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

[redacted], Co-ordinator SNTWN, registration identification number: [redacted]

1. Speaking note OFH1

Government policy means that The Applicant 'must ensure that applications are ready to be examined before an application is made. The Planning Act 2008 process 'is designed to be frontloaded and applications should not enter the statutory system if they are not ready to be consented.' It also requires that the examination stage should not be used to address deficiencies in the application. It specifically protects trees and woodland. (National Policy Statement EN-1, 4.2.12, 5.4.55 and elsewhere)

The South Norfolk Tree Warden Network is concerned that the East Pye application is not frontloaded in this context. Without a structured process to require resolution on a fixed timetable, the examination risks reaching Deadline 1 on 6 October, and ultimately the Examining Authority's recommendation, on an apparently substantial, but actually uncertain evidence base.

We cannot ascertain the true impacts on the arboricultural environment or planned mitigations from documents to date. The Applicant's iterative process for considering impacts appears uncertain at best. In one of many examples, I can't even ascertain a basic count of trees that are potentially affected, because the Environmental Statement documents appear to differ.

The Examining Officer has already recognised such shortcomings elsewhere. In particular, the Applicant has been directed to provide an update on crayfish before the examination process commences.

Surprisingly, The Applicant has declined. (Rule 6 Letter, Annex F, item 9a ... Applicant position on WCC).

But, back to trees, hedgerows and woodlands. These deserve a similar update.

In The Applicant's response to our representation, The Applicant has committed to undertaking a *further* pre-construction survey and Arboricultural Method Statement in advance of the construction works' and they refer us to outline (or incomplete) environmental documents. Their response to our challenge actually *confirms* the shortage of information and indeed that the application is far from front-loaded. (Applicant response doc EXAM/8.8, SNTWN)

It is hard to know how to address this conundrum, and so I refer to a statutory authority's representation. Natural England advises that 'additional information regarding working around ancient woodland and ancient/veteran trees' is added to the application. That is quite subtle, but I think I understand their concise direction: it includes commitment to standing advice produced by Natural England and the Forestry Commission that is very much more substantial and wide-ranging than the application's commitments. (NE RR … leading to many EN and FC documents)

In their Environmental Statement, The Applicant refers to compromise via the Rochdale Envelope. I understand that this case-law process resolves a tension between Environmental Assessment Law and the developer's ability to comply flexibly. The compromise is that a scheme can be consented with some design flexibility, provided that (a) the flexibility sits within "clearly defined parameters" and (b) the Environmental Statement assesses the realistic worst case within those parameters, so that the assessed impact is never less severe than the actual impact of the project. (Environmental Statement Volume 1 Chapter 4 and elsewhere)

We do not agree with The Applicant that environmental assessment at this stage is reasonably sufficient, or that a worst case has been presented and assessed.

The Applicant proposes to cover the greater part of 1,200 hectares of South Norfolk with solar panels and other industrial infrastructure and fencing[1]. There will be around 2 years of build, followed by up to 60 years of operation and maintenance and then decommission works. This is a

[1] East Pye Solar FAQ (Where is East Pye…) https://www.eastpyesolar.co.uk/faqs

colossal disruption of the natural environment, the ultimate impacts of which have only begun to be indicated. (EP FAQ … ~3,000 acres … EXAM/8.10 60y)

We are not alone in our trepidation about process: the government's recent response to the consultation on reform to The Statutory Consultee System says, "In far too many instances, statutory consultee engagement with planning applications is not proactive or proportionate, and advice and information provided is not timely or commensurate with what is necessary to make development acceptable in planning terms. In turn, local planning authorities and developers too frequently provide inadequate or poor-quality information or make blanket and inappropriate referrals to statutory consultees."

