering;
- spoil storage;
- and the extent of later replacement or decommissioning.

The Applicant should provide a Cable Schedule identifying, for every corridor, the maximum voltage, circuit number, conductor number, duct number and intended destination.

4.9.3 Trench width and depth

ES Chapter 4 states that trenches for the principal 132 kV and 400 kV cable works may be up to approximately seven metres wide and two metres deep, except where additional space is required at joint bays, crossings or trenchless-work approaches.

Lower-voltage trenches may be approximately 1.6 metres wide and 1.2 metres deep. In agricultural land, the Applicant generally assumes a minimum burial depth of approximately 1.2 metres, while cables crossing existing apparatus may be installed up to approximately two metres below it.

These figures provide some maximum parameters, but they do not define the complete excavation envelope. In particular, the application should state:

- whether seven metres is the width of one trench or the total width of all parallel trenches;
- how many trenches may be open simultaneously;
- the maximum depth at joint bays;
- the maximum side slopes required in unstable ground;
- the width required for trench support;
- and the extent of additional excavation where cables pass beneath roads, rivers, gas pipelines or other utilities.

Without that information, the stated trench dimensions cannot be translated into a reliable maximum land-disturbance figure.

4.9.4 Overall working width

The Applicant identifies a typical cable working width of approximately 25 metres. That width may accommodate:

- the trench;
- stripped topsoil and subsoil;
- construction plant;
- access;
- cable drums;
- temporary drainage;
- safety zones;

- and working space.

Chapter 4 also states that the working width may be widened locally at roads, watercourses, existing utilities and other constraints. No clear absolute maximum is stated for those widened areas.

That omission is important because the environmental effects of cable construction arise largely from the working corridor rather than the final buried cable. A locally widened area may affect:

- additional hedgerows;
- watercourses;
- archaeological remains;
- protected habitats;
- agricultural soils;
- flood storage;
- public rights of way;
- and private land.

The DCO should therefore secure:

- a maximum ordinary working width;
- a maximum widened working width;
- the locations at which widening is permitted;
- and a requirement for further approval where the stated maximum must be exceeded.

4.9.5 Freedom to route cables anywhere within the corridors

The Applicant states that the final cables may be placed anywhere within the Cable Route Corridors unless a more specific restriction applies.

This is a wide form of micro-siting flexibility. It means that a corridor may contain numerous possible alignments, each with a different relationship to:

- watercourses;
- hedgerows;
- trees;
- archaeology;
- groundwater;
- residential receptors;
- statutory undertaker apparatus;
- roads;
- and designated habitats.

The Applicant should demonstrate that every materially different alignment within each corridor was capable of producing effects no worse than those assessed.

A general corridor-level assessment may be inadequate where one side of the corridor crosses a sensitive feature and the other does not. In those circumstances, the DCO should identify an exclusion area or fixed crossing rather than leaving the final choice to detailed design.

Norfolk County Council's evidence supports this concern. Its LLFA identifies a lack of detail concerning cabling associated with the solar arrays and uncertainty over the cumulative below-ground effects of cabling, piling and drainage infrastructure. The County Council's criticism is not confined to the main export corridors. It concerns the absence of a coherent account of the overall buried infrastructure across the Scheme.

BEPS has also identified that CRC4 is shown against outdated base mapping which does not depict the completed Long Stratton Bypass and associated biodiversity mitigation. The proposed cable corridor intersects newly established mitigation land including planted woodland blocks and wildlife ponds which were not present on the earlier mapping and have not been surveyed as part of the original baseline.

The final cable alignment therefore cannot be approved merely by reference to the existing broad corridor. The Applicant must update the mapping and ecological baseline, identify the bypass mitigation features and demonstrate whether they can be avoided. If avoiding them requires movement outside the assessed corridor or materially different construction methods, that must be resolved during Examination.

4.9.6 Joint bays

ES Chapter 4 states that joint bays may be required at intervals of approximately 250 to 500 metres. A typical joint bay may be approximately:

- 20 metres long;
- seven metres wide;
- and three metres deep.

Joint bays are therefore substantial excavations. They may require:

- reinforced concrete;
- dewatering;
- access;
- drainage;
- link boxes;
- fibre chambers;
- temporary compounds;
- and later maintenance access.

The application does not clearly state:

- the maximum number of joint bays;
- their final locations;

- total compound area;
- whether they remain permanently accessible;
- whether above-ground markers or link boxes are required;
- or whether they will be removed at decommissioning.

If the corridors extend over long distances, a spacing of 250 metres could produce materially more joint bays than a spacing of 500 metres. The Environmental Statement should therefore assess the maximum realistic number, not merely provide a typical interval.

4.9.7 Fibre chambers and link boxes

Chapter 4 also contemplates fibre chambers at intervals of approximately 500 to 2,000 metres. Typical dimensions are approximately 1.5 metres by one metre by 1.5 metres deep.

The application should identify:

- the maximum number;
- whether any above-ground apparatus is required;
- permanent access;
- drainage;
- and decommissioning treatment.

Although individually smaller than joint bays, these installations contribute to the cumulative permanent below-ground infrastructure and may constrain later land use.

4.9.8 Trenchless crossings and HDD

The Applicant may use HDD, boring or other trenchless techniques beneath:

- watercourses;
- roads;
- rail or utility infrastructure;
- environmentally sensitive features;
- and existing apparatus.

Chapter 4 gives a maximum individual bore diameter of approximately one metre and a maximum depth of approximately 12 metres. It also refers to a minimum depth of approximately five metres below the surveyed bed of a main river.

However, the application does not provide a complete maximum envelope for trenchless works. It does not clearly state:

- the maximum bore length;
- the maximum number of parallel bores;
- the maximum number of crossings;

- the dimensions of every launch and reception pit;
- the maximum drilling-fluid volume;
- drilling-fluid composition;
- the maximum dewatering requirement;
- or the area required for drilling rigs, storage and spoil.

Launch and reception areas may themselves require substantial temporary compounds. The final dimensions should be fixed for each crossing or controlled by a stated maximum.

The Environment Agency specifically identifies inadequate definition of trenchless works and their interaction with groundwater and other foundations. It is concerned about the potential for drilling and cable works to create preferential pathways, disturb groundwater and interact cumulatively with piling.

A generic commitment to prepare later method statements does not replace assessment of the maximum physical crossing envelope.

4.9.9 Fixed crossing locations

Crossings of sensitive or constrained features should not be left entirely open within a corridor.

Fixed or narrowly controlled locations are required where the cables cross:

- main rivers;
- ordinary watercourses;
- the FM05 gas feeder main;
- roads;
- protected hedgerows;
- ancient woodland buffers;
- archaeological sites;
- or other major utilities.

The crossing method and location may determine whether the impact is temporary, permanent or avoidable.

For example, an open-cut watercourse crossing and a deep HDD crossing involve different:

- habitat effects;
- groundwater risks;
- drilling-fluid risks;
- construction compounds;
- and reinstatement requirements.

The DCO should therefore identify fixed crossing points and the assessed method, with any alternative requiring approval and demonstration of no materially worse effects.

4.9.10 Cable thermal properties

The Environment Agency has raised concerns about the thermal effects of underground cables.

The application does not clearly state:

- the maximum conductor temperature;
- cable loading;
- heat loss;
- thermal resistivity assumptions;
- spacing between circuits;
- duration of peak loading;
- or the resulting change in surrounding soil temperature.

These parameters may affect:

- soil moisture;
- soil biology;
- agricultural productivity;
- groundwater;
- nearby watercourses;
- buried ecological features;
- and the performance of adjacent infrastructure.

The issue may be particularly significant where several high-voltage circuits run in parallel or where both solar and BESS flows use the same route.

The Applicant should provide a maximum thermal-loading assessment based on the full number and capacity of circuits. A later choice of cable manufacturer or conductor size is acceptable only if it remains within that assessed thermal envelope.

4.9.11 Preferential groundwater pathways

The Environment Agency also identifies the possibility that cable trenches, ducts, bedding materials and trenchless works may create preferential groundwater pathways.

A cable trench may introduce permeable aggregate or disturbed material through soils or geological layers that previously restricted water movement. This may:

- redirect groundwater;
- increase drainage along the trench;
- alter spring or watercourse flows;

- transport contamination;
- and affect private water supplies or groundwater-dependent habitats.

The application should identify:

- groundwater conditions along each corridor;
- locations where geological layers are penetrated;
- trench backfill materials;
- seals or cut-off barriers;
- dewatering;
- and long-term monitoring.

The interaction with piling is also relevant. Cable trenches and deep foundations may together create connected pathways not apparent when each work is considered separately.

4.9.12 Dewatering

Open trenches, joint bays and HDD pits may require dewatering.

The Scheme Description does not provide a scheme-wide maximum for:

- dewatering volume;
- duration;
- pumping rate;
- discharge location;
- settlement treatment;
- or number of simultaneous dewatering operations.

These omissions matter because dewatering can affect:

- groundwater levels;
- nearby wells;
- watercourses;
- sediment;
- contamination;
- and ground stability.

The Environment Agency should approve dewatering methods and discharge arrangements before relevant works commence. The DCO should also require cumulative assessment where several work fronts may dewater simultaneously.

4.9.13 Spoil and soil storage

Cable construction requires separate stripping and storage of:

- topsoil;

- subsoil;
- trench arisings;
- drilling spoil;
- and potentially contaminated material.

The 25-metre working width appears intended to accommodate some storage, but the application does not state:

- maximum stockpile height;
- maximum storage duration;
- total volume;
- additional land required at joint bays and HDD compounds;
- or how wet or contaminated material will be handled.

This information is material to:

- soil compaction;
- drainage;
- landscape effects;
- dust;
- agricultural restoration;
- and NGT easement restrictions.

No spoil or material storage should be permitted over statutory undertaker apparatus or within protected easements without written agreement.

4.9.14 Haul roads and access

The cable corridors may require temporary haul roads or use the working width for construction traffic.

The Applicant should identify:

- maximum haul-road width;
- total length;
- surfacing;
- crossing points;
- vehicle loading;
- drainage;
- and restoration.

Where a corridor crosses minor roads, watercourses or private accesses, temporary bridges or reinforced crossings may be required.

These works form part of the cable-development envelope and should not be treated as incidental construction detail.

Permanent access may also be required to joint bays, link boxes or other infrastructure. The application should distinguish clearly between:

- temporary construction access;
- emergency access;
- and permanent maintenance rights.

4.9.15 Is the cable network fixed to Site 1B?

The fourteen Cable Route Corridors are described as connecting the Scheme to the proposed National Grid substation at Site 1B. The route geography therefore appears to depend upon that connection point.

NGET's Relevant Representation, however, states that the final point-of-connection solution remains subject to wider regulatory and commercial considerations and that other Gate 2 offers may affect the size, design and location of the National Grid infrastructure.

The Applicant must therefore confirm:

- whether every corridor is designed exclusively for Site 1B;
- whether any corridor could be redirected to another connection point;
- whether the Order Limits include alternative routes;
- and whether the cable design would remain technically usable if Site 1B is not selected.

If the final connection point moves outside the present corridors, additional land and consent may be required. If the corridors are wide enough to permit a materially different destination, the DCO may authorise a wider connection geography than the Environmental Statement describes.

4.9.16 Could cables be constructed before the NGET solution is confirmed?

The draft DCO must be examined to determine whether Work No. 6 may commence independently of Works Nos. 4 and 5.

If so, the Applicant could potentially:

- strip land;
- excavate trenches;
- install ducts;
- construct joint bays;
- install cables;
- and reinstate land

before NGET confirms that Site 1B is the final connection point. That would create an obvious risk of stranded infrastructure.

The DCO should prevent commencement of any high-voltage cable route serving the National Grid connection until:

1. NGET has confirmed the final point of connection;
2. the final cable destination is fixed;
3. the relevant connection agreement is effective;
4. and the cable design has been approved.

Internal solar-array cabling may be capable of proceeding separately, but the Applicant should distinguish it from export infrastructure whose utility depends on the unresolved NGET solution.

4.9.17 Duplicate or stranded cable infrastructure

The current broad powers may permit ducts or cables to be installed that later become unnecessary if:

- the Site 1B solution changes;
- the BESS is not connected;
- the number of project substations changes;
- or NGET requires a different configuration.

The Applicant should identify whether spare or redundant ducts may be installed as part of the initial works and whether new cables could later be laid within the same corridors under maintenance or replacement powers.

There should be an express prohibition on constructing:

- duplicate circuits;
- speculative ducts;
- or cable infrastructure disconnected from the approved final connection solution

unless their environmental effects and operational need have been established.

4.9.18 What happens if the connection point moves?

If NGET selects a different point of connection, the Applicant must explain whether:

- the existing corridors remain usable;
- cables would need to be extended;
- new corridors would be required;
- installed cables would be abandoned;
- joint bays and ducts would remain;

- or a material change to the DCO would be necessary.

This is not a theoretical issue. The entire cable network has been designed around Site 1B while NGET has not confirmed that the location or configuration will be used.

The Examining Authority should not grant broad cable powers on the assumption that any later connection solution can be accommodated through detailed design.

4.9.19 Are the powers wider than the assessed alignment?

A corridor-based DCO may lawfully retain route flexibility, but the assessed alignment must encompass the worst realistic effects of every permitted route.

The Applicant should therefore reconcile:

- the Works Plans;
- cable figures;
- environmental constraints plans;
- land plans;
- and the final cable schedule.

For each corridor, it should identify:

- environmentally constrained areas;
- prohibited areas;
- fixed crossings;
- maximum working width;
- maximum circuit number;
- and permanent infrastructure.

Without that reconciliation, the power to route ‘anywhere’ within the corridor may be wider than the alignment actually considered in the technical assessments.

4.9.20 Cumulative below-ground effects

Norfolk County Council identifies uncertainty over the cumulative below-ground impact of:

- solar piling;
- substation piling;
- BESS foundations;
- cable trenches;
- HDD;
- drainage;
- and other buried infrastructure.

The effects should not be assessed in isolation. In some locations, several work types may overlap or run close together.

The final assessment should therefore map and assess the combined maximum below-ground envelope, including:

- excavation depth;
- pile depth;
- cable depth;
- groundwater interaction;
- soil displacement;
- concrete;
- aggregate;
- and retained infrastructure.

This is particularly important around Site 1B, where the BESS, project substation, National Grid substation, pylons and cable routes converge.

4.9.21 Cable lifespan and replacement

The Environment Agency identifies uncertainty over cable lifespan and the need for replacement.

The Scheme has a proposed 60-year operational life, but the application does not provide clear evidence that every cable and joint will remain serviceable for that period.

The Applicant should identify:

- assumed life of each cable type;
- joint-bay life;
- whether replacement is anticipated;
- whether replacement requires re-excavation;
- whether ducts permit cable pulling;
- and whether replacement traffic and waste

4.10 The Rochdale Envelope is insufficiently defined or controlled

4.10.1 The Applicant's reliance on a design envelope

The Applicant relies upon the Rochdale Envelope to retain flexibility over the detailed design of the Scheme. That approach is not objectionable in principle. It is not necessary for a DCO application to identify the manufacturer, model or precise final position of every panel, transformer, cable or item of electrical plant.

However, a lawful and reliable design envelope must do more than identify broad development areas and a selection of indicative or maximum dimensions. It must:

1. define the principal physical and operational characteristics of the development;
2. identify the realistic range of designs that may ultimately be constructed;
3. assess the environmentally worst realistic outcome for each relevant receptor;
4. prevent combinations of parameters that were not assessed;
5. and contain enforceable controls ensuring that the detailed development cannot produce materially different or worse effects.

ES Chapter 4 states that the Environmental Statement is based upon maximum and, where relevant, minimum parameters intended to represent the realistic worst case. The Applicant relies upon the Design Principles, Parameters and Commitments document and the draft DCO Requirements to ensure that the detailed design will produce environmental effects that are the same as or no worse than those assessed.

The revised Explanatory Memorandum now makes one aspect of that flexibility explicit. The Applicant deliberately seeks no upper electrical-output limit for the generating station. It states that future technological improvements may permit a greater generating capacity to be achieved within the assessed physical parameters and considers an output cap unnecessary provided the consent envelope is adequately secured. BEPS does not contend that the absence of a MW cap is unlawful in itself. Its significance is that the Applicant must demonstrate that every potentially output-sensitive environmental effect remains bounded by parameters independently secured within the DCO, including inverter and transformer specification, electrical plant, cooling requirements, operational noise, heat, EMF, replacement activity and associated grid infrastructure.

The evidence examined in the preceding sections demonstrates, however, that the retained flexibility extends beyond ordinary equipment selection. It affects:

- the technology used across the solar fields;
- the number and distribution of electrical units;
- the capacity, duration and chemistry of the BESS;
- the number and configuration of project substations;
- the location, necessity and final form of the National Grid connection;
- the alignment and scale of underground cable works;
- the number and extent of temporary construction areas;
- the timing and scale of replacement works;
- and the identity of infrastructure that would remain permanently after decommissioning.

In several instances, no complete maximum parameter has been stated. In others, the parameter stated in the final application differs from that presented during consultation. In still others, the future infrastructure owner has not confirmed that the work described and assessed by the Applicant will form the final solution.

The issue is therefore not simply whether some details may properly be chosen later. It is whether the Order defines and controls one assessable project, or instead authorises a range of materially different projects whose combined environmental and operational consequences have not been demonstrated.

ISH1 has materially strengthened this issue. The Applicant confirmed that the Illustrative Masterplan is "entirely indicative" in the sense that important infrastructure siting remains capable of detailed-design change. The ExA consequently sought further information concerning panel overplanting and ratings, panel type and location, minimum panel spacing, AIS/GIS substation technology, switchrooms and conversion units, fencing, lighting, Site 6 construction use and construction-compound phasing.

This does not make the Rochdale Envelope unlawful. It does, however, make the control question more acute: the Examination must be able to identify the set of materially different configurations which the DCO permits and demonstrate that each remains within the reasonable worst cases assessed.

4.10.2 Consolidated assessment of the retained flexibility

The following table brings together the principal areas in which the Rochdale Envelope remains incomplete, internally inconsistent or insufficiently controlled.

Scheme component	Uncertain parameter	Why it matters	Evidence	Required control
Overall generating capacity	The Scheme is promoted as approximately 500 MW, but the authorised generating station is described only as exceeding 100 MW and the Applicant expressly states that no upper electrical-output limit is sought.	The need and benefits case may rely on a 500 MW project, while the Order may permit a materially smaller or potentially larger generating station; this also affects severability and compulsory acquisition	Revised Explanatory Memorandum APP/3.2, §1.4.3–1.4.4.	Maximum solar export capacity and any minimum implementation capacity secured in the DCO

Solar development extent	Total developed panel area, maximum panel number, table number and equipment density	Determines landscape coverage, runoff, construction materials, traffic, replacement waste and land-use intensity	ES Chapter 4 provides spacing and dimensional parameters but no consolidated equipment total	Site-by-site maximum developed area and equipment schedule
Solar-panel technology	Fixed panels, single-axis trackers or a mixture of both	The technologies differ in height, movement, orientation, glare, landscape effect, aviation interaction, vegetation management and runoff behaviour	NCC notes that both technologies remain permitted; SNC distinguishes 4.5 m trackers from lower fixed panels; NGC and GAAC raise aviation concerns	Field-by-field technology schedule and sensitive-area restrictions
Tracker height and movement	Trackers may reach 4.5 m and move through a wide operational angle	Maximum inclination produces a different visual, glare and aviation profile from the horizontal position	ES Chapter 4; SNC; NGC; GAAC	Maximum movement and angle secured; tracker exclusions around sensitive receptors
Fixed-panel height and orientation	Fixed panels may reach 3.5 m and be installed at slopes between approximately 10 and 35 degrees	Height and slope affect visibility, heritage setting, glare and runoff direction	ES Chapter 4; SNC seeks lower fixed panels in sensitive areas	Lower field-specific height limits and secured orientation

Panel row spacing and density	Final row separation and density remain adjustable within broad limits	Affects panel number, vegetation, soil exposure, runoff, maintenance access and landscape character	ES Chapter 4	Maximum field density and binding minimum spacing
Panel foundations	Driven piles, screwed piles, concrete feet or non-penetrative foundations; pile number and diameter not fixed	Different methods produce different noise, vibration, archaeological, groundwater, soil and drainage effects	NCC identifies cumulative below-ground impacts; EA seeks clearer foundation information	Location-specific foundation method; maximum depth, diameter, number and concrete volume
Conversion units and inverters	Equipment may be standalone or integrated; maximum total number and distribution are not stated	Determines cumulative noise, transformer oil, hardstanding, drainage, material use and visual clutter	ES Chapter 4 gives individual dimensions but not total quantities	Site-by-site maximum equipment count and cumulative noise and hardstanding limits
Solar-site fencing	Final alignment, gate locations and total length	May fragment habitat, obstruct emergency or statutory access and affect landscape character	ES Chapter 4; NGT access concerns; NGC emergency-landing concerns	Approved fencing plan, ecological permeability and access safeguards
CCTV and security infrastructure	Final number and location of cameras and poles	Affects visual amenity, ecology, privacy and	ES Chapter 4 states maximum	Maximum numbers and an approved security layout

		aviation perception	heights but not quantities	
Lighting	Number, height, brightness, direction and duration of operational, emergency and temporary lighting	Affects dark skies, ecology, residential amenity, landscape and aviation	ES Chapter 4; SNC; NGC and GAAC	Binding lux limits, hours, shielding, height and emergency-lighting protocol
BESS connection status	Solar has Gate 2 status while BESS remains Gate 1	The project is presented as integrated solar and storage, but the components do not share the same connection certainty	NGET Relevant Representation	BESS connection entitlement before commencement and a works-severability schedule
BESS capacity	MW, MWh, discharge duration, import capacity and export capacity are not clearly fixed	Determines stored energy, system benefits, connection requirements, fire consequences and compound scale	ES Chapter 4; NGET; NCC	Maximum and minimum MW/MWh, duration and import/export limits
BESS technology	Battery chemistry, cell type, enclosure type and energy density	Different technologies may have materially different fire, emission, cooling, waste and emergency consequences	EA raises firewater, damaged battery and replacement concerns	Defined technology envelope and measurable fire, pollution, heat and noise limits

BESS enclosure number and size	Maximum number, length and width of battery enclosures	Determines compound area, spacing, fire propagation, access and drainage	NCC LLFA states enclosure number and dimensions were unknown	Maximum enclosure dimensions and number, with minimum separation distances
BESS compound area	No complete numerical maximum for the total BESS compound and associated plant is clearly stated	Determines land take, visual effect, impermeable area and firewater requirements	ES Chapter 4; NCC LLFA	Certified maximum compound boundary and impermeable-area limit
BESS cooling and auxiliary plant	Number, rating and sound-power level of cooling systems, inverters and transformers	Determines night-time noise, heat rejection, oil inventory and drainage	SNC requires updated noise assessment; NCC and EA identify unresolved plant detail	Maximum equipment schedule and receptor-based operational noise limits
BESS drainage and firewater containment	Containment volume, isolation arrangements, sealed drainage and suppression system	A fire could produce contaminated water affecting groundwater and watercourses	EA seeks impermeable drainage, penstocks and worst-case containment; NCC LLFA identifies insufficient space and detail	Approved quantified firewater and drainage design before battery installation
BESS emergency access	Final access, secondary access, turning and separation	Determines whether emergency services can respond safely	NCC fire and emergency evidence	Fire-authority-approved access and emergency-response plan
BESS replacement	Up to five replacement cycles, with	Later equipment may produce different fire,	ES Chapter 4; EA	Replacement technology-equivalence test

	future technology unspecified	noise, waste, traffic and pollution effects		and updated risk approval
132 kV project substations	Number, transformer configuration, equipment layout, foundation method and oil inventory	Affects landscape, noise, drainage, pollution and groundwater	NCC identifies uncertainty over single or double configurations; EA seeks foundation and pollution information	Maximum layout, transformer number, oil inventory and foundation envelope
400 kV project substations	Number, configuration, equipment, foundations, control buildings and hardstanding	These are major industrial compounds with substantial operational and environmental consequences	NCC; SNC; EA	Substation-specific maximum layouts and equipment inventories
Site 1B project-substation voltage	Changed from 132 kV to 400 kV after statutory consultation	The higher-voltage development may require larger plant, foundations, oil containment and AIL deliveries	NCC and SNC targeted responses	Final 400 kV design schedule and topic-by-topic assessment audit
Site 1B project-substation height	Approximately 7 m at statutory consultation, approximately 13 m at targeted consultation and 15 m in final ES Chapter 4	Affects landscape, heritage, aviation and the reliability of consultation and assessment	NCC and SNC commented on the 13 m design; final ES permits 15 m	Binding 15 m maximum and proof that all assessments used it

Project-substation transformer number	Maximum number and configuration are not stated clearly	Determines noise, oil inventory, fire risk, drainage and AIL requirements	NCC; SNC; EA	Maximum transformer schedule and source sound-power levels
Project-substation oil inventory	Total transformer oil volume and credible spill scenario	Determines bunding, firewater and pollution consequences	EA	Maximum oil inventory and containment volume
Project-substation drainage	Maximum impermeable area, attenuation area and firewater containment	Larger 400 kV compounds may displace flood storage and require substantial SuDS	NCC LLFA	Compound-specific drainage calculations and fixed SuDS area
National Grid substation location	Whether Site 1B is the final point of connection	Determines the cable destination, pylons, landscape effects, land take and compulsory-acquisition case	NGET states that the final solution remains subject to wider regulatory and commercial considerations	Written NGET confirmation of Site 1B before commencement or compulsory acquisition
National Grid substation necessity	Whether NGET will construct, adopt or use the proposed substation	Consent would not oblige NGET to accommodate a connection at it; the work could become stranded	NGET Relevant Representation	Binding connection agreement and NGET confirmation before works or land powers are exercised
National Grid substation footprint	Approximately 3 ha at consultation and up to 6 ha in the final application	Doubling the area affects drainage, landscape, land take,	NCC targeted response; ES Chapter 4	Six-hectare absolute maximum and proof that the

		construction and compulsory acquisition		final footprint was assessed
National Grid substation layout	Number of bays, busbar arrangement, switchgear, buildings and electrical plant	Other Gate 2 projects may alter the final size and configuration	NGET	NGET-approved design confined to the assessed envelope
National Grid substation foundations	Raft or piles up to 12 m, but pile number, diameter and layout remain open	Affects groundwater, geology, concrete, piling noise and construction traffic	ES Chapter 4; EA	Maximum pile number, diameter, depth and concrete volume
Additional National Grid infrastructure	Further bays, pylons, line works or a different connection arrangement may be needed	Further infrastructure may fall outside the DCO and alter cumulative effects	NGET	Full final network solution and separate consent for any out-of-envelope works
Applicant/NGET works boundary	Who designs, constructs, owns, operates and maintains Works 4 and 5	Determines liability, enforcement and whether DCO Requirements bind the body undertaking the work	NGET; SNC	Joint responsibility and approvals matrix
Detailed approval of NGET works	Requirement 5 appears not to include Works 4A and 4B	Major permanent works could fall outside the principal design-control Requirement	SNC	Express DCO approval mechanism or identified equivalent statutory control

Transfer of DCO powers to NGET	Which powers and obligations transfer and when	A transfer could leave mitigation or liability with the wrong body	NGET; SNC	Transfer provisions carrying all environmental obligations
Pylon number	Up to four new pylons, with temporary works also contemplated	Number affects landscape, heritage, aviation, foundations and construction access	ES Chapter 4; NCC targeted response	Fixed absolute number and certified pylon schedule
Pylon location	Final position within broad limits	Relocation may change effects on views, heritage assets, homes and aviation	NCC	Approved alignment and restricted limits of deviation
Pylon height	Up to approximately 61 m, compared with existing towers understood to be approximately 53 m	Greater height affects long-distance visibility, heritage setting and aviation	NCC targeted response	Binding maximum height and final visual and aviation assessment
Cable circuit number	Maximum number of 33 kV, 132 kV and 400 kV circuits is not consolidated	Determines trench width, heat output, joint bays, construction duration and replacement effects	NCC; EA	Corridor-by-corridor maximum circuit and conductor schedule
Cable alignment	Cables may be routed anywhere within fourteen broad corridors	Different alignments may affect different watercourses,	ES Chapter 4; NCC; EA	Approved final alignment, exclusions and fixed sensitive crossings

		habitats, archaeology, utilities and properties		
Cable trench width and depth	Principal trenches may be up to approximately 7 m wide and 2 m deep, but the relationship between trench number and total width is unclear	Multiple parallel trenches could materially increase excavation and soil disturbance	ES Chapter 4	Maximum trench number and total excavation width
Cable working width	Typical width approximately 25 m, with local widening permitted	Local widening may increase land take and affect additional receptors	ES Chapter 4	Absolute ordinary and widened working-width limits
Joint bays	Typical dimensions and spacing are stated but maximum number and location are not	Joint bays are substantial permanent or semi-permanent excavations requiring access and drainage	ES Chapter 4; EA	Maximum number and approved locations, with removal obligations
Fibre chambers and link boxes	Number, location and above-ground elements remain open	Contribute to permanent infrastructure and access requirements	ES Chapter 4	Maximum number and approved layout
HDD and trenchless works	Maximum depth is stated, but bore length, bore number, pit dimensions and compounds are not fully defined	Affects groundwater, drilling-fluid risk, habitats and construction land	EA	Crossing-specific approval and maximum depth, length, bore number and pit area

Cable thermal effects	Conductor temperature, loading, circuit spacing and heat loss	May affect soils, groundwater, watercourses and adjacent infrastructure	EA	Maximum thermal-loading assessment and performance limit
Preferential groundwater pathways	Trenches, ducts and bedding may redirect groundwater or contaminants	Could affect springs, watercourses, private water supplies and habitats	EA	Groundwater assessment, seals, cut-offs and monitoring
Cable dewatering	Maximum rate, duration, discharge and simultaneous operations	May alter groundwater levels and watercourse conditions	EA	Quantified dewatering limits and approved discharge plan
Cable spoil storage	Volume, height, location and duration	Affects soil quality, drainage, dust, archaeology and statutory easements	NCC; NGT	Quantified soil plan and exclusion from protected easements
Cable connection dependency	Whether export cables may be constructed before Site 1B is confirmed	Could create stranded or duplicated underground infrastructure	NGET	Prohibition on export-cable commencement before final connection approval
Cable lifespan and replacement	Whether cables last for 60 years and whether re-excavation will be required	Replacement may amount to a further major construction phase	EA	Cable-life and replacement schedule
Construction compounds	Number, size, location, hardstanding and simultaneous use	Affects traffic, noise, flood risk, lighting, ecology and total temporary land take	NCC LLFA	Certified compound plans and maximum individual and cumulative footprints

Temporary laydown areas	Number, location and cumulative extent	Broad powers may permit disturbance beyond principal compounds	Work No. 8; NCC LLFA	Maximum total area and approved locations
Temporary haul roads	Total length, width, surfacing and restoration	Affects soils, drainage, hedgerows, utilities and long-term land recovery	ES Chapter 4; NCC	Maximum route network and restoration controls
Construction phasing	Number of simultaneous work fronts and degree of overlap	Greater concurrency may increase peak noise, traffic and ecological disturbance	ES Chapter 4 retains programme flexibility	Phasing plan and simultaneous-work-front limit
Construction duration	Approximately 24 months, but major components may be delivered separately	Delayed BESS or NGET works may extend disturbance beyond the assessed period	NGET; solar/BESS Gate-status evidence	Work-specific commencement and completion controls
Construction HGV movements	Daily figures are stated, but distribution, cumulative traffic and enforceable caps remain unclear	Determines local highway, noise, air-quality and residential effects	NCC; National Highways	Binding daily and hourly caps and route monitoring
AIL routes	Strategic and local routes remain unresolved	Determines physical deliverability and impacts on conservation areas, vegetation and rural lanes	National Highways; NCC; SNC	Agreed port-to-site AIL strategy before commencement

Highway works	Exact visibility works, vegetation removal and temporary alterations	May affect conservation areas, rural character, drainage and biodiversity	SNC and NCC targeted responses	Route-specific highway design and vegetation schedule
Outdated mapping	Works Plans omit the operational Long Stratton Bypass	The authorised geography and environmental baseline may be inaccurate	NCC targeted response	Corrected certified Works Plans
Inconsistent mapping	Scheme, access, infrastructure and cumulative development are depicted differently across documents	Makes it difficult to establish the exact development assessed and authorised	NCC; application plans	Formal plan-reconciliation schedule
Panel replacement	All panels may be replaced once over approximately 12–24 months	May create a second scheme-wide construction phase	ES Chapter 4; NCC; SNC	Replacement Management Plan and maximum simultaneous replacement area
BESS replacement	Up to five replacement cycles	Creates repeated traffic, noise, waste, fire and pollution effects	ES Chapter 4; EA	Maximum replacement cycles and updated technology approval
Transformer replacement	Replacement once is assumed, but route and final equipment remain open	May require further AIL movements and oil handling	ES Chapter 4; National Highways and NCC route evidence	Transformer Replacement Plan and approved route
Construction compounds for replacement	Whether original compounds may be reinstated and how large they may be	Repeated temporary land take and disturbance are not defined	NCC LLFA; ES Chapter 4	Replacement-compound limits and reinstatement controls

Decommissioning duration	Approximately 12–24 months, with method deferred	Effects depend on the final method and the infrastructure removed	ES Chapter 4; EA	Binding final Decommissioning Strategy
'Substantially in accordance with'	Final plans may only need to be substantially rather than strictly in accordance with outline controls	Adds an undefined tolerance to an already broad envelope	EA	Remove 'substantially' or define a narrow, objective amendment mechanism
Solar and BESS removal	Main above-ground works are proposed for removal, but below-ground treatment remains flexible	Determines agricultural restoration and permanent effects	ES Chapter 4; NCC; EA	Definitive removal-depth and restoration schedule
Cable and duct retention	Cables may remain or be pulled out; ducts and joint bays may remain	Leaves permanent infrastructure under agricultural land	EA; NCC	Presumption of removal unless retention is specifically justified
National Grid infrastructure after decommissioning	Substation, pylons and associated grid works remain permanently	Permanent landscape, drainage and maintenance effects continue beyond the solar project	ES Chapter 4; NCC	Permanent-infrastructure and long-term management schedule
Retained foundations	Foundations may be cut off below ground rather than removed	May constrain agriculture, drainage and future land use	ES Chapter 4; EA	Material-specific removal requirements

Permissive paths	May be removed at decommissioning	Claimed recreational benefits may not be permanent	ES Chapter 4	Clear duration and closure controls
Aviation panel-free areas	No fixed emergency landing or operational exclusion area is clearly secured	Panels may reduce emergency landing options and affect aerodrome operations	NGC; GAAC	Aviation Safeguarding Plan and certified panel-free areas
Panel reflectivity	Final module type and reflectivity are not fixed	Glare may impair pilot lookout and visibility	NGC; GAAC	Maximum reflectivity standard and site-specific glare assessment
Tracker movement near flight paths	Time-dependent panel angles and reflections	Moving surfaces may create changing glare and visual effects	NGC; GAAC	Tracker restrictions or prohibition in aviation-sensitive areas
Pylon and substation aviation effects	Final location and combined vertical envelope	May affect pilot awareness and emergency operations	NGC; GAAC; NCC	Final aviation assessment of the complete Site 1 infrastructure
Emergency landing land	Extent of land retained free of panels, fences and structures	Human safety consequences may be severe even where events are infrequent	NGC	Binding emergency-landing and access plan
Gas-pipeline setback	Exact exclusion zones for panels, foundations, compounds, planting and storage	Incompatible development could threaten national gas infrastructure	NGT	Plot-specific interface plan and agreed stand-off distances

Gas-pipeline crossings	Cable, road and drainage crossing locations and methods	Risks loading, physical damage and cathodic-protection interference	NGT	NGT-approved crossings and supervision
Ground-level changes above pipeline	Earthworks, swales, access tracks and reinstatement may change cover and loading	May affect pipeline integrity and emergency access	NGT	Prohibition without NGT approval
Material storage over pipeline	Flexible soil, plant and laydown locations	Existing easements restrict material storage and loading	NGT	Storage exclusion zones
BNG and planting over pipeline	Trees, scrub, wetland or fencing may obstruct access or introduce deep roots	Could conflict with statutory duties and emergency excavation	NGT	Planting exclusions and priority for pipeline access
Compulsory acquisition over NGT rights	Extent to which easements, rights and access may be acquired, restricted or overridden	Statutory rights could be affected before protective provisions are agreed	NGT; Statement of Reasons; Book of Reference	Agreed protective provisions and plot-specific limitation of powers
Partial implementation	Whether individual solar sites, the BESS, project substations or grid works may be omitted	The delivered Scheme may differ materially from the integrated project assessed and promoted	Solar/BESS Gate-status evidence; NGET	Works-severability and minimum-implementation schedule
Delayed implementation	Whether BESS, substations or NGET works may	May create repeated construction	ES Chapter 4; NGET	Longstop dates and updated

	commence years after the solar arrays	and changed environmental baselines		surveys before delayed works
Ownership and operation	Which body owns and operates the National Grid infrastructure and associated land	Determines long-term maintenance, liability and enforcement	NGET; SNC	Binding ownership and operational responsibility matrix
Environmental obligations after transfer	Whether mitigation and Requirements bind NGET or another transferee	Controls may become ineffective if obligations remain only with the Applicant	SNC; NGET	Transfer provisions carrying every relevant environmental obligation

4.10.3 The uncertainties cannot be considered independently

The Applicant may contend that each individual matter is a conventional question of detailed design. That does not address the combined effect of the retained flexibility.

At Site 1, for example, the final development could include:

- trackers reaching 4.5 metres and changing angle throughout the day;
- an undefined BESS capacity and number of battery enclosures;
- project 400 kV infrastructure subject to the applicable approximately 13-metre busbar parameter, together with the separate National Grid substation capable of reaching 15 metres;
- a National Grid substation occupying up to six hectares;
- up to four new pylons reaching approximately 61 metres;
- high-voltage cable infrastructure;
- permanent and emergency lighting;
- acoustic barriers;
- and substantial drainage and access works.

The final massing, appearance, noise, fire risk, drainage requirement, aviation interaction and construction demand of that combined complex cannot be established merely by considering each individual maximum in isolation.

The same applies below ground. The Scheme may combine:

- solar piles up to four metres;
- BESS and substation piles up to 12 metres;
- cable trenches up to two metres deep;
- trenchless works reaching 12 metres;

- joint bays;
- drainage;
- dewatering;
- and existing utility infrastructure.

Norfolk County Council and the Environment Agency are therefore correct to identify cumulative uncertainty concerning underground works. A separate assessment of piling, cabling and drainage does not necessarily assess their combined operation within the same geological and hydrological area.

4.10.4 Discipline-specific worst cases may not produce a controlled whole-project worst case

The Applicant states that each environmental discipline selected the design option it considered to represent its relevant worst case. That may be appropriate for individual topics, but it is reliable only if the DCO prevents a combination of parameters that would produce materially different or greater effects overall.

For example:

- a landscape assessment may treat trackers as the worst case because of their height;
- a runoff assessment may rely on fixed panels because of their continuous drip line;
- an ecology assessment may assume a different row spacing;
- and an aviation assessment may depend upon a particular panel orientation or reflective characteristic.

The Applicant must show that the final permitted combination of:

- panel type;
- panel height;
- spacing;
- orientation;
- drainage;
- fencing;
- access;
- and lighting

was either assessed directly or cannot produce effects worse than the separate scenarios considered.

A collection of discipline-specific worst cases is not necessarily a whole-project worst case. The application therefore requires a configuration audit showing that no permitted combination falls between or outside the scenarios assessed.

4.10.5 The final ES may not consistently use the final design

The design continued to evolve after statutory consultation. The Site 1B project substation changed from the smaller 132 kV installation presented during consultation

to a 400 kV installation with an approximately 13-metre busbar parameter, while the adjacent National Grid substation is subject to a separate 15-metre maximum. ISH1 has required correction of inconsistent presentation of those parameters. The National Grid substation increased from approximately three hectares at consultation to a maximum of six hectares. New pylons may reach approximately 61 metres. Further panels and land were added.

The Applicant should provide a chapter-by-chapter schedule identifying:

- the design version assessed;
- the date of the assessment;
- the maximum parameter used;
- and whether it was updated following the targeted consultation.

The schedule should cover, at minimum:

- landscape and visual effects;
- heritage;
- noise;
- glint and glare;
- aviation;
- transport;
- flood risk and drainage;
- groundwater;
- ecology;
- archaeology;
- major accidents;
- and cumulative effects.

Where an earlier parameter was retained, the Applicant must demonstrate why it remained a valid worst case.

4.10.6 The envelope cannot cure uncertainty over the identity of the connection solution

The most serious issue is the proposed National Grid connection.

A Rochdale Envelope may permit NGET to choose switchgear or refine equipment positions within a confirmed substation compound. It cannot determine after consent:

- whether Site 1B is the final point of connection;
- whether NGET will construct or use the proposed substation;
- whether other Gate 2 projects require a different configuration;
- whether a larger or differently located solution is needed;
- or whether the Applicant remains responsible for providing the land and consent.

Those are questions about the identity, necessity and delivery of the development, not its detailed design.

NGET's evidence that DCO consent would not oblige it to use the Site 1B substation demonstrates why this cannot be treated as ordinary Rochdale flexibility. The Applicant seeks consent and compulsory powers for a specific connection solution without confirmation from the future operator that this is the solution it will implement.

4.10.7 The envelope cannot cure severability

The Scheme is presented as an integrated solar, BESS and grid-connection project. However, the DCO appears capable of permitting different components to be commenced, delayed, reduced or omitted independently.

A design envelope controls how an authorised work may be constructed. It does not determine whether that work must be constructed.

The Applicant must therefore establish whether the Order permits:

- solar without BESS;
- reduced or partial BESS;
- BESS constructed many years later;
- solar works before the National Grid solution is confirmed;
- omission of individual project substations;
- cable works before their final destination is fixed;
- or construction of connection infrastructure that NGET does not adopt.

Those are realistic implementation scenarios. They require a severability and phasing assessment separate from the ordinary detailed-design envelope.

4.10.8 Broad associated-development powers increase the uncertainty

The numbered works are supplemented by broad associated-development powers covering:

- earthworks;
- bunds;
- embankments;
- trenches;
- tunnelling;
- boring and drilling;
- drainage;
- services;
- accesses;
- private-track works;
- and mitigation works.

Norfolk County Council's LLFA has identified inconsistent uses of 'associated development' and a lack of clarity concerning the 'arrangement' of major components.

Where Work Areas overlap and associated works may be placed broadly, it is not sufficient to specify only the maximum dimension of the principal structure. The DCO must also control:

- the compound serving it;
- the access;
- hardstanding;
- drainage;
- temporary works;
- lighting;
- landscaping;
- and construction footprint.

Otherwise, the real development envelope is materially wider than the principal dimensions stated in Table 4.1.

4.10.9 The Works Plans do not provide an adequate geographical control

The Works Plans define broad geographical areas but do not fix much of the final infrastructure within those areas. The known use of outdated base mapping, including omission of the operational Long Stratton Bypass, further undermines their reliability.

The mapping inconsistencies across the application also make it difficult to confirm:

- the relationship between Work Nos.;
- the relationship with existing roads and infrastructure;
- the extent of cumulative development;
- the location of sensitive receptors;
- and whether the environmental figures use the same geography as the certified plans.

A broad Work Area cannot provide a sufficient Rochdale control where movement within it could materially change effects on:

- a dwelling;
- heritage asset;
- aerodrome;
- watercourse;
- gas pipeline;
- ancient woodland;
- or public right of way.

Sensitive areas should be protected by certified exclusions and restricted limits of deviation.

4.10.10 The Design Principles cannot substitute for absent parameters

The Design Principles, Parameters and Commitments document may properly control matters such as materials, finishes, orientation and local layout. It cannot substitute for an essential maximum parameter that has not been stated.

A requirement that development must have effects ‘no worse than’ those assessed is difficult to apply where the application does not identify:

- the BESS capacity against which fire and noise effects are measured;
- the number of battery enclosures;
- the number and oil content of transformers;
- the number of cable circuits;
- the maximum widened working area;
- the maximum number of construction compounds;
- or the final connection solution.

The hearing evidence confirms the practical significance of those omissions. The Applicant was unable to identify a fixed Scheme-wide number or final location for the conversion units and switchrooms and accepted that these would be determined through detailed design. The ExA expressly raised the risk of visual accumulation or “clutter”. A maximum dimension for an individual unit therefore does not define the whole effect; the DCO also needs to constrain the number, distribution and relationship of those units to sensitive receptors.

The controls must be objective, measurable and capable of enforcement without reconstructing assumptions from multiple technical chapters.

4.10.11 ‘Substantially in accordance with’ weakens the control further

The Environment Agency objects to the use of the expression ‘substantially in accordance with’. Its concern is particularly important in this application.

The present structure appears to combine:

1. broad Work Areas;
2. overlapping works;
3. generic associated-development powers;
4. substantial equipment and layout flexibility;
5. outline management documents;
6. and an undefined ability to depart substantially from those documents.

The cumulative result risks authorising development outside the precise assumptions relied upon in the Environmental Statement.

The final DCO should require accordance with the maximum parameters and environmental commitments. Any amendment mechanism should be narrowly defined and should require evidence that the change would not:

- produce new or materially different significant effects;
- affect another land interest;
- undermine mitigation;
- or alter the compulsory-acquisition justification.

4.10.12 Required parameters, assessment and control schedule

The Applicant should provide a final consolidated schedule for every material Scheme component. The schedule should state:

Required field	**Information to be supplied**
Component	The physical or operational element
Work No.	The authorised work under which it falls
Maximum parameter	Maximum height, area, capacity, number, depth or other relevant limit
Minimum parameter	Any minimum implementation needed to support the benefits case
Location	Fixed location or limits of deviation
Technology	Technology or range of technologies permitted
Assessment assumption	Exact design used in each environmental chapter
Environmental worst case	Why the selected assumption represents the realistic worst case
Consultation version	Parameter presented at statutory and targeted consultation
Final version	Parameter now sought
DCO control	Requirement, article or certified plan securing it
Approval body	Body approving detailed design
Responsible undertaker	Applicant, NGET or another body
Severability	Whether the component may be delayed, reduced or omitted
Replacement	Permitted replacement frequency and technology limits
Decommissioning	Removal or retention obligation

This schedule should reconcile:

- ES Chapter 4;
- ES Chapter 5;
- the Works Plans;
- the Land Plans;
- the Design Principles, Parameters and Commitments document;
- the Commitments Register;

- the draft DCO;
- the outline management plans;
- the Book of Reference;
- and the final technical assessments.

4.10.13 Required DCO controls

The DCO should, at minimum:

1. identify any locations in which environmental assessment requires a particular panel technology or excludes another, and otherwise demonstrate that each permitted technology remains within the assessed reasonable worst case;
2. prohibit or restrict trackers in aviation, heritage, landscape and residentially sensitive areas;
3. limit the number of panels, conversion units, inverters and transformers;
4. define the environmental performance envelope applicable to any permitted battery technology, including capacity, duration where material, dimensions, noise, thermal characteristics, fire and pollution-control parameters;
5. fix the number, configuration, equipment, oil inventory, footprint and height of each project substation;
6. prevent commencement of the National Grid substation, pylons and export cables until NGET confirms the final connection solution;
7. fix the maximum number, height and approved alignment of pylons;
8. fix the number of cable circuits, trench number, working width, joint-bay number and crossing locations;
9. require approval of all HDD and trenchless methods within fixed maximum dimensions;
10. limit the number, footprint and simultaneous use of construction compounds and laydown areas;
11. secure construction-equivalent controls for panel, BESS, transformer and cable replacement;
12. require a definitive removal and retention schedule for decommissioning;
13. secure panel-free aviation areas, reflectivity limits and operational safeguards;
14. incorporate agreed NGT protective provisions and plot-specific exclusions;
15. correct and reconcile the certified plans;
16. remove or narrowly define ‘substantially in accordance with’;
17. prevent unassessed partial or severed implementation;
18. ensure that all environmental obligations bind any transferee, including NGET;
19. prohibit speculative, duplicate or stranded infrastructure;
20. and require further consent for any materially different connection solution or technology outside the assessed envelope.

