Submission ID: S47929B07

BEPS's submission looks across the Applicant's updated documents; WR's and LIR's from Statutory Consultees; SoCG and the Applicant's responses to EXQ1, as well as their responses to oral submissions at the first set of Hearings. BEPS maintains that the Applicant's submission of this project is premature. Counsultees concur that many significant issues remain, which make the definition of the project itself, and the compulsory acquisition powers which the Applicant seeks, unstable and likely to require major change during examination or after DCO determination.

Response at Deadline 2 to evidence submitted at Deadline 1
East Pye Solar PINS Reference: EN0110014

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

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1. Question-by-question findings 265

1. Introduction and scope of this submission

BEPS (Block East Pye Solar) maintains its objection to the East Pye Solar application in its entirety.

This Deadline 2 submission should be read alongside BEPS's Written Representation, comprising the Preliminary Chapter and Chapters 1–20, its Consolidated Summary, supporting Appendices A–Q, responses to the Examining Authority's First Written Questions (ExQ1) and other land-parcel-specific examination submissions (via BEPS and Parish Councils).

BEPS does not seek to repeat those representations in full. The purpose of this response is to examine the additional evidence and revised application documents submitted at Examination Deadline 1, identify matters which remain unresolved, and explain their consequences for the assessment of the Scheme and the statutory decisions required.

In particular, this submission considers:

- The material differences between the Applicant's position and the formal evidence of National Grid Electricity Transmission plc (NGET).
- The implications of the revised grid connection arrangements for Scheme definition, electrical design, deliverability and compulsory acquisition.
- The sufficiency of the revised draft Development Consent Order, Requirements and associated design commitments.
- The continued objections and outstanding technical concerns of Norfolk County Council, the Environment Agency, National Gas Transmission, other statutory authorities and specialist consultees.
- Whether the revised environmental documentation resolves the deficiencies identified in BEPS's Written Representation.
- Whether the Applicant's assessment of cumulative and residual effects remains reliable in light of the additional evidence now before the Examining Authority.

The central question has become more acute rather than less important as the Examination has progressed.

The Applicant seeks consent for an extensive, geographically dispersed electricity-generating development whose environmental effects and compulsory land requirements have been assessed around a particular physical configuration. Yet important elements of that configuration remain dependent upon external transmission planning, future connection agreements, detailed design, unresolved highway arrangements and further environmental investigation.

The availability of future approvals, management plans, licences or separate consenting procedures does not itself demonstrate that the Scheme presently before the Examination is sufficiently defined, environmentally acceptable and deliverable.

BEPS recognises that appropriate detailed design and management can legitimately follow the grant of development consent. Its objection is to the deferral of matters which may

determine the fundamental location, extent, environmental effects or feasibility of the development itself.

The new evidence must therefore be assessed cumulatively and not solely as a series of isolated responses to individual technical objections. A solution to a transport problem may require a new haul road with ecological, drainage and heritage consequences. A different grid connection may alter the need for substations, cable corridors, land powers and associated development. Revised ecological mitigation may affect landscape, heritage, agriculture and existing habitat functions.

BEPS asks the Examining Authority to establish whether one coherent and sufficiently assessed scheme now exists, and whether the legal controls proposed would secure that scheme throughout construction, operation, replacement and decommissioning.

Where material information remains unavailable or matters of principle remain unresolved, BEPS submits that the appropriate response is to require the necessary information and assessment during Examination rather than to assume that future design or consent processes will establish environmental acceptability after the DCO has been granted.

2. The need for a consolidated Master Document Change Register and reconciliation of the revised application

2.1 The volume and interrelationship of revisions create a material examination issue

BEPS has reviewed the Applicant's revised Guide to the Application, Revision 4 [EN0110014-001259], the revised Works Plans, Revision C [EN0110014-001260 and EN0110014-001261], the Illustrative and Accessible Plans of the Proposed Works [EN0110014-001373], the Applicant's responses to Procedural Deadline A [EN0110014-001360], and its response to ExQ1 Q1.1.4 [EN0110014-001403].

These documents must be considered against the substantial volume of revised application material submitted during the Examination, including revisions to the draft DCO, Scheme Description, Design Principles, environmental assessments, construction management documents, drainage and water-environment assessments, electrical infrastructure information and supporting legal plans.

BEPS welcomes the provision of updated documents where revisions improve the accuracy, clarity or accessibility of the application. It also acknowledges that Appendix A to the Guide to the Application provides a Master Document Table identifying the application documents, their versions and submission dates, and that individual revised documents generally contain a Schedule of Changes.

These arrangements also do not provide an adequate consolidated explanation of the substantive revisions and their implications for the Scheme as a whole. This would be the most productive approach.

A document register identifies which documents exist and their current versions. An individual Schedule of Changes may identify that particular text, drawings or tables have been updated. Neither necessarily establishes whether the revision changes the submitted development, the environmental assessment, the mitigation relied upon, the compulsory-acquisition justification or the conclusions presented elsewhere in the application.

This distinction is particularly important for East Pye because many of the outstanding examination issues are interconnected. The final National Grid connection affects the proposed electrical infrastructure and potentially the land powers required. Construction access arrangements affect habitat removal, drainage, public rights of way and heritage. Revisions to ecological buffers may affect the layout, landscape treatment and land available for infrastructure. Changes to the BESS or substation design may have consequences for firewater containment, groundwater protection and aviation safety.

The assessment of any individual amendment is therefore incomplete unless its implications for the wider application are identified.

BEPS submits that the scale and interrelationship of the revisions now require a consolidated and accessible record of what has changed, why it has changed and how the affected documents have been reconciled.

2.2 The Applicant's response to BEPS does not meet the substantive information request

In its response to BEPS-PDA-047 [EN0110014-001360], the Applicant states that the Guide to the Application will be updated at each deadline and that updated documents will contain individual Schedules of Changes. BEPS welcomes that commitment, but considers that it addresses only part of the request.

The issue is not whether individual documents can be located or whether a reader can discover that a revision has occurred. It is whether Interested Parties and the Examining Authority can identify the substance and significance of revisions across the complete application without undertaking a separate forensic comparison of every version of every affected document. It would be helpful if the schedule of changes was included in the Master Document Table as otherwise IPs need to open every document individually to check the nature of the change. This is a not a productive use of our limited time.

The distinction is important because a revised document may contain an alteration which appears limited when viewed in isolation but materially affects an assumption relied upon elsewhere.

For example, a change to the location or permitted dimensions of electrical infrastructure may have consequences for the Works Plans, Land Plans, Book of Reference, Scheme Description, Design Principles, landscape assessment, aviation assessment, drainage strategy and compulsory-acquisition case.

Unless those consequential changes are identified in a single reconciliation record, it is difficult to establish whether the current application documents describe a consistent development.

The same concern applies to changes made in response to statutory consultees. A revised construction route may respond to a highway objection while creating further ecological or drainage implications. An amended groundwater-control commitment may affect foundation design or construction methodology. A change to a habitat buffer may alter the location of adjacent infrastructure.

A collection of individual Schedules of Changes does not, by itself, establish that these consequences have been identified and assessed.

The Applicant should therefore provide a consolidated Master Document Change Register which supplements, rather than duplicates, the existing Master Document Table. BEPS already requested this at the Preliminary Meeting.

2.3 The revised Works Plans illustrate the need for a clear distinction between cartographic and substantive changes

The revised Works Plans [EN0110014-001260 and EN0110014-001261] provide a useful example.

The Schedule of Changes identifies that Revision C updates the base mapping on all sheets, including the Long Stratton Bypass. The Applicant has also produced separate Illustrative and Accessible Plans [EN0110014-001373] to assist examination of the Works.

These improvements are welcomed. BEPS previously raised concerns about the difficulty of interpreting overlapping Work Numbers and inconsistencies in the mapping used across the application.

However, the Schedule of Changes does not provide an express, consolidated confirmation of whether the revision changes any legally operative Work boundaries, Order Limits, associated rights, access arrangements or relationships between Works.

BEPS does not allege that the Revision C Works Plans necessarily introduce such changes. The Applicant's explanation indicates that the principal amendment concerns the base mapping.

Nevertheless, the distinction should be recorded expressly so that Interested Parties can determine whether the revision is purely cartographic or has implications for the development which may be authorised.

The accessible illustrative plans also require careful distinction from the legally operative Works Plans. Their principal function is to improve legibility and the identification of overlapping Works. They should not introduce uncertainty about which document governs the location or extent of the authorised development.

BEPS requests confirmation that the Illustrative and Accessible Plans accurately reproduce the spatial relationships and Work Numbers in the current Works Plans, and that any differences are identified and explained.

2.4 The Master Document Change Register should identify the substance and consequences of every material revision

BEPS requests that the Applicant update Appendix A to the Guide to the Application, or provide a clearly linked supplementary register, containing the following information for every document revised during Examination:

1. The document title, application reference and current Examination Library reference.
2. The previous document version and Examination Library reference.
3. The current revision number and submission date.
4. Whether the amendment is cartographic, administrative, editorial, evidential, technical, environmental, legal or a change to the Scheme's design or parameters.
5. A concise but substantive explanation of what has changed, identifying the affected paragraphs, tables, drawings, Works or land parcels.
6. The reason for the change, including any ExA question, hearing action, statutory-consultee objection, new survey evidence or design development which prompted it.
7. Whether the amendment changes the Scheme's location, footprint, maximum parameters, construction assumptions, operational arrangements, mitigation or decommissioning commitments.
8. Whether it changes any environmental baseline, assessment methodology, receptor valuation, predicted effect, significance conclusion or claimed benefit.
9. The associated documents which require consequential amendment, including the ES, Works Plans, Land Plans, Book of Reference, Design Principles, Commitments Register and draft DCO.
10. Whether those consequential amendments have been made and the references to the updated documents.
11. Whether the change introduces new or different land requirements, compulsory-acquisition powers, environmental effects or impacts upon Interested Parties.
12. Whether the Applicant considers that further environmental information, consultation or a formal application-change procedure is necessary, with reasons.
13. Whether the revised document supersedes an earlier document in full or only in part.
14. A clear indication of any outstanding inconsistency, dependent design decision or further revision anticipated.

BEPS does not suggest that minor typographical corrections require lengthy analysis. Such changes could be identified collectively as editorial amendments with no substantive consequences.

The essential requirement is that material revisions and their effects can be understood without requiring each Interested Party to reconstruct the history of the application independently.

2.5 The revised application must also be reconciled across its legal and environmental documents

BEPS previously requested four consolidated schedules in its Procedural Deadline A submissions. The ExA subsequently asked the Applicant to respond to these requests in ExQ1 Q1.1.4.

The Applicant's response [EN0110014-001403] directs Interested Parties to the existing application documents and explains that the DCO seeks the maximum powers and Works assessed within the reasonable worst-case envelope.

In relation to severability, the Applicant expressly acknowledges that the authorised development does not require every Work to be constructed or every element of infrastructure to be delivered. It states that where a Work is omitted, delayed or delivered through another authorised design solution, the powers associated with that Work would not be exercised to the extent unnecessary.

BEPS considers that this answer reinforces rather than resolves the need for a consolidated schedule.

The fact that an individual Work may be omitted does not necessarily establish that the environmental effects of its omission are limited to the absence of the impacts originally assessed for that Work. The omission of infrastructure may affect the need for associated works, the viability of other components, construction phasing, mitigation delivery and the benefits relied upon.

This is especially important for the 500 MW BESS, which remains at Gate 1, and the National Grid substation, whose final location, size and design remain unresolved in NGET's evidence.

BEPS therefore maintains its request for a Scheme-to-Powers and Severability Schedule showing how the principal Works relate to one another and which Works and land powers remain necessary under the realistic implementation scenarios.

Similarly, the Applicant's response to the request for consolidated design and construction parameters identifies numerous separate documents containing the relevant information. BEPS acknowledges that these documents provide controls, but their existence does not remove the value of a single schedule identifying the maximum assumptions which determine the environmental assessment.

The legal-plan reconciliation and environmental-interrelationships schedules remain important for the same reason. The current application must be demonstrably consistent across the DCO, plans, environmental assessments and management documents.

2.6 The Applicant's revisions must be considered against the October 2026 guidance on changes during examination

BEPS draws the Examining Authority's attention to the Planning Inspectorate's *Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination* (last updated 14 October 2026), and the Ministry of Housing, Communities and Local Government's *Planning Act 2008: Guidance on the examination stage of an application*, published on 3 July 2026.

These documents are directly relevant to the substantial volume of revised application material submitted by East Pye Solar, the adequacy of the Applicant's change-control arrangements and the potential consequences of the unresolved National Grid connection.

The Planning Inspectorate's guidance distinguishes between revisions to application information which do not necessarily constitute changes to the proposed project and changes which affect the development itself. It expressly recognises that revised draft DCO provisions, corrected documents and further environmental information may be submitted during examination without automatically engaging the formal application-change procedure.

BEPS acknowledges that distinction. However, the guidance also makes clear that where a substantive change is proposed, the ExA must consider whether the development remains substantially the same as the project originally applied for. Importantly, that consideration extends to the combined effects of a series of incremental changes which may collectively result in a materially different project.

This is especially relevant to East Pye because the revisions are not confined to one isolated technical topic. They affect or potentially interact with the Scheme Description, detailed design parameters, construction methodology, highway access, water management, ecological mitigation, electrical infrastructure, legal plans and the draft DCO.

The absence of an individual amendment which appears fundamental when considered alone does not establish that the cumulative effect of multiple amendments is immaterial.

2.6.1 The 3 July 2026 examination-stage guidance expressly requires an audit trail

Paragraphs 4.27–4.33 of the government's examination-stage guidance explain that the draft DCO will normally undergo detailed scrutiny and multiple revisions during examination. They also establish an expectation that the Applicant will maintain a clear audit trail identifying changes to the draft Order and the reasons for them.

Paragraph 4.32 provides for each revised draft DCO to be accompanied by a tracked version identifying changes from the preceding draft and a detailed explanation of the purpose and effect of the proposed revisions.

Paragraph 4.33 anticipates a final tracked draft showing the changes made since the original application, accompanied by an updated Explanatory Memorandum and an explanation of those changes.

BEPS acknowledges that the Applicant has provided tracked versions of the DCO and a Schedule of Changes. Its concern is not that no revision record exists, but that the information provided remains fragmented across numerous documents and does not consistently identify the consequential effects of revisions upon the development, environmental assessment and land powers.

The guidance expressly addresses the DCO audit trail. BEPS does not suggest that it imposes an identical statutory requirement to produce the particular Master Document Change Register requested in this submission. Rather, BEPS submits that a consolidated register would be a proportionate and practical means of applying the guidance's principles of transparency, clarity and effective examination to an application in which changes to technical documents, plans and mitigation commitments may have consequences beyond the particular document revised.

The proposed register would enable the ExA and Interested Parties to identify not only the amendments made, but also their relationship to the authorised Works, environmental effects and legal controls.

2.6.2 The cumulative effect of amendments must be assessed

The Planning Inspectorate's guidance on changes to accepted applications expressly directs attention to whether a proposed change would leave substantially the same project and whether incremental amendments could collectively result in a materially different project.

This is important for East Pye because the Scheme comprises numerous geographically dispersed Works and extensive interdependent infrastructure.

Changes to the location or design of a substation may affect cable corridors, overhead-line connections, access arrangements and land requirements. Changes to construction access may require additional haul roads, vegetation removal, drainage works or watercourse crossings. Changes to ecological mitigation may alter the land available for infrastructure or require wider development-free buffers.

An individual revision may be described as detailed design or mitigation refinement, but its consequences may extend across several environmental chapters and associated legal plans.

BEPS submits that the Applicant should demonstrate whether the cumulative effect of the revisions changes the maximum development envelope, likely environmental effects, compulsory-acquisition justification or practical deliverability of the Scheme.

A document-by-document Schedule of Changes does not necessarily provide that demonstration. A consolidated change register and cross-document reconciliation would enable the cumulative consequences to be understood.

2.6.3 The unresolved National Grid connection presents a particularly significant potential change

The issue is especially acute in relation to NGET's evidence concerning the proposed Great Moulton connection. NGET has confirmed that the Applicant's submitted proposals would not provide sufficient connection capacity for all potential customers currently identified in NESO's Transmission Entry Capacity Register. NGET has also identified the need for North Anglia Node E [Node A? Node E serves projects connecting at Yaxley in Suffolk], commissioned a substation siting study and confirmed that the Applicant's proposed substation location, size and design have not been accepted as the final transmission solution.

The Applicant's revised Grid Connection Statement continues to promote the Great Moulton arrangement, while acknowledging that the final configuration remains subject to engagement with NGET.

If NGET ultimately determines that a materially larger or differently located substation is required, the consequences may extend beyond detailed engineering.

A different connection solution could affect the location and necessity of the proposed National Grid substation, project substations, 400 kV cabling, overhead-line works, construction access and compulsory-acquisition requirements. It could also alter environmental effects, including landscape, heritage, ecology, water, transport, residential amenity and aviation safety.

It would be inappropriate to assume that a substantially different transmission solution could be accommodated automatically within the existing DCO merely because the Applicant has retained flexibility in its Works descriptions or detailed-design provisions.

The Planning Inspectorate's guidance requires consideration of the nature and extent of a proposed change, its effect upon the project originally applied for, any new or different likely significant environmental effects, additional land requirements and the ability of Interested Parties to examine and respond to the changed application.

The Applicant should therefore identify the maximum transmission configuration presently assessed, the degree of flexibility retained by the DCO and the circumstances in which a different NGET solution would require a formal change request, additional environmental information or separate consent.

2.6.4 The October 2026 guidance reinforces the need to resolve potentially fundamental changes within the examination timetable

The Planning Inspectorate's advice on changes to accepted NSIP applications was further updated on 14 October 2026, including its treatment of changes emerging late in Examination. The guidance emphasises the need for applicants to identify proposed changes promptly and to allow sufficient time for the Examining Authority to determine the appropriate procedure and for affected persons to understand and respond to the revised development. It also identifies the particular procedural implications of additional compulsory-acquisition rights.

These considerations are directly relevant to East Pye because the final National Grid transmission arrangement remains uncertain and the construction access strategy continues to depend upon unresolved route, engineering and land-rights questions. A materially different transmission-substation location, enlarged electrical compound, revised cable corridor or new haul-road requirement could affect additional land interests and introduce environmental effects requiring assessment and consultation.

The Applicant should therefore identify whether the matters now under discussion are capable of resolution within the existing authorised development envelope or may require a formal change to the application. Where the ultimate solution would require materially different works or additional land, the Applicant should set out the proposed change process, the information to be supplied, the consultees and affected persons to be notified, and the time available for meaningful examination.

BEPS respectfully asks the ExA to assess the combined implications of any such changes and determine whether they remain capable of fair and effective examination within the statutory timetable. The present application cannot establish the acceptability of an essential infrastructure solution which has not yet been sufficiently defined, assessed or justified.

2.6.5 Additional compulsory-acquisition requirements cannot be assumed to be available

The Planning Inspectorate's guidance expressly addresses changes involving additional compulsory-acquisition powers. Where a change requires acquisition of additional land interests or rights, the Applicant may need to obtain the agreement of affected persons or comply with the procedures prescribed by the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. Those procedures include statutory consultation and notification requirements which may have implications for the examination timetable.

This is directly relevant to the uncertainty surrounding the final National Grid connection.

A relocation of the National Grid substation or materially revised cable corridor could require interests in land not presently included within the compulsory-acquisition case. Alternatively, existing land powers sought for the proposed Great Moulton arrangement might cease to be necessary. Either outcome would require proper consideration of the relationship between the authorised Works, the land powers sought and the compelling case in the public interest under section 122 of the Planning Act 2008.

BEPS submits that the Applicant should not seek broad compulsory powers for infrastructure whose location and necessity remain uncertain without demonstrating why those powers are required for the project actually proposed and assessed.

The possibility that a different connection solution may be pursued subsequently does not establish that the associated land requirements can lawfully or practicably be accommodated within the existing examination.

2.6.6 Late changes may affect procedural fairness and the ability to examine the development

The Planning Inspectorate's guidance recognises that proposed changes must be brought forward sufficiently early to allow proper consideration of their consequences. The ExA must consider whether the changed application remains capable of examination within the statutory timetable, including the time required for affected persons and statutory consultees to understand the changes, submit representations and respond to other evidence.

The guidance also recognises that some proposed changes may be too substantial to be accepted within the existing examination, in which case the Applicant may need to consider a lesser change, proceeding with the original project or withdrawing and submitting a fresh application. These considerations are particularly important where changes affect land rights or generate new or different likely significant environmental effects.

BEPS's concern is that the Applicant may continue to revise individual documents while fundamental questions concerning the transmission connection, construction arrangements and environmental mitigation remain unresolved. If those questions are eventually answered by a materially different design, the Examination must provide a procedurally appropriate opportunity to assess the resulting development and its effects.

The provision of updated drawings and technical documents at successive deadlines does not automatically demonstrate that the changes have been adequately examined or that affected persons have had a meaningful opportunity to understand their implications.

The substantial volume of revisions makes the requested Master Document Change Register especially important. It would enable Interested Parties to identify relevant changes promptly and assist the ExA in determining whether further information, consultation or a formal change procedure is required.

2.6.7 Request to the Examining Authority

BEPS requests that the ExA require the Applicant to explain, by reference to the Planning Inspectorate's October 2026 changes guidance and the July 2026 examination-stage guidance:

1. Which revisions submitted during Examination are regarded as administrative or informational changes and which affect the substantive development or its environmental assessment.
2. Whether the individual and cumulative effects of the revisions alter the project originally applied for, including its maximum parameters, construction methodology, mitigation, land requirements or environmental effects.
3. How the Applicant has reconciled consequential amendments across the Works Plans, Land Plans, Book of Reference, Scheme Description, Environmental Statement, Design Principles, Commitments Register and draft DCO.
4. Whether any existing revisions require further environmental information, consultation or consideration under the formal application-change procedure.
5. The extent to which the present DCO and environmental assessment accommodate the reasonably foreseeable outcomes of NGET's ongoing substation siting and connection-design process.
6. Whether any materially different transmission solution would require additional compulsory-acquisition powers, further assessment, consultation or a separate consenting procedure.
7. What arrangements will ensure that Interested Parties can understand and respond to any further material revisions before the close of Examination.

BEPS submits that these questions are directly relevant to the adequacy and fairness of the Examination and the reliability of the evidence upon which the development consent decision must be based. The Applicant's obligation is not merely to provide revised documents, but to demonstrate that the development described by those documents remains sufficiently defined, internally consistent, environmentally assessed and legally capable of authorisation.

A consolidated Master Document Change Register would provide a proportionate and transparent means of establishing that position. It would also assist the ExA in determining whether revisions remain within the scope of ordinary examination refinement or engage the formal procedures applicable to changes in the development.

BEPS therefore requests that the register be produced at the next available examination deadline and maintained through the remainder of the Examination, with substantive changes and their cross-document consequences clearly identified.

2.7 The risk of granting consent on the basis of an inadequately reconciled application

The concern is not limited to administrative inconvenience or the resources required to examine a large application. If material revisions are insufficiently tracked and reconciled, the ExA may be presented with environmental conclusions based upon assumptions which have subsequently changed elsewhere in the application.

A mitigation measure may be described in one document but not secured by the current draft DCO. An infrastructure configuration may be revised without corresponding changes to the assessment of its effects. A construction method or access route may change without an adequate explanation of the resulting consequences for another environmental topic.

Likewise, revised Works Plans or land requirements may not be fully reconciled with the powers for which the Applicant continues to seek consent. The risk is that development consent would be granted for a collection of individually revised documents without sufficient assurance that they collectively describe one coherent, environmentally assessed and legally controlled Scheme.

The problem is particularly serious where changes affect the realistic implementation options which the DCO would permit. Later detailed-design approval cannot necessarily remedy an inadequacy in the assessment of the development authorised at the consent stage.

The practical effect of inadequate change control is also to make meaningful participation more difficult. Interested Parties must identify new material, establish its significance, compare it with previous submissions and understand its consequences before the relevant examination deadlines.

Where numerous amended documents are submitted together and their substantive implications are not clearly identified, this places a disproportionate burden upon participants, particularly community organisations and individuals without access to the Applicant's project team and consultants.

Transparent change control is an important means of ensuring that interested parties have a meaningful opportunity to understand and respond to relevant new information.

2.8 Request to the Examining Authority

BEPS respectfully requests that the Examining Authority require the Applicant to provide a consolidated Master Document Change Register, linked directly to the existing Master Document Table, identifying the substantive changes and consequential effects of the revisions submitted during Examination.

The Applicant should distinguish clearly between documents changed only for legibility, formatting or updated mapping and those which amend the development, assessment, mitigation, land requirements or legal controls.

The register should be maintained at subsequent deadlines and should identify the current operative version of every relevant document, the previous version superseded and the implications of each substantive revision.

BEPS further requests that the Applicant complete the reconciliation of the legal plans, scheme parameters, severability assumptions and environmental interrelationships previously sought in BEPS's Procedural Deadline A submissions and addressed in ExQ1 Q1.1.4.

Where revisions introduce material new environmental information or alter the assessed development, BEPS respectfully asks the ExA to ensure that Interested Parties have an adequate and proportionate opportunity to examine and respond to the changes before the relevant matters are closed.

BEPS submits that these measures are necessary to establish a transparent and auditable examination record and to enable the ExA to determine whether the current application documents collectively describe a sufficiently defined, consistently assessed and legally controlled development.

The provision of an accurate document list is necessary, but it is not sufficient. The Examination also requires a clear record of **what has changed, why it has changed, and whether the changes alter the development or the evidence upon which consent is sought.**

BEPS further requests that, before the Examination closes, the Applicant provide a consolidated statement confirming whether the cumulative effect of all application revisions has altered the project originally applied for and, if not, identifying the evidence supporting that conclusion in accordance with the Planning Inspectorate's guidance on changes to accepted NSIP applications.

3. NGET's evidence fundamentally qualifies the Applicant's proposed grid connection

3.1 The proposed Great Moulton substation has not been accepted as the final transmission solution

BEPS draws the Examining Authority's particular attention to National Grid Electricity Transmission plc's [NGET] Written Representation and response to ExQ1 [EN0110014-001200], the Applicant–NGET Statement of Common Ground [EN0110014-001348] and the Applicant's revised Grid Connection Statement [EN0110014-001328].

Read together, these documents establish that the National Grid substation proposed within the East Pye application has not been confirmed as the location, size or design of the transmission infrastructure which NGET ultimately intends to deliver.

The Applicant's revised Grid Connection Statement continues to describe the historic arrangements arising from the October 2022 connection offer and July 2023 Bilateral Connection Agreement, under which the proposed Great Moulton substation was incorporated into the Scheme.

However, NGET's evidence explains that the arrangements arising from connections reform are materially different.

In response to ExQ1 Q1.2.15(a), NGET states that the replacement connection agreement is not expected to require the Applicant to secure the land or obtain the necessary consent for the National Grid substation. NGET explains that it has determined that it will identify the substation site, acquire the necessary land and obtain the necessary consents itself.

NGET further explains that the granting of a DCO which includes the Applicant's proposed substation would not create an obligation upon NGET to provide a transmission connection at that location.

Consequently, the Applicant's ability to obtain development consent for Work No. 4 does not establish that Work No. 4 will form part of the transmission network eventually constructed.

The Applicant itself acknowledges this limitation in its response to BEPS-PDA-042 [EN0110014-001360, p. 68], expressly accepting that NGET is not obliged to use the proposed substation location. The Applicant nevertheless maintains that it has identified no reason why NGET would not proceed with that site. (This is surprising, as at targeted consultation NCC's submission contained a statement from Norfolk Fire and Rescue Service saying they did not support the location on safety grounds as it was too close to Great Moulton.[1] The Aviation issues are also clearly significant, as are the aquifer/PWS issues). That assertion must now be assessed against NGET's subsequent formal evidence that it has not accepted the proposed location, size or design and is undertaking a separate siting exercise. The Applicant's assessment of its preferred site cannot establish that this is the infrastructure NGET will ultimately require or construct. The distinction is material to the environmental assessment, land powers and deliverability of the development for which consent is sought.

[1] **(c) Norfolk Fire and Resue (NFRS) Comments (at Targeted Consultation)**
3.17 The proposed changes / confirmation on the siting to the National Grid 400kV substation raises serious concerns to NFRS given the close proximity to nearby resident in Great Mouton in the event of any fire or other emergency.
3.18 In particular NFRS have concerns relating to:
(1) Emergency Vehicle Access;
(2) Cordon Control; and
(3) Protection for residents from any smoke plume;
3.19 In addition the location change of the 132 kV substation and upgrade to 400 kV to the South of Great Moulton raises similar concerns to the above National Grid substation.
3.20 Should you have any queries with the above comments please contact: [redacted] - [redacted]@norfolk.gov.uk

3.2 NGET states that the Applicant's proposed capacity is insufficient for the wider connection requirements

The new evidence is particularly significant in NGET's response to ExQ1 Q1.2.15(b). NGET expressly states that the Applicant's submitted proposals would not provide sufficient connection capacity for all potential customers currently documented in NESO's Transmission Entry Capacity Register.

This is a substantive capacity constraint identified by the transmission owner.

NGET must plan transmission infrastructure in accordance with the requirements of the wider network and other connecting customers, not merely the requirements of the Applicant. NGET expressly identifies its statutory duty under section 9(2) of the Electricity Act 1989 to develop and maintain an efficient and coordinated transmission system and explains that its siting and design decisions must have regard to the network as a whole.

The Applicant's preferred solution is therefore not necessarily the economically efficient, appropriately sized or environmentally preferable transmission solution for the connections which NGET must accommodate.

The Examination should not treat the existence of sufficient space for the Applicant's proposed equipment as resolving this materially wider question.

3.3 North Anglia Node E: a separate siting exercise is underway

NGET's answer to Q1.2.15(b) identifies the need for a new electricity substation known as North Anglia Node E. NGET states that it has commissioned a siting study to identify an appropriate location for infrastructure facilitating a number of planned customer connections identified in the TEC Register.

The siting process includes consideration of the existing overhead-line network, identification of suitable sites, environmental appraisal, site visits and further technical assessment before a preferred substation site is selected.

This is not merely an abstract possibility that NGET might change its mind in future. NGET has identified a network requirement and has commenced a specific siting process.

In response to Q1.2.15(d) and (g), NGET confirms that it has considered the Applicant's proposed site and supporting information but has neither confirmed nor accepted that location as the final substation site.nFurthermore, NGET states in response to Q1.2.15(c) that it cannot presently confirm whether it can support the proposed design, size or location, and will not be in a position to do so for some time.

The connection solution therefore remains uncertain not merely in detailed engineering terms but in the location and size of essential transmission infrastructure.

3.4 North Anglia Node A and Node E must be reconciled

BEPS's existing submissions identify the allocation of East Pye's solar component within the North Anglia connection arrangements, including North Anglia Node A. The projects connecting at North Anglia Nide A surround Long Stratton; those connecting at Node E surround Yaxley in Suffolk.

NGET's specific identification of North Anglia Node E in its response concerning East Pye now requires explanation.

The Applicant and NGET should identify precisely how Nodes A and E relate to one another, whether they represent different physical connection locations or different network allocation arrangements, and how the successful Gate 2 connection offers affect the infrastructure NGET must provide.

The Examination should not assume that the two nodes are physically interchangeable or that customers associated with them will necessarily connect through the same substation. Equally, the presence of an active Node E siting study cannot be dismissed as irrelevant to East Pye without an explanation of why NGET considered it material to its answer to Q1.2.15.

The relevant questions include whether the emerging North Anglia arrangements will require one or more new substations, whether they will be on the new transmission line, whether any of those substations could accommodate East Pye, and whether the construction of a separate Great Moulton substation would be necessary or efficient within the final network configuration.

3.5 The Statement of Common Ground does not resolve the disagreement

The Applicant–NGET Statement of Common Ground [EN0110014-001348] records the historical contractual arrangements and the parties' subsequent discussions. However, the critical matters concerning the replacement agreement, final connection solution and NGET's obligation to construct or use the proposed substation remain under discussion.

In particular, entries NGN-2 and NGN-3 do not establish agreement that NGET will adopt the proposed Great Moulton solution. Nor does the SoCG resolve NGET's express evidence that the Applicant's submitted proposals lack capacity for the full group of potential connecting customers identified in the TEC Register.

The SoCG should be read alongside NGET's complete Written Representation and ExQ1 response. The absence of a particular qualification from a summary of common ground cannot convert an unresolved matter into an agreed one.

3.6 Consequences for the submitted electrical architecture

The implications extend beyond the precise footprint of the proposed National Grid substation. BEPS's response to ExQ1 Q1.2.15 established that the East Pye electrical collection system is organised around the movement of electricity towards Great Moulton.

The submitted configuration includes project substations, 400 kV cabling, extensive lower-voltage cable corridors, overhead-line works and the substantial concentration of BESS and other infrastructure around Site 1.

The Applicant has not demonstrated that this configuration would remain necessary or appropriate if the NGET point of connection moved materially elsewhere. Connecting at or near Yaxley would significantly impact the current East Pye Solar proposals, as would connecting anywhere to the new transmission line as it is to the west of the railway line.

A different connection point could alter the direction and length of the principal cable routes, the location and number of project substations, the need for the Site 5-to-Site 1 connection and the requirement for overhead-line works at Great Moulton.

It could also change the environmental effects, construction access requirements and land powers necessary to deliver the Scheme. These are matters of Scheme design and deliverability. They cannot be answered simply by stating that powers for an unused National Grid substation need not be exercised.

3.7 Evidence required

BEPS requests that the Applicant and NGET provide a reconciled explanation establishing:

1. The relationship between East Pye's Gate 2 solar allocation, North Anglia Node A and NGET's North Anglia Node E siting study.
2. Whether Great Moulton is under consideration as a candidate location for Node E or Node A and, if so, whether the proposed land area would accommodate NGET's anticipated requirements.
3. Whether the new Nodes would be on the existing transmission line or the proposed new one.
4. The nature of the capacity shortfall identified by NGET and the extent of additional land or infrastructure which may be required.
5. Whether NGET anticipates one substation or more than one transmission substation serving the relevant group of customers.
6. Whether the replacement connection agreement retains the same point of connection and associated electrical requirements as the historic agreement.
7. Whether the East Pye project substations, BESS location, 400 kV cable arrangement and overhead-line works would remain necessary if NGET selects another connection location.
8. Whether any alternative arrangement would require new land, revised cable corridors, additional transmission infrastructure or different compulsory-acquisition powers.
9. How the environmental effects and reasonable alternatives of the realistically foreseeable configurations have been addressed.
10. Why consent and compulsory powers are required for the proposed Great Moulton substation before NGET has determined whether the location, size and design are suitable.

3.8 Conclusion

The Applicant seeks consent for transmission infrastructure which NGET has not accepted as its final solution, which NGET says is insufficient for the full potential customer requirement, and for which NGET is undertaking its own location, land-acquisition and consenting process.

This materially undermines any assertion that Great Moulton represents a fixed and confirmed transmission connection solution. It also calls into question the necessity of associated electrical works and the proportionality of the compulsory powers sought.

BEPS submits that these are matters requiring substantive resolution during Examination because their consequences may extend to the fundamental layout, deliverability and environmental assessment of East Pye Solar.

The 500 MW BESS remains without a demonstrated connection pathway

The revised Grid Connection Statement [EN0110014-001328] confirms that the solar component of East Pye has obtained Gate 2 status while the proposed 500 MW Battery Energy Storage System remains at Gate 1, without a confirmed indicative connection date.

BEPS's Written Representation and response to ExQ1 Q1.2.2(d) explain why this distinction is material under NESO's June 2026 Gate 2 Criteria Methodology.

Gate 2 status for one technology within a hybrid project does not automatically confer equivalent status upon another technology. The battery component must qualify independently under the applicable Strategic Alignment Criteria.

BEPS has identified no evidence that the proposed East Pye BESS presently benefits from the relevant transitional protections, a qualifying contract or regulatory approval, an available ordinary CP2030 battery capacity allocation or project designation.

The regional context compounds the uncertainty. BEPS's supporting evidence records substantial battery capacity already holding Gate 2 status within T7, alongside further battery capacity remaining at Gate 1.

BEPS does not submit that the BESS is legally incapable of obtaining a future connection or that future NESO decisions can be predicted with certainty. Its submission is narrower: **the Applicant has not demonstrated the mechanism by which this particular 500 MW BESS will obtain a confirmed connection, or when it could become operational.**

This uncertainty has direct implications for the development consent sought. The DCO must be considered against the implementation scenarios it permits, not merely the Applicant's preferred presentation of a fully integrated solar and storage project.

The Applicant should therefore provide separate environmental, operational and benefit assessments for:

1. Solar generation proceeding without construction of the BESS.
2. Solar generation becoming operational substantially before the BESS.
3. Construction of BESS infrastructure which remains unused pending a connection.
4. A reduced or differently configured BESS.
5. Eventual omission or abandonment of the BESS component.

Those scenarios have implications for the weight to be given to claimed flexibility, curtailment, storage and system benefits, as well as the land required, electrical infrastructure, construction phasing, BNG delivery, drainage, safety arrangements and decommissioning.

The Applicant should identify which works are indispensable to the solar element, which are required only for the BESS, which are shared, and how the Order prevents redundant or unimplemented infrastructure from being retained unnecessarily.

The uncertainty must also be reflected in the planning balance. Claimed benefits attributable to an operational 500 MW BESS cannot be treated with the same evidential confidence as benefits attributable to a component with a confirmed connection and credible implementation timetable.

BEPS requests that the Applicant identify its precise intended Gate 2 Strategic Alignment route, the supporting evidence, the anticipated connection date and the consequences of the BESS remaining at Gate 1.

Until these matters are explained, physical co-location within one DCO should not be treated as establishing the electrical and temporal co-deliverability of the solar and battery components.

BEPS has also submitted a FOI/EIR request to NESO and DESNZ to understand Macquarie/IGP's current discussions with NESO regarding having their BESS reallocated from Gate 1 to Gate 2. We felt this was necessary in light of the earlier disclosed correspondence and meeting between DESNZ and Macquarie in relation to obtaining grid connections for their NSIP solar projects in constrained regions, including East Pye Solar.

4. The revised DCO does not remove the need to establish a coherent and sufficiently controlled Scheme

4.1 Changes to the Order must be assessed against the development it permits

BEPS has considered the revised draft Development Consent Order [EN0110014-001299], the Applicant's Schedule of Changes [EN0110014-001356], the revised Environmental Statement Chapter 4 [EN0110014-001407] and the revised Design Principles, Parameters and Commitments [EN0110014-001312].

The revisions should be evaluated against the principal concern developed in BEPS's Preliminary Chapter and Chapter 4: whether the DCO authorises a sufficiently defined and environmentally assessed project, and whether the controls relied upon to establish its

acceptability are legally effective. This also goes to BEPS's DCO/Works Plan/Design Parameters analysis submission at Deadline 1.

EPS's revised documentation provides further detail on the intended Scheme. However, additional design information is not necessarily equivalent to an enforceable limitation upon what can be constructed. Where the Environmental Statement relies upon a maximum parameter, spatial separation, mitigation feature, construction restriction or operational condition, BEPS submits that the Applicant must demonstrate how the relevant commitment is secured through the operative provisions of the DCO and its certified documents.

The same applies where environmental acceptability depends upon a particular arrangement of substations, cable corridors, access infrastructure, habitat buffers, planting or water-management features.

4.2 Construction phasing and partial implementation

The revised provisions concerning construction phasing must be tested against the broad implementation flexibility retained by the Applicant. A requirement for a phasing plan is useful, but it does not by itself establish that every part of the authorised development must ultimately be constructed or that the Scheme will necessarily be delivered in the sequence assumed within the Environmental Statement.

The concern is particularly acute where the proposed BESS lacks a confirmed Gate 2 connection and the final National Grid transmission solution remains unresolved.

BEPS requests a works-severability schedule identifying each principal Work, the other Works upon which it depends, the environmental mitigation required for that Work, the connections and access arrangements necessary for its operation, and the consequences if it is not implemented.

The Applicant should demonstrate that no permissible sequence or combination of Works would produce environmental effects materially different from those assessed or undermine the delivery of mitigation relied upon for other parts of the Scheme.

4.3 Detailed design cannot determine matters of principle

The Design Principles and detailed-design approval mechanisms should fix the essential characteristics of the authorised project The Applicant should not be permitted to rely on general compliance with design principles where those principles leave unresolved the size, siting, spatial relationship or environmental consequences of infrastructure essential to the Scheme.

In particular, the proposed National Grid substation, 400 kV project substations, associated cabling and connection works must be assessed as a coherent electrical system rather than as independent components capable of later rearrangement.

Where the final connection solution selected by NGET differs materially from the assessed arrangement, the Applicant must demonstrate the appropriate consenting and environmental assessment pathway.

The revised draft DCO [EN0110014-001299, Schedule 2, Requirement 5] partially addresses BEPS's earlier objection concerning the limited application of the Design Principles. Detailed-design approval now extends to Works Nos. 1–4, while Works Nos. 5 and 6 must be carried out in accordance with the Design Principles without an equivalent express detailed-design approval procedure under Requirement 5. The revised Design Principles [EN0110014-001312, Section 4.4] establish a maximum National Grid substation compound area of 6 hectares and a busbar height of 15 metres. These limits define part of the assessed design envelope but do not demonstrate that the permitted configuration is compatible with NGET's final technical requirements. The Applicant should explain how the detailed electrical and cable designs will be approved, how compliance with the relevant parameters will be verified, and whether any alternative transmission arrangement under consideration could be accommodated without exceeding the assessed works, land and environmental limits. The remaining Works and associated infrastructure must also be checked against the commitments identified in BEPS's earlier design-control audit [EN0110014-001038].

4.4 Revised Requirements and consultation

BEPS acknowledges that changes to Requirements may improve the procedures for consultation with statutory authorities and approval of subsequent plans. However, consultation requirements are procedural safeguards, not substitutes for evidence that a technically and environmentally acceptable solution exists.

For example, consultation concerning drainage does not demonstrate that the hydrological pathways have been adequately understood. Consultation concerning construction traffic does not establish that suitable haul routes or highway works are available. Consultation concerning detailed design does not establish that all configurations permitted by the Order are environmentally acceptable.

BEPS therefore requests that any Requirement upon which the Applicant relies to resolve a material objection should identify, so far as practicable:

- The specific works or activity controlled.
- The approval required before those works begin.
- The substantive performance standard to be achieved.
- The information and technical demonstration required for approval.
- The statutory bodies which must be consulted.
- The monitoring and reporting arrangements.
- The remedial measures and cessation-of-work provisions applicable where the required standard is not achieved.