Critical National Priority for solar power weakens planning authority for East Pye by placing it under the Nationally Significant Infrastructure Project process. It does not affect the Habitats Regulations, the Water Framework Directive, or the Wildlife and Countryside Act. Compliance with those is not optional. (NPS EN-1, 3.3.62, 3.3.63, Rule 6 Letter Annex B)

We request that the examination proceeds only on the basis that a complete ecological update is made available. This should not leave arguments to an uncertain iteration process within the examination or after consent.

Urgency and practical issues may otherwise increase the risk of avoidable ecological damage, including unanticipated tree felling and hedgerow removal, loss of habitat, landscape deterioration, slow decline of damaged trees, disease introduction and impacts on highly mobile protected species.

2. [redacted] comment made at OFH 1

'Lost in the noise': I asked how representations could be assessed by the Examining Officer and particularly where the Applicant had responded without new information, usually by referring back to the document disputed as if that answered the concern or question. ExO explained that there was an inquisitorial approach.

I think that there is no other advice than the statutory authorities (for environment, generally Natural England and the Environment Agency) and it seems unlikely that they would be able to read public representations. In the case of white clawed crayfish, an EA-funded presence survey found a colony that was not recorded on databases searched by the Applicant. Neither NE or EA RRs mentioned crayfish.

East Pye, arboricultural eviodence, South Norfolk Tree Warden Network / [redacted], representation 3, verbal evidence, open floor meeting September 2026

I believe there to be a substantial risk that important ecological information may be lost, that clear scientific advice on impacts may be unavailable and the Applicant not held to account for baseline, monitoring, mitigations and consequent impacts to a large but unknown scale.

3. Background and notes

1. I can't ascertain a basic count of trees that are affected, because the Environmental Statement documents don't appear to agree. For example, veteran or ancient trees:

   Appendix 7.10 states 70 trees twice: 39 from the Woodland Trust database, 31 found on survey. But the same appendix's own conclusion also says 70 but this time reversed: 14 from the database, 56 on-site.

   A different appendix, 8.1, reaches 70 a third way: 49 on-site plus 21 within 30 metres of the order limits but elsewhere cites yet another pair of numbers, 46 plus six, from county records.

   And there's a table (1.7) that lists individual trees alongside an entire ancient woodland as if it were a single entry and neither rows nor total add up

2. veteran and ancient trees get particular emphasis. We are not sure that other tree categories of habitat or other conservation value (including under BS5837 guidance) have been identified and then considered for protection in the same way as veteran or ancient trees.

3. we have been unable to confirm that survey methodology includes specific criteria for identifying ancient coppice stools, particularly where hedgerows are to be removed (as opposed to single-stem veteran trees or pollards). Documents show that coppice stools are present adjacent to ancient woodlands at Pope's Wood, Spring Wood, and Saxlingham Grove and my own observations of such trees around the Saxlingham area suggest that veteran/ancient coppiced stools are present in hedgerows throughout the order limits, some of which might be recently managed and so present as trees already cut down. Coppiced stools in hedgerows are particularly valuable, especially in impoverished hedgerows and vulnerable to removal or damage.

4. the Environmental Statement states that cables will pass beneath trees, implying that a "trenchless solution" is benign, referring to 'structural roots', as if other essential root parts are not important. The health-critical fine/absorptive roots and mycorrhizal fungal networks must be mapped and protected.

5. I assume a 2km species search radius (and 10km for European Sites) is planning convention, not a legal maximum. Impact on **Highly mobile species** appears uncertain.

6. future tree/soil monitoring, maintenance and new planting/measures establishment reports are mentioned in the impact arboriculture assessment. I suggest committing the Applicant and any future site owners to sending report copies to the

relevant authorities (probably South Norfolk Council and the parish councils) and a commitment to take action where mitigation is needed and a dispute process;

7. the 2026 summer has been extraordinarily dry. I suggest assessment of that factor against normal mature tree resilience assumptions.
8. I suggest a mandate for planted trees that: local sapling stock and seed is used and maintained (weeded, watered); that properly maintained natural tree regeneration also be considered and; protection of planted trees only by natural fibre mats, spirals, tubes etc.

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