4.10.14 Evaluative conclusion

The Rochdale Envelope relied upon by the Applicant is insufficiently defined and controlled.

The difficulty is not simply that some equipment selections remain open. The combined effect of the retained flexibility is that different configurations could produce materially different environmental and operational consequences without a clear demonstration that each falls within the assessed worst case.

The application retains uncertainty over matters central to the identity and effects of the Scheme, including:

- the solar technology deployed in each field;
- the number and density of panels and electrical units;
- the capacity, duration and chemistry of the BESS;
- the number and configuration of transformers and substations;
- the final National Grid connection location and design;
- the number and alignment of cable circuits;
- the scale and concurrency of construction infrastructure;
- the timing and nature of replacement works;
- and the permanent infrastructure retained after decommissioning.

These uncertainties are cumulative. A final design combining the maximum tracker, BESS, substation, pylon, cable, compound and replacement parameters may produce a materially different whole-project outcome from the separate scenarios assessed by individual technical disciplines.

The Applicant has not yet provided a transparent audit demonstrating that:

- every material parameter has been identified;
- the final parameter was used in each relevant assessment;
- every permitted combination remains within the assessed worst case;
- and every limit is secured by an enforceable DCO control.

Uncertainty over whether Site 1B will form the final NGET connection solution cannot be cured through a Rochdale Envelope. Nor can the envelope cure uncertainty over whether the BESS, substations or connection works must be constructed at all.

The Examining Authority should therefore require a complete parameters, assessment and controls schedule. Any parameter that cannot be demonstrated to have been assessed and secured should be fixed, restricted or removed from the authorised development. Where the uncertainty concerns the location, necessity or identity of an essential work, consent should not be granted on the basis that the matter can be resolved as detailed design after the Order is made.

4.11 Aviation-sensitive design parameters and Site 1

4.11.1 Scope of this section

The full aviation-safety case is addressed in Chapter 18. This section concerns whether the physical design envelope for Site 1 was developed and controlled with adequate regard to the operational and emergency-landing environment around Tibenham Airfield. This question belongs within the Scheme Description because the aviation consequences depend upon the final:

- extent of the solar arrays;
- panel technology;

- panel height;
- panel orientation;
- tracker movement;
- panel reflectivity;
- fencing;
- lighting;
- substation structures;
- pylon positions;
- and construction-crane envelope.

The Applicant cannot demonstrate that aviation effects are controlled merely by undertaking a glint-and-glare calculation against an indicative solar layout. The DCO must define a final development envelope that cannot later be altered in a way that creates greater aviation risk.

4.11.2 Relationship between Site 1 and Tibenham Airfield

Tibenham Airfield is an active aerodrome used by Norfolk Gliding Club for gliding and powered-aircraft operations. The Club's evidence states that the closest part of Site 1 lies approximately 1.5 to 1.6 kilometres from the relevant east–west runway threshold and that solar development lies on or close to the extended runway centreline. The Club also explains that actual operations cannot be represented adequately by a single standard powered-aircraft circuit because Tibenham accommodates mixed glider and powered-aircraft activity and operates in an environment constrained by other nearby aviation activity.

The proximity matters because the Site 1 design includes or lies close to:

- extensive solar arrays;
- the BESS compound;
- a 400 kV project substation;
- the proposed National Grid substation;
- overhead-line diversion works;
- new pylons;
- cable infrastructure;
- construction compounds;
- access roads;
- security fencing;
- and operational or emergency lighting.

The final Scheme parameters permit tracker panels up to 4.5 metres high at maximum inclination, fixed panels up to 3.5 metres, a Site 1B project substation up to 15 metres, a National Grid substation occupying up to six hectares and new pylons up to 61 metres high.

The aviation issue is therefore not confined to solar reflection. It concerns the complete change in the obstacle and emergency-landing environment created by the combined Site 1 infrastructure.

4.11.3 The original glint-and-glare work pre-dated meaningful engagement

Norfolk Gliding Club states that the original Pager Power assessment was dated March 2024, but that Pager Power did not contact the Club until October 2024 to seek operational information. The Club's position is therefore that the original assessment was prepared before the consultant had obtained information from the aerodrome operator about the actual mixed gliding and powered-aircraft operations at Tibenham.

NGC states that it subsequently explained:

- the mixed nature of flying activity;
- actual circuit patterns;
- the effect of Priory Farm Airfield to the west;
- the need for gliders to adapt their circuits to wind, lift, sink and traffic;
- and the fact that gliders cannot simply go around following an unstable or obstructed approach.

The Club considers that the Applicant's consultant nevertheless continued to rely upon an overly simplified operational model derived from powered-aircraft circuit assumptions.

GAAC similarly states that the Applicant did not engage adequately and directly with the operator of Tibenham Aerodrome and did not provide a properly site-specific appraisal of its operations. GAAC considers that the assessment should have addressed the actual aviation environment rather than treating the issue principally as a generic glint-and-glare exercise.

The significance for Chapter 5 is that the Site 1 layout may have been developed before the relevant operational constraints were understood. The Applicant must therefore demonstrate that the final Site 1 design was revisited after receiving the Club's evidence, rather than merely adding a later report to support a substantially fixed layout.

4.11.4 Norfolk Gliding Club's allegation concerning Pager Power

NGC has made a serious allegation about the provenance and adequacy of Pager Power's work. The Club states that it was told that an assessment had been based on work undertaken previously for a powered-aircraft airfield and adapted for Tibenham. BEPS does not adopt an allegation of falsification as an independently established fact. It records the allegation because it is relevant to the reliability of the design evidence and should be answered directly by the Applicant and Pager Power.

The Applicant should therefore provide:

- the original terms of instruction;
- the chronology of each aviation assessment;
- the data supplied before the March 2024 report;
- the modelled runway and circuit assumptions;

- all subsequent revisions;
- the source files and model inputs;
- and a clear explanation of how Tibenham-specific operations were incorporated.

The issue is not resolved by a general assertion that the consultant has experience of solar glint and glare. The relevant question is whether the final design was tested against the actual operational circumstances of this aerodrome.

4.11.5 Wider operational risks identified by NGC

NGC states that the relevant aviation risks include:

- glint and glare;
- engine failure after take-off;
- glider launch failure;
- aborted aerotow;
- thermal updraft effects;
- turbulence or wind shear;
- bird strike;
- and loss of usable emergency-landing land.

The Club's objection is that the original assessment concentrated principally on glint and glare and did not provide an adequate operational assessment of those wider risks.

For Chapter 5, the relevant point is not to determine the final aviation merits. It is that each of those risks may require a different design response.

For example:

- glare risk may require limits on orientation, reflectivity or tracker movement;
- emergency-landing risk may require panel-free land;
- bird-strike risk may affect habitat and waterbody design;
- turbulence concerns may affect structure location;
- and obstacle concerns may affect pylons, substations, lighting and cranes.

The design envelope should therefore identify the aviation constraint first and secure the corresponding physical restriction. It should not defer the existence and extent of mitigation until after consent.

4.11.6 The photographic and mapped evidence

The submitted photographic appendix illustrates the relationship between the runway, Site 1 and the surrounding proposed energy developments. It includes mapping said to show:

- the extended runway centreline;
- an approximately 60-degree departure or emergency sector;
- an asserted EFATO or launch-failure area extending from the runway;
- East Pye solar and BESS development;

- other solar or energy developments;
- and land said to be unavailable or unsuitable for emergency landing.

The mapping is material because it illustrates the cumulative reduction in open land within the relevant operational sector. However, the map must be treated as explanatory evidence rather than accepted uncritically as a regulatory safeguarding plan.

The Applicant should respond by producing a georeferenced plan agreed, so far as possible, with the aerodrome operator showing:

- runway thresholds;
- extended runway centrelines;
- normal and variable circuit areas;
- launch and aerotow paths;
- realistic emergency-landing sectors;
- existing obstacles;
- proposed solar arrays;
- fences;
- substations;
- pylons;
- lighting;
- other committed developments;
- and land retained free from development.

The cockpit photograph illustrating severe low-angle glare is similarly relevant as an illustration of the type of visual effect that may concern a pilot. It does not, by itself, prove that East Pye would create glare of that intensity at a specified location or time. That requires site-specific modelling using the final panel design.

4.11.7 Was the emergency-landing environment incorporated into Site 1 design?

The Applicant must explain whether the Site 1 design process treated emergency-landing land as a design constraint.

The questions are:

1. Was land beneath or close to the extended runway centreline mapped as a potential emergency resource?
2. Were EFATO, glider launch failure and aborted aerotow scenarios considered before the panel areas were selected?
3. Was the suitability of fields assessed by reference to size, slope, crop, obstacles, fences and approach?
4. Were cumulative losses from other solar and BESS schemes considered?
5. Was any solar area removed or reduced in response?
6. Was the Club asked to identify the land of greatest operational importance?
7. Is any such land protected by the Works Plans or DCO Requirements?

An assessment that calculates only the percentage of a broad sector occupied by panels may not answer whether the development removes the particular land realistically reachable during an emergency. The location and configuration of obstacles may be more important than the overall percentage of land remaining open.

4.11.8 No defined aviation-safe maximum panel extent

The DCO identifies broad solar Work Areas but does not appear to define a separate aviation-safe maximum panel extent around Tibenham. That creates a risk that the final detailed design could:

- increase panel coverage toward the runway centreline;
- infill open areas shown on indicative plans;
- substitute trackers for fixed panels;
- relocate fencing;
- add conversion units;
- or move internal access and drainage into land relevant to emergency use.

A maximum solar envelope cannot be considered aviation-safe merely because it lies within the outer Work No. 1 boundary. The relevant control must identify the parts of the Work Area in which panels and other obstacles are prohibited.

The Applicant should therefore provide a certified Aviation Safeguarding Plan for Site 1 showing:

- land on which no solar panels may be placed;
- land on which trackers are prohibited;
- development-free emergency corridors;
- maximum fence positions;
- limits on electrical compounds;
- lighting restrictions;
- crane consultation zones;
- and the relationship with substations and pylons.

4.11.9 Is there a panel-free corridor?

No binding panel-free corridor has yet been identified in the evidence considered by BEPS. The need for such a corridor should be determined through a site-specific operational assessment undertaken with NGC. The correct geometry may not be a simple rectangle along the runway centreline. It may need to reflect:

- runway use;
- wind direction;
- aerotow paths;
- winch-launch failure;
- glider performance;
- surrounding obstacles;
- other airfields;
- and land suitability.

If the evidence demonstrates that defined land is reasonably required to preserve emergency options, that land should be excluded from:

- solar panels;
- fences;
- CCTV;
- substations;
- drainage basins;
- planting that creates obstacles;
- and other structures.

A statement that sufficient agricultural land remains elsewhere would not constitute equivalent mitigation unless that land is realistically usable in the relevant emergency.

4.11.10 Tracking panels must be assessed expressly

ES Chapter 4 permits tracker panels throughout the solar development unless more specific restrictions apply. Trackers may reach 4.5 metres at maximum inclination, align in north–south rows and move east or west by up to 60 degrees from horizontal. Trackers are not equivalent to fixed panels for aviation purposes. Their:

- angle;
- apparent surface area;
- reflected-light direction;
- obstacle profile;
- and visual presentation

change during the day.

The Applicant should establish:

- whether tracker panels were modelled throughout their full operational movement;
- whether all relevant seasons and times were considered;
- whether the model used their maximum height and inclination;
- whether simultaneous reflections from multiple fields were assessed;
- whether stow positions were considered;
- and whether control-system failure could leave panels at a problematic angle.

If fixed panels represent a lower-risk option near the aerodrome, the DCO should prohibit trackers in the relevant Site 1 fields rather than leave the choice to detailed design.

4.11.11 Panel orientation and movement require binding controls

The glint-and-glare result depends upon the final panel:

- azimuth;
- tilt;
- tracking algorithm;

- movement range;
- backtracking behaviour;
- stow angle;
- and surface characteristics.

These matters cannot be left solely to manufacturer selection where aviation safety is disputed.

The DCO should define:

- permitted row orientation;
- maximum tilt;
- maximum tracker movement;
- mandatory backtracking or stow protocols where necessary;
- and any time-based operating restrictions required by the final safeguarding assessment.

Any later alteration to the tracking algorithm or replacement panel design should remain within the assessed aviation envelope.

4.11.12 Reflectivity is not adequately controlled by colour alone

ES Chapter 4 states that the panels will be bifacial and dark in colour. Colour is not a complete control on glare.

The Applicant should specify:

- maximum specular reflectance;
- maximum hemispherical reflectance;
- anti-reflective coating standard;
- surface roughness or treatment;
- degradation assumptions;
- and replacement-panel equivalence.

The control should apply to both faces of bifacial modules and to replacement panels installed during the proposed 60-year operating period.

A later statement that the selected product is ‘typical’ or ‘low reflective’ would not provide an objective, enforceable standard.

4.11.13 Fencing and obstacles within emergency areas

Even where a pilot could theoretically land between or near panels, fencing may make the land unusable or materially more hazardous.

Site 1 may include:

- deer fencing up to 2.5 metres;
- palisade fencing up to 3 metres;

- CCTV poles;
- electrical equipment;
- drainage features;
- access tracks;
- and planting.

The aviation assessment should therefore consider the complete obstacle environment, not panel surfaces alone.

Any land relied upon as retained emergency-landing space must be protected from later:

- fencing;
- hedgerow planting;
- woodland;
- drainage basins;
- equipment compounds;
- lighting columns;
- CCTV poles;
- or material storage.

4.11.14 Pylons and substations must form part of the aviation envelope

The Site 1 aviation assessment must also include the final electrical infrastructure.

The application permits:

- a project substation reaching 15 metres;
- a National Grid substation occupying up to six hectares;
- electrical structures reaching approximately 15 metres;
- and up to four new pylons reaching approximately 61 metres.

Those structures may affect:

- visual acquisition of obstacles;
- emergency route choice;
- approach and departure judgement;
- low-level powered-aircraft operations;
- and the cumulative concentration of obstacles.

The Applicant should show that the aviation assessment used the final 15-metre and 61-metre parameters, not the earlier lower substation design or existing pylon heights.

The assessment should also include construction cranes. Crane height and duration may exceed the permanent substation envelope and may create a temporary risk during sensitive construction phases.

4.11.15 Later design changes could worsen aviation risk

The current Rochdale Envelope allows later selection of:

- fixed or tracking panels;
- precise panel position;
- conversion-unit location;
- fencing;
- BESS equipment;
- substation layout;
- lighting;
- and other associated development.

Without aviation-specific restrictions, a later design could comply with the general maximum parameters while worsening risk to the aerodrome.

Examples include:

- replacing fixed panels with trackers;
- increasing panel extent toward the centreline;
- placing a conversion unit within an open strip;
- altering fence geometry;
- selecting a more reflective replacement module;
- changing tracker control;
- repositioning substation structures;
- or introducing taller construction cranes.

The standard ‘same or no worse than assessed’ formulation is not sufficient unless the aviation parameters against which ‘no worse’ is judged are objective and measurable.

4.11.16 The Examination has now treated aviation as a wider safety issue

ISH1 materially developed the aviation issue beyond the Applicant’s original focus on glint and glare. The ExA required the Applicant to identify what aviation matters beyond glint and glare had been scoped out and why, and to produce a standalone aviation-safety document.

The resulting examination issue expressly extends to matters raised concerning emergency landing and engine-failure-after-take-off scenarios, glider launch, obstacles, turbulence or wind effects and the interaction of panels, fencing, substations, pylons and BESS with the operational environment of Tibenham Airfield.

This materially strengthens BEPS’s existing submission that aviation-sensitive parameters must be treated as design constraints rather than matters to be considered only after the solar layout and electrical infrastructure have otherwise been fixed.

4.11.17 Required aviation design evidence

The Applicant should provide:

1. a site-specific aviation safeguarding assessment prepared with direct input from NGC;
2. a complete chronology of the Pager Power assessments and consultation;
3. the precise operational data used;
4. a georeferenced obstacle and emergency-landing plan;
5. tracker-specific and fixed-panel-specific glare modelling;
6. modelling of cumulative solar development;
7. assessment of the 15-metre substations and 61-metre pylons;
8. construction-crane safeguarding;
9. an assessment of fencing, planting and other obstacles;
10. and a clear response to the photographic and mapped evidence submitted by the Club.

The assessment should distinguish between:

- normal operations;
- engine failure after take-off;
- glider launch failure;
- aborted aerotow;
- unusual circuit variation;
- and other foreseeable non-routine events.

4.11.18 Required DCO controls

The DCO should provide that:

1. No solar or grid works at Site 1 may commence until an Aviation Safeguarding Plan has been approved.
2. NGC and GAAC must be consulted on that plan.
3. Certified panel-free or development-free areas must be shown where required by the assessment.
4. Trackers must be prohibited in specified areas unless demonstrated to be no worse than fixed panels.
5. Panel height, orientation, movement and reflectivity must be controlled objectively.
6. Replacement panels must meet the same or more protective reflectivity standard.
7. Fencing, CCTV, drainage, planting and compounds must be prohibited in safeguarded emergency areas.
8. Substation and pylon positions and heights must remain within the assessed aviation envelope.
9. Cranes and other tall temporary plant must be subject to an aerodrome-notification and approval protocol.
10. Lighting must comply with aviation-specific limits.
11. No material amendment may reduce retained emergency-landing land.
12. Any unresolved disagreement must be recorded in the NGC/GAAC Statement of Common Ground.

4.11.19 Conclusion

Site 1 is aviation-sensitive because of its proximity and operational relationship to Tibenham Airfield. NGC states that it lies approximately 1.5 kilometres from the east–west runway threshold and on or close to the extended runway centreline. It further states that the original glint-and-glare assessment pre-dated meaningful consultation with the aerodrome operator and did not initially reflect the mixed gliding and powered-aircraft operations at Tibenham. GAAC similarly identifies inadequate engagement and the absence of a sufficiently site-specific operational assessment. The design question is therefore whether the final Site 1 envelope was altered and controlled in response to the actual aviation environment.

The application does not yet demonstrate:

- an aviation-safe maximum panel extent;
- a binding panel-free corridor;
- a tracker-specific worst case;
- objective reflectivity controls;
- protection of emergency-landing land;
- or a complete aviation assessment of the panels, fences, substations, pylons, lighting and cranes as one obstacle environment.

Those matters should be resolved through direct engagement with NGC and secured by an Aviation Safeguarding Plan and express DCO restrictions. They should not be left to ordinary detailed design after the principle and outer extent of Site 1 development have already been authorised. If it is not possible for NGC to agree an Aviation Safeguarding Plan with the infrastructure at Site 1, an alternative location for this infrastructure should be found which is safe for aviation, or the project should not be recommended for approval.

4.12 Construction description and missing quantities

The Environmental Statement must assess the construction project actually authorised by the DCO, not merely describe the typical activities involved in building a large solar scheme.

East Pye's construction description contains useful assumptions. It anticipates an approximately 24-month construction period, commencement in 2028, completion by the end of 2030 and energisation in 2031. It also assumes, for assessment purposes, substantial concurrency between Scheme elements and estimates an average workforce of 278 workers per day, equivalent to approximately 233 full-time jobs.

Those assumptions do not, however, amount to a complete quantified construction envelope.

Important parameters remain dispersed across chapters, expressed only indicatively or deferred to later management plans. As a result, it is difficult to establish whether the

transport, noise, air quality, groundwater, drainage, materials, waste and carbon assessments are all based on the same maximum construction case.

The issue is therefore not whether every contractor detail must be fixed now. It is whether the DCO defines the reasonable worst-case construction project with sufficient precision for its likely significant effects to have been assessed.

4.12.1 Programme, phasing and simultaneous construction

The stated 24-month programme is indicative rather than an absolute DCO limit. The Applicant should therefore explain whether that period includes all solar Sites, the BESS, all fourteen Cable Route Corridors, the project substations, National Grid works, commissioning and energisation, or whether substantial elements may be constructed later.

That uncertainty matters because the BESS remains at Gate 1, the NGET connection solution is unresolved and the Scheme may be implemented in stages. Chapter 4 itself states that subsystems may be commissioned separately or simultaneously depending on the technology and programme adopted.

The environmental assessment should therefore distinguish the principal construction phase from delayed BESS works, delayed NGET works, commissioning, replacement and eventual decommissioning. Otherwise a Scheme capable of generating several major periods of construction disturbance is presented as though it comprised one approximately 24-month event.

The same problem arises at Site level. The application does not provide a consolidated programme showing how long each solar Site, cable corridor, substation, compound, BESS work area, pylon location or highway intervention may remain active.

Local effects depend on duration at receptors rather than only on the Scheme-wide programme. A resident may experience access works, piling, cable trenching, HGV traffic, substation construction and reinstatement consecutively or concurrently. The maximum duration and overlap of those activities should therefore be identified.

Nor is maximum workforce concurrency necessarily the environmental worst case. Different effects may arise from different combinations of activity. The maximum workforce may not coincide with the maximum number of piling rigs, HGV streams, HDD operations, concrete pours, dewatering locations or simultaneous cable trenches.

The Applicant should therefore identify the maximum simultaneous work fronts and the construction scenario relied upon for each environmental topic.

ISH1 has since required greater clarity concerning construction-compound phasing and the maximum simultaneous development case. That reinforces the need for a

programme-linked worst-case scenario rather than a nominal overall construction duration.

4.12.2 Construction sequencing must reflect environmental and safety dependencies

The construction sequence is itself environmentally material.

Access, drainage and ecological safeguards may need to precede intrusive works. Firewater containment and emergency access must be available before hazardous BESS equipment is introduced. NGET works may need to reach a defined stage before the generating station can be commissioned.

The present BESS sequence is particularly important because Chapter 4 describes battery, inverter and switchgear installation before completion of fire-safety measures. The Environment Agency has objected to that approach and seeks appropriate sealed containment and fire-safety infrastructure before battery equipment is introduced.

The DCO should therefore secure essential construction hold points. In particular, drainage isolation, firewater containment, emergency access, fire detection and any required suppression or cooling systems should be completed and tested before battery units are brought onto the BESS compound.

The same principle applies elsewhere: environmental protection should precede the activity creating the risk, not follow it.

4.12.3 Workforce and traffic assumptions require reconciliation

The workforce and transport assumptions should also be reconciled in one authoritative construction scenario.

Chapter 4 gives the average workforce figure of 278 workers per day, while the transport assessment relies on separate assumptions concerning vehicle occupancy, shuttle buses, car sharing, parking and arrival patterns.

The Applicant should identify the peak workforce, maximum simultaneous workforce and the resulting maximum vehicle demand. Where traffic mitigation depends upon car sharing, shuttle buses, parking restrictions or travel planning, those assumptions should be secured rather than left as aspirational behavioural measures.

The same issue arises with HGV traffic.

The application provides average and peak figures for particular Sites and cable works, but the relevant assessment must establish the maximum total and route-specific daily and hourly movements where different construction activities overlap.

That should include the full range of construction traffic: articulated and rigid HGVs, concrete mixers, tippers, tankers, fuel bowsers, cranes, LGVs, minibuses, shuttle buses and private cars.

Statements that deliveries will avoid peak periods “where practicable” do not themselves impose a traffic limit. If the assessment depends upon restricted timing, those restrictions should be secured.

The actual shift pattern also matters. Core works beginning at 07:00 may generate a worker traffic peak before the conventional 08:00–09:00 network peak, while departures may occur after 18:00. The traffic assessment should therefore reflect the Scheme’s own operational peaks rather than only standard highway peaks.

4.12.4 Abnormal-load construction remains insufficiently quantified

The BESS, project substations, National Grid substation and transmission works may require abnormal indivisible loads.

The construction description should therefore identify the principal AIL components, their anticipated dimensions and weights, number of deliveries, destinations, routes, crane requirements and any temporary highway works required.

This is particularly important because Chapter 4 permits abnormal-load movements outside normal construction hours. Unless the number and timing of such movements are bounded, occasional exceptions may in practice become a recurring source of night-time or early-morning disturbance.

The AIL assumptions should therefore be reconciled with the transport chapter and secured through the DCO or CTMP.

4.12.5 Solar piling is not sufficiently quantified

The solar mounting structures may use piles up to approximately four metres deep, but the application does not provide a consolidated maximum number of piles, piles per Site, pile section or diameter, installation rate, number of rigs operating simultaneously, duration of piling at individual receptor areas or the proportion of foundations likely to require an alternative method.

Those parameters are directly relevant to noise, vibration, archaeology, soil disturbance, groundwater and construction traffic.

The application also retains flexibility between driven piles, screw piles and other foundation methods. Those techniques may differ materially in noise character, vibration, duration, plant requirements and below-ground disturbance.

The treatment of refusal is similarly important. Pre-drilling, relocation, screw piles, concrete feet or excavation do not have identical effects.

The Applicant should therefore define the assessed foundation envelope rather than leaving the response to ground conditions wholly to detailed design.

4.12.6 Deep foundations for BESS and substations require the same discipline

The BESS, project substations and National Grid substation may require foundations or piles extending to approximately 12 metres.

No consolidated maximum is provided for pile number, diameter, spacing, rig numbers, concrete volume, spoil generation or installation duration.

That omission is material because the Environment Agency has sought location-specific foundation-risk assessment and Norfolk County Council has raised concerns about cumulative below-ground effects from foundations, drainage and cables.

Revision 2 of the draft DCO has widened, rather than narrowed, this uncertainty by amending Work No. 2 expressly to permit flexibility in the type of piling used for the BESS, including possible steel piling.

The Applicant should therefore identify the maximum piling parameters encompassed by the ES assessments and demonstrate that every foundation system authorised by the DCO remains within those effects.

4.12.7 Concrete and civil works need a quantified maximum

Revision 2 now expressly includes “foundations” within the authorised descriptions of solar conversion infrastructure, project substations and the National Grid substation.

The application contemplates concrete feet, plinths, slabs, reinforced BESS bases, substation foundations, pile caps, control buildings and joint bays, yet provides no scheme-wide maximum concrete volume.

That omission has consequences for HGV demand, construction duration, water use, pollution risk, embodied carbon and decommissioning.

The Applicant should therefore provide maximum concrete quantities by principal component, together with the corresponding delivery assumptions and pollution-control arrangements. This is particularly important given the Environment Agency’s concern that the application contains insufficient detail concerning concrete activities and associated pollution prevention.

4.12.8 Cable excavation and below-ground works are not fully quantified

The Scheme contains extensive internal, 33 kV, 132 kV and 400 kV cabling, together with joint bays, fibre chambers and trenchless crossings.

Although individual trench and joint-bay dimensions are provided in places, the application does not state the total maximum trench length, excavation volume, simultaneous open-trench length, aggregate bedding, imported fill or displaced spoil.

Those quantities matter because cable construction is one of the Scheme's principal sources of soil disturbance, groundwater interaction, haul-road requirements, spoil generation and construction traffic.

The Applicant should therefore quantify the maximum below-ground construction envelope across the Scheme, not merely the dimensions of an individual trench section.

4.12.9 HDD and trenchless construction remain underdefined

The application treats HDD as a reasonable worst-case trenchless method and allows launch and reception areas of approximately 25 metres by 25 metres, with drilling structures up to approximately six metres high.

However, it does not provide the maximum number of HDD operations, simultaneous operations, bore lengths, number of bores at each crossing, duration, water demand or drilling-fluid volumes. It also retains other possible methods, including tunnelling, pipe jacking and auger boring.

Those alternatives may have different noise, groundwater, spoil and construction-compound implications.

The Environment Agency has specifically raised concerns about drilling-fluid management, while South Norfolk Council has identified uncertainty over HDD operations and noise.

The Applicant should therefore provide a crossing schedule defining the assessed trenchless construction envelope.

The same applies to drilling fluids. Monitoring for loss of returns and stopping work after a leak is detected is an incident response, not a complete risk assessment. The maximum fluid volumes, composition, pressure, storage, recycling, disposal and frac-out controls should be established, particularly where crossings affect watercourses, groundwater or statutory infrastructure.

4.12.10 Dewatering is a potentially material but unquantified activity

Trenches, joint bays, foundations and HDD pits may all require dewatering, yet the application does not identify maximum pumping rates, durations, simultaneous locations, discharge volumes or treatment arrangements.

Those parameters are directly relevant to groundwater, private water supplies, contaminated land, watercourses and ground stability.

Given the Environment Agency's concerns regarding groundwater pathways and foundation and trenchless works, dewatering cannot safely remain an unspecified contractor matter.

A quantified reasonable worst case should be provided and reflected in the water assessment and relevant control plans.

4.12.11 Earthworks, compounds and hardstanding require clearer limits

Chapter 4 states that site-wide reprofiling is not anticipated but accepts that local levelling, excavation and platform construction will occur for substations, BESS, tracks, cable works and compounds.

The application does not provide a consolidated maximum for cut and fill, imported material, platform height, bunding or permanent ground-level change.

The same uncertainty applies to construction compounds and laydown areas. Their locations are often indicative, and the total number, cumulative footprint, impermeable area, hardstanding, duration and simultaneous operation are not comprehensively fixed.

Norfolk County Council's LLFA has specifically raised concern about incomplete compound information and associated drainage.

That matters because drainage design depends on the area, surfacing, duration and contaminant risk of the compounds concerned. A Rochdale envelope that leaves those parameters substantially undefined makes it difficult to verify the associated flood-risk and water-quality assessment.

The Applicant should therefore define maximum compound, laydown and hardstanding footprints and demonstrate that the corresponding drainage assumptions have been assessed.

Site 6 now requires particular clarification. Although solar development has been removed from Site 6, the Applicant proposes to retain construction-compound use there. The ExA has required explanation of that use, its possible operational reuse and its relationship with biodiversity land intended to mature over a 25-year period. A temporary construction function cannot simply be assumed compatible with long-term ecological commitments occupying the same or adjoining land.

4.12.12 Haul roads and temporary access also need a defined envelope

The Scheme requires internal solar tracks, cable haul roads, BESS and substation access, pylon access and temporary highway works.

No consolidated maximum is provided for total temporary haul-road length, aggregate requirement, statutory-apparatus crossings or temporary bridge requirements.

Those works are environmentally significant because they affect soils, drainage, hedgerows, watercourses and statutory infrastructure and generate substantial material movements.

The Applicant should therefore identify the maximum temporary and permanent access footprint, including width, surfacing, loading, drainage and restoration assumptions.

4.12.13 Pollution-control infrastructure cannot remain generic

Several construction-control measures remain described only at a generic level.

The Environment Agency has identified insufficient detail concerning wheel washing, fuel and chemical storage, drilling fluids and concrete activities.

For wheel washing, the construction case should identify the location, capacity and drainage arrangements of facilities and explain how wash water and silt are contained and disposed of.

For fuel and chemicals, the Applicant states that above-ground tanks will be bunded to 110% capacity but does not identify the maximum number or total pollutant inventory across compounds.

That matters because the reasonable worst case depends upon the amount and location of material capable of causing pollution, not merely the construction standard of the tank in which it is stored.

These inventories should therefore be quantified and reconciled with flood risk, watercourse proximity and the environmental management plans.

4.12.14 Welfare and water demand should reconcile with the workforce case

Chapter 4 estimates total construction water demand at approximately 16,872.2 cubic metres and a maximum potable demand of approximately 13.97 cubic metres per day. Tanker supply and self-contained welfare facilities are anticipated.

Those figures should be reconciled with the peak workforce and the traffic assessment.

The Applicant should demonstrate that the assumed water-storage, foul-water removal and tanker movements are consistent with the maximum construction population and do not generate additional traffic beyond that assessed.

4.12.15 Materials, spoil and waste remain only partially quantified

The application should also provide a more complete account of the principal material flows associated with construction.

Concrete, aggregate, sand bedding, steel, aluminium, panels, cabling, fencing, batteries, road stone, imported fill and transformer oil all have consequences for HGV movements, storage, carbon, waste and eventual decommissioning.

The same applies to excavated materials.

Chapter 4 anticipates reuse of spoil and removal of contaminated material where necessary, but does not provide maximum stockpile footprints, heights, durations or a reasonable worst-case contaminated volume.

Those matters are particularly important where stockpiles interact with drainage, soils or NGT easements.

Construction waste is also described largely in qualitative terms. Packaging, cable drums, pallets, plastics, timber, damaged panels, rejected batteries and hazardous absorbents should be included within the maximum construction waste case, with appropriate arrangements for damaged battery units.

4.12.16 Vegetation removal should be quantified as part of construction

Access works, AIL routes, visibility splays, cable works, compounds and grid infrastructure may require removal of hedgerows, trees, scrub and verge vegetation.

Those losses should be quantified as construction parameters rather than appearing only within landscape or ecology chapters.

South Norfolk Council has already raised concern regarding mature vegetation removal for temporary AIL purposes and effects within conservation areas.

The maximum construction case should therefore identify the hedge length, tree numbers and vegetation areas capable of removal, together with reinstatement assumptions.

4.12.17 Construction lighting and working hours require enforceable limits

The application anticipates mobile lighting towers of approximately 8 kVA and lighting at construction compounds but does not define the maximum number, height, operating hours, lux levels or duration at individual locations.

Those parameters are material in a dark rural landscape and in relation to bats, residents and aviation.

Working hours require similar precision.

The stated core hours are 07:00–18:00 Monday to Friday and 08:00–13:30 Saturday, with no routine Sunday or Bank Holiday working. However, start-up and shutdown are expressly excluded from those periods.

The Applicant should therefore define the earliest permissible start-up, latest shutdown and the activities and vehicle movements permitted during those periods.

The out-of-hours exceptions are also broad. HDD, abnormal-load deliveries, concrete pours, public-highway cable works and emergency activities may all occur outside normal hours.

Those exceptions should be bounded by maximum frequency or duration, notification arrangements and appropriate noise and lighting limits. 'Emergency' should not extend to ordinary programme recovery or commercial delay.

The ExA has separately required further information concerning operational and construction lighting. That evidence must identify not merely fixture types but the locations, duration, trigger conditions, illumination levels and environmental limits necessary to keep lighting effects within the assessed landscape, ecological, residential and aviation envelope.

4.12.18 Commissioning is a separate construction-stage effect

Commissioning may occur separately for solar, BESS and transmission infrastructure and may involve energisation testing, transformer operation, BESS cooling, alarms, lighting, emergency-system testing and associated traffic.

Where commissioning occurs outside normal construction hours or before the Scheme enters ordinary operation, its effects should be identified and controlled separately.

The Applicant should therefore state the maximum commissioning duration, hours and principal noise and lighting sources.

4.12.19 A consolidated Construction Parameters Schedule is required

The recurring difficulty across the construction description is not the absence of every contractor detail. It is the absence of one authoritative schedule identifying the maximum construction parameters relied upon across the Environmental Statement.

BEPS submits that the Applicant should provide a consolidated Construction Parameters Schedule covering, at minimum:

- overall and Site-specific duration;
- maximum simultaneous work fronts;
- peak workforce and traffic;
- HGV and AIL limits;
- pile numbers, methods and rigs;
- maximum concrete quantities;
- cable-trench and joint-bay excavation;
- HDD and drilling-fluid parameters;
- dewatering;

- earthworks;
- construction compounds and hardstanding;
- haul roads;
- water and welfare demand;
- pollutant inventories;
- materials, spoil and waste;
- vegetation removal;
- construction lighting;
- out-of-hours activity;
- and commissioning.

The purpose of that schedule is not administrative convenience. It is to demonstrate that each environmental chapter has assessed the same maximum construction project and that the DCO does not authorise a materially more intensive construction scenario.

4.12.20 DCO controls required

The final Order should secure the construction parameters material to the environmental conclusions.

That should include a maximum construction period and controlled phasing; Site-specific duration and concurrency limits where material; enforceable workforce and vehicle assumptions; HGV and AIL controls; quantified foundation, HDD, dewatering, compound and hardstanding envelopes; pollution and lighting limits; defined out-of-hours exceptions; appropriate BESS safety sequencing; and updated surveys and management plans where materially delayed components such as the BESS or NGET works are constructed substantially later than the baseline assessed.

Where a parameter was relied upon to reach a conclusion of no significant effect, it should not remain merely indicative.

4.12.21 Conclusion

East Pye's application provides a substantial narrative description of construction, but it does not yet provide one complete quantified account of the maximum construction project which the DCO would permit.

The principal uncertainties concern duration and phasing, simultaneous work fronts, piling, deep foundations, concrete, cable excavation, HDD, drilling fluids, dewatering, compounds, haul roads, pollutant inventories, spoil, vegetation removal, lighting, out-of-hours activity and commissioning.

Those matters are not simply contractor preferences. They determine the intensity, duration and location of effects assessed in the Environmental Statement.

The concern is reinforced by statutory consultees. Norfolk County Council has identified insufficient works descriptions, uncertain compound arrangements and unquantified supporting infrastructure. The Environment Agency has sought additional detail concerning concrete activities, drilling fluids, temporary works, wheel washing, fuel and chemical storage, foundations and BESS safety sequencing. South Norfolk Council has identified uncertainty concerning HDD, piling, construction noise and spoil handling.

The Applicant should therefore provide a consolidated and binding Construction Parameters Schedule before the close of Examination.

Until the maximum quantities, methods and durations are reconciled across the ES and secured through the DCO, the ExA cannot be satisfied that the construction effects reported represent the full development which the Order would authorise.

4.13 Unresolved end-to-end transport and AIL deliverability

4.13.1 Purpose of this section

The detailed environmental effects of construction traffic are addressed in Chapter 11. The narrower issue for this chapter is whether the Scheme Description establishes a complete and physically deliverable construction scenario for the major components authorised by the DCO.

East Pye Solar would require the delivery of substantial electrical and construction equipment, including:

- solar panels and mounting structures;
- conversion units;
- battery enclosures;
- BESS transformers and inverters;
- 132 kV and 400 kV project-substation equipment;
- National Grid substation plant;
- cable drums;
- piling and drilling equipment;
- cranes;
- aggregate;
- and potentially transformers and other components qualifying as abnormal indivisible loads (‘AILs’).

ES Chapter 4 defines AILs by reference to vehicles or loads exceeding specified ordinary dimensions or weight and identifies transformers and cable drums as likely examples. It also anticipates temporary highway alterations, removal of street furniture, vegetation clearance, visibility works and access modifications. The Applicant nevertheless leaves the precise AIL routes and detailed delivery arrangements to later approval.

The evidence of National Highways and Norfolk County Council demonstrates that, at submission, neither the strategic nor the local highway authority had confirmed a complete and acceptable route from the port of entry and Strategic Road Network to each BESS, project-substation, National Grid substation and overhead-line work location.

The uncertainty is therefore not confined to traffic mitigation. It concerns whether the major components forming part of the assessed Scheme can physically reach their intended locations using routes that are lawful, structurally suitable, environmentally assessed and included within the Order Limits.

4.13.2 The route must be assessed from port to final compound

A deliverable AIL strategy must identify the complete journey for each abnormal load:

1. port of entry;
2. Strategic Road Network route;
3. motorway or trunk-road junctions;
4. local A- and B-road route;
5. minor-road sections;
6. temporary highway alterations;
7. site access;
8. internal haul road;
9. destination compound;
10. unloading and crane area.

It is not sufficient to demonstrate that an AIL can enter the general Scheme area. The Applicant must show that each item can reach the exact compound at which it will be installed.

The final route may differ between:

- the Site 1B project substation;
- the National Grid substation;
- the BESS;
- the Site 5A 400 kV project substation;
- the remaining project substations;
- cable joint bays;
- and overhead-line and pylon work areas.

Each destination has different access constraints, turning requirements and surrounding receptors.

4.13.3 National Highways had not agreed the strategic AIL route

National Highways identifies the A47 and A140 as the principal Strategic Road Network routes relevant to the Scheme. Its Relevant Representation states that the proposed

AIL routes had not been finally determined and that constraints might exist on the Strategic Road Network.

The outstanding matters include:

- identification of the port of entry;
- the route from the port to the A47 or A140;
- route suitability;
- structures and junctions;
- swept paths;
- temporary works;
- and the interaction with other traffic.

National Highways also refers to the policy preference for transporting large equipment by water where practicable and, where road transport is necessary, using an appropriate port and the shortest suitable road route. The Applicant must therefore justify the selected port and demonstrate why the proposed strategic route represents the appropriate and deliverable option.

The existence of more than one possible port or strategic route is not itself problematic. The difficulty is that the application does not identify a confirmed route against which all resulting highway and environmental effects can be assessed.

4.13.4 Strategic-road constraints must be identified before consent

Potential constraints on the Strategic Road Network may include:

- bridge capacity;
- vertical clearance;
- carriageway width;
- central reservations;
- roundabout geometry;
- road signs and street furniture;
- traffic signals;
- safety barriers;
- temporary closures;
- police escort requirements;
- and interaction with planned highway works.

The Applicant should provide structural and swept-path evidence demonstrating that the largest anticipated component can pass each constraint.

Where temporary works are required, the DCO must identify:

- the location;
- land required;
- authority responsible;

- duration;
- reinstatement;
- traffic-management arrangement;
- and whether the works lie within the Order Limits.

An assumption that the final equipment supplier or haulier will resolve those matters later does not establish that the Scheme presently described is deliverable.

4.13.5 Junction effects require assessment

National Highways also requires further assessment of junction effects.

The Scheme will draw construction traffic from the A47 and A140 into the local highway network. The relevant assessment must identify the distribution of traffic through the principal junctions rather than relying upon average Scheme-wide totals.

National Highways considers that the application has not established with sufficient confidence that the additional traffic at relevant strategic junctions would remain below the assessment thresholds relied upon by the Applicant.

The outstanding evidence should include:

- daily construction traffic by junction;
- peak-hour traffic;
- worker traffic;
- HGV traffic;
- AIL movements;
- directional distribution;
- cumulative projects;
- and the effect of route changes.

This matters to Scheme Description because the construction traffic case depends upon where individual sites and compounds are served from. A change in route distribution may change both junction performance and the local roads affected.

4.13.6 Greater granularity is required for cumulative construction traffic

National Highways also states that cumulative construction traffic requires greater granularity.

East Pye would not be constructed in isolation. Other proposed or consented energy and infrastructure projects may use the same strategic and local routes during overlapping periods.

The cumulative assessment should identify, for each relevant junction and road section:

- East Pye traffic;
- traffic from each cumulative project;
- overlapping construction periods;
- peak combined flows;
- AIL conflicts;
- and any shared mitigation or restrictions.

A general allowance for cumulative growth is not equivalent to a project-specific construction overlap assessment.

The issue is particularly important where East Pye's own programme remains flexible and where the BESS, National Grid substation or other components may be constructed later than the principal solar works.

4.13.7 Traffic limits must be enforceable

National Highways seeks enforceable controls over the level and distribution of construction traffic.

The application should not rely solely upon traffic forecasts that are not reproduced as binding limits in the DCO. Without enforceable limits, the Applicant or its contractors may change:

- delivery frequency;
- route distribution;
- work-front sequencing;
- worker transport;
- compound allocation;
- or construction concurrency.

The DCO should therefore secure:

- maximum daily HGV movements;
- maximum hourly HGV movements;
- route-specific caps;
- maximum worker-vehicle movements;
- AIL numbers;
- construction delivery hours;
- monitoring;
- reporting;
- and corrective action.

The Construction Traffic Management Plan should not merely record traffic after it occurs. It should contain enforceable measures requiring intervention if the assessed limits are approached or exceeded.

4.13.8 Norfolk County Council rejects important parts of the local routeing strategy

Norfolk County Council, as local highway authority, states that important parts of the proposed access and construction routeing strategy are unacceptable.

Its targeted-consultation response records that construction traffic should, wherever reasonably possible:

- enter the Scheme from B-class roads;
- transfer onto internal haul roads;
- and avoid prolonged use of narrow minor rural roads.

The County Council rejects or raises substantial concerns about several proposed local routes and access arrangements. Its position is that the construction strategy should reduce movement through villages and along lanes that are not suitable for sustained HGV traffic.

This is material because the Applicant's construction case depends upon multiple dispersed sites being supplied simultaneously or sequentially. Where one proposed route is rejected, the traffic cannot simply disappear. It must be transferred to another route, haul road or access point, with corresponding changes to:

- land requirements;
- environmental effects;
- crossing works;
- route capacity;
- and traffic distribution.

4.13.9 Hall Lane and Fairstead Lane

Norfolk County Council objects to the use of Hall Lane and Fairstead Lane as proposed construction routes.

The concerns include:

- narrow carriageway width;
- constrained geometry;
- limited passing opportunities;
- roadside vegetation;
- residential and heritage receptors;
- drainage;
- and the inability to accommodate sustained two-way construction traffic safely.

The Applicant's continued inclusion of such roads in the routeing strategy indicates that the local access solution had not been settled.

The DCO should not authorise a traffic scenario based on use of roads that the responsible highway authority considers unacceptable unless the Applicant demonstrates:

- why no suitable alternative exists;
- what physical improvements are proposed;
- that those improvements are authorised;
- that their environmental effects have been assessed;
- and that the highway authority accepts the final design.

4.13.10 Other minor rural routes

The County Council's concerns are not limited to Hall Lane and Fairstead Lane. It identifies a wider need to avoid unsuitable minor roads and to use internal haul routes between Sites wherever possible.

The final route schedule should therefore distinguish:

- routes authorised for ordinary HGVs;
- routes authorised only for LGVs;
- routes authorised only for emergency or local access;
- routes prohibited for construction traffic;
- and routes authorised for AILs.

This should be shown on certified plans rather than left to a later CTMP.

4.13.11 Routes for Sites 7–10 remained unresolved

Norfolk County Council records that access arrangements for Sites 7–10 remained unresolved.

These Sites include development around settlements and rural roads where construction traffic, AILs and access works may affect:

- Saxlingham Nethergate;
- Saxlingham Green;
- Tasburgh;
- Hempnall;
- Fritton;
- and surrounding lanes.

The Applicant must identify how each Site will be reached without relying on routes that the highway authority has rejected.

The issue is particularly acute where the proposed internal haul-road solution requires:

- new road crossings;

- private-land rights;
- temporary bridges;
- vegetation removal;
- or additional land not presently within the Order Limits.

The construction scenario is incomplete until those internal connections and crossings are defined.

The ExA has separately required further information concerning operational and construction lighting. That evidence must identify not merely fixture types but the locations, duration, trigger conditions, illumination levels and environmental limits necessary to keep lighting effects within the assessed landscape, ecological, residential and aviation envelope.

The ExA has also required further response concerning The Krons, including the relationship between the proposed access solution, ecological effects and NCC's highway position. That issue should remain open until the revised access arrangement and its environmental consequences are demonstrated.

4.13.12 AILs should use approved haul routes

Norfolk County Council's targeted-consultation response states that AILs should be directed through suitable approved routes and internal haul roads rather than unsuitable minor roads.

That approach may reduce effects on villages, but it creates its own design requirements. An internal haul route capable of carrying a major transformer may require:

- substantial width;
- reinforced construction;
- large-radius bends;
- bridge or culvert crossings;
- vegetation removal;
- level changes;
- drainage;
- and crane or recovery access.

The application must demonstrate that the internal routes have been designed for the largest load, not merely for ordinary construction HGVs.

A six-metre-wide general access-track parameter does not necessarily establish that a long, heavy AIL transporter can negotiate the full route.

4.13.13 No complete route to the BESS has been established

The BESS may require delivery of:

- battery enclosures;
- transformers;
- inverters;
- cooling plant;
- control buildings;
- and fire-safety infrastructure.

The application does not define the maximum BESS enclosure number or dimensions. It follows that the number and characteristics of BESS deliveries are also not fixed.

A route cannot be confirmed without knowing:

- the longest component;
- maximum width;
- maximum height;
- maximum gross weight;
- axle configuration;
- and turning requirements.