4.5 Decommissioning, replacement and permanent infrastructure

The revised decommissioning provisions must also distinguish between solar infrastructure intended to be removed after the operational period and National Grid infrastructure which may remain permanently.

The Order should not permit indefinite persistence of solar-related infrastructure merely because particular electrical assets continue to serve the wider transmission system.

Nor should a phased development permit essential mitigation, restoration or decommissioning obligations to be indefinitely delayed by the commencement or continued operation of a different Work.

BEPS maintains that the DCO requires coherent controls for abandonment, partial cessation, equipment replacement, restoration and financial security, with responsibility continuing notwithstanding any transfer of the benefit of the Order.

4.6 Conclusion

The relevant question is not whether the Applicant has produced further design documents or amended the wording of individual Requirements. It is whether the DCO now confines the authorised development to configurations which have been adequately assessed, secures the mitigation relied upon, and provides an effective mechanism for implementation, enforcement, replacement and decommissioning.

Until that demonstration is provided, the changes do not resolve BEPS's objection that the Order retains excessive flexibility over matters capable of determining the Scheme's environmental acceptability and land requirements.

BEPS requests that the Applicant provide a consolidated Environmental Commitments and DCO Requirements Reconciliation Schedule identifying each mitigation, avoidance or operational limitation relied upon in the Environmental Statement, consultation responses and Statements of Common Ground. For each commitment, the schedule should identify the environmental effect addressed, the relevant assessment reference, the precise operative DCO provision or certified document securing it, the responsible approving and enforcing authority, the applicable performance standard, and the circumstances in which the commitment may be amended or discharged.

The schedule should include, in particular, the maximum dimensions and geographical limits of the National Grid and project substations; heritage and ecological exclusion areas; bat commuting buffers and dark corridors; the treatment of Site 3 and Spring Wood; revised construction accesses and haul roads; traffic-movement limits and monitoring; protection of Roadside Nature Reserves; operational noise and lighting; BESS firewater containment; drainage and private-water-supply protections; soil handling and agricultural restoration; and the delivery and long-term maintenance of biodiversity mitigation. It should also explain how these controls operate where individual Works are omitted, construction phases are separated, equipment is replaced or the benefit of the DCO is transferred.

Where the Applicant's significance assessment depends upon a measure that is not presently secured, the omission must be identified and the relevant requirement amended. Where the effectiveness of mitigation itself remains unproven, more precise drafting cannot substitute for the necessary environmental evidence. BEPS respectfully asks the ExA to require both the technical adequacy and the enforceability of the material commitments to be demonstrated before accepting the residual-effects conclusions.

5. The compulsory-acquisition case must be reconsidered in light of NGET's evidence

BEPS maintains its objection to the breadth of compulsory-acquisition powers sought in the revised draft DCO. The Applicant's revised Book of Reference change schedule [EN0110014-001336] and draft DCO [EN0110014-001299] must be considered alongside NGET's Written Representation and ExQ1 answers [EN0110014-001200].

The issue is particularly important because NGET has expressly stated that, under the anticipated replacement connection arrangements, it intends to identify the required substation location, acquire the necessary land and obtain the relevant consents itself.

The Applicant is therefore seeking statutory powers relating to a transmission configuration which NGET has neither confirmed nor accepted as the final solution.

Under section 122 of the Planning Act 2008, the Secretary of State may authorise compulsory acquisition only where the statutory conditions are satisfied, including that there is a compelling case in the public interest. The public-interest justification must be examined by reference to the actual interests and rights sought, the development for which they are necessary and the available alternatives. A broad project need does not dispense with scrutiny of the extent and nature of compulsory powers.

BEPS's Preliminary Chapter further identifies that the Applicant has obtained option agreements in respect of principal development land while seeking powers potentially extending to compulsory freehold acquisition. The Applicant must explain why the particular interests sought are necessary and why lesser rights or interests would not adequately secure the authorised development.

NGET's evidence adds a further dimension. If the final connection infrastructure is to be located and consented independently by NGET, the Applicant must demonstrate why it remains necessary for East Pye to acquire interests in the proposed Great Moulton substation land.

That question extends to any cable corridors, access works, overhead-line modifications, project substations and related land interests required principally because of the proposed Great Moulton connection. The Applicant's desire to retain an alternative means of delivering a connection cannot, without a proportionate and evidenced justification, establish that every associated permanent land interest is necessary.

The Examination should require an updated land-powers schedule distinguishing:

1. Land required for the solar generating station independently of the final transmission connection.
2. Land required only for the proposed BESS.
3. Land required specifically for the Great Moulton National Grid substation.
4. Land required for connecting infrastructure whose necessity depends upon the final NGET solution.
5. Land required for temporary construction access, compounds and highway works.

6. Land over which permanent ownership is sought notwithstanding the potential availability of leasehold occupation, rights or other lesser interests.

For each relevant plot or interest, the Applicant should identify the authorised Work served, the nature of the proposed acquisition, the reason the specific interest is required, whether an agreement already exists, and whether the necessity would survive omission or relocation of the relevant Work.

The updated Book of Reference should be reconciled with the Works Plans, Land Plans, Statement of Reasons and revised electrical design.

The justification of compulsory powers must also be reconsidered in light of NCC's proposed reliance upon Cable Route Corridors as internal construction haul roads. As explained in BEPS's detailed construction-access section, some corridors cross agricultural holdings which are not participating in the generating development. Rights required to install underground cables do not necessarily encompass the formation and prolonged use of construction roads carrying HGVs. The Applicant should identify the precise rights sought for each affected plot, the duration and intensity of occupation, the consequences for agricultural businesses, access and severance, and whether the landowners and occupiers concerned have been informed and consulted about the proposed haul-road use. The necessity and proportionality of those powers must be demonstrated against the final construction strategy, rather than an earlier cable-installation assumption. This may impact voluntary agreements already made.

BEPS submits that uncertainty over NGET's final substation requires particularised scrutiny of powers dependent upon the proposed Great Moulton arrangement, rather than treating the possibility of future implementation as sufficient justification for the permanent acquisition of land.

Unless the Applicant demonstrates that the interests sought are necessary for a sufficiently defined and deliverable scheme, the compelling case in the public interest required by section 122 has not been established for those interests.

6. The revised construction transport strategy remains unsupported by Norfolk County Council

6.1 NCC maintains its objection

BEPS draws particular attention to Norfolk County Council's Local Impact Report [EN0110014-001412] and the Applicant's revised Outline Construction Traffic Management Plan [EN0110014-001325].

At paragraph 2.2 of its LIR, NCC confirms that its overall position remains one of objection. At paragraph 2.3, NCC states that it cannot support the current routing and access strategy because of unresolved highway constraints and insufficient mitigation. This directly challenges the Applicant's conclusions that the construction transport strategy can be implemented without significant residual transport effects following mitigation.

The distinction between environmental significance and physical deliverability is central. A route may generate a modelled traffic impact below an EIA significance threshold while nevertheless being physically unsuitable, unsafe or dependent upon unavailable highway works.

A Construction Traffic Management Plan cannot establish the acceptability of an access route which the local highway authority has expressly rejected unless the underlying problem is demonstrably resolved.

6.2 NCC's Site 7–9 objections are route-specific and substantial

Paragraph 8.14 of NCC's LIR states that the current access strategy for Sites 7–9 cannot be supported. NCC expressly identifies The Krons as unacceptable for HGV movements.

It also records that Fairstead Lane west of its junction with the A140 remains within the Order Limits notwithstanding a previous understanding that it would not be used for general construction access.

NCC requires greater use of CRC8, CRC9, CRC10 and CRC13 and does not accept construction sequencing as justification for routing vehicles along unsuitable roads. This is particularly important because BEPS's Written Representation already demonstrates that the construction programme, site access network and feasibility of internal haul routes are interdependent.

The Applicant cannot resolve that issue simply by assuming that internal haul roads will become available at the required time without demonstrating how they will be constructed, the land and permissions required, their physical suitability and their environmental consequences.

The revised strategy must therefore establish a deliverable sequence in which acceptable access routes are available before the construction traffic which depends upon them is generated.

6.3 The Applicant's response to Action Point 37 confirms foreseeable vegetation intervention at The Krons

The Applicant's response to ISH1 Action Point 37 [EN0110014-001357, pp. 87–88] provides further evidence that its proposed construction-access strategy requires physical intervention in the existing rural highway environment. The Applicant explains that, following discussions with NCC, the preferred route to Sub-Sites 7A–F was altered to use the B1527, The Krons and Fairstead Lane to reach Access A31 and the internal haul-road network. The Applicant anticipates that vegetation pruning, canopy raising and new or improved passing places are likely to be required along The Krons. This area is adjacent to the Hempnall Beck chalk stream.

These are physical works with potential consequences for roadside habitats, hedgerows, trees, drainage, road character and the ecological function of existing vegetated corridors. Their location and extent must be identified before their environmental effects can be regarded as adequately assessed. SNDC's concerns about Roadside Nature Reserves, veteran trees and

roadside vegetation provide further grounds for requiring a route-specific assessment rather than relying upon general construction-management commitments.

The Applicant also confirms that discussions with NCC remain ongoing concerning a vehicle-management regime intended to avoid ecological effects. This does not resolve NCC's recorded objection to HGV use of The Krons or demonstrate that the necessary vegetation and passing-place works can be undertaken without unacceptable environmental consequences. BEPS requests confirmation of NCC's final position, detailed plans of the interventions proposed and evidence that all necessary works and effects are included within the Environmental Statement and authorised development.

6.4 Other unresolved site access constraints

NCC's LIR identifies further location-specific requirements. At Sites 5A and 5B, paragraph 8.12 requires consolidation of access arrangements and identifies two bridges, TM29302 and TM29303, requiring structural assessment before their use for HGVs or abnormal loads can be accepted. At Site 6, paragraph 8.13 seeks consolidation of accesses. For Sites 10A–10D and 10E, paragraph 8.15 identifies accesses which NCC does not support and alternative arrangements which it considers should be used.

These matters demonstrate that the outstanding difficulties cannot be resolved by applying generic traffic controls across the Scheme. The solution must be demonstrated separately for each construction route and access point.

6.5 The proposed haul-route solution may create additional environmental effects

NCC's requirement for greater use of internal haul routes is not environmentally neutral. Constructing and operating additional routes through Cable Route Corridors or development parcels may require further vegetation removal, hedgerow crossings, surface treatment, temporary drainage, soil compaction, construction compounds and interactions with protected habitats or public rights of way.

The Applicant must demonstrate that the revised solution has been assessed across the relevant environmental topics and that any mitigation is physically and legally secured. It would not be acceptable to resolve an outstanding highway objection by transferring an unassessed or inadequately assessed impact into ecology, hydrology, heritage, soils or landscape.

6.6 Public rights of way remain a practical access and safety issue

At paragraph 8.16, NCC identifies substantial interaction with PRoWs and bridleways, particularly around Sites 1A–1C, the BESS, CRC1 and Sites 5A–5B. NCC states that the Applicant has not provided sufficient detail about managing construction conflicts or reached agreement in principle with the County Council.

That position reinforces BEPS's response to ExQ1 Q1.2.10 concerning the practical safety, connectivity and usability of public rights of way. The Applicant must assess both

construction interactions and the long-term effect of enclosing established routes between fencing, solar infrastructure and mitigation planting.

Generic references to controlled crossings, marshals or advance warning signs cannot replace route-specific designs or establish that the original pedestrian and equestrian functions will be preserved.

6.7 Further information required

BEPS requests:

1. A route-by-route schedule of NCC's outstanding objections and the Applicant's proposed response.
2. Revised access plans identifying every route, crossing, work and highway intervention required.
3. Structural assessments of bridges and other highway structures identified by NCC.
4. Confirmation of the land rights and approvals necessary for all highway mitigation.
5. A construction programme proving that appropriate routes and internal haul connections can be established before the traffic they are intended to serve.
6. An assessment of environmental consequences arising from any revised internal haul-road system.
7. Agreed route-specific PRoW safety and management measures.
8. A fully reconciled Construction Traffic Management Plan and environmental assessment supported by the local highway authority.

6.8 Conclusion

The revised Outline Construction Traffic Management Plan must be judged against NCC's actual objections, not simply against the Applicant's proposed management commitments.

As matters stand, NCC's LIR provides clear evidence that fundamental elements of the access strategy remain unsupported.

The Applicant has not demonstrated, merely by submitting a revised CTMP, that the dispersed East Pye Scheme can be constructed using routes which are physically suitable, environmentally acceptable and legally available.

BEPS maintains that transport remains a project-level deliverability constraint requiring resolution during Examination.

7. The revised Flood Risk Assessment must resolve NCC's outstanding LLFA concerns

BEPS has considered the Applicant's revised Flood Risk Assessment and Outline Surface Water Drainage Strategy [EN0110014-001376] alongside NCC's Local Impact Report [EN0110014-001412] and the independent technical review undertaken by H Fraser Consulting Ltd, submitted as Appendix D to BEPS's Written Representation.

NCC confirms at paragraph 2.3 of its LIR that, in its capacity as Lead Local Flood Authority, it cannot presently be satisfied that the proposed development would avoid increasing flood risk either within the Scheme or elsewhere. That conclusion is important because the Scheme's potential drainage effects cannot be considered solely in terms of the increase in conventional impermeable hardstanding. The development would introduce extensive solar arrays, tracks, compounds, cable works, substations, construction activity and repeated trafficking across agricultural soils, with substantial areas of heavy clay.

The principal concerns include altered rainfall distribution beneath and between solar panels, reduced soil infiltration following compaction, changes to field-drain performance, surface-water concentration along tracks and cable corridors, the adequacy of attenuation and exceedance arrangements, and the risk of effects passing into connected watercourses or neighbouring land.

BEPS's Chapter 9 also demonstrates that the drainage case must be reconciled with the hydrogeological and ground-condition assessments. The Applicant cannot rely upon infiltration or other drainage techniques without adequate evidence of their suitability for the underlying ground conditions and relevant groundwater receptors.

The revised FRA should therefore be tested against a consolidated schedule of the LLFA's outstanding concerns, identifying which have been resolved by new evidence, which remain subject to further investigation and which are proposed to be addressed through future detailed design.

A general requirement to obtain approval for drainage arrangements before construction does not resolve an evidential deficiency if the missing information may establish that the proposed drainage strategy is unsuitable or requires materially different land or infrastructure.

In particular, the Examination should require clear evidence concerning:

1. The effect of construction compaction on runoff and infiltration under representative ground conditions.
2. The basis for the assumed operational runoff characteristics of the solar arrays.
3. The suitability of infiltration-based drainage where infiltration testing remains incomplete or site-specific conditions are uncertain.
4. The hydraulic capacity and connectivity of existing field drains, ditches, culverts and receiving watercourses.
5. The interaction between major electrical-compound drainage and pollution or firewater containment.
6. The location, extent and environmental consequences of any required attenuation, drainage or exceedance infrastructure.
7. The treatment of cumulative runoff during simultaneous construction across multiple development parcels.
8. The performance of drainage measures under future extreme-rainfall and climate-change scenarios.

BEPS submits that the ExA should not accept an absence of significant residual flood-risk effects solely because the Applicant proposes a later drainage approval process. The relevant question is whether the revised assessment now demonstrates an acceptable drainage solution

for the Scheme's actual physical and hydrological circumstances. NCC's express outstanding position is evidence that this question remains material to the Examination.

Unless the technical uncertainties are adequately resolved and the necessary design and performance requirements are secured, the Applicant has not demonstrated that the Scheme would avoid increasing flood risk or adversely affecting connected water receptors.

7.1 The Applicant must demonstrate which LLFA objections the revised FRA has actually resolved

BEPS requests that the Applicant provide a paragraph-by-paragraph response to the outstanding drainage and flood-risk matters identified by NCC in its Local Impact Report and supporting Lead Local Flood Authority evidence. The response should identify the relevant revision to the Flood Risk Assessment or Outline Surface Water Drainage Strategy, the technical information introduced, the impact upon the assessment conclusions and the exact DCO provision proposed to secure the necessary mitigation.

Particular attention is required where the final drainage solution depends upon later infiltration testing, detailed ground investigation, identification of agricultural drains or the engineering design of access roads, haul routes and electrical compounds. The Applicant should demonstrate that an achievable drainage strategy exists within the assessed development footprint and that it will not require additional land, earthworks or watercourse interventions giving rise to materially different environmental effects.

BEPS respectfully asks the ExA to seek an updated and explicit LLFA position on whether the outstanding objections have been resolved by the revised FRA. Where NCC remains unable to support the drainage strategy, the Applicant should identify the matters in dispute and provide sufficient technical evidence for the ExA to determine the likely residual effects and the adequacy of the proposed controls.

8. Water Framework Directive, groundwater, private water supplies and the Environment Agency's outstanding concerns

8.1 Introduction: the revised assessment has not demonstrated resolution of the principal technical concerns

BEPS has considered the Applicant's revised Water Framework Directive Assessment [EN0110014-001370], revised Flood Risk Assessment and Outline Surface Water Drainage Strategy [EN0110014-001376], and the Statement of Common Ground between the Applicant and the Environment Agency [EN0110014-001345].

These documents must be considered alongside BEPS Chapter 9, Chapter 16 and Appendix D, containing the independent technical review undertaken by H Fraser Consulting Ltd (HFCL).

HFCL identified 15 numbered deficiencies in the assessment of the water environment and expressed a significant lack of confidence that the impacts upon that environment were properly understood or demonstrably capable of mitigation.

The Environment Agency's recorded position reinforces the materiality of those concerns.

The EA SoCG identifies numerous matters remaining under discussion, including watercourse crossings; protection of water quality; concrete-related pollution; BESS and substation firewater; groundwater receptors; Source Protection Zones; foundation and piling risks; and the adequacy of post-consent ground investigation.

These are not isolated matters. They concern the reliability of the underlying assessment of environmental receptors, the pathways through which harm may occur, and the effectiveness of the mitigation relied upon.

BEPS submits that the revised Environmental Statement must demonstrate substantive resolution of those matters rather than rely upon the existence of further correspondence or revisions as evidence that they have been addressed.

8.2 The Environment Agency's Deadline 1 submission confirms extensive unresolved regulatory concerns

The Environment Agency's Deadline 1 response, dated 6 October 2026 [EN0110014-001205], provides an important independent assessment of the Applicant's responses to its Relevant Representation.

The EA reviews 44 numbered matters across the draft Development Consent Order, flood risk, water quality, groundwater, ecology and geomorphology. Its summary records 31 matters as not agreed and 13 as agreed.

The outstanding matters are concentrated in the environmental protection and control mechanisms upon which the Applicant relies to conclude that effects upon the water environment will be negligible, minor or not significant.

BEPS acknowledges that agreement has been reached on certain matters, including the definition of short-term ecological effects, freshwater fish valuation, European eel and electromagnetic fields, aquatic invertebrates, certain foundation and groundwater-dependent ecosystem matters, and aspects of flood risk and BESS drainage. Those agreements must be accurately distinguished from outstanding concerns.

However, the overall position remains materially unresolved.

8.2.1 The draft DCO does not yet secure adequate environmental protection

The EA records all six of its DCO issues, EA1–EA6, as not agreed at Deadline 1.

These concern preliminary works, disapplication of Flood Risk Activity permits, consultation on Requirements, the use of the expression 'substantially in accordance with', protective provisions and the discharge of Requirements.

Under EA1, the EA states that insufficient information has been supplied about the proposed Preliminary Works Environmental Management Plan to establish confidence that environmental monitoring and mitigation will be adequate. It requests that an outline plan be produced during Examination, with the local authority identified as the approving body and the EA as named consultee.

Under EA2, the EA confirms that it is still considering the Applicant's proposed disapplication of Flood Risk Activity permits. It expects to provide a further position at Deadline 2. The proposed disapplication therefore should not be treated as agreed.

These objections are significant because they concern the legal mechanisms through which impacts upon controlled waters would be prevented and regulated. Even technically satisfactory mitigation may be ineffective if the DCO does not secure its implementation at the appropriate stage.

8.2.2 The water-quality objections remain extensive

The EA's Deadline 1 summary records outstanding objections concerning:

- The adequacy of baseline water-quality information (EA11).
- Watercourse buffers (EA12).
- Water-quality monitoring (EA14).
- Concrete pollution prevention (EA15).
- Fuel, chemical and oil storage (EA16).
- Wheel-cleaning arrangements (EA17).
- Drilling-fluid breakout contingencies (EA18).
- Decommissioning mitigation (EA19).

These matters concern foreseeable pollution pathways arising from works which the DCO would authorise.

The Applicant must demonstrate that the mitigation relied upon is sufficiently defined and secured, particularly where works involve watercourse crossings, trenchless drilling, contaminated land, concrete, fuel storage or prolonged construction activity.

An outline commitment to prepare later procedures does not, by itself, establish that the associated risks have been adequately assessed.

8.2.3 Firewater and electrical-compound pollution remain unresolved

The EA's Deadline 1 response identifies outstanding concerns concerning substation firewater (EA20), battery replacement (EA22), BESS firewater (EA23), BESS and substation aggregate drainage layers (EA24), and emergency-response arrangements (EA26).

Although the EA records agreement on some aspects of BESS drainage and construction/decommissioning sequencing, that agreement does not extend to the complete firewater and pollution-control strategy.

BEPS submits that the unresolved matters must be considered together. A credible containment strategy must address firewater generation, rainfall, isolation, storage capacity,

drainage-layer contamination, contaminated-water removal, decontamination and reinstatement following an incident.

The effectiveness of these arrangements should be demonstrated for the authorised maximum infrastructure configuration and secured through enforceable requirements.

8.2.4 Cable trenches and preferential groundwater pathways

Under EA31, the EA identifies the possibility that cable trenches could create preferential groundwater flow pathways, potentially mobilising contamination or connecting groundwater units which would otherwise remain hydraulically separated.

The EA acknowledges that the Applicant's proposed ground investigation and unexpected-contamination procedures should be capable of managing associated risks, but requires further amendments to the commitments, including appropriate contamination investigation standards.

The important distinction is that the EA accepts the proposed approach in principle while the detailed commitment remains outstanding. BEPS submits that the assessment should establish the locations and conditions in which trench breakers, impermeable lining or equivalent controls may be required.

The potential consequences of extensive cable trenches should be assessed cumulatively, including interactions with shallow groundwater, peat deposits, groundwater-dependent habitats and existing drainage systems.

8.2.5 Public and private water supplies and Source Protection Zones

Under EA33, the EA identifies the omission of water-quality impacts on public and private supplies from the Applicant's assessment tables. Although it regards the proposed correction as satisfactory in principle, it awaits the revised document before closing the issue.

Under EA34, the EA identifies inaccuracies in the description of Source Protection Zones and the treatment of sensitive water-supply receptors.

The Applicant acknowledges that corrections are necessary, including clarification of the Source Protection Zones associated with a public-water-supply abstraction near Site 1 and the BESS/substation infrastructure.

The EA indicates that it does not expect the corrections to materially alter the conclusions, but awaits the revised assessment.

BEPS recognises that position. Its independent objection concerns whether the assessment contains sufficient receptor-specific hydrogeological evidence to support those conclusions.

Corrections to receptor identification and sensitivity should be accompanied by a transparent explanation of why the assessed effects remain unchanged.

8.2.6 The revised WFD Assessment expressly responds to BEPS's private-water-supply concerns

The Applicant's tracked Revision 2 Water Framework Directive Assessment [EN0110014-001370] identifies several changes made in response to BEPS's earlier representation BEPS-PDA-023 and the Environment Agency's comments. These include clarification of the location and treatment of private-water-supply information, the assessment of piling-related groundwater effects and the identification of sensitive water receptors. The revisions also address the chalk character of relevant streams and catchments and the water bodies considered within the assessment.

The revisions confirm that the matters raised by BEPS required a response in the environmental documentation. The outstanding question is whether the changes supply additional evidence sufficient to resolve the identified deficiencies or principally restate and clarify the assumptions underlying the original assessment. The Applicant should identify the additional survey or technical evidence relied upon, explain whether the assessed groundwater pathways and potential effects have changed, and reconcile the revised WFD Assessment with the independent water-environment review and the Environment Agency's examination evidence.

BEPS requests that the ExA distinguish corrections to the presentation of information from substantive resolution of incomplete baseline investigations, unverified private-water-supply pathways or uncertainty concerning the impacts of piling, trenchless crossings and contaminated runoff.

8.2.7 Deep foundations, trenchless drilling and post-consent investigation

Under EA36, the EA identifies outstanding matters concerning risks to the Principal Aquifer arising from piled or deep foundations and trenchless drilling.

The EA acknowledges the Applicant's proposed amendments to the Outline CEMP and WFD Assessment, including extending Foundation Works Risk Assessment commitments to the BESS and National Grid substation. However, it awaits the revised documents before resolving the issue.

Under EA37, the EA identifies the need for more detailed commitments governing post-consent geoenvironmental investigation, including investigation to appropriate design depths, groundwater monitoring and compliance with applicable contaminated-land guidance.

These matters directly reinforce HFCL's conclusion that the assessment must be based upon a sufficiently reliable understanding of the hydrogeological system.

BEPS submits that the Applicant must demonstrate that technically acceptable construction methods are available within the authorised envelope. The fact that detailed ground investigation can be undertaken after consent does not establish that every form of intrusive development permitted by the Order is environmentally acceptable.

8.3 The EA's outstanding issues must be tested against the Applicant's Deadline 1 revisions

The EA's Deadline 1 status table must be understood as a record of unresolved matters at 6 October 2026.The combined evidence demonstrates that significant elements of the assessment and environmental safeguards remained incomplete at that date.

BEPS requests that the Applicant provide an updated response to each of EA1–EA39, identifying which matters have subsequently been resolved, the evidence supporting resolution, and any outstanding requirements for amendment to the DCO or environmental documents.

This should be reconciled with HFCL's 15 numbered findings and the revised Flood Risk Assessment, WFD Assessment, Outline CEMP, Battery Safety Management Plan and DCO Requirements.

The EA's Deadline 1 submission materially strengthens BEPS's case that the water-environment assessment and the mechanisms securing its mitigation require further examination. The Agency's outstanding concerns range from receptor identification and hydrogeological pathways to the regulation of preliminary works, pollution prevention, firewater containment and post-consent investigation.

These concerns are particularly important when considered alongside the independent HFCL review, which questions the reliability of the conceptual hydrogeological model and the assessment of potential effects on connected water systems.

BEPS submits that environmental acceptability must be demonstrated through the combined adequacy of the baseline assessment, technical mitigation and legally enforceable controls.

Where essential information remains outstanding, the Applicant must demonstrate that the uncertainty does not affect the fundamental acceptability or design of the development.

BEPS respectfully asks the ExA to require a reconciled response to the EA and HFCL findings before relying on the Applicant's conclusions concerning residual effects upon the water environment.

8.4 Aquatic ecology: Environment Agency agreements and remaining assessment implications

The Environment Agency's Deadline 1 response [EN0110014-001205] confirms that agreement has now been reached on the five ecology and geomorphology matters identified as EA40–EA44, including the treatment of short-term ecological effects, freshwater fish valuation, electromagnetic effects on European eel and the potential effects of solar panels on aquatic invertebrates.

BEPS acknowledges those agreements and does not present these matters as continuing objections by the Environment Agency. Nevertheless, the process by which agreement was reached is relevant to the reliability and internal consistency of the Applicant's environmental assessment.

In particular, the Applicant accepted a precautionary increase in the valuation of freshwater fish receptors, including consideration of European eel, a Species of Principal Importance under section 41 of the Natural Environment and Rural Communities Act 2006. The Applicant's response identified a revised Minor Adverse effect.

The significance of this revision is that the original receptor valuation required reconsideration following the Environment Agency's representations. BEPS therefore requests confirmation that the revised valuation and effect assessment have been consistently incorporated into the Environmental Statement, the Water Framework Directive Assessment, the ecological mitigation measures and the cumulative and residual-effects conclusions.

The Environment Agency also raised questions concerning potential electromagnetic effects on European eel and the attraction of aquatic invertebrates to reflective solar panels. Although the EA now records agreement on these matters, that agreement should be understood in the context of the particular information and mitigation considered by the Agency.

BEPS's separate Written Representation identifies wider questions concerning the ecological consequences of extensive underground cabling, aquatic insect availability, connected watercourse habitats and the potential implications for bats, fish and other species dependent upon aquatic ecosystems. Those independent concerns are not automatically resolved by the Environment Agency's agreement on individual assessment matters.

In particular, the Applicant's conclusions concerning aquatic invertebrates should be considered alongside the assessment of bat foraging habitat, ecological connectivity and the operation of solar infrastructure within the connected River Tas and Hempnall Beck catchments.

BEPS does not suggest that the Environment Agency's now-agreed matters independently establish significant adverse ecological effects. Rather, it requests confirmation that the amended assessments have been consistently reflected across the relevant environmental chapters and that the wider functional ecological concerns identified in BEPS Chapters 8, 17 and 19 have been adequately addressed.

The distinction is important: agreement on individual technical matters does not replace the need for a coherent assessment of the Scheme's combined effects upon interconnected aquatic and terrestrial ecological systems.

8.5 Watercourse crossings, temporary works and pollution prevention

The EA SoCG identifies several outstanding concerns concerning construction works at and near watercourses.

- Under EA WE-3, the EA requests greater certainty over the location and design of temporary works, watercourse avoidance areas and trenchless crossing launch and reception pits.
- Under EA WE-4, it raises concerns about the potential use of culverts and the consequent risk of increased flooding.

- Under EA WE-5 and EA WE-6, the EA identifies outstanding issues concerning water-quality protection and concrete-related pollution.

These concerns are material to the assessment of cable corridors, foundation works, construction compounds and access infrastructure. The potential pathways include sediment mobilisation, altered drainage, disturbance to watercourse beds and banks, concrete washout, alkaline contamination and the introduction of pollutants into connected surface-water or groundwater systems.

BEPS requests a consolidated schedule of all watercourse crossings and related temporary works, identifying the construction method, working area, avoidance distances, pollutant pathways, required permits, environmental receptors and mitigation controls.

The Applicant should demonstrate that those arrangements are achievable within the authorised Works and Order Limits and that the environmental assessment reflects the actual maximum construction envelope.

8.6 BESS and substation firewater remain under discussion

The Environment Agency's concerns regarding major electrical infrastructure are particularly important.

- Under EA WE-7, the EA identifies insufficient clarity concerning drainage and pollution-prevention arrangements at substations, including the operation of penstocks and the management of contaminated firewater.
- Under EA WE-8, it identifies the need for greater clarity concerning the BESS drainage system, automatic isolation, testing, maintenance and the management of contaminated firewater.
- Under EA WE-9, the EA raises concerns about the subsequent management and decontamination of drainage layers and impermeable linings following a pollution or firewater incident.

The Applicant has provided further explanation concerning drainage isolation and containment arrangements. However, the matters remain recorded as under discussion in the SoCG.

The relevant issue is not simply whether a drainage system can be closed during an incident. The assessment must establish whether the system has sufficient containment capacity under credible firewater and rainfall scenarios, whether isolation can be reliably achieved, how contaminated water will be tested and disposed of, and how affected drainage infrastructure will be restored. The assessment must also consider foreseeable failures of active control systems and the potential consequences for groundwater and connected watercourses.

These matters should be addressed coherently in the final BESS safety, drainage, pollution prevention and emergency-response arrangements. They reinforce the concerns in BEPS Chapters 9 and 18 regarding the suitability and enforceability of firewater containment.

8.7 Groundwater, Source Protection Zones and private water supplies

The EA SoCG identifies outstanding concerns concerning groundwater receptors, Source Protection Zones and water-quality impacts. In particular, the EA questions whether the assessment has adequately incorporated relevant protected groundwater receptors and whether the residual effects identified by the Applicant are sufficiently supported.

BEPS's independent evidence identifies a wider problem concerning the reliability of the hydrogeological conceptual model and the assessment of private water supplies. The Applicant must demonstrate that the location, abstraction type, geological setting and potential influencing pathways of relevant private supplies are sufficiently understood.

It should also establish that the assessment of public and private abstractions, Principal Aquifers and Source Protection Zones is internally consistent across Chapters 9 and 16 and their technical appendices. Reliance upon generic monitoring and mitigation cannot compensate for an incomplete receptor baseline where the missing information could affect the selection of construction methods, the location of works or the design of protective measures.

BEPS requests a receptor-specific schedule showing how all known and reasonably identifiable water supplies have been considered, including the evidence used to determine whether they may be affected.

8.8 Piling, foundations and the creation of preferential groundwater pathways

Under EA GC-1, the Environment Agency identifies the need for further assessment of risks to controlled waters arising from piling and trenchless crossings. The EA's concerns extend to the possible creation of pathways through which pollutants may enter or migrate within groundwater systems.

The Applicant's response identifies further foundation-risk assessment and associated controls, while reserving important parts of the investigation and detailed methodology for subsequent stages.

Under EA GC-2, the EA also questions whether the proposed post-consent ground investigation is described with sufficient precision to establish that groundwater risks will be identified and managed. These concerns directly reinforce HFCL's criticism of the reliance upon a conceptual model which has not been adequately supported by site-specific investigation.

They are particularly important at former military airfields and around major electrical infrastructure where intrusive construction could interact with existing contamination, heterogeneous superficial deposits or sensitive groundwater receptors.

BEPS submits that the Applicant must demonstrate during Examination that acceptable foundation and crossing techniques are available within the assessed development envelope.

The detailed engineering of those techniques may be refined later, but the underlying environmental acceptability cannot be assumed in advance of the necessary investigation.

8.9 Water resources: the distinction between agreement in principle and secured supply

The EA SoCG records EA WE-1, concerning water supply and demand, as agreed. The EA's recorded position recognises the consideration given to alternative supply options and the intention to identify a sustainable and practical source before commencement.

BEPS acknowledges that agreement and does not suggest that the EA maintains an objection under this particular SoCG entry. However, agreement that a practical source can be identified before commencement is not equivalent to documentary confirmation that the full Scheme's construction and operational water demands are already covered by an available and secured supply arrangement.

BEPS therefore maintains the narrower question raised in Chapter 9: whether the Applicant has demonstrated a realistic water balance, the deliverability of the preferred supply arrangements and the environmental and transport consequences of any substantial reliance upon tankering.

The Examining Authority should distinguish the EA's recorded agreement concerning the general water-supply approach from the separate question of whether the Applicant's quantified demand, delivery arrangements and associated effects have been adequately assessed.

8.10 The Applicant should reconcile the revised WFD Assessment with all outstanding EA issues

The revised WFD Assessment [EN0110014-001370] should be assessed against the concerns recorded in the Environment Agency SoCG and the deficiencies identified by HFCL.

BEPS requests that the Applicant produce a consolidated technical response identifying, for each outstanding issue:

1. The specific concern raised by the Environment Agency or HFCL.
2. The original assessment conclusion which was challenged.
3. The additional evidence now supplied.
4. The precise revised document, paragraph, table or drawing addressing that concern.
5. Whether the assessed receptor value, magnitude or significance of effect has changed.
6. Whether additional avoidance, mitigation, monitoring or environmental assessment is required.
7. Whether the proposed solution requires additional land or changes to the Scheme design.
8. The DCO Requirement or other legally effective mechanism securing the necessary measure.
9. Whether the relevant statutory consultee accepts that the issue has been satisfactorily resolved.

This is particularly important where issues remain under discussion in the SoCG and where the Applicant proposes future investigations or management plans in response.

The Applicant should not treat a commitment to provide later information as equivalent to demonstrating that a suitable environmental solution has already been established.

8.11 Conclusion

The Environment Agency's evidence and HFCL's independent review approach the water-environment assessment from different professional perspectives, but identify overlapping concerns.

The EA identifies unresolved matters concerning water quality, groundwater protection, construction methods, firewater and the effectiveness of mitigation. HFCL identifies more fundamental concerns regarding the conceptual hydrogeological model, the completeness of the receptor baseline and the reliability of the assessment of effects across connected surface-water and groundwater systems.

Read together, this evidence challenges the confidence with which the Applicant concludes that residual effects on the water environment will generally be negligible, minor or not significant.

BEPS's submission is that the Applicant must provide a technically coherent, adequately evidenced and legally secured basis for excluding environmental harm. Where the underlying receptor, pathway or construction-method evidence remains incomplete, or where mitigation necessary to environmental acceptability has not been demonstrated to be available, those matters should be resolved during Examination rather than left principally to post-consent investigation.

Unless the Applicant demonstrates that the substantive concerns of the Environment Agency and the independent HFCL review have been satisfactorily addressed, BEPS maintains that the water-environment assessment remains insufficiently robust to support the conclusions relied upon in the planning balance.

9. Norfolk Wildlife Trust's Evidence: Nationally Important Bat Assemblages, Spring Wood and the Failure to Avoid Ecologically Sensitive Development

9.1 Introduction: NWT's evidence challenges the adequacy of the Applicant's ecological mitigation strategy

BEPS draws the Examining Authority's attention to Norfolk Wildlife Trust's Written Representation [EN0110014-001507], the Applicant–NWT Statement of Common Ground [EN0110014-001346], and NWT's June 2025 statutory consultation response. These should be considered alongside BEPS's Written Representation Chapter 8, the Norfolk Barbastelle Study Group's January 2025 report (in BEPS WR Appendix), Natural England's *Definition of Favourable Conservation Status for Barbastelle Bat* (RP2974), [redacted] independent

ecological evidence and Open Floor Hearing submission, and the Applicant's revised ecological and design commitments.

NWT's evidence is significant because it questions the central premise of the Applicant's ecological mitigation case: that retaining existing hedgerows, woodland boundaries and other linear habitat features, combined with buffers, new planting and management, will be sufficient to maintain the ecological functions of the landscape. NWT identifies continuing uncertainty over whether the Scheme will preserve the connectivity and suitability of established bat commuting and foraging habitats throughout construction and operation. It also reiterates its earlier recommendation that Site 3 should be removed from the site selection because of its relationship with Spring Wood County Wildlife Site, ancient woodland and bat conservation area.

The Applicant's Environmental Statement, Chapter 8, paragraph 8.9.605, identifies the Order Limits and surrounding landscape as supporting a nationally important assemblage of foraging and commuting bats. Eleven bat species were recorded, including barbastelle, an Annex II European Protected Species. That finding establishes a highly sensitive ecological baseline. The question is not simply whether the development directly removes a particular quantity of woodland or hedgerow, but whether it alters the wider habitat network supporting bat populations through roosting, hibernation, commuting, foraging and seasonal movement.

The ecological value of this landscape is derived from the relationships between its features. Woodland blocks, ancient and species-rich hedgerows, mature trees, field margins, ditches, watercourses and dark corridors form a connected habitat mosaic. For bats which depend upon established movement routes and suitable foraging conditions, the ecological significance of a retained hedgerow or woodland edge may be determined as much by the conditions of the adjoining land as by the continued presence of the vegetation itself.

This distinction is central to the assessment of East Pye Solar. The conversion of adjoining agricultural fields into extensive solar-generating compounds may alter foraging conditions, insect availability, vegetation structure, disturbance, microclimate and the permeability of the landscape even where particular boundaries remain physically intact. New planting may improve habitat quantity over time without immediately replacing the functions of established features, while mitigation intended primarily to screen infrastructure may not create the ecological conditions required by the species already present.

BEPS submits that NWT's evidence must therefore be considered as a substantive challenge to the reliability of the Applicant's ecological significance conclusions. It is not simply a request for additional planting or more detailed management prescriptions. It raises the question of whether the development layout itself adequately avoids harm to sensitive ecological receptors, and whether the mitigation proposed can maintain the functions upon which the Applicant's conclusions depend.

That question is especially important at Site 3, where NWT previously recommended exclusion and where [redacted] has provided additional evidence concerning Spring Wood, former wartime bunkers deliberately converted into bat hibernacula by Norfolk Bat Group, and the *Myotis* bats recorded using those structures.

9.2 NWT's recommendation to exclude Site 3 and the particular ecological sensitivity of Spring Wood

9.2.1 NWT's original avoidance recommendation remains material

In its June 2025 statutory consultation response, NWT stated that Site 3 surrounds Spring Wood County Wildlife Site and adjoining deciduous woodland. NWT recommended that Site 3 be dropped from site selection because of the potential effects upon the County Wildlife Site. It subsequently acknowledged that the Applicant had amended the layout so that the field south of Spring Wood, identified as Field 3a, would no longer accommodate solar panels and would instead remain agricultural land with potential mitigation use. (This land has now been completely removed from the scheme). NWT nevertheless sought clarification of the proposed arrangements and further consideration of appropriate woodland buffers.

Its Written Representation [EN0110014-001507] expressly reiterates that earlier recommendation, this time identifying potential impacts upon the County Wildlife Site, ancient woodland and bats. Although NWT welcomes some of the design changes, it states that concerns remain regarding works in this area. The relevant distinction is that NWT's recommendation concerned the selection of Site 3 for development, not merely the type of planting to be provided within the residual buffer.

The partial removal of proposed panels is acknowledged, but it does not necessarily address the ecological reasons for the original recommendation. If the concern arises from placing solar infrastructure beside a sensitive woodland and its supporting bat habitats, reducing the extent of the installation may lessen the risk without eliminating the pathways through which harm could occur. The Applicant must therefore demonstrate why the remaining development is acceptable in the context of the ecological sensitivity which caused NWT to recommend its exclusion.

In its Written Representation, NWT also refers specifically to Sheet 11 of 13 of the Green Infrastructure Strategy. It observes that, although some native scrub planting is proposed for biodiversity purposes, much of the treatment appears directed towards visual screening. NWT questions the allocation of the woodland buffers to a tussocky grass mix and recommends establishing natural woodland ecotones, including allowing woodland to spread laterally through wide, unplanted buffer areas.

This is a substantive ecological distinction. The value of a woodland edge depends upon structural variation, natural succession, shelter, insect resources and the relationship between woodland and adjoining habitat. A prescribed grass mix or screening belt may provide some biodiversity benefits without reproducing the ecological functions of an established woodland ecotone. The Applicant must explain whether the proposed buffers have been designed to protect Spring Wood's ecological functions or primarily to manage views of the retained solar infrastructure.

There is a potential conflict between the objectives. Natural woodland expansion requires space in which vegetation can develop over time, whereas the operation and maintenance of solar arrays may require vegetation-height restrictions, access clearances and continued management to prevent shading or interference with electrical equipment. If those operational requirements prevent the formation of the woodland-edge habitat recommended by NWT, an

amended landscape management prescription may be insufficient. The retained development layout itself may need to change.

BEPS submits that the Applicant should demonstrate, using site-specific ecological evidence and enforceable plans, why the partial reduction of Site 3 is an adequate alternative to the full avoidance previously recommended by NWT.

