

Submitted by: Member of BEPS – Residents' Campaign Group

Subject: Procedural Objection to Targeted Consultation – Non-Compliance with the Planning Act 2008 Consultation and Environmental Assessment Requirements for East Pye Solar NSIP

#### 1. Purpose of this objection

This representation is made on behalf of BEPS supporters to place on record a procedural objection to the adequacy and lawfulness of East Pye Solar Ltd's consultation and environmental assessment process to date, under the Planning Act 2008 (Sections 42–48, 55) and associated EIA Regulations 2017. It requests that the Planning Inspectorate does not accept any future DCO submission for East Pye Solar until the Applicant has demonstrated full statutory compliance.

#### 2. Failure to undertake a valid consultation in accordance with the published SoCC

The Applicant's Statement of Community Consultation (SoCC), published in June 2025, sets out how local communities would be consulted prior to DCO submission. However, the Targeted Consultation (22 Oct – 26 Nov 2025) introduces new and materially altered works – including substation land, access routes, and extensive vegetation removal – without any updated or republished SoCC or any public notice under Section 47(6). No new SoCC notice has been identified in any statutory notice portal or on East Pye Solar's own website, confirming that the June 2025 SoCC remains the only version in force. This means that no legally compliant consultation has been undertaken for the new or changed development areas.

Contravention: Sections 47(1), 47(6), 55(3)(e) of the Planning Act 2008.

#### 3. Inadequate consultation with affected statutory and non-statutory consultees

The Targeted Consultation has omitted or failed to re-consult key bodies and landowners newly affected by expanded infrastructure, including:

- Civil Aviation Authority / GAAC (regarding proximity to Tibenham Airfield)
- Local water-supply stakeholders and private well owners
- Parish Councils newly impacted by revised haulage routes
- Heritage and environmental consultees where new receptors have been introduced

These omissions render the consultation procedurally defective under Section 42(1)(d) and Regulation 12(2)(a) of the EIA Regulations.

#### 4. Invalid and outdated environmental baseline data

The PEIR and targeted materials continue to rely on ecological and environmental baseline surveys gathered prior to these changes. The Applicant has acknowledged that baseline data were not updated to reflect vegetation clearance, agricultural change, or altered site boundaries, contrary to Planning Inspectorate Advice Note Seven (EIA Scoping – para 3.9) and the EIA Regulations Reg. 14(2)(b). The new proposed haulage routes are unworkable due to weight limitations and impact seven Conservation Areas, the impacts on which have not been assessed. There is no updated traffic or road safety EIA update for any of these proposed new routes - one of which passes directly in front of a primary school, and the majority of which pass through or adjacent to Conservation Areas. Consequently, the consultation documents do not constitute valid 'environmental information' within the meaning of Regulation 3, invalidating the consultation as an EIA stage. The new position of the National Grid substation has not been discussed or agreed with National Grid and is within 3km of an active airfield - no modelling has been provided for the new location or increased height of the substations or pylons - clear non-compliance with Scoping Opinion 4.11.3 and 5.3.1 No revised PEIR has been issued to outline impacts to the airfield, or residents of Great Moulton now that the infrastructure is significantly closer to the village. No updated visualisations, ZTVs or cumulative setting impacts have been provided, contrary to PINS direction. No updated environmental baseline for the major 400KV substation change has been provided. The document states 'the additional areas do not change the likely significant effects' of the PEIR EIA (which is materially untrue, particularly with regard to the higher infrastructure around Tibenham Airfield) but provided no evidence, no supporting assessment or matrices, breaching the 'proportionate but justified' EIA requirement. No updated cumulative impact assessment has been provided. Contravention: EIA Regulations 2017 – Regulations 3, 12, 14, 17.