The BESS remains at Gate 1 and may also be constructed later. The Applicant must therefore explain whether the same routes will remain available and suitable if BESS construction occurs after the principal solar works and temporary highway alterations have been removed.

4.13.14 No complete route to each project substation has been established

The Scheme includes up to three 132 kV and up to three 400 kV project substations.

The 400 kV substations may require very large transformers and associated equipment. The Site 1B project substation changed from 132 kV to 400 kV after statutory consultation, potentially altering:

- transformer dimensions;
- transformer weight;
- AIL number;
- crane requirements;
- and route geometry.

The Applicant should provide a separate delivery schedule for each project substation. A generic assumption based on one transformer or one access cannot demonstrate deliverability to all six potential compounds.

4.13.15 No complete route to the National Grid substation has been established

The proposed National Grid substation may occupy up to six hectares and contain large transmission equipment. ES Chapter 4 provides an access-track width of up to eight metres, but the end-to-end delivery route remains dependent upon the unresolved National Grid design and equipment schedule.

NGET has not confirmed the final substation configuration. Other Gate 2 offers may change the number and type of bays or equipment. The AIL strategy therefore cannot be final until the equipment and connection solution are confirmed.

The Applicant should not rely on a route assessed for the current indicative substation if NGET may require materially different equipment.

4.13.16 Pylon and overhead-line construction access

Works Nos. 5A–5D require access to pylon locations and overhead-line working areas.

These works may involve:

- piling or deep foundations;
- cranes;
- tower sections;
- conductor drums;
- winches;
- temporary compounds;
- and temporary pylon infrastructure.

The route to each pylon work area must be shown. It may not coincide with the route to the National Grid substation. The Applicant should identify:

- the largest crane;
- component dimensions;
- bearing-pressure requirements;
- temporary access;
- conductor-stringing areas;
- and any road or field crossings.

4.13.17 Swept-path assessments

A complete swept-path assessment should be supplied for every constrained junction and access used by an AIL. It should use the actual or assessed maximum vehicle envelope, including:

- tractor and trailer length;

- steerable axle configuration;
- overhang;
- width;
- height;
- ground clearance;
- and escort space.

Swept paths based on a generic articulated HGV are not an adequate proxy for a transformer transporter.

Where the final equipment is unknown, the Applicant should assess a defined maximum vehicle envelope and secure it through the DCO.

4.13.18 Structural assessments

The route may cross:

- bridges;
- culverts;
- retaining structures;
- buried utilities;
- gas pipelines;
- drainage infrastructure;
- and weak rural road foundations.

The Applicant should provide structural assessments confirming the maximum permissible load.

Where strengthening or temporary bridging is required, the application should specify:

- design;
- location;
- land;
- environmental effects;
- duration;
- ownership;
- and reinstatement.

Those works cannot be left to later traffic management if they require additional development or rights.

4.13.19 Highway works and vegetation removal

The targeted consultation added land for:

- visibility splays;
- AIL manoeuvres;

- temporary highway works;
- removal of street furniture;
- and vegetation clearance.

South Norfolk Council identifies concern about removal of trees and hedgerows, including within or near conservation areas. Norfolk County Council also requires greater detail about the highway boundary and physical works.

The final AIL schedule should identify for each route:

- carriageway widening;
- verge reinforcement;
- tree or hedge removal;
- sign removal;
- wall or fence alteration;
- temporary surfacing;
- utility protection;
- and reinstatement.

The Applicant should distinguish permanent highway alterations from temporary works.

4.13.20 Conservation areas and sensitive rural roads

Some proposed routes pass through or close to conservation areas and settlements with historic buildings close to the carriageway.

The detailed heritage and amenity effects belong in the relevant chapters. For Scheme Description purposes, the Applicant must demonstrate whether the proposed transport can be delivered without:

- damaging buildings or boundary features;
- permanently altering rural verges;
- removing mature vegetation;
- or requiring works outside the Order Limits.

A route should not be described as available where the necessary physical alterations have not been identified and assessed.

4.13.21 Fallback routes

The Applicant should identify any fallback route for each AIL.

A fallback route may be necessary if:

- a bridge is unavailable;
- utility works intervene;
- another infrastructure project occupies the route;

- vegetation or structures cannot be removed;
- or the preferred access proves technically unsuitable.

Fallback routes must themselves be assessed and authorised. They should not be introduced later through a CTMP where they affect different communities or require different highway works.

4.13.22 Land and rights within the Order Limits

For every highway alteration, visibility splay, haul-road section and access, the Applicant should confirm that all necessary land and rights are included within the Order Limits.

The schedule should identify:

- permanent acquisition;
- temporary possession;
- new rights;
- highway powers;
- vegetation rights;
- access rights;
- and statutory-undertaker interfaces.

Where the preferred route requires land outside the Order Limits, it is not presently an authorised delivery solution.

4.13.23 Required AIL and transport deliverability schedule

The Applicant should provide the following schedule for every abnormal load:

Required information	Detail to be provided
Component	Transformer, cable drum, battery enclosure, pylon part or other equipment
Destination	Exact Site, compound or pylon location
Number of loads	Maximum number
Dimensions	Length, width and height
Weight	Gross and component weight
Axle configuration	Maximum axle load and transporter type
Port of entry	Identified port

Strategic route	Port to A47/A140 and onward route
Local route	A- and B-roads and any minor-road section
Internal route	Access and haul road to destination
Swept path	Every constrained junction and access
Structural assessment	Bridges, culverts, roads and utilities
Highway works	Widening, reinforcement, removals and reinstatement
Vegetation removal	Trees, hedges and verges
Escort and closure	Police escort, temporary closure and timing
Fallback route	Fully assessed alternative
Land and powers	Confirmation within the Order Limits
Approval status	National Highways and NCC position
DCO control	Requirement or certified plan

4.13.24 Required DCO controls

The DCO should provide that:

1. No AIL-dependent component may be constructed until an approved end-to-end AIL strategy exists for that component.
2. The strategy must identify the port of entry and complete route.
3. National Highways and Norfolk County Council must approve the parts of the route within their respective networks.
4. Maximum AIL dimensions, weight and number must be secured.
5. Swept-path and structural assessments must use the maximum vehicle envelope.
6. All required highway works and land must be included in the Order.
7. Unassessed fallback routes may not be used.
8. Hall Lane, Fairstead Lane and other routes rejected by the highway authority must be prohibited unless subsequently approved on evidence.
9. Construction traffic must use approved B roads and internal haul routes.
10. Daily, hourly and route-specific traffic limits must be enforceable.
11. Traffic monitoring and corrective-action procedures must be secured.
12. Delayed BESS or NGET construction must use an updated and approved transport plan.
13. Vegetation removal and reinstatement must be limited to approved locations.

14. Temporary highway works must be removed and restored within a fixed period.

4.13.25 Conclusion

The application does not yet establish a complete and accepted end-to-end transport and AIL solution.

National Highways states that:

- the AIL routes had not been finally determined;
- constraints may exist on the Strategic Road Network;
- the port of entry and strategic route require further work;
- junction effects need further assessment;
- cumulative construction traffic requires greater granularity;
- and traffic limits and monitoring require enforceable control.

Norfolk County Council states that:

- substantial parts of the proposed local access strategy are unacceptable;
- construction traffic should use B roads and internal haul routes;
- Hall Lane, Fairstead Lane and other unsuitable minor roads should not be used;
- and access arrangements for Sites 7–10 remained unresolved.

Neither authority had confirmed a complete and acceptable route from the Strategic Road Network to the BESS, each project substation, the National Grid substation and the overhead-line work areas.

The uncertainty is material to the Scheme Description. The DCO seeks consent for components whose delivery depends upon large and abnormal loads, but the application has not yet shown that those components can reach their destinations within the authorised and assessed construction envelope.

The Applicant should provide a complete AIL schedule, identified port of entry, end-to-end routes, equipment dimensions and weights, swept-path and structural assessments, detailed highway works, vegetation-removal plans, fallback routes and confirmation that all required land is included in the Order Limits.

Until those matters are resolved, the Examining Authority cannot safely conclude that the physical Scheme described in Chapter 4 is deliverable through the construction scenario assessed in the Environmental Statement.

4.14 Operational replacement and repowering

4.14.1 Replacement is a foreseeable part of the authorised development

The application does not describe East Pye as a static installation constructed once and then operated unchanged for 60 years. It anticipates extensive replacement of core generating and storage equipment during the operational period.

ES Chapter 4 assumes that:

- all solar panels may be replaced once;
- complete panel replacement may take approximately 12–24 months;
- the BESS may be replaced up to five times;
- and transformers may be replaced during the operational life.

The Applicant states that solar panels are expected to have an operational life of approximately 40 years. It also assumes a shorter life for BESS equipment and an approximately 30-year life for transformers. The replacement assumptions therefore form part of the realistic development scenario, not merely speculative maintenance.

Norfolk County Council's LLFA records those assumptions and identifies uncertainty over the replacement of supporting compounds and infrastructure. The Environment Agency specifically seeks clarity regarding damaged and end-of-life battery handling and notes that BESS replacement may occur up to five times. South Norfolk Council seeks noise controls ensuring that replacement equipment does not create worse operational effects.

Replacement must therefore be assessed and controlled as recurring construction activity.

4.14.2 Complete panel replacement resembles a second construction phase

The Applicant assumes that every solar panel may be replaced once. Chapter 4 states that complete replacement may last between 12 and 24 months and require a substantial workforce.

That is not a minor maintenance exercise. It may require:

- removal of every panel;
- import of replacement panels;
- cranes, telehandlers and lifting equipment;
- HGV and LGV movements;
- temporary storage;
- waste segregation;
- packaging disposal;

- welfare facilities;
- temporary lighting;
- and renewed activity across all solar sites.

The likely impacts may resemble a second Scheme-wide construction phase, even where the existing mounting structures and foundations remain.

The Applicant should therefore identify whether the initial construction assessment includes:

- all panel-removal movements;
- all replacement-panel movements;
- removed-panel transport;
- packaging;
- temporary compounds;
- worker traffic;
- and waste processing.

4.14.3 Meaning of ‘replacement’

The DCO should define what replacement permits. The term could mean:

1. like-for-like substitution of individual failed units;
2. replacement of a complete panel table;
3. replacement of every panel while retaining mounting structures;
4. replacement of panels and mounting structures;
5. redesign and reorientation of complete fields;
6. introduction of larger or more powerful modules;
7. or material repowering of the generating station.

Those possibilities have different environmental consequences.

The Applicant should state whether replacement powers permit:

- altered panel dimensions;
- altered panel height;
- a change between fixed and tracking technology;
- increased output;
- altered row spacing;
- new mounting structures;
- new foundations;
- or changes to conversion units.

If complete redesign is permitted, the activity is more properly characterised as repowering than maintenance.

4.14.4 Maximum simultaneous replacement area

The application does not clearly state what proportion of the Scheme may undergo replacement at the same time.

A programme replacing panels sequentially within small areas may produce different effects from simultaneous activity across several sites.

The DCO should secure:

- the maximum number of Sites active simultaneously;
- the maximum number or percentage of panels removed at one time;
- the maximum replacement compound area;
- and the maximum replacement duration at any receptor.

The Applicant should explain which simultaneous scenario was assessed for:

- traffic;
- noise;
- ecology;
- soils;
- landscape;
- and drainage.

4.14.5 Re-establishment of compounds and laydown areas

Panel and BESS replacement will require temporary work areas.

The application should identify whether the undertaker may:

- reopen original construction compounds;
- construct new compounds;
- restore removed haul roads;
- use Work No. 8 laydown areas;
- or establish temporary storage elsewhere within the Order Limits.

Where original compounds have been restored to agriculture or habitat, re-establishment could cause:

- renewed soil disturbance;
- loss of established vegetation;
- drainage changes;
- ecological effects;
- and conflict with BNG commitments.

Replacement compounds should therefore be identified and limited in advance, or subject to strict approval based on updated baseline information.

4.14.6 Re-establishment of haul roads and accesses

Some permanent access tracks may remain, but other temporary haul roads are expected to be removed after construction.

The Applicant should explain whether replacement permits:

- reconstruction of temporary roads;
- renewed vegetation removal;
- temporary bridging;
- road widening;
- or reinstatement of highway works.

If replacement plant or panels differ in dimensions, the original route may no longer be suitable.

The Replacement Management Plan should include:

- authorised routes;
- maximum vehicle size;
- maximum road footprint;
- statutory-apparatus crossings;
- and restoration.

4.14.7 Replacement traffic limits

Replacement traffic should be subject to enforceable limits equivalent to those governing initial construction.

The Applicant should state the maximum:

- panel delivery movements;
- removed-panel movements;
- battery enclosure deliveries;
- battery-removal movements;
- transformer AILs;
- worker vehicles;
- waste vehicles;
- and daily and hourly HGV flows.

The application should not allow replacement traffic to be treated as ordinary operational maintenance and therefore excluded from the initial construction caps.

A replacement phase lasting up to 24 months could materially affect roads and communities even if it occurs only once.

4.14.8 Updated transport information may be required

Replacement may occur decades after the initial construction phase.

By that time:

- road layouts may have changed;
- bridges may have aged;
- traffic patterns may differ;
- other development may have occurred;
- and the equipment may be larger or heavier.

The Applicant should therefore be required to submit an updated Replacement Traffic Management Plan before each major replacement cycle.

The plan should use the then-existing highway baseline while remaining within the maximum environmental limits assessed for the DCO.

4.14.9 Updated noise controls

South Norfolk Council seeks controls ensuring that replacement equipment does not produce operational noise greater than the equipment assessed.

That is necessary because later:

- inverters;
- transformers;
- BESS cooling systems;
- switchgear;
- and auxiliary plant

may have different acoustic characteristics.

Replacement approval should require:

- equipment sound-power data;
- tonal and impulsive corrections;
- cumulative modelling;
- night-time assessment;
- and compliance with receptor-specific limits.

It is insufficient to require only that replacement equipment be of ‘equivalent’ capacity. Electrical equivalence does not establish acoustic equivalence.

4.14.10 Updated soil and agricultural controls

Major replacement may involve:

- repeated HGV access;
- cranes;
- temporary compounds;
- panel storage;
- waste storage;
- and reconstruction of haul roads.

Those works may affect soils differently from initial construction because the soil structure and drainage will have changed during decades of operation.

A replacement plan should therefore include:

- soil-condition surveys;
- weather restrictions;
- ground-protection measures;
- access controls;
- storage locations;
- and restoration.

Replacement should not proceed on waterlogged soil merely because the original DCO authorised construction decades earlier.

4.14.11 Updated ecological controls

Replacement may occur after hedgerows, grassland, woodland and mitigation habitats have become established.

Reopening construction areas could affect:

- protected species;
- nesting birds;
- bats;
- reptiles;
- great crested newts;
- invertebrates;
- and habitat relied upon for BNG.

The DCO should require updated ecological surveys and method statements where a replacement phase may affect habitats or species not present or established during initial construction.

A construction method based on the original baseline cannot safely be applied unchanged after 20, 30 or 40 years.

4.14.12 Updated drainage controls

Replacement compounds, haul roads and storage areas may alter surface-water runoff.

The Applicant should identify:

- whether original drainage remains suitable;
- whether temporary attenuation is required;
- where damaged batteries or electrical equipment are stored;
- and how contaminated runoff will be contained.

Replacement of BESS equipment is particularly significant because the drainage and firewater systems must remain operational throughout battery removal and installation.

4.14.13 BESS replacement up to five times

The Applicant assumes that BESS equipment could be replaced up to five times during the 60-year operational period.

That could result in a replacement cycle approximately every 10–15 years, depending on equipment life and commissioning date.

Each cycle may involve:

- removal of large numbers of battery enclosures;
- import of replacement enclosures;
- disconnection and recommissioning;
- crane operations;
- transformer or inverter changes;
- cooling-system changes;
- hazardous waste;
- damaged batteries;
- and temporary storage.

Five complete cycles represent a substantial cumulative construction and waste burden.

The Environmental Statement should identify whether its traffic, waste, carbon, materials and accident assessments include all five cycles.

4.14.14 Storage of removed batteries

The Environment Agency specifically seeks clarity about the handling of damaged and end-of-life batteries.

The Applicant should identify:

- whether batteries are removed directly from Site;
- whether temporary storage is permitted;
- maximum number or mass stored;
- storage duration;
- separation distances;
- weather protection;
- fire detection;
- temperature monitoring;
- firewater containment;
- and damaged-battery quarantine.

End-of-life batteries should not be stored on ordinary laydown areas without dedicated safety and pollution controls.

4.14.15 Damaged batteries

Damaged batteries may present greater fire and pollution risk than intact operational units.

A Battery Handling and Replacement Plan should provide for:

- identification;
- isolation;
- thermal monitoring;
- packaging;
- fire-resistant containment;
- emergency access;
- specialist transport;
- and receipt at an authorised facility.

The plan should distinguish between:

- normally depleted equipment;
- physically damaged equipment;
- recalled equipment;
- and batteries affected by fire, flooding or thermal events.

4.14.16 Different battery chemistry

The application does not fix the battery chemistry for initial construction or future replacement.

A later replacement could introduce a chemistry with different:

- energy density;

- thermal-runaway behaviour;
- combustion products;
- cooling requirements;
- firewater demand;
- spacing;
- mass;
- and waste classification.

The Applicant should not be allowed to rely upon technological development as a reason to leave the replacement envelope unlimited.

The DCO should identify measurable performance limits applying to any replacement technology, including:

- maximum stored energy;
- maximum heat release;
- maximum toxic-emission assumptions;
- minimum separation;
- maximum firewater demand;
- maximum noise;
- and maximum equipment dimensions.

A materially different technology outside those limits should require further assessment and approval. Where a future replacement technology differs from that assessed at consent, compliance should be demonstrated by environmental-performance equivalence rather than by technology label alone. The relevant equivalence parameters should include physical dimensions, electrical capacity where environmentally relevant, noise, heat rejection, EMF, fire behaviour, hazardous materials, pollution potential, traffic and waste consequences.

4.14.17 Environmental-performance equivalence

Replacement equipment should be required to perform no worse environmentally than the equipment assessed.

That requirement should cover:

- operational noise;
- fire risk;
- pollutant inventory;
- drainage;
- heat output;
- lighting;
- traffic;
- dimensions;
- visual effects;

- and waste.

The comparison should be based on objective parameters rather than a general judgment that the replacement is ‘similar’. The relevant equivalence parameters should include physical dimensions, electrical capacity where environmentally relevant, noise, heat rejection, EMF, fire behaviour, hazardous materials, pollution potential, traffic and waste consequences.

The approving authority should be supplied with:

- manufacturer data;
- risk assessment;
- noise data;
- drainage implications;
- and evidence of compliance with the secured envelope.

4.14.18 Transformer replacement

The Applicant assumes that transformers may be replaced during the operational period.

Replacement of a large 400 kV transformer may require:

- AIL transport;
- cranes;
- oil removal;
- temporary storage;
- drainage isolation;
- road works;
- and night-time delivery.

The DCO should require:

- an approved route;
- maximum replacement transformer dimensions and weight;
- oil-management plan;
- fire and spill controls;
- and operational noise compliance.

Transformer replacement should not be treated as ordinary maintenance where it involves major transport and construction activity.

4.14.19 Replacement of conversion units and other electrical plant

Inverters, switchgear and conversion units may have shorter lives than the 60-year Scheme period even where Chapter 4 does not identify complete replacement cycles for each.

The Applicant should provide a life-cycle schedule for:

- inverters;
- switchgear;
- conversion units;
- control systems;
- cooling plant;
- transformers;
- cables;
- and communications equipment.

The EIA should not account for panel and BESS replacement while omitting foreseeable replacement of the supporting electrical system.

4.14.20 Cable replacement

The Environment Agency identifies uncertainty over cable lifespan.

If cables or joints require replacement, works may involve:

- pulling new cables through retained ducts;
- opening joint bays;
- excavation;
- new trenches;
- dewatering;
- and replacement access.

The DCO should distinguish between:

- cable pulling within existing ducts;
- local joint repair;
- and complete route re-excavation.

Complete re-excavation should require an updated assessment and should not automatically fall within ordinary maintenance powers.

4.14.21 Waste calculations

The waste assessment should include:

- all original construction waste;
- complete replacement of all panels;
- up to five BESS replacement cycles;
- transformer replacement;
- inverter and switchgear replacement;
- cable replacement where foreseeable;
- and final decommissioning.

The Applicant should state the maximum:

- panel mass;
- glass;
- aluminium;
- silicon;
- battery mass;
- hazardous components;
- transformer oil;
- packaging;
- cables;
- and electronic waste.

A waste calculation based only on initial construction and final decommissioning would materially understate the lifetime waste stream.

4.14.22 Carbon and materials calculations

Replacement also affects the claimed carbon benefits.

The life-cycle assessment should include emissions associated with:

- manufacturing replacement panels;
- up to five replacement BESS systems;
- transformer and inverter replacement;
- transport;
- construction plant;
- waste processing;
- recycling;
- and disposal.

The Applicant should explain whether the carbon-payback and net-benefit calculations incorporate every replacement cycle assumed in Chapter 4.

4.14.23 Required Replacement Management Plan

The DCO should require a Replacement Management Plan before any major replacement phase.

The plan should contain:

Required matter	Information to be approved
Equipment	Type and quantity being replaced
Reason	Failure, end of life, upgrade or repowering

Technology	Existing and proposed technology
Environmental equivalence	Noise, fire, pollution, heat, dimensions and traffic
Programme	Duration and sequencing
Simultaneous area	Maximum Sites or compounds active
Workforce	Average and peak
Traffic	HGV, LGV, AIL and waste movements
Compounds	Location, area and drainage
Access	Permanent or reinstated haul roads
Soils	Survey and protection measures
Ecology	Updated surveys and mitigation
Drainage	Temporary and permanent controls
Waste	Storage, transport, recovery and disposal
Batteries	Damaged and end-of-life handling
Lighting	Hours, height and lux
Noise	Construction and operational compliance
Restoration	Removal of temporary works
Carbon	Materials and emissions account

4.14.24 Required DCO controls

The DCO should provide:

1. A maximum of one complete solar-panel replacement cycle.
2. A maximum of five complete BESS replacement cycles.
3. A maximum number or percentage of panels capable of replacement simultaneously.
4. A maximum number of BESS enclosures capable of removal or installation simultaneously.
5. Replacement compounds limited to approved locations and areas.
6. Replacement traffic subject to enforceable daily, hourly and route-specific caps.
7. An approved Battery Handling and Replacement Plan.
8. Dedicated controls for damaged batteries.
9. Objective environmental-performance equivalence for replacement equipment.

10. No change from fixed to tracking panels, or vice versa, without approval against the assessed envelope.
11. No increase in panel, BESS or export capacity through replacement unless expressly authorised.
12. Updated noise, ecology, soil, drainage, traffic and fire assessments where required.
13. Cable replacement involving excavation to require specific approval.
14. Transformer replacement to require an approved AIL and oil-management plan.
15. All replacement waste and carbon emissions to be included in lifetime calculations.
16. Replacement works to comply with construction hours, noise, lighting and community controls.
17. Temporary works to be removed and land restored after each cycle.

4.14.25 Conclusion

Foreseeable replacement is a recurring construction activity forming part of the authorised development. The Applicant assumes:

- an approximately 40-year life for solar panels;
- complete replacement of all panels once;
- a replacement programme lasting up to 24 months;
- up to five BESS replacement cycles;
- and replacement of transformers and other electrical equipment.

Those assumptions could produce several substantial construction phases over the 60-year operating period.

The application does not yet define:

- the meaning and limits of replacement;
- the maximum simultaneous replacement area;
- the compounds and haul roads used;
- replacement traffic;
- battery storage;
- changed technology;
- or the requirement for updated environmental assessment.

The Environment Agency specifically seeks clarity regarding damaged and end-of-life battery handling. South Norfolk Council requires controls ensuring that replacement equipment does not worsen noise. Norfolk County Council identifies uncertainty over the replacement of associated compounds and infrastructure.

The DCO should therefore secure maximum replacement frequencies, simultaneous-area limits, a Replacement Traffic Management Plan, a Battery Handling and Replacement Plan, objective environmental-performance equivalence and updated topic assessments where technology or conditions have changed.

Replacement must not become an uncontrolled power to reconstruct or repower the Scheme on materially different terms after the original environmental assessment has ceased to reflect the development on the ground.

4.15 Decommissioning, permanent infrastructure and restoration security

The Applicant relies substantially upon the proposition that East Pye Solar is temporary: the principal solar generating development is intended to operate for 60 years and then be decommissioned over approximately 12–24 months, with the land returned to its former use as far as reasonably practicable. That description requires important qualification.

The Applicant's own material confirms that significant infrastructure may or will remain after solar generation ceases. The National Grid substation and associated Grid Connection Infrastructure are intended to remain; underground ducting is anticipated to remain in situ; other below-ground structures may be retained; and access, drainage and established landscape mitigation may also survive decommissioning. The Applicant's original scoping material expressly anticipated removal of the solar and BESS infrastructure while retaining the National Grid substation and underground ducting.

Norfolk County Council's LLFA has reached the same conclusion. It records that the National Grid substation, pylons, overhead lines, sealing-end infrastructure, underground cable infrastructure and some access arrangements may remain and considers those elements to constitute permanent rather than temporary development. It also notes that the Applicant's own qualification that the Site will be returned to its original use only "as far as practicable" acknowledges that complete restoration may not occur.

The Examination should therefore distinguish rigorously between the infrastructure that will be removed, that which may be retained, and that which is intended to remain permanently. The environmental consequences of those categories are materially different.

The August 2026 NPPF adds further relevant policy context. Policy W3 expressly expects proposals for time-limited renewable-energy development to include arrangements for decommissioning and restoration of the site. That reinforces the need to define the post-operational end state now, rather than treating it as a matter capable of wholesale resolution approximately six decades later.

4.15.1 The 60-year description does not define the whole life of the development

The temporary character of East Pye is further complicated by the drafting of Requirement 21.

Revision 2 provides for the 60-year period to run by reference to final commissioning of "each part" of Work No. 1. If different parts of the generating station are commissioned at different times, their individual 60-year periods may therefore end at different dates.

The Applicant should identify the maximum whole-Scheme operating period permitted by that drafting. The DCO should not allow staggered commissioning to extend industrial use across different Sites materially beyond the project lifetime assessed and presented to the Examination.

Replacement should not reset that period. Nor should delayed BESS, substation or other works create a series of rolling operational periods whose cumulative duration exceeds the environmental case before the ExA.

A project relied upon as temporary in the planning balance requires a clear and objectively ascertainable end point.

4.15.2 The post-decommissioning development must be defined now

The Applicant's present decommissioning case remains partly contingent upon decisions to be made decades later.

Solar panels, mounting structures, conversion equipment, BESS plant and project substations are generally proposed for removal. The position is materially less certain for underground cables, ducts, joint bays, foundations, access infrastructure, drainage and associated grid works.

That uncertainty matters because retained below-ground development is still development. Empty cable ducts may alter drainage or constrain future excavation. Joint bays may constitute substantial reinforced structures. Foundations left beneath fields may interfere with agricultural restoration. Retained tracks and drainage continue to occupy and influence the land. Permanent National Grid infrastructure creates its own access, lighting, drainage, maintenance, security and landscape requirements.

The Applicant should therefore provide one definitive removal-and-retention schedule before the close of Examination. It should identify the treatment of the principal solar and BESS components, project substations, panel and equipment foundations, underground cables and ducts, joint bays and chambers, National Grid infrastructure, overhead lines and pylons, sealing-end or connection compounds, accesses, drainage, landscaping and ecological mitigation.

For each category, the schedule should identify whether it is removed, retained or subject to later decision; the depth and method of any partial removal; the permanent land required; the future owner; and the continuing environmental control.

Infrastructure not expressly justified for permanent retention should be removed.

4.15.3 The National Grid infrastructure is permanent development

The proposed National Grid substation is capable of occupying approximately six hectares and includes substantial electrical structures, buildings, fencing, access, drainage, lighting and foundations. The associated grid works may include new pylons reaching approximately 61 metres and permanent overhead-line reconfiguration.

The Applicant does not propose to remove that infrastructure when East Pye Solar ceases generation.

It must therefore be assessed and weighed as permanent development.

Its landscape, heritage, agricultural, drainage and ecological consequences do not become temporary merely because the generating station to which it was originally connected operates for 60 years.

That distinction is particularly important because the future role of the substation remains unresolved. If it is expected to remain because NGET anticipates wider network use or future connections, that purpose should be identified. If no future use has been established, the Applicant and NGET should explain why permanent retention is nevertheless assumed rather than removal.

The emergence of other network infrastructure and connection nodes in South Norfolk makes that question more, not less, important. The ExA should understand what continuing transmission function justifies leaving substantial permanent infrastructure in the landscape after the generating project which prompted it has ceased.

4.15.4 Permanent infrastructure requires permanent environmental assessment

The post-decommissioning landscape will not necessarily resemble either the present baseline or the operational solar landscape. The solar arrays and BESS may disappear while a six-hectare National Grid substation, pylons, overhead lines, permanent access, drainage and mature screening vegetation remain.

That scenario should be assessed expressly. The landscape and visual assessment should show the post-solar condition and should not extend conclusions about the reversibility of solar panels to grid infrastructure that remains indefinitely.

The same applies to heritage. Removal of the arrays does not reverse any continuing effect of permanent substations, pylons, access or mature screening upon the setting of churches, listed buildings, conservation areas, historic farmsteads and the wider historic landscape.

Drainage and flood risk require equivalent treatment. Permanent roofs, hardstanding, tracks and electrical infrastructure need permanent drainage. The assessment should identify the impermeable area, attenuation, discharge arrangements, climate-change

allowance, maintenance responsibility and failure arrangements applicable for the full life of the retained infrastructure, not merely the 60-year solar period. NCC's LLFA expressly considers infrastructure left after decommissioning to require permanent design and surface-water management.

4.15.5 Agricultural restoration is not established by equipment removal

The Applicant's restoration case also requires closer examination.Earlier assessment material assumes that soils affected during decommissioning can generally be restored using normal agricultural management and refers to restoration to pre-existing land grades. But after 60 years of construction, operation, replacement and eventual removal, the relevant question is not whether the panels can be dismantled. It is whether the agricultural land can actually be restored to the condition and capability relied upon in the planning case.

The land may by then have experienced repeated construction traffic, compaction, altered field drainage, trenching, foundation works, tracks, substations, local contamination, replacement activity and long-term changes in soil structure.

Some areas will not return to agriculture at all because permanent transmission infrastructure, access or other retained development will remain. Other areas may be returned to agricultural use while still containing ducts, foundations, drainage or other buried infrastructure.

The Applicant should therefore distinguish between land fully restored to its former agricultural capability, land returned to agricultural use but containing retained infrastructure, land retained for ecological purposes, and land remaining permanently in infrastructure use.

For BMV land in particular, restoration should be judged by an objective agricultural standard, not simply by removal of equipment and return of possession.

4.15.6 'As far as reasonably practicable' is not an adequate restoration standard

The Applicant's formulation that land will be returned to its former use 'as far as reasonably practicable' is particularly important. That wording leaves open the possibility that complete restoration proves technically difficult or disproportionately expensive decades later.

The LLFA has already identified the inconsistency: the Applicant uses the language of restoration while simultaneously identifying infrastructure that will remain. Where reversibility is relied upon to reduce the weight of long-term landscape or agricultural harm, the DCO should define the required restoration outcome objectively.

For agricultural land, that should include soil profile and structure, drainage, contamination status, ground levels and agricultural capability. Where BMV land has

been affected, comparable agricultural quality should be demonstrated rather than assumed.

There should also be a clear mechanism for determining whether restoration has succeeded and for requiring further works where it has not. The undertaker should not be able to discharge its obligation merely by completing the works in a DEMP if the resulting land remains compacted, poorly drained, contaminated or materially degraded.

4.15.7 The new private decommissioning securities alter, but do not resolve, the financial-security issue

The Applicant's recent Examination material materially changes the financial-security position. The Applicant now states that its private landowner agreements contain decommissioning securities intended to protect against default, including insolvency, and that those securities are capable of periodic revaluation and top-up. BEPS therefore does not contend that no financial provision whatsoever exists.

The issue is now more specific: whether a series of private landowner securities demonstrates that East Pye can be decommissioned and restored as one coordinated NSIP if the undertaker defaults, becomes insolvent or no longer exists.

NCC had already identified precisely this underlying risk, expressing concern about decommissioning over the long life of the project and the consequences for future generations if the project financially fails, and concluding that a financial bond would be needed.

The existence of private contractual securities is relevant to that concern, but it is not self-evidently equivalent to a Scheme-wide bond or other financial mechanism available to the public authority responsible for enforcing the DCO.

The Applicant should therefore explain the structure and practical operation of the arrangements sufficiently for the ExA to determine whether they provide equivalent protection.

4.15.8 Private landowner security may fragment a Scheme-wide liability

East Pye will be constructed and operated as one integrated infrastructure project. Its decommissioning cannot safely be assumed to become a collection of unrelated private land-restoration exercises. If a landowner security becomes callable because the undertaker defaults, the first question is who actually procures the physical decommissioning.

A landowner receiving financial security cannot automatically be assumed to possess the technical expertise, environmental permits, waste contracts, specialist contractors or project-management capacity required to remove utility-scale electrical infrastructure and restore the land.

Nor can individual landholdings necessarily be decommissioned independently. Cable routes, accesses, drainage networks and ecological measures cross ownership boundaries. Contractors may need to travel through adjoining holdings. HGV and waste movements use the same rural road network. Protected-species and water controls apply across the Scheme. Removal of infrastructure on one holding may depend upon plant or access located on another.

If separate landowners were required to enforce and implement their contractual protections individually, restoration could occur at different times, under different contracts and potentially to different standards.

That would not replicate the coordinated 12–24 month decommissioning phase assessed by the Applicant. The DCO should therefore retain one identifiable body responsible for coordinating whole-Scheme decommissioning even if private securities sit behind that obligation.

4.15.9 The security must cover restoration, not merely equipment removal

There is also a fundamental distinction between paying to remove electrical equipment and paying to restore the land to the standard assumed in the ES. The latter may be substantially more expensive.

At decommissioning, landowners may discover that tracks and compounds require deep remediation; field drainage needs reconstruction; soil structure has deteriorated; compaction extends below normal cultivation depth; imported material needs removal; contamination requires treatment; or several years of agricultural rehabilitation are needed before former capability is restored.

The Applicant should explain whether its securities cover those liabilities in full. In particular, the Examination should establish what happens if the security is sufficient to remove the panels and associated equipment but proves inadequate to restore the soils and drainage afterwards.

The same question arises where costs materially exceed the estimates on which the security was originally calculated. A security lasting six decades cannot safely be treated as adequate merely because it is linked to an original cost estimate and indexed. Its periodic review should reflect the actual configuration of the Scheme at that time, current decommissioning methods, waste liabilities, replacement technologies, environmental standards, labour and transport costs, and the actual condition of the land. The relevant amount is the reasonable cost of fulfilling the obligations then existing, not simply the historic estimate adjusted for inflation.

4.15.10 Consistency, insolvency protection and public enforcement remain unproven

The Examination also needs to know whether the private arrangements provide consistent protection across the Scheme. It is unnecessary to disclose commercially

sensitive rents or land payments. It is necessary to establish whether every relevant landholding benefits from materially equivalent security; whether the same restoration standard applies; whether the security survives assignment, refinancing, insolvency and transfer of the DCO; whether it follows the land or the project; and whether it remains available until restoration has been independently certified as complete.

The relationship between the private securities and public enforcement is particularly important. Requirement 21 can impose an obligation upon the undertaker to prepare and implement a decommissioning scheme. But an enforceable obligation and the financial ability to perform it are separate things.

If the undertaker becomes insolvent, the relevant planning authority may have a public-law enforcement power but no direct access to securities held for the benefit of individual private landowners.

The Applicant should therefore explain whether the enforcing authority can call or otherwise access the security where necessary to secure compliance, or whether only individual contracting landowners can do so.

If only landowners can enforce the financial security, the Applicant must explain how the DCO secures coordinated decommissioning where some landowners act, others do not, or disputes arise under different private contracts.

Private security is not necessarily inadequate. It simply has not yet been demonstrated to perform the same function as a DCO-secured, Scheme-wide, insolvency-remote restoration mechanism.

BEPS has also been informed that at least some of the private agreements with participating landowners contain provisions relating to development uplift or equivalent financial protection where land subsequently acquires a higher-value development use. The Applicant should clarify whether that is correct, the circumstances in which any such provision operates, and whether it applies during or following the operational life of the Scheme.

The point is potentially material because the environmental and planning case for East Pye repeatedly relies upon the proposition that the solar development is temporary and that the land will, following decommissioning, be restored to its former agricultural use so far as practicable. A contractual arrangement which expressly anticipates or protects against subsequent development of the land would not of itself demonstrate that such development will occur, nor would it override the DCO or ordinary planning controls. It would, however, indicate that a materially different post-decommissioning land-use outcome has been contemplated between the Applicant and participating landowners.

That possibility should be reconciled with the restoration case presented to the Examination.

The Applicant should therefore state whether its land agreements contain development-uplift clauses, development-value protections, options, overage provisions or other arrangements which contemplate non-agricultural use of the land after or during the Scheme. If they do, the Applicant should explain whether those provisions are purely precautionary commercial terms or reflect an expectation that some land may not return to agriculture following decommissioning.

This issue is particularly relevant where permanent grid infrastructure, retained access, drainage, buried infrastructure or other development may already prevent complete restoration of parts of the Order land. It would be inconsistent for the planning case to rely upon the reversibility of a 60-year solar use while the underlying contractual structure simultaneously preserves or anticipates a materially different development future without that possibility being explained.

The DCO must in any event determine the planning position independently of private commercial arrangements. Land should not cease to be subject to the restoration obligations relied upon in the Environmental Statement merely because a landowner and developer have contemplated a later higher-value use. Any subsequent development would require whatever separate consent is legally necessary at that time.

The Applicant should therefore confirm unequivocally whether the post-decommissioning assumption underpinning the ES remains restoration to agricultural use across all land not expressly authorised for permanent retention, irrespective of any private development-uplift or overage arrangements. If that is not the intended outcome, the environmental assessment and the claimed reversibility of the Scheme require reconsideration.

The existence of private farmer-specific security therefore changes the evidential position but does not answer the whole-Scheme question. The Applicant should identify whether every relevant landholding benefits from materially equivalent security; the amount and costing methodology; indexation and review provisions; the circumstances in which the security can be called; whether it covers drainage, soil reconstruction, contamination remediation and aftercare as well as physical equipment removal; and whether the public authority responsible for enforcing the DCO can access or rely upon it.

4.15.11 Responsibility must survive transfer and permanent retention

Decommissioning responsibility also interacts with the Applicant/NGET boundary considered elsewhere in this Chapter. The solar and BESS infrastructure may ultimately be owned by a successor to East Pye Solar Limited. The National Grid substation and associated transmission infrastructure may transfer to NGET and remain permanently. The DCO must therefore identify the point at which responsibility changes.

East Pye Solar or its successor should remain responsible for removing and restoring the temporary generating and storage infrastructure. NGET or the future transmission

owner should bear the continuing obligations associated with infrastructure formally transferred and retained permanently, including access, drainage, pollution control, security, lighting, landscape mitigation and ecological management.

There must be no gap in which an asset remains but neither body is clearly responsible for its environmental consequences. Similarly, transfer of the project company or benefit of the Order must not separate valuable operating assets from decommissioning liabilities or weaken any financial security.

4.15.12 Evidence and DCO controls required

The remaining issues can be addressed without attempting to fix the precise technology or waste regime that will exist six decades from now. The Applicant should provide, before the close of Examination, a definitive removal-and-retention schedule; a post-decommissioning plan showing all permanent infrastructure; a clear allocation of responsibility between the project undertaker and NGET; and sufficient evidence about the common structure of the private decommissioning securities to establish their scope, beneficiary, insolvency protection, review methodology, enforceability and treatment upon transfer. The DCO should then secure the essential outcomes.

Infrastructure not expressly justified for permanent retention should be removed. Retention of underground cables, ducts, joint bays or foundations should require specific environmental and agricultural justification. Permanent National Grid assets should be treated and assessed as permanent development. Agricultural restoration should be governed by objective standards and independently verified. A coordinated Scheme-wide DEMP should remain the responsibility of an identifiable undertaker or successor, notwithstanding any private landowner security.

Financial provision should remain sufficient throughout the Scheme's life to meet the actual reasonably foreseeable cost of the decommissioning and restoration obligations then outstanding. It should not be released until the relevant restoration standard has been achieved.

The Environment Agency's objection to reliance upon documents being merely 'substantially in accordance with' their outline versions is particularly relevant here. The final DEMP should not be capable of materially weakening the removal and restoration commitments upon which the environmental assessment depends.

4.15.13 Conclusion

East Pye Solar cannot accurately be treated as a wholly temporary development followed by straightforward restoration.The generating and BESS infrastructure may have a finite operational life, but substantial grid infrastructure is intended to remain permanently; cables, ducts, joint bays, foundations, access and drainage may also remain; mature ecological and landscape mitigation may alter the land permanently; and Requirement 21 may permit different parts of the solar development to reach their 60-year endpoints at different times.

NCC's LLFA has already concluded that infrastructure remaining after decommissioning should be treated as permanent and has questioned the Applicant's assertion that the Site will return to its original condition. The Applicant's own earlier assessment acknowledges both substantial uncertainty about future decommissioning methods and a qualified commitment to restore the land only as far as reasonably practicable.

The Applicant's newly disclosed private decommissioning securities are relevant and should be acknowledged. They answer the narrow proposition that no financial provision exists.

They do not yet demonstrate that a project extending across numerous landholdings can be decommissioned coherently if the undertaker fails; that every landowner is protected to the same standard; that actual restoration costs after 60 years will be covered; that soil and drainage remediation is included as well as equipment removal; or that the public authority enforcing the DCO has access to the financial resource necessary to secure compliance.

The critical issue is whether the Order guarantees that the temporary parts of East Pye will actually be removed, the permanent parts clearly identified and controlled, and the affected land restored to the agricultural and environmental standards on which the Applicant's planning case relies, notwithstanding insolvency, transfer, technological change or restoration costs materially exceeding present expectations. On the evidence presently before the Examination, that has not yet been demonstrated.

4.16 Severability and materially different implementation scenarios

4.16.1 The DCO must be tested against what it permits, not only what the Applicant presently intends

The application describes East Pye Solar as a single integrated development comprising multiple solar sites, a BESS, project substations, an extensive cable network, a new National Grid substation and associated overhead-line works. The Environmental Statement and need case are generally presented on the basis that those components will operate together as one Scheme.

That presentation does not establish that the draft DCO legally requires the whole Scheme to be constructed in that form. The numbered works are geographically and functionally separable, and the application anticipates phasing, separate commissioning and substantial flexibility over the timing and detailed design of individual components. The Examination must therefore identify which components are mandatory, which may be omitted, and which may be commenced or completed independently.

This is not a purely drafting issue. The development that is environmentally assessed must correspond with the development that the Order permits. Assessment of the full Scheme does not automatically establish that every materially different subset, sequence or severed implementation would have equivalent effects or deliver the same claimed benefits.

The Applicant should therefore explain, by reference to the operative provisions of the draft DCO, whether each realistic implementation scenario is legally permitted, environmentally assessed, technically connectable and consistent with the mitigation relied upon in the Environmental Statement.

4.16.2 Construction of only some solar sites

The Scheme comprises multiple geographically separated solar sites and sub-sites. The draft DCO must be examined to determine whether the Applicant could construct only selected solar areas while leaving others permanently unimplemented

A reduced geographical build-out could have lower effects in some respects, but it would not necessarily represent a simple proportionate reduction of the assessed Scheme. It could alter the balance between development and mitigation, the location and utilisation of project substations, the use of cable corridors, the distribution of construction traffic and the justification for compulsory acquisition.

The Applicant should identify whether there is any minimum number of solar sites or minimum developed area that must be delivered. It should also explain whether each solar site is capable of operating independently, which substation and cable infrastructure would serve it, and whether unused cable routes or electrical compounds could nevertheless be constructed.

If only some solar sites proceed, the effects on particular communities may be concentrated rather than reduced. A smaller project constructed primarily around one village could produce a different local balance of harm and benefit from the dispersed full Scheme assessed in the ES.

4.16.3 A reduced total generating capacity

The application is promoted as a project of approximately 500 MW, but the generating station is described legally as exceeding the 100 MW NSIP threshold. The Applicant should clarify whether the DCO secures any minimum or maximum operational capacity and whether it could construct a materially reduced generating station while retaining the full Order Limits and compulsory powers.

That matters because the need and benefits case may rely upon electricity generation associated with the full approximate capacity, while the environmental and land-take consequences arise from the authorised envelope. A materially smaller operational project could therefore retain extensive land rights and infrastructure while delivering fewer of the benefits advanced to justify those powers.

A lower capacity could also alter the requirement for:

- project substations;
- cable circuits;
- the BESS;
- the National Grid connection;
- and permanent transmission infrastructure.

The Applicant should identify the minimum implementation necessary to justify each major Work No. and each category of compulsory-acquisition power.

4.16.4 Solar without BESS

The solar generating component has Gate 2 status, while NGET's Relevant Representation records that the BESS remains at Gate 1. That creates a realistic possibility that the solar farm could progress without the storage component.

The draft DCO must therefore be tested to determine whether Work No. 1 may be constructed, commissioned and operated without Work No. 2. If it can, the authorised development includes a solar-only implementation scenario.

That scenario may not deliver the storage benefits relied upon in the alternatives and need case, including:

- time-shifting of solar output;
- grid balancing;
- reduction of curtailment;
- resilience;
- and dispatch of electricity at periods of higher demand.

Mitigation may also have been designed around the combined development. Drainage, access, landscaping, project-substation capacity and construction phasing may differ if the BESS is omitted.

The Secretary of State should not give weight to the benefits of an integrated solar-and-storage project unless the Order secures delivery of a defined storage component or the solar-only scenario is expressly assessed and weighed.

4.16.5 Delayed BESS

Even if the BESS is eventually constructed, the DCO may permit it to be delayed for a substantial or indefinite period.

A delayed BESS could create a separate major construction phase involving renewed:

- HGV and AIL movements;
- piling and concrete works;

- temporary compounds;
- noise;
- lighting;
- ecological disturbance;
- and traffic through local communities.

The environmental baseline may also have changed by the time the BESS is constructed. Habitats may have established, roads and cumulative development may have changed, and residents may have experienced years of solar operation before a further industrial construction phase begins.

The Applicant should identify the latest date by which the BESS must commence and become operational, and whether the initial construction traffic, noise and ecology controls apply to a delayed phase. If no longstop or updated-survey obligation exists, the ES cannot safely be treated as assessing the full temporal range permitted by the Order.

Delayed BESS is now not merely a hypothetical severability scenario. The solar and storage elements have different Gate positions. The Applicant should therefore demonstrate the environmental and benefits case for the period during which solar could operate without storage, rather than assuming contemporaneous commissioning simply because both Works are authorised in one Order.

4.16.6 Omission of some project substations

The application permits up to three 132 kV project substations and up to three 400 kV project substations. The wording ‘up to’ indicates that fewer may be built.

The Applicant should explain which solar sites and BESS infrastructure each substation would serve, which are essential, and whether omission of one would require a materially different cable configuration or electrical arrangement.

The omission of a substation could alter:

- cable lengths and routes;
- circuit numbers;
- the location of transformer noise;
- drainage and oil-containment requirements;
- landscape effects;
- AIL traffic;
- and operational resilience.

If fewer substations are constructed, the remaining substations may require greater capacity or a different configuration. The ES must therefore demonstrate that both the maximum-number and reduced-number configurations fall within the assessed envelope.

4.16.7 Omission of the National Grid substation

The application presents the Site 1B National Grid substation as the connection point for the Scheme, but NGET has not confirmed that it will use that solution. NGET also states that DCO consent would not oblige it to accommodate the connection at the proposed substation.