9.2.2 The Spring Wood hibernacula provide an established, purpose-created bat conservation resource

[redacted] Open Floor Hearing evidence identifies a further ecological consideration which materially strengthens the case for excluding the remaining Site 3 development. Spring Wood occupies part of the former RAF and USAAF Hardwick airfield, and its northern edge, immediately adjoining Site 3, was used for loading planes with bombs. A number of underground wartime bunkers survive within this landscape. These structures were deliberately converted for use as bat hibernacula by [redacted] of Norfolk Bat Group during the 1980s and subsequent decades and have been the subject of historical monitoring.

The importance of these structures is not that they are simply buildings capable of supporting bats. They represent an established conservation intervention, deliberately undertaken to create and protect hibernation habitat within a woodland landscape. The records supplied by [redacted], and the photographs and historic mapping included with the Open Floor Hearing evidence, establish the history of the hibernacula and their relationship with the area in which solar infrastructure remains proposed.

The hibernacula are recorded as supporting Daubenton's bat (*Myotis daubentonii*) and Natterer's bat (*Myotis nattereri*), both members of the genus *Myotis*. Spring Wood is also part of a landscape used by barbastelles and other woodland bats including Pipistrelles. These are distinct ecological considerations. The *Myotis* records provide specific evidence of species using the hibernacula, while the wider woodland and bat survey evidence establishes the importance of considering their ecological context.

Hibernacula cannot be assessed solely by reference to whether construction physically damages their entrances or internal structures. Their continued ecological function may also depend upon suitable access routes, surrounding habitat conditions and the absence of unacceptable disturbance during sensitive periods. Construction noise, vibration, lighting, vegetation clearance, access arrangements and changes in adjoining habitat may be relevant, depending upon the particular location, season, intensity and proximity of works.

The hibernation records do not, by themselves, establish where the recorded bats forage during summer or which precise field boundaries they use. That is an important evidential limitation, which identifies a necessary question for investigation: what functional relationship exists between the Spring Wood hibernacula, the surrounding woodland, field margins and the remaining Site 3 development area?

BEPS has not identified a substantive Applicant response which addresses the specific combination of the converted hibernacula, their recorded *Myotis* occupants and the published evidence of reduced *Myotis* activity at solar-farm field boundaries (Tinsley et al. 2023). The Applicant should identify any existing assessment which answers that question and explain why the retained development layout is considered acceptable in light of it.

9.2.3 Peer-reviewed research demonstrates significantly lower Myotis activity along solar-farm field boundaries

The significance of the recorded *Myotis* species at Spring Wood is reinforced by Tinsley et al. (2023), *Renewable energies and biodiversity: Impact of ground-mounted solar photovoltaic sites on bat activity*, published in the *Journal of Applied Ecology* (DOI: 10.1111/1365-2664.14474).

The researchers compared bat activity at 19 operational ground-mounted solar photovoltaic developments in southwest England with matched control fields. Acoustic monitoring was undertaken both along field boundaries and within open-field habitats. The paired design was particularly relevant to determining whether differences in bat activity occurred only within the open areas occupied by panels or also along existing boundary features.

The study found that six of the eight species or species groups analysed showed significantly lower activity associated with solar photovoltaic sites in at least one habitat type. Importantly, for *Myotis* species, the statistically significant difference was identified at field boundaries.

The reported mean *Myotis* activity at control-field boundaries was 43.73 bat passes per night per site, compared with 19.02 at solar-site boundaries. This represents approximately 56.5% lower observed mean activity at the boundaries of the solar developments. The reported difference was statistically significant ($p = 0.027$).

This finding is directly relevant to the Applicant's mitigation rationale. The significant difference was not confined to the open-field areas occupied by solar panels; it was recorded along field boundaries themselves. The study therefore provides empirical evidence that physical retention of a field boundary does not necessarily preserve its existing use by *Myotis* bats where solar infrastructure occupies the adjoining field.

The study provides a directly relevant, peer-reviewed reason to question the assumption that retaining a woodland edge or field-margin buffer is sufficient to maintain the ecological function of that habitat for the *Myotis* species recorded at Spring Wood. The Applicant's assessment needs to address that evidence in the specific context of Site 3, rather than rely upon general propositions concerning retained vegetation and future enhancement.

In particular, the Applicant should explain the extent to which its surveys have identified *Myotis* activity at Spring Wood's margins, whether the proposed solar infrastructure would occupy adjoining habitat of a comparable functional type, and whether the separation and management arrangements proposed would be sufficient to avoid the reduction in boundary activity identified by Tinsley et al.

Without that analysis, the Applicant has not demonstrated why the presence of a buffer necessarily prevents the kind of functional habitat deterioration documented in the published research.

9.2.4 Evidence of altered feeding behaviour at operational solar developments reinforces the concern

A separate study by Barré et al., *Insectivorous bats alter their flight and feeding behaviour at ground-mounted solar farms*, published in the *Journal of Applied Ecology* in 2024 (DOI: 10.1111/1365-2664.14555), provides further evidence concerning the consequences of solar development for bat habitat use.

The researchers compared flight and feeding behaviour at 16 operational solar farms and 16 control sites using three-dimensional reconstruction of bat flight trajectories from acoustic recordings. Their study identified significant changes in behaviour among several bat taxa, including faster and straighter flight and a lower probability of feeding attempts at solar developments.

The reported behavioural differences included increases in flight speed of approximately 10–44%, straighter trajectories and reductions of approximately 18–39% in the probability of feeding attempts among affected taxa. The authors interpreted these findings as evidence that solar farms can reduce the quality of habitat used for feeding.

These findings add an important dimension to the evidence. A bat may continue to cross or use an area containing solar infrastructure while obtaining less feeding value from it. Consequently, recording the continued presence of bats after development would not necessarily demonstrate that habitat function had been maintained.

The study is relevant to the Applicant's reliance upon retained flight corridors and the proposed creation of additional habitat. The assessment should distinguish between the ability of bats to move through the landscape and the continued suitability of that landscape for foraging. A measure intended to preserve commuting access may not address reduced prey availability, altered feeding behaviour or a loss of habitat quality within adjoining areas.

Together, Tinsley et al. and Barré et al. provide reasoned evidence that the ecological effects of solar development can extend beyond physical habitat loss and may include changes to the use and feeding function of retained habitats. They therefore require a more developed response than reliance upon the nominal retention of field boundaries.

BEPS’s objection is that the Applicant must demonstrate why the findings do not materially affect its assessment of this nationally important bat landscape, and particularly the retained Site 3 development beside a known *Myotis* hibernation resource.

9.2.5 The combined evidence requires a site-specific avoidance assessment, not merely further management prescriptions

The evidential position at Site 3 is unusual. A specialist conservation organisation has previously recommended exclusion of the site because of concerns about Spring Wood, ancient woodland and bats. The adjoining woodland contains purpose-created hibernacula with records of *Myotis* species. Peer-reviewed research identifies significantly lower *Myotis* activity at solar-farm field boundaries, while separate research demonstrates that bat feeding behaviour may change even where movement through the landscape continues.

This combination makes it insufficient to treat the remaining development as acceptable merely because the woodland will not be cleared and the closest panels will be separated from its boundary. The relevant assessment must examine whether the retained layout would maintain the functional habitat conditions supporting the recorded bats and the wider ecological network.

BEPS submits that where the uncertainty concerns a sensitive, established receptor and the remaining development is not essential to the physical preservation of that habitat, avoidance deserves particular weight. The Applicant should explain why the site-selection alternative advocated by NWT has not been adopted, and whether retaining Site 3 creates an ecological risk which could otherwise be avoided.

The consequences of a failed mitigation strategy are important. If solar development reduces the use of the field margins adjoining Spring Wood, later planting may not recreate the former habitat function or reverse any change in bat behaviour. If construction disturbance affects the hibernacula or access to them, subsequent monitoring cannot undo the original disturbance. If the woodland's opportunity for natural expansion is constrained by operational infrastructure, that limitation could persist for the development's proposed 60-year life.

BEPS therefore maintains that removal of the remaining Site 3 development adjoining Spring Wood and the hibernacula is the appropriate avoidance measure. If the Applicant rejects that approach, it should provide a transparent, location-specific demonstration that the retained development will not cause unacceptable effects upon the relevant species and habitat functions, supported by analysis of the published research and the historical records.

9.3 The Norfolk Barbastelle Study Group's findings and the wider maternity-colony habitat network

NWT's concerns about fragmentation and connectivity must also be considered alongside the Norfolk Barbastelle Study Group's January 2025 report and BEPS's detailed analysis in Chapter 8 of its WR. That evidence identifies important barbastelle roosting and activity records in woodlands associated with the wider Scheme landscape, including maternity-colony evidence at Little Wood and significant findings at Brooke Wood and Lower Spring Wood.

The ecological importance of those findings is not confined to the immediate areas containing confirmed roosts. Barbastelles may use extensive commuting and foraging landscapes, with habitat availability and quality across the surrounding network contributing to the resilience of local populations. The Norfolk Barbastelle Study Group's evidence therefore requires the Applicant to consider the relationships between woodland roosts, connected hedgerows, field margins, watercourses and foraging areas, rather than assess impacts solely within individual development parcels.

BEPS's Written Representation identifies overlapping core sustenance zones associated with barbastelle maternity colonies and the implications for the extensive East Pye development footprint. The assessment must identify which parts of the landscape perform important functions for the relevant colonies and how the Scheme could alter those functions.

The Applicant's own bat surveys provide a further reason for such analysis. Barbastelle was recorded across the survey network and was among the more frequently recorded bat taxa, while the wider assemblage was assessed as nationally important. These findings demonstrate that the potential effects of the Scheme concern established bat use of the existing landscape rather than an uncertain possibility of occasional protected-species presence.

Natural England's favourable conservation status assessment for barbastelle (RP2974) is relevant because it describes the ecological requirements and conservation considerations necessary to support the species' continuing population and distribution. Its significance is that assessment of the Scheme must consider the maintenance of functional habitat conditions supporting the relevant populations, including roosting, commuting and feeding resources.

The cumulative implications of the development must therefore be assessed in that wider context. Spring Wood's *Myotis* hibernacula provide a specific local receptor, while the neighbouring woodland and hedgerow network also forms part of a landscape used by barbastelles and other bats. Mitigation designed to retain particular boundary features should be tested against the requirements of the different species and their patterns of habitat use, rather than assumed effective for the assemblage as a whole.

BEPS submits that the existence of this nationally important assemblage places particular importance upon reliable baseline evidence and appropriately designed avoidance measures. It does not eliminate the possibility of acceptable development, but it requires the Applicant to demonstrate that the extensive physical and functional changes proposed will not undermine the ecological relationships upon which the recorded populations depend.

9.4 NWT's challenge to the Applicant's treatment of 10-metre hedgerow gaps

NWT specifically challenges the conclusion in Environmental Statement Chapter 8, paragraph 8.9.607, that temporary hedgerow gaps of up to 10 metres would not significantly affect bat movement. NWT considers that conclusion insufficiently evidenced, particularly in relation to barbastelles, for which interruptions in linear habitat features may alter commuting behaviour and reduce landscape permeability.

The significance of a hedgerow interruption cannot be determined solely by its width. A gap's ecological consequences depend upon its position within the existing habitat network, the species using the feature, the availability and suitability of alternative routes, the presence of surrounding open land, and the effects of construction lighting, noise and activity. A gap in a relatively unimportant boundary may have little consequence, whereas an interruption in an established route between a roost and principal feeding habitat could affect the use of a much larger area.

The Scheme proposes extensive access infrastructure, cable installation and temporary construction activities across numerous development parcels. NWT's challenge must therefore be considered against the number, location and timing of hedgerow gaps created throughout construction. A conclusion that each individual opening is temporary and limited to 10 metres does not demonstrate that the combined network remains functional, particularly where several gaps occur simultaneously or where bats encounter further disturbance along alternative routes.

The duration of the ecological effect may also differ from the duration of the physical opening. Replanting a mature hedgerow does not immediately replace its height, density, shelter, foraging resources or established role as a navigational feature. Even where vegetation cover is restored comparatively quickly, functional equivalence may take substantially longer to develop. It is therefore inappropriate to treat the ecological impact as ending automatically when reinstatement planting is completed.

BEPS requests a complete schedule and mapped assessment of all temporary and permanent hedgerow interruptions, identifying the recorded or likely function of each feature, the species potentially affected, the periods during which gaps would occur and the measures intended to maintain connectivity. The assessment should address the possibility of simultaneous construction across development parcels and demonstrate that alternative routes are actually available and suitable during the period of disturbance.

Where a proposed gap affects an important commuting feature and effective continuity cannot be maintained, the appropriate response should be a different access or cable arrangement, or avoidance of the relevant works. Reliance upon future monitoring or replacement planting does not establish that the original disruption is acceptable.

9.5 Physical retention of habitat does not establish retention of ecological function

NWT's Written Representation identifies a broader weakness in the Applicant's reliance upon retaining existing hedgerows, woodland edges and habitat corridors. Retention is preferable to direct removal, and BEPS acknowledges the value of measures which protect mature features. However, the continued physical presence of a feature does not necessarily demonstrate that it retains the ecological function upon which existing bat populations depend.

This distinction is particularly important at solar developments because the surrounding land use changes substantially. Field margins which previously adjoined open agricultural land may instead border extensive solar arrays, fencing, access tracks and managed grassland. Such changes may influence the abundance and accessibility of insects, vegetation structure, shelter, disturbance and the conditions in which bats forage or commute. The ecological consequences will differ between species, habitats and locations, but they cannot be excluded simply because an existing hedgerow remains on the site plan.

The Spring Wood evidence provides a particularly clear reason to examine this assumption. The converted hibernacula support Daubenton's and Natterer's bats, both *Myotis* species. Tinsley et al. found significantly lower *Myotis* activity along field boundaries at operational solar farms than along matched control boundaries. That result concerns precisely the class of retained habitat upon which the Applicant relies as mitigation at Site 3. It therefore provides an evidential basis for questioning whether the proposed woodland-edge and field-margin buffers would preserve their current ecological function.

The distinction between habitat quantity and function is also relevant to the Applicant's reliance upon biodiversity net gain. A positive metric result may demonstrate predicted improvements in habitat area, distinctiveness or condition under the applicable methodology, but does not establish that a particular bat commuting route remains functional, that an

established hibernaculum remains undisturbed or that a maternity colony retains suitable access to its foraging network.

The revised Biodiversity Net Gain Habitat Condition Assessment Data [EN0110014-001374] should therefore be assessed separately from the species-specific evidence necessary to demonstrate ecological acceptability. Future planting may provide valuable additional habitat, but it cannot automatically be credited as an immediate substitute for mature features or established habitat functions. The Applicant must distinguish mitigation necessary to prevent an adverse effect from enhancement which may provide an additional benefit over time.

BEPS submits that a more rigorous functional assessment is required across the Scheme. This should identify the ecological roles of retained and affected features, the likely consequences of changing adjacent land use, the time required for proposed habitats to become functional and the extent to which the assessment relies upon benefits not yet achieved.

9.6 Construction lighting, operational disturbance and the protection of dark corridors

NWT identifies lighting as an important outstanding consideration, notwithstanding the Applicant's commitment to minimise operational illumination. It recommends a strict dark-skies approach, ecological sensitivity mapping, measurable lux thresholds for important commuting corridors and monitoring where light-sensitive bat activity is recorded. NWT also recommends applying equivalent ecological controls to temporary construction lighting.

These recommendations are material because the Applicant's mitigation strategy assumes that retained woodland edges, hedgerows and watercourse corridors will continue to provide suitable routes for bats. Such suitability may depend upon the maintenance of darkness and the avoidance of disturbance at particular times and locations. A general commitment to minimise lighting provides limited assurance unless the permitted illumination at sensitive receptors is defined and the consequences of temporary works are adequately considered.

Construction activity may be especially important. Security lighting, vehicle headlights, temporary floodlights and work-area illumination may affect habitats which would otherwise remain dark during ordinary operation. Major equipment replacement and maintenance over the proposed 60-year operational period may generate further periods of disturbance. The assessment must therefore address the realistic range of activities permitted by the DCO, rather than rely solely upon the expected low-light conditions during routine operation.

At Spring Wood, the relationship between lighting and other disturbance mechanisms requires particular attention. The former wartime hibernacula lie beside the development area, while the surrounding woodland and field margins provide habitat which may be used during different seasons. The Applicant should demonstrate that the proposed construction and operational arrangements will not introduce unacceptable disturbance to the structures, their approaches or the habitats supporting their bat occupants.

Controls should be based upon mapped ecological sensitivity, appropriate lighting standards and clearly defined approval requirements. The necessary lighting restrictions must be

secured for all relevant phases and contractors, with monitoring and remedial procedures capable of identifying and addressing failures.

9.7 Ancient woodland, woodland ecotones and the limitations of screening-led mitigation

NWT's Written Representation questions whether habitat measures within the Green Infrastructure Strategy are primarily intended to provide visual screening and landscape integration rather than ecological protection. NWT recommends enabling natural woodland-edge development and lateral expansion through suitably wide, unplanted buffer areas.

The distinction between a screening belt and a functioning woodland ecotone is important. A visually effective belt may consist of relatively dense planting selected to obscure infrastructure, whereas woodland-edge habitat may require a more complex transition between woodland, scrub, tall vegetation and grassland. Its ecological value may arise through variation in structure, microclimate, shelter and available insect habitat, together with continuity into the adjoining landscape.

The Applicant must demonstrate that the proposed planting, management and stand-off distances are capable of delivering the ecological functions relied upon in the assessment. Where planting is required to maintain screening or control glint and glare, those objectives may create management requirements different from those needed for natural woodland expansion. The possibility of such conflict is particularly relevant where solar infrastructure lies close to established woodland and operational clearances must be maintained.

Ancient woodland and long-established mature features cannot be treated as ecologically interchangeable with newly created planting. Even where direct removal is avoided, the quality of the woodland edge and the relationship with adjoining habitats may be important to protected species and wider ecosystem function. The mitigation hierarchy therefore requires consideration of whether additional development-free space or exclusion of sensitive areas would provide a more reliable outcome than prescribed management within narrow residual buffers.

At Site 3, NWT's recommendation for natural woodland expansion should be considered directly alongside its earlier advice to remove the site. If the retained solar layout constrains the width or development of an ecologically appropriate edge, the Applicant cannot resolve that issue simply by promising to manage the existing buffer more intensively. The physical limitation imposed by the infrastructure would remain.

BEPS submits that development should be removed from site 3 and the ancient woodland should be expanded, or allowed to expand naturally.

9.8 Mature hedgerows, roadside verges and the ecological consequences of revised construction access

NWT's Written Representation identifies the proposed partial removal of 32 hedgerows, the removal of five trees and additional temporary hedgerow removals for access and cable installation. It expresses concern about the absence of sufficient clarity concerning the lengths and ecological importance of the affected features, and seeks stronger protection of

ancient and species-rich hedgerows, mature trees and other long-established landscape elements.

Those concerns are material because hedgerows and roadside vegetation form part of the connected ecological network relied upon by bats and other species. Historic hedgerows may provide mature structure, shelter and habitat continuity which cannot be quickly reproduced through replacement planting. Their importance may therefore be greater than the area or length of vegetation affected would suggest.

NWT also identifies a potential deficiency concerning roadside verges outside designated Roadside Nature Reserves. Construction access may require temporary reductions in hedgerows and tree canopies, road widening or repeated heavy vehicle movements, with consequences for species-rich verge vegetation and associated habitats. The absence of a formal roadside designation does not establish that such verges lack ecological significance, particularly in landscapes with a history of botanical interest. Indeed local botanists have already written to the Applicant informing them of the importance of this area for vanishingly rare assemblages of botany.

These issues should be considered alongside Norfolk County Council's Local Impact Report [EN0110014-001412] and the Applicant's revised Outline Construction Traffic Management Plan [EN0110014-001325]. NCC continues to identify serious problems with parts of the construction access strategy, including roads which it considers unsuitable for the proposed movements. Where the Applicant responds by altering routes or placing greater reliance upon internal haul roads, the ecological consequences of those changes must be assessed.

A route change made to address highway safety may require new or enlarged hedgerow gaps, crossings, vegetation clearance, soil disturbance, lighting or construction activity near sensitive habitats. It would be inappropriate to treat the highway problem as resolved without demonstrating that the revised physical works are environmentally acceptable across the other relevant topics.

BEPS requests a route-by-route ecological assessment reconciling the final construction strategy with the botanical and protected-species evidence. That assessment should identify the vegetation and habitats affected, the ecological functions they perform, the avoidance measures available and the requirements for reinstatement and monitoring. It should also address the timing and combined effects of works across the landscape, including whether multiple important bat routes could be interrupted during the same construction period.

9.9 Other unresolved NWT concerns: protected sites, aquatic ecology and habitat management

NWT's Written Representation raises additional matters which are relevant to the reliability of the Scheme's wider ecological mitigation case.

NWT expresses concern regarding Fritton Grange Meadows County Wildlife Site, which contains sensitive lowland fen habitat. The Applicant proposes trenchless construction in connection with relevant works, but NWT questions whether sufficient evidence has been provided to establish that the hydrological conditions supporting the fen would be

maintained. It seeks greater clarity concerning groundwater assessment, monitoring and the locations of horizontal directional drilling entry and exit points.

This concern is important because the ecological acceptability of a trenchless crossing cannot be established solely by avoiding direct excavation through the protected habitat. Potential effects upon groundwater movement, construction disturbance, drilling-fluid migration or associated temporary works may still require assessment. The issue must be reconciled with the Environment Agency's outstanding groundwater and pollution-prevention concerns, HFCL's independent hydrogeological findings and BEPS's water-environment objections.

NWT also identifies insufficient evidence concerning the River Tas and white-clawed crayfish, including the adequacy of survey information and the assessment of effects upon connected aquatic habitats. These concerns reinforce BEPS's evidence concerning the known crayfish population and the importance of assessing the combined effects of construction runoff, sediment, water quality and habitat disturbance. The relevant issue is whether the available ecological and hydrological evidence provides a sufficient basis for excluding adverse effects, rather than merely whether a protected species was detected during a particular survey.

The Outline Landscape and Ecology Management Plan is another important area of concern. NWT acknowledges the proposed habitat creation and management measures but questions whether the commitments provide sufficient certainty that the predicted ecological outcomes will be achieved. In particular, it identifies the reliance upon later decisions concerning habitat locations, species mixes, management prescriptions and monitoring, and the possibility that habitat design is being driven primarily by screening requirements.

NWT also questions the repeated targeting of habitat condition no higher than Moderate where higher-quality outcomes may be feasible. This is relevant to the assessment of biodiversity benefits, although the appropriate condition target must be justified by reference to the particular habitat, management requirements and achievable ecological outcomes.

For BEPS, the wider significance is that the claimed biodiversity improvements are dependent upon future implementation and sustained management over a very long period. Such benefits should be distinguished from the existing habitat functions which the development may affect. A prediction of future habitat gain does not establish that established bat routes, woodland edges, mature hedgerows or sensitive aquatic habitats will remain undamaged.

The Applicant should therefore demonstrate that the ecological management strategy contains sufficiently clear outcomes, realistic timescales, measurable success criteria and enforceable monitoring and intervention arrangements. Where the environmental assessment depends upon a measure being functional before or during construction, that function must be secured at the required time and cannot be deferred until habitat enhancement matures.

9.10 Cumulative habitat fragmentation, ecological monitoring and the limits of post-consent mitigation

NWT's challenge to the Applicant's ecological conclusions must be considered at the scale of the Scheme as a whole. East Pye comprises geographically dispersed development areas

linked by construction routes and electrical infrastructure across a landscape containing connected woodlands, hedgerows, field margins, watercourses and protected-species habitats. The resulting ecological effects may not be adequately represented by examining each gap, woodland buffer or development parcel independently.

An individual hedgerow interruption may appear limited, but several interruptions across the same commuting network may have a materially different effect upon movement between roosting and feeding areas. Construction works may occur simultaneously or sequentially over an extended period, while newly planted habitat may not provide an equivalent alternative to mature features until long after the original disturbance has occurred.

The same distinction applies to the operational phase. Solar arrays may alter the suitability of adjoining foraging habitat even where existing boundary vegetation remains. The Tinsley study provides direct evidence of lower *Myotis* activity at retained field boundaries at operational solar sites, while Barré et al. identify altered feeding behaviour among several bat taxa. These findings demonstrate why the cumulative assessment must examine habitat function and species response, not simply the overall quantity of retained or newly created vegetation.

The effects may also extend across several environmental topics. Changes to drainage and vegetation management may affect insect abundance and habitat quality; revised haul roads may require additional hedgerow interruptions; screening planting may alter woodland-edge conditions; and lighting restrictions may interact with operational or safety requirements. The ecological assessment should therefore be reconciled with the final design, construction access arrangements, drainage measures and long-term management commitments.

NWT recommends robust ecological monitoring and adaptive management, and BEPS supports those principles. However, monitoring must be understood as a means of testing an already justified environmental prediction, not as a substitute for establishing whether the mitigation is likely to work before consent.

If construction or operation subsequently results in reduced bat activity, loss of habitat connectivity or deterioration of a sensitive ecological receptor, the cause may be difficult to isolate and restoration may not be readily achievable. Replacement planting could require years to develop equivalent function, while removal or relocation of operational infrastructure may be impractical. Some effects upon roosts, hibernacula or population functions may not be capable of prompt compensation.

This is the particular risk of granting consent where environmental acceptability remains dependent upon untested mitigation. By the time adverse effects are detected, the development may be substantially constructed and the most effective avoidance opportunities may have been lost.

The Applicant must therefore demonstrate that the permitted Scheme is capable of maintaining the required ecological functions, that the mitigation relied upon is likely to be effective, and that the DCO secures the conditions necessary to achieve those outcomes. Monitoring and adaptive management should provide additional safeguards and clear remedial obligations, but should not be used to determine retrospectively whether development in a sensitive location was acceptable.

9.11 The Applicant's response to OFH1 and Natural England's ExQ1 answer reveal unresolved questions concerning Spring Wood and the adequacy of the bat assessment

9.11.1 The Applicant has not demonstrated that its OFH response addresses the correct woodland and bat receptors

BEPS draws the Examining Authority's attention to the Applicant's Written Summary of the Oral Submissions at Open Floor Hearing 1 and its Responses [EN0110014-001358, EXAM/9.18], particularly Table 2.40, reference ANB-001, pages 168–169.

The oral submission by [redacted] concerned Spring Wood adjoining Site 3 on the former RAF and USAAF Hardwick airfield. It specifically identified surviving wartime underground bunkers converted into bat hibernacula by [redacted] of Norfolk Bat Group and the recorded use of those structures by Daubenton's and Natterer's bats, both members of the genus *Myotis*. It also identified peer-reviewed research reporting significantly reduced *Myotis* activity along field boundaries at operational solar photovoltaic developments.

The Applicant's response refers instead to its bat activity surveys and states that the colony in Little Wood and Spring Wood has been considered. It then discusses barbastelle maternity colonies, their Core Sustenance Zones and the proposed woodland buffers.

This response creates a material ambiguity. The Applicant's own Environmental Statement, Chapter 8, Table 8.10 [APP/6.1.8], separately identifies Spring Wood, Hempnall CWS, adjoining Site 3, and Lower Spring Wood CWS, associated with Cable Route Corridor 9. The same distinction is made in the Applicant's Construction and Decommissioning Dust Risk Assessment [APP/6.3.13.1].

BEPS is therefore concerned that the Applicant's reference to Spring Wood in its OFH response may reflect confusion between the two woodland locations or between evidence of barbastelle maternity colonies elsewhere and the particular *Myotis* hibernacula adjoining Site 3.

The Applicant should therefore clarify expressly whether its reference to Spring Wood concerns Spring Wood, Hempnall CWS, adjoining Site 3, or Lower Spring Wood CWS associated with CRC9. It should identify the relevant survey records, figures, ecological receptors and assessment paragraphs for the woodland actually addressed.

Irrespective of the answer, the Applicant has not substantively addressed the particular species-specific concern raised in the oral submission. The presence of Daubenton's and Natterer's bats in purpose-created hibernacula adjoining Site 3 is not answered by demonstrating that barbastelle maternity colonies elsewhere have been considered. The ecological functions, seasonal habitat requirements and potential impact pathways must be assessed in relation to the actual species and location concerned.

The same applies to the scientific evidence. Tinsley et al. (2023) identified statistically significantly lower *Myotis* activity along field boundaries at solar photovoltaic developments

than at matched control sites. The Applicant has not explained how that evidence affects its reliance upon retained woodland edges and field-margin buffers at Site 3.

BEPS requests a direct response establishing why the proposed layout is considered acceptable for the recorded *Myotis* species and the habitats associated with the Spring Wood hibernacula, rather than further reliance upon general evidence concerning barbastelle maternity colonies.

9.11.2 Natural England's ExQ1 response expressly qualifies its acceptance of the bat assessment

Natural England's response to ExQ1 Q1.10.1 [EN0110014-001117] is particularly relevant to the interpretation of the Applicant's ecological conclusions.

The ExA asked Natural England whether the information in ES Chapter 8 and the supporting appendices was sufficient to establish the bat baseline, including barbastelles, and to assess likely significant effects. The question expressly requested consideration of woodland adjoining the Order Limits.

Natural England responded that the submitted information was broadly sufficient to identify the principal bat receptors and provide a basis for assessing likely significant effects. However, NE expressly distinguished the adequacy of the information available from agreement with the Applicant's conclusions concerning the magnitude and significance of effects.

NE made clear that those conclusions depend materially upon the effective implementation of embedded avoidance, mitigation and habitat-management measures. It advised that those measures must be sufficiently detailed, secured and capable of implementation during the relevant phases of the Scheme.

NE further emphasised the national importance of the bat assemblage, the high level and distribution of barbastelle activity and the relationship between the Order Limits and known maternity colonies. It stated that the Applicant should clearly demonstrate how functional connectivity between roosts, adjoining woodland and associated commuting and foraging habitats would be maintained, and provide transparent justification where potentially relevant impact pathways have been concluded not to give rise to likely significant effects.

Where conclusions depend upon future habitat establishment or other outcomes which cannot be confirmed before construction, NE advised that proportionate monitoring should be secured with defined objectives, review points and mechanisms for corrective management.

The Applicant's response to the OFH submission states that Natural England has raised no objection in relation to potential impacts upon bats. Although this may accurately summarise the absence of a fundamental objection, it does not convey the qualified nature of NE's ExQ1 response.

NE has not provided unconditional endorsement of the Applicant's conclusions that bat impacts will be negligible or not significant. Its response makes clear that those conclusions depend upon demonstrating the preservation of functional connectivity and the effectiveness of the mitigation relied upon.

This reinforces the central concern identified by NWT and BEPS. The issue is not merely whether sufficient bat surveys have been undertaken to identify the principal receptors. It is whether the Applicant has adequately demonstrated that the development authorised by the DCO will maintain the functions supporting the identified populations.

At Site 3, this requires a specific explanation of how the retained infrastructure, woodland buffers and habitat-management proposals would protect the ecological functions associated with Spring Wood and its recorded *Myotis* hibernacula.

9.11.3 The Applicant's proposed 30-metre buffer does not answer the species-specific evidence

In its OFH response, the Applicant relies upon a minimum 30-metre buffer around ancient woodland adjoining the Order Limits and the creation of additional habitat within those buffers. It argues that these measures will reduce disturbance associated with existing agricultural practices and provide enhanced supporting habitat for barbastelles, contributing to favourable conservation status.

BEPS does not dispute that avoiding agricultural disturbance and creating suitable habitat may produce ecological benefits. However, the Applicant's reasoning does not demonstrate that the proposed buffer is sufficient to prevent functional impacts from solar development upon the *Myotis* species recorded at Spring Wood.

The buffer argument addresses the treatment of land immediately adjoining the woodland, but the published evidence raises a different question: whether the installation of solar infrastructure changes the suitability of retained field-boundary habitat for bats.

Tinsley et al. found significantly lower *Myotis* activity along field boundaries at solar installations even where the boundaries remained available for use. The finding therefore cannot be answered solely by pointing to the physical retention of woodland edges or the introduction of additional vegetation.

Moreover, the Applicant's response refers primarily to barbastelles and their favourable conservation status. It does not explain why mitigation designed around the ecological requirements of one species should be assumed adequate for the different bat species recorded using the Spring Wood hibernacula.

The appropriate assessment must consider the individual ecological receptors and the functions potentially affected, including seasonal access to hibernacula, woodland-edge commuting and foraging conditions, construction disturbance and changes associated with operational solar infrastructure.

9.11.4 The combined evidence strengthens the case for Site 3 avoidance

Read together, the Applicant's OFH response, Natural England's ExQ1 answer and NWT's Written Representation expose a material unresolved question.

NWT has expressly reiterated its earlier recommendation to exclude Site 3 in its entirety because of potential effects upon Spring Wood CWS, ancient woodland and bats. [redacted]

has presented location-specific evidence concerning converted hibernacula and their recorded *Myotis* occupants, supported by relevant peer-reviewed research. The Applicant has responded primarily by referring to its general bat surveys, barbastelle maternity-colony assessments and woodland buffers.

Natural England, meanwhile, has confirmed that its acceptance of the bat baseline is not unconditional agreement with the Applicant's conclusions concerning the significance of effects. It requires the preservation of functional connectivity to be demonstrated and the effectiveness of the proposed mitigation to be secured.

The Examining Authority should require the Applicant to clarify the identity of the woodland referred to in its OFH response, identify the assessment of the Spring Wood hibernacula and their *Myotis* occupants, and explain the relevance of the peer-reviewed evidence concerning reduced field-boundary activity.

Natural England should also be invited to provide its express view on whether the retained Site 3 development, including the proposed woodland buffers, adequately protects the ecological functions associated with Spring Wood and whether the avoidance alternative recommended by NWT requires further consideration.

The consent-stage risk is that the development could be authorised on the basis of a general conclusion concerning woodland buffers and barbastelle habitat, without a sufficiently specific assessment of the actual hibernacula and species recorded beside Site 3.

If the retained solar installation subsequently reduces the suitability of adjoining habitat or interferes with important bat movements, post-consent monitoring may establish that deterioration has occurred without providing a practical or timely means of reversing it.

The purpose of avoidance through site selection is to prevent that risk before the infrastructure is constructed.

BEPS therefore maintains that the remaining Site 3 development adjoining Spring Wood and its bat hibernacula should be excluded.

19.11.5 Implications of the recent scientific research and remaining uncertainty

BEPS wishes to draw the ExA’s attention to the very recent research: Griffin, M. L. U., Collins, J., Tiley, F., Worledge, L. and Lintott, P. R. (2026). Assessing the Impact of Welsh Solar Developments on Bats. Natural Resources Wales Evidence Report No. 1003, published 1 September 2026. Relevant pages: 9–11, 37–38, 75–78 and 83 onwards.

The significance of Natural Resources Wales Evidence Report No. 1003 is that it identifies an established body of empirical evidence demonstrating reduced bat activity within solar arrays, alongside substantial uncertainty concerning species-specific responses, displacement, long-term population consequences and the effectiveness of commonly proposed mitigation measures.

Six of the seven comparative studies reviewed reported significantly lower activity within solar developments for at least two bat species or species groups. The report also identifies particular sensitivities among species associated with woodland, riparian corridors and

structurally complex habitats. Although activity levels at some solar developments may be comparable to those in intensively managed arable fields, this does not establish that conversion of agricultural land to solar infrastructure is ecologically neutral where that land forms part of established nationally important commuting or foraging networks.

For East Pye, the relevant question is whether the proposed development will maintain the ecological functions of the landscape supporting its recorded bat populations, particularly the barbastelle maternity-colony supporting habitat across the entire site, and specifically the Myotis populations associated with Site 3. That assessment must consider the functional relationships between roosting habitat, commuting corridors and foraging areas, and the potential consequences of introducing extensive panel arrays, fencing, access infrastructure and altered habitat management within that landscape.

The present limitations of scientific knowledge concerning long-term population effects cannot reasonably be treated as evidence that such effects will not occur. Equally, generic mitigation proposals cannot be assumed effective where the available research identifies substantial uncertainty regarding their capacity to maintain bat activity and habitat connectivity.

BEPS therefore requests that the Examining Authority examine whether the Applicant has adequately evaluated the established evidence of adverse bat responses to solar developments, assessed its applicability to East Pye's nationally important species assemblage and landscape characteristics, and demonstrated that the proposed design and mitigation would maintain the ecological functions upon which the recorded protected bat populations depend. Where significant risks cannot be adequately assessed or avoided, those uncertainties should inform the application of the mitigation hierarchy and the consideration of alternative layouts or exclusion of sensitive development areas.

9.12 The evidence and DCO controls required before ecological acceptability can be established

The combined evidence of NWT, BEPS, the Norfolk Barbastelle Study Group and the published scientific literature requires a more developed response than general reliance upon habitat buffers, retention of vegetation and future ecological management.

The Applicant should demonstrate that the layout and construction strategy have been designed around the actual ecological functions of the landscape and that the necessary mitigation is achievable within the authorised parameters. In particular, the following matters require resolution during Examination.

Site 3 and Spring Wood. The Applicant should provide a direct response to NWT's earlier recommendation to exclude Site 3 and its continuing concerns about the retained development. That response should examine the functional role of Spring Wood and its woodland-edge habitats, the converted wartime hibernacula and the recorded Daubenton's and Natterer's bats. It should address the site-specific relevance of Tinsley et al. and Barré et al. and explain why the proposed buffers are considered sufficient to maintain ecological function despite the published evidence of reduced activity at solar-site boundaries.

Hibernacula and seasonal habitat use. The Applicant should demonstrate how it has assessed the construction and operational effects upon the converted hibernacula and their approaches, including the timing and location of works, lighting, noise, vibration and the surrounding habitat network. Where the precise seasonal movements or foraging areas of the recorded bats remain uncertain, that uncertainty should be identified and addressed rather than treated as evidence of no effect.

Woodland buffers and ecotones. The Applicant should provide plans showing how the ecological functions recommended by NWT will be achieved around Spring Wood and other sensitive woodland, including opportunities for natural lateral expansion and appropriate ecotone development. Those plans should demonstrate compatibility with the actual location of panels, fencing, underground services, access routes and vegetation-height restrictions. Where an appropriate woodland edge cannot be accommodated, the necessary design change should be made before consent rather than deferred to future management.

Hedgerows and commuting corridors. The Applicant should map all proposed temporary and permanent linear-habitat interruptions, identify their ecological function, assess their combined effects and demonstrate that important routes remain available throughout construction and reinstatement. Particular attention should be given to the unsupported assumption that gaps of up to 10 metres will not significantly affect bat movement.

Lighting and disturbance. Ecologically informed lighting and disturbance standards should be specified and secured for construction, operation, maintenance, replacement and decommissioning. The Applicant should demonstrate that necessary safety and security arrangements can operate without compromising sensitive bat habitats and should identify measurable performance standards and effective monitoring requirements.

Construction access and roadside habitats. The revised construction traffic strategy should be reconciled with the ecological assessment, including the effects of internal haul roads, hedgerow clearance, vegetation cutting, roadside verge disturbance and works near sensitive habitats. The Applicant should demonstrate that highway mitigation does not introduce additional or unassessed ecological effects.

Biodiversity net gain and habitat management. The Applicant should distinguish the maintenance of existing protected-species functions from future habitat enhancement. Predicted biodiversity gains must not be treated as proof that established commuting routes, roost habitats or woodland-edge functions will be preserved. The management plan should contain clear ecological objectives, achievable habitat-condition targets, timescales, monitoring, reporting and enforceable remedial obligations.

Cumulative effects and the DCO. The Applicant should provide a coherent assessment of the combined effects of the entire authorised Scheme on the relevant bat populations and ecological networks, including foreseeable construction phasing and major equipment replacement. The DCO must secure the measures essential to the predicted outcomes and prevent subsequent detailed design from undermining the ecological assumptions used to establish acceptability.

BEPS further requests Natural England's express view on the appropriateness of retaining development at Site 3 in light of the recorded *Myotis* hibernacula, NWT's avoidance recommendation and the published field-boundary evidence. That assessment would assist

the ExA in determining whether the Applicant has provided a sufficiently reliable basis for its conclusions concerning protected species and the wider ecological network.

The relevant issue is not whether every ecological management detail must be finalised before consent. It is whether the Applicant has demonstrated that the particular development authorised can be implemented without unacceptable ecological effects, and that the remaining design flexibility is confined to outcomes already adequately assessed.

Where the necessary investigation could establish that the retained layout is unsuitable, that an important commuting route cannot be maintained or that a woodland buffer requires more land than has been provided, the matter concerns the fundamental acceptability of the design. It should not be left to post-consent approval.

9.13 Overall conclusion: the evidence supports avoidance of Site 3 rather than reliance upon uncertain mitigation

Norfolk Wildlife Trust's Written Representation materially strengthens BEPS's ecological objections because it challenges the Applicant's approach at three interrelated levels. It questions the evidence supporting the assumption that retained linear features will maintain functional habitat connectivity; it identifies weaknesses in the design and enforceability of the proposed buffers, lighting and habitat-management measures; and it reiterates its earlier recommendation to exclude Site 3 because of the potential effects upon Spring Wood County Wildlife Site, ancient woodland and bats.

[redacted] additional evidence makes the Site 3 issue more specific and consequential. Spring Wood contains former wartime underground bunkers which were deliberately converted into bat hibernacula and have a history of conservation monitoring. Those structures are recorded as supporting Daubenton's and Natterer's bats, both members of the genus *Myotis*. Tinsley et al. (2023) found statistically significantly lower *Myotis* activity along field boundaries at operational solar farms than along comparable boundaries at matched control sites. The observed mean difference was approximately 56.5%, although that result cannot be treated as a quantified prediction for East Pye.

The importance of that evidence lies in the type of habitat affected. The significant difference was observed at field boundaries, not merely within the panel arrays. It therefore calls directly into question the Applicant's reliance upon retaining woodland boundaries and field margins as sufficient mitigation for solar development immediately adjoining the Spring Wood hibernacula.

Barré et al. (2024) provide further evidence that the presence of solar infrastructure can change the feeding behaviour of bats and reduce the functional quality of habitats which continue to be used for flight. Taken together, the studies demonstrate why ecological assessment must distinguish physical retention of habitat, continued passage through that habitat and preservation of its actual foraging value.

The Applicant has not, in the material identified by BEPS, provided a substantive location-specific response demonstrating why the retained development at Site 3 would avoid these

potential effects upon the *Myotis* species recorded at Spring Wood. Nor has the Applicant adequately demonstrated that the proposed woodland-edge treatment resolves NWT's recommendation for a wider, more naturally developing ecotone rather than landscaping primarily intended to screen the infrastructure.