#### 5. Failure to re-consult on material design changes

Substantial design alterations have occurred since the PEIR consultation, including removal and re-routing of access corridors, new, enlarged grid-connection alignments, and significant vegetation removal works from approximately 26 sites. There is also no acknowledgement of the cumulative impact of Tasway Energy Park, which adjoins East Pye Solar at the existing Tasburgh solar fields, is under non-statutory consultation, and together would cover 6,500 acres of farmland with solar infrastructure. This omission is disingenuous as we have evidence that East Pye Solar is in discussion with Tasway Energy Park about sharing a grid connection at Great Moulton, which would significantly increase the infrastructure threatening the village and also aviation at Tibenham Airfield. The Applicant's claim that these changes are 'minor' is inconsistent with PINS Advice Note 16 (How to request a change to a DCO application – para 2.2) which defines 'material' changes as those introducing new or additional receptors or effects. As these design changes have not been consulted on in accordance with a republished SoCC, the consultation process fails the 'adequacy of consultation' test under Section 55(3)(e).

#### 6. Deficiency in published information and accessibility

The consultation documents, maps, and plans were unavailable in printed form at the opening of the consultation, breaching Section 48(2)(a) requirements for adequate publicity. Hard copies were not made available at all the locations named in the SoCC. As a result, affected residents could not reasonably access the material, constituting a failure to give the public a fair opportunity to respond. Several villages leafleted for the targeted consultation, including Wacton and Aslacton, were not included in the original Statutory Consultation and therefore had no opportunity to consult on the project as a whole. This is also true of villages on the new haulage routes.

#### 7. Request for PINS action

BEPS supporters therefore respectfully request that the Planning Inspectorate:

1. Refuse to accept any DCO submission for East Pye Solar until the Applicant issues and publicises an updated SoCC and undertakes a full re-consultation under Sections 42 and 47.

2. Require the Applicant to provide updated and verified environmental baseline data in accordance with the EIA Regulations before resubmitting any EIA.

3. Treat any future 'Adequacy of Consultation' responses from local authorities as contested, and seek independent verification from PINS legal services.

#### 8. Conclusion

This objection is not concerned with the planning merits of the proposal but with its procedural and legal compliance. Unless and until the deficiencies identified above are rectified, any subsequent DCO application would be invalid in law under Section 55(3)(e) of the Planning Act 2008 and Regulation 3 of the EIA Regulations 2017.

Submitted respectfully on behalf of:

BEPS – Residents' campaign group

Additionally I would personally offer the following objections:-

South Norfolk is being unfairly targeted by applications for solar farms, Battery Energy Storage Systems (BESS) and substations. It is obvious that the power generated and distributed is for use in London and prime agricultural land capable of providing food crops will be lost forever. Expert opinion states that even after these installations are removed the land will never be capable of supporting crops. The Russian/Ukrainian war has highlighted our dependence on grain imports from other countries and with the ever changing global power struggles, there must be a priority to preserve the UK ability to be as self-sufficient as possible.

The proposed location of the National Grid substation is far too close to a well populated residential area. In adverse weather conditions there will be corona discharge from the 440,000 volt high voltage cables along with a continual low frequency hum from transformers and associated equipment. This noise will be audible to a large number of residents and will be intolerable in hot weather when doors and windows are open especially in the dead of night. There will be further noise from cooling fans and oil pumps.

There are serious concerns about the ability to fight any fires emanating from the BESS sites. There is a lack of suitable fire fighting resources in the area and more importantly a lack of natural water sources on the Great Moulton Plateau that cannot provide the tens of thousands of litres per hour necessary to fight a lithium-based BESS fire.

The access routes proposed to the sites are totally incapable of carrying the large number of heavy goods vehicles that will be required. Most of the highways are single track with few passing places, they are not designed for consistent heavy usage which will damage verges and road surfaces creating hazards for local drivers, walkers and cyclists.

There will be a detrimental effect on wildlife (of all types) especially Barbastelle bats. It will also require the felling of trees to provide access routes which will be detrimental to bird life, including a population of red kites.

Simply just the prospect of this development has had a devastating effect on house sales. A number of properties have been put on the market which have attracted zero prospective buyers. There are approximately 10 new build properties unsold since construction of which a number have been completed and unsold for over a year.

This has had an adverse effect on residents who may be looking to sell and relocate to take up employment offers in other parts of the country. It is also of major concern to some older residents who may need to sell their homes to fund social care in later life.

If they cannot sell their homes what will happen to them is anyone's guess.

I would ask that this application be refused on the grounds it is totally inappropriate given all the above factors and that it should be refused.

I remain

Yours sincerely

Carol A Bailey BA (Hons) MAC CILCA PIALC