The draft DCO must therefore be tested to determine whether the Applicant could construct other parts of the Scheme while omitting Works Nos. 4 and 5. If those works are legally optional, the application must explain how the generating station could be energised without them. If they are legally essential, their present lack of confirmation goes directly to deliverability.

The Applicant should also explain whether the solar sites, BESS, project substations or export cables may commence before the National Grid solution is fixed. The Order should not permit substantial construction to proceed in the expectation of transmission infrastructure that may never be built or adopted.

4.16.8 A different NGET connection solution

NGET states that the final connection solution remains subject to wider regulatory and commercial considerations and that other Gate 2 offers may affect its size, design and location.

A different solution could involve:

- a larger substation;
- a different site;
- additional bays;
- different overhead-line works;
- more pylons;
- a revised cable destination;
- or separate future consent.

That is not simply a variation in detailed design. It may change the geographical and functional identity of the connection infrastructure.

The Applicant must identify whether the draft DCO could accommodate a materially different NGET solution within the existing Works Plans and limits of deviation. If it cannot, the Scheme may depend on a later consent. If it can, the Order may authorise a wider range of connection development than the ES has assessed.

Neither outcome can be left unexplained.

4.16.9 Cables constructed but not used

Work No. 6 authorises an extensive network of high-voltage and internal cables within broad corridors. If the BESS is omitted, a project substation is not constructed, or the NGET connection changes, some cable infrastructure may become unnecessary.

The DCO should therefore be examined to determine whether the Applicant could:

- install ducts speculatively;
- construct joint bays;
- lay cables before the final destination is confirmed;
- or leave unused underground infrastructure in place.

Unused cable works would still cause:

- soil disturbance;
- archaeological effects;
- groundwater risks;
- construction traffic;
- land-rights interference;
- and permanent below-ground constraints.

The Applicant should identify a legal and technical dependency between each cable route and the confirmed work it serves. High-voltage export cables should not be capable of commencement before the final connection solution is approved.

4.16.10 Staged implementation over many years

The DCO may allow different parts of the Scheme to commence at materially different times within the Order's commencement period. The Applicant must identify the maximum period over which initial construction could be staged.

A prolonged staged implementation could produce a sequence of separate construction campaigns rather than the approximately 24-month concurrent programme described in the ES. That could alter:

- the duration of disturbance;
- the number of mobilisation events;
- traffic distribution;
- cumulative effects with other projects;
- ecological baselines;
- soil conditions;
- and community impacts.

The assessment of a two-year construction phase does not automatically assess repeated construction over a much longer period.

The DCO should therefore contain clear commencement, phasing and completion controls for each principal component. Revision 2 of Requirement 2 now requires a construction phasing scheme, timetable and plan identifying phasing areas. That amendment is relevant but does not remove this scenario from the DCO envelope. It does not establish a maximum interval between phases, a whole-Scheme construction long-stop or an expiry mechanism for materially independent Works which remain unimplemented. The Applicant must therefore demonstrate the maximum temporal implementation scenario assessed by the ES and secure that maximum through the DCO.

4.16.11 Abandonment of works after commencement

The Applicant may commence a work by undertaking limited enabling activity and then decide not to complete it.

Possible examples include:

- constructing an access or compound but not the solar field;
- installing ducts but not cables;
- forming a BESS platform without installing batteries;
- acquiring and clearing land for a substation that is not built;
- or commencing pylon foundations before the connection solution changes.

The application should identify what constitutes commencement for each work and what restoration obligations arise where the work is then abandoned.

A generic decommissioning obligation at the end of the 60-year operational period may not apply to works that never become operational. The DCO should require prompt restoration of abandoned or stranded works and prevent land remaining indefinitely in a partially developed condition.

4.16.12 Biodiversity net gain and ecological mitigation

BNG calculations and ecological mitigation may assume full build-out of the Scheme and delivery of habitat measures across several sites.

If only part of the development proceeds, the Applicant must explain:

- which habitat measures remain mandatory;
- whether the BNG calculation is recalculated;
- whether mitigation associated with an omitted site is still delivered;
- and whether habitat connectivity remains effective.

There is a risk that development proceeds on the most commercially attractive land while mitigation linked to later or omitted components is not delivered.

The DCO should therefore secure ecological mitigation by phase and require each commenced component to deliver the mitigation necessary for its own effects before or alongside that development.

4.16.13 Landscape mitigation

The landscape strategy may similarly depend upon coordinated planting across the full Scheme.

Partial implementation could produce:

- isolated compounds;
- unmitigated substations;
- incomplete screening;
- planting without the development it was intended to screen;
- or development without the planting allocated to another work phase.

The Applicant should identify which landscape measures are tied to each Site and major electrical component and whether they remain mandatory if other parts of the Scheme are omitted.

Planting required to mitigate the BESS, project substations or National Grid substation should be delivered before or contemporaneously with those works, not deferred until full Scheme completion.

4.16.14 Drainage and flood-risk mitigation

Drainage systems may be designed on the basis of full site layouts and shared infrastructure. Partial implementation could result in:

- temporary drainage becoming long-term;
- attenuation not being built;
- incomplete outfall arrangements;
- or impermeable compounds being constructed without the wider drainage network.

The Applicant should identify whether each Site and compound is hydrologically independent and whether all necessary drainage can operate safely if later phases never proceed.

No component should commence unless its permanent drainage and pollution-control systems are complete and independently functional.

4.16.15 Construction traffic under prolonged phasing

The transport assessment generally relies on an approximately 24-month construction period and defined average and peak traffic flows.

If the Scheme is staged over many years, the daily peak may be lower but the duration and repetition of traffic may be materially greater. Local roads may be repeatedly reopened to construction vehicles, and temporary highway works may be reinstated several times.

The Applicant should therefore assess both:

- the maximum concurrent construction scenario; and
- the maximum-duration phased scenario permitted by the DCO.

The relevant traffic controls must apply cumulatively across all phases rather than resetting for each Work No.

4.16.16 Claimed benefits may not arise

Claimed benefits must be attached to the implementation scenario which actually produces them. Solar generation benefits may arise without BESS, but balancing, storage and co-location benefits cannot be credited during a period in which Work No. 2 is not connected or operational.Those benefits may be reduced where:

- fewer solar sites are built;
- total generation is lower;
- the BESS is omitted or delayed;
- storage capacity is reduced;
- the connection is delayed;
- or the project never becomes fully operational.

The Applicant should state which benefits arise under each permitted implementation scenario and which depend upon complete delivery.

It would be inappropriate to weigh the full generation, storage, resilience and network benefits if the DCO permits a materially smaller or solar-only project without corresponding adjustment.

4.16.17 Compulsory-acquisition powers may outlast the need for individual works

The Applicant seeks compulsory powers across the full Order Limits.

If components are omitted, reduced or redirected, some land and rights may no longer be necessary. The DCO should not allow the Applicant to exercise powers for:

- unused cable routes;
- an unconfirmed National Grid substation;
- omitted substations;
- abandoned access routes;
- or BESS infrastructure that cannot connect.

The compulsory-acquisition case must be tied to the confirmed implementation scenario. Powers should lapse or be incapable of exercise where the relevant work is no longer required.

4.16.18 Required severability evidence and controls

The Applicant should provide a formal severability assessment addressing every realistic combination of development. It should state whether the scenario is permitted by the DCO, whether it was assessed in the ES, whether it is technically and contractually connectable, and whether the mitigation remains effective.

The assessment should cover at least:

- full Scheme;
- partial solar build-out;
- reduced capacity;
- solar-only;
- delayed BESS;
- reduced BESS;
- omission of one or more project substations;
- omission or relocation of the National Grid connection;
- partial cable construction;
- extended staged construction;
- and abandonment after commencement.

The DCO should then secure the necessary dependencies. In particular, it should prevent commencement of a component where its connection, drainage, access or mitigation depends on another unconfirmed work. It should require prompt restoration of abandoned works, phase-specific delivery of ecological and landscape mitigation, and the release or non-exercise of compulsory powers for omitted development.

4.16.19 Conclusion

The application describes one integrated Scheme, but the draft DCO may permit multiple materially different implementation scenarios.

Those scenarios include:

- construction of only some solar sites;
- a reduced generating capacity;
- solar without BESS;
- delayed or reduced BESS;
- omission of project substations;
- omission or relocation of the National Grid substation;
- construction of unused cable infrastructure;
- prolonged staged implementation;
- and abandonment of works after commencement.

Assessment of the full Scheme does not automatically establish that every subset, sequence or severed implementation is environmentally equivalent.

Partial implementation may alter:

- BNG;
- landscape mitigation;
- drainage;
- ecology;
- construction duration;
- traffic;
- connection viability;
- compulsory-acquisition necessity;
- and the benefits relied upon in the planning balance.

The Applicant should therefore provide a complete severability assessment and the DCO should secure minimum implementation, work dependencies, phasing, mitigation, restoration and land-power controls. Without those measures, the development lawfully authorised could differ materially from the integrated Scheme presented and assessed.

4.17 Consequences for the Environmental Statement

4.17.1 Introduction

The uncertainties identified in this chapter have direct consequences for the reliability and legal adequacy of the Environmental Statement.

They do not concern isolated drafting errors or minor equipment choices. They affect the principal physical components of the Scheme, their locations, their interdependence, their construction and replacement, their connection to the transmission system and the infrastructure remaining permanently after solar decommissioning.

The central question is whether the Environmental Statement assesses the development that the draft DCO would actually authorise. That requires consistency between:

- the Scheme Description;
- the design envelope;
- the Works Plans;
- the environmental assumptions;
- the mitigation;
- the compulsory-acquisition case;
- and the operative DCO controls.

The evidence of Norfolk County Council, South Norfolk Council, the Environment Agency, National Highways, NGET, NGT, Norfolk Gliding Club and GAAC demonstrates material uncertainty in each of those areas.

4.17.2 Worst-case assessment

The Applicant relies on the Rochdale Envelope and states that the ES assesses realistic worst-case parameters. The preceding analysis shows that it is not yet clear that the same final worst case has been used consistently across all environmental topics.

The solar design permits both fixed and tracking panels. Trackers may reach approximately 4.5 metres and move through a substantial operational range, while fixed panels are lower and differently oriented. Different topics may therefore have assessed different panel technologies. The Applicant must demonstrate that every permitted field-level configuration remains within the combined worst case, including landscape, glare, aviation, ecology and runoff.

The Site 1B project substation changed from a 132 kV structure of approximately seven metres during statutory consultation to a 400 kV structure described as approximately 13 metres at targeted consultation and 15 metres in the final ES. It is not sufficient for Chapter 4 to state the final parameter. The Applicant must establish that the final:

- landscape;
- heritage;
- noise;
- aviation;
- drainage;
- groundwater;
- fire;
- and transport

assessments all used the 400 kV, 15-metre design.

The National Grid substation increased from an earlier footprint of approximately three hectares to a final maximum of six hectares. The Applicant must show that the full compound, impermeable area, buildings, access, drainage and pylon works were assessed in every relevant chapter.

The same concern applies to foundations. The application permits panel piles up to four metres and BESS or substation piling up to 12 metres, but does not provide a complete schedule of pile number, diameter, density or concrete volume. An assessment of maximum depth alone does not establish the maximum groundwater, archaeological, noise or materials impact.

BESS replacement may occur up to five times, but it is unclear whether the lifetime traffic, waste, carbon, fire and drainage assessments include all replacement cycles. Nor is the future battery chemistry fixed.

The application also permits or anticipates permanent retention of National Grid infrastructure, pylons, overhead lines, cables, ducts, joint bays, access and drainage. Those permanent effects must be assessed separately from the temporary 60-year solar development.

Finally, NGET has not confirmed that the Site 1B connection solution will be used. A materially larger, differently configured or differently located solution has not been shown to fall within the assessed envelope. The Rochdale approach cannot treat the identity, location and necessity of the final transmission connection as an ordinary matter of detailed design.

The Applicant must therefore provide a chapter-by-chapter worst-case audit identifying the precise parameters used in each assessment. That audit should state, for every relevant topic, the panel technology, panel height and orientation, BESS capacity and equipment assumptions, substation footprint and height, transformer number, pylon number and height, foundation method, cable working width, construction compound extent, replacement scenario and decommissioning assumptions used.

It should also demonstrate that the DCO prevents combinations of parameters that were not assessed together. A collection of separate topic-specific worst cases does not necessarily amount to a coherent whole-Scheme worst case. For example, a landscape chapter may assess trackers because of their height, while a drainage chapter assumes fixed panels, a noise chapter assumes an indicative number of electrical units and an aviation chapter relies on a particular orientation or module type. Unless the permitted final configuration is constrained, the constructed Scheme could combine characteristics from several scenarios in a way that produces materially different effects.

Where the final parameter differs from the assumption used in a technical chapter, that chapter must be updated or the DCO envelope reduced. It is not sufficient to rely on a general commitment that detailed design will be ‘no worse than assessed’ where the assessment baseline and comparison parameters are not expressly identified.

The Examining Authority should therefore require the Applicant to demonstrate that:

- each final maximum parameter has been assessed in every relevant topic;
- all realistic combinations of those parameters remain within the assessed envelope;
- permanent retained infrastructure has been assessed as permanent development;
- replacement and repowering assumptions cover the full operational life;
- and any materially different NGET connection solution would require further environmental assessment and consent.

Until that exercise is completed, the ES cannot be assumed to represent the realistic worst case of the development authorised by the draft DCO.

The reasonable worst case is therefore not confined to the maximum physical dimensions of each component. It must include the materially different implementation permutations which the DCO permits. A smaller physical Scheme is not necessarily environmentally or operationally equivalent if, for example, solar proceeds without BESS, one substation is omitted, mitigation dependent upon a later phase is delayed, or infrastructure intended to serve an omitted Work remains constructed. The ES should identify and assess those realistic implementation cases expressly.

4.18 Remedies sought

The defects identified in this chapter concern the definition, control, deliverability and environmental assessment of the authorised development. They cannot be addressed adequately through broad assurances that detailed design will remain within the Rochdale Envelope or that outstanding matters will be resolved after consent.

The Applicant should be required to provide a single, reconciled and enforceable account of the Scheme before the close of the Examination. Where an essential parameter, connection dependency, access arrangement or statutory interface cannot be confirmed, the corresponding work, land or power should be restricted or removed from the draft DCO.

4.18.1 Consolidated scheme definition

The Applicant should provide a single consolidated Maximum Design Parameters Schedule covering every principal and ancillary component of the Scheme. The schedule should state the maximum and, where relevant, minimum number, height, footprint, depth, capacity, voltage, duration and operational parameter for each authorised work.

The schedule should include the solar arrays, conversion units, BESS, project substations, National Grid infrastructure, pylons, overhead lines, cables, joint bays, compounds, access tracks, drainage works, landscaping, ecological mitigation, replacement works and decommissioning infrastructure. It should distinguish permanent development, temporary construction development, replacement infrastructure and works intended to remain after the solar project is decommissioned.

The Applicant should also provide a definitive list of every permanent and temporary work authorised by the draft DCO. Generic references to ancillary or associated development should not be used to authorise material works whose location, scale or environmental effects have not been identified.

A formal reconciliation should be produced between ES Chapter 4, the Works Plans, Land Plans, Book of Reference, Design Principles, Parameters and Commitments document, Commitments Register and draft DCO. Every inconsistency in terminology, mapping, work numbering or parameter should be resolved. The corrected plans

should use an up-to-date base map and should accurately show existing infrastructure, including the operational Long Stratton Bypass.

Terms capable of materially widening the authorised development should be defined. In particular, the Applicant should explain what is meant by ‘arrangement’, ‘associated development’, ‘ancillary works’, ‘maintain’, ‘replace’, ‘repower’ and ‘substantially in accordance with’. The definitions must prevent those terms from becoming a route to authorise additional or materially different development after consent.

The Applicant should identify every application document containing a binding parameter or commitment and state the DCO provision through which it is secured. Parameters should not be dispersed across multiple documents without a clear hierarchy or mechanism for resolving conflict.

4.18.2 Grid connection and NGET responsibilities

The Applicant should disclose the operative connection agreement, the proposed replacement agreement and all relevant variations, subject only to justified redaction of commercially sensitive financial terms. The disclosed material should establish the connection capacity, connection location, Gate status, responsibilities for land and consent, works required from the Applicant and works required from NGET.

NGET should confirm whether Site 1B remains an acceptable and technically sufficient final point-of-connection solution. That confirmation should address the proposed six-hectare substation envelope, the anticipated number and configuration of bays, the overhead-line works and the maximum number and height of pylons.

The Applicant and NGET should identify any other Gate 2 offers capable of changing the size, design, location or function of the proposed National Grid infrastructure. Where those projects may require a materially different or larger solution, the Applicant should explain whether that solution is within the assessed and authorised envelope.

A joint responsibility and ownership matrix should identify who will design, approve, construct, own, operate and maintain every element of Works Nos. 4 and 5. It should cover civil works, electrical equipment, access, drainage, oil and firewater systems, landscaping, biodiversity mitigation, overhead lines, pylons, emergency response and long-term environmental compliance.

A programme should be provided for finalising the NGET connection design. It should identify milestones for the replacement connection agreement, confirmation of the point of connection, completion of the NGET option-selection process, final land requirements, detailed design, approval, construction, adoption and energisation.

The DCO should prevent commencement of the National Grid substation, overhead-line works and dependent export cables until NGET has approved the final connection solution in writing. Compulsory-acquisition powers should not be exercisable for the

proposed connection infrastructure until NGET confirms that the relevant land and rights are required.

Any land, rights or powers not necessary for the confirmed connection solution should be removed from the Order. The Applicant should not retain powers over land merely because it may be useful for an alternative or future network arrangement.

4.18.3 Solar and BESS severability

The Applicant should confirm whether the solar generating station may lawfully and technically be constructed, commissioned and operated without the BESS. It should also confirm whether the BESS may be delayed, reduced, constructed partially or omitted permanently.

Every realistic severed implementation scenario should be assessed. That assessment should include solar-only development, solar with delayed BESS, solar with materially reduced BESS, construction of BESS civil infrastructure without an operational connection, and replacement by materially different battery technology.

The Applicant should identify the minimum BESS capacity, duration and operational capability relied upon in the need, climate and grid-benefits cases. If no minimum is secured, the Secretary of State should not attribute material weight to benefits dependent upon delivery of a fully integrated storage system.

The DCO should prevent reliance on BESS benefits unless delivery of a defined and connected BESS is secured. Alternatively, the decision-making balance should be undertaken on the basis of the realistic solar-only case.

4.18.4 Design parameters

The panel technology permitted within each solar field should be defined. The Applicant should specify whether the field contains fixed panels, tracking panels or a controlled combination.

Maximum panel height, orientation, movement, tilt and row spacing should be secured. Trackers reaching 4.5 metres should be prohibited or restricted in areas sensitive to landscape, heritage, residential amenity, ecology or aviation unless the Applicant demonstrates expressly that they represent the assessed and acceptable worst case.

The BESS envelope should define the maximum and minimum MW and MWh capacity, duration, maximum import and export, battery chemistry or chemistry envelope, enclosure number, enclosure dimensions, stored energy, compound area, transformer and inverter number, cooling equipment and sound-power limits.

Each 132 kV and 400 kV project substation should be subject to a defined maximum layout. The Applicant should state the transformer number, transformer rating,

maximum oil inventory, buildings, switchgear, busbars, height, compound area, hardstanding, drainage, lighting and foundation design.

The final 15-metre maximum height of the Site 1B project substation should be secured expressly. The Applicant should demonstrate that the Environmental Statement assessed that height rather than the earlier 13-metre targeted-consultation design.

The DCO should fix the maximum number, location and height of new pylons and should restrict their limits of deviation. Any materially different overhead-line alignment should require further assessment.

Maximum piling and foundation depths should be accompanied by maximum numbers, diameters, installation methods and concrete quantities. The use of driven, screwed, bored or concrete foundations should be controlled by location-specific environmental constraints rather than left entirely to detailed design.

4.18.5 Cable and below-ground works

The Applicant should provide a corridor-by-corridor cable schedule identifying the maximum number of circuits, individual cables, ducts and trenches at each voltage.

The DCO should secure maximum ordinary and widened working widths, trench width and depth, maximum simultaneous open-trench length and the maximum number and dimensions of joint bays and fibre chambers.

Crossings of main rivers, roads, the FM05 gas pipeline, protected habitats and other major infrastructure should be fixed on certified plans. The crossing method should be defined where open-cut and trenchless alternatives have materially different effects.

Maximum HDD depth, bore diameter, bore length, number of parallel bores, launch and reception pit dimensions and compound area should be secured. Trenchless methods should require prior approval from the relevant regulator and statutory undertaker.

Maximum foundation type, plan dimensions, depth, piling method and density for each principal infrastructure type, including the BESS, Project Substations and National Grid Substation.

High-voltage cable works serving the transmission connection should not commence until the final NGET connection point and cable destination have been approved. The DCO should prohibit speculative ducts, duplicate circuits and cable infrastructure that is disconnected from an approved final connection solution.

The Applicant should define the assumed life of each principal cable system, the circumstances in which replacement excavation may occur and the decommissioning treatment of cables, ducts, joint bays and chambers. Removal should be the default unless retention is justified through a specific environmental and agricultural assessment.

4.18.6 Statutory undertakers

Protective provisions for NGT should be agreed before the close of Examination. They should address the FM05 Yelverton–Stowmarket feeder main, cathodic-protection infrastructure, transformer-rectifier equipment, access rights, crossings, loading, ground-level changes, vegetation and emergency operations.

The DCO should preserve NGT's existing access and easement restrictions. No panel, foundation, cable, access track, drainage work, compound, material store or planting should be placed within the protected corridor without NGT's written approval.

The Applicant should provide a plot-by-plot schedule identifying every work and compulsory power affecting gas and electricity infrastructure. That schedule should identify the statutory apparatus, existing interest, proposed Work No., construction method, permanent or temporary effect and applicable protective provision.

No work within a protected statutory-undertaker corridor should commence until the undertaker has approved the detailed design and method. No existing statutory right should be extinguished, suspended or materially interfered with without the undertaker's written agreement.

Equivalent clarity should be provided for NGET, NGT and every other affected statutory undertaker whose apparatus or rights are crossed by the Scheme.

4.18.7 Aviation safeguards

The Applicant should provide a revised, site-specific aviation-safety assessment addressing the actual mixed gliding and powered-aircraft operations at Tibenham Airfield.

The assessment should be undertaken through direct engagement with Norfolk Gliding Club and should respond to the evidence of the General Aviation Awareness Council. It should address normal operations, engine failure after take-off, glider launch failure, aborted aerotow, variable circuit patterns, glare, obstacles, fencing, emergency-landing land and cumulative development.

The final assessment should define any land that must remain free from panels, fences, substations, planting, drainage structures or other obstacles. Those areas should be secured through a certified Aviation Safeguarding Plan.

Binding controls should be imposed on panel type, height, orientation, tracker movement, reflectivity and replacement technology. Trackers should be prohibited in aviation-sensitive areas unless demonstrated to be no worse than fixed panels.

The assessment should include the combined aviation envelope of solar panels, BESS, substations, pylons, overhead lines, lighting and construction cranes.

If the Applicant cannot demonstrate that Site 1 can be developed without unacceptable aviation risk, the affected parts of Site 1 should be removed or reduced. Safety should not depend upon mitigation that remains unidentified or unenforceable at the point of consent.

4.18.8 Construction and transport

The Applicant should provide a complete AIL schedule covering every large transformer, battery enclosure, cable drum, pylon component and other abnormal load.

For each AIL, the schedule should identify dimensions, weight, axle configuration, number of deliveries, port of entry, Strategic Road Network route, local route, internal haul route and final destination.

End-to-end route plans should be agreed in principle with National Highways and Norfolk County Council. The plans should include swept-path analysis, structural assessments, junction alterations, bridge or culvert works, vegetation removal, traffic management, fallback routes and confirmation that all necessary land and rights fall within the Order Limits.

Routes rejected by the local highway authority, including Hall Lane, Fairstead Lane and other unsuitable minor roads, should not remain available through a later CTMP unless the authority approves them on the basis of new evidence. Construction traffic should use appropriate B roads and internal haul routes wherever required by Norfolk County Council.

The DCO should impose enforceable daily, hourly and route-specific construction traffic caps. Monitoring should include corrective action where the assessed limits are approached or exceeded.

The Applicant should define the maximum number of simultaneous construction work fronts, piling rigs, HDD operations, compounds and active haul routes. A programme should identify the maximum duration of construction at each solar site, cable corridor, substation and grid-work area.

Maximum compound footprints, hardstanding areas, haul-road lengths, temporary access works and drainage requirements should be secured.

The construction assessment should quantify pile numbers and installation methods, concrete volumes, excavation, trenching, HDD operations, drilling-fluid use, spoil storage and dewatering. Those figures should be reconciled with the noise, traffic, air-quality, groundwater, drainage, waste and carbon assessments.

4.18.9 Replacement and decommissioning

The DCO should define the maximum number of major replacement cycles. It should limit complete solar-panel replacement to the assessed cycle and BESS replacement to the assessed maximum.

The maximum area or number of sites capable of undergoing replacement simultaneously should be fixed. Replacement traffic, compounds, temporary access, lighting and working hours should be subject to controls equivalent to those applying during initial construction.

Replacement equipment should be required to perform no worse environmentally than the assessed equipment. Objective limits should cover dimensions, capacity, noise, stored energy, chemistry, heat release, pollutant inventory, drainage, firewater, traffic and lighting.

A Battery Handling and Replacement Plan should govern the removal, temporary storage, quarantine, transport and disposal or recycling of damaged and end-of-life batteries. Dedicated fire, monitoring and pollution controls should apply throughout replacement.

The Applicant should provide a definitive removal-and-retention schedule identifying what will be removed at decommissioning and what is intended or permitted to remain. It should cover panels, foundations, BESS infrastructure, project substations, the National Grid substation, pylons, overhead lines, cables, ducts, joint bays, access, drainage, landscaping and altered ground levels.

The National Grid substation, retained pylons, overhead lines, access and drainage should be assessed and controlled as permanent development. Their long-term owner and operator should accept responsibility for maintenance, drainage, landscape mitigation, biodiversity, safety and environmental compliance.

The DCO should secure independently costed, index-linked and insolvency-protected financial security for decommissioning and restoration. That security should be reviewed periodically to reflect the actual equipment, waste and restoration liabilities.

4.18.10 Updated environmental assessment

The Applicant should update the Environmental Statement wherever the final parameter exceeds, differs from or was not demonstrably included in the assessed design.

A revised noise assessment should address the full 400 kV Site 1B project-substation envelope, the maximum BESS compound and equipment inventory, the National Grid infrastructure and cumulative operation of all major electrical plant. Replacement equipment should be assessed against binding receptor limits.

Drainage and groundwater assessments should be updated to reflect the final impermeable areas, SuDS land, firewater containment, maximum foundations, piling, cable trenches, HDD, dewatering and statutory-infrastructure crossings.

The aviation assessment should use the final Site 1 layout, panel technology, tracker parameters, reflectivity, fencing, substations, pylons, lighting and construction cranes.

Landscape and heritage assessments should be updated where they relied on earlier substation heights, footprints, panel layouts, pylon assumptions or mitigation. The assessment should include the permanent post-decommissioning landscape in which National Grid infrastructure remains.

The transport assessment should be updated using the final port of entry, AIL routes, local accesses, haul-road strategy, construction programme and enforceable traffic caps.

The cumulative assessment should use the final East Pye construction and implementation programme and should address Norwich to Tilbury, Tasway, other solar and BESS projects, highways schemes and other grid infrastructure. It should include realistic delayed BESS, delayed NGET and replacement scenarios.

The Applicant should also provide a final audit demonstrating that every material parameter in the DCO was assessed in the relevant environmental chapter and is secured by an enforceable provision.

The word ‘substantially’ should be removed from Requirements where it weakens compliance with approved parameters, environmental plans or mitigation. Any amendment mechanism should be narrow, objective and incapable of authorising new or materially different significant effects.

4.18.10A Examination-stage Scheme Definition Schedule

In light of ISH1 and ExQ1, the Applicant should provide one consolidated schedule identifying:

- the final maximum parameter for every material component;
- the number and permitted locations of conversion units and switchrooms;
- panel technology, rating, overplanting assumption and relevant capacity limits;
- AIS/GIS alternatives and the discipline-specific worst case;
- the correct separate parameters for project and National Grid substations;
- Site 6 construction and operational use;
- lighting parameters;
- fencing;
- the final Sites 7–10 haul-road strategy;
- the Site 7 gas-pipeline crossing solution;
- the BESS Gate status and assumed commissioning scenarios;
- the National Grid substation’s delivery timing and potential third-party role;

- and every inconsistency corrected between the Works Plans, Illustrative Masterplan and environmental figures.

For each item the schedule should identify the ES assessment relied upon and the DCO provision which prevents a materially worse outcome.

4.18.11 Consequence if the remedies are not satisfied

These remedies are not requests for unnecessary detail or premature manufacturer selection. They concern the definition of the authorised development, the realistic worst case, the physical ability to construct and connect it, the protection of statutory infrastructure and the enforceability of mitigation.

If the Applicant cannot confirm an essential design parameter or connection dependency, the corresponding flexibility should be removed. If a route, crossing or statutory interface is not agreed, the relevant work should not be authorised. If a materially different implementation scenario has not been assessed, it should be prohibited. If the final NGET solution is not confirmed, the associated commencement and compulsory-acquisition powers should not be available.

Unless the Applicant provides the required evidence and the draft DCO is amended accordingly, the Examining Authority cannot be satisfied that the development authorised would be the development assessed, that its essential components are deliverable or that the compulsory powers sought are necessary and proportionate.

Chapter 5: Reasonable Alternatives and Design Evolution

5.1.1 Introduction

This section objects to the Applicant's treatment of reasonable alternatives and design evolution on the basis that it is legally, evidentially and strategically deficient. The Environmental Impact Assessment must do more than describe how the Applicant arrived at its preferred scheme. It must identify the reasonable alternatives actually studied, explain the main reasons for choosing the proposed option and compare their environmental effects. The alternatives exercise must also be sufficiently transparent to show that materially less harmful options were not excluded merely because they were inconsistent with the Applicant's pre-existing commercial model, assembled land interests or preferred scale of development.

On the evidence contained in Chapter 5 and the Site Selection Assessment, that standard has not been met. The alternatives case is structured around a narrow and self-serving scheme rationale: a 500 MW transmission-connected solar development, with associated substations, extensive cabling and a co-located Battery Energy Storage System, fixed to a particular part of South Norfolk and defended by reference to an asserted urgent need and supposed grid logic. The Applicant then treats any option that would not reproduce that same project concept as unreasonable.

The Applicant expressly states that its alternatives assessment is conducted in the context of what it calls the 'clear and urgent need for the Scheme' and for development 'at the proposed scale.' It consequently declines to consider either a 'no development' scenario or a smaller development because those options would not deliver the generation and storage capacity selected by the Applicant. That reasoning is circular. It defines the objective as delivery of the preferred Scheme and then excludes any alternative that does not deliver the preferred Scheme.

The central evidential problem is more fundamental. The land comprising East Pye was not selected because a viable grid connection existed at Norwich Main. Norwich Main had insufficient capacity and could not be expanded to accommodate the project. Nor has the Applicant demonstrated that the land was selected because it represented an ecologically or environmentally preferable location. The evidence instead shows that the Applicant first searched for, identified and secured a sufficiently large package of land from willing landowners around an assumed Norwich Main connection. When that connection premise failed, it retained the assembled land and searched for a new National Grid substation capable of serving it.

Site selection was therefore led principally by land availability. The actual point of connection was adapted to preserve the existing land package. Environmental constraints were subsequently managed through buffers, setbacks, landscaping and mitigation, rather than being allowed to determine whether the Scheme should be located in this sensitive landscape at all.

That is particularly serious because East Pye is not proposed on unconstrained or low-conflict land. The Scheme would occupy a very large area of productive agricultural land, much of it Best and Most Versatile, and would affect a historically and environmentally sensitive rural landscape. It engages overlapping constraints relating to ecological networks, ancient woodland, protected species, watercourses, private water supplies, heritage settings, settlement character, aviation, public rights of way, narrow rural roads and cumulative infrastructure pressure.

Those environmental effects must also be considered against the regional need position. The Applicant has not shown that a further 500 MW transmission-connected solar project is required in South Norfolk or in the T7 East Anglia transmission region. The evidence assembled by BEPS indicates that T7 is already heavily subscribed for solar overall and particularly for transmission-connected solar. In those circumstances, the environmental consequences of the Scheme cannot be justified merely by invoking an abstract national need for renewable energy. The relevant question is whether this project, in this place, is required despite the regional capacity and pipeline position. The Applicant has not answered that question.

The ‘do nothing’ alternative is therefore not an artificial or irrelevant comparator. Where refusal has not been shown to create a regional shortfall, but would avoid extensive agricultural, ecological, landscape, heritage, hydrological and community harm, non-development is a reasonable and potentially preferable alternative which required proper assessment.

5.1.2 The applicable alternatives requirement

The Applicant relies upon NPS EN-1 paragraph 4.3.9, which states that there is no general policy requirement to consider alternatives or demonstrate that a development represents the absolute best option. That does not dispose of this objection.

Paragraph 2 of Schedule 4 to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires a description of the reasonable alternatives studied by the developer, including alternatives in terms of development design, technology, location, size and scale, together with the main reasons for selecting the chosen option and a comparison of environmental effects. The Applicant reproduces that requirement in Chapter 5. It also acknowledges that NPS EN-5 requires applicants to consider carefully the location and design of associated substations, and that the Planning Inspectorate’s guidance expects a good Environmental Statement to explain the alternatives considered and the reasons for the chosen option by reference to environmental effects.

The objection is not that the Applicant had to investigate every theoretically conceivable parcel of land in England. It is that the alternatives it did study were framed and screened through criteria which predetermined the outcome. The Applicant fixed the technology, capacity, broad location, land requirement and commercial structure before assessing whether materially less harmful alternatives existed.

Commercial feasibility and land availability may legitimately form part of an alternatives exercise. They cannot, however, replace environmental comparison or be used to

define ‘reasonable’ so narrowly that only land already secured by the Applicant qualifies.

5.1.3 The land search preceded confirmation of a viable grid connection

Chapter 5 establishes the sequence clearly. The Applicant initially considered Norwich Main Substation as the point of connection and, in parallel, commenced a search for solar sites. It adopted a 20 km radius from Norwich Main and conducted an exercise within that area to identify landowners willing to participate in the Scheme. The Applicant states that its search produced the requisite amount of land and that voluntary agreements were secured.

Only subsequently did NGET advise that Norwich Main had neither sufficient existing capacity nor any opportunity for expansion to accommodate a 500 MW solar project. Norwich Main was therefore discounted as a viable point of connection.

This sequence is critical. The East Pye land package was not assembled because Norwich Main had confirmed capacity. It was assembled while the availability of that connection remained unresolved. The Applicant therefore selected and secured the land before establishing the infrastructure premise said to justify the location.

Once Norwich Main was ruled out, the original rationale for the 20 km search area disappeared. That should have triggered a fresh assessment of whether South Norfolk remained the appropriate broad location, whether a 500 MW scheme remained justified, whether the project should be materially reduced or reconfigured, whether a more compact scheme could be located around the actual point of connection, whether other regions or projects offered materially lower environmental impacts, and whether the Scheme should proceed at all.

The Applicant did not undertake that fundamental reassessment. Instead, it preserved the sites already identified and searched along the Bramford–Norwich 400 kV line for a new point of connection capable of serving them.

5.1.4 Failure to restart the site-selection exercise after Norwich Main failed

Chapter 5 states that, after Norwich Main was rejected, the Applicant moved southwards along the transmission line and ultimately selected a point of connection south of Great Moulton. It then concluded that the sites already identified around Norwich Main were ‘still viable’ because they also happened to fall within 20 km of Great Moulton and because the relevant landowners remained willing to enter agreements.

That is not a fresh or neutral site-selection exercise. It is retrospective validation of a land portfolio assembled under a failed grid assumption.

The 20 km radius is itself an Applicant-defined commercial parameter. The fact that the original sites fell within 20 km of both Norwich Main and Great Moulton does not establish that they were environmentally preferable, that the new connection strategy was optimal, or that the original search remained rational once Norwich Main was unavailable.

The process was therefore reversed. The Applicant did not identify the most appropriate solar land around a confirmed point of connection. It identified a point of connection partly by reference to land which it had already assembled.

That circularity is confirmed by the Applicant's treatment of alternative National Grid substation locations. Chapter 5 states that the transmission-line search was limited north of Diss because the Applicant preferred a location close to the solar sites already identified and for which willing landowners had been established. It accepts that land in Siting Zone 3 could constitute a reasonable alternative, but regarded it as less preferable because of its distance from the initially identified solar sites.

The Applicant therefore used the pre-existing land package to constrain the search for the new connection infrastructure and then relied upon the new connection infrastructure to justify retaining the pre-existing land package. That is a self-reinforcing process, not a transparent comparison of alternatives.

ISH1 has now clarified the chronology. The Applicant confirmed that four of the six stages of its siteselection exercise had already been completed while Norwich Main remained the geographi cal basis of the search and that, by that point, a suitable solar site had been established. When the connection strategy subsequently moved to Great Moulton, the exercise was not restarted t hrough a fresh unrestricted search from that new point of connection. The previously identified Sites were retained because they remained within approximately 20 km of Great Moulton.

BEPS does not contend that a complete restart was automatically required as a matter of law. T he material question is whether retaining the previously identified land was supported by an ad equate environmental comparison once the connection geography had changed. Continued inc lusion within approximately20 km of Great Moulton establishes geographical eligibility under th e Applicant's methodology; it does not, by itself, demonstrate that the same Sites would have e merged from an environmentally informed search beginning at Great Moulton.

ExQ1 now requires the Applicant to explain why a fresh Great Moulton-centred site-selection exercise would not have produced a materially different Scheme, extent or configurati on. That is the appropriate examination question.

5.1.5 Land availability was a materially conditioning factor

Landowner willingness was a legitimate deliverability consideration. BEPS does not contend that the Applicant was required to use compulsory acquisition to assemble speculative alternative solar sites. The issue is the weight given to land availability relative to environmental suitability, and whether the existing land package materially narrowed the environmental alternatives subsequently considered. The Applicant's own evidence shows that voluntary land availability was not merely one consideration among many. It was a decisive threshold criterion.

The Applicant states that it searched for landowners willing to participate, sought a land package of approximately 1,100 hectares and secured Sites 1–10 and the BESS site through voluntary agreements. It also explains that assembling land from as few ownerships as possible

was desirable in order to minimise project complexity, engineering issues, legal arrangements, mitigation requirements and cost.

At Stage 6 of the solar alternatives exercise, four Alternative Development Zones were identified which might in principle accommodate solar development and which could have offered shorter cable routes. However, the Applicant did not consider them further because sufficient land had not been made available to it. Chapter 5 states that, without alternative land sufficient to accommodate the Scheme being made available within those zones, the land was not considered further as a reasonable alternative.

The same approach was applied to the National Grid substation search. Land in Siting Zone 2 south of Station Road and west of the railway was not selected because a willing landowner was not forthcoming.

The Applicant further relies on its preference to avoid compulsory acquisition as far as practicable. That may explain its commercial preference, but it does not establish that land unavailable by voluntary agreement was environmentally unsuitable or technically incapable of accommodating development.

The statutory alternatives requirement is not limited to sites already controlled by the developer. Land availability may affect whether an option is ultimately deliverable, but the Applicant must still distinguish between land which is environmentally unsuitable, land which is technically unsuitable, land which is unavailable following a meaningful and documented inquiry, land which has not been tested because the Applicant already controls sufficient acreage elsewhere, and land which is simply less convenient or more expensive to acquire.

Chapter 5 does not maintain that distinction. It repeatedly treats ‘not made available to the Applicant’ as equivalent to ‘not a reasonable alternative.’

Nor is it sufficient to say that no alternative land came forward during consultation. Public consultation is not a comprehensive land-market exercise. Landowners cannot reasonably be expected to identify, assemble and volunteer an alternative 1,100-hectare scheme in order to correct deficiencies in the Applicant’s site-selection methodology.

The conclusion is unavoidable: East Pye was selected because the Applicant was able to secure a sufficiently large land package from willing owners. Environmental suitability was then assessed within that commercially assembled area.

The ExA has now required the Applicant to provide the early desktop planning review, clarify when landowner engagement began and explain how landowner agreement fed into the site-selection process. Those documents are directly relevant to determining the relative influence of environmental screening and land availability.

5.1.6 The Great Moulton point of connection was selected to preserve the land package

After Norwich Main failed, the Applicant focused its search along the Bramford–Norwich 400 kV line. The stated considerations included proximity to the overhead line, road access, reduction

in the length of diversion works and capital cost. Those are relevant factors, but the search was also explicitly constrained by the location of the solar sites already assembled.

Chapter 5 states that the stretch of transmission line considered was limited to north of Diss because the Applicant preferred a location close to the solar sites it had already identified and secured. It also states that Siting Zone 3 was less preferable because it was further from those sites.

Great Moulton has therefore not been demonstrated to be the environmentally preferable or strategically necessary place for a new National Grid substation. It was the location that best maintained the viability of the Applicant's existing land interests.

The circularity is clear. The land was first assembled around Norwich Main. Norwich Main was subsequently found to be unavailable. The Applicant retained the land, selected a new connection area partly because it was close to that land, and then relied on proximity to the new connection to justify the Scheme's location.

That process does not demonstrate that the Great Moulton substation or the associated solar sites represent an environmentally appropriate combination. It demonstrates only that they preserve the commercial scheme already assembled.

5.1.7 The site-selection process was not ecologically led

The Applicant states that statutory ecological designations, ancient woodland and other constraints were mapped and that designated sites were avoided. Avoiding the direct footprint of internationally or nationally designated land is a necessary starting point. It does not demonstrate that East Pye was selected through a comparative ecological assessment.

The Scheme remains spread across a complex and sensitive rural ecological network involving ancient and replanted ancient woodland, County Wildlife Sites, mature hedgerows and field-boundary trees, ponds and ghost ponds, protected-species habitat, bat commuting and foraging networks, rare arable flora, established stewardship habitat, watercourses, riparian corridors and functionally connected farmland and woodland habitats.

Chapter 5's design-evolution table records numerous later changes involving buffers, offsets, habitat corridors, woodland setbacks, removal of limited panel areas and the designation of mitigation land. Those changes demonstrate that ecological constraints were encountered after the land package had been selected. They do not establish that ecology led the original selection.

The Applicant's methodology therefore largely followed a pattern of identifying and securing sufficient willing land, removing the most obviously prohibited or designated areas, retaining the overall distributed scheme, responding to ecological evidence through buffers, landscaping and mitigation, and then concluding that the residual land was suitable. That is mitigation-led design, not ecological avoidance-led site selection.

The proper alternatives question was not simply whether panels could be kept outside the boundary of a statutory designation. It was whether a scheme of this scale should be located

across this ecological network at all, when materially less sensitive locations, reduced-scale options or non-development might avoid fragmentation and disturbance.

The Applicant has not provided a transparent comparative assessment showing that East Pye was ecologically preferable to other regions or alternative land areas. Nor has it shown that the ecological network affected by East Pye is capable of accommodating a 500 MW dispersed solar scheme without unacceptable fragmentation and cumulative harm.

5.1.8 Agricultural-land constraints were relaxed to preserve the Scheme

The treatment of agricultural land provides a clear example of project delivery overriding the Applicant's initial environmental screening.

The Applicant initially applied a preference against the use of BMV land. However, when the initial screening did not identify sufficient land to accommodate the preferred 500 MW scheme, Grade 3 land was reintroduced into the search.

The resulting Scheme contains approximately 829.1 hectares of BMV land, representing about 78.7% of the solar sites. The methodology therefore moved from an initial stated preference to avoid higher-quality land to a final scheme overwhelmingly occupying it.

The sequence is important. BMV land was initially treated as a constraint. Applying that constraint prevented the Applicant from assembling sufficient acreage. The constraint was then relaxed, land already secured from willing owners was retained, and alternative land was rejected where it was not available voluntarily.

That does not demonstrate that poorer-quality land was preferred where possible. It demonstrates that the Applicant adjusted its criteria when those criteria prevented delivery of the fixed 500 MW project.

The March 2026 Land Use Framework is not itself planning policy and expressly states that its principles are not intended to constitute a material consideration in NSIP decisions. BEPS does not rely upon it as an independent basis for refusal. It is, however, relevant evidence of the strategic land-use problem recognised by Government and the intended future direction of national spatial policy.

The Framework states that England has sufficient land to meet energy, food, infrastructure and nature objectives if land is used more efficiently and strategically. It identifies 'right use, right place' as a principle for future policy, supports the strategic safeguarding of productive farmland and records that its modelling did not direct renewables and other major land-use changes towards the most productive BMV land. It also anticipates a fairer and more efficient spatial distribution of solar and wind infrastructure.

The Framework does not decide this application. It does, however, reinforce the evidential question which Chapter 5 fails to answer: why should a predominantly BMV land package in South Norfolk be selected for this project when the regional need case is unproven and the Applicant's own initial methodology treated such land as a constraint?

5.1.9 The Applicant fixed the scale before assessing alternatives

Chapter 5 treats the 500 MW capacity as an immutable starting point. The Applicant calculated the land required to deliver that output, added land for substations, BESS, access, landscaping, biodiversity measures and cable infrastructure, and searched for approximately 1,100 hectares.

Alternatives were then tested according to whether they could reproduce that fixed project. 'Do nothing' was rejected because it would deliver none of the Applicant's proposed capacity. A smaller scheme was rejected because it would deliver less than 500 MW. Brownfield land was rejected because no single brownfield site could accommodate the whole scheme. Rooftops were rejected because assembling enough roofs to produce 500 MW would involve multiple ownerships. Alternative development zones were rejected unless sufficient land was available to accommodate the full Scheme. Other technologies were dismissed in part because the Applicant is itself a solar and storage developer.

That is not a meaningful assessment of alternatives in size, scale, configuration or technology. It tests only whether another option can deliver East Pye exactly as the Applicant wishes to promote it.

At minimum, the Applicant should have assessed a substantially smaller solar development, removal of the most ecologically, agriculturally and visually harmful sites, a compact scheme closer to the actual point of connection, a lower-capacity connection, phased development, solar without BESS, delayed or reduced BESS, alternative deployment through less constrained regions or projects, and no development.

None of those options can properly be dismissed solely because it would produce less than the Applicant's preferred 500 MW output.

5.1.10 No demonstrated regional need for East Pye in T7

National policy establishes an important and continuing need for low-carbon electricity infrastructure. BEPS does not dispute that general proposition. It does not follow, however, that every proposed solar NSIP is required in every transmission region, irrespective of regional capacity, queue position, environmental harm or the availability of other projects.

The Applicant relies on national need at a high level but provides no evidence that a further 500 MW transmission-connected solar project is required in South Norfolk or within T7 East Anglia.

The present strategic connections framework is regionally and technologically differentiated. The evidence assembled by BEPS indicates that the published combined solar figure for T7 in 2035 is 3,300 MW, while the transmission-only solar figure is 900 MW. Current Gate 2 solar projects in T7 total approximately 2,241.6 MW, and the wider planning, consented and under-construction T7 solar pipeline has been calculated at approximately 4,015 MW.

These figures should be supported in the final evidence schedule by consistently dated references to the relevant Ofgem, NESO, RESP and REPD material. Taken together, however, they demonstrate the central issue: T7 is already heavily subscribed for solar in aggregate, and the position is particularly pronounced for transmission-connected solar.

East Pye is not a small distribution-connected project serving a local deficit. It is a 500 MW transmission-connected scheme requiring a wholly new National Grid substation, major project substations and extensive cable infrastructure. It must therefore be considered against the transmission-specific regional position, not simply against a general national objective for more renewable electricity.