The potential consequences of relying upon uncertain mitigation are not readily reversible. If construction disturbs sensitive hibernation habitat or if the installation of solar infrastructure reduces use of adjoining field margins and woodland edges, subsequent monitoring will not undo the original impact. Replacement planting may take years to acquire the necessary structure and may not reproduce the previous ecological relationships. Once the development has been constructed, the opportunity to avoid the harm through site selection will have been lost.

These risks must also be considered within the wider nationally important bat landscape, which includes barbastelle maternity-colony networks, mature woodland, historic hedgerows, field margins and watercourses. The Applicant's assessment of ecological effects cannot be considered sufficiently robust merely because it predicts habitat gains or retains significant quantities of existing vegetation. The decisive question is whether the particular ecological functions supporting the recorded bat populations will be maintained.

The mitigation hierarchy requires avoidance to be considered before reliance upon minimisation, restoration or compensation. BEPS submits that the Applicant has not demonstrated that its partial reduction of Site 3 provides an ecologically equivalent response to NWT's recommendation for exclusion, particularly in light of the evidence concerning the Spring Wood hibernacula and the documented effects of solar developments upon *Myotis* activity along field boundaries.

New evidence from Gwent Wildlife Trust regarding bat populations at the Llanwern solar farm is particularly concerning ('New findings reveal extensive environmental damage from solar plants as Gwent Levels waterways face another threat' 17 July 2025). It reports on a study commissioned by the Welsh Government of the environmental effects of the Llanwern solar farm three years after operation.

- Lapwing numbers declining: the new "Lapwing Mitigation Area" has not attracted a single lapwing pair three years after construction. In the retained areas, breeding pairs declined from eight before construction to two after, with only one nest found on-site and no successful breeding confirmed in 2023;
- Key bee species numbers down: there have been significant declines in Shrill Carder Bee and Brown-banded Carder Bee populations within the solar array areas. Herbicide treatments on thistle plants (a favoured nectar source for the bees) in retained grassland areas and poor establishment of new wildflower planting areas are cited as possible causes;
- Bat activity declining: the level of bat activity (recorded as number of passes) on site has greatly declined, with only a single installed bat box occupied in 2023;
- Extremely rare Eurasian crane gone: prior to construction (2020-21), a pair of Eurasian Cranes were in the area, with hopes that more would follow. They have not been seen since.

[redacted], Gwent Wildlife Trust CEO, says of the report (Gwent Levels Post Construction monitoring, part of the evidence base for Gwent Levels Future Wales: Policy 9

Pilot Project - details the damaging effects of such large developments built within and adjacent to the Gwent Levels SSSI).

"These findings show, unequivocally, that mitigation measures to protect wildlife within the fragile and complex wetland ecosystem of the Gwent Levels SSSI, have failed catastrophically. The Levels waterways are home to many rare species, and high levels of pollution from solar plants will damage them irrevocably….

"What's more, in Somerset and Norfolk, the Eurasian crane is making a thrilling comeback. This stunningly beautiful bird appeared to be making a comeback to the Gwent Levels too, but these hopes have diminished with their absence confirmed by the Welsh Government study.

Again, I need to stress that we are not opposed to solar energy, simply that such developments need to be located on land where they will not irretrievably damage a nationally important and designated landscape, teeming with wildlife.''

This is directly relevant to our landscape described by Norfolk Wildlife Trust as 'dense with nature', and the multiple SSSIs and nationally significant bat population with which this project will interact.

BEPS therefore maintains that the remaining Site 3 development adjoining Spring Wood and the converted bat hibernacula should be removed from the Scheme. If the wider development were otherwise to proceed, BEPS requests that the area be secured as a coherent and suitably managed landscape for bat habitat protection, restoration and enhancement, with particular attention to woodland-edge development, dark corridors, habitat connectivity and the long-term protection of the hibernacula.

This recommendation is based upon the particular concentration of sensitive ecological receptors at Site 3, the specialist avoidance advice already given by NWT, the identification of *Myotis* species in the hibernacula, and the Applicant's failure to demonstrate adequately why its retained layout avoids the relevant functional habitat risks.

BEPS requests that the ExA require the Applicant to respond substantively to this combined evidence and seek Natural England's express assessment of the Site 3 avoidance option. If the Applicant cannot establish that the retained infrastructure would avoid unacceptable effects upon Spring Wood, the hibernacula and the wider bat habitat network, the appropriate response is removal or redesign of that element of the Scheme, rather than granting consent in reliance upon monitoring and management which may reveal the harm only after it has occurred.

More widely, BEPS maintains its objection to the Scheme's ecological impacts as set out in Chapter 8 of its Written Representation. The unresolved issues concerning nationally important bat habitat, woodland connectivity, hedgerow fragmentation, construction disturbance and the effectiveness of future mitigation are material to the assessment of environmental effects and the planning balance. The Applicant must demonstrate that an environmentally acceptable and legally secured development configuration exists before the ExA can safely rely upon its conclusions of negligible or non-significant residual ecological effects.

10. Aviation Safety: Tibenham Aerodrome, Norfolk Gliding Club, the General Aviation Awareness Council and the Unresolved National Grid Infrastructure

10.1 Introduction: aviation safety remains a substantive and unresolved objection

BEPS draws the Examining Authority's attention to the Written Representations submitted by the General Aviation Awareness Council (GAAC) [EN0110014-001497] and Norfolk Gliding Club (NGC) [EN0110014-001500], the Applicant–GAAC Statement of Common Ground [EN0110014-001353], the Applicant–NGC Statement of Common Ground [EN0110014-001354], the Applicant's Position Statement on Aviation [EN0110014-000571], and its supporting glint-and-glare and High Level Investigative Report assessments.

These documents should be considered alongside BEPS's Written Representation Chapter 18, its response to ExQ1 Q1.4.1, the evidence submitted by the aerodrome operator concerning Tibenham's operational characteristics, and the subsequent information supplied by National Grid Electricity Transmission plc (NGET) [EN0110014-001200] concerning the proposed Great Moulton transmission connection.

The principal aviation objection is not confined to the possibility of solar reflections affecting aircraft pilots. The Scheme would introduce extensive solar arrays, battery storage, major electrical substations and associated infrastructure into land used, or potentially usable, for emergency aircraft landings within the operating environment of Tibenham Aerodrome. These changes must also be considered alongside existing electricity pylons, the proposed Norwich to Tilbury transmission infrastructure, neighbouring aviation activity and the established requirements of gliding, aerotow and powered-flight operations.

The potential effects are therefore both direct and cumulative. They include the reduction in the availability and suitability of emergency-landing areas, the consequences of an aircraft contacting solar panels or electrical infrastructure, the introduction of further obstacles and hazardous installations, possible interference with visual awareness through glint and glare, and constraints upon the continued safe operation of an established recreational and training aerodrome.

The GAAC's Written Representation is explicit that it does not object to the principle of renewable energy development. Its objection concerns the location and configuration of this particular Scheme and the risks which the proposed infrastructure could create for Tibenham. NGC's evidence similarly addresses the practical consequences for existing aviation operations rather than seeking a general exclusion of solar development from the surrounding countryside.

BEPS considers that this distinction is fundamental. The relevant question is not whether solar development and aviation can coexist in principle, but whether the specific East Pye layout, in combination with existing and reasonably foreseeable infrastructure, has been demonstrated to be compatible with the safe operation of Tibenham.

The Applicant has undertaken a glint-and-glare assessment and a High Level Investigative Report addressing a range of aviation matters. However, the existence of an assessment is not equivalent to demonstrating that its assumptions, methodology and conclusions are accepted by the aerodrome operator or that the full range of hazards has been adequately evaluated.

The Applicant's aviation assessments conclude that significant adverse effects are not predicted and that further aviation-specific mitigation is not necessary. Those conclusions remain substantively disputed by NGC and GAAC, as recorded in their Statements of Common Ground.

The consequences of an incorrect aviation safety assessment are potentially grave. Unlike many environmental effects, an aviation incident may occur without warning and may involve fatalities, serious injury, damage to critical electrical infrastructure or secondary emergency consequences. Where the disputed issue concerns the availability of an emergency-landing option, the relevant hazard may arise precisely when an aircraft has already suffered a loss of normal operating capability.

BEPS submits that the Examining Authority must therefore be satisfied that the proposed development has been assessed using sufficiently robust aviation-operational evidence and that any necessary avoidance or mitigation is established before development consent is granted.

10.2 Tibenham's mixed aviation operations and the importance of Runway 08

Tibenham is not a conventional single-use aerodrome with aircraft movements limited to standard powered approaches and departures. NGC's Written Representation describes an established operating environment accommodating gliders, aerotow activity, self-launching and motor gliders, powered aircraft and flight training, together with other forms of aviation using the aerodrome.

The aerodrome has multiple runway alignments, providing operational flexibility in response to wind conditions and aircraft type. NGC's Appendix A explains that Runway 08/26 includes both tarmac and grass sections, and that the grass section is not recommended for normal powered-aircraft use because of its condition and the transition between surfaces. Gliders undertaking winch launching or landing may use the grass, whereas powered-aircraft take-offs and aerotow operations have different practical requirements.

These characteristics matter because the position at which an aircraft becomes airborne, its climb performance, the direction of its departure and the emergency options available will depend upon the aircraft and operating mode. The use of a runway centreline and a generic distance from the runway threshold cannot necessarily represent the range of actual flight circumstances.

Runway 08 is particularly important because the proposed infrastructure at Site 1 lies broadly within the easterly departure environment. NGC identifies the proposed solar infrastructure, BESS and project and National Grid substations as affecting land which presently contributes to the range of possible off-airfield landing options.

The availability of alternative runways does not establish that any adverse effect upon Runway 08 is acceptable. Runway selection depends upon wind strength and direction, aircraft performance, training requirements and other operational constraints. Removing or materially compromising one runway direction may restrict the circumstances in which the aerodrome can operate safely, even if other runways remain available under different conditions.

NGC also identifies operational interactions with Priory Farm airstrip and explains that existing flight patterns have developed partly to maintain separation between the two aerodromes. The introduction of new fixed obstacles and the possible Norwich to Tilbury pylons may further constrain the available airspace and emergency options.

The Applicant must therefore assess Tibenham as an existing, mixed-use aviation facility with particular operational requirements, not simply as a geographical point around which generic approach and departure geometry can be modelled.

10.3 Engine Failure After Take-Off: the availability, quality and location of emergency-landing areas

The central safety objection concerns Engine Failure After Take-Off (EFATO). An engine failure shortly after departure places a powered aircraft in a time-critical emergency. The pilot may have limited height, airspeed and manoeuvring capacity and must select a suitable landing area within the remaining glide performance of the aircraft. The availability of an open field or other survivable landing area can therefore be critical.

NGC's Written Representation includes detailed mapping of potential forced-landing areas and the manner in which those options would be affected by East Pye's infrastructure. Its evidence identifies the particular significance of the Runway 08 departure environment, the location of proposed electrical infrastructure and the interaction with existing overhead lines.

The Applicant's Position Statement on Aviation [EN0110014-000571], paragraphs 4.1.2–4.1.3, explains that its High Level Investigative Report assessed EFATO and glider-launch failure. It reports that the Scheme would occupy approximately 6.46% of land within an assessed 60-degree sector and 4.30% within an assessed 90-degree sector extending to 2,000 metres from the relevant runway threshold. On that basis, the Applicant concludes that the Scheme would not significantly reduce the overall space available for emergency landings.

BEPS considers that the use of aggregate area percentages requires further justification.The suitability of emergency-landing terrain cannot be established solely by calculating the proportion of land within a geometric sector which remains undeveloped. Land within such a sector is not necessarily equally accessible, reachable or suitable for a forced landing. Its usability depends upon aircraft altitude, speed, direction, glide performance, wind conditions, the location and height of obstacles, ground characteristics and the practical manoeuvres available to a pilot following a failure.

A comparatively small area of development could have a disproportionate effect if it occupies the most accessible or suitable landing ground beneath the likely departure path. Conversely, land remaining outside the development footprint may contribute little to emergency safety if

it lies beyond the aircraft's attainable glide range, requires unsafe manoeuvring or contains existing obstacles.

The Applicant should therefore demonstrate how its reported percentages relate to the actual distribution and quality of emergency-landing opportunities. The assessment should distinguish between land which is geometrically within the sector and land which can realistically be reached and used by the aircraft types operating at Tibenham.

NGC's site-specific mapping provides an important evidential basis for this exercise. It should be reconciled directly with the Applicant's High Level Investigative Report rather than treated as a general expression of concern.

The assessment must also consider the consequences of landing on different types of infrastructure. A forced landing into an open agricultural field is not equivalent to one involving elevated solar panels, supporting structures, security fencing, a battery compound or a 400 kV substation. The latter may introduce additional collision hazards, structural obstacles and the possibility of secondary electrical or fire-related consequences.

The Applicant's conclusion that substantial areas remain outside the proposed development is therefore insufficient unless it demonstrates that those areas provide realistic and suitably distributed emergency options in the relevant aircraft-failure scenarios.

The risk of consenting the Scheme without resolving this issue is that land currently contributing to aviation safety could be permanently converted to infrastructure without establishing whether the remaining emergency options are practically adequate. Once the arrays, fencing and electrical compounds have been constructed, restoring the former landing opportunities could require substantial redesign or removal of authorised development.

BEPS submits that the appropriate response is a more detailed, aviation-operational assessment of the actual emergency-landing environment, using aircraft-performance assumptions agreed or properly tested with the aerodrome operator.

10.4 Glider Launch Failure and aborted aerotow operations require separate assessment

Tibenham's gliding operations introduce hazards which differ materially from those associated with conventional powered-aircraft departures. Gliders may be launched by winch or aerotow, and the potential consequences of launch failure depend upon the launch method, stage of flight, height and position of the aircraft. An aborted aerotow can also create a situation in which both the tug aircraft and the glider require suitable options for an emergency landing.

NGC's SoCG [EN0110014-001354] records these concerns under NGC TA-3 and TA-4. NGC identifies the possibility that the Scheme could reduce suitable emergency-landing opportunities during aborted aerotow operations and EFATO scenarios, while the Applicant relies upon its High Level Investigative Report to conclude that significant effects are not predicted. The disagreement is substantive and remains under discussion.

BEPS considers that the assessment must distinguish between the consequences of a conventional engine failure, an aborted aerotow, a winch-launch failure and an emergency involving a self-launching glider. These scenarios may involve different flight paths, available heights and pilot responses.

The practical suitability of emergency landing areas should be assessed against representative aircraft and launch characteristics rather than assumed from a single generalised model. Where an aerotow involves two aircraft, the assessment should examine the consequences of both needing to land following an aborted launch.

The position of new infrastructure is particularly significant where aircraft have limited capacity to manoeuvre around obstacles. Even where an area remains theoretically reachable, fencing, panels, electrical compounds or overhead lines may reduce its suitability as a safe landing option.

BEPS respectfully asks the ExA to require a direct technical reconciliation between the scenarios and mapped emergency areas identified by NGC and those used by the Applicant. The continued absence of agreement should not be treated as proof that the Applicant's conclusion is correct merely because it has provided a consultant's report.

10.5 The cumulative obstacle environment: solar arrays, substations, BESS and overhead transmission lines

A central deficiency identified by GAAC and NGC concerns the assessment of the Scheme in combination with existing and proposed infrastructure.

Tibenham already operates in an environment containing electricity pylons and other physical constraints. The proposed East Pye development would introduce extensive solar arrays, fencing, battery storage and major substations, while the Norwich to Tilbury transmission project could introduce additional overhead-line infrastructure affecting the wider aviation environment.

NGC's detailed appendices identify existing pylons and their relationship with Runway 08, including the constraints they create for aircraft attempting to continue beyond or beneath existing overhead lines after an engine failure.

The GAAC identifies a particular concern that an aircraft departing Runway 08 could encounter a sequence of hazards: proposed solar arrays, BESS or substation infrastructure, followed by further overhead-line obstacles. This is not equivalent to a single isolated structure assessed against its own immediate surroundings.

The cumulative risk depends upon the arrangement of all relevant hazards and the resulting distribution of safe alternatives. Infrastructure occupying otherwise suitable emergency-landing areas may force a pilot towards land containing further obstacles. An overhead line beyond a developed area may become more consequential if the development removes safer opportunities to land before reaching it.

The Applicant's Aviation Position Statement, paragraph 6.3.3, states that no specific aviation-related cumulative effects with Norwich to Tilbury have been identified. It reasons that East

Pye's pylon modifications are limited and that the main aviation impact of Norwich to Tilbury arises from high-voltage pylons, whereas East Pye's principal concern is glint and glare. BEPS considers that reasoning insufficiently addresses the combined hazard identified by NGC and GAAC.

The cumulative assessment should not be divided according to whether one project primarily introduces pylons and another primarily introduces solar reflections. An aircraft experiencing EFATO or a launch failure encounters the combined physical environment, irrespective of the project responsible for each obstacle.

Consequently, the relevant cumulative question is whether the interaction between solar arrays, substations, BESS, existing pylons and proposed transmission works materially reduces the availability of survivable emergency-landing options or introduces additional hazards into foreseeable departure and emergency-flight paths.

The Applicant should therefore produce a combined obstacle and emergency-landing assessment showing the existing baseline, East Pye alone, Norwich to Tilbury where reasonably foreseeable, and the combined infrastructure configuration.

Where the detailed future arrangement remains uncertain, the assessment should identify the realistic range of configurations rather than assume that no cumulative effect arises because the infrastructure belongs to different projects.

10.6 NGET's evidence concerning North Anglia Node E materially increases uncertainty over the final aviation hazard envelope

NGET's Written Representation and response to ExQ1 [EN0110014-001200] introduce a further and particularly important complication. In response to ExQ1 Q1.2.15(b), NGET identifies a requirement for a new electricity substation known as North Anglia Node E and confirms that a siting study is underway. NGET states that its transmission design must take account of the wider network and other customers seeking connection in the area.

Most importantly, NGET confirms that the Applicant's submitted proposals would not provide sufficient connection capacity for all potential customers then documented in NESO's Transmission Entry Capacity Register. In responses to Q1.2.15(c) and (d), NGET also confirms that it cannot yet support or reject the final design, size or location of the proposed National Grid substation and has not accepted Great Moulton as the final site.

This evidence is significant for aviation safety because East Pye's submitted assessment is necessarily based upon an assumed configuration of electrical infrastructure. BEPS recognises that NGET has not confirmed that a larger substation will be built at Great Moulton, that Node E will be situated beside Tibenham, or that additional pylons will necessarily be required within a particular departure or emergency-landing sector.

NGET's evidence demonstrates that the transmission solution remains subject to strategic network planning, potentially involving a different location, size or infrastructure arrangement from that assessed within the East Pye application.

If NGET ultimately requires a larger compound at or near Great Moulton, additional electrical apparatus, changed overhead-line connections or associated infrastructure could alter the physical hazard environment. Conversely, if it chooses another location, the consequences for East Pye's cable corridors, project substations and transmission connection would need to be reconsidered.

The material point is that the Applicant has not demonstrated that its aviation safety assessment encompasses the range of transmission configurations now identified as potentially relevant by NGET.

It would be inappropriate to conclude that there is no significant aviation effect from the submitted substation and then assume that such a conclusion applies equally to an enlarged or materially redesigned transmission installation.

A larger footprint may occupy more potentially usable emergency-landing land. Different equipment arrangements or new overhead-line connections may introduce further obstacles. Changes to access, lighting or construction methodology may also affect aviation operations. Whether those effects arise, and their magnitude, depends upon the eventual location and design; they cannot simply be assumed negligible.

BEPS respectfully asks the ExA to therefore require NGET and the Applicant to explain whether the proposed Great Moulton infrastructure remains a realistic final transmission solution, whether the siting and capacity requirements associated with North Anglia Node E could affect the Tibenham aviation environment, and whether the development assessed in the Applicant's High Level Investigative Report represents an adequate maximum scenario.

If the required connection infrastructure is materially different, any revised aviation assessment must be undertaken before the relevant development is consented or authorised through an appropriate subsequent process. It cannot be assumed that a safety conclusion based upon the present indicative design will automatically remain valid.

This issue also strengthens BEPS's wider objection concerning the uncertainty of the Scheme's physical definition. The location and configuration of major electrical infrastructure are not merely commercial grid-connection details where they may affect established aviation safety.

10.7 Glint and glare: the Applicant acknowledges potential effects but relies upon operational accommodation

The Applicant's Position Statement on Aviation [EN0110014-000571], paragraph 4.1.1, acknowledges that its assessment identifies potential yellow glare towards aviation receptors, including Tibenham. It describes yellow glare as having the potential to cause a temporary after-image and concludes that the effects could potentially be operationally accommodated, subject to consultation with the affected aerodromes.

This distinction is important. The Applicant has not established that no potentially distracting or visually consequential solar reflections can occur. Rather, its assessment identifies particular predicted effects and judges them capable of being accommodated without

significant adverse consequences. NGC and GAAC dispute the sufficiency of the assessment and the implications for safety.

For gliding and other general aviation operations, pilots require effective visual awareness of the surrounding airspace, terrain and other aircraft. The relevant assessment must consider the actual operational circumstances, including circuit flying, non-standard flight paths, glider movements, departures and emergency situations, rather than focus solely upon conventional approach and landing geometry.

The significance of a glare event may depend upon when it occurs, the pilot's workload, the phase of flight, its duration and intensity, and the availability of alternative visual references. An effect which is tolerable during an ordinary approach may be more consequential during a time-critical emergency or when the pilot is required to maintain visual separation from other aircraft.

BEPS therefore questions whether the Applicant's conclusion of operational accommodation has been established using sufficiently representative aviation evidence and with the agreement of those responsible for operating the aerodrome.

The Applicant also identifies possible further mitigation through changes to panel angle, orientation, configuration or backtracking. Those measures may be technically useful, but their potential availability does not establish that an acceptable final configuration has been demonstrated.

Where safe operation depends upon a particular panel setting, the relevant limits should be established before consent or secured through enforceable design parameters supported by appropriate modelling. The Applicant should also explain whether changes intended to reduce glare could alter generating performance, panel movements or the wider assessment envelope.

A commitment to consider mitigation later cannot substitute for an assessment demonstrating that the maximum permitted development can operate without unacceptable aviation effects.

10.8 Schiphol demonstrates the consequences of relying upon inadequate predictions of operational glare

BEPS's response to ExQ1 Q1.4.1 identifies the experience at Amsterdam Schiphol Airport as a relevant real-world example of aviation safety concerns arising from an operational solar development.

The De Groene Energie Corridor solar park was constructed beneath approach routes used by Schiphol aircraft. Following reports of severe glare affecting pilots, restrictions were introduced on the use of the Polderbaan runway during periods when solar reflections impaired visibility. Schiphol confirmed that the restrictions were implemented on flight-safety grounds and involved preventing landing traffic from using the runway for part of the day under relevant sunny conditions. On 16 July 2025, the District Court of Noord-Holland ordered the removal of more than 78,000 solar panels from the affected development following legal proceedings brought by Schiphol and KLM.

The incident is significant because the development had been authorised and glare-related design considerations had formed part of the earlier regulatory process. The fact that the solar development had been subjected to assessment did not prevent the later occurrence of glare sufficiently serious to interfere with aviation operations.

The subsequent remedial arrangements were also substantial. In August 2025, Schiphol, the solar-park operator, Haarlemmermeer municipality and the Dutch Ministry of Infrastructure and Water Management agreed upon a wider solution involving dismantling the panels, applying anti-reflective film and reinstalling them. Temporary operational restrictions remained relevant while the safety risk was addressed.

This sequence demonstrates the potential consequences of failing to identify or adequately mitigate aviation glare before construction. The response required operational restrictions, litigation and substantial physical intervention in an already constructed renewable-energy project.

The case at Schiphol demonstrates that solar glare can have serious operational aviation consequences notwithstanding prior modelling or design assumptions, and that remediation after construction may require substantial alteration or removal of infrastructure. It also shows why the actual operating circumstances and professional observations of aviation users must be taken seriously where they conflict with predicted acceptability.

The Applicant's reliance upon the ability of pilots or aerodrome operators to accommodate predicted glare should therefore be examined carefully. The outcome at Schiphol illustrates that operational restrictions may become necessary if a predicted or permitted solar installation produces glare affecting safe flight.

For Tibenham, such restrictions could have disproportionate implications because of the importance of runway flexibility, glider operations and training activity. BEPS submits that the Applicant must establish the adequacy of mitigation before the Scheme is constructed, rather than relying principally upon operational accommodation or the possibility of later adjustment.

10.9 Glint, glare and emergency landing must be considered together

A further weakness in separating the Applicant's aviation assessments is that visual disturbance and physical emergency-landing hazards may interact.

An aircraft experiencing an engine or launch failure may require the pilot to make rapid decisions concerning terrain, obstacles and the location of a suitable landing area. Such circumstances may involve high workload and limited opportunity to recover from impaired visual awareness. If a solar installation both occupies part of the available emergency-landing area and creates potential glare towards a pilot operating in the same environment, the combined consequence may differ from either effect considered separately. Similarly, an aircraft attempting to avoid a newly developed area may be required to manoeuvre towards or away from other hazards, including overhead lines or infrastructure associated with substations.

BEPS does not assert that the available evidence proves that glare will coincide with a particular engine-failure scenario at East Pye. The concern is that the assessment should

examine reasonably foreseeable interactions where the same aircraft and geographical area are affected by several hazards.

The relevant environmental and safety question concerns the operation of Tibenham within the completed physical environment, not the independent significance classifications assigned to each infrastructure component.

The Applicant should therefore identify whether its aviation assessment evaluates combined scenarios involving impaired visibility, emergency manoeuvring and reduced usable landing terrain, and explain why any such interaction can be excluded from further assessment.

10.10 Thermal effects, turbulence, wind shear and bird strike

NGC's Written Representation raises additional issues concerning thermal updrafts, turbulence, wind shear and the potential for solar infrastructure to influence bird activity.

The Applicant's High Level Investigative Report considers thermal and aerodynamic effects and concludes that significant effects are not predicted. Its Aviation Position Statement refers to the limited strength of solar-related thermals, expected separation between aircraft and panels and the comparatively limited turbulence potential of solar arrays. The assessment should explain how its assumptions relate to the actual operation of gliders, which may be more directly affected by local atmospheric conditions than aircraft operating primarily under engine power. NGC's evidence should be considered when identifying the flight heights, manoeuvres and operating circumstances in which localised changes in air movement might be relevant.

Bird-strike concerns also require proportionate assessment. NGC raises the possibility of changed bird activity associated with the solar arrays, while the Applicant considers that the proposed habitats are more likely to benefit smaller farmland bird species and that there is limited evidence of a material increase in hazardous bird concentrations. Where the Applicant predicts substantial ecological enhancement, the aviation assessment should consider whether those changes could alter bird use of the area in ways relevant to the aerodrome.

These matters reinforce the need for a genuinely integrated assessment of aviation safety, ecology and operational land management rather than reliance upon conclusions reached independently within different technical disciplines.

10.11 The Statements of Common Ground do not establish that aviation safety concerns have been resolved

The Applicant–GAAC SoCG [EN0110014-001353] and Applicant–NGC SoCG [EN0110014-001354] are important because they identify the extent of the continuing disagreement.

The GAAC SoCG records matters concerning aviation safety, consultation, and the assessment of Tibenham's operational and socio-economic effects as under discussion. The Applicant maintains that its assessments use recognised methodologies and professional judgment, while GAAC disputes whether the relevant aviation hazards and operational requirements have been adequately addressed.

The NGC SoCG similarly records significant matters as under discussion, including engagement, glint and glare, aerotow-launch failure, EFATO, thermal effects, bird strike, guidance, mitigation and the responsibilities arising from development near an established aerodrome.

Those entries should not be interpreted as evidence that the parties have reached agreement on the acceptability of the Scheme.

The Applicant's repeated reference to the High Level Investigative Report and glint-and-glare assessment demonstrates its stated position. It does not establish that NGC or GAAC accepts the assumptions and conclusions within those documents.

The SoCG process should identify disagreements clearly so that they can be examined; it should not obscure them by presenting the Applicant's responses as if they resolved the substantive technical objections.

In particular, NGC has supplied detailed operational evidence and emergency-landing mapping which should be addressed on its merits. BEPS respectfully asks the ExA to be able to identify precisely where the Applicant accepts or disputes those assumptions, and what evidence supports any different conclusion.

The degree of consultation is also relevant. The Applicant's Aviation Position Statement records engagement and further work, while the aviation bodies maintain that their operational concerns were not adequately reflected in the development of the Scheme or its assessments. The issue is not simply the number of meetings held, but whether the Applicant properly understood and tested the practical requirements of the existing aerodrome before fixing the relevant infrastructure layout.

BEPS therefore requests an updated and reconciled aviation SoCG which identifies the remaining points of disagreement, the evidence necessary to resolve them, and any design changes or mitigation required.

10.12 The statutory and policy consequences of unresolved aviation safety risks

The potential aviation effects must be considered within the applicable policy framework, including the relevant provisions of NPS EN-1 and EN-3 concerning aviation, infrastructure interactions and the mitigation of adverse effects.

The importance of renewable electricity generation does not dispense with the need to assess whether the chosen development location and design create unacceptable aviation hazards. Nor does the absence of an objection from a national aviation authority necessarily establish that the concerns of an existing general aviation aerodrome have been fully resolved.

The relevant examination question is whether the Applicant has demonstrated an acceptable outcome using evidence appropriate to the aerodrome's actual operations and the infrastructure which the DCO would authorise.

Where the assessment identifies a potential hazard, the Applicant should explain whether it can be avoided through layout changes, adequately reduced through enforceable mitigation or otherwise shown to be acceptable. The planning balance should not treat a disputed safety effect as negligible simply because the Applicant's consultant has classified it as not significant.

The distinction between avoidance and mitigation is particularly important where infrastructure would occupy land potentially needed for emergency landings. In such circumstances, the most effective control may be to remove or relocate infrastructure from the affected area, preserving suitable ground rather than relying upon operational restrictions or later emergency procedures.

The Applicant should also demonstrate that the DCO does not permit changes in substation size, configuration, panel layout, access or associated works which would alter the aviation hazard envelope without appropriate reassessment.

That requirement is particularly important in light of NGET's evidence that the final transmission connection design, size and location have not been established.

A safety assessment of an illustrative layout cannot be assumed to demonstrate the acceptability of materially different infrastructure.

10.13 Further evidence and design changes required

BEPS requests that the Examining Authority require the Applicant to provide a consolidated aviation safety assessment addressing the representations of NGC and GAAC and the implications of NGET's evidence.

That assessment should establish the actual Runway 08 operational environment and consider representative powered-aircraft departures, glider launches, aerotow operations and emergency scenarios. It should distinguish the relevant aircraft and launch types, runway starting points, realistic flight performance, wind conditions and the suitability of potential landing areas.

The Applicant should reconcile its High Level Investigative Report directly with NGC's emergency-landing maps. In particular, it should demonstrate why the aggregate percentages of land remaining within the assessed sectors are an appropriate measure of available emergency-landing capacity, rather than simply a measure of undeveloped area.

The assessment should identify the actual land which may remain safely usable under relevant EFATO and launch-failure scenarios, including the consequences of existing pylons, proposed panels, fencing, electrical compounds and the potential Norwich to Tilbury infrastructure.

It should distinguish ordinary and emergency flight operations and evaluate whether risks may be increased by the combination of restricted landing options, physical obstacles and potential impairment of visual awareness.

The Applicant should provide a specific explanation of the predicted glare at Tibenham, including the circumstances in which yellow glare may occur, its implications for the relevant

aviation operations, and whether acceptable performance can be demonstrated without relying upon unagreed operational restrictions.

The experience at Schiphol should be acknowledged as a relevant example of the consequences of operational glare despite prior assessment. The Applicant should explain what lessons have been incorporated into the proposed design controls and why the predicted effects at Tibenham are sufficiently understood and secured.

NGET and the Applicant should also clarify the implications of North Anglia Node E and the wider transmission connection requirements for the size, location and configuration of the proposed Great Moulton infrastructure. If the final design may occupy a different footprint or introduce further obstacles, the aviation consequences must be assessed against that reasonably foreseeable arrangement.

BEPS respectfully asks the ExA to require the Applicant to identify which aviation mitigation measures are essential, how they would be secured by the DCO and whether the proposals would remain acceptable under all configurations permitted by the Order.

Where the assessment identifies areas whose continued openness is necessary for safe emergency landings, BEPS submits that those areas should be excluded from infrastructure development and protected through enforceable plans.

The Applicant should also demonstrate that the aerodrome operator's evidence has been taken into account in the selection of the final layout and that any remaining material disagreements are clearly identified for the ExA's determination.

10.14 Planning appeal decisions demonstrate the material importance of protecting aviation safety

The General Aviation Awareness Council's Written Representation [EN0110014-001497, paragraphs 2.33–2.35] identifies three dismissed planning appeals in which aviation safety formed part of the objections to development near established aerodromes. These decisions are important because they demonstrate that the presence of an existing aerodrome and the practical consequences of development for aircraft safety must receive substantive consideration, even where development has other recognised economic or public benefits.

BEPS recognises that these are decisions under the Town and Country Planning Act 1990 rather than the Planning Act 2008, and that their facts and policy contexts differ from East Pye. They are not binding precedents requiring refusal of this NSIP. Their relevance lies in the approach taken by planning inspectors to uncertain aviation risks, particularly where the consequences of a forced landing may be severe and the developer has not adequately demonstrated the availability of safe alternatives.

10.14.1 Rufforth West Aerodrome: the loss of emergency-landing land

In *Land west of Bradley Lane, Rufforth, York*, appeal reference APP/C2741/W/19/3223376, decision dated 31 October 2019, the Inspector dismissed an appeal concerning three proposed poultry buildings and associated infrastructure near Rufforth West Aerodrome.

The principal issue was whether the development would adversely affect the safety of aircraft and gliders taking off from or landing at the aerodrome, and whether any resulting safety risk would impair its continued operation.

The Inspector considered competing technical assessments and evidence concerning aircraft performance, glider operations and the potential use of land close to the runway following an engine failure or other emergency. The proposed development would occupy an area potentially available for a forced landing.

At paragraph 58, the Inspector considered it appropriate to take a precautionary approach because of the potentially severe consequences of an aircraft collision. At paragraph 59, the Inspector concluded that the development would cause a harmful increase in risk to aircraft and gliders operating from the aerodrome.

The significance for East Pye is the Inspector's recognition that development can create an unacceptable aviation hazard by occupying land which may be needed for emergency landings, even where the proposed structures are not situated on the aerodrome itself.

The Rufforth decision also demonstrates why the existence of other undeveloped land in the vicinity does not automatically establish that emergency-landing opportunities remain adequate. The evaluation must consider whether the affected land is actually usable during a foreseeable emergency and what practical alternatives would remain.

The Applicant's High Level Investigative Report for East Pye calculates the proportion of land within defined departure sectors which would be occupied by the proposed development. However, that calculation does not, by itself, establish the location, accessibility or suitability of the remaining land for a forced landing following an engine failure or aborted aerotow.

The same underlying issue identified at Rufforth therefore arises at Tibenham: whether development would remove or materially compromise land which forms part of the practical safety environment of an existing aerodrome.

The Rufforth decision does not establish that every reduction in potentially usable land is unacceptable. It does, however, demonstrate that the consequence of losing particular emergency-landing areas must be evaluated on its own facts, with particular regard to the severity of a foreseeable collision.

10.14.2 Beccles Aerodrome: the significance of site-specific evidence and cumulative obstacles

In *Land at Copland Way, Ellough, Beccles*, appeal reference APP/V3500/W/24/3354097, decision dated 8 April 2025, the Inspector dismissed an appeal concerning an anaerobic digestion plant and associated infrastructure near Beccles Aerodrome.

One of the principal issues was whether the proposed development was suitably located having regard to aviation safety.

The Inspector considered the proximity of existing development, the availability of emergency-landing areas, aircraft performance, and whether aircraft could safely glide beyond the proposed infrastructure following an engine failure.

At paragraphs 37–40, the Inspector identified the importance of variables including aircraft weight, the point at which take-off commenced and wind conditions. The Inspector also noted that existing development had already reduced the availability of suitable land for emergency landings and that the proposed development would further erode those opportunities.

At paragraph 40, the Inspector considered the lack of sufficiently persuasive site-specific evidence important and adopted a precautionary approach because of the severity of the possible consequences of a forced landing.

This is directly relevant to GAAC's and NGC's criticism of the East Pye assessment.

Tibenham operates a variety of aircraft with different performance characteristics, including powered light aircraft, gliders, motor gliders and aerotow combinations. The take-off point, achievable climb height, direction of flight, wind conditions and emergency manoeuvring options may all differ between those operations.

An assessment which treats the availability of emergency-landing land primarily as a matter of geometry or total undeveloped area may fail to account adequately for those differences.

The Beccles decision also demonstrates that cumulative obstacles matter. The effect of one additional development may be considerably greater where existing infrastructure has already constrained the choices available to a pilot.

At Tibenham, the relevant obstacles include existing electricity lines, East Pye's proposed solar arrays, substations and BESS, the permitted Station Road solar scheme, and the proposed Norwich to Tilbury transmission infrastructure.

The Applicant should demonstrate how it has assessed those obstacles together, rather than assuming that each project or installation can be assessed independently without altering the overall aviation safety conclusion.

10.14.3 Haddon solar development: aviation safety can justify refusal of renewable-energy infrastructure

The third decision identified by GAAC is *Land east of Billing Brook and north and south of Peterborough Road, Haddon*, appeal reference APP/H0520/W/25/3369356, dated 12 December 2025.

This decision is particularly relevant because it concerned a proposed solar park rather than a poultry or anaerobic digestion development. The proposal was for a solar park exporting up to 25 MW, with photovoltaic panels and associated infrastructure. The Inspector dismissed the appeal.

The case followed an earlier appeal involving a larger solar proposal at the same location. In that earlier appeal, the Inspector had found insufficient evidence to demonstrate that the development would not compromise aviation safety.

The subsequent proposal reduced the development area and number of solar panels substantially, but aviation safety remained a principal issue, particularly in relation to Sibson Aerodrome and Furze Farm.

The decision demonstrates that reducing the physical extent of solar development does not necessarily resolve aviation safety concerns. The relevant issue remains whether the retained layout is compatible with the actual operating requirements and emergency circumstances of the affected aerodromes.

This is important for East Pye because the Applicant relies upon the remaining proportion of undeveloped land and the location of infrastructure within modelled sectors as support for its conclusion that emergency-landing opportunities will remain adequate.

The Haddon decision provides a relevant example of the need to examine whether those remaining opportunities are genuinely suitable and whether the evidence is sufficient to establish safe operation. It also demonstrates that the public benefits of renewable-energy generation do not automatically overcome unresolved, material aviation safety concerns.

BEPS requests that the Examining Authority consider the three decisions identified by GAAC as examples of the planning principles and evidential issues which arise where development threatens the operational safety of an existing aerodrome.

The decisions provide a substantial answer to any suggestion that the aviation objections are peripheral, speculative or incapable of affecting whether development consent should be granted.

10.15 GAAC's full Written Representation identifies matters understated by the Statement of Common Ground

GAAC's Written Representation [EN0110014-001497] should be read in full alongside the Applicant–GAAC SoCG [EN0110014-001353].

The Written Representation identifies six principal areas of concern: the adequacy of engagement, the scope of aviation safety assessment, cumulative impacts, inconsistent treatment of aerodromes, the importance of Tibenham, and the applicable planning policy. Its evidence is substantially more specific than a general objection to the proximity of solar development.

GAAC identifies the introduction of the proposed National Grid substation at the eastern end of Tibenham's Runway 08 and the location of the BESS as particularly important changes to the Scheme. It considers that these introduce hazards in an area relevant to emergency aircraft operations and that their implications were not adequately addressed through engagement with the aerodrome operator.

GAAC also records that the Applicant's engagement with Tibenham initially concentrated on glint and glare. It questions why the Applicant did not undertake an equivalent site-specific assessment to the further work undertaken for Seething Aerodrome and why the later introduction of major electrical infrastructure did not result in more substantial engagement with NGC.

This comparison is relevant because the Applicant's assessment methodology must be appropriate to the circumstances of the particular aerodrome. The fact that a methodology has been applied elsewhere does not establish that it adequately captures Tibenham's combination of gliding, aerotow, powered-flight training and other activities.

GAAC's Written Representation also records that Tibenham is identified as a nationally Significant Area for Sport and explains its importance for aviation training, competitions, recreation and wider general aviation activity. Those functions are relevant to the planning balance. Development which materially restricts the safe use of particular runway directions, launch arrangements or operating procedures may affect the continued utility of an established aviation facility even if the aerodrome is not physically closed. The Applicant should therefore address the effect upon Tibenham's practical operating capability, not merely whether aircraft could continue to use some of its airspace under modified arrangements.

The GAAC SoCG records the principal aviation matters as under discussion. In particular, GAAC TA-1 concerns the adequacy of the safety assessment, GAAC TA-2 concerns engagement, and GAAC TA-3 concerns the operational and socio-economic effects upon Tibenham.

The Applicant's responses rely upon its High-Level Investigative Report, glint-and-glare assessment, consultation record and professional aviation assessment. Those documents constitute the Applicant's evidence, but they do not establish GAAC's agreement with the assessment conclusions.

BEPS respectfully asks the ExA to examine GAAC's substantive Written Representation rather than infer from the SoCG that the outstanding matters are confined to the wording of agreed mitigation measures.

10.16 The permitted Station Road solar scheme must be included in the cumulative assessment

GAAC identifies a further solar development at Station Road, Tivetshall, planning application 2024/3817, for which it records that full planning permission was granted on 30 June 2025. This development is important because it introduces a separate source of potential solar reflections within the wider aviation operating environment. GAAC expressly raises the possibility that East Pye and Station Road could produce cumulative glint-and-glare effects which have not been assessed adequately together.

The relevant issue is not necessarily whether reflections from both developments would reach the same pilot at precisely the same moment. Their combined presence may alter the frequency, duration, direction or circumstances in which potentially distracting reflections are experienced during different phases of flight.

For a mixed-use aerodrome with gliding and powered-aircraft operations, a cumulative assessment must reflect the actual flight patterns and the possible range of pilot positions, rather than consider the developments solely against fixed approach paths.

The permitted Station Road development is also relevant to the wider availability of open land and emergency-landing opportunities, insofar as it occupies ground within areas potentially reachable from the aerodrome. BEPS requests that the Applicant identify the Station Road scheme within its cumulative aviation assessment and explain whether its approved layout, panel characteristics and location materially alter the conclusions reached for East Pye.

Where the Applicant considers there to be no relevant cumulative effect, it should provide the supporting geographical and operational analysis rather than rely upon the fact that the other development was promoted through a separate planning application.