The Applicant has not identified any existing or forecast T7 transmission-solar deficit which East Pye is required to fill. It has not identified any regional capacity shortfall that would arise if East Pye were refused, which existing Gate 2 or consented T7 projects are assumed not to proceed, why East Pye should be preferred over those projects, why equivalent capacity should not be delivered in regions with a greater identified need, or why South Norfolk must bear the additional environmental burden of this Scheme.

The fact that regional capacity figures may not constitute absolute planning caps does not make them irrelevant. They are directly relevant to whether this particular project is strategically aligned, whether refusal would frustrate the regional pathway and whether the environmental harm of East Pye is necessary.

Nor can the Applicant rely on general 'optionality' or the possibility of attrition elsewhere. Optionality for developers and the system cannot be treated as a public benefit without accounting for the irreversible or long-duration environmental, agricultural and community costs imposed by preserving that optionality.

The proper question is what regional clean-power deficit would arise if East Pye Solar were not built. Chapter 5 and the Statement of Need do not provide an answer.

5.1.11 The position is particularly adverse for transmission solar

The distinction between combined solar capacity and transmission-connected solar is important.

The Applicant presents East Pye as a major national generating asset whose transmission connection allows its benefits to be experienced more widely. That characteristic also means the project must be assessed against the capacity already present in, or allocated to, the T7 transmission queue.

On the Ofgem/NESO figures relied upon by BEPS, Gate 2 transmission solar already substantially exceeds the published T7 transmission-only figure. East Pye would add a further 500 MW and would require construction of a new transmission node at Great Moulton.

The Applicant has not shown why further transmission solar should be concentrated in T7 notwithstanding the existing Gate 2 position, the wider regional pipeline, network congestion and curtailment risk, the cumulative proliferation of solar, BESS and grid infrastructure in South Norfolk, and the availability of other transmission regions with different capacity requirements.

In those circumstances, generic national need cannot establish that East Pye is required in this location.

5.1.12 The BESS does not cure the absence of a regional solar need case

Chapter 5 relies upon co-location with the BESS as part of the preferred technology solution. It states that the BESS could store electricity at times of lower demand, release it at times of need and enhance grid resilience and stability.

Those asserted benefits do not answer the regional solar-capacity issue.

The solar and BESS elements must be examined separately. The application materials identify Gate 2 prioritisation for the solar component, but do not appear to establish an equivalent Gate 2 position for the BESS. The contractual ability to import electricity is not necessarily the same as a secured Gate 2 allocation for the storage project.

The Applicant should therefore be required to clarify the precise Gate status of both the solar component and the BESS, whether the BESS may be delayed, reduced or omitted, whether the solar element may operate without it, what benefits remain if the BESS is not delivered, and whether BESS benefits are being relied upon to justify a solar project whose regional need has not been demonstrated.

The alternatives assessment should have considered solar-only, delayed-BESS, reduced-BESS and severed implementation scenarios. It cannot assume a fully integrated solar-and-storage scheme if delivery of each component is not equally secured.

5.1.13 The Applicant's own development portfolio reinforces the absence of demonstrated locational necessity

East Pye should also be considered in the context of the Applicant's own development portfolio. That context does not turn other Island Green Power projects into formal alternatives to East Pye. It does, however, materially weaken any suggestion that generic national renewable-energy need, portfolio 'optionality' or expected attrition demonstrates that this particular 500 MW Scheme must proceed in this particular location.

The Applicant's own Statement of Reasons confirms that East Pye Solar Limited is wholly within the Island Green Power corporate group. It also records that Island Green Power has delivered nearly 40 solar projects worldwide, including 21 in the UK, with more than 3 GW of developed capacity. Macquarie Asset Management increased its ownership of Island Green Power to 100% in 2025 and states that the UK business has a development pipeline exceeding 15 GW of utility-scale solar and battery-storage projects.

East Pye is therefore not a singular project upon which either the Applicant's renewable deployment programme or the national solar programme depends. It is one prospective development within a very substantial commercial portfolio.

That point is particularly important because Island Green Power is simultaneously promoting **The Droves Solar Farm**, another NSIP-scale project in Norfolk. Island Green Power describes The Droves as a proposed solar and BESS development between Swaffham and Castle Acre in West Norfolk and confirms that it is being promoted through the NSIP regime. The Droves is proposed at approximately 500 MW. East Pye is likewise a 500 MW-class

NSIP promoted by the same corporate group. The Applicant is therefore advancing approximately 1 GW through these two Norfolk projects alone.

That does not establish that The Droves is a mandatory substitute for East Pye, nor that an applicant with a large portfolio is entitled to less favourable treatment. The significance is different.

The Applicant relies upon a general national requirement for renewable generation while BEPS' preceding analysis shows no identified T7-specific solar deficit which East Pye is required to fill. The Applicant also relies upon the prospect of future attrition within the wider development pipeline. In that context, the existence of its own substantial portfolio demonstrates why a distinction must be maintained between **portfolio optionality** and **project-specific necessity**.

A developer pursuing many prospective schemes plainly obtains value from retaining multiple development options. Some schemes may obtain consent; some may be delayed by grid constraints; some may change; and some may ultimately fall away. Macquarie itself describes Island Green Power's expanding UK pipeline as the foundation for building a substantial operating portfolio. There is nothing inherently objectionable about that commercial strategy.

But it does not answer the planning question before the Examining Authority.

Portfolio optionality may explain why the Applicant wishes to preserve East Pye. It does not demonstrate why East Pye is necessary at this location or why its full 500 MW scale must be retained despite its environmental constraints.

The same distinction applies to attrition. If the generation pipeline substantially exceeds the capacity that will ultimately be required or connected, some projects will necessarily fail, be reduced, be delayed or not proceed. The possibility of that attrition cannot logically operate only as an argument for consenting every project now.

If attrition is expected, environmental suitability is an obvious consideration in determining which projects should ultimately proceed.

That is especially important at East Pye. The Applicant's own alternatives evidence shows that the broad 500 MW capacity was treated as a project requirement from the outset; sufficient land was sought to accommodate that capacity; the site-selection exercise was not restarted when the original Norwich Main connection strategy failed; land availability played a central role; and a materially smaller Scheme was not pursued as an alternative.

The result is a ten-Site development whose environmental cost is unusually high. The Applicant's own assessments acknowledge extensive significant landscape effects and irreversible loss or downgrading of BMV agricultural land. The wider evidence identifies a nationally important bat assemblage, multiple barbastelle maternity-colony landscapes, ancient woodland, sensitive water and groundwater receptors, important heritage assets, constrained rural highways and unresolved major-infrastructure interfaces.

Against that background, the Applicant cannot answer the alternatives question merely by saying that more projects are required in the national pipeline because some will fall away.

The appropriate question is the reverse:

If attrition is expected, why should East Pye—with this combination of landscape, ecological, agricultural, heritage, hydrological and infrastructure constraints—not be one of the projects that is reduced, relocated or does not proceed?

The existence of The Droves makes that question concrete. The same corporate group is advancing another approximately 500 MW NSIP in Norfolk at the same time. Island Green Power is also developing multiple other large-scale projects elsewhere in England and maintains a UK solar and BESS pipeline exceeding 15 GW. The national contribution available from the Applicant's development activity is therefore plainly not dependent upon preserving every hectare or every megawatt of East Pye.

The Applicant does not have to prove that The Droves itself could replace East Pye megawatt-for-megawatt. But the existence of that project, together with the much wider portfolio, makes it still more important to establish why East Pye's full scale is environmentally justified rather than merely commercially desirable.

This is particularly relevant to the Applicant's refusal to consider a materially smaller East Pye Scheme. If deleting the most sensitive Sites or Sub-Sites reduced East Pye below 500 MW, the Applicant cannot answer that alternative simply by pointing to the national need for solar. Its own portfolio demonstrates that the difference between a reduced East Pye and the preferred 500 MW project forms only part of a much larger development programme.

The alternatives exercise should therefore have tested whether the environmental objectives served by reduction could justify sacrificing some of the Applicant's preferred East Pye capacity. It should have asked whether development could be concentrated on the least constrained parts of the Order Limits; whether the most environmentally sensitive Sites could be removed altogether; and whether a reduced East Pye would represent a more proportionate contribution when considered alongside the substantial regional and Applicant pipelines.

It did not. Instead, the Applicant treated its 500 MW objective as something the alternatives process was required to preserve.

That is precisely why the portfolio evidence matters. It exposes the difference between what is required in the public interest and what is desirable from the perspective of maintaining a large commercial development pipeline.

The point is especially significant for compulsory acquisition. Island Green Power's ability to maintain portfolio optionality may be commercially valuable, but the same reasoning cannot establish that private land at East Pye is necessary for compulsory acquisition. The Applicant must ultimately justify the acquisition of that land by reference to the public benefits and requirements of East Pye itself, not the value to its parent company of retaining another 500 MW option within a multi-gigawatt portfolio.

Accordingly, this evidence does not establish that another Island Green Power project is a formal EIA alternative to East Pye. It establishes something more limited but directly relevant:

East Pye is one project within a very substantial Applicant portfolio, including another approximately 500 MW solar NSIP in Norfolk. Generalised national need, commercial portfolio optionality and possible attrition elsewhere therefore cannot establish that East Pye itself must retain its full 500 MW scale or occupy these ten Sites. The Applicant must demonstrate why this particular Scheme should survive the expected process of project attrition despite the exceptional environmental constraints of the landscape it has selected. It has not done so.

5.1.14 The 'do nothing' alternative is material and should be prioritised

Chapter 5 excludes the 'no development' scenario because it would have no prospect of delivering the generation and storage proposed by the Applicant. That reasoning is tautological. A no-development alternative will always deliver none of the proposed project. If that were sufficient to exclude it, the environmental null alternative could never be relevant.

The proper question is not whether East Pye would be built without consent. It is whether refusal would materially frustrate the relevant national or regional energy objectives. On the present evidence, the Applicant has not demonstrated that it would.

If East Pye were consented, T7 would receive a further 500 MW of transmission-connected solar in a region already heavily subscribed overall and particularly for transmission solar. The Scheme would require a wholly new National Grid substation and associated transmission infrastructure, occupy approximately 829 hectares of BMV land, fragment and disturb a sensitive ecological network, industrialise a wide area of rural South Norfolk, affect heritage settings, settlements and public rights of way, create risks to water resources and private water supplies, affect aviation interests and constrained rural roads, and add to the cumulative effects of other solar, BESS, transmission and development projects.

If East Pye were refused, the Applicant has not shown that the T7 regional solar pathway would fail. Refusal would avoid all direct environmental effects of the Scheme, retain productive BMV farmland, avoid a new Great Moulton transmission hub, preserve ecological, hydrological, heritage and landscape systems, allow delivery to continue through existing Gate 2, consented and other pipeline projects, and preserve future strategic options pending fuller spatial energy planning.

The Applicant may argue that some projects in the regional pipeline will not be delivered. That possibility does not establish that East Pye is required. The Applicant must identify the assumed attrition, explain why it is reasonable and demonstrate what residual deficit East Pye would fill.

It is not sufficient to impose the full environmental cost of East Pye upon South Norfolk merely to preserve speculative system or developer optionality.

In a region where solar capacity is already heavily subscribed, where transmission-connected capacity substantially exceeds the relevant regional figure, and where refusal has not been shown to create a regional shortfall, the 'do nothing' alternative is both realistic and

environmentally rational. It should therefore have been treated as a principal alternative and compared transparently against the proposed Scheme.

5.1.15 Design evolution does not cure the site-selection defect

The Applicant relies on iterative design changes, including panel removals, enlarged buffers, woodland setbacks, habitat corridors, landscape planting and changes responding to consultation. Some of those changes may reduce individual effects. They do not cure the foundational problem.

Design evolution has not altered the fact that the land was assembled before a viable connection was established, that the Norwich Main premise failed, that the Applicant retained the existing land package rather than commencing a genuinely fresh search, that Great Moulton was selected partly because it served that land package, that the Scheme remains dispersed over a very large area, that it remains predominantly on BMV land, that substantial ecological and landscape effects remain, that the new transmission-infrastructure cluster remains, and that no proper reduced-scale or no-development alternative has been assessed.

Design refinement can reduce impacts within an already selected site. It cannot demonstrate that the site itself was appropriately selected. The design-evolution exercise therefore shows how the Applicant attempted to accommodate environmental constraints within the preferred scheme. It does not show that environmental considerations determined the choice of land or the fundamental scale and location of the project.

5.1.16 Overall conclusion

The Applicant's evidence demonstrates that the East Pye Solar site was not selected because a viable grid connection existed at Norwich Main. Norwich Main had neither sufficient capacity nor any expansion opportunity for the project.

The Applicant nevertheless searched for and secured approximately 1,100 hectares from willing landowners around that assumed connection. When Norwich Main failed, it retained the land and sought a new point of connection capable of preserving it.

Great Moulton was selected partly because it was close to the already assembled sites. Alternative land and substation locations were rejected or not pursued where willing landowners had not made sufficient land available. Land availability therefore operated as the controlling criterion.

Ecological and other environmental constraints did not lead to a fresh site search. They were largely addressed through later buffers, setbacks and mitigation within the commercially assembled scheme.

The Applicant also fixed the project at 500 MW before assessing alternatives and then rejected no development, smaller-scale development, brownfield land, rooftops and alternative configurations because they would not reproduce the same predetermined project.

At the same time, the Applicant has not demonstrated that further transmission-connected solar is required in South Norfolk or T7 East Anglia. The available evidence indicates that T7 is

heavily subscribed for solar overall and particularly for transmission solar. The Applicant has not shown what regional deficit would arise if East Pye were refused.

In those circumstances, the extensive environmental, agricultural and community harm of East Pye is not justified by a demonstrated regional need. The ‘do nothing’ alternative should have been assessed seriously and, on the present evidence, should be preferred.

5.1.17 Remedies sought

BEPS requests that the Examining Authority require the Applicant to submit a supplementary and consolidated alternatives assessment which reconstructs the chronology of land assembly, grid discussions and site selection; identifies when the Applicant first knew that Norwich Main had insufficient capacity and no expansion opportunity; explains why the Norwich Main-derived land package was retained after the original connection premise failed; separates land availability and landowner willingness from environmental and technical suitability; identifies all alternative land areas considered, the inquiries made into their availability and the reasons they were rejected; and discloses the criteria, weighting, scoring and professional judgements applied to solar and National Grid substation alternatives.

The supplementary assessment should also examine whether the Great Moulton point of connection was selected principally to preserve land already assembled and should provide a comparative ecological, landscape, agricultural, heritage, hydrological, aviation, transport and public-rights-of-way assessment of the principal alternatives. It should assess reduced-scale, compact, phased, solar-only, BESS-deferred, BESS-reduced and no-development alternatives and should clarify the separate connection and Gate status of the solar and BESS components.

The Applicant should further be required to provide a complete and consistently dated comparison of East Pye with the T7 Gate 2 allocation, the transmission-specific solar figure and the wider planning and consented pipeline. It should identify the regional capacity shortfall, if any, that would arise if East Pye were not built and explain why the environmental harm of East Pye is necessary notwithstanding the existing T7 solar and transmission-solar position.

Unless the Applicant can demonstrate both a genuine regional need for this project and a defensible environmental basis for selecting this particular land, no material weight should be attached to its conclusion that the proposed Scheme is appropriately located.

If those deficiencies cannot be remedied fairly and comprehensively within the Examination timetable, the ‘do nothing’ alternative should be preferred and the application refused.

5.2 Legal and policy framework

The Applicant is correct that there is no universal planning-policy requirement to demonstrate that every nationally significant infrastructure project is the absolute ‘best option’ among all conceivable alternatives. NPS EN-1 makes that clear. That proposition does not, however, displace the separate statutory requirement imposed by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, nor the specific policy requirements applying to the siting of electricity infrastructure.

Paragraph 2 of Schedule 4 to the 2017 Regulations requires the Environmental Statement to include a description of the reasonable alternatives studied by the developer which are relevant to the proposed project and its specific characteristics. The examples given expressly include alternatives in terms of development design, technology, location, size and scale. The Environmental Statement must also identify the main reasons for selecting the chosen option and must include a comparison of environmental effects. Chapter 5 itself reproduces that requirement.

That requirement does not oblige the Applicant to identify the objectively best or least environmentally harmful option among every conceivable alternative. Nor does it require the Applicant to undertake an unconstrained national site search. It requires the Environmental Statement to describe the reasonable alternatives actually studied which are relevant to the project and its specific characteristics, and to identify the main reasons for the option chosen, taking environmental effects into account. Technical feasibility, grid availability, land availability and other deliverability considerations may legitimately inform which alternatives are reasonable; the material question is whether their influence, and the environmental comparison between the alternatives actually studied, is sufficiently transparent.

The August 2026 NPPF reinforces the environmental relevance of that exercise. Policy N2 requires significant biodiversity harm first to be avoided through location on an alternative site with less harmful impacts where such harm cannot otherwise be avoided, and requires agricultural land quality and grade to be taken into account, with poorer-quality land used where possible. Those provisions do not create a universal requirement to identify the least harmful possible site, but they reinforce the need to demonstrate that avoidance genuinely informed the Scheme's evolution before reliance was placed upon mitigation.

The obligation is therefore not satisfied merely by narrating the history of the Applicant's preferred proposal. Nor is it satisfied by showing that design changes were made after environmental constraints were identified. The Environmental Statement must disclose a genuine alternatives exercise in which reasonable alternatives were identified, studied and compared, and in which the reasons for the chosen option were explained by reference to their environmental, social, economic, technical and commercial consequences.

NPS EN-1 also recognises that the reasonableness of an alternative may depend upon technical and commercial feasibility. That does not permit the Applicant to define the project objective so narrowly that only the preferred Scheme is capable of meeting it. An alternative cannot properly be dismissed simply because it would provide less than the Applicant's chosen 500 MW capacity, would require a different configuration, would omit or defer the BESS, would involve a different land package, or would be less convenient to the Applicant's existing commercial arrangements. To reason in that way would convert the statutory comparison into a test of whether an alternative can reproduce the preferred project exactly.

NPS EN-5 is particularly important in relation to the new National Grid substation. Chapter 5 records that NPS EN-5 recognises that there will usually be a degree of flexibility in the location of associated substations and that applicants should consider their location and design carefully. It also recognises that engineering, environmental and community constraints may

require infrastructure to follow something other than the most direct or commercially convenient route.

The Horlock guidance, which the Applicant says informed its substation assessment, similarly requires the early consideration of environmental and community constraints. It requires applicants to make use of landform and existing features for screening, to protect habitats and landscape features as far as reasonably practicable, and to keep visual, noise and other environmental effects to a reasonably practicable minimum. Chapter 5 therefore accepts that environmental suitability was required to inform substation siting from the outset, not merely to be mitigated after a commercially convenient location had been identified.

The legal objection is accordingly a focused one. BEPS does not contend that the Applicant was required to assess every parcel of land or every theoretical technology in England. The objection is that the Applicant did not study a reasonable range of alternatives on a properly defined and environmentally neutral basis. It fixed the essential features of the Scheme in advance: a 500 MW solar project, associated BESS, approximately 1,100 hectares of land, a transmission connection and a land package assembled through willing owners. It then defined reasonableness by reference to whether an alternative could accommodate that predetermined project.

That approach screened out potentially less harmful alternatives by construction. Reduced-scale development was excluded because it would not deliver 500 MW. The ‘do nothing’ alternative was excluded because it would deliver none of the proposed generation. Brownfield and rooftop alternatives were tested against their ability to reproduce the entire 500 MW Scheme. Alternative development zones were not pursued where sufficient land had not been made available voluntarily. The assessment therefore did not begin by asking what development, if any, could be accommodated with the least environmental harm. It began by asking where the Applicant’s already defined project could be preserved.

5.3 The original site search was tied to Norwich Main

The chronology disclosed in Chapter 5 is central to understanding the weakness of the alternatives exercise.

The Applicant initially considered Norwich Main Substation as the point of connection for a 500 MW utility-scale solar project. In parallel with those grid discussions, it adopted a 20 km search radius around Norwich Main and began searching within that area for landowners willing to participate in the Scheme. Chapter 5 states expressly that the Applicant conducted a search for willing landowners within that Norwich Main radius, identified the requisite amount of land and secured voluntary agreements over the sites which later became the subject of the DCO application.

The Site Selection Assessment follows the same sequence. The original 20 km radius was selected because the Applicant considered it to represent a commercially viable cable-connection distance for a project of this scale. Land agents were then used to identify large landholdings and willing landowners within that area. The search therefore began with Norwich Main as its geographical and commercial anchor.

Only after that land search had been undertaken did NGET advise that Norwich Main had neither sufficient existing capacity nor any opportunity for expansion to accommodate a 500 MW solar project. Chapter 5 expressly records that Norwich Main was therefore discounted as a viable point of connection. The Site Selection Assessment confirms the same point.

This sequence is decisive. The East Pye land package was not assembled because a viable grid connection existed at Norwich Main. It was assembled while the availability of that connection remained unresolved. The Applicant therefore secured the land before it had established the infrastructure premise relied upon to justify its location.

The site-selection narrative should not therefore be described as grid-led. The grid assumption that defined the original search area proved to be wrong. Norwich Main could not accommodate the Scheme and could not be expanded to do so. The land was nevertheless retained.

Nor can the location be said to have emerged from an environmentally led search. The first operative step was not the identification of the least constrained land around a confirmed connection. It was the identification of willing landowners within an Applicant-defined commercial radius around a point of connection which subsequently failed.

The correct conclusion is that the land was assembled before the Applicant had established a viable point of connection. East Pye was therefore not selected because grid capacity existed at Norwich Main. Norwich Main had no capacity for the Scheme.

5.4 Failure to restart the site search when Norwich Main failed

The failure of Norwich Main should have triggered a fundamental reassessment of the Scheme. The original 20 km search radius had been justified by proximity to Norwich Main and by the Applicant's assessment of a commercially viable cable distance. Once Norwich Main was found to have no capacity and no expansion opportunity, the defining rationale for the original search area disappeared.

A neutral alternatives process would then have reconsidered the appropriate broad region, the appropriate project scale, whether a 500 MW development remained justified, whether a different solar site should be selected around the actual point of connection, whether the Scheme should be reduced or reconfigured, and whether the project should proceed at all. Given that the Applicant promotes multiple solar projects across England, it should also have considered whether the same claimed generation benefit could be delivered through a less environmentally damaging opportunity elsewhere in its portfolio, while recognising that the EIA duty is directed primarily to alternatives actually studied by the developer.

That fundamental reassessment did not occur. Instead, the Applicant retained the Norwich Main-derived sites and searched southwards along the Bramford–Norwich 400 kV line for a new National Grid substation capable of serving them.

The fact that the exercise was not restarted is not, by itself, the objection. The evidential issue is whether the previously selected land remained environmentally justified once Great Moulton replaced Norwich Main as the relevant connection geography. A parcel remaining within the

Applicant's 20 km search radius establishes continued geographical eligibility; it does not establish comparative environmental suitability.

Chapter 5 states that, following NGET's confirmation that Norwich Main was unavailable, the Applicant selected the point of connection south of Great Moulton. It then treated the sites previously identified around Norwich Main as continuing to be viable because they also happened to fall within 20 km of the new Great Moulton point of connection and because the landowners had already demonstrated their willingness to enter voluntary agreements.

That reasoning does not amount to a fresh site-selection exercise. It validates the old sites against a new connection after the event. The fact that the previously assembled land happened to fall within another Applicant-defined 20 km radius does not demonstrate that the land was environmentally preferable, that Great Moulton was the best available strategic location, or that the original site search remained rational once its grid premise had failed.

The circularity becomes still clearer in the National Grid substation assessment. Chapter 5 states that the stretch of transmission line considered was limited to land north of Diss because the Applicant preferred a location in proximity to the solar sites already identified as suitable and for which a willing landowner had been established. It also accepts that areas within Siting Zone 3 could present a reasonable alternative, but says that the distance from the initially identified solar sites made that zone less preferable.

The Site Selection Assessment makes the same point. Great Moulton was preferred partly because of its proximity to the identified solar sites, while the more southerly Yaxley-area option was treated as less preferable because it was further from them.

This demonstrates that the Applicant did not conduct a fresh search from the actual grid opportunity outwards. The already assembled land was used to constrain the search for the new connection, and the new connection was then used to justify retention of the already assembled land.

The Applicant did not select the solar sites by reference to the actual point of connection. It selected the point of connection partly by reference to solar sites already assembled around a point of connection that had failed.

ISH1 has now confirmed that four of six stages had already been completed before the connection strategy changed. The Applicant's assertion that the same Sites would have emerged had Great Moulton been the original starting point therefore requires supporting evidence, particularly because a different geographical starting point potentially changes cable requirements, collecting substations, access, BMV effects, landscape and heritage relationships, ecology, hydrology and proximity to settlements.

5.5 Land availability materially conditioned site selection

Chapter 5 and the Site Selection Assessment show that land availability was not merely one consideration among several. It operated as a decisive threshold criterion throughout the process.

The Applicant states that it searched specifically for landowners willing to participate in the Scheme. It calculated that a 500 MW connection would require a substantial landholding and ultimately searched for approximately 1,100 hectares to accommodate solar arrays, substations, the BESS, access, landscaping, biodiversity measures and cable infrastructure. The search yielded the land required, and voluntary agreements were secured over Sites 1–10 and the BESS site.

The Applicant also explains that it preferred to assemble the Scheme through as few ownerships as possible. It says this would reduce engineering, design, legal and mitigation complexity. Those are intelligible commercial considerations, but they also show that the site-selection process favoured large consolidated landholdings and ease of contractual assembly, rather than beginning with a comparative assessment of environmental suitability.

The significance of this approach is confirmed by the treatment of alternative land. At Stage 6 of the solar site-selection process, the Applicant identified four Alternative Development Zones within the search area. Chapter 5 acknowledges that land within those zones might be suitable for solar development and that greater proximity to the point of connection could reduce cable length, environmental disturbance and disruption. Nevertheless, the zones were not considered further because sufficient land had not been made available to the Applicant.

The Site Selection Assessment is explicit that potentially suitable alternative development areas were not treated as reasonable alternatives where sufficient land had not been made available. This is a critical admission. It shows that potentially suitable land was screened out not because a comparative environmental assessment demonstrated that it was inferior, but because the Applicant had not secured it voluntarily.

The same approach was applied to the National Grid substation. Chapter 5 states that land in Siting Zone 2 south of Station Road and west of the railway was not selected because a willing landowner was not forthcoming. That reason is distinct from environmental or engineering unsuitability. It is a land-control reason.

The Applicant also relies on a preference to avoid compulsory acquisition. That preference may be relevant to commercial feasibility and to the proportional use of compulsory powers. It does not establish that land outside the Applicant's voluntary agreements was technically incapable of accommodating the development or environmentally less suitable. Nor does it justify treating untested land as though it were not a reasonable alternative at all.

The legal criticism must therefore remain precise. Land availability is capable of being relevant to the reasonableness and deliverability of an alternative. But it cannot substitute for identifying and comparing environmental alternatives. Nor can it be treated as determinative without evidence of what inquiries were made, whether the land was genuinely unavailable, whether different scales or configurations could have been accommodated, and whether compulsory powers or alternative commercial arrangements were realistically capable of being considered.

Chapter 5 does not draw those distinctions. It conflates land which is not already available to this developer on voluntary terms with land which is not reasonable, suitable or deliverable. That is not the same thing.

The Applicant's approach is especially weak because it did not undertake a comprehensive test of alternative availability once sufficient land had been secured. The Site Selection Assessment records that the Applicant did not approach further landowners after it considered that sufficient suitable land had already been identified. The conclusion that no better available land existed is therefore not supported by a full market or ownership inquiry. The search stopped because the Applicant already had enough land for its preferred scheme.

Nor does the fact that alternative land did not 'come forward' during consultation cure the defect. Statutory consultation is not a substitute for a properly designed site-selection process. It is not a comprehensive land-market exercise, and neighbouring landowners cannot reasonably be expected to identify, assemble and volunteer hundreds of hectares in order to demonstrate that the Applicant's preferred land package is environmentally inferior.

The overall inference is strong. East Pye was selected because the Applicant could assemble approximately 1,100 hectares from willing owners within a commercially acceptable area. The point of connection was then adapted to serve that land. Environmental constraints were assessed and mitigated within the land package after it had been secured.

The Applicant has therefore conflated 'available to this developer on voluntary terms' with 'environmentally suitable' and 'reasonable.' That is the central defect in the site-selection exercise.

5.6 The Great Moulton substation was selected to preserve the assembled sites

The Applicant presents the Great Moulton substation location as the outcome of a technical and environmental search along the Bramford–Norwich 400 kV transmission line after Norwich Main had been discounted. The underlying evidence shows, however, that the search was constrained from the outset by the location of the solar sites already assembled under the failed Norwich Main premise.

Chapter 5 states that, after NGET confirmed that a new National Grid substation would be required, the Applicant focused its search along the Bramford–Norwich 400 kV line between Norwich and Diss. Proximity to the existing overhead line, access from the strategic road network, the ability to accommodate abnormal indivisible loads and the reduction of additional connection infrastructure were all treated as relevant considerations. Those factors are legitimate. They do not, however, explain why the search was limited in the particular way chosen or why Great Moulton was preferred over all other potentially reasonable locations.

The Applicant expressly states that the stretch of transmission line considered was limited to land north of Diss because it preferred a location close to the solar sites already identified as suitable and for which willing landowners had been established. This is a significant admission. The geographic scope of the substation search was not defined solely by network capacity, engineering constraints or environmental suitability. It was defined partly by the need to preserve a pre-existing land portfolio.

The Applicant's treatment of Siting Zone 3 confirms the same point. Chapter 5 accepts that areas within Siting Zone 3 could present a reasonable alternative. It nevertheless concludes that the zone was less preferable because of its distance from the initially identified solar sites. The principal disadvantage was therefore not that the zone had been shown to be incapable of accommodating a substation or that its environmental effects were necessarily unacceptable. It was that it was less convenient for land already assembled elsewhere.

The Site Selection Assessment similarly records that the Great Moulton area was selected partly because of its proximity to the identified solar sites. By contrast, the Yaxley-area option was treated as less preferable in part because it was the furthest from those sites, which would increase cable length, electrical losses and associated environmental effects. The comparison therefore began from an assumption that the existing solar sites should be retained and asked which substation location best served them.

That approach is circular. The solar land had been assembled around Norwich Main before the Applicant knew that Norwich Main could not accommodate the Scheme. When that connection failed, the Applicant did not conduct a fresh strategic search for the most appropriate combination of solar land and point of connection. It retained the land and selected a new point of connection partly because it was close to that land. It then relied upon proximity to the new point of connection as a justification for retaining the original sites.

The later comparison between Options 4A and 4B does not cure that defect. Option 4A was affected by overlap with the consented solar development north of Station Road, while Option 4B was preferred because it lay within Flood Zone 1 and avoided a direct conflict with a public right of way through the proposed substation footprint. Those considerations may explain why Option 4B was preferred within the already selected Great Moulton area. They do not demonstrate that Great Moulton itself was the most appropriate strategic location for a new 400 kV substation.

The alternatives assessment also does not provide a transparent comparison showing that Great Moulton was preferable in landscape, heritage, aviation, ecological or community terms. The assessment largely records broad constraints and applies a high-level RAG review. It does not disclose a weighted multi-criteria analysis demonstrating how environmental harm was balanced against commercial convenience, land control, cable length and access. Nor does it show whether lower-lying or more visually contained locations were comparatively assessed against the exposed Great Moulton landform.

This omission is particularly important because NPS EN-5 recognises that there is usually flexibility in the location of associated substations and requires applicants to consider location and design carefully. Chapter 5 also invokes the Horlock Rules, which require applicants to take advantage of screening provided by landform and existing features and to keep visual, noise and other environmental effects to a reasonably practicable minimum. A search directed principally toward preserving pre-assembled solar sites does not demonstrate compliance with that environmental siting discipline.

Great Moulton was therefore not demonstrated to be the strategically or environmentally optimum location for a new National Grid substation. It was the location that best preserved the Applicant's existing land assembly.

5.7 The site-selection process was not ecologically led

The Applicant states that ecological designations and environmental constraints were taken into account through its staged site-selection process. It says that internationally and nationally designated biodiversity sites were identified and avoided and that environmental considerations informed later design evolution. That evidence shows that ecological information was considered. It does not show that ecological suitability led the selection of East Pye.

The chronology demonstrates otherwise. The original search began with a 20 km radius around Norwich Main and a search for landowners willing to participate. The Applicant then sought approximately 1,100 hectares to accommodate the fixed 500 MW Scheme and associated infrastructure. Broad environmental filters were subsequently applied, but land availability remained decisive, and alternative development zones were not pursued where sufficient land had not been made available voluntarily.

The ecological exercise was therefore conducted within a commercially assembled land package. It did not begin with a comparative landscape-scale assessment of ecological sensitivity followed by selection of the least constrained location.

The Applicant's methodology placed considerable emphasis on the avoidance of formal designations. Chapter 5 states that Special Areas of Conservation, Special Protection Areas, Ramsar sites, Sites of Special Scientific Interest, National Nature Reserves and ancient woodland were identified and avoided. It also states that no international, national or local statutory designated ecological sites lie within the solar sites.

That is not the same as demonstrating ecological suitability. Avoiding the mapped footprint of a statutory designation does not avoid effects on functionally connected land, habitat networks, protected species, groundwater-dependent habitats, ancient woodland settings, bat commuting routes, ponds, hedgerows, watercourses or locally designated sites. Nor does it establish that the chosen area was less ecologically harmful than reasonable alternatives.

The Scheme remains distributed across a sensitive ecological network involving ancient and replanted ancient woodland, County Wildlife Sites, mature hedgerows, field-boundary trees, ponds and ghost ponds, watercourses, riparian corridors, bat roosting and foraging habitat, rare arable flora, established stewardship land and other functionally connected farmland habitats. The detailed evidence is addressed in the Ecology and Biodiversity Written Representation and is not repeated here. The significance for Chapter 5 is that these constraints should have informed the choice of location and scale before the land package was fixed.

Chapter 5's own design-evolution account demonstrates that many ecological constraints were addressed only after the sites had been selected. Across the various sub-sites, the Applicant records repeated refinements to buffers from hedgerows, trees, woodland, ponds,

water features and field margins; extensions to ancient woodland offsets; creation or strengthening of habitat corridors; removal of limited panel areas; and designation of land for ecological mitigation.

Examples include the removal of Sub-Site 3A after access and ecological issues associated with Spring Wood Ancient Replanted Woodland were recognised; enlargement of buffers around Spring Wood; removal of panels between woodland blocks in Site 5 to maintain ecological connectivity; increased mitigation around Fritton Grange Meadows County Wildlife Site; and refinement of ancient woodland buffers in Site 7. These changes may reduce particular impacts. They also demonstrate that significant ecological constraints were accommodated within the design after land selection rather than used to direct the Scheme elsewhere.

The distinction is important. Avoidance in the mitigation hierarchy is not achieved merely by moving panels a short distance within the same ecological network or by placing buffers around features while retaining development on surrounding functionally connected land. Genuine avoidance may require removal of development areas, substantial reduction in scale, relocation to a less sensitive landscape or non-development.

The Applicant's approach was instead principally mitigation-led. It identified and secured sufficient land, excluded the most obvious statutory constraints, retained the overall dispersed scheme and then adjusted offsets and mitigation as further ecological evidence emerged. That process does not establish that East Pye was selected because it was ecologically preferable.

Nor has the Applicant provided a transparent comparative ecological assessment of the principal alternative areas. The Site Selection Assessment identifies potentially unconstrained land and broad development zones, but it does not present a systematic comparison of ecological network function, protected-species risk, habitat connectivity, hydrological dependence, ancient woodland setting or long-term restoration potential between East Pye and the alternative areas. The absence of voluntary land agreements then prevented those alternative areas from being examined further.

The conclusion is therefore not that ecology was ignored. It is that ecology did not control the site-selection outcome. Ecological constraints were treated primarily as matters for later design refinement and mitigation within a land package selected for other reasons.

Avoiding the footprint of a statutory designation is not equivalent to selecting the least ecologically harmful location. The Applicant has not demonstrated through comparative evidence that East Pye was preferable to reasonable alternative areas or that the residual ecological harm was unavoidable.

5.8 The agricultural-land methodology confirms that project delivery overrode environmental screening

The Applicant's treatment of agricultural land provides one of the clearest examples of the site-selection criteria being adjusted to preserve the preferred project.

NPS EN-3 states that agricultural land classification should not be the sole or predominant factor in site selection, but that where agricultural land is necessary, poorer-quality land should be preferred to higher-quality land and the use of Best and Most Versatile land should be avoided where possible. Chapter 5 acknowledges those principles and states that agricultural land classification was treated as an important site-selection factor.

The Applicant's staged methodology initially reflected that policy. At the earlier screening stage, Grades 1, 2 and 3 agricultural land were excluded in order to identify the most unconstrained land and to apply a preference against BMV land.

That approach did not identify sufficient land to accommodate the preferred Scheme. The Applicant therefore proceeded to a later stage in which Grade 3 agricultural land was brought back into the search. Chapter 5 explains that doing so introduced a substantial area of land capable of accommodating solar development and allowed the Applicant to identify four Alternative Development Zones. Those zones were then not examined further where sufficient land had not been made available voluntarily.

The resulting Scheme is overwhelmingly located on BMV land. The Applicant's detailed agricultural surveys identify approximately 829.1 hectares of BMV land within the sites, amounting to about 78.7% of the solar-site area. This is not a marginal or incidental use of higher-quality agricultural land. It is the predominant land type affected by the Scheme.

The logical sequence is significant. BMV land was initially treated as a constraint. Applying that constraint prevented the assembly of enough land for the Applicant's preferred 500 MW development. The constraint was then relaxed. The Applicant retained land already secured from willing owners and concluded that other areas were not reasonable alternatives where equivalent acreage had not been made available.

That is not evidence-led avoidance. It is the adjustment of environmental criteria to accommodate a fixed commercial project.

The Applicant says that its understanding of agricultural quality developed as detailed surveys were completed and that some areas of BMV land were removed or retained for mitigation during design evolution. Those changes do not answer the site-selection objection. Once detailed evidence showed that the Scheme was predominantly BMV, the Applicant should have reconsidered the location, extent and capacity of the Scheme. It did not conduct a new strategic search based on the actual agricultural-quality evidence.

The design-evolution table confirms that BMV land was removed only in discrete instances where it coincided with other constraints. Sub-Site 3A was removed following a combination of access, ancient woodland, ecological, unexploded ordnance, heritage and Grade 2 BMV issues. Site 6 was retained for agriculture and mitigation because it was entirely Grade 2 and affected by heritage constraints. Some BMV land was also removed from Sites 8 and 9 in response to landscape, heritage or other considerations.

Those changes show that the Applicant was capable of avoiding BMV land where multiple constraints made development especially difficult. They do not demonstrate that poorer-

quality land was preferred across the Scheme as a whole. The final outcome remains one in which nearly four-fifths of the solar sites comprise BMV land.

The Applicant also relies upon provisional mapping available during initial site selection. Chapter 5 states that the wider area was shown largely as undifferentiated Grade 3 and that later surveys provided a more detailed understanding of Grades 2, 3a and 3b. That explains why the precise proportion may not have been known at the earliest stage. It does not justify retaining the Scheme unchanged once the detailed survey evidence became available.

A lawful and environmentally credible alternatives exercise should be capable of responding to better evidence. Where later surveys reveal that a preferred land package is predominantly BMV, the Applicant should revisit whether the project can be reduced, relocated, made more compact or directed toward land of lower agricultural quality. Treating the later evidence merely as a matter for panel-level refinement is inadequate.

The March 2026 Land Use Framework must be used with appropriate caution. It expressly states that its principles are separate from the planning process and are not intended to constitute a material consideration in decisions on nationally significant infrastructure projects. BEPS does not rely upon it as an independent policy test or as a direct basis for refusal.

The Framework is nevertheless relevant as evidence of the strategic land-use problem identified by Government and the direction in which future national policy and spatial planning are intended to develop. It states that England has enough land to meet development, energy, food-production and nature-recovery objectives if land is used efficiently, multifunctionally and strategically. It identifies ‘right use, right place’ as a guiding principle and states that land use should reflect local context, including soil quality, heritage, environmental pressures and social and economic factors.

The Framework also states that its spatial analysis did not direct renewables and other major land-use changes toward the most productive BMV land. It says that change should play to the strengths of the land and records consultation support for directing non-agricultural land uses toward land less suited to high-value sustainable agriculture, thereby retaining more BMV land in food production.

Government also commits in the Framework to maintaining overall food production in England and to safeguarding the best and most versatile farmland from permanent land-use change. It recognises that efficient spatial planning should minimise trade-offs between energy, food security, nature recovery and climate resilience.

The Framework does not determine the East Pye application. It does, however, reinforce the evidential weakness of an alternatives assessment that moved from an initial preference to avoid BMV land to a final Scheme occupying approximately 829.1 hectares of it, without conducting a renewed strategic search once the true agricultural quality was known.

The Applicant has therefore not demonstrated that poorer-quality land was preferred where possible. It has demonstrated that the BMV constraint was relaxed when it prevented delivery of the fixed 500 MW Scheme, and that alternative areas were then excluded where sufficient

voluntary land agreements were unavailable. That is a land-assembly outcome, not an environmentally led agricultural-land strategy.

5.9 The project scale was fixed before alternatives were assessed

The Applicant did not begin by asking what scale or configuration of development could be accommodated in South Norfolk with the least environmental harm. It began with a 500 MW connection requirement and treated delivery of that capacity as an essential and effectively immutable project objective.

Chapter 5 states that the Applicant's grid connection agreement was for 500 MW and that, applying the land-use assumptions in NPS EN-3, an initial area of approximately 500 to 810 hectares would be needed for the solar panels alone. The Applicant then increased its search requirement to approximately 1,100 hectares to accommodate the solar arrays together with substations, the BESS, access infrastructure, landscaping, biodiversity measures and cable routes.

The scale of the Scheme therefore preceded the alternatives exercise. The Applicant first determined the output and associated land requirement and then asked whether possible alternatives could reproduce that entire predetermined project. It did not first examine the environmental capacity of the receiving area and derive an appropriate project scale from that evidence.

This predetermined scale materially affected every category of alternative considered. Chapter 5 excludes a smaller development because it would not deliver the full generating capacity sought by the Applicant. It excludes 'no development' because that scenario would not deliver any of the proposed generation or storage. It rejects brownfield land because no single identified brownfield site within the search area was large enough to accommodate a 500 MW utility-scale solar project. It rejects commercial rooftops because assembling sufficient roof area to reproduce the same 500 MW capacity would require agreements across numerous ownerships and a geographically extensive network of sites.

The same circularity affected the search for alternative agricultural land. Potential Development Areas and Alternative Development Zones were assessed by reference to whether sufficient land was available to accommodate the whole Scheme. Where approximately 1,100 hectares had not been made available to the Applicant, the land was not pursued as a reasonable alternative, even where Chapter 5 acknowledged that it might in principle be suitable for solar development or might reduce cable length and associated disturbance.

The analysis therefore does not establish that a 500 MW Scheme was environmentally appropriate at East Pye. It establishes only that alternatives unable to reproduce a 500 MW Scheme were excluded from further consideration.

This is not meaningful consideration of alternatives in size, scale or configuration. Schedule 4 to the EIA Regulations expressly identifies size and scale as examples of the alternatives which may require examination. That requirement would have little practical content if an applicant

could fix its preferred capacity in advance and then exclude all smaller or differently configured options because they would not deliver the same output.

The Applicant's reliance on NPS EN-1 does not answer that criticism. Commercial feasibility may legitimately inform whether an alternative is reasonable, but it does not permit the project objective to be defined as the delivery of the preferred Scheme in its entirety. Otherwise, the preferred capacity becomes both the premise and the conclusion of the assessment.

A smaller development could still deliver substantial renewable generation while avoiding the most environmentally harmful parts of the Order Limits. A reduced scheme might omit sites affected by the highest concentrations of BMV land, ancient woodland connectivity, protected-species activity, heritage setting harm, flood risk, residential proximity or constrained construction access. The relevant comparison is not between 500 MW and no public benefit at all. It is between different levels of renewable-energy benefit and the different environmental costs required to secure them.

The Applicant should also have assessed a more compact development concentrated closer to the actual Great Moulton point of connection. Such an option could potentially reduce the length of cable corridors, the number of affected communities, the extent of habitat fragmentation, construction traffic across the wider road network and the overall geographic spread of industrial infrastructure. The Applicant instead retained a dispersed group of solar sites originally assembled around Norwich Main because they also fell within its chosen 20 km commercial radius of Great Moulton.

The solar and BESS elements should also have been tested separately. The Applicant treated co-located solar and storage as the preferred technology solution, but did not adequately assess solar without BESS, delayed BESS, reduced BESS or a smaller storage facility. Those alternatives are particularly relevant where the solar and storage components have different Gate 2 and deliverability positions.

A lower-capacity connection should likewise have been examined. The Applicant has not demonstrated that the full 500 MW export capacity was the only technically or commercially reasonable connection option once Norwich Main failed. A reduced connection might have allowed a smaller land requirement, fewer project substations, less cable infrastructure and avoidance of the most sensitive sites.

Phased development was another obvious alternative. The Applicant could have assessed whether a smaller first phase could proceed while regional capacity, BESS deliverability, ecological effects and network requirements were reviewed. Instead, the alternatives exercise assumes delivery of the complete project concept from the outset.

The assessment should also have considered whether equivalent national benefits could be delivered through the Applicant's other projects or through deployment in regions with greater identified capacity requirements. That does not mean that the EIA Regulations impose an unrestricted obligation to compare every scheme in a developer's national portfolio. It does mean that the Applicant cannot rely upon a generic national need for solar while treating the

particular location, capacity and land package of East Pye as fixed and beyond comparative examination.

The Applicant should therefore have examined, at minimum, a substantially smaller scheme, removal of the most environmentally damaging sites, a compact scheme closer to the actual point of connection, solar without BESS, delayed or reduced BESS, a lower-capacity connection, phased development, delivery through less harmful projects or regions, and no development.

By failing to assess those alternatives, Chapter 5 does not demonstrate why the environmental harm associated with the full 500 MW Scheme was necessary. It demonstrates that the Applicant defined the project so narrowly that alternatives capable of reducing that harm were excluded by construction.

5.10 No evidence of regional need for East Pye Solar in T7

National policy does not require the Applicant to establish an unmet T7 capacity deficit as a precondition to consent. The August 2026 NPPF expressly states that applicants should not generally be required to demonstrate generic need for renewable or low-carbon energy development. The T7 pipeline evidence is nevertheless relevant to the weight which can properly be attached to claims that East Pye's Gate 2 status itself demonstrates project-specific or locational necessity. BEPS does not contend that the 3,300 MW figure is a statutory cap, although NESO clearly states that it reflects a regional capacity limit for that type of energy generation. Gate 2 status demonstrates progression through the connections process; it does not establish that this particular dispersed configuration is environmentally necessary or uniquely appropriate.

The objection is that the Applicant relies on generic national need to justify this particular 500 MW transmission-connected project while providing no evidence that additional transmission solar of this scale is required in South Norfolk or in the T7 East Anglia region.

That distinction matters because the reformed connections framework is not geographically or technologically undifferentiated. Government, Ofgem and NESO now use regional and technology-specific permitted capacities to align the connections queue with the Clean Power 2030 and 2035 pathways. T7 has a published combined transmission-and-distribution solar capacity of 3,300 MW for 2035. Within that regional figure, the published transmission solar capacity is 900 MW.

NESO's January 2026 response confirms that current Gate 2 solar projects in T7 total 2,241.6 MW, comprising 380.8 MW in Phase 1 and 1,860.8 MW in Phase 2. NESO further states that 1,365.22 MW of the Phase 2 capacity relates to transmission-connected capacity, although that figure also includes certain large distribution-connected projects and excludes small and medium distribution projects.