10.17 The Norwich to Tilbury examination confirms that Tibenham remains an unresolved aviation receptor

GAAC's Written Representation in the Norwich to Tilbury examination [EN020027-002021], together with its subsequent submissions [EN020027-003155 and EN020027-003677], demonstrates that Tibenham's aviation safety concerns are not confined to East Pye.

The Norwich to Tilbury transmission project proposes additional overhead-line infrastructure within the wider operating environment of Tibenham and neighbouring aerodromes.

GAAC and the affected aerodrome operators have raised concerns concerning overhead-line collision hazards, take-off and approach performance, emergency landing, glider and aerotow operations, competition flying, and the interaction between Tibenham and Priory Farm.

The significance for East Pye is that the same aviation receptor is potentially affected by two separate nationally significant infrastructure projects.

The effects cannot be assumed independent simply because one application concerns overhead transmission lines and the other concerns solar generation and associated electrical infrastructure.

10.17.1 National Grid's July 2026 aviation review acknowledges Tibenham's concerns

Norwich to Tilbury's revised aviation assessment, ES Appendix 15.2, Revision C, July 2026 [EN020027-004645], contains a specific assessment of Tibenham.

- Paragraph 15.4.23 identifies Tibenham as an unlicensed aerodrome with three runways, used by Norfolk Gliding Club and powered light aircraft. It recognises winch and aerotow launching and Tibenham's status as a nationally Significant Area for Sport.
- Paragraph 15.4.24 records that consultation revealed concerns about the proximity of the overhead-line alignment to the aerodrome, potential effects upon Runway 08/26,

insufficient emergency-landing space, gliding operations, aerotow launches and competition requirements.
- Paragraph 15.4.25 records National Grid's assessment that the relevant overhead-line clearances are acceptable and that sufficient manoeuvring distance would remain following an aerotow engine failure.
- However, paragraph 15.4.26 expressly confirms that the aerodrome operator has not agreed that the proposed transmission project is acceptable.

This evidence demonstrates that National Grid's aviation assessment acknowledges the same broad category of emergency-landing and operational concerns raised in relation to East Pye, while confirming that the affected aerodrome operator continues to dispute the proposed outcome.

The Applicant cannot therefore reasonably treat the Norwich to Tilbury scheme as a neutral or uncontroversial component of the aviation baseline merely because National Grid's own assessment predicts an acceptable result.

10.17.2 The Norwich to Tilbury assessment does not resolve the combined effects of both projects

National Grid's aviation review assesses the effects of its proposed overhead-line infrastructure against the relevant aviation baseline and the assumptions used in its own assessment.

East Pye's aviation assessment considers the development proposed under the East Pye DCO, including its solar arrays and major electrical infrastructure.

Neither assessment should automatically be treated as demonstrating the acceptability of both developments operating together unless the relevant combined configuration has actually been assessed.

The relevant cumulative scenario includes the physical interaction between overhead-line obstacles, solar arrays, fencing, the BESS, project substations and any National Grid substation ultimately constructed near Great Moulton.

The consequences of an engine or launch failure depend upon the combined distribution of obstacles and usable emergency-landing land. It is therefore insufficient to conclude that Norwich to Tilbury's overhead-line clearances are acceptable independently and that East Pye occupies only a limited percentage of a defined emergency-landing sector. The practical question is whether the remaining terrain and manoeuvring options would be sufficient once both schemes are considered together.

National Grid's own acknowledgment of NGC's continuing disagreement makes a reconciled cumulative aviation assessment particularly important.

BEPS respectfully asks the ExA to require the Applicant to explain how its assessment incorporates the detailed conclusions and assumptions of the Norwich to Tilbury aviation review, including any changes made during that examination and the unresolved representations of the aerodrome operator.

10.17.3 The different assessments must be reconciled rather than selectively relied upon

The two examinations involve different infrastructure and potentially different modelling assumptions, but they concern overlapping hazards within the same aviation environment.

BEPS requests a comparison of the aircraft-performance assumptions, runway starting points, glide and climb calculations, emergency-landing scenarios, obstacle clearances and operational mitigation relied upon in the respective assessments. Where the assumptions differ, the Applicant should explain whether those differences arise from the nature of the development or from materially different interpretations of Tibenham's operating characteristics.

Particular attention should be given to the treatment of aerotow combinations and powered-aircraft engine failure, the availability of emergency-landing areas between the aerodrome and the proposed obstacles, and the role of existing overhead lines.

The aviation assessments should also be reconciled with the current physical development envelope, including NGET's evidence that the proposed Great Moulton transmission solution has not yet been confirmed and may not accommodate the wider connection requirements.

If the final transmission arrangements require a different or enlarged substation or associated electrical works near Tibenham, the relevant aviation assessment must address that configuration. Neither the existing East Pye assessment nor the Norwich to Tilbury assessment can automatically be assumed to cover a materially different future arrangement.

10.18 The combined evidence creates a specific consent-stage risk

Read together, GAAC's East Pye Written Representation, the Norfolk Gliding Club evidence, the three planning appeal decisions and the Norwich to Tilbury examination material identify a consistent problem.

The Applicant's case relies upon assessments which predict that the aviation effects of the proposed infrastructure will be acceptable. However, the aerodrome operator and GAAC dispute important assumptions concerning actual flight operations, emergency-landing opportunities and cumulative obstacles.

The appeal decisions demonstrate that such disputes cannot be resolved simply by asserting that other open land remains available or that an aircraft might theoretically glide beyond a proposed development. The suitability of the remaining options must be demonstrated through evidence relevant to the particular aerodrome, aircraft and emergency circumstances.

The Norwich to Tilbury examination adds a further dimension because National Grid has assessed potential aviation effects from a separate transmission project affecting the same aerodrome and expressly records that NGC has not accepted its conclusions.

GAAC's identification of the permitted Station Road solar scheme introduces an additional cumulative development which requires consideration.

Finally, NGET's evidence concerning North Anglia Node E demonstrates that the final transmission infrastructure associated with the wider connection arrangements remains uncertain.

The danger of granting development consent before these matters have been reconciled is that East Pye could remove or compromise emergency-landing opportunities and introduce further obstacles into an already constrained aviation environment, with the full combination of infrastructure determined only after consent.

If the resulting safety effects prove unacceptable, possible remedies could include restrictions upon existing aviation activity, changes to runway use, substantial amendments to infrastructure or removal of already constructed development. BEPS submits that this would be inconsistent with the need to establish the acceptability of the proposed development before authorising its construction.

BEPS respectfully asks the ExA to require a single, sufficiently detailed and independently reviewable cumulative aviation assessment addressing the operational evidence of GAAC and NGC, the permitted Station Road development, Norwich to Tilbury, the existing obstacle environment and the foreseeable range of National Grid connection arrangements.

Where particular areas of land are necessary to preserve acceptable emergency-landing options, those areas should be excluded from solar and electrical infrastructure development and protected through the operative plans and Requirements of the DCO.

The Applicant should not rely upon future changes to Tibenham's operating procedures as the principal solution to avoidable hazards introduced by development without demonstrating that such changes are reasonable, practicable and acceptable in the context of the aerodrome's established functions.

BEPS maintains that the combined aviation evidence now before the Examination is insufficiently reconciled to support the Applicant's conclusion that the Scheme will have no significant adverse effect upon aviation safety. The evidence requires substantive resolution during Examination rather than reliance upon further engagement or post-consent operational accommodation.

10.19 Overall conclusion: aviation safety cannot be left dependent upon disputed modelling and an uncertain transmission design

The evidence submitted by NGC and GAAC raises a substantive concern about the compatibility of East Pye's proposed infrastructure with an established, mixed-use aviation environment.

The principal issue is not simply whether the Applicant has completed a glint-and-glare assessment or calculated that a high proportion of the land within a geometric sector will remain undeveloped. It is whether the proposed Scheme would preserve realistically usable emergency-landing opportunities and avoid introducing unacceptable hazards during foreseeable flight and launch emergencies.

NGC's detailed operational evidence challenges the assumptions and conclusions upon which the Applicant relies. GAAC identifies concerns about the location of the BESS, substations and solar arrays in the Runway 08 departure environment, together with the cumulative effects of existing and proposed overhead transmission infrastructure.

The Statements of Common Ground demonstrate that those concerns remain under discussion and that the aviation bodies have not accepted the Applicant's conclusion that additional aviation-specific mitigation is unnecessary.

The significance of NGET's subsequent evidence is that the final transmission connection has not been established. NGET has identified wider customer requirements which cannot be accommodated by the Applicant's submitted proposals, and it has not confirmed the final location, size or design of the required substation.

That uncertainty is directly relevant to aviation safety. If a larger or differently configured transmission installation is ultimately required near Tibenham, its footprint, equipment and associated works could alter the hazards and available emergency-landing areas. The present evidence does not establish that such infrastructure will necessarily be built at Great Moulton, but it equally does not justify assuming that the Applicant's indicative arrangement represents the final maximum aviation hazard.

The Applicant's glint-and-glare assessment also identifies potential yellow glare, while NGC disputes whether its effects can safely be accommodated within the aerodrome's operating environment. The Schiphol experience demonstrates that glare from an authorised solar development can create serious operational safety problems despite earlier assessment, and that remediation may require extensive intervention after construction.

The risk of granting consent before these matters are resolved is that land currently providing potential emergency-landing opportunities could be occupied by solar arrays and electrical infrastructure, while the final transmission design and the combined obstacle environment remain uncertain. If the resulting aviation effects prove unacceptable, the available remedies could involve restrictions upon established aviation operations, substantial redesign or removal of infrastructure already constructed.

That is not an appropriate basis for determining the environmental acceptability of a nationally significant infrastructure project.

BEPS respectfully asks the ExA to require a sufficiently detailed, independently reviewable and site-specific aviation safety assessment which reconciles NGC's and GAAC's evidence with the Applicant's conclusions and addresses the combined foreseeable infrastructure configuration. The Applicant should demonstrate that the final authorised layout maintains acceptable emergency-landing options, does not introduce unacceptable aviation hazards and is supported by effective and enforceable mitigation.

Where that demonstration cannot be made, the appropriate response is avoidance through removal or relocation of infrastructure within the affected aviation safety areas, rather than reliance upon later operational accommodation.

BEPS maintains that the present aviation evidence does not yet demonstrate with sufficient reliability that the Scheme can be implemented without unacceptable effects

upon the safe operation of Tibenham Aerodrome. Until the outstanding aviation objections and transmission-design uncertainties have been substantively resolved, those conclusions should not be relied upon in support of development consent.

11. White-clawed Crayfish, the River Tas and the Connected Chalk-stream Environment: Inadequate Baseline Evidence, Unresolved Impact Pathways and the Risks to an Established Conservation Population

11.1 Introduction: the examination now has direct evidence of a reproducing white-clawed crayfish population

BEPS maintains its objection to the adequacy of the Applicant's assessment of white-clawed crayfish (*Austropotamobius pallipes*) and the aquatic ecology of the River Tas catchment. This objection is supported by evidence submitted during the Examination which materially strengthens the earlier records of the species and calls into question the Applicant's reliance upon habitat suitability, absence of records within the Order Limits and generic pollution-prevention measures.

The relevant evidence includes the River Tas Valley representations [EN0110014-000461], [redacted] additional examination evidence [EN0110014-001428], Norfolk Wildlife Trust's Written Representation [EN0110014-001507], the Applicant–NWT Statement of Common Ground [EN0110014-001346], the Environment Agency's Deadline 1 response [EN0110014-001205], and the Applicant's ecological assessments and Outline Protected Species Mitigation Strategy. It must also be considered alongside BEPS Written Representation Chapters 8 and 9, the independent hydrogeological review undertaken by H Fraser Consulting Ltd (HFCL), and the revised Water Framework Directive Assessment [EN0110014-001370].

The essential issue is not whether every watercourse or drainage ditch within the Scheme necessarily contains white-clawed crayfish. It is whether the Applicant has developed a sufficiently reliable assessment of the known population, its distribution, the habitat potentially supporting it and the pathways through which construction and operation could affect it.

That question has become more pressing following the additional survey evidence submitted during Examination. [redacted] representation [EN0110014-001428] records that Norfolk Rivers Trust undertook a net survey at Saxlingham Thorpe on 24 September 2026, within approximately 2 km of the Order Limits. The survey identified three white-clawed crayfish: an adult male, an adult female and a juvenile. The representation also records that the habitat contained extensive refuge opportunities, making detection difficult.

This is important evidence of recent species presence and local reproduction. The identification of a juvenile alongside adult crayfish supports the existence of a reproducing population, although the survey alone does not establish the population's total size, distribution or long-term viability.

The same survey recorded lamprey, minnow and stickleback of different age classes, numerous freshwater shrimp, damselfly larvae and great diving beetles. These findings support the ecological importance of the surveyed reach and demonstrate the presence of a functioning aquatic community. They should not be treated as proof that water quality is uniformly good or that the river is unaffected by pollution; rather, they establish that the receiving environment supports wildlife whose continued functioning requires appropriate protection.

The Applicant must now assess the Scheme against this evidence. A conclusion based principally upon the absence of earlier records within the Order Limits or an assessment of low habitat suitability cannot be treated as a complete answer to the presence of an established population in a potentially connected river system.

BEPS respectfully asks the ExA to require a demonstrable reconciliation between the newly submitted evidence, the Applicant's aquatic ecological baseline, the revised WFD assessment and the construction and pollution-control measures relied upon to conclude that significant effects will not occur.

11.2 The Applicant's earlier assessment has been overtaken by substantive new evidence

The Applicant's original ecological documentation placed substantial reliance upon desk-study information and aquatic habitat assessment to consider the likelihood of white-clawed crayfish occurring within the relevant development areas.

[redacted] earlier River Tas Valley representation [EN0110014-000461] identifies the difficulty with drawing absence conclusions from limited historical records. The representation refers to the treatment of crayfish in the Ecological Desk Study and the presence of older records concerning non-native signal crayfish, while noting that a lack of records can reflect under-recording rather than genuine absence.

That distinction is now reinforced by the subsequent field evidence. In the Applicant–NWT SoCG, item NWT EB-14, the Applicant states that no records of white-clawed crayfish had been identified within the Order Limits and that the Aquatic Habitat Assessment considered the species unlikely to occur in the habitats assessed. NWT, by contrast, identifies Norfolk Rivers Trust records within 2 km of the Scheme and recommends additional survey work and suitable protection measures. The issue remains recorded as under discussion.

The latest survey evidence establishes that the assessment must recognise the presence of the species in the relevant river environment and evaluate the actual degree of connectivity and potential exposure.

In his further representation, [redacted] challenges the Applicant's apparent reliance upon habitat characteristics such as fine sediment to conclude that particular reaches have low suitability. He explains that crayfish have been found in areas where fine sediment is present and argues that the ecological significance of less favourable habitat cannot be dismissed without adequate investigation.

BEPS considers that criticism material. Habitat suitability is an appropriate component of ecological assessment, but the presence of a species elsewhere in a connected watercourse system means that assumptions about marginal or low-quality habitat need careful interpretation. Conditions may vary seasonally and spatially, and a reach which provides limited refuge habitat may nevertheless provide movement opportunities or form part of a pathway through which pollutants and disease can travel.

The Applicant should explain how it has revised its understanding of the River Tas population in light of the 24 September survey and the earlier observations (NRT positive surveys 2020, 2021 and 2022), and whether the new evidence affects the habitat suitability conclusions and impact pathways assessed in the Environmental Statement.

The appropriate response is to establish which waters are likely to support crayfish, which are potentially accessible to them, and which may transmit harmful effects to occupied reaches.

11.3 NWT expressly disputes the adequacy of the crayfish evidence and the need for further surveys

Norfolk Wildlife Trust's Written Representation [EN0110014-001507] identifies white-clawed crayfish as an area in which the evidence base remains insufficient.

NWT states that the ExA lacks sufficient ecological evidence to be confident that effects upon the River Tas, white-clawed crayfish and associated habitats have been properly assessed and can be effectively mitigated. It notes that further crayfish surveys had previously been requested by the Planning Inspectorate and Environment Agency but had not been completed when NWT prepared its submission.

NWT's concern is not confined to the possibility that the species might be present within the footprint of a particular construction activity. It seeks confidence in the overall aquatic ecological assessment and in the measures intended to safeguard downstream habitats.

This position is reflected directly in the Applicant–NWT SoCG [EN0110014-001346]. Under item NWT EB-14, NWT states that it is aware of Norfolk Rivers Trust records within 2 km of the Scheme and recommends further surveys to establish presence, together with appropriate biosecurity, pollution-prevention and sediment-control measures to protect downstream habitats.

The Applicant responds by referring to the absence of records within the Order Limits, the Aquatic Habitat Assessment's conclusion concerning habitat suitability and the protection measures proposed within the Outline CEMP, Outline Cable Route Construction Statement and Outline Protected Species Mitigation Strategy. This is despite BEPS sharing NRT survey evidence of a breeding population within 2KM of the Order Limits with the Applicant in December 2025, and on multiple occasions since.

Those responses identify the Applicant's proposed management arrangements, but they do not establish that NWT has agreed the sufficiency of the baseline or the effectiveness of mitigation. The SoCG expressly records the issue as under discussion.

The distinction is important because an assessment of the likelihood of direct crayfish presence and an assessment of risks to an established population through connected watercourses are not interchangeable.

The Applicant's evidence may be capable of demonstrating that direct physical disturbance to occupied crayfish habitat is unlikely at particular construction locations. However, that does not answer whether sediment, drilling fluids, hydrocarbons, contaminated runoff or other harmful material could reach downstream or otherwise hydraulically connected reaches supporting the species.

BEPS submits that NWT's concern must therefore be addressed by a catchment-informed assessment linking the actual proposed works to the known occupied habitat and relevant hydrological pathways.

11.4 The Applicant's Position Statement expressly declines further targeted crayfish surveys and relies upon the adequacy of its proposed mitigation

BEPS draws the Examining Authority's attention to the Applicant's *Position Statement on White Clawed Crayfish*, Revision 1, September 2026 [EN0110014-000572, EXAM/8.5]. This document was produced in response to the ExA's Rule 6 letter and the concerns raised by South Norfolk District Council, Norfolk Wildlife Trust and BEPS. It provides the Applicant's clearest explanation of why it considers its original aquatic habitat evidence and proposed mitigation sufficient to support a conclusion that significant effects upon white-clawed crayfish are not anticipated.

The Position Statement is important because it acknowledges several limitations in the original evidence but concludes that further targeted investigation is unnecessary. BEPS submits that the reasoning requires closer scrutiny, particularly in light of the now weighty independent evidence submitted since December 2025 concerning a reproducing population in the River Tas.

If the Applicant genuinely wishes to avoid harm and to enhance biodiversity in the area of its project, as it claims, BEPS cannot understand why it is refusing to adequately survey the chalk stream to understand and protect this endangered species. This approach reinforces the Community’s lack of trust in the Applicant and their project.

11.4.1 The original surveys did not establish species absence

At paragraph 2.1.3, the Applicant acknowledges that its aquatic habitat surveys were habitat suitability assessments rather than targeted presence/absence surveys. The techniques identified in Natural England's standing advice, including appropriate manual searching, hand-netting, night searching and environmental DNA surveys, were not employed as a targeted programme to establish the distribution of white-clawed crayfish.

The Applicant nevertheless maintains that the habitat characteristics identified during the surveys provide sufficient information to assess suitability and the potential pathways through which effects could occur.

BEPS requires the Applicant to demonstrate that its understanding of the potentially affected watercourses and the proposed protective measures is sufficiently reliable to avoid harm whether or not crayfish are detected at individual locations.

There is a material difference between assuming species presence in potentially affected habitat and demonstrating that the development cannot cause harm to that habitat or its occupants. The former avoids reliance upon an unsupported assumption of absence; it does not establish the effectiveness of the mitigation on which the assessment then depends.

The Applicant must therefore show that its conclusions are supported by an adequate identification of potentially affected receptors, direct and indirect exposure pathways and the controls required to prevent adverse effects.

11.4.2 The Applicant acknowledges unusually dry survey conditions but disputes their significance

At paragraphs 2.1.1–2.1.2, the Applicant accepts that the original aquatic surveys were undertaken during unusually dry conditions, which may have under-represented typical wetted extent, depth and in-channel habitat availability, particularly in ephemeral headwaters and field ditches.

It argues that the principal physical features required by white-clawed crayfish, including coarse substrates, undercut banks, roots, crevices and other stable refuges, would have remained identifiable regardless of water level. It therefore maintains that the survey conditions did not materially undermine its habitat suitability conclusions.

The effects of drought upon wetted extent and flow may influence the ability to assess seasonal habitat availability, hydrological connectivity, the functioning of field drains and ditches and the movement of pollutants during wetter conditions. A temporarily dry or low-flow feature may have limited potential to support a permanent crayfish population while nevertheless providing a pathway through which sediment or contaminants can reach occupied habitat following rainfall.

The distinction is particularly important because the Applicant's assessment of impacts depends not only upon whether crayfish occupy the watercourses immediately affected by construction, but also upon whether works within the wider catchment could affect the River Tas and other connected suitable habitats.

BEPS therefore submits that the significance of the drought limitation cannot be determined solely by whether physical crayfish refuges would have remained visible. The Applicant must also establish whether the surveyed conditions provided a reliable basis for assessing the hydrological pathways through which indirect effects could occur.

11.4.3 The Applicant expressly rejects further targeted survey

Paragraph 2.3.1 records that no further white-clawed crayfish surveys had been completed in 2026 and that no additional targeted surveys were proposed during the remaining July–September survey window.

The Applicant gives two principal reasons. First, it considers that ongoing drought would make repeat habitat assessment unlikely to provide a more representative picture of normal conditions. Secondly, it argues that further confirmation of species presence would not materially alter the assessment because presence is already assumed within the River Tas and suitable hydrologically connected habitats, and the relevant pathways are considered adequately avoided or controlled. This is the central issue requiring resolution.

A decision not to undertake further targeted surveys could be justified if the Applicant had demonstrated, through a sufficiently reliable conceptual assessment, that all credible pathways affecting the known population were either absent or adequately addressed by enforceable mitigation. However, the adequacy of the proposed controls remains contested, including in the representations of NWT and the EA's outstanding concerns concerning water quality, buffers, drilling-fluid breakout, pollution prevention and groundwater pathways.

The Applicant's conclusion that additional surveys would make no material difference therefore depends upon the correctness of the very impact-pathway and mitigation assumptions which remain disputed.

BEPS submits that the Applicant should provide an explicit explanation of why further survey or other targeted investigation would not materially improve the assessment of the known population and the relevant risks. That explanation should distinguish the need to establish direct presence at construction locations from the need to assess indirect effects upon occupied downstream habitat.

11.4.4 Avoidance of direct riverbed disturbance does not establish avoidance of indirect impacts

At paragraphs 2.2.1–2.2.5, the Applicant identifies the River Tas and Hempnall Beck as sensitive aquatic receptors and designated Avoidance Areas. It relies upon stand-off distances, trenchless crossings, a minimum cable depth of 5 metres below the surveyed bed of main rivers, drilling precautions and the proposed environmental management documents.

BEPS acknowledges that those measures may materially reduce the risk of direct disturbance to sensitive watercourses. Avoidance of open-cut excavation through an occupied riverbed is an important protective measure. However, the principal outstanding question is whether these controls are sufficient to prevent effects reaching the known crayfish population through connected watercourses and drainage systems.

Trenchless installation does not remove all potential risks associated with drilling-fluid breakout, ground disturbance or construction runoff. Similarly, the positioning of launch and reception pits outside an Avoidance Area does not necessarily establish that works cannot affect the protected watercourse through surface drainage or subsurface connections.

The Applicant's reliance upon the Outline CEMP, Outline Protected Species Mitigation Strategy and related documents must therefore be considered alongside the EA's outstanding concerns concerning pollution-prevention arrangements, watercourse protection and drilling-fluid contingencies.

If those measures are essential to the conclusion of no significant effect, the Applicant must demonstrate that their technical requirements and enforceability are sufficiently established.

The relevant assessment must address construction compounds, access routes, cabling and drainage features within the connected catchment, not solely the location at which cables pass beneath the River Tas or Hempnall Beck.

11.4.5 The proposed post-consent review mechanism may identify constraints too late

At paragraph 2.2.5, the Applicant states that if detailed construction methodology changes so that direct effects upon suitable or occupied crayfish habitat could occur, the need for further survey, mitigation, compensation or licensing would be reviewed before the works proceed.

Paragraph 3.1.1 similarly provides for a review if robust new site-specific evidence materially changes the understanding of habitat suitability, species presence or potential impacts. The Applicant suggests that this might require further avoidance, method statement controls, timing restrictions, enhanced biosecurity or additional permissions.

BEPS acknowledges that a responsive mechanism for dealing with new ecological information is necessary and appropriate. However, such a mechanism cannot substitute for establishing the environmental acceptability of foreseeable works before consent where new information could require a materially different construction solution.

The proposed approach appears particularly focused upon evidence of crayfish within or immediately adjacent to a directly affected reach. That formulation risks giving insufficient attention to evidence demonstrating that works elsewhere in a connected catchment could cause harm to an established population through pollution, sediment, altered flow or disease transmission.

It is also important to distinguish between measures which can be implemented within an assessed construction method and those which could require substantial alteration of the proposed development. If additional investigation reveals that a particular crossing, access route or drainage arrangement cannot be undertaken without unacceptable risk, the necessary alternative may have consequences for land requirements and other environmental effects.

The Applicant should demonstrate that such foreseeable outcomes are covered by the assessment and can be accommodated within the authorised development envelope.

11.4.6 The Applicant does not propose species-specific post-construction population monitoring

At paragraph 2.2.6, the Applicant states that species-specific post-construction population monitoring is not currently considered proportionate. It considers that the avoidance of direct effects, together with general environmental management, inspection and ecological supervision, provides sufficient protection.

Where the Applicant relies principally upon indirect pollution and disease controls to prevent harm to a known sensitive population, the assessment should explain how the effective operation of those controls will be verified and how adverse effects will be identified promptly.

Construction monitoring confined to checking implementation of method statements may establish whether prescribed procedures are being followed, but it does not necessarily demonstrate that receiving-water conditions or ecological receptors are unaffected.

The Applicant should therefore identify whether receptor-based water-quality monitoring, incident-response arrangements or other targeted verification measures are necessary at the locations where a credible pathway to occupied crayfish habitat exists.

Any monitoring requirement should be linked to clear objectives, action thresholds and enforceable corrective measures rather than being described solely as general ecological supervision.

11.4.7 The September 2026 evidence requires a fresh response to the Applicant's Position Statement

The Applicant's Position Statement was prepared in September 2026 and must now be read alongside [redacted] examination representation [EN0110014-001428], which reports the Norfolk Rivers Trust survey at Saxlingham Thorpe on 24 September 2026.

That survey identified an adult male, an adult female and a juvenile white-clawed crayfish within approximately 2 km of the Order Limits, providing recent evidence of a locally reproducing population.

The Applicant's Position Statement already acknowledges the possibility of crayfish within the wider Tas catchment and does not rely upon the original desk-study absence conclusion to assert that the species is absent. The new record therefore does not automatically invalidate its precautionary approach.

However, it makes the need to demonstrate the adequacy of that approach more pressing. The Applicant should explain whether the recent survey changes its understanding of the distribution, ecological sensitivity or conservation importance of the population and whether its proposed mitigation remains sufficient in light of the additional evidence.

The Applicant should also address Norfolk Rivers Trust's ongoing conservation activities and the implications of its known crayfish population for watercourse protection and disease prevention within the relevant catchment.

BEPS respectfully asks the ExA to not be asked to rely solely upon the earlier Position Statement without a transparent explanation of how the new information has been considered.

11.4.8 Conclusion on the Applicant's Position Statement

The Applicant's Position Statement advances the argument that further targeted surveys are unnecessary because crayfish presence is assumed where appropriate and the relevant impact pathways have been avoided or controlled. BEPS’s objection concerns whether the factual and technical conditions necessary for that approach to be reliable have been demonstrated.

The Applicant acknowledges that its original work was not a targeted presence/absence survey, that the aquatic habitat assessment was undertaken during unusually dry conditions

and that the River Tas and other suitable connected habitats may support white-clawed crayfish. It nevertheless concludes that no further survey or species-specific population monitoring is necessary because the proposed avoidance and management measures are sufficient.

That conclusion requires reconciliation with the ongoing evidence of a reproducing population, NWT's continuing request for further surveys, the limitations of drought-period assessment and the EA's unresolved water-quality and pollution-prevention concerns.

BEPS submits that the Applicant has not yet demonstrated with sufficient specificity that all credible pathways from the authorised works to the known crayfish population have been identified and adequately controlled.

BEPS respectfully asks the ExA to require an updated, receptor-specific response to the Position Statement explaining how the September 2026 survey evidence has been incorporated, how the relevant catchment connections have been assessed and why the proposed controls are sufficient without further targeted investigation.

Until that reconciliation is provided, the Applicant's conclusion that significant effects upon white-clawed crayfish are not anticipated should be treated as contested rather than established.

11.5 The Planning Inspectorate's request for additional information and the significance of survey timing

The ExA's Rule 6 letter, Annex F, item 9(a), required the Applicant to provide an update concerning white-clawed crayfish. That requirement demonstrates that the issue had already been identified as requiring clarification before the substantive Examination proceeded.

The relevant procedural question is whether the Applicant's subsequent information has provided an adequate basis for resolving the ecological uncertainty, including the incorporation of the independent River Tas records and any additional survey results.

BEPS does not suggest that every request for an ecological survey automatically requires the Examination to stop, nor that a development cannot ever be assessed where particular land is inaccessible or further survey work is constrained. However, the Applicant must explain the limitations of the available information and demonstrate why those limitations do not undermine the assessment of likely significant effects.

The timing and conditions of crayfish surveys are especially important. Natural England's standing advice identifies July–September as the normal period for development-related white-clawed crayfish surveys, while the 2026 survey class licence provides guidance covering July–October. It is extremely regrettable that the Applicant has now left surveying too late for this year.

The concern raised by BEPS regards the unusually dry conditions prevailing during the relevant survey periods and the consequences those conditions may have had for the reliability of conclusions based upon observed habitat or unsuccessful searches. The Applicant's aquatic habitat assessment itself acknowledges that surveys undertaken during

unusually dry conditions may under-represent typical wetted extent, depth and in-channel habitat availability, particularly in ephemeral headwaters and field ditches. That qualification must be reflected in the interpretation of subsequent survey evidence.

A dry channel during a particular survey does not necessarily establish that the feature lacks ecological or hydrological significance under ordinary or wetter conditions. It may provide seasonal connectivity, convey runoff or pollutants during rainfall, or contribute to downstream habitat conditions even where its suitability for continuous crayfish occupation is limited.

The 24 September 2026 Norfolk Rivers Trust survey provides a practical example. Only three crayfish were recorded, but the surveyor noted that refuge opportunities made detection difficult. The limited number of detected animals should not be treated as demonstrating that the population is small without appropriate survey methodology and supporting evidence.

The Applicant should therefore supply a consolidated account of the crayfish survey evidence, including the locations and dates of surveys, methods, prevailing hydrological conditions, access limitations, results, confidence in detection and the relationship to the known population.

Where a surveyed reach was dry or otherwise unsuitable for the chosen method, the Applicant should explain whether alternative methods, additional seasonal evidence or a precautionary assumption were used.

The important conclusion is that **a negative survey cannot be treated as conclusive evidence of absence where the detectability of the species or the representativeness of the surveyed conditions has not been adequately established**.

11.6 River Tas connectivity requires assessment beyond the immediate footprint of construction

The River Tas and its tributaries form a connected aquatic environment in which effects may be transmitted beyond the location of an individual construction activity. This is central to [redacted] representations. He explains that a contaminant or disease introduced into one part of a watercourse system may be transported to reaches supporting crayfish even where the species is not present immediately beneath or beside the development works.

BEPS agrees that the Applicant must assess indirect exposure pathways. However, the existence and direction of relevant connections must be demonstrated rather than assumed. Watercourses, field drains, tributaries and groundwater systems differ in their hydraulic characteristics, flow directions and seasonal behaviour.

The required assessment should therefore identify the construction areas, cable crossings, haul roads and drainage systems connected to the relevant Tas catchment, determine how water and pollutants may move through those systems, and evaluate whether the proposed works could affect occupied or potentially occupied crayfish habitat. This is particularly important where the Applicant relies upon the absence of direct works within the River Tas itself or proposes trenchless installation beneath watercourses.

Trenchless construction may avoid direct excavation of the riverbed and thereby reduce certain impacts. However, it does not eliminate the possibility of drilling-fluid breakout, disturbance at entry and exit compounds, sediment-laden runoff, groundwater interaction or pollution from associated plant and machinery. Likewise, construction compounds or access routes situated away from the main river may create risks through connected drainage features. Those risks depend upon the location, ground conditions, construction methods and the effectiveness of the proposed controls. The assessment must therefore address the entire relevant source–pathway–receptor relationship.

The presence of white-clawed crayfish in the River Tas makes this particularly important because effects upon water quality, sediment conditions or disease exposure could arise without direct excavation within occupied habitat.

11.7 Sediment, drilling fluids, hydrocarbons and water-quality risks must be assessed together

White-clawed crayfish depend upon suitable aquatic habitat, including stable refuges and water conditions capable of supporting their survival and reproduction. They are vulnerable to habitat deterioration, pollution and disease. The proposed construction activities create several potential pathways requiring assessment.

Excavation, cable trenching, temporary access, haul-road construction and repeated heavy vehicle movement may disturb soils and alter the generation and movement of sediment-laden runoff. Depending upon the receiving watercourse and existing conditions, increased sediment deposition may affect refuge spaces, substrate conditions and aquatic habitat quality.

Where an occupied population is known to occur within a connected catchment, the Applicant should demonstrate that realistic construction conditions and the efficacy of the proposed controls have been properly assessed. The same applies to fuels, lubricants, hydraulic fluids, concrete washout and other materials used during construction. Accidental releases may be relatively infrequent when good practice is followed, but their consequences can be serious where a pollutant reaches a sensitive watercourse.

The Environment Agency's Deadline 1 response [EN0110014-001205] records outstanding disagreements concerning baseline water-quality information, watercourse buffers, pollution monitoring, concrete, fuel and chemical storage, wheel cleaning, drilling-fluid breakout and decommissioning controls. Those issues are relevant to crayfish even where the EA's corresponding representations are framed as water-quality or groundwater matters rather than species-specific objections.

The Applicant's claim that its Outline CEMP and associated method statements will protect aquatic species must therefore be tested against the EA's concerns over the detail and security of those controls. Where the Environmental Statement relies upon pollution prevention to conclude that no significant effects will occur, the Applicant must show that the necessary measures are sufficiently specified, deliverable and secured.

The risk of consenting the Scheme before that has been established is that construction proceeds in reliance upon generic controls which may be insufficient for the actual ground conditions, drainage pathways and sensitive receptors encountered.

If pollution reaches an occupied crayfish habitat, subsequent remediation may not fully reverse the ecological consequences. Prevention is therefore of particular importance.

11.8 Crayfish plague and biosecurity require a catchment-wide construction strategy

White-clawed crayfish face an additional threat from crayfish plague, associated particularly with non-native crayfish and contaminated equipment or water. The Norfolk Rivers Trust and its conservation partners identify the prevention of crayfish plague transmission as an essential element of protecting the remaining native populations.

The Scheme's construction programme may involve machinery, personnel, equipment and temporary works operating across multiple watercourses and drainage catchments. The risk is not limited to direct handling of crayfish. Equipment or materials moved between wet environments may create pathways for transferring biological contaminants unless appropriate procedures are followed.

The Applicant should therefore demonstrate that its biosecurity arrangements are appropriate to the known presence of white-clawed crayfish in the River Tas system and to the actual programme of construction works.

Relevant matters include identifying watercourse work areas, the movement of equipment between catchments, cleaning and disinfection procedures, the management of potentially contaminated water or sediment, and the responsibilities of contractors undertaking crossings or drainage works. The measures must apply consistently to temporary works and subsequent maintenance, rather than being confined to the initial installation of cables.

Where the proposed procedures rely upon contractors preparing detailed method statements after consent, the essential biosecurity standards and approval requirements should be established and secured in advance.

BEPS submits that the Applicant should provide a specific crayfish biosecurity strategy informed by the advice of Norfolk Rivers Trust, the Environment Agency and Natural England, with particular regard to preventing the introduction or spread of crayfish plague.

11.9 The Norfolk Rivers Trust and Banham Zoo conservation programme increases the importance of protecting the Tas

BEPS has received information from Norfolk Rivers Trust that its partnership with Banham Zoo includes a white-clawed crayfish breeding programme and that potential release locations are being investigated in specific areas of the River Tas catchment relevant to East Pye Solar.

The existence of the breeding and reintroduction programme is independently documented. Norfolk Rivers Trust has established a dedicated hatchery at Banham Zoo in partnership with

the Zoological Society of East Anglia, with the purpose of breeding and rearing white-clawed crayfish for release into suitable protected environments.

The programme seeks to establish or reinforce populations in locations where they can survive without unacceptable exposure to invasive crayfish, disease or degraded habitat. Norfolk Rivers Trust reports that 83 white-clawed crayfish were released at an ark site in North Norfolk in 2024. That example demonstrates that the programme has progressed beyond general conservation aspirations to practical breeding and release activity.

Information published by Norfolk Rivers Trust for the Shotesham community website also confirms the presence of white-clawed crayfish in the River Tas and identifies the importance of water quality throughout the catchment, including tributaries and drainage ditches (EPS land parcel 8).

The proposed locations and their suitability have not, on the evidence presently available, been confirmed as approved release sites. Nevertheless, the information is relevant to the ecological assessment for two reasons.

First, it reinforces the importance of the Tas catchment as a remaining conservation landscape for white-clawed crayfish. The existing population is not merely a historical record or incidental observation, but part of an active programme of protection, investigation and potential recovery.

Second, it raises the question of whether the Scheme's construction and operational effects could interfere with habitat protection or restoration activities already being developed for the catchment.

A potential future release should not be treated as an existing ecological receptor with the same evidential status as an occupied location. However, the Applicant should identify whether the proposed works could materially prejudice realistic and sufficiently developed conservation measures, particularly where those measures concern the maintenance or restoration of water quality and habitat connectivity.

The Applicant should therefore engage directly with Norfolk Rivers Trust to establish the conservation objectives relevant to the Tas catchment, the location of known occupied reaches, the requirements for protecting existing populations and whether any proposed works could interfere with identified restoration priorities.

The significance of this evidence lies in the wider conservation context. The Scheme should not be assessed solely against the minimum conditions required to avoid immediate injury to crayfish at individual crossings. It should also be assessed for its potential effects upon the condition and ecological functioning of the connected water environment supporting their long-term recovery.

11.10 Natural England's position and the need to distinguish general ecological agreement from species-specific assessment

Natural England's Written Representation [EN0110014-001116], its response to ExQ1 [EN0110014-001117] and the Applicant–Natural England SoCG [EN0110014-001349]

should be considered alongside its published standing advice concerning white-clawed crayfish.

Natural England’s agreement concerning general ecological methodology or particular protected-species measures does not, by itself, establish that the new crayfish records and the associated River Tas pathways have been examined and found acceptable.

Natural England's published standing advice states that surveys should be sought where distribution and historical records indicate that white-clawed crayfish may be present. It expressly cautions that an absence of records does not establish species absence, since it may reflect insufficient survey information. In this case, there are breeding presence records withing 2km dating from 2020, 2021 and 2022. The rest of the Tas in the vicinity of the project has not been surveyed by the Applicant.

The standing advice also identifies the importance of assessing effects upon crayfish habitats and appropriate management and monitoring measures. These principles are directly relevant to the present examination evidence.

The recent Saxlingham Thorpe survey confirms (again) species presence within the vicinity of the Scheme, including a juvenile. That finding requires the Applicant to establish whether potentially affected connected reaches are suitable for crayfish, whether the proposed works could affect the known population and whether appropriate avoidance and protection measures are secured.

The Applicant should not rely upon Natural England's absence of a fundamental objection to the Scheme as proof that these specific matters have been resolved. BEPS requests Natural England's express assessment of the significance of the September 2026 survey and the adequacy of the Applicant's revised crayfish assessment, including the treatment of hydrological connectivity, indirect effects and proposed construction controls.

BEPS respectfully asks the ExA to distinguish between the adequacy of the general ecological assessment framework and the sufficiency of the location-specific evidence now available for the River Tas.

11.11 The Environment Agency's position and the distinction between aquatic ecological agreement and water-quality risk

The Environment Agency's Deadline 1 response [EN0110014-001205] identifies numerous matters which remained unresolved as at 6 October 2026 and which are relevant to the protection of aquatic habitats.

These include concerns about baseline water-quality information, watercourse buffers, sediment and pollution-control measures, drilling-fluid breakout, contamination, groundwater pathways and the adequacy of environmental controls secured through the draft DCO.

The Agency also recorded agreement on certain ecological matters, including its valuation of fish receptors, its treatment of short-term ecological effects and the approach to some other aquatic receptors. BEPS acknowledges those agreements and does not suggest that every EA water-quality objection constitutes a specific EA objection concerning white-clawed crayfish.

However, the distinction between agreement on particular ecological assessment points and continued disagreement over the controls protecting the receiving water environment is material.

The existence of an adequate pollution-prevention system is particularly important where a protected aquatic species is known to occur within a potentially connected catchment. If the Applicant relies upon general construction controls to establish that crayfish would not experience significant effects, the reliability of that conclusion depends upon the adequacy of those controls.

Where the EA remains concerned about the detail, enforceability or operation of the relevant measures, the Applicant must explain why those outstanding matters do not undermine the ecological conclusions.

BEPS therefore requests that the EA confirm whether the latest crayfish records materially affect its position concerning water-quality risks within the Tas catchment, including any requirements for monitoring, pollution prevention, biosecurity and emergency response.

The Applicant should also identify whether the relevant water-environment management measures expressly accommodate the protection of occupied crayfish habitat, rather than relying upon general controls without demonstrating their suitability for that receptor.

11.12 The WFD assessment must be reconciled with the known population and catchment-level pathways

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 require consideration of the relevant waterbody objectives and the prevention of prohibited deterioration. BEPS's Section 8 explains the concerns arising from the revised WFD Assessment [EN0110014-001370] and HFCL's independent criticism of the assessment's conceptual and screening assumptions.

The presence of an established white-clawed crayfish population does not automatically establish that a particular WFD quality element would deteriorate or that the Scheme would prevent achievement of a waterbody objective. Nevertheless, it is important ecological evidence when assessing the sensitivity and functioning of the river system and the consequences of potential water-quality or hydrological change.

The Applicant should therefore explain how the crayfish evidence has been incorporated into the revised water-environment assessment and whether it alters the assumptions concerning potentially affected receptors and impact pathways.

The WFD and protected-species assessments serve different regulatory purposes, but their underlying environmental evidence must be consistent. For example, an assessment concluding that a watercourse is unlikely to contain crayfish because of habitat characteristics must be reconciled with any WFD analysis which recognises hydrological links between construction areas and occupied downstream habitat. Similarly, a conclusion that a trenchless crossing would avoid direct habitat loss does not establish that the works pose no risk to water quality or sediment conditions.

The Applicant must demonstrate that the environmental controls relied upon under the ecological assessment are consistent with those assumed in the WFD, groundwater, flood-risk and pollution-prevention assessments.

A fragmented approach in which each assessment assumes that another management document will resolve the relevant pathway does not provide sufficient assurance that the combined effect has been properly understood.

11.13 The principal consent-stage risk is the loss of avoidance options before the population and pathways are adequately characterised

The consequences of consenting the Scheme with these issues unresolved extend beyond the possibility of an individual construction incident.

If subsequent surveys identify crayfish within a reach directly affected by a crossing, the Applicant may need to alter its construction method, access arrangement or alignment, introduce additional exclusion areas or seek further permissions. Such changes could have consequential effects upon other environmental topics and land requirements.

If the principal concern is indirect pollution or altered drainage, the necessary solution may instead involve changing construction compound locations, strengthening containment, revising surface-water arrangements or adopting different working practices.

The availability and environmental consequences of those responses must be understood sufficiently before consent to establish that an acceptable solution exists within the authorised and assessed Scheme.

Where the Applicant has not adequately characterised the known population and the pathways through which works could affect it, there is a risk that design decisions will be made on the basis of an incomplete assessment of ecological constraints.

Once construction methods, access routes and land powers are authorised, the practical scope for avoidance may be reduced. The Applicant could then be required to rely more heavily upon mitigation or compensation which may not fully reverse damage to an established protected-species population.

A pollution event or disease introduction could affect a population beyond the immediate construction footprint, and the resulting loss or deterioration may be difficult to remedy through measures undertaken within the Order Limits alone.

The importance of the Norfolk Rivers Trust conservation programme reinforces that concern. Damage to an existing population or deterioration of potentially suitable recovery habitat could undermine long-term conservation objectives extending beyond the individual development parcel.

BEPS does not submit that the mere presence of white-clawed crayfish within the wider catchment automatically prevents development consent. Its submission is that the known ecological receptor must be properly assessed and that appropriate prevention and avoidance measures must be shown to be feasible and enforceable.

The ExA should not be asked to accept a conclusion of negligible or non-significant effects merely because the Applicant intends to develop more detailed pollution-prevention or protected-species measures after consent.

Those measures must be capable of addressing the impact pathways now identified, and their effectiveness must be adequately supported by the available evidence.

11.14 Further evidence and controls required

BEPS requests that the Examining Authority require the Applicant to provide a consolidated white-clawed crayfish assessment which addresses the recent evidence and reconciles the ecological and water-environment documentation.

The assessment should include:

1. **The September 2026 Norfolk Rivers Trust survey.** The Applicant should acknowledge the Saxlingham Thorpe survey, the adult and juvenile crayfish records, the limitations of the detection method and the implications for the known population.
2. **A consolidated record of crayfish evidence.** This should identify the relevant historical and recent records, the source and reliability of the information, and the extent to which the population's distribution is known or uncertain. Sensitive location information should be protected appropriately.
3. **The survey methodology and limitations.** The Applicant should provide dates, locations, survey methods, effort, hydrological conditions, access constraints and the confidence which can reasonably be placed upon positive and negative results.
4. **The relationship between the Scheme and the Tas catchment.** The Applicant should identify potentially connected construction areas, cable and access crossings, drainage systems and receiving watercourses and explain the pathways through which effects could reach occupied habitat.
5. **A revised impact assessment.** This should consider direct disturbance, sedimentation, pollution, hydrological change, drilling-fluid breakout, biosecurity and crayfish plague, including relevant construction, operational, replacement and decommissioning activities.
6. **A specific biosecurity strategy.** The Applicant should establish procedures to prevent disease transmission and the movement of potentially contaminated equipment or water between relevant watercourses and catchments.
7. **The conservation context.** The Applicant should consult Norfolk Rivers Trust concerning the existing Tas population, current conservation objectives and any sufficiently developed proposals for future habitat restoration or crayfish reintroduction.
8. **Cross-document reconciliation.** The crayfish assessment should be reconciled with the revised WFD Assessment, Flood Risk Assessment, Outline CEMP, Outline Protected Species Mitigation Strategy, construction method statements and relevant DCO Requirements.
9. **The views of statutory and specialist consultees.** Natural England, the Environment Agency and Norfolk Wildlife Trust should be invited to comment specifically upon the latest evidence and the adequacy of the Applicant's proposed measures.
10. **Avoidance and enforceability.** The Applicant should demonstrate that any necessary changes to crossings, access arrangements, construction compounds or drainage can

be accommodated within the assessed Scheme and that essential protection measures are secured before the relevant works begin.

Where the available information remains insufficient to establish the potential effects upon the known crayfish population, the Applicant should undertake further proportionate investigation or assess the relevant works on an appropriately precautionary basis.

A precautionary approach must be supported by a credible assessment of the possible impact pathways and demonstrably effective controls. It cannot be reduced to an assumption that no significant effects will arise because the Applicant intends to follow general construction good practice.

11.15 Overall conclusion: the evidence does not yet justify treating the River Tas crayfish issue as resolved

The examination evidence now establishes a materially stronger basis for concern than the original desk-study position. Continuing its positive surveys from 2020, 2021 and 2022, Norfolk Rivers Trust's survey of 24 September 2026 identified adult and juvenile white-clawed crayfish at Saxlingham Thorpe, within approximately 2 km of the Order Limits. [redacted] representations document the findings and explain the significance of the connected River Tas environment.

NWT expressly challenges the adequacy of the existing aquatic ecological evidence and recommends further survey work and protection for downstream habitats. Its disagreement with the Applicant is recorded under NWT EB-14 of the Statement of Common Ground and has not been shown to be resolved.

The Environment Agency's Deadline 1 evidence identifies outstanding concerns about water-quality protection and related environmental controls which may be relevant to the same receiving environment, although these should not be misrepresented as species-specific objections where the Agency has not adopted that position.

Natural England's standing advice likewise supports the need to take distribution records and survey limitations seriously. A lack of records within an individual area is not proof that the species is absent, particularly where credible recent records establish its presence nearby.

The Norfolk Rivers Trust and Banham Zoo conservation programme adds further context. The River Tas is not merely a watercourse in which a protected species has been reported; it is part of a chalk stream landscape in which conservation organisations are actively working to safeguard native crayfish populations and explore opportunities for their recovery and reintroduction.

The Applicant must demonstrate that its ecological assessment adequately reflects the known population, that credible direct and indirect impact pathways have been identified, and that the measures relied upon to avoid harm are technically appropriate and legally secured. The presence of a protected species within a connected catchment makes the effectiveness of those measures important. A loss of water quality, sediment input or disease introduction may affect occupied habitat away from the immediate location of works and may not be readily reversible through localised remediation.

It follows that reliance upon the absence of records *within* the Order Limits, alleged low habitat suitability at particular locations or the proposed use of trenchless crossing methods is insufficient unless the Applicant has demonstrated that those factors adequately address the actual pathways through which the known population could be affected.

BEPS submits that the present evidence does not yet provide a sufficiently reliable and reconciled basis for concluding that East Pye's construction and operation would avoid unacceptable effects upon the established River Tas white-clawed crayfish population.

BEPS respectfully asks the ExA to require the Applicant to address the latest survey evidence, reconcile the positions of NWT, Natural England and the Environment Agency, and demonstrate that an acceptable and enforceable construction and water-protection strategy exists within the authorised development envelope.

If the Applicant cannot provide that demonstration during Examination, the appropriate response is to require further information, detailed pre-consent surveys, and, where necessary, the avoidance or redesign of works capable of affecting the population. Consent should not be granted for those works on the unsupported assumption that their ecological acceptability can be established through post-consent surveys or management plans after the principal development decisions have been made.

12. Biodiversity Net Gain: Revised Habitat-Condition Evidence, the Reliability of Predicted Gains and the Failure to Demonstrate Functional Ecological Benefits

12.1 Introduction: predicted biodiversity gains must be distinguished from demonstrated ecological protection

BEPS draws the Examining Authority's attention to the Applicant's revised Biodiversity Net Gain Habitat Condition Assessment Data [EN0110014-001374], the Biodiversity Net Gain Report [APP-218], the Biodiversity Net Gain Statutory Metric [APP-219], the Outline Landscape and Ecology Management Plan (OLEMP), the Green Infrastructure Strategy and the revised Design Principles, Parameters and Commitments [EN0110014-001312].

These documents should be considered alongside BEPS's Written Representation Chapter 8, Norfolk Wildlife Trust's Written Representation [EN0110014-001507], the Applicant–NWT Statement of Common Ground [EN0110014-001346], Natural England's Written Representation [EN0110014-001116] and the Applicant–Natural England Statement of Common Ground [EN0110014-001349].

BEPS supports the principle of measurable biodiversity improvement and recognises that the conversion of intensively managed agricultural land to appropriately designed, established and maintained habitats can provide genuine ecological benefits. It does not dispute that the Scheme could potentially offer opportunities for habitat creation, hedgerow enhancement, changes in grassland management and the restoration of some ecological connections.

The objection concerns the reliability, additionality, ecological relevance and enforceability of the particular gains claimed by the Applicant. BEPS's primary objection is that much of the scheme does not cover 'intensively managed agricultural land' – it is land currently or recently in the Countryside Stewardship Scheme, serving conservation purposes for red-list birds, climate change mitigation and water-quality effects. Norfolk Wildlife Trust confirms this analysis, describing the area of the scheme as 'dense with nature'.

The distinction is especially important because the Applicant has identified a nationally important assemblage of foraging and commuting bats, and the surrounding landscape contains ancient woodland, mature hedgerows, species-rich field margins, protected aquatic species and functionally connected habitats. The Ecological Impact Assessment must demonstrate that the development's effects upon these existing receptors have been properly assessed and mitigated. A positive biodiversity metric cannot substitute for that assessment.

Nor can predicted future gains automatically be treated as compensation for the deterioration of established ecological functions. Habitat creation may increase the quantity or calculated value of particular habitat types without maintaining the existing nesting, commuting, roosting, foraging or seasonal movement functions upon which protected species depend.

The principal question for the Examination is therefore whether the Applicant has demonstrated that the biodiversity gains are based upon an adequately characterised baseline, realistic habitat-condition assumptions, achievable management outcomes and enforceable commitments throughout the development's operational life.

The revised condition-assessment evidence provides an opportunity to test those propositions. However, the evidence must be examined in conjunction with the metric calculation, the actual development layout and the habitat-management commitments. Submission of additional condition data does not, by itself, establish that the reported gains have been correctly calculated or can be delivered.

12.2 The revised habitat-condition evidence requires reconciliation with the statutory metric

The Applicant has submitted the Biodiversity Net Gain Habitat Condition Assessment Data [EN0110014-001374] as additional examination material. The document is structured as a master workbook containing 35 embedded habitat-condition assessment workbooks. These cover the principal solar development parcels, Site 3, the BESS and substations, the additional BESS area, the National Grid substation, highway improvement areas and multiple cable route corridors.

This is useful additional evidence because it potentially enables the habitat-condition judgments to be examined at the level of individual development areas rather than relying solely upon the aggregate results reported in the BNG assessment.

However, the master workbook must be distinguished from the completed biodiversity metric itself. The condition assessments are supporting evidence for the habitat classifications and condition judgments entered into the metric. They do not independently demonstrate that the baseline and post-development calculations are correct, that all habitats have been included or that the claimed gains comply with the applicable metric rules.

The calculation of biodiversity units depends upon several interacting factors, including habitat type, area or length, condition, strategic significance, the difficulty and time required to create or enhance habitat and the treatment of habitat losses and gains. An error or unsupported assumption in any material component may affect the resulting units.

For example, the classification of an existing field margin can affect the baseline value. The target condition assigned to a proposed grassland can affect its projected post-development value. The period assumed for habitat establishment can affect the treatment of temporal risk. The location and strategic significance attributed to proposed habitat may influence the calculation and the weight placed upon the claimed gain.

The revised evidence should therefore allow a clear audit trail between the individual condition-assessment workbooks and the corresponding entries in the BNG metric.

The Applicant should identify the habitat parcel references, survey dates, condition-assessment criteria, baseline judgments, proposed target conditions and corresponding metric entries for each material habitat. It should also explain whether the additional condition evidence has resulted in any changes to the previously reported baseline or post-development units, the claimed net gain percentages or the habitat-management commitments necessary to deliver those gains.

BEPS does not presently allege a specific arithmetic error within the revised condition-assessment data. The concern is that the reliability of the claimed outcome cannot be established from a master index of condition assessments without a transparent reconciliation to the operative statutory metric and the supporting ecological evidence.

The original Statutory Biodiversity Metric [EN0110014-000081] includes baseline grassland recorded in different condition categories, including Modified Grassland assessed as Good and Moderate and Other Neutral Grassland assessed as Good, Moderate and Poor. BEPS acknowledges that the metric therefore does not uniformly assume that existing agricultural and associated grassland habitats are of low condition.

However, the presence of existing habitats assessed as Good makes the relationship between the baseline, habitat retention, enhancement and proposed development particularly important. The Applicant should demonstrate how established higher-condition habitats have been treated in the metric, whether their ecological functions will be maintained and whether predicted improvements represent genuine additional habitat value.

The revised Habitat Condition Assessment Data [EN0110014-001374] contains 35 separate assessment workbooks covering development parcels, cable corridors, highway works and major electrical infrastructure areas. The original statutory metric aggregates habitat areas and units into calculation entries, some of which refer to multiple individual habitat parcels.

The Applicant should therefore provide a complete reconciliation identifying the individual condition-assessment record or records supporting each material metric entry. This should include the parcel reference, habitat classification, recorded condition, strategic significance, baseline area or length and corresponding proposed post-development treatment.

For habitat enhancement and creation entries, the reconciliation should also identify the proposed target condition, the criteria upon which achievement of that condition depends, the timescale assumed and the management measures necessary to deliver it.

BEPS does not presently allege that a numerical discrepancy has been established between the revised condition assessments and the original metric. However, without that reconciliation, the additional condition evidence cannot readily be used by Interested Parties or the Examining Authority to verify the reliability of the headline biodiversity gains.

The Applicant should confirm whether any changes to the condition evidence have affected the original baseline or post-development units. If the March 2026 calculation remains unchanged, it should explain why the subsequently submitted assessment data supports the original figures and provide an auditable link between the documents.

This is particularly important for the watercourse gain, where the reported increase of 16.08% depends upon the classification and condition of aquatic habitats and the successful delivery of future enhancements. Those assumptions should be examined alongside the outstanding water-environment concerns raised by the Environment Agency, Norfolk Wildlife Trust and BEPS's independent hydrogeological evidence.

The biodiversity metric should also be reconciled with the latest Works Plans and the unresolved National Grid substation configuration to demonstrate that the land required to deliver the claimed gains will remain available under the development which the DCO actually authorises.

12.3 Existing agricultural stewardship and field-margin management must be reflected accurately in the baseline

BEPS's Written Representation identifies the ecological importance of existing agricultural land management across parts of the Scheme, including established field margins, hedgerows, margins adjoining woodland and land managed under environmental stewardship arrangements.

The existence of agricultural activity does not establish that its ecological functions are negligible. The biodiversity assessment must distinguish between intensively cultivated field interiors and existing habitats which provide resources for wildlife, including permanent or periodically managed field margins, hedgerow bases, woodland edges, ditches and other semi-natural features.

Some of these habitats are currently or have recently been maintained through stewardship arrangements which have ecological objectives. Where such management is present, the baseline should reflect the habitat type and condition actually recorded, rather than assume that all land associated with agriculture has minimal biodiversity value.

This is particularly important where the Applicant proposes habitat creation or enhancement through management practices which resemble those already undertaken in parts of the existing landscape.

A claim of additional biodiversity value requires a demonstrable difference between the existing condition and the condition reasonably expected following the proposed intervention. The assessment must not attribute the full value of an already established ecological feature to future habitat creation simply because the development brings it within a new management plan.

The correct application of the statutory metric provides a means of accounting for baseline habitat condition and genuine enhancement. BEPS's concern is whether the underlying evidence is sufficiently detailed to demonstrate that this has been done accurately at East Pye.

The Applicant should therefore provide a reconciliation between the baseline habitat surveys, the relevant agricultural stewardship arrangements and the condition judgments recorded in the revised data. Where the condition of a habitat has changed between surveys, the Applicant should explain the cause and how the applicable baseline has been determined.

Where habitat management already provides ecological benefits, those benefits should be reflected in the assessment, while genuine improvements beyond the baseline may appropriately be credited. This is necessary to distinguish additional biodiversity gain from the continuation of existing habitat functions under a different land-management arrangement.

Where habitat creation is proposed as part of the scheme, it should not disrupt, but continue the publicly-funded habitat conservation currently or recently established on that site through the Countryside Stewardship Scheme or other programme. The birds or wildlife of conservation concern which have been specifically attracted to that site to breed and live through these conservation programmes, should be protected. A suitable habitat should be maintained for them to be able to continue to flourish throughout the life of the scheme, and monitoring should be in place to ensure that they do so. Where such conservation programmes for specific species are incompatible with the proposed scheme, development should be removed from those areas and they should be preserved for mitigation.

12.4 Mature hedgerows and woodland-edge habitats cannot be treated solely as interchangeable metric units

The Scheme would affect an extensive network of mature hedgerows, trees, woodland edges and field margins.

Norfolk Wildlife Trust's Written Representation identifies proposed partial removal of numerous hedgerows and additional temporary interruptions associated with construction access and cable installation. It also raises concerns about the treatment of ancient and species-rich hedgerows and the ecological purpose of proposed woodland buffers.

These features have value beyond their measured area or length. Mature hedgerows and established woodland edges can provide shelter, insect resources, commuting routes and ecological connections which have developed over long periods. Their location in relation to roosts, woodland blocks and feeding areas may be central to their usefulness for particular species.

The statutory biodiversity metric appropriately takes account of habitat type and condition, but it does not replace a species-specific assessment of the function performed by a particular feature within a connected ecological network. This limitation is especially relevant to the nationally important bat assemblage recorded by the Applicant.

The evidence discussed in BEPS Section 9 demonstrates that physical retention of a woodland boundary or hedgerow does not necessarily establish that its existing use by bats will continue after solar infrastructure is installed alongside it.

The Tinsley et al. study identified significantly lower *Myotis* activity along field boundaries at operational solar developments compared with matched control sites. The relevance of that result is particularly clear at Spring Wood, where purpose-created hibernacula are recorded as supporting Daubenton's and Natterer's bats.

The Applicant's BNG calculations cannot resolve that species-specific concern. A woodland buffer may contribute biodiversity units while failing to preserve the former feeding or commuting function of the adjoining field margin. Similarly, planting additional hedgerows elsewhere within the Order Limits does not necessarily compensate for interrupting an established route between a roost and feeding habitat.

The Applicant must therefore demonstrate that the claimed habitat improvements are ecologically appropriate to their location and that the scheme-wide gains do not obscure the deterioration of important local habitat functions.

The protection of existing ecological networks should inform the layout and mitigation hierarchy before habitat-unit gains are calculated.

12.5 NWT challenges the ecological value and achievability of the proposed condition targets

NWT's Written Representation provides important independent criticism of the Applicant's proposed habitat-management strategy.

NWT supports the objective of securing measurable biodiversity gains and recognises that the development's long operational life could create opportunities for meaningful ecological enhancement. However, it questions the extent to which the proposed measures are sufficiently defined to demonstrate that those benefits will be delivered.

NWT identifies the reliance upon future decisions concerning habitat locations, species mixes, management prescriptions and monitoring arrangements. It also observes that a substantial proportion of the proposed woodland belts, hedgerows and tree planting appears primarily intended to provide visual screening, glint-and-glare mitigation or landscape integration.

Those purposes are not inherently incompatible with biodiversity improvement. Screening planting can provide ecological benefits if appropriately designed and maintained. However, there may be important differences between planting intended to conceal infrastructure and habitat designed to deliver particular ecological functions.

A dense screening belt may not provide the same range of ecological conditions as a naturally developing woodland edge. Management undertaken to preserve visibility screening or prevent shading of solar panels may also limit vegetation succession or the development of mature habitat structures. The Applicant must demonstrate that the ecological objectives and operational management requirements are compatible.

NWT also criticises the repeated targeting of habitat condition classified as Moderate, recommending that Good condition should be pursued where feasible.

This should not be interpreted as establishing that a Moderate target is inherently inappropriate or that every habitat could realistically achieve Good condition. Habitat-condition targets must reflect the relevant criteria, site conditions, ecological objectives and management constraints.

Nevertheless, NWT's criticism raises a legitimate question about whether the Applicant has selected targets which maximise achievable ecological outcomes or targets which are comparatively straightforward to meet while delivering a sufficient calculated gain.

The Applicant should explain the ecological rationale for its principal target conditions, including why higher-condition outcomes have not been adopted where feasible and compatible with the relevant habitats.

That explanation is particularly important where the Scheme is promoted as delivering substantial biodiversity benefits over approximately 60 years.

If particular habitat improvements cannot be achieved because of operational restrictions, soil conditions, shading or repeated maintenance, those constraints should be explained and reflected transparently in the proposed target condition and the metric calculation.

Conversely, where meaningful higher-condition habitat can be established without conflicting with operational requirements, the Applicant should explain why it is not proposed.

12.6 Habitat creation must be assessed against the actual solar development environment

The post-development habitat condition predicted by the Applicant must be achievable within the environment created by the authorised Scheme. Land beneath and between solar panels may experience conditions different from those found in adjoining open grassland. Panel orientation, shading, rainfall distribution, vegetation cutting, access requirements and maintenance operations may influence habitat development. Indeed, peer-reviewed research cited in the soils chapter of BEPS’s WR demonstrates that solar infrastructure on farmland has specific negative impacts on soil quality and that these are reflected in consequent plant life.

The magnitude and ecological consequences of those effects will depend upon the array design, soil conditions and management regime. The Applicant should demonstrate that the specific habitat types and target conditions entered into its metric are realistic under the proposed array configuration and management requirements.

That is especially important where habitats are intended to provide foraging opportunities for bats, support farmland birds or contribute to wider landscape connectivity. A habitat may satisfy particular vegetation-condition criteria without providing equivalent ecological function for the species affected by the development. This assessment should also take into considerations of Gwent Wildlife Trust which report plummeting insect-life in the Llanwern solar farm they have surveyed (‘New findings reveal extensive environmental damage from solar plants as Gwent Levels waterways face another threat’ 17 July 2025)

The assessment should therefore distinguish the calculated value of the habitat from claims concerning its benefits for protected species.

The same issue arises around the BESS and substations. Safety clearances, fire-prevention requirements, access routes, drainage infrastructure, security fencing and vegetation-management obligations may limit the habitats which can practically be established or retained.

The condition-assessment evidence includes separate entries for these areas. The Applicant should demonstrate that the corresponding target habitats and management arrangements are consistent with the final infrastructure design and all relevant safety and operational requirements.

Where the final design of the National Grid substation remains unsettled, the Applicant should also explain whether the BNG assessment reflects the maximum infrastructure footprint and the range of development permitted by the draft DCO.

A biodiversity gain dependent upon land subsequently required for additional electrical infrastructure cannot be treated as securely deliverable unless the DCO and associated plans prevent that conflict.

12.7 The unresolved National Grid substation and Gate 1 BESS create important delivery dependencies

NGET's examination evidence introduces a particular uncertainty concerning the final location, size and design of the proposed Great Moulton transmission infrastructure.

NGET has confirmed that the Applicant's proposed arrangement would not provide sufficient connection capacity for all potential customers identified in the relevant Transmission Entry Capacity Register and that the final transmission solution remains subject to its siting and design process.

BEPS does not assert that the National Grid substation will necessarily be enlarged at Great Moulton or that an alternative location will inevitably be selected. However, the uncertainty is relevant to the BNG assessment because the location and extent of permanent infrastructure influence the land available for habitat creation and enhancement. If additional land is needed for transmission infrastructure, or if cable corridors and access arrangements change, the baseline and post-development habitat calculations may also change.

The Applicant should therefore identify the infrastructure configuration upon which its claimed biodiversity gains are based and demonstrate whether the same gains can be

achieved throughout the range of development presently authorised or reasonably foreseeable.

The same concern arises in relation to the 500 MW BESS, which remains at Gate 1. The Applicant's ability to construct or operate the BESS may depend upon a future connection allocation or other arrangements not yet established. The environmental and biodiversity consequences of omitting, delaying or separately phasing the BESS must therefore be understood.

If habitat enhancement is located on land otherwise reserved for BESS infrastructure, non-delivery might create opportunities for additional ecological management. However, that result cannot simply be assumed. The DCO may permit different implementation sequences, while commitments intended to secure habitat gains may depend upon commencement, phasing or the delivery of particular Works.

The Applicant should demonstrate whether the stated BNG outcomes remain enforceable and achievable if the BESS is delayed, omitted or implemented at a different stage from the solar generation works.

More generally, biodiversity commitments should not become dependent upon uncertain infrastructure components in a manner which permits the development's environmental harms to occur without the associated enhancement obligations being delivered.

12.8 The 60-year operational life, equipment replacement and decommissioning create long-term risks to predicted gains

The Applicant's biodiversity assessment must be considered against the complete life of the Scheme, rather than solely the condition predicted following initial habitat establishment.

The proposed operational period is approximately 60 years, during which solar equipment, electrical infrastructure and battery systems may require maintenance or replacement. Such activities can involve vehicle access, vegetation clearance, excavation, temporary compounds and disturbance of soil and drainage systems.

The ecological consequences of those works will depend upon their scale and location, but they may affect habitats which have developed over preceding decades and which contribute to the predicted biodiversity gains. For example, a newly planted hedge may have matured into a substantial ecological feature by the time major infrastructure replacement is required. A cable repair or access modification could then involve disturbance to a habitat of considerably greater ecological value than existed during initial construction.

The Applicant should therefore explain how the management and protection requirements would apply to mature created habitats when operational work is undertaken. The issue is not simply whether replacement planting would be provided afterwards. It is whether disturbance of established habitats is permitted, how it would be assessed, and whether the development's biodiversity commitments would remain satisfied.

Decommissioning presents a related difficulty. The Applicant's environmental case relies upon the long-term restoration of the land following the cessation of generating operations.

Yet decommissioning may require extensive vehicle movements, excavation, removal of equipment and disturbance of land beneath or adjoining the arrays.

If the created habitats are intended to be retained beyond the operational life, the DCO should identify how they will be protected and how restoration works will avoid damaging them. If some habitats are expected to be removed, the BNG accounting and long-term management arrangements should accurately reflect that position.

The Applicant should also distinguish the period during which biodiversity gains must be maintained under its proposed legal commitments from the full operational and decommissioning lifespan of the development.

BEPS submits that a credible biodiversity gain strategy requires more than an initial planting plan and periodic condition assessment. It must demonstrate how the ecological outcomes will be maintained despite foreseeable operational interventions and how any failures or losses will be remedied.

12.9 Natural England's agreement is qualified and does not resolve NWT's objections

The Applicant–Natural England SoCG [EN0110014-001349] provides important evidence concerning the regulatory position on BNG.

Under item NE EB-5, Natural England welcomes the demonstration of biodiversity gain exceeding 10% using the statutory metric and supports alignment with the Norfolk Local Nature Recovery Strategy. It also expresses a preference for the Applicant to commit to more than the minimum 10% gain. The Applicant responds that a minimum 10% gain in habitat units, hedgerow units and watercourse units is secured through Requirement 9 of the draft DCO and that the BNG Report and metric demonstrate the capacity to exceed those thresholds.

The issue is recorded as agreed. However, the scope of agreement must be understood accurately.

An agreement concerning the minimum gain target and the use of the statutory metric is not the same as independent confirmation that every habitat-condition judgment is correct, that all future management outcomes will be achieved or that the development will avoid harm to protected species.

Natural England's SoCG also records a separate matter, NE EB-6, concerning alignment with the Norfolk Local Nature Recovery Strategy. That matter remains under discussion. NE seeks clearer evidence of how the strategy has informed the development, including success criteria, monitoring and remedial action. This is material because the strategic significance of habitat creation should reflect relevant local nature-recovery priorities and the actual contribution of the proposed habitats to those objectives.

The Applicant should explain how the revised BNG condition data and proposed management commitments address NE's continuing concern, rather than rely upon the

agreement recorded for the minimum gain target as evidence that all matters concerning biodiversity enhancement have been resolved.

NWT takes a more critical position concerning the detail and deliverability of habitat management. Its reservations about predominantly Moderate condition targets, screening-led planting, deferred ecological prescriptions and monitoring uncertainty remain relevant notwithstanding NE's agreement on the overall minimum BNG commitment.

BEPS respectfully asks the ExA to therefore consider the different scopes of the consultees' advice rather than infer that NE's position disposes of NWT's substantive concerns.

12.10 The statutory position and the Applicant's proposed 10% commitment must be distinguished

The legislative and policy context requires careful interpretation. The Government has published biodiversity gain statements for nationally significant infrastructure projects, including energy infrastructure, and has confirmed the commencement of mandatory BNG requirements for relevant applications made on or after 2 November 2026.

East Pye's application was submitted before that date. BEPS therefore does not assert that the later mandatory 10% NSIP regime automatically applies to the existing application.

Nevertheless, the Applicant has voluntarily assessed the Scheme using the statutory biodiversity metric and has committed to securing at least 10% gain in habitat, hedgerow and watercourse units through the draft DCO. That commitment is part of the development case upon which consent is sought and should be assessed for its credibility and enforceability.

The statutory biodiversity metric provides a recognised framework for measuring changes in habitat value. However, the metric does not displace the separate legal and policy requirements applying to protected species, designated sites, irreplaceable habitats or the mitigation of significant environmental effects. The Government's NSIP BNG guidance expressly recognises that BNG operates alongside existing environmental obligations rather than replacing them.

BEPS therefore submits that the claimed metric gains must not be relied upon to reduce the weight attributed to established adverse effects unless the relationship between those effects and the proposed ecological benefits is clearly evidenced. In particular, the creation of additional habitat units does not demonstrate that adverse effects upon barbastelle commuting networks, *Myotis* habitat, breeding sites of red-list birds, ancient woodland settings or white-clawed crayfish have been avoided or made acceptable.

Nor should the achievement of a minimum numerical gain be treated as sufficient evidence that the chosen habitat design represents the best ecological response to the constraints identified in the Environmental Statement.

The mitigation hierarchy remains relevant to the selection and design of the development. Where an adverse effect can be avoided through removal or relocation of infrastructure, the existence of compensatory habitat gains elsewhere does not remove the need to consider that avoidance measure.

12.11 The monitoring and enforcement regime must secure actual ecological outcomes

NWT identifies the need for clearer habitat-management objectives, performance indicators, monitoring arrangements and contingency measures where predicted outcomes are not achieved. BEPS supports that request.

The reliability of the Applicant's biodiversity claim depends not only upon the reasonableness of the initial predictions but upon the arrangements for delivering and maintaining the relevant habitat conditions.

Management plans should identify the habitat type, baseline condition, target condition, establishment timescale, management prescriptions and measurable criteria for success. They should also establish when monitoring will occur, who will be responsible, how results will be reported and what corrective action will follow if the habitat fails to develop as predicted.

The need for remedial action is particularly important where gains depend upon reaching a higher habitat condition many years after initial planting or conversion. A monitoring regime which merely records the current condition without requiring timely intervention may document failure without ensuring that the promised biodiversity gain is delivered. The DCO should therefore secure a sufficiently clear framework for corrective management and the responsibilities for implementation.

The relationship between ecological monitoring and operational land management must also be addressed. Habitat objectives may conflict with panel maintenance, shading control, electrical safety, access requirements, fire prevention or drainage management. Where those conflicts arise, the Applicant should demonstrate how the relevant commitments will be reconciled without sacrificing the ecological outcomes used to justify the BNG calculation.

The regime must remain effective throughout the period for which the gains are relied upon, notwithstanding potential changes in contractors, land-management arrangements, project ownership or infrastructure configuration.

BEPS also requests that the Applicant clarify how habitat commitments would remain enforceable in the event of operational cessation, prolonged non-use or insolvency, and how they interact with any decommissioning and restoration obligations.

12.12 The cumulative ecological assessment must distinguish predicted habitat gains from residual harm

The Applicant's Environmental Statement identifies substantial changes to land use and habitat management across the Scheme, while predicting ecological benefits from the proposed Green Infrastructure Strategy and long-term management.

Those projected gains must be considered alongside, rather than substituted for, the residual ecological effects identified in Chapter 8 and the new examination evidence. The concern is particularly relevant where the benefits are quantified using future habitat units but the adverse effects concern current ecological functions which are not fully captured by the metric.

For example, the creation of species-rich grassland may increase calculated habitat value while solar arrays continue to affect the way certain bats use adjoining field margins. Hedgerow planting may improve total linear habitat length while an established commuting route remains interrupted during construction. A new woodland belt may eventually provide shelter and screening while a sensitive ancient woodland edge remains constrained by nearby infrastructure.

These are not necessarily reasons why habitat creation has no ecological value. They are reasons why the benefits and harms must be assessed transparently and separately before reaching an overall conclusion.

The Applicant should also distinguish benefits which are secured at commencement from those dependent upon future habitat establishment, favourable management outcomes or infrastructure arrangements that have not yet been finalised.

Where a claimed benefit depends upon a particular future condition, its contribution to the planning balance should reflect the reliability of that prediction and the legal measures securing its delivery.

This is particularly important because the Applicant relies upon biodiversity enhancement as part of its wider environmental case notwithstanding unresolved concerns from NWT, the Norfolk Barbastelle Study Group and BEPS about protected-species impacts and the maintenance of established ecological networks.

BEPS respectfully asks the ExA to not treat the existence of an overall positive metric result as resolving those concerns.

12.13 Independent post-construction evidence demonstrates the risks of relying on predicted ecological mitigation

BEPS draws the Examining Authority's attention to the Welsh Government's *Gwent Levels Post Construction Monitoring* study, prepared by Ove Arup & Partners International Limited (8 July 2024; published February 2025). This independent assessment examined five completed developments, including the approximately 145-hectare Llanwern Solar Farm, and compared proposed ecological mitigation and biodiversity outcomes at planning stage with subsequent implementation and monitoring.

The study's Executive Summary identifies a significant discrepancy between the apparent adequacy of pre-construction ecological proposals and their subsequent performance. Across the five developments, pre-construction assessments generally scored more favourably than actual post-construction delivery, with shortcomings in the implementation, management and monitoring of ecological mitigation identified as principal reasons for poorer outcomes.

The Llanwern Solar Farm findings are particularly relevant. Post-construction monitoring identified the absence of breeding lapwing from the designated off-site compensation area, declining lapwing numbers relative to the baseline, significant declines in shrill carder bee and brown-banded carder bee populations, and shortcomings in the establishment of proposed wildflower habitats. Monitoring also identified limited use of installed bat boxes, with only one occupied in 2023, and recommended further investigation of potential reductions in bat

abundance within solar-array fields. The Year 3 ecological monitoring review considered that the original objectives were unlikely to be achieved within the prescribed timescales without additional contingency measures.

These provide directly relevant post-construction evidence that habitat creation, replacement ecological features and approved management plans do not necessarily deliver the functions or biodiversity outcomes predicted at application stage. The distinction is particularly important where development affects established habitat networks, supporting habitats for protected species and ecological functions that may take many years to establish or cannot readily be recreated.

The Welsh Government study also identifies deficiencies in planning conditions that secure the production of ecological management documents without adequately securing their implementation and successful delivery. Its recommendations include stronger monitoring and enforcement arrangements, adaptive management with measurable ecological targets, and consideration of biodiversity non-performance bonds or other financial mechanisms.

BEPS submits that these findings reinforce the need to distinguish the Applicant's predicted biodiversity gains from the outcomes that are demonstrably achievable and enforceably secured. This is especially material in light of the Applicant's response to ExQ1 Q1.10.7 [EN0110014-001403], which distinguishes predicted BNG gains of 37.42%, 31.35% and 16.08% for habitat, hedgerow and watercourse units respectively from the lower gains of 30%, 25% and 10% which it states it is willing to commit to.

The Examining Authority is requested to examine whether East Pye's ecological commitments provide sufficiently measurable, enforceable and independently verifiable outcomes; whether proposed management and monitoring would identify losses of ecological function in time to prevent irreversible harm; and whether the DCO secures effective remedial action, long-term funding and financial accountability where ecological mitigation or biodiversity enhancements fail to deliver their intended results. Particular scrutiny is required where the Applicant relies upon future habitat creation or management to justify conclusions of no significant residual ecological effects or to claim positive weight in the planning balance.

Reference: Welsh Government (2025), Gwent Levels Post Construction Monitoring, Arup, 8 July 2024, Executive Summary pp. 2–4, Section 3.3.4 pp. 36–39 and Section 6.1 pp. 81–83.

12.14 Further evidence and reconciliation required

BEPS requests that the Applicant provide a consolidated BNG reconciliation which makes the revised condition evidence fully auditable and demonstrates that the claimed gains are achievable within the current authorised Scheme.

The reconciliation should identify, for each material habitat parcel, the baseline habitat type, area or length, recorded condition, survey date and relevant condition-assessment evidence. It should then identify the proposed post-development habitat, target condition, establishment assumptions, management requirements and corresponding entries in the operative biodiversity metric.

The Applicant should explain any changes made to the metric as a consequence of the additional condition-assessment evidence, including whether the baseline units, post-development units or claimed percentages have changed.

Particular attention should be given to the following matters:

1. The accurate treatment of existing stewardship land, established field margins, hedgerows and other habitats which already provide ecological functions.
2. The reconciliation of the 35 embedded condition-assessment workbooks in [EN0110014-001374] with the operative BNG metric and the relevant habitat plans.
3. The justification for proposed target conditions, particularly the repeated use of Moderate condition and the feasibility of higher-condition outcomes identified by NWT.
4. The compatibility of ecological planting and management with landscape screening, glint-and-glare mitigation, panel operation, access, drainage and electrical safety requirements.
5. The relationship between claimed BNG gains and the protection of species-specific habitat functions, including the nationally important bat assemblage and known aquatic ecological receptors.
6. The treatment of the uncertain final National Grid substation configuration, the BESS and alternative implementation scenarios.
7. The effects of equipment replacement, major maintenance and decommissioning upon habitats established during operation.
8. The proposed monitoring regime, success criteria, corrective measures, reporting arrangements and enforceable obligations.
9. The relationship between the BNG assessment and the Norfolk Local Nature Recovery Strategy, including the outstanding matter identified by Natural England under NE EB-6.
10. The consistency of the BNG calculations with the latest Works Plans, Design Principles, Green Infrastructure Strategy, Outline LEMP and draft DCO.

BEPS further requests that the Applicant identify expressly which claimed biodiversity gains are additional improvements over the existing baseline and which measures constitute mitigation required to address environmental effects identified elsewhere in the application.

Where the same habitat intervention serves several functions, including screening, mitigation and BNG, the Applicant should explain how each purpose is secured and whether the required management prescriptions are compatible.

These matters should be resolved sufficiently during Examination to demonstrate that the environmental and biodiversity case is based upon a coherent and deliverable scheme. Matters of routine implementation may appropriately be left to later detailed management plans, but the fundamental assumptions determining the claimed biodiversity benefits should not remain uncertain.

12.15 Overall conclusion: a positive metric result does not establish that the Scheme is ecologically acceptable

BEPS acknowledges that the Applicant has adopted the statutory biodiversity metric and committed to securing at least 10% biodiversity net gain in habitat, hedgerow and watercourse units. It also acknowledges Natural England's recorded agreement concerning the minimum gain commitment and NWT's support for the principle of habitat enhancement.

The dispute is not whether such gains are desirable. It is whether the particular gains claimed for East Pye have been adequately evidenced, can be achieved within the permitted development and will remain effective over the relevant lifetime of the Scheme.

The revised habitat-condition evidence [EN0110014-001374] provides additional material for testing the baseline and proposed conditions. However, the master workbook and its embedded assessments require clear reconciliation with the operative biodiversity metric and the ecological management commitments before the reliability of the aggregate claim can be established.

NWT's Written Representation raises substantive concerns about the reliance upon future habitat-condition improvements, the predominance of screening-led planting, the repeated targeting of Moderate condition and the extent to which management and monitoring arrangements remain deferred.

Natural England's SoCG also demonstrates that agreement on the minimum gain commitment is not equivalent to agreement on every aspect of the biodiversity strategy, including its alignment with the Norfolk Local Nature Recovery Strategy.

The assessment must also account for the practical constraints arising from solar operation, substations, BESS infrastructure, safety requirements, periodic equipment replacement and decommissioning. These activities may affect whether habitats can achieve and maintain their predicted condition.

Most importantly, the claimed gains must be distinguished from the protection of existing ecological functions. The presence of a nationally important bat assemblage, established woodland and hedgerow networks, sensitive aquatic habitats and protected species requires assessment and mitigation in its own right. New habitat units do not establish that existing commuting routes, foraging habitats, hibernacula or protected aquatic populations will remain unaffected.

BEPS therefore submits that the Applicant's biodiversity benefits should not be accepted uncritically as an established counterweight to the Scheme's adverse environmental effects. Their weight in the planning balance must reflect the reliability of the supporting evidence, the time required for delivery, the uncertainties affecting habitat performance and the enforceability of the management commitments.

BEPS does not presently allege a demonstrated arithmetic error in the revised BNG calculations. It requests the further reconciliation necessary to establish whether the calculations are correct and whether the predicted gains are genuinely additional, ecologically meaningful and deliverable.

Until that reconciliation is available, the Applicant's claimed biodiversity gains should be treated as conditional predictions rather than fully demonstrated environmental benefits.

BEPS respectfully asks the ExA to require the Applicant to establish the reliability and deliverability of those gains before relying upon them in the assessment of residual effects and the overall planning balance. In particular, BNG must not be used as a substitute for resolving BEPS's separate objections concerning protected species, irreplaceable habitats, ecological connectivity and the effectiveness of mitigation.

The Applicant's original Biodiversity Net Gain Statutory Metric, Revision 1, March 2026 [EN0110014-000081, APP/7.24], reports an increase in area habitat units from 3,015.95 to 4,144.58, representing a net gain of 37.42%. Hedgerow units increase from 925.26 to 1,215.29, representing 31.35%, while watercourse units increase from 103.54 to 120.19, representing 16.08%. The metric identifies a total site area of 1,212.75 hectares, including 0.72 hectares of irreplaceable habitat, and reports that the applicable trading rules are satisfied.