Those figures require careful interpretation. The 3,300 MW figure is the combined T7 regional capacity, while the 900 MW figure relates to transmission solar. The 2,241.6 MW Gate 2 total includes both transmission and distribution solar, and NESO's published transmission-related figure is not necessarily identical to the category of directly transmission-connected projects

alone. The precise comparison should therefore be presented transparently and without combining unlike categories.

Even with that qualification, the position is clear. Gate 2 solar already represents a substantial proportion of the combined T7 capacity, while the transmission-related portion of the Gate 2 allocation already exceeds the published 900 MW transmission figure. East Pye would add a further 500 MW transmission-connected project to that position.

BEPS has separately estimated, using the RESP and Renewable Energy Planning Database material assembled in its evidence, that the wider planning, consented and under-construction solar pipeline in T7 is approximately 4,015 MW. That estimate should be supported in the final evidence schedule by a project-by-project table, a consistent reference date and a clear explanation of whether each project is transmission-connected, distribution-connected, operational, under construction, consented or awaiting determination.

Subject to that final verification, the wider pipeline estimate exceeds the published 3,300 MW combined regional capacity by approximately 715 MW. That does not mean that every project in the pipeline will necessarily be built, nor that the regional capacity operates as an absolute planning prohibition. It does demonstrate that the regional context is one of substantial competition and potential over-provision, not an evidenced shortage which only East Pye can meet.

The position is particularly important for transmission solar. East Pye is not a modest distribution-connected installation serving a local demand centre. It is a 500 MW transmission asset requiring a new National Grid substation, multiple project substations, overhead-line works and extensive cable infrastructure.

The environmental burden of the Scheme therefore arises not merely from the solar panels but from creating a new transmission connection node capable of accommodating development at this scale. That burden requires a correspondingly clear explanation of why further transmission-connected solar is needed in T7.

The Applicant has not provided such an explanation. It has not produced a regional capacity balance identifying existing operational solar, consented schemes, Gate 2 projects, projects under construction and the remaining regional requirement. It has not separated transmission and distribution capacity consistently. It has not identified the anticipated attrition within the existing pipeline or demonstrated why East Pye is needed to fill any residual shortfall.

The Applicant's general reliance on national need does not answer those questions. National need establishes that substantial renewable generation is required across the system. It does not establish that every proposed 500 MW project is required in every region irrespective of the regional capacity allocation, existing queue, competing pipeline and environmental consequences.

T7 is not simply heavily subscribed when solar is considered in aggregate. The over-provision is particularly pronounced for transmission-related solar, which is the category most directly relevant to East Pye. On the published NESO figures, transmission-related Gate 2 capacity

already exceeds the 900 MW transmission figure before East Pye's further 500 MW contribution is considered.

The Applicant was therefore required to explain why East Pye remains strategically necessary notwithstanding that position. Chapter 5 and the Statement of Need do not do so.

5.11 The Applicant has not demonstrated a separate locational necessity for this configuration

The alternatives issue does not depend upon BEPS proving that East Pye is unnecessary. The relevant question is whether any claimed locational advantage of the selected configuration has been demonstrated strongly enough to explain why this particular dispersed land package was retained despite the environmental constraints now established.

The Applicant is likely to respond that the regional permitted capacities are not legal planning caps and that some projects holding Gate 2 status, planning permission or connection agreements may never be constructed. Neither proposition resolves the objection.

BEPS accepts that the T7 capacity figures do not constitute an automatic statutory prohibition on consent above a specified number of megawatts. The connections framework and the development-consent regime perform different functions. The regional figures nevertheless remain directly relevant evidence of strategic alignment, network need and the amount and type of generation already available to meet the regional pathway.

Ofgem approved the TMO4+ reforms precisely because the former queue was substantially larger than the generation capacity required and did not provide a reliable signal for efficient network investment. The reformed process applies readiness and strategic-alignment criteria and uses regional and technology-specific capacities to determine which projects should receive Gate 2 status.

It would therefore be artificial for the Applicant to rely upon its grid position when that supports the Scheme, but dismiss the wider regional allocation and competing Gate 2 capacity as irrelevant when considering whether the environmental harm of the Scheme is necessary.

The possibility of attrition also requires evidence rather than assertion. The Applicant cannot merely state that some other projects may not proceed and assume that East Pye must therefore be consented as insurance. It should identify the attrition rate relied upon, the basis for that assumption, the development status of the relevant competing projects and the residual capacity shortfall said to remain after attrition.

No such analysis is presented in Chapter 5. The Applicant has not identified which of the existing T7 Gate 2 projects are assumed to fail, why they are less likely to be delivered than East Pye, or why East Pye should be preferred over projects which may be smaller, more compact, consented, under construction or environmentally less harmful.

Nor has the Applicant compared East Pye against the wider T7 planning and consented pipeline. The fact that planning applications and connection offers do not guarantee

construction is not a reason to ignore them. It is a reason to assess their likelihood of delivery transparently.

The Applicant also cannot treat ‘optionality’ as an unqualified public benefit. Maintaining multiple competing projects may give NESO, developers or investors flexibility if some schemes fail. But preserving that flexibility has environmental consequences. In East Pye’s case, it would require a new 400 kV substation, extensive BMV land occupation, major construction activity and long-duration effects across a large rural area.

The public interest cannot be assessed by counting only the value of optional generation while disregarding the environmental and community cost of maintaining that option. If East Pye is sought primarily as a reserve against possible attrition elsewhere, that should be stated and evaluated explicitly.

The regional evidence is also relevant to the distribution of development. The Applicant has not explained why equivalent renewable capacity could not be delivered in a region with a greater identified requirement, or through projects which do not require the same level of new transmission infrastructure and environmental disruption.

This does not impose an obligation upon the Applicant to solve the national spatial allocation of solar by itself. It does, however, require a rational explanation for relying on national need to justify severe site-specific harm in a region where the relevant technology is already heavily subscribed.

The central question is straightforward: what regional deficit would arise if East Pye were not built?

The Applicant has not identified any quantified T7 solar shortfall that would result from refusal. It has not shown that the 2035 regional pathway would fail, that the transmission allocation would be unmet or that existing Gate 2 and pipeline projects would be insufficient after a reasonable allowance for attrition.

On the evidence currently available, refusal of East Pye has not been shown to frustrate the T7 pathway. The Applicant has therefore not established that the environmental consequences of this particular project are regionally necessary.

5.12 The BESS does not cure the absence of a solar need case

The Applicant relies on the co-located BESS as an important part of its preferred technology solution. Chapter 5 says that the BESS would store electricity at times of lower demand, release energy when needed and enhance grid resilience and stability. It relies upon those asserted benefits when explaining why solar PV combined with storage was selected for the Order Limits.

The BESS also cannot be relied upon automatically as an advantage of the preferred alternative. Work No. 2 remains Gate 1. Any comparison which attributes balancing, curtailment-reduction or co-location benefits to the preferred Scheme must therefore recognise that those benefits

depend upon the BESS obtaining a connection and becoming operational on a compatible timetable.

Those benefits do not establish a regional need for the solar component. Nor can they be relied upon without distinguishing the connection and Gate status of the two elements.

The application material records a grid agreement allowing up to 500 MW of solar export and up to 500 MW of import capability associated with storage. It separately identifies Gate 2 prioritisation for the solar component. On the material presently available, the Applicant has not demonstrated that the BESS has secured an equivalent Gate 2 position.

A contractual ability to import electricity is not necessarily the same as strategic alignment and Gate 2 status for a storage project. The Applicant should therefore clarify precisely what has been secured for each component and whether the BESS is presently deliverable within the same programme as the solar development.

This matters because the solar need case cannot be strengthened by assuming benefits from a storage component whose strategic position and delivery are not equivalently secured. If the BESS may be delayed, reduced, omitted or unable to obtain Gate 2 status, the Scheme may operate principally as a 500 MW solar generator without the flexibility benefits relied upon in Chapter 5.

The BESS is also potentially severable from the solar development. The draft DCO and project parameters must therefore be examined to determine whether solar could be constructed and operated without the BESS, whether the BESS could be constructed later, and whether either component could proceed at a materially different scale.

Chapter 5 does not assess those scenarios as reasonable alternatives. It does not compare the environmental and operational consequences of solar-only development, a delayed BESS, a reduced BESS or removal of the storage component. Instead, it treats solar and BESS as a single preferred concept.

The regional battery position makes that omission more significant. NESO's January 2026 figures show 1,711.6 MW of Gate 2 battery offers in T7 against initially allocated capacities of 200 MW for Phase 1 and 200 MW for Phase 2. NESO also records 4,283.1 MW of Gate 1 battery offers in T7 and expressly describes the battery position in T7 as significantly oversupplied.

The oversupply is not confined to T7. NESO reported in March 2026 that 83.2 GW of batteries had received Gate 2 status nationally and that built, operational and Gate 2 battery capacity together totalled 90.6 GW, more than three times the Government's 24–29 GW capacity range for 2035. NESO stated that, given this position, only batteries that were ready and met specified protection criteria were likely to qualify in the next application window.

NESO also identifies concrete disadvantages arising from battery oversupply, including the risk of consumer-funded network investment for projects that may not be needed and delays to other connections caused by finite network-delivery capacity and competition for substation bays and grid supply points.

The Applicant therefore cannot rely upon a generic national need for storage to assume that East Pye's BESS is strategically necessary. T7 already contains Gate 2 battery capacity substantially above the regional permitted capacities, as well as a much larger Gate 1 queue.

The correct alternatives assessment should have examined the solar and BESS components independently and in combination. It should have assessed whether either component is required regionally, whether the claimed co-location benefits are secured, whether the BESS could be omitted or reduced, and what environmental infrastructure would remain necessary in each implementation scenario.

The omission reinforces the wider defect. The Scheme was defined as 500 MW solar plus up to 500 MW BESS before the regional capacity, Gate status and deliverability of each component had been resolved. The alternatives exercise then treated that combined concept as fixed rather than testing whether either component should proceed at all or at the proposed scale.

5.13 The Applicant's own development portfolio reinforces the absence of demonstrated locational necessity

The Applicant's wider development portfolio is relevant context to the alternatives and planning-balance analysis. BEPS does not contend that The Droves, or any other Island Green Power project, had to be assessed as a formal substitute for East Pye under Schedule 4 to the 2017 EIA Regulations. The point is narrower. The Applicant cannot rely upon generic national renewable-energy need, commercial portfolio optionality or possible future attrition elsewhere as proof that East Pye itself must retain its full 500 MW scale in this particular location.

That distinction matters because Chapter 5 shows that the Applicant fixed the essential characteristics of East Pye before undertaking the alternatives exercise. It selected a 500 MW solar project with associated BESS, identified a land requirement of approximately 1,100 hectares, assembled land through willing owners and then assessed alternatives largely by asking whether they could reproduce that predetermined project. Smaller development was not considered further because it would not deliver the full generating capacity sought; "no development" was rejected because it would deliver none of the proposed generation or storage; and alternative areas close to the eventual point of connection were rejected where the land had not been made available to the Applicant. The Applicant itself records that land closer to the point of connection could have reduced cable length, disruption, environmental disturbance and cost, but was not treated as a reasonable alternative because willing-landowner agreements had not been secured.

The Applicant's own wider portfolio makes it particularly important not to confuse those commercial constraints with public necessity.

East Pye is not an isolated development upon which Island Green Power's contribution to UK renewable deployment depends. Island Green Power states that it has developed almost 40 solar projects worldwide, more than 3 GW of renewable-energy capacity, and 21 projects in the United Kingdom. In 2025 Macquarie Asset Management acquired the remaining 50% interest in Island Green Power's UK business, taking its ownership to 100%. Macquarie reports that Island

Green Power has a UK development pipeline of more than 15 GW. East Pye Solar is therefore one prospective project within a very substantial developer portfolio.

The comparison with The Droves is particularly relevant. Island Green Power is also promoting The Droves Solar Farm in West Norfolk, between Swaffham and Castle Acre. The same developer group is therefore advancing two separate solar NSIPs of up to 500 MW each in Norfolk: East Pye Solar and The Droves. Those two projects alone represent up to approximately 1 GW of prospective solar capacity.

That fact does not prove that The Droves is environmentally preferable to East Pye, nor that it is a legally required alternative. Its significance is that it exposes the distinction between maintaining a development portfolio and demonstrating the necessity of an individual project. Where the Applicant has not demonstrated an unmet regional deficit, and where the same corporate group is simultaneously advancing another 500 MW Norfolk solar NSIP and a much wider UK portfolio, there is no evidential basis for treating East Pye's full 500 MW capacity as a fixed public requirement.

A developer with a large pipeline has an understandable commercial interest in preserving multiple projects while grid arrangements, consenting outcomes, financing and construction programmes remain uncertain. Some projects may proceed, others may be reduced or delayed, and others may ultimately fall away. Maintaining a substantial portfolio therefore provides commercial optionality against future attrition.

That may be a rational development strategy. It is not evidence that every project within the portfolio is necessary in the public interest.

The same reasoning applies to any reliance upon pipeline attrition. If the response to an already substantial national or regional pipeline is that not all projects will ultimately be delivered, that proposition cannot logically establish that East Pye itself must be consented. It establishes only uncertainty about which projects will ultimately proceed. Possible attrition elsewhere does not establish necessity for East Pye Solar. If attrition is expected, the question is not why East Pye should automatically be protected from it, but why a project with this concentration of environmental constraints should survive at its full 500 MW scale. Environmental suitability is an obvious criterion by which an oversized development pipeline should ultimately be reduced.

The relevant alternatives question then becomes more, not less, important: why should East Pye be one of the projects preserved at its full 500 MW scale?

That question is particularly acute because the Applicant's own alternatives assessment did not derive East Pye's scale from the environmental capacity of the chosen landscape. It began with the 500 MW connection objective and treated the ability to reproduce that capacity as a criterion for determining whether alternatives were reasonable. Chapter 5 expressly states that a smaller generating development was not considered further. The Applicant's process therefore protected the preferred capacity from environmental comparison rather than testing whether environmental constraints justified a materially smaller project.

The portfolio evidence shows why that approach requires scrutiny. A reduction in East Pye would not mean that Island Green Power ceased to be capable of contributing materially to UK

solar deployment. It is simultaneously advancing The Droves at up to 500 MW and has a much wider UK development pipeline exceeding 15 GW.

That does not permit the Examining Authority to substitute one commercial project for another. It does, however, mean that the Applicant cannot credibly treat every megawatt of East Pye's preferred 500 MW capacity as though it were uniquely required to meet national policy.

The distinction is important when considering a materially reduced East Pye. Chapter 5 should have tested whether removing the most environmentally constrained Sites or Sub-Sites, reducing the development footprint, shortening cable routes or concentrating development nearer the eventual point of connection would produce a materially less harmful Scheme, even if the result delivered less than 500 MW. The Applicant instead excluded smaller capacity at the outset because it would not meet its chosen project objective.

The existence of the wider Island Green Power portfolio reinforces why that reasoning is circular. The Applicant has treated the preservation of 500 MW at East Pye as an essential project requirement while simultaneously pursuing gigawatts of other prospective solar development. The commercial desirability of retaining the full East Pye option cannot itself establish that the public interest requires the same outcome.

Nor does possible attrition elsewhere cure that problem. If attrition is expected within an oversized development pipeline, environmental suitability should be one of the factors determining which projects are reduced, redesigned or do not proceed. The possibility that another scheme may fail cannot be used as a generic justification for accepting avoidable harm at East Pye.

That is particularly important because the environmental consequences of retaining East Pye are not marginal. The Applicant's own site-selection policy recognises that environmental and landscape sensitivity should be avoided where possible and identifies ecology, biodiversity, landscape, water resources and cultural heritage as relevant considerations. Yet the final Scheme remains dispersed across ten Sites and requires extensive cable and grid infrastructure. Its own landscape assessment records significant adverse effects at numerous high- and medium-sensitivity receptors, including public rights of way, settlement edges and the Boudicca Way. The wider Written Representation identifies additional constraints concerning nationally important bats, BMV land, heritage, water, transport and infrastructure.

The Applicant therefore needs to establish why those specific environmental costs are justified by the additional public benefit of East Pye itself. Generic national need cannot answer that question. Nor can the commercial value of retaining East Pye within a multi-gigawatt portfolio.

The portfolio evidence is also relevant to the Applicant's reliance upon willing landowners. Chapter 5 records that potentially suitable areas nearer the final point of connection were rejected because the land had not been made available voluntarily, even though the Applicant acknowledged that shorter cable routes could reduce disruption, environmental disturbance and cost. The result was that existing commercial land arrangements helped determine which alternatives were treated as reasonable.

That may explain why the Applicant preferred to preserve the East Pye land package. It does not demonstrate that the resulting location is environmentally necessary.

A similar distinction will arise in relation to compulsory acquisition. Portfolio optionality may have commercial value to Island Green Power and Macquarie, but it cannot establish that particular private land interests at East Pye are required in the public interest. Any compulsory-acquisition case must ultimately be justified by the requirements and public benefits of East Pye itself.

The correct conclusion is therefore not that The Droves must replace East Pye or that the Examining Authority should choose between Island Green Power projects. It is that the Applicant's own portfolio makes the absence of demonstrated locational necessity for East Pye more material.

If national renewable deployment can be pursued through numerous projects within the Applicant's own portfolio, including another 500 MW NSIP in Norfolk, the Applicant must explain why the environmental constraints identified at East Pye did not justify a smaller, more compact or differently configured Scheme, or the removal of its most damaging Sites.

It has not done so.

The significance of this portfolio evidence is therefore not that The Droves or any other Island Green Power project is a mandatory substitute for East Pye. It is that the Applicant cannot rely upon generic national need, portfolio optionality or possible attrition elsewhere as proof that East Pye must retain its full 500 MW scale in this particular landscape. The Applicant must demonstrate the specific additional public benefit of preserving East Pye at that scale despite the availability of a substantial wider project portfolio. That proposition becomes still more important when the environmental consequences of the site selected for East Pye are considered.

5.14 The environmental consequences of selecting this extensive area of South Norfolk are exceptionally severe

The significance of the alternatives defects cannot be considered in isolation from the environmental consequences of the chosen Scheme. The detailed evidence is set out in BEPS's thematic Written Representations and is not repeated in full here. For Chapter 5 purposes, the relevant point is that the consequences of selecting East Pye are extensive, overlapping and geographically dispersed.

The Scheme would occupy approximately 829.1 hectares of BMV agricultural land, representing around 78.7% of the solar sites. This is not a limited encroachment onto isolated pockets of higher-quality land. BMV land is the predominant agricultural resource affected by the proposal.

The ecological effects extend beyond the direct footprint of statutory designations. The Scheme is distributed across a connected rural network of ancient and replanted ancient woodland,

County Wildlife Sites, mature hedgerows, ponds, watercourses, riparian corridors, bat commuting and foraging routes, rare arable flora, protected-species habitat and established stewardship land.

The Ecology and Biodiversity Written Representation explains why buffers and later habitat measures do not necessarily preserve the functional relationships between those features. The alternatives significance is that these constraints should have influenced whether development was located across this network in the first place, rather than being treated principally as matters for mitigation after land assembly.

The Scheme also gives rise to substantial hydrological concerns. Its dispersed layout crosses multiple catchments and watercourses and affects areas where residents and businesses depend upon private water supplies. Construction, piling, cable installation, changes to runoff patterns and potential pollution pathways create risks which are addressed in the Water Environment and Ground Conditions representations.

Landscape effects arise from the conversion of a large, tranquil and predominantly agricultural area into a dispersed energy landscape. The development would introduce extensive panel fields, fencing, substations, BESS infrastructure, access tracks, lighting and grid works across multiple settlements and parish landscapes. The Great Moulton connection area would contain particularly intensive infrastructure, including the new National Grid substation and associated project substations.

The Heritage Written Representation identifies effects on the settings and interrelationships of listed churches, farmhouses, historic settlements, conservation areas and non-designated heritage assets. These effects cannot be reduced to the absence of development within the statutory boundary of a heritage asset. They arise from altered rural surroundings, long views, construction activity and the cumulative industrialisation of historic parish landscapes.

Construction would involve prolonged HGV movements and abnormal indivisible loads over a rural road network characterised by narrow lanes, constrained junctions, residential frontages, schools, care facilities, historic buildings and limited passing opportunities. The Traffic and Transport Written Representation addresses the feasibility and amenity consequences in detail.

Aviation interests are also affected. East Pye lies close to active operations at Tibenham and Seething airfields. The submitted Tibenham mapping places parts of East Pye within the airfield's 5 km safeguarding area and close to mapped glider launch-failure areas. The Applicant's own design-evolution account records that panels were removed from part of Site 10B following discussions with Seething Airfield concerning engine-failure considerations. Those matters demonstrate that aviation was a site-suitability constraint, not merely a later design detail.

Public rights of way would be diverted, disrupted or enclosed by infrastructure during construction and operation. The effects concern not only legal continuity of routes but also the loss of tranquillity, openness, long rural views and the recreational experience of the landscape.

The Scheme must also be considered cumulatively. South Norfolk is already affected by multiple solar, BESS, transmission, housing and other infrastructure proposals. The Great Moulton substation may become a focal point for a wider energy-infrastructure cluster, while projects such as Tasway, FIELD Long Stratton BESS, Wacton BESS and other developments share environmental, transport and grid receptors with East Pye.

The effects would not be confined to a short construction period. They would arise during construction, operation, maintenance and decommissioning, with some landscape and ecological effects persisting for decades. The new National Grid infrastructure may also be permanent even if the solar arrays are ultimately removed.

The relevance to the alternatives assessment is not simply that East Pye causes harm. Most nationally significant infrastructure causes some adverse effects. The relevant point is the scale, breadth and interaction of the harms, considered against the absence of a demonstrated regional need for this particular project.

Where a proposal would affect predominantly BMV land, fragment a sensitive ecological network, alter heritage settings, create hydrological and private-water risks, industrialise a tranquil landscape, burden constrained rural roads, affect aviation interests, disrupt public access and create a new transmission-infrastructure cluster, the Applicant must provide a correspondingly rigorous explanation of why that harm is necessary.

It has not done so. It relies on generic national need, a fixed 500 MW project objective and a site-selection process led substantially by voluntary land availability. It has not demonstrated that refusal would create a T7 shortfall or that materially less harmful projects and configurations could not deliver the required strategic benefits.

The severity of the environmental consequences therefore makes the ‘do nothing’ alternative materially important. Non-development would avoid the direct and cumulative harms identified across the thematic Written Representations while, on the evidence currently available, not preventing the T7 regional solar pathway from being met.

The null alternative could not properly be excluded merely because it would deliver none of the Applicant’s preferred output. Where regional need is unproven and the environmental harm is exceptionally extensive, ‘do nothing’ must be examined as a serious and potentially preferable alternative.

5.15 The future baseline and the no-development scenario

The EIA Regulations require the Environmental Statement to describe the relevant aspects of the current state of the environment and the likely evolution of that state without implementation of the development, so far as natural changes can be assessed with reasonable effort. That future baseline is distinct from a general legal requirement to treat “do nothing” as a preferred reasonable alternative.

BEPS therefore does not contend that the Applicant was required to prove that development is preferable to no development before the application could proceed. The material point is that the environmental consequences of East Pye, and claimed benefits such as ecological

enhancement or changes in agricultural management, must be assessed against a properly characterised future baseline without the Scheme.

The relevant question is not whether East Pye would be built if consent were refused. The relevant question is whether non-development would materially frustrate the delivery of the applicable national and regional energy objectives and, if not, whether the avoidance of the Scheme's environmental effects would make that outcome preferable.

On the evidence presently available, the Applicant has not demonstrated that refusal of East Pye would prevent the T7 regional solar pathway from being met. The published T7 combined solar figure for 2035 is 3,300 MW, while the transmission-only figure is 900 MW. The Gate 2 solar capacity already allocated within T7 is approximately 2,241.6 MW, and the wider planning, consented and under-construction pipeline assembled by BEPS is estimated at approximately 4,015 MW. The transmission-related position is particularly significant because East Pye is itself a 500 MW transmission-connected project requiring a new National Grid substation and extensive associated infrastructure.

Those regional figures are not relied upon as absolute planning caps. They are relied upon as evidence that the regional context is one of substantial existing provision and competition, not a demonstrated shortfall which only East Pye can meet. The Applicant has not identified what T7 deficit would remain if East Pye were refused, which existing Gate 2 or consented projects are assumed not to proceed, or why East Pye is required as the scheme which must be retained against possible attrition elsewhere.

The comparison with East Pye is therefore materially different from the comparison presented in Chapter 5.

If East Pye proceeds, T7 would receive a further 500 MW transmission-scale solar project in a region already heavily subscribed for solar overall and particularly for transmission-related solar. The Scheme would require a new National Grid substation and connection node at Great Moulton, together with project substations, cable infrastructure and associated works. It would occupy approximately 829.1 hectares of BMV agricultural land, amounting to around 78.7% of the solar sites, and would introduce extensive development across a sensitive rural landscape.

It would also give rise to the environmental and community effects summarised in the preceding section and addressed in detail in the thematic Written Representations. Those include fragmentation of ecological networks, effects on ancient woodland and County Wildlife Sites, protected-species risks, hydrological and private water-supply concerns, heritage-setting harm, landscape industrialisation, aviation constraints, disruption of public rights of way, prolonged construction traffic and cumulative interaction with other solar, BESS, transmission and development projects.

If East Pye does not proceed, the Applicant has not shown that the T7 regional pathway would fail. Refusal would avoid the direct and cumulative effects of the Scheme, retain productive BMV land, avoid the creation of a new Great Moulton transmission cluster and preserve the ecological, hydrological, landscape and heritage systems affected by the proposal.

Non-development would not prevent renewable deployment from continuing through projects which already hold Gate 2 status, projects which are consented or under construction, and other schemes within the wider regional and national pipeline. It would also preserve the ability for future deployment to be directed through more coherent strategic spatial planning and toward projects or regions where additional capacity is demonstrably required.

That is particularly relevant because the Land Use Framework anticipates future spatial coordination of energy infrastructure and the Strategic Spatial Energy Plan is intended to consider societal and environmental factors when spatially optimising generation and storage. Although the Framework is not itself a material consideration in this DCO decision, it confirms that fuller strategic spatial planning is still developing and that future infrastructure distribution is intended to be more coherent and evidence-led.

The Applicant may contend that preserving a larger pipeline provides useful optionality because some projects may not ultimately be delivered. That cannot be treated as a complete answer. Optionality has a cost. In this case, maintaining East Pye as an additional option would expose South Norfolk to the full environmental, agricultural and community consequences of a very large transmission-connected scheme, without a demonstrated regional deficit.

The Applicant must therefore do more than assert that some other schemes may fail. It must identify a credible attrition assumption, show how that assumption affects the T7 balance and demonstrate that East Pye is required to avoid a remaining shortfall. It has not done so.

Where the relevant region already has sufficient or excessive solar capacity, particularly at transmission level, and where refusal has not been shown to frustrate the regional pathway, 'do nothing' is not an unrealistic alternative. It is an environmentally beneficial and strategically rational outcome which should have been assessed and given substantial weight.

On the evidence presently available, non-development would avoid extensive harm without creating any demonstrated regional energy deficit. It should therefore have been treated as a principal and potentially preferable alternative rather than excluded by definition.

5.16 Failure of design evolution to cure the site-selection defect

The Applicant relies heavily on design evolution as evidence that the Scheme has responded to environmental constraints and consultation. Chapter 5 records panel removals, increased buffers, revised setbacks, altered mitigation areas, changes to project substations, removal of some development from flood-risk areas, and modifications responding to heritage, ecological, residential and aviation concerns.

BEPS accepts that some of those changes may reduce particular local effects. The removal of development from discrete areas, enlargement of woodland or residential buffers and modification of layouts may all represent improvements when compared with earlier iterations. They do not, however, cure the underlying site-selection defect.

That defect became substantially more serious once the Applicant's own ecological surveys established that the Scheme area supports a bat assemblage of national importance. Barbastelle was recorded widely across the Order Limits, multiple maternity colonies occur

around the Scheme, and overlapping Core Sustenance Zones extend across the development landscape. The Norfolk Barbastelle Study Group has subsequently identified further maternity-colony evidence and called for additional survey and radiotracking to establish the full colony network and functional habitat use.

At that point the Applicant was no longer dealing with an ordinary agricultural site containing a few discrete bat features capable of protection by local buffers. It had identified a landscape-scale ecological constraint of national importance.

That should have triggered a fundamental reconsideration of the site-selection decision.

The proper response to discovering that the chosen development area lies within a nationally important bat landscape is not merely to move individual panel rows, widen isolated buffers or retain selected hedgerows. It is to ask whether the Scheme should continue to occupy that landscape at all.

The mitigation hierarchy requires avoidance before mitigation. Once the Applicant knew that the Order Limits overlapped a nationally important assemblage and a landscape supporting multiple barbastelle maternity colonies, the first question should therefore have been whether the Scheme, or substantial parts of it, could be relocated outside that functional landscape. That reconsideration did not occur.

Instead, the Applicant continued to treat the already assembled land package as the development area and sought to accommodate the ecological evidence within it through buffers, retained corridors, habitat management, planting and later protected-species controls. That is design mitigation within a selected site. It is not avoidance of the site-selection conflict.

The sequence matters because the land package itself had already been assembled before a viable point of connection was established. Norwich Main subsequently proved incapable of accommodating the Scheme. The Applicant nevertheless retained the land package and selected a new connection location partly because it preserved that existing assembly.

No amount of later design refinement alters that sequence. The essential location decision had already been made before the grid premise was resolved and before the full ecological significance of the area was understood.

The Applicant's subsequent bat evidence should therefore have operated as a second fundamental trigger for reconsideration. Discovery of national ecological importance was capable of invalidating the assumption that the existing land package should continue to define the Scheme. Instead, the project objective remained substantially unchanged.

That is particularly difficult to justify for barbastelle because the relevant receptor is not confined to an individual roost tree or woodland edge. The Applicant's own evidence demonstrates landscape-scale use. The maternity colonies depend upon connected woodland, mature hedgerows, dark commuting routes, ponds, watercourses and feeding habitat across the wider South Norfolk Claylands. The ecological function at risk therefore extends across the very landscape in which the solar sites are dispersed.

Local mitigation cannot answer a landscape-scale location problem.

A 30 m woodland buffer may reduce one edge effect. Retaining one hedge may preserve one potential flight line. A lighting restriction may protect one corridor. None of those measures demonstrates that repeated industrial development across overlapping maternity-colony support habitat is the appropriate starting point.

The Applicant should instead have undertaken a strategic avoidance exercise asking which parts of the Scheme fall within the functional landscape of the nationally important bat assemblage and whether development should be removed from that landscape altogether.

The Norfolk Barbastelle Study Group's evidence makes that obligation more, not less, pressing. It states that further work is required to establish the complete maternity-colony distribution, principal foraging areas, commuting routes and relationships between woodland and feeding habitat. That means the Applicant has proceeded with detailed layout refinement before the full spatial extent of the constraint has even been established.

The logical sequence has therefore been reversed:

- the Scheme area was selected;
- the land package was preserved;
- nationally important bat use was discovered;
- the full maternity-colony network remains incompletely understood;
- and the Applicant has responded by attempting to mitigate development within the same landscape.

The correct sequence should have been:

- identify national ecological importance;
- define the full functional landscape;
- avoid that landscape where practicable;
- then assess whether any residual development can proceed without compromising ecological function.

That distinction is fundamental.

The Scheme also remains geographically dispersed across multiple sites and parish landscapes. Although some panel areas have been removed, the proposal continues to extend over a very large area of South Norfolk and continues to require extensive cable routes, multiple access points, construction compounds and project infrastructure.

The Great Moulton infrastructure cluster also remains. The final Scheme still requires a new National Grid substation, associated overhead-line works, project substations, cable infrastructure and the BESS in the same broad connection area. Moving the National Grid substation from Option 4A to 4B does not demonstrate that Great Moulton itself was appropriately selected.

The agricultural position has likewise not been fundamentally altered. Despite limited removals of Grade 2 or Grade 3a land in some locations, approximately 829.1 hectares of BMV land remain within the solar sites. The Scheme therefore remains predominantly located on the land type which the Applicant initially sought to avoid.

Nor has design evolution altered the regional position. East Pye remains a 500 MW transmission-connected solar project in a T7 region already heavily subscribed for solar overall and particularly at transmission level. The Applicant has still not demonstrated what regional shortfall East Pye is required to fill.

Most importantly, design evolution has not produced a genuine reassessment of scale or configuration. The Applicant has not demonstrated that, after discovering the national importance of the bat landscape, it reconsidered whether whole Sites or groups of Sites should be removed; whether the Scheme should be materially reduced; whether development should be concentrated outside the principal maternity-colony support landscape; whether a different land package should be pursued; or whether East Pye should cease to proceed in this location. That is the critical failure.

Once the Applicant's own surveys established that the selected landscape supports a nationally important bat assemblage and multiple barbastelle maternity colonies, the appropriate application of the mitigation hierarchy was not simply to refine the layout within that landscape. It was to reconsider whether the landscape should be developed at all.

Design refinement can reduce effects within a selected site. It cannot prove that the site itself was appropriately selected.

ISH1 has added a further material consideration. The Applicant confirmed that the geographical spread of the Scheme itself contributes to the requirement for multiple project substations and extensive interconnecting electrical infrastructure. Those environmental effects are therefore not wholly intrinsic to generating approximately 500 MW of solar electricity; they are partly consequences of the particular dispersed configuration selected. That makes the environmental comparison of alternative configurations especially material.

Chapter 5 therefore shows that the Applicant sought to accommodate increasingly serious environmental constraints within an already chosen project. It does not demonstrate that the discovery of national ecological importance was allowed to determine the choice of land, the scale of the Scheme or the decision to proceed. On the contrary, the evidence indicates that the project was preserved and the nationally important landscape was progressively redesigned around it.

5.17 Overall conclusion

The Applicant's own evidence shows that the search for willing landowners began before a viable grid connection had been established. Norwich Main had neither sufficient capacity nor any opportunity for expansion to accommodate the proposed 500 MW project.

When that premise failed, the Applicant did not undertake a genuinely fresh site search. It retained the land already assembled and sought a new point of connection capable of serving it.

Great Moulton was selected partly because it was close to those pre-identified solar sites. Alternative locations were treated as less preferable where they were further from the assembled land, and alternative land was not pursued where sufficient acreage had not been made available voluntarily.

Land availability therefore operated as a controlling criterion. Environmental constraints were addressed principally through later buffers, setbacks, mitigation and limited panel removals rather than through a fresh comparative search for a less harmful location.

The Applicant also fixed the Scheme at 500 MW before alternatives were assessed and then excluded smaller, differently configured and null alternatives because they would not reproduce the same predetermined output and land requirement.

At the same time, T7 is already heavily subscribed for solar overall and particularly for transmission-related solar. The Applicant has not shown that refusal of East Pye would create any regional capacity shortfall or prevent the T7 pathway from being achieved.

The resulting examination question is not whether East Pye is the ‘best’ conceivable site or whether the Applicant was legally required to restart the whole exercise from scratch. It is whether the reasonable alternatives actually studied were compared transparently and on an adequate environmental basis, and whether the Applicant has satisfactorily explained why the Norwich Main-derived land package remained the appropriate configuration once the connection point and the environmental evidence had materially changed. ISH1 has made that question materially sharper by confirming that four of the six site-selection stages had already been completed before the connection strategy changed and that the Scheme’s dispersed geography itself contributes to the extent of the electrical infrastructure now required.

In light of the scale of the environmental, agricultural and community harm and the absence of demonstrated regional need, the ‘do nothing’ alternative should have been treated as reasonable, material and potentially preferable.

5.18 Remedies sought

BEPS requests that the Examining Authority require the Applicant to submit a supplementary and consolidated alternatives assessment.

That assessment should reconstruct the full chronology of grid discussions, land assembly and site selection and identify when the Applicant first knew that Norwich Main lacked sufficient capacity and could not be expanded. It should explain why the original Norwich Main-derived land search was retained after that defining premise had failed.

The assessment should distinguish clearly between land availability, commercial convenience, technical feasibility and environmental suitability. It should identify what inquiries were made

into alternative land, when those inquiries ceased and why land not already secured through voluntary agreement was treated as unreasonable.

The Applicant should disclose the criteria, weighting, scoring and professional judgements applied to every principal solar-site and National Grid substation alternative. The assessment should explain how environmental considerations were balanced against land control, cable length, cost, access and proximity to the already assembled sites.

Alternative land availability should be tested rather than treated as absent merely because landowners did not volunteer sufficient land or because the Applicant preferred to avoid compulsory acquisition. The Applicant should identify whether smaller or differently configured developments could have been accommodated on alternative land even where the full 1,100-hectare Scheme could not.

The supplementary assessment should examine reduced-scale, compact, phased, lower-capacity, solar-only, BESS-deferred, BESS-reduced and no-development alternatives. It should also assess whether the most environmentally harmful sites could be removed while retaining a materially smaller generating scheme.

A complete and consistently dated regional capacity assessment should be provided. That assessment should compare East Pye with the current T7 Gate 2 allocation, the transmission-specific solar figure, operational capacity, projects under construction, consented projects and the wider planning pipeline. It should distinguish clearly between transmission and distribution capacity and identify the assumed rate of project attrition.

The Applicant should state what regional shortfall, if any, would arise if East Pye were refused. It should identify which existing T7 projects are assumed not to proceed, explain the basis for that assumption and demonstrate why East Pye is required rather than another existing or less harmful project.

The alternatives assessment should also compare the environmental effects of the principal alternatives across agricultural land, ecology, landscape and visual effects, cultural heritage, hydrology and private water supplies, aviation, traffic and transport, public rights of way and cumulative infrastructure. It should assess those effects comparatively rather than simply describing constraints associated with the preferred Scheme.

The Applicant should clarify the separate connection, Gate and delivery status of the solar and BESS components and assess realistic severed implementation scenarios. Benefits attributed to the BESS should not be relied upon unless its delivery is secured.

The Applicant should provide the early desktop planning review requested by the ExA and a chronology showing when each of the six site-selection stages was undertaken relative to Norwich Main, Great Moulton and landowner engagement; contemporaneous evidence supporting the Applicant's assertion that the same Sites would have emerged had Great Moulton been the original connection point; and an explanation of how the environmental consequences of the Scheme's dispersed geography, including multiple substations and extensive interconnecting infrastructure, were taken into account when alternative configurations were compared.

Unless that exercise demonstrates both a genuine regional need for East Pye and a defensible environmental basis for selecting this particular land and connection location, no material weight should be attached to the Applicant's conclusion that the Scheme represents an appropriate alternative.

In those circumstances, the 'do nothing' alternative should be preferred and the application refused.

Chapter 6: Climate Change

6.1 Introduction

This objection is made on the basis that the environmental information presently available does not provide a lawful or robust assessment of climate change effects for a scheme of this scale, duration and complexity. Although presented as a climate change chapter, the current assessment appears to treat climate change in an unduly narrow way, focusing mainly on broad greenhouse-gas assertions while failing to provide a coherent, site-specific assessment of climate vulnerability, local climate resilience, and the extent to which the proposed development may itself worsen existing climate-related risks within the receiving environment.

A lawful climate assessment for a 60-year solar, BESS and substation scheme spread across a highly sensitive rural landscape should address both principal limbs of climate change assessment: first, the project's own greenhouse-gas implications across its full lifecycle; and second, the vulnerability of the project, the land, surrounding communities, infrastructure, water environment, agriculture and ecosystems to present and future climate conditions. On the information presently available, that integrated assessment has not been provided. Instead, key matters appear to have been deferred, fragmented across other topic areas, or left to future stages of assessment. This prevents consultees from reaching an informed view as to whether the scheme is genuinely climate-resilient, whether it would intensify local climate-related hazards, and whether its claimed climate benefits are reliable, evidence-based and capable of carrying material weight in the planning balance.

In particular, the current material does not provide a robust site-specific assessment of how the scheme would perform under more intense rainfall, prolonged wet periods, drought, heat stress, storm events, or changing groundwater and soil conditions over its operational life. Nor does it presently demonstrate, in a clear and integrated way, whether the introduction of extensive solar infrastructure, substations, cable corridors, access tracks and associated engineered works could alter runoff behaviour, exacerbate flash flooding, affect groundwater recharge, increase pressure on sensitive soils, or reduce the resilience of adjacent farmland, habitats and communities. These are not peripheral matters. In a rural landscape already subject to hydrological sensitivity, heavy soils, ecological constraints and growing cumulative development pressure, they are central to whether the scheme can properly be described as climate-resilient or environmentally sustainable.

There is also a broader structural deficiency in the way climate change has been addressed. Climate effects cannot lawfully be reduced to a headline claim that renewable energy is inherently beneficial. For a project of this scale, the climate case must be demonstrated through transparent and verifiable evidence. That requires proper assessment of whole-life carbon emissions, including construction, materials, embodied carbon, battery storage, maintenance, decommissioning, replacement cycles, and any reduction in claimed benefit arising from grid constraints, curtailment, or other real-world operational limitations. Until that information is provided in a form that can be properly tested, the asserted climate benefit of East Pye Solar cannot be treated as established.

Accordingly, this chapter is objected to in principle on the basis that the current assessment does not yet provide a coherent, site-specific or policy-reliable evaluation of climate change effects. It fails, at this stage, to demonstrate that the scheme would be resilient to climate change over its lifetime, fails to show that it would not worsen local climate-related risks, and fails to establish that its claimed carbon benefits are robust enough to outweigh the significant environmental harms identified elsewhere in this objection. The objection is therefore no longer that the climate case is merely incomplete at consultation stage, but that the final Environmental Statement has not demonstrated with sufficient transparency and robustness the magnitude of the Scheme-specific climate benefit relied upon in the planning balance.

The EIA fails to provide a robust, site-specific assessment of the scheme's resilience to climate change and the potential for the development itself to exacerbate local climate risks.

- There is no quantification or modelling of how the extensive area of solar panels may increase surface water runoff, exacerbate flash flooding, or alter groundwater recharge, particularly in light of climate projections for more intense rainfall events.
- Nor does the EIA consider whether the introduction of large-scale hard infrastructure could lead to localised overheating, changes in wind patterns, or drought vulnerability affecting adjacent farmland and communities.
- The absence of a detailed local climate risk assessment and adaptation strategy falls short of best practice and EN-1 requirements for demonstrating that both the project and surrounding communities will not be made more vulnerable as a result of the development.

A further concern is the reliability of developer-presented climate benefit calculations for large solar NSIPs. Independent scrutiny of comparable UK schemes has shown that such calculations can materially overstate greenhouse-gas savings once lifecycle impacts are properly assessed. In one recent inquiry submission examining a utility-scale solar project, independent reviewers identified mathematical errors, omitted inputs and unrealistic generation assumptions in the developer's carbon accounting. After correction, the revised lifecycle assessment indicated that the scheme could generate between **1.8 and 2.6 million tonnes more CO_2 than it would save** once embedded carbon in construction materials, battery storage systems and grid decarbonisation trajectories were properly incorporated. This example demonstrates that headline claims regarding carbon savings and 'homes powered' can be highly sensitive to underlying assumptions. In the absence of transparent, independently verifiable lifecycle carbon modelling—including manufacturing emissions, battery storage impacts, curtailment risk, and mid-life panel replacement—the climate benefits of East Pye Solar cannot be treated as established. Consequently, reliance on asserted carbon savings to outweigh significant ecological, agricultural, hydrological and heritage harms would be premature and contrary to the precautionary approach required by national planning policy.

Since this Written Representation was prepared, the National Planning Policy Framework was replaced on 17 August 2026. Policy W3 gives substantial weight to relevant energy-security and net-zero benefits and states that applicants should not generally be required to demonstrate generic need for renewable-energy development. That makes the accuracy of East Pye's Scheme-specific climate calculation more, not less, important. BEPS does not dispute the

generic climate benefit of renewable generation; it disputes the robustness and magnitude of the particular whole-life benefit claimed for East Pye.

6.2 Independent application of the Great North Road methodology

BEPS has applied the lifecycle-carbon methodology used by objectors to the Great North Road Solar Park to the figures disclosed for East Pye Solar. The exercise used the Applicant's stated lifetime generation of 36.33 TWh, its 2,000 MWh BESS, its assumption of five complete BESS replacement cycles, and the GNR methodology's year-by-year declining grid-emissions counterfactual.

Two cases were tested. A minimum evidenced 500 MWp case produced estimated whole-life emissions of approximately 1.96 million tCO_2e. An indicative 635.4 MWp case, derived from the Applicant's stated 977,536 modules at an assumed 650 W per module, produced approximately 2.16 million tCO_2e. Under the GNR declining-grid pathway, the lifetime grid emissions displaced by the Scheme were approximately 312,000 tCO_2e.

The resulting net balances were therefore approximately:

- **+1.65 million tCO_2e** in the 500 MWp case; and
- **+1.85 million tCO_2e** in the indicative 635.4 MWp case.

A positive figure in this sensitivity exercise represents net lifecycle emissions rather than a saving. The result is therefore materially different from the Applicant's claimed beneficial outcome.

The result is driven principally by two assumptions: first, that the grid counterfactual continues to decarbonise rather than remaining fixed at the Applicant's 2031 factor for the full 60-year life; and second, that the substantial embodied and replacement emissions associated with the BESS are included.

BEPS does not advance the Great North Road methodology as the uniquely correct forecast for East Pye. Its significance is as a sensitivity test. It demonstrates that the sign and magnitude of the claimed whole-life climate benefit are highly dependent upon the assumed future grid counterfactual and treatment of lifecycle emissions. On a declining-grid scenario, the Applicant's claimed benefit can materially reduce or become adverse. The Applicant's headline saving should therefore not be treated as robust unless its model is disclosed, reconciled and tested against transparent year-by-year declining-grid scenarios.

6.3 Failure to assess water vulnerability and water-resource resilience

Water vulnerability is a particularly important component of climate resilience in East Anglia and should have been assessed expressly and in detail. This is a water-stressed region, and the environmental material presently available does not demonstrate that the scheme's construction, operation and emergency-response water demands can be met in a lawful, sustainable or climate-resilient way. That omission is especially serious where the statutory and technical consultation material records that Anglian Water may not be able to supply all new non-domestic demands until new strategic supplies are developed, and advises that a

dedicated Water Resources Assessment is required in order to identify viable sources of supply and address restrictions on water availability.

The significance of this omission extends beyond ordinary utility planning. A scheme of this scale requires water not only for workforce welfare and routine maintenance, but also for dust suppression, construction processes, HDD works, cleaning, and fire safety infrastructure associated with the BESS and substations. Yet the current assessment does not identify, quantify and secure those water sources, nor does it assess how climate change, drought conditions, licence constraints, competing abstractions, or regional water scarcity may affect the reliability of supply over time. In that respect, the climate chapter fails to engage with one of the most basic questions of climate resilience: whether the development is viable in a future of increasing water stress.

This is not a minor technical omission. If mains water is unavailable or constrained, the developer would need to rely on alternative sources, each of which carries further environmental and climate implications, including abstraction pressure, additional traffic, higher carbon impacts from tankering, and intensified risks to groundwater, private water supplies and sensitive catchments. Those consequences are directly relevant both to climate adaptation and to the wider assessment of whether the scheme would increase the vulnerability of the receiving environment. In the absence of a completed Water Resources Assessment and a clear demonstration of a secure, lawful and sustainable water supply strategy, the scheme cannot properly be described as climate-resilient.

For East Pye Solar, water scarcity is not merely part of the background climate baseline; it is a central constraint on deliverability, resilience and environmental sustainability.

6.4 Failure to assess runoff, flood intensification and groundwater effects under future climate conditions

The current climate assessment also fails to address, in a coherent and site-specific way, whether the Scheme would worsen climate-related water risks within the receiving environment. That omission is particularly serious for a project of this scale in a landscape already characterised by water stress, sensitive groundwater conditions, extensive agricultural drainage, and known concerns regarding flood behaviour. Although flood risk is said to be addressed separately through a Flood Risk Assessment, that does not remove the need for the climate chapter to explain whether the development has been designed to remain resilient under future climate conditions and whether it may itself exacerbate those conditions. The PEIR records that climate change risk assessment has been scoped out of the chapter, with the explanation of resilience deferred to the Environmental Statement, and that a Flood Risk Assessment will be submitted later with the DCO application.