These are substantial claimed gains, and BEPS does not dispute the arithmetic of the headline results shown in the submitted metric. However, the percentages depend upon the accuracy of the underlying habitat classifications, condition assessments, proposed enhancement assumptions and the availability of land for habitat creation and management. The metric's reported compliance with its trading rules does not independently verify those inputs or demonstrate that the ecological outcomes will be achieved.

The revised Biodiversity Net Gain Habitat Condition Assessment Data [EN0110014-001374] therefore requires direct reconciliation with the original calculation. The Applicant should establish whether the additional condition evidence confirms the original baseline and post-development judgments or requires amendments to habitat types, condition scores, target conditions or calculated units. Any changes should be reflected transparently in an updated metric, accompanied by an explanation of their consequences for the reported gains.

Particular scrutiny is required for watercourses, where the claimed net gain of 16.08% leaves a smaller margin above the Applicant's 10% commitment than the corresponding area habitat and hedgerow results. Given the independent evidence of sensitive aquatic receptors and the unresolved water-environment matters identified elsewhere in BEPS's submission, the Applicant should demonstrate that the watercourse gains are based upon achievable, appropriately located and secured improvements rather than uncertain future management outcomes.

The metric's identification of 0.72 hectares of irreplaceable habitat also requires clear reconciliation with the development plans and ecological assessment. The presence of irreplaceable habitat is not, by itself, evidence that the Scheme would damage it. However, the Applicant must demonstrate that such habitats are appropriately protected and that any potential adverse effects are assessed under the relevant separate legal and policy requirements, rather than treated as offset by aggregate gains in other habitat units.

13. Construction Traffic, Internal Haul Roads, Abnormal Indivisible Loads and the Unresolved Environmental Assessment of the Access Strategy

13.1 Introduction: the construction access strategy is not yet demonstrated to be deliverable within the assessed environmental envelope

BEPS maintains its objection to the adequacy and deliverability of the East Pye Solar construction traffic and access strategy. The Scheme requires an integrated network of strategic and local highway routes, site accesses, internal haul roads, Cable Route Corridor connections, construction compounds, highway alterations, temporary traffic controls and abnormal indivisible load (AIL) movements. This network is fundamental to the construction of the development and to the location and extent of its environmental effects.

The revised Outline Construction Traffic Management Plan (OCTMP) [EN0110014-001325] does not resolve the material disagreements recorded by National Highways and Norfolk County Council (NCC). The Applicant–National Highways Statement of Common Ground [EN0110014-001351] records several strategic highway and traffic-management issues as under discussion. NCC's Local Impact Report [EN0110014-001412] identifies substantive objections to the proposed local access strategy and requests alternative arrangements which would rely more extensively upon Cable Route Corridors and internal haul roads. The Applicant has not yet demonstrated, route by route, that these alternative arrangements can be constructed and operated within the assessed development envelope without introducing further environmental effects.

This section supplements BEPS's Written Representation Chapter 11 and draws upon the following examination evidence:

- BEPS Written Representation, Volume 3, Chapter 11, *Transport and Access*, including the assessment of NCC's alternative route architecture, road safety, construction sequencing, AIL deliverability and the environmental effects of internal haul roads.
- Revised Outline Construction Traffic Management Plan [EN0110014-001325, APP/7.6], particularly Sections 3, 5, 6, 7 and 9.
- Applicant–National Highways Statement of Common Ground [EN0110014-001351, EXAM/9.12], particularly NH TA-1 to NH TA-5.
- Applicant–NCC Statement of Common Ground [EN0110014-001343].
- NCC Local Impact Report [EN0110014-001412], particularly Section 8 and its related ecology, landscape, water and agricultural-land findings.
- South Norfolk District Council (SNDC) Local Impact Report [EN0110014-001448], particularly its ecology, landscape, heritage and construction-effects evidence.
- The revised draft Development Consent Order [EN0110014-001299], including Requirement 15, and the relevant Works Plans.
- The Environmental Statement chapters addressing transport, ecology, soils, water, landscape, cultural heritage, air quality, noise and cumulative effects.

- Edleston's independent Heritage Impact Assessment, dated September 2026 and provided to BEPS on 2 October 2026.
- Historic England's Written Representation [EN0110014-001093] and the Applicant–Historic England Statement of Common Ground [EN0110014-001347].

The principal examination issue is whether the Applicant has established a physically achievable, legally available and environmentally assessed construction access strategy. The existence of an outline traffic-management plan does not establish that every necessary route, access or engineering intervention can be implemented within the authorised works and without effects materially different from those assessed.

The issue extends beyond highway capacity. Revisions to the access strategy can affect wildlife habitats, ancient and veteran trees, mature hedgerows, Roadside Nature Reserves, watercourses, agricultural soils, drainage, public rights of way, historic lanes and designated heritage assets. Where those changes determine the location or intensity of construction effects, their environmental implications must be considered before the relevant arrangements are authorised.

13.2 National Highways has not agreed the overall strategic-road assessment or traffic-management framework

The Applicant–National Highways SoCG [EN0110014-001351] is particularly important because it distinguishes matters agreed from those remaining unresolved. Under NH TA-1 to NH TA-4, National Highways identifies outstanding issues concerning construction traffic effects on the Strategic Road Network (SRN), junction assessment, cumulative traffic and the adequacy of the Outline CTMP. These matters are recorded as under discussion.

National Highways seeks sufficient evidence to establish the consequences of construction traffic for relevant SRN links and junctions, including the A47, A11 and A140 connections. It also requests more detailed consideration of cumulative construction traffic from other relevant development.

Under **NH TA-4**, National Highways considers the Outline CTMP generally robust in its structure but requires stronger controls to provide adequate assurance that the SRN will not be adversely affected. Its requests include evidence concerning peak-hour movements at key junctions, transparent traffic distribution and assignment, defined traffic limits, monitoring arrangements, corrective measures where agreed thresholds are exceeded and clarity about National Highways' involvement in monitoring and enforcement.

National Highways also seeks stronger commitments within the Construction Worker Travel Plan, including controls addressing single-occupancy car trips.

The Applicant's recorded response is that it does not consider defined construction-traffic caps or a limit on single-occupancy car trips necessary. It relies upon the predicted trip generation, distribution and percentage impact on the SRN, together with the management measures proposed in the OCTMP. It has offered continued engagement concerning monitoring and corrective procedures.

This remains a substantive disagreement. The proposed traffic volumes are not simply background assumptions: they define the environmental envelope against which transport, air-quality, noise and cumulative construction effects have been assessed.

If the draft DCO and detailed CTMP do not secure appropriate limits or equivalent enforceable controls, the Applicant must demonstrate how construction traffic will be prevented from exceeding the levels assessed. Monitoring without defined intervention thresholds may identify increased traffic after it has occurred without providing an adequate mechanism for preventing prolonged or repeated exceedances.

BEPS requests an updated National Highways position identifying precisely which matters remain outstanding following the revised OCTMP and DCO Requirement 15. BEPS respectfully asks the ExA to require agreed provisions for traffic limits or equivalent performance controls, monitoring, corrective action, escalation and enforcement before treating the strategic-road effects as adequately controlled.

13.3 The A47, A11 and A140 assessments must address actual construction distribution and cumulative demand

The Applicant's current assessment identifies the A47 between the A11 and A140 junctions as the Strategic Road Network link expected to experience the greatest East Pye construction traffic. Under NH TA-4, the Applicant records an anticipated peak of 27 HGV arrivals, equivalent to 54 HGV movements, and 92 cars, shuttles and light goods vehicles, equivalent to 184 movements, during a working day on that link.

The Applicant considers that the distribution of these vehicles over the proposed working hours would not result in an increase exceeding thirty vehicles per hour at the relevant junctions. National Highways has requested clearer evidence demonstrating the traffic distribution and effects at the appropriate locations.

The distinction between an average daily movement and the maximum movement during a critical hour is material. Construction deliveries, workforce arrivals and departures, specialist plant movements and overlapping activity at several development parcels may produce concentrations of traffic which are not represented adequately by evenly distributing daily movements across the working period.

The assessment should therefore identify the assumptions concerning start and finish times, delivery booking, workforce transport, traffic assignment and the proportion of movements passing through each key junction during the relevant peak periods.

National Highways' cumulative assessment concerns also require resolution. East Pye is proposed within an area affected by other major energy and infrastructure projects, some of which may generate substantial HGV and workforce movements on the same strategic routes. The cumulative assessment must identify the projects meeting the relevant assessment criteria and examine realistic overlap in construction activity, rather than rely solely upon the separate conclusions of individual project assessments.

BEPS requests that the Applicant provide the peak-hour and cumulative information sought by National Highways, with a clear explanation of the assumptions and controls needed to keep traffic within the assessed envelope.

13.4 NCC's Local Impact Report challenges the proposed local access strategy

NCC's Local Impact Report identifies more extensive problems with the proposed use of the Local Road Network (LRN). Section 8 addresses construction access, route suitability, road safety, vulnerable road users, abnormal loads and the adequacy of the traffic-management provisions.

The County Council's concerns are particularly acute because the affected countryside is served by narrow rural roads, constrained junctions, historic lanes, limited passing opportunities and routes used by pedestrians, cyclists, agricultural vehicles and local traffic. The suitability of those roads for sustained construction HGV movements cannot be determined solely by whether an individual vehicle can physically pass along a route under favourable conditions.

NCC identifies a preferred alternative access strategy for Sites 7–9 involving greater reliance upon CRC8 and internal connections rather than repeated use of unsuitable public roads. Its LIR identifies unsupported accesses and requests changes to the construction sequencing and route architecture.

At paragraph 8.23, NCC specifically states that HGV use of **The Krons** and general construction access from the **A140 end of Fairstead Lane** should not be permitted. It requests revisions to the OCTMP to secure the relevant access changes and to facilitate use of CRC8, CRC9, CRC10 and CRC13 where necessary.

The implication is significant. NCC's preferred strategy is not simply an amendment to delivery instructions. It may require construction traffic to move across agricultural fields and along Cable Route Corridors using purpose-built internal haul roads, additional connecting routes and new or modified crossing arrangements.

The Applicant must therefore demonstrate that the alternative route architecture is physically achievable and environmentally acceptable. BEPS respectfully asks the ExA to not assume that removal of HGVs from an unsuitable lane automatically resolves the impacts if the replacement route introduces new works within sensitive countryside.

13.5 The revised OCTMP confirms that substantial internal haul roads are proposed

Section 3.2 of the revised OCTMP [EN0110014-001325] expressly provides for temporary internal haul routes connecting parts of Sites 7 and 8.

Paragraph 3.2.2 identifies three internal haul routes serving Sub-Sites 7A–F, 7G–L and 8A–B. The Applicant states that these have been developed in response to consultation feedback from the local highway authority and residents, principally to reduce construction traffic on the local road network.

Paragraph 3.2.3 indicates that existing field access points will be used wherever practicable, including an existing private access track connecting Fairstead Lane via The Krons to Sub-Sites 7A–F.

Paragraph 3.2.5 provides that temporary haul routes will be constructed using hardcore or gravel over a levelling layer, generally incorporating a Ministry of Transport Type 1 stone base. Aluminium trackway or similar ground-protection mats may be used where permissible.

Crucially, paragraph 3.2.6 states that **the final alignment of the internal haul routes will be confirmed through detailed design and presented in the detailed CTMP**.

These provisions establish that the internal routes involve actual groundworks and construction traffic across the development land. Their environmental effects depend upon the selected alignments, formation methods, working widths, drainage arrangements, interfaces with existing vegetation and intensity of vehicle use.

The revised OCTMP therefore provides evidence of the proposed haul-road concept but does not, by itself, establish the final construction footprint or the acceptability of every route crossing.

BEPS requests that the Applicant identify the maximum haul-road width, formation depth, turning areas, passing places, temporary construction footprint, required vegetation clearance and arrangements for crossing roads, public rights of way, watercourses and other infrastructure. The assessment should also distinguish between routes formed from existing tracks and new routes which require construction over agricultural land.

13.6 Using Cable Route Corridors as haul roads creates additional engineering and environmental requirements

The Applicant's transport strategy increasingly relies upon Cable Route Corridors to provide internal connections between development parcels. However, the existence of a cable corridor does not establish that it is suitable for sustained HGV traffic.

Cable installation and haul-road use involve different engineering requirements. A cable corridor may require trench excavation, segregated topsoil storage, working strips, temporary crossings and reinstatement. A haul road may require a sufficiently strong formation, stable running surface, turning capacity, drainage, load-bearing crossings and repeated maintenance throughout construction.

Where both uses are proposed within the same corridor, the Applicant must demonstrate that they can be accommodated simultaneously or through an achievable construction sequence.

The OCTMP should identify whether haul-road formation and cable installation would occupy the same working area, whether the cable route must be completed before the haul road becomes available, and how construction traffic will reach otherwise inaccessible sub-sites during the relevant phase.

The requirements may also differ for ordinary HGVs, mobile cranes, tracked plant, transformers, large cable drums and other abnormal loads. The transport assessment should

therefore identify the maximum vehicles and axle loads expected to use each internal route and demonstrate that the proposed formation and crossings have been designed accordingly. Where further land, vegetation clearance, drainage works or temporary structures are required, those works must be included within the assessed and authorised development.

13.7 The proposed use of Cable Route Corridors as haul roads creates unresolved third-party land, agricultural and compulsory-acquisition issues

A further fundamental deficiency in the proposed internal haul-road strategy is its dependence upon Cable Route Corridors crossing agricultural holdings which are not necessarily participating in the solar development. Landowners who may be required to accommodate underground electricity cables are not necessarily willing, or legally obliged under existing agreements, to accommodate temporary construction roads carrying repeated heavy goods vehicle movements across their farms.

This distinction is particularly important because Norfolk County Council's preferred construction access strategy would rely upon substantially greater use of Cable Route Corridors as internal haul roads than the Applicant's original road-based strategy. In particular, NCC proposes that Sites 7–9 should be accessed through CRC8 west of Hempnall, with internal connections to individual development parcels. The preferred arrangement would redirect construction traffic away from constrained public highways and onto routes traversing agricultural land, including land outside the principal solar development sites.

The environmental and agricultural consequences of those uses differ materially. An underground cable corridor may involve a defined construction period during which trenches are excavated, cables installed and land reinstated. Once the works are complete, much of the land may return to agricultural use, subject to the applicable easement and restrictions. A construction haul road, by contrast, could involve the installation of a substantial load-bearing surface and repeated HGV movements over an extended period, potentially throughout the Scheme's construction programme of approximately two years. It may require additional working width, passing areas, turning facilities, drainage works, temporary fencing and restrictions upon agricultural access.

For an agricultural holding not otherwise participating in the Scheme, such occupation could materially interfere with its operation. A haul road could divide fields, obstruct machinery movements, disrupt crop rotations, require changes to livestock management, interfere with existing agricultural drainage and constrain access between parts of the holding. Where the road crosses several fields, the effects may extend beyond its immediate footprint because of severance, loss of workable headlands and the need to maintain safe crossings for agricultural vehicles and livestock. The feasibility of the proposed route must therefore be assessed in relation to the actual farming operations and land-management requirements of the holdings affected.

The relevant land powers must also be established. An easement or other right authorising underground cable installation and subsequent maintenance does not automatically authorise the construction and operation of a haul road used for sustained HGV traffic. The powers required may involve temporary possession, additional rights, restrictions upon existing agricultural use and physical works differing from those necessary for cable installation. The

Applicant must demonstrate that the rights sought under the draft DCO, together with the Order Limits and Land Plans, are sufficient to authorise the intended haul-road use for its full duration.

The availability of compulsory-acquisition and temporary-possession powers is not merely a procedural question. Where landowners have not agreed to the proposed occupation, the Applicant must demonstrate that the compulsory powers sought are justified by the development's purposes and that the interference with private property and agricultural operations is necessary and proportionate. The decision-maker must be satisfied that there is a compelling case in the public interest for the relevant powers and that the proposed works have a sufficiently clear and deliverable purpose.

This requires particular scrutiny where the haul-road strategy has been developed or substantially expanded in response to NCC's objections to the original highway arrangements. If a corridor was originally identified principally for underground cabling and is now relied upon for sustained construction traffic, the Applicant should explain whether the relevant landowners were consulted about that additional use, whether their interests and operational constraints have been assessed, and whether the Book of Reference and compulsory-acquisition case accurately reflect the extent of rights or temporary occupation required.

The Applicant must also explain how construction traffic could pass through a third-party holding while maintaining safe and practical agricultural operations. This should include arrangements for field crossings, access to severed land, livestock movements where applicable, maintenance of drainage systems, restrictions upon vehicle operating hours, restoration after use and compensation for any unavoidable disturbance. The impact upon an individual holding cannot be established merely by calculating the area occupied by the road.

The environmental consequences also require assessment. Converting a cable corridor into a haul road may introduce substantially greater ground loading, soil compaction, surface-water runoff, dust, noise, lighting and disturbance of terrestrial wildlife than cable installation alone. Those effects may arise on land outside the main solar parcels, including areas where existing agricultural and ecological conditions would otherwise remain largely unchanged. The route may need additional crossings of hedgerows, drainage ditches, watercourses, public rights of way or other infrastructure. Its environmental acceptability must be established by reference to the actual haul-road use, construction specification and expected traffic intensity.

The revised OCTMP [EN0110014-001325] states that final internal haul-route alignments will be determined during detailed design. That deferral creates a further difficulty where the alignments cross third-party agricultural land. Landowner impacts, legal rights, environmental effects and engineering requirements may vary materially depending upon the precise route. The Applicant should therefore establish the realistic route options before determination, rather than rely upon subsequent detailed design to identify where the necessary roads can be accommodated.

BEPS respectfully asks the ExA to require a consolidated schedule identifying every Cable Route Corridor or internal connection proposed for use by construction HGVs, distinguishing land forming part of participating solar holdings from land in separate third-party agricultural ownership or occupation. For each route, the schedule should identify the intended duration and intensity of use, the land rights sought, the status of landowner engagement, the effects

upon agricultural operations, the necessary engineering works and the environmental assessment supporting that use. Any reliance upon compulsory temporary possession should be expressly identified and justified.

BEPS submits that NCC's preferred access strategy cannot be treated as an available and acceptable solution merely because Cable Route Corridors provide a geographical connection between development parcels. The Applicant must demonstrate that those corridors can function as haul roads in engineering, legal, agricultural and environmental terms. Where the route crosses the farm of a landowner who is not participating in the solar development, the consequences of imposing a construction road upon that holding for a prolonged period require specific assessment and justification.

Until this evidence is provided, a material uncertainty remains concerning the deliverability of the internal haul-road strategy and the extent of land and compulsory powers required to implement it.

13.8 The consequences of the Applicant's site selection extend beyond participating landowners and demonstrate the limitations of the proposed location

The difficulties associated with the construction access strategy expose a more fundamental issue concerning the suitability of the location selected for East Pye Solar. The Scheme comprises geographically dispersed development parcels connected by a network of narrow rural roads, cable corridors and agricultural tracks. The construction and servicing of those parcels require substantial transport infrastructure which cannot be accommodated without significant intervention in the surrounding countryside. The environmental and operational consequences extend well beyond the agricultural holdings whose owners have agreed to participate in the solar development.

Norfolk County Council's continuing objections to elements of the Applicant's proposed local highway strategy demonstrate the constraints imposed by the existing rural road network. The Council has sought alternative access arrangements, including greater reliance upon Cable Route Corridors and internal haul roads, to reduce heavy construction traffic on unsuitable public roads. However, those alternatives introduce further land requirements and environmental effects across agricultural holdings which are not necessarily part of the generating development. The difficulty is therefore not simply a defect in an individual junction or route: it arises from the relationship between the location and geographical distribution of the proposed infrastructure and the capacity of the surrounding countryside to accommodate its construction.

The proposed use of cable corridors as haul roads is especially significant. A landowner who is required to accommodate an underground cable crossing may face a relatively defined period of installation and reinstatement. The subsequent use of that corridor as a construction road for repeated heavy-vehicle movements over a prolonged period represents a materially different interference with the holding. It may divide fields, restrict agricultural access, damage drainage, compact productive soils and require additional fencing, crossings and traffic-management arrangements. These effects may arise on land whose owners derive no

direct benefit from hosting the solar arrays and whose farms would otherwise remain in conventional agricultural production.

The implications also extend to neighbouring residents and communities. Heavy construction traffic, temporary road restrictions, altered public rights of way, noise, dust and changes to the rural landscape affect people independently of whether they have any contractual relationship with the Applicant. Similarly, wildlife moving through existing hedgerow networks, woodland margins and open fields cannot be confined to the boundaries of participating solar holdings. Construction routes and associated infrastructure may disturb ecological connections extending across the wider countryside.

The Applicant's access difficulties should therefore be considered in the context of its site-selection process. A geographically dispersed solar development may require extensive connecting infrastructure and create environmental effects which would not arise, or would arise to a lesser extent, from a more compact configuration or a location with more suitable existing transport access. The Applicant should demonstrate how these foreseeable consequences were evaluated when selecting the development area and determining the number, distribution and configuration of the proposed sites.

This is particularly relevant to the principle of good design under NPS EN-1 and the requirements of NPS EN-3 concerning site selection, agricultural land, environmental constraints and mitigation. A development's environmental acceptability depends upon the total infrastructure and disturbance necessary to construct and operate it, not solely the effects of the principal generating equipment within participating fields. The need for substantial new access arrangements, third-party land occupation and repeated intervention in sensitive rural corridors is therefore relevant to whether the proposed configuration represents an appropriate response to the constraints of this particular location.

The same issue arises across other environmental topics. The Scheme would introduce infrastructure into a landscape containing significant concentrations of BMV agricultural land, historic settlements and designated buildings, ancient woodland, established hedgerows, protected species and vulnerable water environments. The Applicant's assessments identify significant adverse effects in some of these areas, while independent examination evidence raises questions about the adequacy of the mitigation and the consequences of revised construction arrangements. The combined effects must be assessed across the whole area affected by the development, rather than distributed among separate technical chapters in a manner which obscures their common origin in the selected site and layout.

BEPS respectfully asks the ExA to therefore require the Applicant to explain how the cumulative construction, land-rights and environmental consequences of the dispersed location have been taken into account in the consideration of reasonable alternatives. This should include an assessment of whether reducing the geographical extent of the Scheme, omitting difficult-to-access parcels, modifying internal connections or adopting a more compact configuration could avoid or materially reduce the reliance upon unsuitable rural roads and third-party agricultural haul routes.

The availability of a grid connection is relevant to site selection, but it does not establish that every parcel proposed to connect to it represents an appropriate location for development. The Applicant must demonstrate why the benefits of the selected configuration justify the

additional connecting infrastructure and the environmental harm imposed upon the wider countryside.

BEPS submits that the construction-access difficulties are evidence of the wider environmental constraints of the selected location. The proposed response to those difficulties increasingly requires additional infrastructure and disturbance outside the principal solar development parcels, including on agricultural holdings whose owners are not participating in the Scheme. The Applicant has not adequately demonstrated that those consequences have been fully assessed or that the proposed configuration represents a reasonable means of minimising harm to the wider environment and affected communities.

13.9 The ecological effects of internal haul roads require a route-specific assessment

BEPS's Written Representation Chapter 11 identifies a material risk that the environmental assessment has not adequately examined the revised internal haul-road strategy, particularly where the preferred arrangements have emerged through the consultation and examination process.

The issue is not limited to the direct loss of vegetation beneath a haul road. A route may introduce construction disturbance, traffic, dust, noise, lighting, habitat fragmentation, soil damage, altered drainage and collision risks into areas of countryside which previously experienced relatively little motorised traffic.

East Pye's ecological baseline includes ancient woodland, mature hedgerows, woodland-edge habitats, watercourses, farmland birds, bats and other wildlife using the existing agricultural landscape. The effects of a new internal construction route depend upon the location of the relevant habitat features and the wildlife behaviour associated with them.

The Applicant should produce a route-specific ecological assessment identifying all proposed new and upgraded haul roads, their working widths, access points, crossings and surrounding ecological receptors. The assessment should identify which impacts have already been considered within ES Chapter 8 and which arise from subsequent route changes or more detailed construction proposals.

This is particularly important where internal haul roads pass through or alongside hedgerows used as ecological corridors, woodland margins, watercourse habitats or fields providing feeding and movement routes.

The Applicant should demonstrate how the mitigation hierarchy has informed route selection, including opportunities to avoid mature vegetation and sensitive habitat connections before relying upon later reinstatement.

BEPS submits that an ecological assessment of solar development parcels and cable corridors is not necessarily equivalent to an assessment of those corridors functioning as sustained routes for construction vehicles. The relevant source of disturbance, duration and operational characteristics must be expressly evaluated.

13.10 Wildlife-vehicle collision risks require assessment where construction traffic crosses open countryside

The proposed internal haul roads would introduce repeated heavy vehicle movements across agricultural fields and between habitat features. Their ecological consequences should include consideration of the risk of vehicle collisions with wildlife.

Potentially affected animals may include deer, badgers, hares, foxes and other terrestrial mammals using field boundaries, woodland edges and open agricultural land. The significance of the risk will depend upon the presence and movement patterns of the relevant species, traffic frequency, vehicle speed, road alignment, visibility and operating hours.

Particular attention is required where haul roads cross established wildlife movement routes or pass close to woodland, hedgerows and watercourses. These habitats may provide cover, feeding opportunities or connections used by animals travelling between parts of the landscape.

The risk may be different during darkness or periods of reduced visibility, when animals may be more active or less readily seen by drivers.

The revised OCTMP includes traffic-management and speed-control measures, including low-speed arrangements near public rights of way. However, the Applicant should demonstrate whether wildlife collision risk was considered when selecting haul-road alignments and whether any additional species-specific controls are required.

A route-specific assessment should identify the potential presence of large and medium-sized mammals, likely crossing locations, the proposed hours of vehicle movements, relevant speed restrictions and the arrangements for monitoring and responding to incidents.

Where night-time or early-morning construction traffic is proposed, the assessment should address the interaction between vehicle headlights, temporary construction lighting, terrestrial wildlife movements and bat activity.

The Applicant should also explain whether ecological fencing or other measures could reduce collision risks without creating unacceptable habitat fragmentation or obstructing established wildlife corridors.

The existence of a potential collision pathway does not establish a quantified level of risk. The deficiency requiring resolution is whether that pathway has been identified and assessed for the haul-road network proposed. BEPS respectfully asks the ExA to require a proportionate, evidence-based assessment rather than rely upon generic highway-safety measures as a substitute for ecological consideration.

13.11 The revised access strategy may affect hedgerows, ancient woodland and protected species

NCC and SNDC's ecological evidence is relevant to the construction access strategy because many of the Scheme's sensitive ecological features are associated with the boundaries and connections between development parcels.

SNDC's LIR, Section 7.4, identifies unresolved concerns concerning County Wildlife Sites, Roadside Nature Reserves, mature trees, veteran trees and ancient woodland. At paragraph 7.4.4, SNDC records that it does not agree with the Applicant's assessment of certain construction impacts upon County Wildlife Sites and seeks a more detailed site-specific consideration of the relevant designation features and impact pathways.

Paragraph 7.4.5 identifies **four Roadside Nature Reserves partly within the Order Limits** and raises a specific concern about the risk of vehicles overrunning these reserves on single-track roads. SNDC also notes that the relevant ecological features are not sufficiently identified in the documents intended to be secured through the DCO.

This concern applies directly to construction traffic and route modifications. A vehicle passing too close to a roadside reserve, a temporary passing place or a widened access may damage vegetation and soil which the ecological assessment assumes will be retained.

SNDC's paragraph 7.4.7 additionally identifies deficiencies in the arboricultural information, including the potential presence of unidentified veteran trees and incomplete coverage of trees within the Order Limits.

These matters should be reconciled with the revised OCTMP and the final access requirements. The Applicant should identify which roadside features, trees, hedgerows and woodland boundaries would be affected by construction vehicle movements, new bellmouths, visibility improvements, passing places and internal haul-road construction.

The assessment should also account for ecological disturbance generated by vehicles operating close to habitats which are physically retained but remain sensitive to noise, dust, lighting or repeated human activity.

Where the Applicant's route strategy changes materially from that assumed in the Environmental Statement, further ecological assessment may be required to establish the resulting effects.

13.12 The effects of haul roads upon bats and other nocturnal wildlife require particular attention

BEPS's Written Representation Chapter 8 and the independent ecological evidence identify the importance of hedgerow and woodland-edge networks for bats, including the barbastelle populations associated with the affected landscape.

Construction haul roads can interact with those networks in several ways. They may require gaps through hedgerows, create new hard or compacted surfaces close to woodland edges, introduce vehicle headlights and temporary lighting, and increase human and mechanical activity along routes previously used primarily for agricultural access. The consequences depend upon the species present, the precise route alignment, the timing and frequency of traffic and the existing habitat conditions. The assessment should distinguish direct habitat loss from disturbance and possible changes in commuting behaviour.

The Applicant should identify whether the proposed internal haul routes intersect known or likely bat commuting routes and whether the final construction arrangements permit vehicle

movements during periods of bat activity. Any controls relied upon should address vehicle speed, lighting, hours of operation, vegetation retention and the design of hedgerow crossings where appropriate. The analysis should also consider the combined effects of haul-road use with piling, cable installation, site lighting and other construction operations occurring in the same ecological area.

Mitigation which may be sufficient for an occasional agricultural vehicle should not automatically be treated as adequate for repeated movements by construction HGVs.

13.14 Internal haul roads create soil compaction, drainage and runoff effects

The construction of internal haul roads across agricultural land has direct implications for soil function and hydrology.

The revised OCTMP anticipates hardcore or gravel formations, with temporary trackway used where appropriate. These arrangements involve different forms of ground loading, surface preparation and drainage management.

On the seasonally wet clay soils identified in BEPS's agricultural-land evidence, repeated heavy-vehicle movements may cause structural damage beneath the surface, even where the road is subsequently removed.

Potential effects include compaction, reduced infiltration, rutting, changes to runoff patterns and damage to agricultural underdrainage. Where routes cross field drains or watercourses, additional works may be needed to maintain drainage continuity and prevent localised flooding or sediment transport.

NCC's Lead Local Flood Authority evidence raises concerns about the adequacy of the information concerning new and upgraded access tracks and their effects upon surface-water runoff. BEPS's Written Representation Chapters 11, 15 and 16 address the resulting interaction between highway construction, soil compaction and water-environment risk.

The Applicant should therefore identify the full temporary and permanent haul-road footprint, formation methods, drainage design, relevant catchments and arrangements for removing the roads and restoring the underlying soils.

Where tracks are intended to be reused for major replacement works or decommissioning, the assessment should identify whether the route will remain in place or be reconstructed, and how the resulting repeated soil disturbance has been evaluated.

An impact assessment should be carried out where these proposed tracks cross other farmers' land.

13.15 The National Gas pipeline crossing is an unresolved engineering and environmental constraint

BEPS's Written Representation identifies a particular issue concerning the proposed internal haul-road crossing of the National Gas transmission pipeline within Site 7.

At Issue Specific Hearing 1, BEPS asked how the haul road would cross the high-pressure gas main. The Applicant did not identify a specific engineering solution and referred instead to the protective provisions proposed for National Gas. It subsequently agreed to provide further consideration of how the crossing would be achieved.

The distinction between legal protective provisions and an engineered crossing design is important. Protective provisions may establish consultation, approval and operational safeguards for works near a pipeline. They do not, by themselves, demonstrate that the proposed haul-road formation can accommodate the relevant vehicle loads without unacceptable loading or other effects upon the buried asset.

The crossing design may require additional ground investigations, structural protection, changes to road formation, construction restrictions or alternative alignment. Those measures may themselves have environmental consequences, including excavation, imported material, compaction, drainage alteration and the disturbance of adjoining habitat.

The Applicant should therefore provide sufficient information to establish that the proposed crossing is technically feasible, falls within the Order Limits and has been assessed as part of the construction access strategy.

Where the final solution requires materially different works, the environmental effects must be considered before those works are approved.

13.15.1 The Applicant's response to Action Point 36 identifies additional pipeline interfaces but does not establish haul-road crossing design

The Applicant's response to ISH1 Action Point 36 [EN0110014-001357, pp. 86–87] confirms that the National Gas FM05 high-pressure transmission pipeline crosses Sub-Sites 5A, 5B, 7B, 7E and 7F and CRC7. The Applicant identifies interactions involving connecting cables and access or haul roads, proposes trenchless techniques for the CRC7 cable crossing, and relies upon the protective provisions in Schedule 14 of the draft DCO and compliance with National Gas's safe-working requirements. It also confirms that discussions with National Gas concerning the protective provisions remain ongoing.

This response identifies the general regulatory and engineering framework but does not demonstrate how each necessary haul-road crossing will accommodate the maximum construction vehicle loads. The Applicant should identify the precise crossing locations, anticipated vehicle and axle loads, ground-loading protection, temporary works, formation requirements and the engineering approval required from National Gas. Any additional excavation, imported material, drainage alteration or access works necessary to make these crossings feasible must be included in the assessed development envelope.

The outstanding issue is the deliverability of the proposed construction routes, rather than the existence of general obligations to protect buried apparatus. BEPS respectfully asks the ExA to require confirmation that the crossings can be constructed and used safely within the land and environmental parameters for which consent is sought.

13.15.2 National Gas Transmission maintains a substantive objection to the protective provisions and the safety of its infrastructure

National Gas Transmission plc's Written Representation [EN0110014-001508] provides further independent evidence concerning the unresolved deliverability and safety of the proposed cable and haul-road crossings. National Gas identifies its FM05 Yelverton–Stowmarket high-pressure transmission pipeline and associated apparatus within and adjoining the Order Limits. It explains that the proposed solar development presents potential risks from electrical interference, construction traffic loading, vibration and restrictions upon access to the pipeline. National Gas expressly states at paragraphs 2.3–2.4 that the protective provisions contained in the draft DCO remain unacceptable and that it maintains its objection until satisfactory provisions are secured.

National Gas identifies compliance with its safe-working requirements, IGEM/SR/18 and HSE guidance HSG47 as necessary safeguards. At paragraphs 3.3–3.4 it raises specific concerns about increased electrical interference, loading and vibration and requests electrical impact assessments to evaluate the resulting risks. The concerns extend beyond damage during initial construction to the continuing integrity, inspection, maintenance and protection of the transmission pipeline throughout the operational life of the Scheme.

The Written Representation also identifies substantive deficiencies in Part 5 of Schedule 14 of the draft DCO. National Gas objects to provisions allowing reductions below the stated £50 million minimum insurance and security levels, seeks explicit insurance protection during decommissioning, challenges a proposed reasonable-endeavours qualification relating to third-party consents, and disputes the time allowed for approving works plans. These matters affect the enforceability of the safeguards relied upon to protect nationally important gas transmission infrastructure.

The Applicant's response to ISH1 Action Point 36 identifies the pipeline crossings and relies upon future compliance with protective provisions, but it does not demonstrate that the necessary engineering works and land arrangements have been agreed with National Gas. The Written Representation confirms that agreement on those provisions remains outstanding. BEPS respectfully asks the ExA to therefore require the Applicant to identify every proposed cable, haul-road and other infrastructure crossing; demonstrate that the relevant loading, vibration, electrical and construction risks can be satisfactorily managed; and establish that any necessary protective works fall within the assessed and authorised development.

The outstanding disagreement with National Gas also requires consideration within the compulsory-acquisition and project-deliverability assessments. The proposed DCO must preserve the statutory undertaker's necessary land interests, access and operational safeguards. Where changes to works, land rights or crossing methods are required to meet those safeguards, the Applicant must identify and assess their consequences before the necessary powers are recommended.

BEPS requests that the ExA obtain an explicit updated position from National Gas on the adequacy of the protective provisions and the technical information required to establish the safety and deliverability of the relevant works. The protection of the high-pressure pipeline must be demonstrated through a technically achievable and legally enforceable arrangement,

rather than left dependent upon future agreement whose essential requirements remain disputed.

13.16 The abnormal-load strategy must establish an end-to-end physically feasible route

The proposed Scheme requires delivery of large electrical equipment, potentially including transformers, cable drums and other items exceeding the dimensions or weight limits of ordinary road freight.

The Applicant's Transport Assessment includes abnormal-load route information, while the revised OCTMP anticipates that the detailed movements will be managed by a specialist haulage contractor in consultation with the relevant authorities.

However, a general statement that AIL movements will be managed professionally does not establish that the required equipment can reach its final installation location using the routes presently available.

An end-to-end route assessment must identify a suitable port of entry, the strategic and local highway routes to be used, vehicle and load dimensions, axle weights, bridge and structure capacities, vertical and horizontal clearances, turning requirements, junction works, road restrictions and the arrangements necessary to reach the final compound or installation location.

The assessment should also identify temporary land requirements, vegetation clearance, protective measures, utility alterations and the timing or traffic restrictions necessary to complete the movements.

The deliverability question is especially important where the final National Grid substation configuration remains uncertain. Equipment dimensions and delivery requirements may depend upon the eventual substation design, and a materially different transmission solution could require different routes or larger loads.

The Applicant should therefore explain the AIL parameters assessed and demonstrate that the routes and works authorised by the DCO can accommodate the maximum equipment reasonably permitted within the development envelope.

13.17 National Highways' agreement to post-consent AIL routing is limited in scope

Under **NH TA-5**, the Applicant–National Highways SoCG records agreement that detailed AIL routing can be finalised after consent.

National Highways nevertheless identifies existing constraints affecting certain AIL movements on the strategic network. It refers to the Government's water-preferred policy, the expectation that loads will arrive through a suitable port of entry and the need for National Highways to agree movements using the SRN.

It also recommends that the Applicant discuss the proposed strategy before determination so that a workable and acceptable route arrangement can be established in principle. This is a qualified acceptance of deferring detailed route management. It does not amount to confirmation that every proposed local route is physically feasible or environmentally acceptable. The distinction is material because the detailed route may determine whether highway widening, vegetation clearance, historic-structure alterations or additional land are required. Where those interventions could cause environmental effects outside the assessed envelope, the substantive environmental issue cannot be resolved merely through a later agreement between the haulage contractor and the relevant highway authority.

BEPS requests that the ExA distinguish matters capable of detailed post-consent programming from the need to establish before determination that the AIL strategy can be implemented without relying upon unassessed substantial environmental or heritage harm.

13.18 NCC identifies a potential substantial-harm risk at Saxlingham Nethergate

NCC's Local Impact Report provides particularly important evidence concerning the proposed AIL route through Saxlingham Nethergate. At paragraphs **8.19–8.20**, NCC questions the reliability of the swept-path drawings because they use an Ordnance Survey base rather than a detailed topographical survey. It identifies constraints along The Street and Church Hill, including the moat edge of the Old Hall, fencing opposite the school and the historic boundary wall of the Grade II* Old Rectory.

NCC officers inspected the location and identified the original boundary wall within the hedge immediately adjoining Church Hill. The Council expressly warns that loss of the historic fabric of that wall would result in substantial harm to a listed building, beyond the effects assessed in the Environmental Statement.

This is a serious identified risk requiring resolution. The assessment should establish whether the proposed abnormal loads can negotiate the route without damaging the original wall or other historic structures. The Applicant should provide topographical survey information and revised swept-path analysis based upon the actual vehicle and load envelope. That analysis should identify the clearance available, any need for pruning or vegetation removal, the protection of historic structures and the suitability of alternative routes where necessary.

The implications extend beyond construction traffic management. If the route can only be made usable through works affecting historic fabric, the heritage effects must be assessed under the appropriate statutory and national-policy framework.

The present Environmental Statement cannot be treated as having established the acceptability of effects which NCC identifies as potentially involving substantial harm and which have not been assessed at that level.

13.19 SNDC's heritage evidence reinforces the Saxlingham constraint

SNDC's Local Impact Report separately addresses potential heritage and landscape effects associated with abnormal-load movements in Saxlingham Nethergate. Its heritage assessment

identifies the importance of the Grade II* Old Rectory, designed by Sir John Soane, and the contribution of its entrance landscaping and surrounding historic context to significance.

SNDC expresses concern that transport-related works may require alterations to landscaping associated with the property and its setting. The distinction between SNC's evidence and NCC's evidence is important. SNDC identifies potential changes to the designed landscape and historic setting; NCC identifies the possible direct loss of original wall fabric.

The consequences are not interchangeable. Replanting may mitigate certain vegetation losses, but it cannot automatically replace original historic masonry or restore the significance of fabric removed to provide vehicle clearance.

Edleston's independent Heritage Impact Assessment also identifies highway and abnormal-load works as a separate source of heritage harm beyond the effects arising from the built solar development.

The three sources therefore establish the need for a detailed route-specific heritage assessment before the Saxlingham movement is treated as deliverable.

13.20 The timing and frequency of AIL movements remain material to local amenity and safety

NCC's Local Impact Report, paragraph 8.21, identifies missing information concerning the timing of AIL deliveries, the frequency and duration of parking restrictions, and whether movements would occur during daytime, overnight or on Sundays.

These omissions affect the assessment of residential amenity, traffic safety, noise and disruption within affected settlements.

NCC identifies the presence of a pedestrian crossing near a school in Saxlingham Nethergate and seeks arrangements preventing abnormal-load movements during school drop-off and collection periods.

The Applicant should therefore provide the likely number of movements, the maximum load dimensions, the routes proposed and the anticipated operating windows. It should also identify the nature and duration of temporary traffic management, road closures and parking restrictions.

Where overnight movements are proposed, the assessment should consider noise, lighting and disturbance to nearby residents, together with any relevant effects of vehicle headlights and temporary traffic-control lighting upon wildlife and sensitive habitats.

The final detailed route plan may appropriately determine exact dates and escort arrangements, but the assessment should establish the reasonable maximum frequency and environmental characteristics of the proposed movements.

13.21 Vibration and potential physical effects upon historic buildings require controls

NCC's LIR paragraph 8.22 identifies the potential effects of construction traffic upon historic buildings situated close to proposed routes.

The County Council seeks pre-construction condition surveys and appropriate assessment of noise and vibration effects for buildings, including listed buildings, along construction routes.

The relevance is particularly clear where heavy or abnormal vehicles must travel close to historic walls, foundations and other structures potentially sensitive to vibration or physical contact. The Applicant should identify the relevant buildings, routes and vehicle characteristics and establish appropriate safeguards. Those safeguards should include baseline condition records where justified, controls on vehicle movements and speeds, measures to prevent physical contact and procedures for investigating and remedying any damage.

The requirements should be secured through the appropriate DCO provisions and management plans rather than left solely to informal agreement with individual haulage operators.

13.22 Construction traffic can cause ecological damage along existing rural roads

The ecological effects of construction traffic are not confined to newly constructed haul roads. The use of existing single-track lanes may require vegetation cutting, temporary passing places, access widening, junction modifications and the movement of large vehicles close to sensitive roadside habitats.