That approach is inadequate. The Planning Inspectorate expressly required the Environmental Statement to explain how the proposed development has been designed to be resilient to climate change risks, and also required consideration of cumulative climate vulnerability,

including changes in flood flows resulting from climate change and other development. The applicant's response is effectively to defer those matters to a future FRA and to other chapters, rather than presenting an integrated assessment now.

For East Pye Solar, the central issue is not merely whether flooding reaches individual pieces of equipment, but whether the extensive installation of panels, tracks, compounds, substations, cable corridors and associated engineered works would alter the hydrological behaviour of the land under increasingly extreme weather conditions. The available material does not presently quantify or model whether the development would increase the rate or concentration of surface water runoff, alter existing drainage pathways, reduce infiltration, affect groundwater recharge, or intensify off-site flood risk during heavier rainfall events. Nor does it explain how these risks interact with long operational duration, climate-driven rainfall volatility, and the cumulative presence of other major schemes in the area. That omission is especially striking where Anglian Water has emphasised that SuDS and rainfall runoff attenuation will be critical and has required proper assessment of water demand, supply and integrated water management.

The applicant's own climate baseline identifies a future of hotter conditions, much drier summers, and wetter winters, with average winter precipitation increasing over time under the UKCP18 scenario relied upon in the scoping material. Those projected shifts make runoff behaviour, drainage performance, soil saturation, erosion and groundwater response central climate issues for the scheme. Yet the present chapter does not translate those projections into any meaningful site-specific assessment of hydrological consequence. It therefore fails to show either that the project is climate-resilient or that it would not worsen flood and water-environment vulnerability for adjoining land, watercourses, habitats and communities.

In those circumstances, it is not sufficient for the applicant to rely on a later FRA or on general statements about embedded design and management plans. Until East Pye Solar provides a quantified and integrated assessment of runoff change, flood-flow effects, groundwater interaction and off-site consequences under future climate scenarios, the climate chapter remains structurally deficient. It does not presently establish that the development would avoid exacerbating climate-related water risks, and it cannot therefore be relied upon as a sound basis for consultation or future planning judgment.

Taken together, the absence of a secure water supply strategy and the absence of any robust assessment of runoff and groundwater effects demonstrate that water-related climate resilience has not yet been established for this scheme.

6.5 Failure to provide a reliable whole-life GHG assessment

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 require the ES to describe likely significant effects arising from 'the impact of the project on climate', including the nature and magnitude of GHG emissions and the Scheme's vulnerability to climate change. Current EN-1 goes further. Paragraph 5.3.4 requires:

‘A whole life GHG assessment showing construction, operational and decommissioning GHG impacts, including impacts from change of land use.’

It also requires the Applicant to explain how climate impacts have been driven down at each stage and to measure embodied construction emissions.

Chapter 6 purports to provide that assessment, but its result is neither complete nor independently reproducible. The headline saving does not reconcile with the Applicant’s own emissions totals; important component calculations contain apparent arithmetic or unit errors; land-use change is not quantified; and the avoided-emissions case depends upon treating the 2031 grid intensity as if it remained constant throughout the 60-year operational period.

The Applicant has therefore not established the whole-life climate benefit required by EN-1. It has presented a favourable conclusion without a reliable calculation capable of supporting it.

6.6 Failure of the headline calculation to reconcile

Chapter 6 states construction emissions of 347,673 tCO_2e, operational emissions of 1,104,918 tCO_2e and decommissioning emissions of 6,390 tCO_2e. Those figures total 1,458,981 tCO_2e. The Applicant also states that the Scheme would generate 36.33 TWh over 60 years.

Those figures produce a lifecycle carbon intensity of approximately 40.16 gCO_2e/kWh, not the reported 39.67 gCO_2e/kWh. The stated operational emissions alone produce approximately 30.41 gCO_2e/kWh, not 29.74 gCO_2e/kWh.

The claimed lifetime saving of 1,294,630 tCO_2e also cannot be reproduced. Applying the Applicant’s 65 gCO_2e/kWh comparator to 36.33 TWh produces gross avoided emissions of 2,361,450 tCO_2e. Deducting all stated lifecycle emissions leaves only 902,469 tCO_2e—approximately 392,000 tCO_2e below the claimed figure. Even deducting operational emissions alone produces 1,256,532 tCO_2e, still approximately 38,000 tCO_2e below the figure reported.

The Applicant has not disclosed a reproducible route from its own inputs to its principal claimed climate benefit. That defect goes directly to the reliability and weight of the significant-beneficial conclusion.

6.7 Material arithmetic and unit errors

The underlying calculations contain further apparent errors. Chapter 6 states that 26,393 tonnes of glass assessed at 1.4028 $kgCO_2e/kg$ produces 1,371 tCO_2e. Direct multiplication produces approximately 37,024 tCO_2e. It states that 9,973 mounting structures weighing 800 kg each, assessed at 2.71 $kgCO_2e/kg$, produce 37,845 tCO_2e. Direct multiplication produces approximately 21,621 tCO_2e. The construction-worker

transport table also appears to transpose journey-distance figures, producing a recalculated total of approximately 2,479 tCO_2e rather than 2,192 tCO_2e.

Chapter 6 further records 5,632 km of electrical cable with a total mass of only 569 tonnes, while giving principal cable-material weights of 21 kg/m for copper and 10.7 kg/m for aluminium. Those figures cannot all be correct. The BESS calculation also refers to '80% degradation per year', which is unintelligible if read literally and appears to confuse annual degradation with retained capacity.

These are not harmless drafting slips. They affect major inputs and show that the model has not been adequately checked. The complete calculation workbook, formulas, source data and quality-assurance record must be disclosed.

6.8 Static use of the 2031 grid factor

Chapter 6 acknowledges that grid emissions are forecast to decline rapidly through the 2030s. Nevertheless, its headline lifetime saving applies the 2031 grid intensity of 65 gCO_2e/kWh to the Scheme's entire 60-year generation total.

That is not a credible lifetime counterfactual. Electricity produced in 2050, 2070 or 2090 cannot rationally be assumed to displace electricity with the carbon intensity of the grid in 2031. The assessment freezes the counterfactual at the opening year most favourable to the Scheme while relying elsewhere upon rapid grid decarbonisation as the policy justification for the development.

Using the Applicant's stated generation and emissions, illustrative pathways in which the grid falls from 65 gCO_2e/kWh in 2031 to 20 g by 2050 produce a net adverse balance of approximately 447,000 tCO_2e. A pathway falling to 10 g produces a net adverse balance of approximately 747,000 tCO_2e. These figures do not prove a single definitive outcome; they demonstrate that the Applicant's beneficial conclusion is driven by its chosen baseline and is not robust.

The assessment must be rerun year by year using transparent and evidenced future grid factors.

6.9 Uncertain commencement and operational date

Chapter 6 assumes construction between 2028 and 2030 and energisation in 2031, while acknowledging that the programme depends upon final investment, detailed design and environmental constraints.

The 2031 date is not a neutral programme assumption. It determines the grid factor selected and therefore the scale of the claimed carbon saving. Any delay would move generation into a lower-carbon grid and reduce the amount of emissions said to be avoided.

The Applicant has not shown that the National Grid works, project substations, grid connection and BESS can all be delivered and energised by 2031. The climate assessment must therefore test later commencement dates. A conclusion dependent upon an unsecured opening year cannot be treated as an established benefit.

6.10 Failure to assess curtailment and useful exported electricity

Chapter 6 relies on 36.33 TWh of lifetime generation, but does not transparently reduce the claimed benefit for curtailment, network constraints or periods when East Pye generation would not displace more carbon-intensive electricity.

The relevant climate quantity is not gross theoretical generation. It is electricity actually exported, delivered and used to displace a higher-carbon counterfactual after accounting for conversion losses, transformer losses, outages, clipping, export restrictions and curtailment.

This omission is particularly serious in a region with a large solar pipeline and constrained transmission capacity. Even 10% curtailment materially worsens the recalculated balance. The Applicant must disclose gross generation, net export, technical losses, assumed curtailment and the generation source actually displaced. Until that is done, both the denominator used for carbon intensity and the claimed avoided-emissions total remain unreliable.

6.11 Failure to assess the Scheme without BESS

Chapter 6 assesses a 2,000 MWh BESS as part of the Scheme and relies qualitatively upon the additional climate and system benefits said to arise from storage. Yet the BESS has only Gate 1 status and no demonstrated Gate 2 connection capable of delivery by 2031, or at all.

The ES does not assess the realistic alternatives of solar without BESS, delayed BESS commissioning, reduced BESS capacity or BESS omission. Nor does it distinguish adequately between export-only operation and a merchant import-and-export model.

The Applicant cannot rely upon BESS-enabled flexibility when claiming climate benefits while declining to assess the Scheme if that BESS is not delivered. A no-BESS case is not optional sensitivity testing. It is necessary to understand the environmental effects of a realistically severable and presently uncertain component.

This issue has become materially more important during Examination because the solar and BESS elements do not have equivalent connection status. The solar element has progressed to Gate 2, whereas the BESS remains at Gate 1. The climate assessment should therefore test not only a hypothetical no-BESS case but the reasonable implementation scenarios which the DCO may actually permit: solar operating materially before the BESS, delayed BESS, reduced BESS and solar operating for all or a substantial part of its life without Work No. 2.

For each scenario, the Applicant should identify both the change in lifecycle emissions and the change in the benefits attributed to co-location, storage, curtailment reduction and system balancing. The climate case should not simultaneously include the embodied and replacement emissions of the BESS while assuming integrated system benefits which depend upon a connection timetable that has not been demonstrated.

6.12 The BESS dominates lifecycle emissions

Chapter 6 attributes 200,000 tCO_2e to the initial BESS and 1,034,103 tCO_2e to five replacement cycles. It accepts that BESS emissions account for approximately 85% of the total Scheme emissions and that BESS replacement accounts for about 94% of operational emissions.

The Scheme's reported climate burden is therefore dominated not by the solar arrays but by an uncertain storage component whose connection, technology, chemistry, operating regime and replacement frequency are not fixed.

The Applicant nevertheless concludes that the overall effect is significantly beneficial. That conclusion cannot be robust where its dominant emissions source is subject to unresolved deliverability and operational uncertainty and has not been tested through alternative scenarios.

6.13 Unassessed BESS charging and operational emissions

Chapter 6 states that the BESS would largely be charged from low-carbon sources but expressly admits that 'the exact nature of emissions going into charging it has not been fully assessed'. It then calculates a possible saving of approximately 957,849 tCO_2e, assumes primarily solar charging, daily discharge and 85% round-trip efficiency, and refers to significant additional mitigation potential.

That is not a completed climate assessment. A BESS charging from the wider grid may import electricity at times when gas or other higher-carbon sources are marginal. Each cycle also loses energy and requires HVAC, controls and other parasitic consumption.

The Applicant must quantify solar charging, grid charging, hourly charging intensity, round-trip losses, HVAC demand, cycling frequency, degradation, augmentation and replacement. Until those matters are assessed, the claimed BESS benefit is speculative and should carry no separate weight.

6.14 Unsupported replacement and repowering assumptions

Chapter 6 assumes full replacement of the PV panels after 40 years, additional ad hoc panel replacement, up to five BESS replacements and one transformer replacement.

Those are not routine maintenance events. Each is a substantial construction and logistics campaign involving manufacture, shipping, HGV movements, temporary compounds, workers, plant, waste removal and reinstatement. The assessment

aggregates those effects without providing a transparent programme or complete activity schedule for each replacement cycle.

The Applicant also assumes current embodied-carbon factors for future replacements while suggesting that future technology will be cleaner. It cannot rely selectively upon future improvement to minimise significance without testing both lower- and higher-emission replacement cases. Distinct replacement scenarios are required.

6.15 Failure to assess land-use change and soil carbon

EN-1 expressly requires the whole-life assessment to include impacts from land-use change. Chapter 6 identifies the existing baseline as arable, agri-environment and livestock land but then assumes that existing activities generate zero emissions.

A zero baseline is not a land-use-change assessment. It does not quantify existing soil-carbon stocks, vegetation carbon, disturbance during installation, compaction, changes in infiltration and drainage, displacement of agricultural activity, proposed sequestration under grassland, or restoration at decommissioning.

The omission is especially material where other parts of the ES identify long-term damage or downgrading to agricultural soils. The Applicant has therefore not demonstrated compliance with the express EN-1 requirement.

6.16 Omitted infrastructure and operational demand

Chapter 6 excludes fencing, portacabins, security systems and other ancillary items on the assumption that each contributes less than 1% of total emissions. It states that anything not expressly referenced may be assumed not to have been quantified.

The Scheme contains extensive fencing, CCTV, access works, drainage, compounds, fire infrastructure, welfare facilities, substations, cables and grid infrastructure. The Applicant has not demonstrated that the aggregate of all excluded items remains below the stated 5% exclusion limit.

Operational electricity for CCTV, monitoring and welfare facilities is also omitted, while BESS HVAC, pumping and other parasitic loads are not transparently quantified. A whole-life assessment cannot be completed by declaring every unlisted source negligible without showing the cumulative total of the exclusions.

6.17 Failure to include water-supply and tankering emissions

Chapter 6 identifies 16,871 m^3 of construction water and 309,196 m^3 of operational water, including panel cleaning, replacement works and fire suppression. It calculates only the emissions associated with water supply and treatment and does not identify a secured source.

If water must be tankered from another region, the HGV movements are a foreseeable Scheme emission. Approximately 326,067 m^3 would require about 10,869 loads using 30 m^3 tankers. Depending upon source distance, this could add hundreds or several thousand tonnes of CO_2e, together with further congestion and rural-road impacts.

The whole-life assessment must include abstraction, treatment, pumping, tanker loading, outward and return journeys, storage, cleaning and firewater replenishment. Until the water source is identified and those emissions are included, the claimed climate balance remains incomplete.

6.18 Unsupported downstream benefits

Chapter 6 claims that the Scheme could provide sufficient electricity for up to 546,806 electric vehicles or replace household gas consumption in 58,066 homes. It also accepts that the Scheme would not itself cause the uptake of electric vehicles.

These are theoretical equivalence illustrations, not effects demonstrated to result from East Pye. The same electricity cannot simultaneously be treated as displacing grid generation, charging the BESS, supplying electric vehicles and replacing household gas without a clear boundary preventing double counting.

Those calculations do not establish additional Scheme-specific savings and should carry no separate weight in the planning balance.

6.19 Failure to provide a secured GHG Reduction Strategy

Chapter 6 says that the GHG Reduction Strategy is dispersed through the outline CEMP and OEMP rather than provided as a consolidated document. It then concludes that no additional climate mitigation is required.

That conclusion is untenable where the calculation contains unresolved errors, the BESS dominates lifecycle emissions, water supply is unsecured and no declining-grid or curtailment assessment has been undertaken.

A secured GHG Reduction Strategy should impose stage-specific carbon budgets, embodied-carbon limits, procurement standards, reporting requirements, replacement accounting, water-transport accounting, independent audit and corrective-action triggers. Generic commitments to use lower-carbon materials or vehicles ‘where possible’ do not secure the reductions upon which the claimed beneficial effect depends.

6.20 Failure to assess cumulative climate effects

PINS expressly refused to scope cumulative climate effects out and required consideration of how other developments may affect climate vulnerability, flood flows and cumulative GHG emissions or savings.

Chapter 6 nevertheless says that project-specific cumulative GHG assessment is inappropriate because the receptor is the global atmosphere and that carbon budgets are inherently cumulative. It then states that there can be no cumulative resilience effects because the receptor is the Scheme itself.

That is a methodological avoidance of the question PINS asked. Carbon-budget contextualisation does not assess the combined regional effects of multiple solar, BESS, grid, housing and transport schemes upon construction emissions, water demand, flood flows, soil resilience, replacement traffic and constrained grid operation.

East Pye is not an isolated project. The cumulative regional climate burden must be assessed directly rather than dissolved into an abstract global receptor.

6.21 Failure to assess combined climate and ecological effects

Chapter 6 does not adequately assess how the Scheme's ecological effects would interact with hotter, drier summers, more intense rainfall, drought, flooding and increased fire risk over its 60-year life. Natural England expressly required assessment of how the development would affect the ability of habitats, species and natural processes to adapt to climate change. The Applicant has not answered that question through a receptor-specific and integrated assessment.

The relevant effect is not climate change in isolation and not habitat loss in isolation. It is the combined effect of the Scheme's land take, fragmentation, shading, lighting, fencing, disturbance, altered drainage and vegetation management upon species already exposed to worsening climatic stress.

That assessment should address, at minimum, whether the Scheme would:

- sever or narrow routes used by species moving in response to changing climate;
- reduce access to cooler, wetter or more sheltered habitat;
- isolate woodland, hedgerow, pond and watercourse populations;
- alter the moisture, temperature and light conditions of retained habitats;
- intensify drought stress on hedgerows, grassland, trees and wetlands;
- increase sediment, polluted runoff or flood disturbance during extreme rainfall;
- reduce water availability for ponds, ditches, chalk-stream-connected habitats and terrestrial species;
- increase fire risk within grassland, scrub, woodland edges and BESS-adjacent habitat;
- impair establishment or survival of mitigation planting under future drought conditions; and
- reduce the resilience of protected and notable species populations already affected by habitat fragmentation.

Chapter 6 instead states that climate effects on ecology are addressed through Chapter 8 and provides only a high-level reference to climate change affecting species and habitats. That is not an in-combination assessment. It does not identify the

ecological receptors, pathways, magnitude, duration or significance of the combined effects.

6.22 Loss of ecological connectivity under climate change

Ecological connectivity becomes more important, not less, as the climate changes. Species must be able to move between feeding, breeding, roosting, shelter and wetter or cooler refuges. East Pye's extensive footprint, fencing, internal roads, substations, BESS compounds and cable works may constrain those movements even where individual habitat features are nominally retained.

This is particularly relevant to bats, great crested newts, reptiles, invertebrates, farmland birds, aquatic species and mammals dependent upon connected hedgerows, woodland edges, ponds, ditches and watercourses. A buffer around an isolated feature is not equivalent to maintaining a functioning ecological network.

The ES should therefore assess whether the Scheme would reduce the capacity of species to respond spatially to drought, heat, flood and habitat change. Without that assessment, the Applicant cannot demonstrate that retained habitats would remain functional throughout the Scheme's life.

6.23 Climate effects on bats and other mobile species

Bats are especially sensitive to combined changes in habitat connectivity, prey availability, temperature, lighting and water. Hotter and drier summers may affect insect abundance and the availability of ponds, ditches and wet woodland feeding habitat. Increased artificial lighting and fragmentation may then restrict access to the remaining feeding areas and alternative roosting habitat.

For maternity colonies and wider metapopulations, the issue is not merely whether a roost entrance is retained. It is whether the surrounding network of commuting routes, feeding habitat, water sources and dark corridors remains sufficiently resilient under future climate conditions.

The Applicant should assess the combined effect of climate change and the Scheme on maternity-roost supporting habitat, functional connectivity and population resilience. Generic hedgerow buffers and future management plans do not answer that question.

6.24 Climate effects on ponds, ditches and aquatic ecology

The interaction between climate change, drainage and ecology requires specific assessment. Drought may reduce pond permanence, ditch flow and groundwater-supported habitat. Intense rainfall may cause rapid runoff, erosion, sediment mobilisation and polluted discharges. Solar infrastructure, access tracks and compounds may alter the timing and concentration of those flows.

These combined effects may affect great crested newts, aquatic invertebrates, fish, crayfish, amphibians and terrestrial species dependent upon wet habitats. The climate chapter should therefore integrate the future hydrological assessment with the ecological assessment rather than simply cross-referencing separate chapters.

6.25 Failure to test whether ecological mitigation is climate-resilient

Much of the Applicant's ecological case depends upon future grassland, hedgerow, tree and habitat creation. Chapter 6 does not demonstrate that those measures will establish and remain functional under the climate conditions predicted over 60 years.

The ES should assess:

- drought-related planting failure;
- increased irrigation demand;
- availability and source of irrigation water;
- tree and hedge mortality;
- altered species composition;
- reduced floral resources;
- invasive-species pressure;
- flood and erosion damage;
- fire damage; and
- the time required to replace failed habitat.

Mitigation cannot be treated as secured merely because it appears in a management plan. Its ecological function must be achievable under the future climate relied upon in the ES.

6.26 Climate change and the mitigation hierarchy

The combined ecological and climate evidence strengthens the case for avoidance. Where habitats and populations are already vulnerable to drought, heat, flooding and fragmentation, additional pressure should not be accepted on the assumption that it can later be managed.

Avoidance should include removal of development from the most sensitive ecological networks, protection of wider dark and movement corridors, avoidance of hydrologically sensitive habitat and retention of climate refuges. Compensation and biodiversity net gain cannot replace established ecological networks that species need in order to respond to climatic change.

Climate change is not merely an external risk to the Scheme. It is a force that will amplify the Scheme's effects upon habitats and species. By failing to assess those combined effects at receptor level, the Applicant has not demonstrated that East Pye would maintain ecological connectivity, population resilience or the adaptive capacity of the natural environment over its 60-year life.

6.27 Heat, BESS parasitic demand and fire risk

Chapter 6 recognises that higher summer temperatures and heatwaves will increase BESS cooling requirements, but does not quantify the resulting energy demand or lifecycle emissions. It relies only on the existence of containerised HVAC systems and concludes that the residual risk is not significant.

That is inadequate. Cooling energy is a parasitic load: it reduces net export, lowers useful displaced generation and increases operational emissions. The effect is likely to be greatest during hot, high-generation periods when battery temperatures and cooling demand are both elevated. The Applicant has not disclosed the assumed HVAC load, its annual energy consumption, its degradation over time or whether it is supplied from East Pye generation or the grid.

Heat also increases the risk of battery degradation, thermal runaway and fire. Chapter 6 identifies increased fire risk under hotter and drier conditions but relies on generic references to fire suppression and assigns a ‘Very Low’ likelihood without demonstrating the water source, suppression capacity, access arrangements, firewater containment or performance under drought conditions.

The Applicant must quantify BESS cooling and parasitic demand and integrate heat-related degradation, fire risk, suppression demand and replacement consequences into the whole-life climate assessment. Until that is done, both the net-export calculation and the climate-resilience conclusion remain incomplete.

6.28 Drought-related failure of landscape and ecological mitigation

The Scheme relies heavily on future hedgerow, tree, grassland and habitat establishment to mitigate landscape and ecological harm. Chapter 6 does not demonstrate that those measures will establish and survive under the hotter and drier summers identified in its own climate projections.

Drought may cause planting failure, tree and hedge mortality, reduced floral resources, soil cracking, erosion and increased irrigation demand. Where mitigation fails, its visual screening, habitat connectivity, biodiversity and carbon-sequestration functions also fail.

The Applicant has not identified the volume or source of water required to establish and maintain planting during prolonged drought, nor assessed the emissions and traffic consequences of tankering that water. Future management plans cannot be treated as effective mitigation unless their water requirements, replacement obligations and climate resilience are secured.

The climate assessment should therefore test planting failure, repeated replanting, increased irrigation and delayed habitat establishment. Otherwise, the Scheme relies on mitigation whose delivery is uncertain under the climate conditions it is expected to endure.

6.29 Agricultural resilience and displacement of food production

Chapter 6 treats the existing agricultural baseline as generating zero emissions and does not assess the role of the land in supporting food-production resilience under climate change.

That approach is too narrow. Climate change is expected to place increasing pressure on productive land through drought, heat, flooding, soil degradation and water scarcity. The removal of a large area of agricultural land from productive use for 60 years reduces the capacity of the local and national agricultural system to respond to those pressures.

The assessment also fails to consider displacement. Food production removed from East Pye may be transferred elsewhere, potentially to less suitable land or imported from jurisdictions with higher production, transport or land-use emissions. Those consequences are not captured by assuming a zero baseline.

The Applicant must assess the Scheme's effect on agricultural resilience, soil function and displaced production. Renewable generation does not remove the need to account for the climate consequences of taking productive land out of use.

6.30 Cumulative loss of permeable and climate-resilient land

Chapter 6 does not assess the cumulative loss or functional alteration of permeable rural land arising from East Pye and other major developments in the region.

The relevant effect is wider than the footprint of formally impermeable surfaces. Panels, compacted access tracks, substations, BESS compounds, cable works and repeated construction activity may alter infiltration, soil structure, drainage pathways and runoff concentration. Those effects reduce the capacity of the landscape to absorb and attenuate rainfall under increasingly intense storm conditions.

East Pye must also be considered with other solar, BESS, grid, housing and infrastructure schemes occupying the same regional catchments. The cumulative issue is whether a progressively engineered landscape retains sufficient capacity to store water, recharge groundwater, support soils and habitats, and reduce downstream flood risk.

Chapter 6 instead treats resilience principally as a risk to the Scheme itself. It does not assess the cumulative loss of the receiving landscape's climate-regulation function. Until that is done, the Applicant cannot demonstrate that the Scheme would not increase the vulnerability of surrounding land, watercourses, communities and ecosystems.

6.31 Climate consequences of repeated mid-life replacement works

The 60-year operational period is not a continuous low-disturbance phase. Chapter 6 assumes one complete PV-panel replacement, up to five BESS replacements, one transformer replacement and further ad hoc replacement of panels and cables.

Those activities amount to repeated construction campaigns. They will require manufacturing, shipping, HGV movements, temporary compounds, cranes and plant, workforce travel, waste handling, water, drainage controls and reinstatement. They may occur during hotter, drier or wetter climate conditions than those assessed for the initial construction phase.

The Applicant has aggregated replacement emissions but has not assessed the climate resilience or environmental consequences of each campaign. It has not shown whether replacement works can be undertaken without renewed soil compaction, habitat disturbance, drainage damage, traffic impacts or additional water demand.

The whole-life assessment must therefore treat repowering and BESS replacement as distinct project phases and assess their combined carbon, hydrological, ecological and agricultural effects. Describing them as operational maintenance understates both their scale and their climate consequences.

6.32 Consequences for the significance conclusion

Chapter 6 concludes that the operational climate effect is significant and beneficial. That conclusion is not established.

The carbon case depends upon an unreconciled headline calculation, inconsistent component data, a static 2031 grid comparator applied across 60 years, uncertain energisation, no transparent curtailment allowance, an undelivered BESS, unassessed charging and parasitic emissions, unresolved water supply, incomplete land-use accounting and speculative downstream benefits.

The resilience case is equally incomplete. Chapter 6 focuses principally on risks to the Scheme's infrastructure and workers, but does not provide a receptor-specific assessment of how East Pye would interact with hotter, drier summers, more intense rainfall, drought, flooding and increased fire risk to affect habitats, species and ecological networks over the Scheme's lifetime.

It does not demonstrate that retained habitats will remain functional under future climate conditions, that species will retain access to dark corridors, water, feeding areas and climatic refuges, or that the Scheme will avoid compounding fragmentation, hydrological stress, planting failure, fire risk and loss of ecological connectivity. Nor does it establish that proposed landscape and ecological mitigation will survive prolonged drought or repeated mid-life construction and replacement campaigns.

The evidence does not presently establish that East Pye will necessarily be carbon adverse. Nor is BEPS required to prove that proposition. The burden lies on the Applicant to demonstrate the significant climate benefit and climate resilience it asks the decision-maker to place in the planning balance.

It has not done so. The claimed significant-beneficial effect is neither transparent, reproducible nor environmentally complete. The quantified Scheme-specific climate benefit should therefore be afforded no greater weight than the robustness of the calculation presently supporting it.

6.33 Remedies sought

The Applicant should be required to disclose the complete editable GHG model, formulas, source data and quality-assurance record; correct every arithmetic and unit discrepancy; and provide a fully reconciled whole-life total.

The carbon assessment should be rerun using annual grid factors and alternative energisation dates; quantified curtailment, technical losses and net useful export; full-BESS, no-BESS, delayed-BESS and reduced-BESS scenarios; solar-only and grid-charging BESS models; complete charging, cooling and parasitic demand; full replacement and repowering emissions; all excluded infrastructure and operational demand; land-use change and soil carbon; and the full emissions consequences of the secured water source, including tankering where required.

The Applicant should also provide an integrated climate-ecology assessment identifying, for each sensitive receptor, how the Scheme would interact with future heat, drought, flood, storm and fire conditions. That assessment should address habitat connectivity, dark corridors, water-dependent habitats, maternity-roost supporting function, species movement, climatic refuges, hydrological change, planting failure, irrigation demand, invasive species, fire damage and the ecological consequences of repeated replacement works.

The Applicant should demonstrate that all landscape and ecological mitigation is deliverable and resilient under the future climate relied upon in the ES, with secured replacement, irrigation, monitoring and corrective-action obligations where establishment or function fails.

A consolidated GHG Reduction and Climate Resilience Strategy should be secured through the DCO with enforceable carbon limits, procurement standards, water and energy controls, habitat-resilience measures, monitoring, independent audit and corrective-action mechanisms.

Unless and until that work is completed and independently verified, the Examining Authority should reject the finding of a significant beneficial climate effect and attach no material weight to the claimed saving of 1,294,630 tCO_2e.

Summary:

East Pye Solar should be refused because the Applicant has not demonstrated that the Scheme delivers the significant climate benefit relied upon to justify its extensive environmental harm.

First, the whole-life carbon case is not reliable. Chapter 6 contains unreconciled headline figures, apparent arithmetic and unit errors, incomplete treatment of land-use change and excluded operational sources. The claimed saving of 1,294,630 tCO_2e cannot be reproduced from the Applicant's own totals. The asserted significant beneficial effect is therefore not founded on a transparent or auditable calculation.

Second, the result depends upon an unrealistic counterfactual. The Applicant applies the 2031 grid-emissions factor across the Scheme's entire 60-year life, despite acknowledging continuing grid decarbonisation. When East Pye is tested using a year-by-year declining-grid methodology, including the approach used by objectors to Great North Road Solar, the claimed benefit reverses and the Scheme produces a substantial net lifecycle carbon burden. That does not establish one uniquely correct figure, but it demonstrates that the Applicant's favourable conclusion is highly assumption-dependent and cannot safely be treated as an established public benefit.

Third, the climate balance is dominated by the BESS, not the solar arrays. Chapter 6 attributes approximately 85% of total Scheme emissions to the BESS and its repeated replacement. Yet the BESS remains commercially and technically uncertain, its connection is not secured, and its charging source, cycling, cooling demand, degradation and parasitic losses have not been adequately assessed. The Applicant cannot rely upon BESS-related system benefits while failing to assess realistic no-BESS, delayed-BESS and grid-charging scenarios.

Fourth, the Scheme has not been shown to be climate-resilient. Water supply is unresolved in an already water-stressed region. If water must be tankered from elsewhere, those repeated HGV movements and emissions are absent from the whole-life calculation. The assessment also fails to demonstrate that the Scheme would not worsen runoff, flood flows, soil compaction, groundwater recharge, drought stress or fire risk over its lifetime.

Fifth, Chapter 6 does not adequately assess the combined effects of the Scheme and climate change upon ecology. It does not show that bats, amphibians, aquatic species, farmland birds, invertebrates and other receptors will retain functioning habitat networks, dark corridors, water sources and climatic refuges under hotter, drier and more extreme conditions. Nor does it demonstrate that proposed planting, grassland, hedgerow and habitat mitigation will establish and survive repeated drought, flood, fire and replacement works.

Sixth, the Applicant has fragmented climate effects across separate chapters and future management plans rather than providing the integrated assessment required for a Scheme of this scale and duration. Carbon, water, ecology, agriculture, flood risk,

replacement works and cumulative regional effects are interdependent. They cannot be dismissed through generic references to future CEMP, OEMP, drainage or habitat-management measures.

The result is that the central claimed benefit of East Pye Solar is unproven, while the Scheme's environmental harms are extensive, long-term and in several respects irreversible. The Applicant has not established that the Scheme is carbon-beneficial, climate-resilient or ecologically sustainable over its 60-year life.

Until the Applicant provides a corrected, transparent and reproducible calculation, the specific figure of 1,294,630 tCO_2e and the magnitude of the claimed significant beneficial effect should be afforded limited weight. In the absence of a corrected and independently verifiable whole-life assessment, secured water and resilience strategy, and integrated assessment of ecological and cumulative climate effects, the application should be refused.

Chapter 7: Landscape and Visual

7.1 Executive Summary and Principal Objection

BEPS objects to Chapter 7 because it does not demonstrate that the East Pye Solar scheme can be accommodated within the South Norfolk landscape without substantial and enduring harm. This is not a case where the objection turns principally on disagreement with the Applicant's professional judgment. The Applicant's own LVIA identifies widespread Significant adverse effects during construction, Significant operational effects at Year 1 across most of the principal Sites, and continuing Significant effects at Year 15 in several of the most sensitive parts of the scheme. At construction, Major Significant landscape effects are identified for LCA B1 Tas Tributary Farmland, LCA E2 Great Moulton Plateau Farmland, the BESS Site, Site 1 and Site 7, with Significant effects also identified for the national character area, multiple other LCAs and most individual Sites. At Year 1, Significant landscape effects remain across the BESS, Sites 1–5 and 7–10 and several LCAs. Even after fifteen years of assumed mitigation growth, Site 1 remains Major Significant, while the BESS, Site 7, Site 8, B1 Tas Tributary Farmland and E2 Great Moulton Plateau Farmland remain significantly adversely affected.

The Applicant itself therefore establishes that East Pye would not simply add discreet energy infrastructure to an otherwise unchanged rural landscape. It would alter the character of extensive areas of countryside. Chapter 7 accepts that operation would change predominantly agricultural land into an "energy production landscape"; that solar arrays may oversail normal hedgerow boundaries; that their regular engineered form may appear conspicuous against irregular field patterns; that substations and BESS introduce industrial characteristics into relatively open rural landscapes; that fencing and CCTV increase perceived human influence; and that solar development across multiple fields can alter the sequential experience of PRoW users. The maximum tracker-panel parameter is 4.5 m at greatest inclination, with panels rotating through the day, alongside major substations, security infrastructure and other built development.

BEPS considers that Chapter 7 nevertheless systematically understates the true scale, geographical extent and duration of this harm. The LVIA divides a landscape-scale intervention into separate Sites, CRC parcels and receptor assessments, rather than adequately assessing the transformation of an interconnected historic and lived landscape. The Applicant's own baseline describes plateau farmland, wooded tributary valleys, dispersed villages and farmsteads, narrow rural roads, extensive PRoWs, important hedgerows, ancient woodland, veteran trees, dark skies and areas of appreciable tranquillity. Yet the assessment repeatedly reduces these qualities to Medium site-level sensitivity and then relies upon distance, intervening vegetation and future planting to downgrade effects.

That approach gives insufficient weight to the structure of the landscape itself. The hedgerows, tree belts, ditches, lanes and historic field pattern are not simply visual screening elements around otherwise interchangeable fields. They form the fabric of the South Norfolk clayland landscape and connect its historic, ecological, hydrological and agricultural character. Evidence submitted by local landscape archaeologist David Fine describes the surviving lattice of lanes, ditches, hedges and fields as a coherent historic landscape morphology, and warns against treating the effects of trenching, access works and landscape fragmentation as superficial disturbance capable of being repaired simply through replacement planting. BEPS adopts that underlying principle. Screening an industrial development does not preserve the landscape if the screening itself changes its openness, field pattern, historic legibility or experiential character.

The assessment is also fragmented between disciplines in ways which reduce the apparent combined effect. Heritage assets inform judgments of landscape value but are then principally assessed elsewhere; private residential effects are separated into a Residential Visual Amenity Assessment applying a much higher “overbearing” or “dominating” threshold; PRoW effects are addressed through a separate route assessment; glint and glare is removed to another chapter; and night-time landscape effects are omitted from Chapter 7 altogether. This is particularly serious in relation to lighting. The Planning Inspectorate expressly required the ES to assess effects on night-time views and landscape receptors, including intermittent motion-activated security lighting, because insufficient information had been provided to scope those effects out. The Applicant’s final response is instead to rely upon a Lighting Strategy and state that no assessment of lighting effects on landscape and visual receptors is included in Chapter 7. Mitigation principles are not a substitute for an assessment of magnitude and significance.

The visual evidence should also be treated cautiously. Chapter 7 itself recognises that winter photography is the reasonable worst case because deciduous vegetation provides substantially less screening when out of leaf. However, important photomontages have been prepared from summer photography where foliage materially obscures the development. This is especially problematic around the Grade I Church of St Catherine at Fritton, where the Applicant itself acknowledges the sensitivity of the church and Conservation Area by excluding development from part of Site 5. Summer visualisations cannot reliably demonstrate the worst-case visual relationship where screening is seasonally dependent. Equivalent leaf-off photomontages are required.

The mitigation case also requires considerably greater caution than Chapter 7 gives it. Much of the predicted reduction in effects between Year 1 and Year 15 depends upon new hedgerows, tree belts and woodland becoming sufficiently established to screen or filter the scheme. Yet the Applicant simultaneously accepts that such planting may alter the openness of views and landscape character. In some locations the LVIA expressly records Significant Year 15 visual effects because the mitigation vegetation itself alters open views. This exposes a central weakness in the assessment: replacing an open agricultural landscape with enclosed planting around industrial infrastructure

is not necessarily mitigation of landscape harm; in some landscapes it is itself part of the change.

Independent professional landscape and visual impact assessments have also been commissioned on behalf of the South Norfolk community. Those assessments will be submitted separately by Hempnall Parish Council and Shotesham Parish Council. Although submitted through two Parish Councils, together they examine the East Pye scheme across its full geographical extent. BEPS supports their findings. To avoid duplication, their detailed professional analysis is not reproduced in this Written Representation and should be read alongside it as complementary independent evidence.

BEPS therefore submits that the Applicant's conclusions should not be treated as a conservative or precautionary statement of harm. They already disclose extensive and, in places, major adverse effects; the methodological weaknesses identified above are capable only of understating that harm further. The ExA should approach Chapter 7 on the basis that East Pye represents a landscape-scale industrialisation of an interconnected rural environment, not a collection of visually containable solar fields. The Applicant has not demonstrated that the scheme's scale, siting or residual effects are acceptable, nor that future screening can remedy the underlying loss of openness, tranquillity, historic landscape structure and rural visual character.

7.2 Policy and Assessment Framework

The relevant policy framework requires landscape harm to be avoided and minimised through siting, design and retention of existing landscape structure, not simply screened after the development has been fixed. Chapter 7 itself identifies EN-1, EN-3 and EN-5 as the principal national policy framework and relies on GLVIA3 and related Landscape Institute guidance. It also identifies the Greater Norwich Local Plan and South Norfolk policies concerned with environmental quality, local distinctiveness, design, amenity, landscape character, trees and hedgerows, landscape integration and heritage.

The Applicant expressly cites EN-3 paragraphs 2.10.92–2.10.93, which require consideration of how existing boundary vegetation, mature trees and hedgerows can be protected and retained and, where necessary, how schemes can be redesigned to avoid harm. The same underlying principle runs through the local policy framework: development should respond to landscape character and local distinctiveness, protect natural assets, incorporate landscape into design and avoid harm to amenity and heritage.

This matters because Chapter 7 too often treats mitigation as a later screening exercise. The relevant policy test is not whether planting can eventually obscure infrastructure from selected views, but whether the location, scale and design of the development avoid or minimise unacceptable landscape harm in the first place.

The South Norfolk Landscape Susceptibility in relation to Energy Generation, Storage and Transmission SPD is also relevant evidence. The Applicant says it is “not directly applicable” to the Scheme because it was not prepared specifically for NSIPs, but simultaneously confirms that it reviewed the SPD and incorporated updates into its own judgments on landscape sensitivity where appropriate. That is effectively an acknowledgment that the SPD is material evidence of local landscape susceptibility, even if it is not determinative of the DCO decision.

The policy framework therefore supports a simple proposition: where the scale and siting of development create enduring significant landscape effects, future planting cannot be treated as a substitute for an appropriate location and design.

Since this Written Representation was prepared, the National Planning Policy Framework was replaced on 17 August 2026. The Energy NPSs remain the primary policy framework for this NSIP, but the current NPPF materially reinforces the landscape and design issues raised here. Policy DP3 requires development to respond to the history, character and features of its site and setting and to integrate with its surroundings, while DP4 requires design quality to be maintained through project evolution, assessment and delivery. Those principles are particularly relevant where the Applicant relies heavily upon post-consent detailed design and landscape mitigation to integrate extensive infrastructure into a sensitive rural setting.

7.3 The Applicant’s Own Assessment Establishes Extensive Significant Harm

7.3.1 Construction

The scale of landscape harm is established by the Applicant’s own assessment. During construction, Chapter 7 identifies Major Significant effects on LCA B1 Tas Tributary Farmland, LCA E2 Great Moulton Plateau Farmland, the BESS Site, Site 1 and Site 7. High-sensitivity Site 8 is also assessed as Major Significant. Moderate Significant effects are identified across Sites 2, 3, 4, 5, 9 and 10, as well as NCA 83 South Norfolk and High Suffolk Claylands, A1 Tas Rural River Valley, B5 Chet Tributary Farmland, C2 Thurlton Tributary Farmland with Parkland and the Via Beata.

The Applicant itself explains that these effects arise because construction would introduce activity “totally uncharacteristic” of the receiving landscapes, including haul routes, compounds, plant, vehicle movements, temporary lighting, fencing, trenching, stockpiles, vegetation removal and PRoW closures. This is not localised or incidental harm. It is widespread across the scheme and affects both ordinary countryside and landscapes the Applicant itself judges to be highly sensitive.

That evidence is difficult to reconcile with any general claim that East Pye can simply be integrated into its surroundings.

7.3.2 Operation — Year 1

The harm does not fall away when construction ends. At Year 1, Significant landscape effects remain across B1 Tas Tributary Farmland, C2 Thurlton Tributary Farmland with Parkland and E2 Great Moulton Plateau Farmland, together with the BESS, Site 1 and Sites 2, 3, 4, 5, 7, 8, 9 and 10.

The Applicant expressly accepts that the BESS and Site 1 would experience a “total change” to key landscape characteristics. That admission is central. It confirms that these are not landscapes experiencing merely filtered or partial visual intrusion. The development changes their character in substance.

The Year 1 effects arise from the presence of the energy infrastructure itself: 4.5 m solar arrays, substations, BESS, fencing, CCTV, access tracks and grid infrastructure replacing or dominating the existing agricultural landscape. Chapter 7 acknowledges that the scheme changes the land into an “energy production landscape” and that the solar arrays increase perceived human influence, affect tranquillity and introduce conspicuous regular forms into irregular rural field patterns.

7.3.3 Operation — Year 15

The Year 15 assessment should not be presented as evidence that mitigation resolves the landscape conflict. Even after fifteen years of assumed establishment and growth, Chapter 7 still identifies Major Significant landscape effects at Site 1 and Moderate Significant effects at the BESS, Site 7, Site 8, B1 Tas Tributary Farmland and E2 Great Moulton Plateau Farmland.

Significant visual effects also remain at individual receptors at the BESS, Site 1, Site 3, Site 4, Site 7, Site 8, Site 9 and along the CRC. The Applicant therefore does not demonstrate that mitigation removes the harm. It demonstrates only that some effects reduce over time while significant adverse effects persist in key parts of the scheme.

The conclusion is straightforward: even on the Applicant’s mature-mitigation case, important parts of East Pye remain significantly harmed after fifteen years.

7.4 The Landscape Has Been Assessed as Separate Development Parcels Rather Than as a Coherent Landscape

Chapter 7 recognises that the receiving environment is a predominantly rural landscape of open plateau farmland, small wooded valleys, hedgerows, woodland, dispersed villages and farmsteads, local roads, PRoWs, long-distance routes and areas of tranquillity. It nevertheless subdivides that landscape into Sites 1–10 and CRC parcels for assessment and then evaluates each largely as a separate receptor. That approach risks missing the central effect of East Pye: the transformation of an interconnected landscape system across a very large area.

The South Norfolk clayland landscape is not simply a collection of fields separated by vegetation. Its structure is formed by long-established lanes, ditches and watercourses, hedgerows, mature and veteran trees, historic field boundaries, tributary valleys, settlement patterns and routes of movement. These features perform several functions at once. They shape visual character, agricultural use, drainage, ecological connectivity, historic legibility and the everyday experience of the countryside.

The independent landscape morphology evidence submitted by David Fine is important in this respect. It describes the surviving lattice of lanes, ditches, hedges and fields as a coherent historic structure rather than incidental boundary vegetation, and argues that this pattern has evolved over a very long period as part of the functioning landscape. That evidence accords with the Applicant's own baseline descriptions of a landscape structured by field boundaries, hedgerows, wooded horizons, dispersed settlement and tributary valleys.

This exposes a weakness in the LVIA. Chapter 7 is strong on what may be seen from individual receptors, but much weaker on what is being altered as a landscape system. Hedgerows, ditches, lanes and tree belts are repeatedly treated as screening features to be retained, reinforced or replanted. They are more than that. They are part of the landscape fabric itself.

That distinction is important because mitigation cannot be judged only by whether it hides infrastructure. If access works, cable trenches, hedgerow removals, new tree belts, substations and panel fields alter the historic field pattern, openness, lane structure and ecological or hydrological relationships of the land, the landscape has changed even where the development later becomes less visible. Chapter 7 does not adequately capture that deeper structural effect.

7.5 Underassessment of Historic Landscape Character and Artificial Separation from Heritage

Chapter 7 acknowledges that heritage assets contribute to landscape value, but then largely removes them from the LVIA as receptors in their own right because they are assessed in Chapter 10. The Applicant expressly states that conservation areas, registered parks and gardens and listed buildings inform the landscape baseline and sensitivity judgments, while substantive heritage effects are considered elsewhere.

BEPS considers that division artificial. Churches, conservation areas, halls, farmsteads, historic lanes and settlement edges are not merely heritage designations sitting within the landscape; they are part of the landscape's character, time-depth and visual structure. Their settings are experienced through the same lanes, fields, hedgerows, views, PRoWs and settlement approaches which Chapter 7 assesses. Separating "heritage" from "landscape" therefore risks understating the combined effect of changing both the setting of historic places and the rural landscape through which those places are understood.

The Applicant's own evidence demonstrates that the distinction does not work cleanly in practice. Appendix 7.4 repeatedly relies on churches, listed buildings, conservation areas and settlement edges when explaining the sensitivity of visual receptors. At Site 4, the baseline includes views around St Michael's Church and St Mary's, Tharston; at Site 5 it recognises the sensitivity of the Fritton Conservation Area and Grade I Church of St Catherine; at Site 7 it records the relationship with Saxlingham Nethergate and its conservation area; and at Site 10 the wider context includes historic parkland and listed-building groups.

The same issue arises at Wacton, where the visual and landscape context includes the conservation area, historic settlement edge and listed buildings around the scheme. These are not isolated heritage receptors whose effects can be understood independently of the surrounding countryside. Their significance is partly derived from how they sit within, and are approached through, the rural landscape.

Ditchingham Hall is particularly illustrative. Appendix 7.2 records the Registered Park and Garden approximately 2 km from Site 10 but excludes it from further landscape assessment on the basis of separation distance and claimed lack of intervisibility. Yet the same appendix identifies C2 Thurlton Tributary Farmland with Parkland as a High-sensitivity landscape characterised by large estates, halls and distinctive parkland landscapes and valued in part because of its relationship with the Broads. The parkland context is therefore integral to landscape character even where a particular registered asset is removed from the receptor assessment.

BEPS does not seek to duplicate Chapter 10. The objection is narrower and more fundamental: Chapter 7 should assess historic landscape character as an integrated resource. A church tower, conservation area edge, hall, farmstead or historic lane does not cease to be part of the landscape merely because its designated heritage significance is considered elsewhere. The present compartmentalisation tends to suppress the combined effect of industrialising the landscape while simultaneously altering the settings through which historic places are experienced.

7.6 Landscape Sensitivity Has Been Systematically Understated

Appendix 7.2 repeatedly describes a landscape of greater sensitivity than the final site-level ratings suggest. It identifies expansive skies, open plateau farmland, tranquil tributary valleys, dark skies, ancient woodland, veteran trees, high-value recreational routes, historic settlement structure, wooded horizons and locally distinctive parkland and river-valley landscapes. Yet almost every principal Site is assigned only Medium sensitivity, with Site 8 the principal exception.

That pattern matters because sensitivity directly controls the significance conclusions that follow. Where the narrative baseline describes intact rural character, tranquillity, openness and historic structure but the receptor is then rated only Medium, the assessment effectively lowers the starting point before magnitude is considered.

7.6.1 Great Moulton Plateau, Site 1 and the BESS

E2 Great Moulton Plateau Farmland is described as a flat elevated plateau with extensive arable farmland, a notable absence of boundaries, a strong sense of openness and exposure, expansive skies and distant views. Hedgerow trees remain important markers of former field boundaries, and disused airfields are identified as a characteristic feature. Despite those characteristics, E2 is rated only Medium sensitivity.

Site 1 and the BESS are treated similarly. The BESS sits within an open, exposed plateau landscape and is described as moderately tranquil and relatively dim at night. Site 1 is likewise open, elevated and defined by expansive skies, with a high level of recreational value arising from the PRoW network and with Great Moulton close to its northern edge. Both are nevertheless assigned only Medium sensitivity.

The resulting judgments are difficult to reconcile with the Applicant's later admission that Site 1 and the BESS undergo a "total change" to key landscape characteristics at Year 1. If a landscape is sufficiently open and exposed that the proposed development causes a total change to its defining characteristics, the assumption that it has only moderate susceptibility to that development requires particularly strong justification.

7.6.2 Site 7

Site 7 is another clear example. Appendix 7.2 records a landscape structured by established hedgerows, tree belts, woodland blocks and ancient woodland, with wooded horizons that create intimacy and visual interest. It records a dense PRoW network, proximity to the Boudicca Way, numerous veteran trees, and moderate to high tranquillity. Most of the Site lies in either transitional dark-sky conditions or the darkest night-sky range.

Despite that combination of landscape structure, recreational value, tranquillity, ecological interest and dark-sky character, Site 7 is assigned only Medium value, Medium susceptibility and Medium sensitivity. Yet Chapter 7 later identifies Major Significant construction effects and continuing Significant landscape effects at Year 15. The outcome itself demonstrates how limited the landscape's capacity to absorb the scheme actually is.

7.6.3 Site 10

The inconsistency is particularly stark at Site 10. Sub-Sites 10A–10D lie within or straddle C2 Thurlton Tributary Farmland with Parkland, which the Applicant rates High value, High susceptibility and High sensitivity. C2 is characterised by open views towards the Broads, parkland, halls, ancient woodland, remoteness and peacefulness. B5 Chet Tributary Farmland, within which Site 10E lies and other Site 10 parcels partly extend, is also rated High sensitivity.

Yet Site 10 and CRC14 are reduced to Medium sensitivity. The site-specific baseline still describes Site 10 as highly tranquil, sparsely settled and structured by hedgerows, tree belts and plantation woodland. The reduction in sensitivity therefore appears to arise not because those qualities disappear at Site 10, but because the assessment moves from the wider character area to the land selected for development.

That pattern should concern the ExA. Across several parts of the scheme, sensitivity becomes lower as the assessment moves closer to the actual development footprint. BEPS submits that the Applicant has not adequately justified those downward judgments and that the effect is to suppress the significance of landscape harm at source.

7.7 Site 1, BESS and Great Moulton: the Scheme's Most Serious Landscape Conflict

The Applicant's own evidence establishes Site 1, the BESS and the surrounding Great Moulton Plateau as the clearest landscape conflict within the scheme.

At Site 1, Chapter 7 identifies Major Significant landscape effects during construction, Major Significant effects at Year 1 and Major Significant effects still remaining at Year 15. The Applicant expressly states that the scheme results in a "total change" to some of the key characteristics of Site 1. At Year 15, despite mature mitigation, Site 1 remains Major Significant because of the scale of the infrastructure and the continuing alteration of its key characteristics.

The visual effects are equally serious. At Year 1 the viewpoint south-east of Great Moulton remains Major to Substantial and Significant, while the PRoW at Great Moulton FP15/RB18 is Major and Significant. At Year 15, significant effects remain from Great Moulton and nearby PRoWs because the National Grid Substation and Project Substation continue to influence the view despite mitigation planting.

The BESS follows the same pattern. It is assessed as Major Significant during construction and Major Significant at Year 1, reducing only to Moderate Significant at Year 15. A high-sensitivity residential receptor at Station Road continues to experience a Significant visual effect at Year 15 because the screening vegetation itself changes the open character of the view.

These effects arise in a landscape whose defining characteristics are openness, exposure, expansive sky and distant views. Appendix 7.2 describes E2 Great Moulton Plateau Farmland precisely in those terms. That makes extensive woodland screening a particularly problematic mitigation response. Screening a major substation, BESS and associated infrastructure behind new woodland does not preserve an open plateau landscape. It substitutes a more enclosed landscape for the existing open one in order to obscure industrial development.

The Applicant itself effectively recognises this problem. Chapter 7 acknowledges that mitigation planting may alter the open visual character of views and, in some cases,

that this effect remains Significant at Year 15. The Great Moulton area therefore demonstrates the central weakness in the mitigation case: the scheme is too large and too visually dominant to be assimilated without materially changing the character of the landscape used to screen it.

BEPS submits that Site 1 and the BESS should be treated as a fundamental siting and scale problem, not merely a planting problem.

ISH1 has since confirmed that important elements of the Site 1 infrastructure remain subject to further design, including the detailed form of project substations, AIS/GIS choice, ancillary electrical units and the National Grid substation. The ExA has also required further illustrative material and clarification of the correct height parameters. That uncertainty matters to the LVIA because the reasonable worst-case landscape assessment must reflect the combined form, massing and visibility of the 13-metre project-substation infrastructure together with the separate National Grid substation capable of reaching 15 metres, rather than assuming one preferred detailed design.

7.8 The Scale and Industrial Character of the Solar Arrays Are Understated

Chapter 7 understates the nature of the development when it treats the solar elements as comparatively low-profile infrastructure capable of ready assimilation. The assessed worst-case is single-axis tracker panels up to 4.5 m high. These are not static, ground-hugging features. They are substantial, repetitive engineered structures occupying extensive areas of open farmland.

The Applicant's own assessment identifies the characteristics that create landscape harm. It acknowledges that solar panels may be visible in open landscapes and on slopes, may appear blue or grey depending on conditions, may oversail typical hedgerow boundaries and may present regular engineered edges that appear conspicuous within irregular rural landscapes. It further accepts that panels can increase perceived human influence, affect tranquillity, and that development across multiple fields can alter the sequential experience of PRoW users. Fencing and CCTV are separately acknowledged as additional urbanising influences.

These admissions matter because the effect is more fundamental than "visual intrusion". Open agricultural fields become engineered power-generation compounds. Hedgerows cease simply to define fields and become the boundaries of securitised infrastructure. Rural lanes become construction and operational access routes. Views formerly composed of crop, hedge and expansive sky acquire repeated rows of moving industrial equipment, fencing, CCTV and substations. Chapter 7 itself describes the operational change as one from an agricultural landscape to an "energy production landscape".

The tilting nature of the arrays adds a further dimension. Their height, profile and reflected appearance change through the day as the tracking system moves. The landscape effect is therefore not simply that of inserting a fixed 4.5 m structure into a

field. It is the introduction of an ordered and mechanically expressive built form across large areas of countryside.

BEPS submits that the scale of East Pye should therefore be understood as industrialisation of the landscape rather than merely the visibility of individual panels. That distinction should inform judgments on magnitude, tranquillity, openness and cumulative change.

7.9 Inadequate Study Area and Overreliance on Distance

The final LVIA adopts a variable study area of 3 km around the National Grid Substation, grid connection infrastructure and 400 kV Project Substations, 2 km around the BESS and Sites 1–10, and only 1 km around the Cable Route Corridor. The Applicant says these distances reflect professional experience and the area in which significant effects are considered likely.

The issue is not that every view beyond those distances must be significant. It is that the assessment framework risks excluding receptors before their actual relationship with this unusually dispersed scheme has been properly examined.

That concern was expressly raised at scoping. The Inspectorate noted that the Applicant's earlier position was that significant visual effects were unlikely beyond 2 km, while the ZTVs showed panels visible beyond that distance. PINS therefore required the ES to assess potential effects within the ZTV wherever significant effects might arise and to justify the study area by reference to fieldwork, modelling and recognised professional guidance.

The final ES still relies heavily on distance as a reason for diminishing or excluding effects. Chapter 7 concludes that solar and 132 kV infrastructure are generally limited beyond 2 km, although it expressly acknowledges more distant visibility for the National Grid Substation, overhead line realignment and 400 kV substations. Appendix 7.4 confirms why caution is required: several parts of the scheme occupy open, elevated landscapes with expansive skies and long-distance views, and the Site 1 grid infrastructure has potential visibility towards the wider Tibenham area and airfield.

Distance alone does not remove landscape influence where development is large, elevated, skyline-forming or repeatedly encountered. Nor does it address cumulative experience. A receptor may see different parts of East Pye sequentially from different locations even where no single component dominates one fixed viewpoint. That is particularly relevant to the open plateau landscapes, the wider PRoW network and rural roads.

The CRC study area raises a related concern. A 1 km envelope may be proportionate to isolated underground works, but the cable route is not experienced solely as a buried final product. Construction involves trenching, vegetation removal, hedgerow crossings, stockpiles, vehicle activity and interactions with lanes and PRoWs over a large geographical area. Where those works combine visually or experientially with

nearby Sites, their effect cannot safely be treated as an isolated short-range disturbance.

BEPS therefore does not contend that the study-area distances are automatically invalid. The objection is that they have been used too readily as a proxy for insignificance in a scheme whose own ZTVs, open landscape character and tall infrastructure demonstrate a wider visual envelope. The ExA should give particular scrutiny to distant skyline effects, cumulative visibility and sequential experience rather than assuming that effects become immaterial simply because a receptor lies beyond the principal study-area boundary.

7.10 Visualisations Do Not Adequately Represent the Worst-Case Seasonal Effect

Chapter 7 expressly recognises that winter conditions represent the visual worst case because deciduous vegetation is out of leaf and therefore provides less screening. It states that both summer and winter baseline photography was taken and that the winter view is representative of the reasonable worst-case scenario.

That principle is not consistently carried through into the photomontage evidence. Where visualisations are prepared from summer photography, the scheme is shown when hedgerows, tree belts and woodland are at their maximum screening effectiveness. That matters because the Applicant's assessment repeatedly relies upon those same features to contain visibility and reduce visual effects. A summer visualisation may therefore show the development in materially more favourable conditions than those experienced for a substantial part of the year.

The issue is particularly acute around the Grade I Church of St Catherine and Fritton Conservation Area. The Applicant itself recognises this as a sensitive location and has excluded solar development from the eastern part of Site 5 because of the proximity of residential properties along The Street, St Catherine's Church and the Conservation Area. Where deciduous vegetation contributes materially to screening in these views, a summer photomontage does not demonstrate the worst-case relationship between the church, its rural setting and the development.

The existence of separate winter baseline photographs does not resolve that deficiency. A baseline photograph shows the existing landscape; a photomontage is intended to show the development within it. The relevant question is therefore what the scheme itself would look like under leaf-off conditions. A summer photomontage cannot answer that question by reference to a different winter photograph elsewhere in the appendix.

The same concern applies at settlement edges, along sensitive PRoWs, around Site 1 and the BESS, and at heritage-sensitive viewpoints where the assessment depends materially on deciduous screening. BEPS therefore considers that the visual evidence is incomplete unless equivalent winter leaf-off photomontages or verified photowires are provided for those locations. Without them, the Examination does not have a

consistent worst-case visual record on which to test the Applicant's significance judgments.

7.11 Night-Time Character, Dark Skies and Tranquillity Have Not Been Properly Assessed

The treatment of lighting is one of the clearest deficiencies in Chapter 7. At scoping, the Planning Inspectorate expressly rejected the proposal to scope out night-time lighting effects and required the ES to assess effects on landscape and visual receptors, including intermittent sources such as motion-activated security lighting. The Applicant's final response is nevertheless that, because a Lighting Strategy has been produced and lighting controls are secured through management plans, "no assessment of the effects of lighting on landscape and visual receptors is included in this Chapter."

That does not answer the Inspectorate's requirement. A lighting strategy identifies controls; it does not determine the magnitude or significance of the environmental effects those controls are intended to mitigate.

Appendix 7.11 confirms that this is a genuinely dark rural receiving environment. The Order Limits are treated as E2 "Rural", with low ambient brightness, and some parts of the scheme fall within the darkest night-sky areas or transitional dark-sky zones. It also confirms operational lighting at the National Grid Substation, BESS and Project Substations, including motion-sensing security and maintenance lighting. The BESS perimeter is to be illuminated by column-mounted luminaires, while temporary construction lighting may be required at compounds, laydown areas, parking and welfare facilities, security locations, vehicle areas and specialist works such as HDD operations.

The same strategy identifies residential receptors, roads, Tibenham Airfield and pilots, ecological receptors, conservation areas and the dark-sky environment as potentially affected receptors. Chapter 7 itself acknowledges that tranquillity increases away from the principal roads and that substantial parts of the Order Limits lie within relatively tranquil rural countryside.

The omission therefore matters. The ES does not establish what magnitude of night-time landscape change would arise from introducing lit compounds into dark countryside; whether those changes are significant; how multiple sources would operate cumulatively; how intermittent activation would affect perceptions of darkness and tranquillity; or how winter conditions, when hours of darkness are longest, affect residential, recreational and landscape receptors. Motion-activated lighting may be limited in duration, but its sudden appearance in a dark rural landscape may itself be conspicuous.

This is also a cross-cutting omission. Lighting interacts with nocturnal ecology and with aviation receptors, both of which are addressed elsewhere in BEPS's evidence. The landscape issue is distinct: the Applicant has not assessed the change from an

intrinsically dark rural nightscape to one containing periodically or permanently illuminated industrial compounds.

BEPS submits that the Applicant has confused mitigation with assessment. The Lighting Strategy may reduce effects, but Chapter 7 still needs to establish what those effects are and whether the residual effects are significant.

The Examination has since made the lighting issue more concrete. ISH1 and ExQ1 require further information on the nature, location and control of construction and operational lighting. That is material because the original scoping position proposed to scope lighting effects out on the basis that operational lighting would be limited and motion-sensitive and that construction lighting would be controlled by later management plans. The final assessment must therefore demonstrate, rather than assume, that the permitted lighting envelope will not materially alter rural night-time character, tranquillity, residential amenity or ecological darkness. The Applicant should identify the locations, duration, trigger conditions and limits applying to lighting relied upon in that conclusion.

7.12 Tranquillity Is Treated as a Descriptor Rather Than a Receptor of Harm

Tranquillity is repeatedly identified in the Applicant's own baseline as a characteristic of the receiving landscape. Appendix 7.2 records moderate, high or appreciable tranquillity across several Sites, while Figure 7.8 shows substantial parts of the scheme within comparatively tranquil countryside. Chapter 7 itself accepts that construction will affect the "perception of tranquillity and remoteness across the rural landscape".

Yet tranquillity is largely used as one factor within broader landscape sensitivity and magnitude judgments rather than being examined as a substantive experiential effect in its own right. That risks understating what East Pye changes. Tranquillity is not simply an absence of noise. It derives from the combined experience of rural openness, limited built development, dark skies, quiet lanes, sparse traffic, natural and agricultural land cover and the absence of repeated industrial infrastructure.

The scheme affects each of those components. Construction introduces compounds, HGVs, plant, haul routes, temporary lighting, fencing and PRoW closures. Operation introduces extensive tracker arrays, substations, BESS infrastructure, access tracks, security fencing, CCTV and lighting. Maintenance and equipment replacement reintroduce activity during the 60-year operational period. None of these effects is adequately captured by treating tranquillity merely as a baseline adjective.

The mitigation case also creates a paradox. New hedgerows, tree belts and woodland may screen infrastructure from some views, but in doing so may replace open rural outlooks with enclosed vegetated corridors. Chapter 7 itself acknowledges at some Year 15 receptors that mitigation planting changes the open character of the view. A landscape does not necessarily become more tranquil because the industrial infrastructure within it becomes harder to see.

BEPS therefore submits that tranquillity should be treated as a material experiential quality affected by visual industrialisation, lighting, access infrastructure, traffic, fencing and repeated encounters with energy development, not merely as a descriptor folded into other judgments.

7.13 Public Rights of Way and Sequential Landscape Experience Are Underassessed

The PRoW evidence confirms that the scheme would materially affect how the landscape is experienced on foot and on horseback. Chapter 7 records extensive Significant effects on PRoW users during construction and operation, including routes crossing or immediately adjoining the BESS, Sites 1–10 and the Cable Route Corridor. At Year 1, Significant effects remain across numerous routes at the BESS, Sites 1–5 and 7–10. Even at Year 15, significant visual effects remain at routes associated with Site 1, Site 3, Site 4, Site 7, Site 8, Site 9 and the CRC.

The more detailed PRoW assessment identifies continuing Year 15 effects on routes including Great Moulton FP13 and FP14, Great Moulton RB19, Morningthorpe FP5, Hempnall FP2 and Saxlingham Nethergate FP12, while the Boudicca Way and Via Beata are themselves treated as high-sensitivity recreational routes. The Applicant's own baseline also repeatedly describes these routes as rural, tranquil and integral to the experience of the surrounding countryside.

The weakness is methodological as well as quantitative. The separate PRoW assessment is principally focused on routes physically interacting with the scheme, while the broader LVIA represents other route users through selected viewpoints. That is insufficient for a development of this scale. Walking, riding and cycling are sequential experiences: the receptor moves through the landscape, encountering successive fields, lanes, hedgerows, settlement edges and views. A route cannot be fully understood through a single representative photograph.

This matters particularly where the scheme is dispersed. A walker may leave one field of 4.5 m tracker arrays, encounter fencing and CCTV, pass mitigation planting, approach another solar parcel, then experience a substation or construction access further along the route. Each individual view may be rated separately, but the cumulative experiential effect is a repeated encounter with industrial infrastructure over a journey which is presently rural.

The Applicant itself acknowledges that solar development across multiple fields can affect "the experience of PRoW and sequential views when moving through a landscape". BEPS considers that admission important. The assessment identifies the issue but does not adequately translate it into the significance judgments.

The harm is therefore not limited to temporary closures or individual views. East Pye changes the character of movement through the countryside. That should be given separate weight in the examination, particularly where high-sensitivity recreational

routes and locally important PRoWs pass through landscapes that the Applicant itself describes as tranquil and rural.

ExQ1 now reinforces this objection by requiring the Applicant to consider the experience of PRoW users across routes and circular journeys rather than only at isolated viewpoints or crossing points. That is important because the landscape effect of East Pye on recreational receptors is sequential: users may experience repeated enclosure, fencing, infrastructure, planting, construction traffic and altered views across substantial lengths of connected routes. The assessment should therefore address the cumulative experiential effect along the route network, not merely the significance assigned to individual viewpoints.

7.14 Residential Visual Harm Is Materially Understated

Appendix 7.8 identifies 20 residential properties within 100 m of the scheme's maximum development parameters. The initial study area was 500 m, but the Applicant undertook individual Steps 2 and 3 assessment only for properties within 100 m and, because only two of those properties were taken forward to Step 4, carried out no further initial assessment of properties beyond that 100 m offset.

That narrowing requires scrutiny. The scheme includes solar arrays and BESS up to 4.5 m high, 132 kV substations up to 7 m, 400 kV substations up to 13 m and the National Grid Substation up to 15 m. A conclusion that properties beyond 100 m need no individual initial assessment should not be assumed simply because relatively few closer properties reached the very high Residential Visual Amenity Threshold.

The two properties taken forward demonstrate the distinction. At 22 Hillcrest Court, the Applicant identifies Major to Substantial Adverse and Significant effects for the first and second floors at Year 1 and Moderate Adverse, still Significant effects at Year 15. At Oakdene Cottage in Woodton, adjacent to Site 7L, first-floor residents are assessed as experiencing Major Adverse and Significant effects at Year 1.

Neither property is found to cross the Residential Visual Amenity Threshold because the Applicant considers the scheme would not become sufficiently overwhelming, dominating or overbearing. That finding should not be confused with an absence of serious residential harm. The RVAA itself correctly distinguishes between EIA significance and the much higher threshold at which visual conditions become so oppressive that residential amenity may make the development unacceptable in the public interest.

The important point is therefore not that the Applicant has applied the wrong threshold, but that acknowledged Major and Major-to-Substantial Significant effects remain material even where that threshold is not crossed. At Hillcrest Court, the Applicant accepts that the scheme would substantially alter views from west-facing upper-floor windows and that a Significant effect remains at Year 15.

The RVAA also depends heavily on existing and proposed vegetation. Numerous properties are screened out of further assessment because hedgerows, trees or buildings are expected to restrict views, often with explicit reference to summer or winter filtering. That makes the reliability, permanence and seasonal effectiveness of the vegetated framework central to the residential conclusions.

BEPS therefore submits that the absence of a formal RVAA threshold exceedance should not be used to minimise residential visual harm. The Applicant's own evidence establishes significant adverse effects on residents, and the decision not to examine properties between 100 m and 500 m individually deserves further justification.

7.15 Trees, Hedgerows and Woodland: the Existing Landscape Framework Is Itself Under Pressure

The Applicant relies heavily on existing hedgerows, trees and woodland to support the landscape and visual case. They define field pattern, contain views and provide the existing screening which allows numerous effects to be reduced. New hedgerow and woodland planting then forms the principal mechanism by which effects are predicted to diminish between Year 1 and Year 15. Chapter 7 describes successful establishment and long-term management of that vegetation as a primary means of filtering and screening views towards the scheme.

The Preliminary Arboricultural Impact Assessment demonstrates why that assumption requires caution. It identifies 737 potentially affected tree features: 518 individual trees, 126 groups, 74 hedgerows and 19 woodlands. Of these, 139 are Category A and 389 Category B. Six areas of ancient woodland abut the Order Limits, and the survey and Ancient Tree Inventory evidence identify a substantial resource of ancient and veteran trees within or immediately adjacent to the scheme.

The same assessment identifies direct and indirect conflicts. Five individual trees are currently identified for full removal, six tree groups and 32 hedgerows for partial removal, with further works within root protection areas and facilitation pruning. It also records conflicts between proposed works or access arrangements and buffers associated with ancient or veteran trees and ancient woodland. Several of those conflicts are to be resolved only at detailed design through relocation of accesses, reduced working widths or specialist construction methods.

That creates a circularity in the LVIA. Chapter 7 relies on the existing vegetation framework to contain and absorb the scheme, while the arboricultural evidence shows that parts of that same framework are subject to removal, pruning, root-zone activity, cable crossings, access works and construction pressure. The assessment cannot safely assume the vegetation remains unchanged for screening purposes while simultaneously acknowledging unresolved impacts upon it.

The issue is wider than direct tree loss. The Preliminary AIA records survey limitations, future detailed-design requirements and ash dieback affecting a number of trees. Chapter 7 itself accepts that climate change and disease may alter vegetation

composition and result in tree loss over the lifetime of the scheme, although it concludes that such change would not be sufficient to alter its significance judgments. Given how strongly the Year 15 conclusions depend upon vegetation, that assumption requires evidence rather than assertion.

The landscape significance of these features must also be understood correctly. Hedgerows, mature trees and woodland are not merely screens between a viewer and the development. They define historic field boundaries, rural lanes, wooded horizons and the time-depth of the South Norfolk landscape. Their alteration therefore affects landscape character even where replacement planting is provided.

South Norfolk Council raised precisely these issues during consultation, seeking up-front arboricultural information, hedgerow enhancement and attention to tree protection, TPOs, hedgerow loss and long-term management. The Applicant's own subsequent evidence confirms that those concerns were well founded.

BEPS therefore considers that the landscape mitigation case cannot be separated from the arboricultural constraints. Before substantial weight is placed on Year 15 screening, the Applicant must demonstrate receptor by receptor which existing vegetation is retained, what works affect it, what seasonal screening function it actually provides, and whether that function remains credible over a 60-year operational life.

7.16 Mitigation by Screening Does Not Preserve Landscape Character

The Applicant's mitigation case depends heavily on screening. Chapter 7 and the Outline LEMP rely on hedgerow enhancement, new woodland belts, linear tree planting and long-term vegetation management to filter or conceal views of the solar arrays, BESS, substations and associated infrastructure. A 3 m target height for hedgerows is expressly identified as an embedded mitigation measure intended to screen views from nearby PRoWs, roads and residential properties.

BEPS considers that this approach repeatedly confuses visual concealment with landscape preservation. They are not the same thing. A development may become less visible while the underlying landscape character is nevertheless substantially altered. This is particularly important in open plateau landscapes, where openness and expansive sky are themselves defining characteristics.

Chapter 7 effectively acknowledges the problem. At Year 15 it accepts that, in some views, mitigation planting would itself alter the open character of the landscape. At Site 3, for example, a Significant effect remains because screening vegetation changes the open character of the view. At Site 7, the Applicant similarly records continuing Significant effects where mitigation planting influences openness. At the BESS, a Significant Year 15 residential visual effect remains because the screening vegetation itself alters the open character of the view.

The contradiction is clearest at Great Moulton. E2 Great Moulton Plateau Farmland is characterised by openness, exposure, expansive skies and distant views, yet the

principal response to the visual prominence of the BESS and substations is extensive planting. An open plateau does not retain its character simply because industrial infrastructure is eventually hidden behind new woodland. The loss of openness is itself landscape change.

The same issue applies to Site 7 and Site 8, where existing landscape character depends on a particular balance between enclosure, open views, wooded horizons, lanes and field structure. Additional screening may reduce visibility from a receptor while simultaneously changing that balance. It is therefore not sufficient to treat reduced visibility automatically as reduced landscape harm.

BEPS submits that the ExA should distinguish between mitigation which genuinely conserves landscape character and mitigation which merely obscures the development. Where screening requires the character of the receiving landscape itself to be changed, it cannot be treated as an unqualified environmental benefit.

7.17 The Year 15 Case Is Over-Optimistic and Does Not Remove the Harm

Much of the Applicant's case for acceptability depends on the proposition that effects will materially reduce by Year 15 as hedgerows, trees and woodland establish. Chapter 7 repeatedly uses mature planting to reduce magnitude and significance, and the Outline LEMP assumes active management of that vegetation over the long term.

That assumption requires more scrutiny than the assessment gives it. The Year 15 conclusions depend on planting heights, growth rates, survival, management and continued health of both new and existing vegetation. Yet Chapter 7 does not demonstrate in a receptor-specific way what planting height is required to achieve each claimed reduction in effect, how quickly that height is expected to be achieved, or how failure and replacement would affect the timetable.

The future baseline itself acknowledges that climate change may alter vegetation composition and that tree loss may occur through increasing temperatures and disease, including ash dieback. The Applicant nevertheless concludes that such loss would not be sufficient to alter the assessment. That assertion is especially important because the same assessment depends heavily on vegetation to reduce effects. Where existing trees or hedgerows form part of the screening envelope, loss through drought, disease or mortality could materially change visibility.

The arboricultural evidence adds further uncertainty because the existing framework is itself subject to removal, pruning, root-zone works and detailed-design conflicts. New mitigation also has to coexist with ecological objectives, access requirements, security infrastructure and operational maintenance. The assumption that all planting will establish exactly as required and remain effective for a 60-year operational life should not be treated as self-evident.

There is also a more fundamental problem. Even if all mitigation succeeds exactly as predicted, Significant adverse effects remain at Year 15. Site 1 remains Major

Significant; the BESS, Site 7, Site 8, B1 Tas Tributary Farmland and E2 Great Moulton Plateau Farmland remain Significant; and significant visual effects persist at multiple receptors.

The Year 15 case therefore does not demonstrate that the landscape conflict is resolved. It shows only that some effects are expected to reduce, while substantial residual harm persists even under the Applicant's most favourable mature-mitigation scenario.

7.18 Site 7 and Site 8: High Tranquillity, Dark-Sky and Recreational Sensitivity

7.18.1 Site 7

Site 7 is one of the clearest examples of a landscape whose sensitivity is greater than the final site-level rating suggests. Appendix 7.2 describes a landscape of established hedgerows, woodland blocks, ancient woodland, veteran trees and wooded horizons, with a dense PRoW network and proximity to the Boudicca Way. It also records moderate to high tranquillity and some of the darkest night-sky conditions within the scheme.

Despite these characteristics, Site 7 is assigned only Medium sensitivity. The subsequent assessment nevertheless identifies Major Significant construction effects, Significant landscape effects at Year 1 and continuing Moderate Significant landscape effects at Year 15.

The visual evidence is equally important. At Year 1, Significant effects remain at numerous receptors across Site 7, including the Boudicca Way and local PRoWs. At Year 15, Significant effects still remain at several locations, including the Boudicca Way on Fairstead Lane and routes at Saxlingham Nethergate and Shotesham.

This is therefore not a landscape which comfortably absorbs the scheme. The combination of dark skies, tranquillity, recreational use, ancient woodland and mature landscape structure makes Site 7 particularly susceptible to industrialising change. The persistence of Significant effects after fifteen years confirms that the mitigation strategy does not eliminate that conflict.

7.18.2 Site 8

Site 8 is even more difficult for the Applicant because it is expressly assessed as High value, High susceptibility and High sensitivity. The baseline describes a tranquil, wooded valley landscape with PRoWs, Boudicca Way connections, ancient woodland and very dark night skies.

The Applicant nevertheless places substantial solar development within it. Chapter 7 identifies Major Significant landscape effects during construction, Major Significant effects at Year 1 and continuing Moderate Significant landscape effects at Year 15.

Significant visual effects are also identified at several receptors, including Brooke Road, Shotesham routes and Dawsons Farm.

Site 8 is therefore a straightforward example of development being advanced in a landscape the Applicant itself accepts is highly sensitive to change. The subsequent Significant effects are not an unexpected consequence; they are the predictable result of placing large-scale energy infrastructure in a receptor with limited capacity to accommodate it.

BEPS submits that the ExA should give particular weight to Sites 7 and 8 because they combine landscape, recreational, ecological, tranquillity and dark-sky sensitivity in the same locations.

7.19 Site 10: C2, Ditchingham, the Broads Interface and Parkland Context

Site 10 is assessed too narrowly as a collection of inland agricultural parcels. Its wider landscape context is materially more sensitive than its Medium site-level rating suggests.

Appendix 7.2 confirms that Site 10 lies within or across C2 Thurlton Tributary Farmland with Parkland and B5 Chet Tributary Farmland. C2 is assessed High value, High susceptibility and High sensitivity and is characterised by parkland, halls, ancient woodland, remoteness, peacefulness and views towards the Broads. B5 is also assessed High sensitivity and derives part of its value from its relationship with the Broads.

The Applicant's own earlier scoping material records Ditchingham Hall Registered Park and Garden approximately 1.7 km south of Site 10 and identifies Tindall Wood, Ditchingham SSSI and Hedenham Wood SSSI in the same wider landscape. The scoping baseline also recognises the Broads as a landscape defined by, among other qualities, remoteness, tranquillity, wildness, big skies, historic structures and human interaction with the landscape.

Site 10 itself is described in Appendix 7.2 as highly tranquil, sparsely settled and structured by hedgerows, tree belts and plantation woodland, with enclosed lanes and tracks including Pound Lane and Wash Lane contributing strongly to local character. These are precisely the qualities that make the eastern part of the scheme distinct from the more open western plateau.

The Applicant nevertheless reduces Site 10/CRC14 to Medium sensitivity. That sits uneasily with the High sensitivity assigned to the wider C2 and B5 landscapes in which it is embedded. At Year 1, both C2 and Site 10 experience Significant adverse landscape effects on the Applicant's own assessment.

BEPS submits that Site 10 should therefore be understood as part of a sensitive transition between the South Norfolk claylands, historic parkland and the wider Broads-facing landscape, not as an isolated inland solar parcel. Its relationship with

Ditchingham, the parkland context, wooded tributary landscape and enclosed historic lanes should be given materially greater weight.

7.20 Fritton and St Catherine's Church

The Fritton area requires particular scrutiny because the Applicant itself has already accepted its sensitivity through design changes. Chapter 7 identifies the Grade I Church of St Catherine, Fritton Conservation Area and residential properties along The Street as reasons for excluding solar development from the eastern part of Site 5.

That exclusion is an acknowledgment that the relationship between Site 5 and Fritton is environmentally constrained. The remaining development must therefore be assessed with particular care.

BEPS is concerned that the visualisations around St Catherine's Church do not show a robust worst-case seasonal condition. Deciduous vegetation in summer materially obscures key views, despite Chapter 7 itself recognising that winter leaf-off conditions represent the visual worst case.

This is not a minor presentation issue. St Catherine's is a Grade I listed church whose rural setting and relationship with the surrounding fields form part of the way it is experienced. Where summer foliage conceals development that would be more visible in winter, the Examination cannot reliably assess that relationship from summer photomontages alone.

BEPS therefore requests winter leaf-off photomontages and verified wirelines from and around St Catherine's Church and Fritton, showing the remaining Site 5 development under the seasonal conditions in which existing vegetation provides least screening.

7.21 Cable Corridors, Lanes and the Structural Landscape

Chapter 7 tends to characterise the Cable Route Corridor as a temporary and reversible disturbance which, once reinstated, returns broadly to baseline. That description is too simple for a cable network extending across a landscape whose structure is defined by lanes, ditches, hedgerows, trees, watercourses and historic field boundaries.

Construction involves open-cut trenching, stockpiles, haul routes, vegetation removal, hedgerow crossings, tree-root interactions, trenchless crossings, temporary compounds and PRoW disruption. Chapter 7 itself recognises trenching and vegetation loss over long distances, but ultimately predicts No Change across several CRC landscape receptors by Year 15.

The landscape significance of those works depends on what is crossed. Appendix 7.2 assigns Low susceptibility to several CRC parcels despite their interaction with locally valued landscape structure. CRC7 is a particularly clear example: it is rated High overall sensitivity because it lies within the Tas Rural River Valley, but only Low susceptibility to the proposed works. The earlier scheme description confirms that

CRC7 crosses a landscape containing fields, woodland and a Statutory Main River. Nearby ecological evidence also identifies wet meadows, mature hedges and the Hempnall Beck system close to CRC7.

The David Fine landscape evidence is relevant here because it identifies the ditch, lane and field network as part of the historic morphology and functioning of the South Norfolk claylands, rather than as incidental surface features. Cutting across that structure can alter historic legibility, vegetation pattern, hydrological relationships and the experience of rural lanes even where the trench itself is later filled.

The key issue is therefore not whether grass can regrow over a cable trench. It is whether the structural landscape through which the corridor passes is fully restored. Where hedgerows are removed, ditches crossed, root zones disturbed or lane edges altered, “reversibility” should not be assumed without evidence that those relationships can be reinstated in function and character.

7.22 Aviation and Airfield Landscape Cross-Effects

The aviation consequences of East Pye are addressed separately in BEPS’s aviation evidence, but Tibenham Airfield also has a landscape relevance which should not disappear simply because aviation safety is assessed elsewhere.

The Applicant’s visual baseline identifies the wider Tibenham area as part of the visual context of Site 1, and the scheme’s own scoping material records Tibenham Airfield approximately 1 km west of Sub-Site 1A. The Great Moulton Plateau character assessment also identifies former and active airfield landscapes as part of the character of the wider plateau.

The Lighting Strategy separately recognises Tibenham Airfield and pilots as potentially sensitive to glare from construction and operational lighting. This confirms that the airfield lies within the perceptual envelope of the scheme.

The landscape point is therefore simple: Tibenham is not outside the landscape and visual assessment merely because its aviation function is considered elsewhere. The airfield forms part of the open plateau landscape in which Site 1, the BESS and grid infrastructure are located, and the visibility of major energy infrastructure from that landscape contributes to the wider change in character.

BEPS relies on its separate aviation subsection in Chapter 18 of this Written Representation for the safety consequences.

7.23 Ecology and Landscape Are Functionally Interdependent

The distinction drawn between landscape and ecology is useful for chapter organisation, but it should not obscure the fact that many of the same physical features perform both functions.

Hedgerows, ancient and veteran trees, woodland, ditches, riparian corridors and dark-sky areas are simultaneously landscape structure and ecological infrastructure. Chapter 7 relies on them to define character, frame views and provide screening; Chapter 8 relies on them as habitat, movement corridors and ecological connectivity. Their loss or alteration therefore creates combined effects which cannot safely be understood in isolation.

This is particularly important for bats and other nocturnal species. The dark, hedged and wooded corridors at Sites 7 and 8 are landscape features precisely because they create enclosed, tranquil and dark rural character, but they also function as ecological corridors. Lighting, vegetation removal and fragmentation therefore alter both the ecological function and the perceptual character of the same landscape.

The same issue arises at Site 10 and the wider Broome Beck/tributary landscape, where watercourses, woodland, hedgerows and wet ground form part of both the visual structure and ecological connectivity of the eastern scheme area. The Applicant's own scoping evidence identifies ancient woodland and wetland sites close to Site 10 and the cable corridors.

BEPS does not duplicate the species evidence here. The point is methodological: landscape structure is also ecological structure. A conclusion that a hedgerow, ditch or woodland belt can be altered and visually replaced does not establish that its ecological function, historic role or landscape character has been preserved. Chapter 7 should therefore be read together with the ecology, arboricultural and lighting evidence when the ExA assesses the true effect of removing, fragmenting or illuminating these features.

7.24 Cumulative Landscape Industrialisation

Chapter 7 contains a cumulative assessment, but BEPS considers that the wider landscape risk is greater than a project-by-project exercise suggests. The relevant question is not simply whether East Pye produces an additional Significant effect when placed beside one other identified development. It is what happens to the character of the South Norfolk landscape when multiple large solar schemes, BESS, substations, grid reinforcement and associated connection infrastructure accumulate within the same rural area.

This concern was identified at scoping. East Suffolk Council expressly warned that East Pye should not be assessed in isolation and that reasonably foreseeable projects should be considered even where they had not yet reached formal application stage, provided sufficient information existed to assess likely cumulative effects. It highlighted the potential for spatial and temporal overlap with other NSIPs, grid reinforcement projects and large-scale energy developments across Norfolk and Suffolk. Suffolk County Council's scoping material also included a specific cumulative-impact landscape plan identifying East Pye alongside other major energy infrastructure.

BEPS's earlier submissions similarly identified the risk of landscape-scale industrialisation through the concentration of solar, BESS and grid infrastructure in South Norfolk and called for cumulative mapping, combined ZTVs and heritage overlays rather than treating each scheme in isolation. That concern is particularly acute around Great Moulton and Tibenham, where East Pye itself already combines Site 1, the BESS, a 400 kV Project Substation, the National Grid Substation and overhead-line works within an open plateau landscape. It also applies around Long Stratton and the wider 400 kV corridor, where multiple forms of energy and transport infrastructure are already present or proposed.

BEPS does not rely here on every project previously identified during pre-application, because planning status can change. The final cumulative assessment should instead be updated at the Examination date to include only existing, consented and reasonably foreseeable developments falling within the applicable assessment tiers. The principle, however, remains unchanged: all relevant solar, BESS and grid schemes sharing landscape receptors, views, roads, PRoWs, settlement edges or transmission corridors must be assessed together.

The cumulative effect is not confined to additional panels in the same view. It includes repeated loss of open agricultural land, successive encounters with substations and BESS compounds, additional fencing and security infrastructure, cumulative lighting, repeated construction activity and the progressive conversion of rural routes into corridors through energy infrastructure. A resident or walker does not experience each development according to its planning boundary; they experience the resulting landscape.

This is especially important where individual schemes rely on the same mitigation argument. If each development is screened by additional tree belts and woodland, the cumulative result may be the loss of the very openness and long views that define the existing landscape. Cumulative mitigation can itself become cumulative landscape change.

BEPS therefore submits that the ExA should ask not merely whether East Pye can be viewed alongside other schemes, but what the receiving landscape becomes if those schemes proceed together. A landscape-scale cumulative assessment, supported where appropriate by combined ZTV mapping, is necessary before the true extent of industrialisation can be understood.

7.25 Replacement Cycles and Decommissioning Are Not Truly "Temporary"

Chapter 7 treats equipment replacement as part of operation but does not assess it separately, on the basis that its effects would be no greater than construction and are likely to be reduced once mitigation planting has matured. That approach understates the significance of repeated industrial activity over a 60-year operational period.

The Applicant's own scoping material anticipated photovoltaic panels with approximate lifespans of 25–40 years and batteries of 15–20 years. It expressly assumed that solar panels could require replacement up to twice and batteries up to four times during operation. The same material acknowledges that replacement may require HGVs and that the number of trips would exceed ordinary maintenance activity.

These are not incidental events. They form part of the foreseeable life-cycle of the development. Panel and battery replacement may entail heavy vehicles, lifting equipment, temporary working areas, storage, access activity and renewed movement through the same rural road and PRoW network. Mature planting may reduce visibility of some works, but it does not remove their activity, traffic or effect on tranquillity.

The same applies at the end of the operational period. The Applicant assumes a 24-month decommissioning phase and accepts that decommissioning would involve activity broadly similar to construction in reverse. The Applicant's own landscape assessment identifies Significant decommissioning effects across multiple receptors, including NCA 83, B1, E2, the BESS, Site 1, Sites 4, 5, 7, 8, 9 and 10.

Nor is the whole scheme necessarily removed. The original scoping material confirms that the National Grid Substation remains after the solar scheme is decommissioned, and earlier statutory-consultee comments questioned the extent to which cables, access tracks and other infrastructure might also remain.

The language of "reversibility" therefore requires care. East Pye occupies the landscape for up to 60 years, during which major components may be replaced several times, before a further period of significant decommissioning activity, while part of the grid infrastructure remains permanently. That is not temporary in any ordinary landscape sense. It is a three-generation change with repeated periods of industrial intervention.

7.26 Good Design: Screening Harm Is Not the Same as Avoiding Harm

The Applicant's Design Approach Document contains appropriate-sounding principles: respond to local landscape character, retain and enhance vegetation, consider heritage settings, protect quiet lanes and PRoWs, minimise lighting and integrate the scheme into the natural environment. The difficulty is that the final assessed scheme still produces the very harms those principles are intended to avoid.

Site 1 remains Major Significant at Year 15 and is expressly described as experiencing a "total change" to key characteristics. The BESS remains Significant after mature mitigation. Site 7 and Site 8 remain Significantly affected at Year 15. Significant visual effects remain on sensitive PRoWs and residential receptors. Dark and tranquil landscapes are still occupied by large-scale energy infrastructure.

Those outcomes are important because they show that the fundamental problem has not been designed out. The design response has largely been to increase offsets, reinforce hedgerows, add tree belts and woodland and rely on future screening. That

may reduce visibility, but it does not demonstrate that the location and scale of the infrastructure are appropriate.

Good design cannot be demonstrated merely by planting around infrastructure whose siting produces major residual harm. The proper application of the mitigation hierarchy is avoidance first, not screening last.

This is particularly important in landscapes whose defining characteristics are openness, tranquillity or historic field pattern. In those locations, extensive mitigation planting may itself alter the character the design is supposed to conserve. A scheme cannot be said to “respond to local character” if its successful mitigation depends upon replacing that character with a different one.

BEPS therefore submits that the persistence of Significant effects after design evolution is evidence of a siting and scale failure, not simply a need for more detailed landscape treatment.

Subsequent heritage evidence materially reinforces this point. David Edelston’s independent HIA (Appendix G) identifies circumstances in which screening may itself alter the openness, views and historic relationships which contribute to the significance of designated assets. The landscape mitigation case should therefore not treat additional planting as inherently beneficial merely because it reduces visibility of infrastructure. In some locations, enclosure of an historically open setting may itself constitute part of the harm.

7.27 Overall Planning Weight

BEPS asks the ExA to give substantial adverse weight to the landscape and visual effects of East Pye. The harm is geographically extensive, affects multiple landscape character areas and settlements, and is not confined to construction. Many effects are expressly assessed by the Applicant as Significant; some remain Significant after fifteen years of assumed mitigation; and Site 1 remains Major Significant even at that stage.

The harm also extends beyond visibility. It affects landscape character, openness, tranquillity, dark skies, historic morphology, PRoW experience, settlement setting and residential amenity. Several methodological choices identified in this representation — including the treatment of lighting, sensitivity, study areas, seasonal visualisation, residential receptors and mitigation planting — are capable of understating rather than exaggerating those effects.

The fact that East Pye does not lie within a nationally designated landscape does not render the South Norfolk Claylands expendable. The Applicant itself identifies High-sensitivity landscape receptors, including A1 Tas Rural River Valley, B5 Chet Tributary Farmland, C2 Thurlton Tributary Farmland with Parkland, Site 8, the Boudicca Way and Via Beata. National policy still requires landscape character to be properly assessed, protected where possible and harm minimised through appropriate siting and design.

The adverse weight is therefore not based on designation alone. It arises from the scale, persistence and character of the change which the Applicant's own evidence records.

7.28 Remedies and Requirements Sought

BEPS considers that the deficiencies identified above require more than minor clarification during Examination. The ExA should require a revised and integrated landscape assessment which addresses landscape structure, heritage setting, tranquillity, dark skies and route experience together rather than continuing to treat them as largely separate matters. A substantive night-time LVIA should assess the magnitude and significance of construction and operational lighting, including motion-activated security lighting, BESS perimeter lighting and substation lighting, rather than relying solely on the Lighting Strategy.

The Applicant should also provide equivalent winter leaf-off visualisations at sensitive receptors where deciduous vegetation materially affects screening, including St Catherine's Church and Fritton, sensitive settlement edges, principal PRoWs and the Site 1/BESS area. Landscape sensitivity judgments should be revisited for Site 1 and the BESS, Site 7 and Site 10, and Site 10 should be reassessed in its wider C2, parkland, Ditchingham and Broads-facing context.

The ExA should require a route-based assessment of cumulative and sequential PRoW experience, together with further justification for the RVAA decision not to undertake individual assessment of properties between 100 m and 500 m. The Applicant should demonstrate, receptor by receptor, that the Year 15 mitigation assumptions remain robust under establishment failure, drought, ash dieback, tree mortality and management uncertainty, and should distinguish clearly between genuine conservation of landscape character and the loss of openness caused by screening vegetation itself.

A refreshed cumulative landscape assessment should identify all existing, consented and reasonably foreseeable energy infrastructure relevant at the Examination date and should use combined ZTV mapping where necessary to show the cumulative effect on Great Moulton, Tibenham, Long Stratton, the 400 kV corridor, settlement edges and the PRoW network. Stronger DCO controls should also secure tree and hedgerow protection, replacement of failed planting, long-term landscape management, lighting limits and any mitigation on which the significance conclusions depend.

Where those assessments confirm continuing Significant harm, the appropriate remedy is scheme reduction or redesign, including removal or relocation of development from the most sensitive and harmful locations, particularly Site 1 and the BESS. Further screening should not be accepted as the default response where the screening itself changes the landscape character.

BEPS submits that Chapter 7 does not demonstrate that East Pye can be accommodated within this landscape without unacceptable and enduring harm. The Applicant's own evidence records extensive Significant adverse effects, including major long-term effects which remain after fifteen years of mitigation. Those conclusions are

already serious; the methodological deficiencies identified above mean that the true harm is likely to be greater. Where the landscape cannot accommodate the scale and industrial character of the Scheme without continuing Significant effects, the appropriate response is not more screening but reduction, relocation or removal of the offending development. Unless those conflicts are satisfactorily resolved, the landscape and visual impacts weigh materially against the grant of development consent.

End of Volume 1.