SNDC's LIR specifically identifies Roadside Nature Reserves as vulnerable to vehicle overrun and highlights incomplete protection within the proposed DCO-secured documents.

The Applicant should identify all proposed highway interventions and assess their effects upon roadside vegetation, important hedgerows, mature trees and other ecological features. This must include works described as temporary where removal of established vegetation or damage to soil and root systems could have lasting consequences. Vehicle routing and movement controls should be designed to prevent overrun of sensitive verges and protect designated roadside features during construction.

Where existing roads cannot safely accommodate the assessed vehicles without environmental intervention, the necessary works must be included within the Environmental Statement and the Order Limits.

13.23 The construction-access strategy must be reconciled with archaeological and historic-landscape effects

The use of new haul roads, widened accesses and temporary construction areas may also affect archaeological remains and historic landscape features.

NCC's archaeological evidence identifies outstanding concerns regarding the adequacy of trial trenching and the cumulative effects of piling and cabling. Construction routes can introduce additional ground disturbance in areas not previously affected by agricultural machinery or intrusive development works.

The archaeological assessment should therefore identify the location and construction depth of the haul-road formations, compounds, crossings and associated drainage works.

Where the final routes are not fixed, the Applicant must explain how archaeological constraints will inform alignment selection and how any required further evaluation can be undertaken before irreversible disturbance occurs.

The historic character of rural lanes is also relevant. Widening, removal of hedgerows or regrading of verges may alter features which contribute to the significance of the historic landscape even where no designated building is physically affected.

The Applicant should demonstrate that the transport and heritage assessments consider those effects consistently.

13.24 The environmental effects of alternative routes cannot be assumed to be lower in every respect

NCC's preferred internal haul-road strategy may reduce construction HGV use of narrow public lanes and thereby offer meaningful highway-safety and residential-amenity benefits.

However, it may also increase the extent of construction traffic across agricultural fields and along previously lightly trafficked ecological corridors. The relevant assessment therefore involves a genuine comparison of environmental consequences. One route may reduce risks to pedestrians and historic highway structures but require additional land take, hedgerow intervention or soil compaction. Another may avoid sensitive habitats but increase movements near residential properties or schools.

The Applicant should demonstrate that it has evaluated the reasonable route alternatives against a consistent set of criteria, including highway safety, construction deliverability, land rights, ecology, landscape, heritage, soil, drainage and residential amenity. The choice should not be made solely on the basis of highway engineering where materially different environmental effects would result.

BEPS respectfully asks the ExA to require evidence that the final route strategy has been informed by the mitigation hierarchy and remains within the environmental envelope assessed.

13.25 The cumulative construction programme must include internal traffic and simultaneous works

The Scheme's environmental effects depend upon the sequencing and overlap of construction activities. East Pye comprises numerous dispersed sites and sub-sites, cable corridors, compounds, electrical infrastructure and associated access works. Several activities may

occur simultaneously, while others may need to follow a particular sequence because of the availability of internal routes or cable connections.

The Applicant should identify the maximum realistic simultaneous construction scenario, including the number of active parcels, HGV movements, internal haul-road traffic, cable works, piling operations, highway interventions and compound activities. This is necessary to establish the worst-case cumulative effects upon nearby communities, local roads, sensitive habitats, public rights of way and drainage systems.

An overall estimate of construction traffic entering or leaving the Scheme may not fully represent the distribution and intensity of vehicle movements within the development area.

The internal movements may be particularly relevant to wildlife disturbance, dust generation, soil compaction and the recreational experience of paths crossing or adjoining the haul-road network.

The assessment should therefore distinguish external road traffic from internal construction traffic and explain how both have been included within the environmental assessment.

13.26 The draft DCO must secure a coherent and enforceable traffic strategy

The revised draft DCO Requirement 15 is central to the enforceability of the construction traffic measures.

BEPS respectfully asks the ExA to establish whether the requirement secures the substantive controls relied upon in the Transport Assessment and Environmental Statement, including route restrictions, maximum assessed vehicle movements, monitoring, corrective action, working hours, access arrangements and the procedures governing abnormal loads.

The requirements must also identify the relevant approving authority and any consultation necessary with National Highways, NCC, SNDC and other bodies whose responsibilities are affected.

The revised draft DCO [EN0110014-001299, Schedule 2, Requirement 15] requires consultation with the relevant highway authorities before approval of a detailed Construction Traffic Management Plan, but does not expressly require their agreement. The requirement also permits approval of separate CTMPs for individual parts of the authorised development. This creates a material question concerning how cumulative construction traffic, shared highway restrictions and internal haul-road dependencies will be controlled where multiple parts are constructed concurrently. The Applicant should demonstrate that the approved CTMPs and phasing arrangements will collectively remain within the traffic and environmental envelope assessed, including the restrictions sought by NCC and National Highways. BEPS respectfully asks the ExA to establish how unresolved objections from the responsible highway authorities will be addressed and what enforceable measures will prevent construction from proceeding on routes which have not been demonstrated to be safe, physically deliverable and environmentally acceptable.

A future detailed CTMP can specify operational arrangements within a defined framework. It should not permit substantive changes to access routes, vehicle assumptions or construction works which introduce materially different environmental effects without appropriate assessment.

Particular attention is required where final internal haul-road alignments are deferred to detailed design. The DCO should ensure that those alignments remain within the assessed footprint and comply with ecological, water, soil, heritage and other environmental constraints.

The Applicant should also identify how route compliance will be monitored and enforced, including the consequences of repeated breaches by contractors or hauliers.

These arrangements must be sufficiently clear to enable the relevant authorities to intervene if construction traffic or route use departs from the controls on which the environmental conclusions depend.

13.27 Whole-life access requirements extend beyond initial construction

The same access network may be required for operational maintenance, major equipment replacement, BESS renewal, transformer replacement and eventual decommissioning. BEPS's Written Representation Chapter 11 identifies the need for a whole-life assessment of these activities, particularly where the Applicant anticipates approximately 60 years of operation.

The initial construction CTMP may not adequately describe the access requirements for future major replacement works, which could involve substantial deliveries, cranes, temporary compounds and internal vehicle routes.

If the Applicant intends to retain certain haul roads or access arrangements for those works, the long-term land, drainage, landscape and ecological implications must be assessed.

If the intention is instead to remove and reinstate temporary routes after initial construction, the potential need to reconstruct them later introduces further cycles of soil disturbance, vegetation intervention and construction traffic.

The decommissioning assessment should likewise identify the routes and vehicle movements reasonably required to remove the infrastructure.

The distinction is material because a route treated as temporary during the construction assessment may have environmental consequences extending over several phases of the Scheme's life.

The Applicant should provide a whole-life access strategy sufficient to demonstrate that the principal replacement and decommissioning activities can be accommodated without reliance upon unassessed routes or land requirements.

13.28 Further information and assessment required

BEPS requests that the ExA require the Applicant to provide a consolidated response addressing the following matters:

1. **Outstanding National Highways issues:** identify the status of NH TA-1 to NH TA-4 following the revised OCTMP and provide the additional evidence requested concerning strategic-road junctions, traffic distribution, cumulative effects, defined limits and monitoring.
2. **Agreed local access strategy:** reconcile the proposed routes with NCC's LIR and SoCG, identifying the accesses to be removed or restricted and the internal or Cable Route Corridor alternatives intended to serve Sites 7–9.
3. **Internal haul-road parameters:** identify the maximum width, formation, load capacity, turning requirements, construction footprint and operating periods of each proposed haul road.
4. **Route deliverability:** demonstrate that the proposed internal connections lie within the Order Limits, are supported by necessary land rights and can be constructed without reliance upon unassessed works.
5. **Cable-corridor compatibility:** establish how internal haul-road use will be coordinated with cable installation, drainage works and construction sequencing.
6. **National Gas crossing:** provide the engineering basis for the proposed Site 7 crossing and demonstrate that any required protective works have been assessed.
7. **Ecology:** provide a route-specific ecological assessment of new and upgraded haul roads, including habitat loss, fragmentation, vehicle disturbance, lighting, dust and effects upon protected and notable species.
8. **Wildlife collisions:** assess the potential for deer and other wildlife to cross internal haul roads, particularly where traffic is proposed during darkness or low-visibility periods, and identify necessary speed, timing or route controls.
9. **Roadside Nature Reserves:** respond to SNDC's concerns about vehicle overrun and secure protective measures for all affected roadside ecological features.
10. **Soils and drainage:** demonstrate the effects of haul-road construction and repeated vehicle loading upon soil structure, agricultural underdrainage, infiltration and surface-water runoff.
11. **AIL end-to-end feasibility:** identify the port of entry, route constraints, maximum load envelope, bridge and structure requirements, junction modifications and means of reaching the final delivery points.
12. **Saxlingham Nethergate:** provide the topographical and swept-path evidence requested by NCC and demonstrate that AIL movements can be undertaken without unassessed harm to the Grade II* Old Rectory boundary wall and other historic features.
13. **AIL timing:** identify the likely number and timing of movements, road restrictions, sensitive school periods and any overnight operations.
14. **Historic-building protection:** identify appropriate baseline condition surveys, vibration controls and procedures for preventing and remedying construction damage.
15. **Cumulative construction effects:** assess realistic simultaneous activity across multiple parcels and other relevant projects, including the environmental consequences of internal as well as external vehicle movements.
16. **DCO controls:** demonstrate that Requirement 15 and the associated plans secure all material traffic and access limitations relied upon in the environmental assessment.

17. **Whole-life access:** establish the requirements for major equipment replacement, operational maintenance and decommissioning, including whether temporary haul roads will be retained or reconstructed.
18. **Further environmental information:** identify where revisions to the construction access strategy create effects different from those assessed in the submitted ES and provide the necessary additional assessment before consent.

The Applicant's response should include a single reconciled route and access schedule identifying each construction route, its engineering status, environmental constraints, required approvals and the relevant assessment documents. This would provide the ExA with a coherent basis for determining whether the proposed construction strategy is deliverable.

13.29 Overall conclusion: unresolved access arrangements are material to the environmental acceptability of the Scheme

The construction traffic and access strategy is a project-critical component of East Pye Solar. The Scheme cannot be built without an extensive system of strategic and local highway routes, internal haul roads, Cable Route Corridor connections, construction compounds, highway interventions and abnormal-load movements.

The Applicant's revised OCTMP provides further information about the intended use of internal haul roads and construction management measures, but important matters remain unresolved. National Highways continues to seek additional evidence and enforceable controls concerning strategic-road effects, cumulative traffic and construction-traffic management. Its agreement under NH TA-5 concerns the deferral of detailed AIL route approval and does not establish the physical or environmental acceptability of the complete route.

NCC's LIR identifies substantive deficiencies in the local access strategy and seeks significant route changes. Those changes may reduce traffic on unsuitable public roads but introduce additional construction works and vehicle movements across agricultural countryside. The final haul-road alignments, formation requirements, engineering crossings and environmental effects require a transparent and coordinated assessment.

The ecological consequences are particularly important. New internal haul roads may disturb hedgerows, woodland edges, wildlife movement corridors and farmland habitats. The assessment should establish the effects of repeated vehicle traffic, including possible wildlife collisions, disturbance during darkness and the cumulative consequences of lighting, noise and habitat fragmentation.

The same routes may affect BMV agricultural soils, drainage networks, sensitive roadside habitats and the historic landscape. NCC's identification of a potential substantial-harm risk to the Grade II* Old Rectory at Saxlingham Nethergate illustrates why abnormal-load deliverability cannot be resolved solely through post-consent traffic management.

The Applicant has not yet demonstrated through a single, reconciled construction strategy that the routes required by the relevant highway authorities can be implemented within the submitted and environmentally assessed development envelope. The absence of agreed traffic

caps and associated monitoring controls further weakens the assurance that construction effects will remain within the levels assessed.

BEPS submits that the physical deliverability and environmental acceptability of the construction access strategy remain materially unresolved. BEPS respectfully asks the ExA to require an agreed route architecture, an adequately defined and enforceable traffic-management framework, evidence of end-to-end abnormal-load feasibility and a route-specific assessment of the additional ecological, heritage, agricultural, drainage and amenity effects of internal haul roads before accepting the Applicant's transport conclusions.

The final consent should not depend upon the assumption that later traffic-management agreements will resolve outstanding constraints where the solutions may require materially different works or create effects not assessed within the Environmental Statement.

14. BESS Safety, Firewater Containment and the Environmental Consequences of an Unresolved Battery Design

14.1 Introduction: the assessment must demonstrate that the authorised BESS can be operated and managed safely

BEPS maintains its objections concerning the proposed 500 MW Battery Energy Storage System (BESS), particularly the adequacy of the proposed safety strategy, the environmental consequences of a serious battery incident, the protection of groundwater and surface water, and the security of the arrangements intended to prevent and remediate contamination.

The relevant documents include the revised Outline Battery Safety Management Plan (OBSMP), Revision 2 [EN0110014-001322], the revised Flood Risk Assessment and Outline Surface Water Drainage Strategy [EN0110014-001376], the Environment Agency's Deadline 1 response [EN0110014-001205], the Applicant–Environment Agency Statement of Common Ground [EN0110014-001345], the Applicant's Design Principles, Parameters and Commitments [EN0110014-001312] and the revised draft DCO [EN0110014-001299]. These should be considered alongside BEPS's Written Representation Chapters 9 and 18 and the relevant evidence from Norfolk County Council and Norfolk Fire and Rescue Service.

BEPS acknowledges that the Applicant has undertaken further work on the safety strategy and that the revised OBSMP contains substantially more detail than a general commitment to comply with future fire-safety guidance. It addresses thermal runaway, fire and explosion risk, battery separation, incident detection, emergency response, firefighting water, drainage isolation, contamination management and engagement with Norfolk Fire and Rescue Service (NFRS). It also expressly refers to the National Fire Chiefs Council's revised 2026 guidance.

However, the provision of a detailed outline plan does not remove the need to establish whether an acceptable safety and environmental-protection solution exists for the maximum

BESS configuration which the DCO would authorise. The Applicant must distinguish between engineering choices legitimately left to detailed design and unresolved information capable of determining the dimensions, location, drainage requirements or environmental acceptability of the development.

This distinction matters particularly because the BESS is proposed within a sensitive rural environment containing agricultural drainage, groundwater receptors, watercourses, residential and transport receptors, and other major electrical infrastructure. The consequences of a serious incident may extend beyond the immediate battery compound through smoke, heat, contaminated firewater, damaged electrical equipment, polluted drainage or subsequent remediation activity.

The assessment must therefore demonstrate the effectiveness of the proposed strategy as a whole, rather than evaluate fire prevention, firefighting, drainage and groundwater protection as separate topics.

14.2 The revised OBSMP establishes a proposed strategy but leaves important design decisions outstanding

The revised OBSMP describes a hierarchy of prevention, detection, control, emergency response and environmental protection. It proposes that the final battery technology and installation will be selected and designed in accordance with the relevant standards and the NFCC's grid-scale BESS guidance.

The Applicant also states that the firefighting water requirement will be fully assessed at detailed-design stage, using large-scale fire-test data for the selected battery design and other independent fire and explosion evidence.

That approach recognises an important technical reality: different battery systems may have different fire characteristics, propagation behaviour, gas-release profiles and water requirements. BEPS does not contend that every equipment specification must be fixed during Examination.

Nevertheless, the environmental assessment must define the maximum permissible consequences of those choices. The ability to select a battery system after consent should not permit a system whose credible incident requirements exceed the physical containment, access, separation, drainage or environmental envelope already assessed.

The Applicant should therefore demonstrate that all battery configurations permitted by the DCO can comply with minimum safety-performance requirements and can be accommodated within the proposed compound without introducing materially different environmental effects.

If a final equipment selection could require larger separation distances, additional firefighting water, expanded containment, revised access or a different drainage arrangement, the acceptability of those changes should be established before consent through a sufficiently defined and assessed worst-case envelope.

A later approval process can legitimately verify that a selected design meets established standards. It should not be left to determine for the first time whether the authorised footprint is capable of accommodating the measures necessary to protect people and the environment.

14.3 The Principal Aquifer, private water supplies and public water-supply receptors make the location of the BESS particularly sensitive

The environmental acceptability of the proposed 500 MW BESS must be assessed in the context of its actual geological, hydrological and water-supply setting. The Site 1 infrastructure lies within an area underlain by a Principal Aquifer, with private water supplies serving nearby properties and agricultural businesses, public water-supply interests identified by the Environment Agency, and drainage associated with the headwaters of Starston Beck. The latter forms part of the wider River Waveney catchment, which includes ecologically sensitive chalk-fed watercourses.

These are not merely background environmental characteristics. They determine the potential consequences of an incident involving contaminated firefighting water or damage to the BESS containment system. Where groundwater provides water for domestic consumption, farming or commercial operations, the consequences of contamination may extend beyond the immediate development site and may persist after the original incident has been brought under control.

The Applicant's Environmental Statement acknowledges that much of the Order Limits lies within groundwater Source Protection Zone 3 and that substations and other electrical infrastructure occupy areas associated with several distinct waterbody catchments. The Environment Agency's Deadline 1 response identifies unresolved matters concerning impacts upon water supplies and the assessment of Source Protection Zones under EA33 and EA34. These matters require specific consideration in relation to the BESS and associated substation infrastructure, rather than reliance upon an overall conclusion that the groundwater environment is adequately protected.

The private water-supply baseline is particularly important. BEPS's Chapter 9 and the independent HFCL review identify concerns about the completeness of the private-supply inventory, abstraction characteristics and groundwater conceptual model. The absence of sufficiently detailed information about a supply does not establish that it is outside the area potentially affected by the development. The relevant risk depends upon the source of abstraction, geological strata, groundwater flow direction, hydraulic connectivity, preferential pathways and the relationship between the supply and potential contaminant sources.

The nearby poultry farm provides a particularly important receptor. BEPS understands that the business uses a private water supply for its operations and has expressed concern about possible contamination. The Applicant should identify the location and characteristics of the supply, its use in the poultry operation, its reliance upon groundwater and the availability of a practicable alternative if contamination occurs.

A water-supply incident affecting a poultry business may have consequences beyond temporary inconvenience. Depending upon the farm's water arrangements, loss of a suitable supply may affect drinking water for livestock, cleaning, hygiene, biosecurity and the continuity of agricultural operations. These consequences require assessment according to the

actual operation and its water requirements, rather than an assumption that temporary tankering would necessarily provide an adequate response.

The public water-supply interests identified by the EA require equivalent attention. The Applicant should specify the relevant protected abstraction, its Source Protection Zone, the hydrogeological relationship with the proposed BESS and the consequences of a credible release of contaminants. The EA's outstanding concern concerning Source Protection Zones cannot be resolved solely through correction of a map if the underlying assessment of contaminant pathways and receptor sensitivity remains insufficiently evidenced.

The location near the rising ground and headwater drainage of Starston Beck introduces an additional surface-water pathway. Where an incident or failure of containment permits polluted liquid to reach field drains, ditches or watercourses, contamination could potentially move downstream into the Starston Beck and wider Waveney system. The extent of that risk must be established from actual drainage connectivity, site levels, flow routes and receiving-water conditions. BEPS does not assert that every release would necessarily reach the River Waveney, but the possibility requires assessment rather than dismissal merely because the BESS is not immediately adjacent to a statutory Main River.

The critical issue is therefore the combination of sensitive receptors and plausible pathways: contamination may threaten groundwater abstractions, agricultural water supplies and surface-water systems depending upon how it escapes, the properties of the ground and the response measures available. A credible assessment must examine those pathways together and demonstrate that protection does not depend upon unverified assumptions about the effectiveness of the containment system or the absence of groundwater connectivity.

14.4 The firefighting-water strategy must establish the maximum contaminated-water volume requiring containment

The revised Outline Battery Safety Management Plan [EN0110014-001322] makes an important commitment to on-site firefighting-water provision. Paragraph 4.5.8 specifies a minimum of two storage units of at least 230,000 litres each, capable of delivering 1,900 litres per minute for four hours. The corresponding calculated volume is 456 cubic metres, or 456,000 litres.

BEPS acknowledges that this is a substantial proposed provision and that adequate access to water may be necessary for the defensive firefighting strategy envisaged by the Applicant and Norfolk Fire and Rescue Service.

However, the provision of water for emergency response creates a related requirement to manage the water safely if it is applied to affected equipment and becomes contaminated. The relevant distinction is between the quantity of clean water stored for possible firefighting use and the volume of contaminated liquid which may subsequently require secure containment, sampling, removal or treatment.

An increase in clean-water storage does not automatically increase environmental risk. If the additional water is never used, it does not become contaminated firewater. The concern is that an incident may require the use of some or all of that inventory, potentially together with

additional supplies, and that the resulting contaminated liquid must be captured without escaping into surrounding soils, groundwater or surface-water drainage.

The revised OBSMP proposes that the drainage system will be designed to accommodate the 1-in-100-year rainfall event with a 45% climate-change allowance, together with 456 cubic metres of firefighting water. It also refers to a reasonable worst-case firewater scenario occurring in conjunction with a 1-in-10-year storm event. The relationship between those assumptions requires transparent explanation, particularly as the final containment volumes and hydraulic design remain deferred to detailed design.

The Applicant should provide a hydraulic mass balance showing the total water and liquid inventory likely to require containment under the credible incident scenarios used to determine the environmental design. This should include the potential volume of firefighting water actually discharged, rainfall contributions, existing water within the drainage system, any supplementary firefighting supply, the distribution of runoff between drainage compartments and the remaining available storage capacity at the point of isolation.

The assessment must also consider whether the fire could continue beyond the four-hour water-supply design period, whether neighbouring containers require continued cooling, and whether an escalation scenario could lead to additional water use or contamination of a larger part of the site.

The necessary design envelope should reflect credible outcomes informed by the selected battery technology and appropriate fire testing. It is not sufficient to assume without justification that the maximum contaminated-water volume must equal the nominal capacity of the firefighting tanks. Equally, the containment design cannot be treated as demonstrated simply because those tanks provide a known quantity of water.

BEPS's concern is particularly acute because the environmental consequences of an uncontrolled release may include contamination of water used for domestic consumption, livestock and commercial operations. The final containment capacity and the ability to maintain effective isolation during an incident are therefore fundamental to the acceptability of the BESS location, rather than matters of routine engineering detail.

14.5 Firewater isolation, infiltration and post-incident remediation must be assessed against the actual hydrogeology

The revised OBSMP proposes an automatically operated drainage-isolation system, a manual override, fail-safe valve arrangements and inspection and maintenance procedures. It also provides for potentially contaminated water to be sampled and analysed after an incident and, where necessary, removed for appropriate disposal.

These are important safeguards, but their effectiveness depends upon the integrity of the complete physical system. Closing a drainage outlet prevents discharge through that outlet; it does not necessarily prevent contaminated liquid from escaping through joints, damaged linings, aggregate layers, service penetrations, foundations, overflow points or other subsurface pathways.

The distinction matters where the BESS is located above a Principal Aquifer and close to sensitive water abstractions.

The Environment Agency's Deadline 1 response identifies outstanding concerns regarding BESS firewater containment, aggregate drainage layers, emergency response, groundwater protection and water supplies. These issues directly concern whether a contaminated-water incident could create a source–pathway–receptor relationship extending beyond the BESS compound.

The Applicant should establish the proposed containment construction, including the permeability and chemical resistance of the lining materials, methods for controlling leakage through joints and penetrations, the effects of fire and mechanical damage, and the procedures for detecting and managing containment failure.

It should also demonstrate how the aggregate drainage layers would be isolated, inspected, cleaned or removed if contaminated. Water which has been retained within the drainage system may subsequently leave residues in sediment, aggregate or other construction materials. Reopening the drainage system following removal of standing water could therefore create a further pathway unless the system has been appropriately inspected and cleaned.

The EA's concerns about post-incident arrangements make this a material issue rather than a hypothetical engineering refinement.

The groundwater assessment should examine whether any escape of contaminated liquid could reach the relevant aquifer or private and public abstractions, including through preferential pathways created by construction, foundations or buried services. Where the aquifer is separated from the surface by superficial deposits, the Applicant should demonstrate the nature, continuity and protective function of those deposits using adequate site-specific investigation, rather than rely upon a generalised assumption that a low-permeability layer prevents migration.

The potential consequences of contamination also need to be assessed. A contaminated private borehole or well may require immediate suspension of use, temporary alternative supplies, repeated testing and potentially prolonged remediation or replacement. Depending upon the contaminant and groundwater conditions, restoring the original water quality may be difficult or uncertain.

For the poultry farm, these requirements may affect operational continuity as well as the availability of safe water. For any public abstraction, the potential consequences could extend to a wider population and require intervention by the relevant water undertaker and regulators.

The Applicant should therefore establish not merely how pollution would be prevented, but how a credible failure would be detected, what emergency measures would protect each identified water-supply receptor, how alternative supplies would be provided and how restoration would be independently verified.

The existence of emergency-response arrangements is necessary but cannot substitute for preventing pollution where the consequences may be difficult to reverse.

14.6 The recent Axminster BESS appeal decisions demonstrate that aquifer and firewater risks can be determinative

BEPS draws the Examining Authority's attention to two recent planning appeal decisions concerning battery energy storage developments near Axminster, Devon.

The first concerns *Land just south of Hazlehurst, Raymonds Hill, Axminster*, appeal APP/U1105/W/25/3369854, dismissed on 13 August 2026. The second concerns *Land at Newlands Farm, north-west of the B3165, Axminster*, appeal 6003095, dismissed on 7 October 2026.

Although these were Town and Country Planning Act appeals rather than NSIP examinations, both decisions are relevant examples of the importance of demonstrating effective fire-safety and water-environment protection where BESS infrastructure is proposed near groundwater resources and drinking-water supplies.

The Newlands Farm decision is particularly pertinent. That proposal concerned an 80 MW BESS on land above a Principal Aquifer supplying nearby homes and farms. The planning inquiry examined whether the proposed fire-safety, drainage and containment arrangements would be sufficient to prevent contaminated firewater reaching groundwater or other sensitive receptors. During the appeal, the developer amended the proposed scheme, including changes to firefighting-water tanks and drainage arrangements. East Devon District Council subsequently withdrew its reasons for refusal and supported approval. Nevertheless, the Inspector remained unconvinced that the proposed containment system would prevent unacceptable pollution in the event of a battery fire occurring during a storm event. The appeal was dismissed on 7 October 2026. The Inspector gave substantial weight to the potential consequences for the aquifer and human drinking-water supplies, notwithstanding the energy-security and biodiversity benefits of the proposal.

The significance for East Pye is not that the two sites have identical geology, drainage arrangements or battery technology. The decisions cannot establish that the East Pye containment system will fail or that every BESS above a Principal Aquifer is unacceptable.

Their relevance is that the acceptability of the development must be demonstrated through the adequacy of the proposed engineering and environmental controls in the particular receiving environment. Where a serious incident could contaminate groundwater used for drinking water, the consequences of containment failure may carry substantial weight even where the probability of the incident is low.

The Newlands Farm appeal also illustrates why the ability to redesign drainage and containment after consent cannot automatically resolve uncertainty about the original development. If larger storage structures, modified drainage basins, additional access or different infrastructure arrangements may be necessary, the developer must demonstrate that an acceptable solution exists within the proposed layout and that its environmental consequences have been assessed.

This is directly relevant to East Pye because the revised OBSMP reserves final hydraulic calculations and containment dimensions for detailed design.

BEPS acknowledges that East Pye has provided considerably more detail about proposed water storage and drainage isolation than would be implied by an allegation that no firewater controls exist. However, the decisive question remains whether those controls can reliably protect the nearby private and public water supplies, the Principal Aquifer and connected surface-water environments under credible incident conditions.

The Devon decisions demonstrate that such uncertainty can materially affect the planning balance and that support for battery storage or agreement from particular consultees does not dispense with the decision-maker's responsibility to assess the underlying environmental risk.

14.7 The BESS, substation and water-supply risks require a single integrated assessment

The proposed BESS does not exist in isolation from the adjoining electrical infrastructure. The Scheme also includes major substations, transformers, buried services, access infrastructure and drainage arrangements. The Environment Agency has identified outstanding questions concerning both BESS firewater and substation firewater.

The Applicant should therefore demonstrate whether credible incidents at different electrical installations could affect the same groundwater, drainage or water-supply receptors, and whether the proposed containment arrangements are sufficiently independent and robust.

The assessment should consider the cumulative physical layout, including the distribution of water-containing infrastructure, drainage compartments, access roads, underground services and any additional equipment which may be required under the final grid-connection design.

NGET's evidence concerning the unresolved size, location and design of the National Grid substation is also material. If the final transmission solution requires additional land, equipment or changed drainage arrangements near the present proposed BESS, the overall environmental-protection strategy may require reassessment.

It would be inappropriate to conclude that each component is individually acceptable while leaving unresolved whether their combined arrangement can be constructed and operated without unacceptable contamination risk.

The assessment must also establish how the requirements of NFRS, the Environment Agency, the relevant water undertaker and affected private-supply users have been reconciled.

Firefighting-water availability, fire service access, stormwater attenuation, pollution containment and groundwater protection must function as one coherent system. A design which satisfies one requirement must not undermine another.

14.8 The implications for the grant of development consent

The evidence identifies a specific risk of granting consent before the environmental-protection arrangements for the BESS have been demonstrated to be achievable.

The Applicant has proposed a substantial firefighting-water inventory, a defensive firefighting strategy, drainage isolation and post-incident testing. However, the final water-

containment dimensions and equipment-specific firewater requirements remain subject to later design, while the EA's examination evidence raises continuing questions concerning groundwater and water-supply protection.

If detailed design determines that a larger containment system is necessary, the resulting works may require additional excavation, altered drainage, greater land take or relocation of equipment. Such changes may affect the hydrogeological environment, construction effects, land requirements and the compatibility of the BESS with adjoining infrastructure.

Where sensitive private and public water supplies depend upon the integrity of that design, these matters cannot safely be left unresolved merely because the Applicant proposes to obtain detailed approvals before construction.

BEPS submits that the ExA must be satisfied during Examination that the maximum authorised BESS configuration can be accommodated with a demonstrably effective containment and remediation system, within an adequately assessed and legally secured development envelope.

The Applicant should be required to provide an integrated assessment identifying the private and public water-supply receptors, their hydrogeological connections, the credible firewater volumes, the necessary containment capacity, the performance and failure modes of the drainage system, and the arrangements for protecting supplies and remediating contamination.

It should also establish an enforceable mechanism ensuring that future battery replacement remains within the assessed fire-safety and environmental envelope.

The critical planning issue is not simply the probability of a battery fire. It is whether the Applicant has demonstrated that a credible incident can be managed without unacceptable consequences for the Principal Aquifer, nearby domestic and agricultural water supplies, public water-supply interests and connected watercourses.

In the absence of that demonstration, BEPS maintains that the proposed BESS location has not been shown to be environmentally acceptable and that the claimed benefits of the BESS, whose grid connection remains at Gate 1, cannot justify deferring fundamental groundwater and firewater protection questions until after consent.

14.9 Battery replacement and the long operational period must remain within an enforceable safety envelope

The Scheme's proposed operational life is approximately 60 years, during which battery equipment may be replaced several times. The OBSMP recognises end-of-life battery management and the need for appropriate disposal and replacement procedures. The environmental assessment must nevertheless establish how the safety characteristics of replacement systems will be controlled over such a long period.

Battery technologies, enclosure arrangements, cooling methods and fire-protection systems may change significantly. Some developments may reduce risk; others may introduce different thermal-runaway, gas-release or containment characteristics.

The DCO should therefore secure performance-based requirements applicable to all permitted replacement systems, including suitable fire testing, separation, detection, emergency access, firefighting provisions and contaminated-water management.

Replacement should not be permitted merely on the assumption that the new equipment is functionally equivalent because it occupies the same compound or provides the same generating or storage capacity.

Where a materially different system would exceed the assessed safety envelope or require additional environmental infrastructure, further assessment and any necessary approval must precede its installation.

14.10 Fire and emergency-service engagement must be reflected in enforceable requirements

The Applicant records engagement with NFRS and proposes further consultation during detailed design. BEPS welcomes the involvement of the emergency services and does not suggest that the Applicant has failed to recognise the relevance of NFCC guidance.

However, the important distinction is between consultation on the final engineering details of an established strategy and reliance upon future agreement to determine whether that strategy can be implemented acceptably.

The Applicant should identify which aspects of the OBSMP have been accepted in principle by NFRS, which remain dependent upon equipment selection and detailed design, and what minimum requirements the DCO secures.

Equivalent clarity is required concerning the Environment Agency's role in reviewing firewater containment and any proposed discharge or contamination-management arrangements.

The combined fire and environmental strategy should also address access during severe incidents, the availability of firefighting water, protection of surrounding infrastructure, isolation of electrical equipment, evacuation or exclusion arrangements where relevant, and management of damaged or potentially unstable battery modules.

Such matters should be considered as part of an integrated response, including the consequences for nearby residents, roads and other users of the surrounding environment.

14.11 The Gate 1 status of the BESS introduces additional implementation uncertainty

The BESS remains at Gate 1, while the solar generation element has Gate 2 status. The Applicant has not demonstrated that the BESS presently has the same secured route to the proposed transmission connection as the solar development.

The absence of a confirmed BESS connection does not establish that it can never proceed. However, it makes the implementation scenario relevant to the assessment of safety and environmental controls.

The Applicant should explain whether the BESS could be constructed in advance of its connection, whether it could remain installed but non-operational, and how the relevant fire-safety, security, drainage and emergency-response obligations would apply in those circumstances.

It should also demonstrate whether the BESS may be omitted entirely and, if so, how the associated drainage, access, ecological mitigation and environmental management commitments would be treated.

This uncertainty reinforces the need for the DCO to establish clear commencement, installation, operation, replacement and decommissioning controls rather than assume that all components will necessarily be delivered together.

14.12 Overall conclusion and evidence required

BEPS acknowledges that the revised OBSMP contains substantive and useful additional commitments. The objection is not that the Applicant has offered no fire-safety strategy, but that the final environmental acceptability of the maximum authorised BESS configuration remains dependent upon equipment-specific design, containment calculations and the effectiveness of several interconnected protection systems.

The Environment Agency's outstanding firewater and groundwater concerns reinforce the importance of resolving those dependencies. An inadequate containment strategy could have consequences extending beyond the battery compound, while subsequent remediation may require substantial works and may not readily reverse contamination of sensitive receiving environments.

BEPS requests that the Applicant demonstrate during Examination that a technically acceptable BESS arrangement exists within the authorised footprint, with sufficiently defined minimum fire-safety performance, firewater containment, drainage isolation, groundwater protection and remediation requirements.

The final strategy should be reconciled with the Flood Risk Assessment, surface-water drainage design, groundwater conceptual model, emergency-service requirements and draft DCO. The Applicant should identify the specific enforceable provisions securing each essential measure and demonstrate how those requirements would apply to equipment replacement and alternative implementation scenarios.

Until the maximum credible incident consequences and the necessary environmental-protection envelope are sufficiently demonstrated, the Applicant's conclusions concerning the acceptability of the BESS should remain subject to qualification rather than be treated as established by the existence of an outline management plan.

15. Landscape and Visual Effects: Established Significant Harm, Statutory Consultees' Outstanding Objections and the Failure of Screening to Restore Rural Landscape Character

15.1 Introduction: the landscape harm is established, but its full extent remains disputed

BEPS maintains its objection to the scale, severity, duration and geographical extent of the landscape and visual effects arising from East Pye Solar.

The Applicant's own Environmental Statement (ES) acknowledges extensive significant adverse landscape and visual effects during construction and operation, including effects which persist after the proposed landscape mitigation is assumed to have matured. The independent examination evidence raises substantial questions as to whether the Applicant has understated the magnitude and duration of that harm.

This section responds to the additional evidence submitted by Hempnall Parish Council, South Norfolk District Council (SNDC), Norfolk County Council (NCC), Historic England and Natural England. It should be read alongside BEPS's detailed Written Representation Chapter 7, its cultural heritage assessment in Chapter 10 and its cumulative and residual-effects analysis in Chapters 19 and 20.

Of particular importance are:

- Hempnall Parish Council's independent Landscape and Visual Impact Case [EN0110014-000984].
- South Norfolk District Council's Local Impact Report [EN0110014-001448].
- The Applicant–SNDC Statement of Common Ground [EN0110014-001344, EXAM/9.5].
- Norfolk County Council's Local Impact Report [EN0110014-001412].
- Historic England's Written Representation [EN0110014-001093].
- Natural England's Written Representation [EN0110014-001116].
- The revised Works Plans [EN0110014-001260 and EN0110014-001261] and the Applicant's revised design and landscape commitments.

BEPS recognises the considerable national policy support for renewable electricity generation and accepts that nationally significant energy infrastructure may produce unavoidable adverse landscape effects.

The issue is not whether East Pye can be expected to have no landscape impact. It is whether the Applicant has accurately assessed the actual transformation proposed, applied the mitigation hierarchy appropriately, demonstrated that its proposed mitigation can achieve the reductions claimed and identified the residual harm which must be weighed against the development's benefits.

The examination evidence now reveals a material distinction between agreement on the general assessment methodology and agreement on its conclusions.

SNDC accepts the broad assessment framework and several elements of the landscape baseline. However, it formally disputes important landscape and visual significance judgments, particularly at Year 15.

Hempnall Parish Council's independent assessment identifies similar disagreements, supported by detailed site-specific analysis and route-based visual evidence.

NCC acknowledges substantial landscape effects and seeks further scrutiny of sensitivity, recreational impacts and planting assumptions, although it does not consider landscape harm alone likely to outweigh the national benefits of the Scheme.

Historic England identifies circumstances in which visual screening cannot preserve the historic relationships contributing to landscape and heritage significance.

Natural England emphasises the importance of functional ecological enhancement and coherent long-term landscape management.

These positions are not identical, and BEPS does not suggest that every consultee advocates refusal on landscape grounds. Their combined significance is that the Applicant's residual-effects conclusions remain contested by substantial independent evidence.

15.2 The Applicant's own assessment identifies widespread significant adverse effects

The starting point must be the quantified harm established by the Applicant's own LVIA.

Hempnall Parish Council's independent assessment reproduces and analyses the findings in ES Chapter 7, including Tables 7.5–7.10.

For construction-stage landscape effects, ES Table 7.5 assesses 25 landscape receptors. The Applicant identifies six Major/Significant adverse effects and twelve Moderate/Significant adverse effects.

Accordingly, 18 of the 25 landscape receptors, representing 72% of those assessed, experience significant adverse landscape effects during construction. These are not effects alleged solely by BEPS or its supporting experts. They are the Applicant's own findings.

The construction visual-effects assessment is similarly extensive. ES Table 7.6 assesses 124 view locations. The Applicant identifies five Major-to-Substantial Significant effects, thirty-five Major Significant effects and thirty-one Moderate Significant effects.

Therefore, 71 of the 124 assessed view locations experience significant adverse visual effects during construction. The scale of these findings demonstrates that the Scheme's visual and landscape impacts cannot be characterised as isolated or confined to a small number of particularly exposed receptors. The effects extend across development parcels, landscape character areas, settlements, residential receptors and public rights of way.

The Applicant's Year 1 landscape assessment continues to identify significant adverse effects at 13 of the 25 landscape receptors, comprising three Major/Significant and ten Moderate/Significant effects.

The three Major/Significant effects include Sites 1 and 8 and the BESS area with Cable Route Corridors 1 and 2.

At Year 15, the Applicant predicts reductions in the severity of many effects as planting matures. Nevertheless, significant landscape effects remain upon Tas Tributary Farmland, Great Moulton Plateau Farmland and several development sites.

BEPS submits that these established effects must remain visible in the planning balance.

Construction effects should not be discounted merely because they are temporary where their duration, geographical extent and consequences for rural amenity are substantial.

Similarly, significant operational effects do not become immaterial because the development is intended eventually to be decommissioned after approximately 60 years.

For affected communities, the Scheme would change the landscape over several generations, if not permanently through the associated planting and National Grid infrastructure.

15.3 SNDC's current evidence establishes a fundamental disagreement about the character of the development

SNDC's Local Impact Report [EN0110014-001448] provides particularly important evidence concerning the local landscape. At paragraph 2.4, the Council states that the proposed development would result in extensive and, in several locations, significant adverse effects upon local landscape character and the visual and recreational experience of the public rights-of-way network. It identifies the permitted panel height of up to 4.5 metres and considers that the proposed setbacks from public routes are not consistently adequate.

The Council acknowledges that planting may soften or filter views, particularly at a distance, but concludes that it would not restore the open rural character or remove the enclosure created along affected paths. At paragraph 2.5, SNDC addresses the effect of the development at the scale of the individual fields and development parcels. It considers that the conversion of agricultural countryside to extensive energy infrastructure would ordinarily represent a large or major change in landscape character.

The importance of this assessment is that it directly challenges the Applicant's treatment of landscape mitigation. The addition of hedges and trees may improve the appearance of individual boundaries, but it does not reverse the underlying change in land use or the introduction of large-scale industrial electricity infrastructure.

The distinction is central to BEPS's objection.

An agricultural field may become less visually exposed after surrounding planting matures, but its physical and functional character remains substantially altered by solar panels, fencing, inverters, tracks, security infrastructure and associated equipment.

At paragraph 2.6, SNDC further considers that the effects extend beyond individual fields. It identifies the geographical distribution of Sites 1–10 as capable of changing the perceived character of Landscape Character Areas B1 and E2.

At paragraph 2.7, the Council states that the existing descriptions of these landscape character areas would no longer fully describe the affected countryside if the Scheme were constructed at its maximum parameters.

The introduction of concentrated solar arrays, substations, BESS infrastructure, fencing and enclosing planting would itself become a material characteristic of the landscape.

That conclusion is particularly significant.

It is not merely an objection to the visibility of panels from particular viewpoints. It is evidence from the host district council that the development would alter the defining character of the receiving landscape.

The Applicant should therefore explain how its LVIA reconciles this transformation with the lower magnitude or significance classifications assigned to particular sites and landscape character areas.

15.4 SNDC formally disputes the Applicant's Year 15 landscape conclusions for six development sites

The Applicant–SNDC Statement of Common Ground [EN0110014-001344] provides the clearest documentary evidence of the continuing disagreement. Under **SNDC LV-16**, the Council considers that the LVIA understates the residual landscape effects at Year 15 for Sites 2, 3, 4, 5, 9 and 10. SNDC's position is that all six sites would continue to experience significant adverse landscape effects at Year 15.

The Applicant expressly disagrees, maintaining that its assessment follows established good practice and that the proposed planting and landscape measures justify the reductions in residual significance. The matter remains recorded as **Under Discussion**.

This disagreement is material because the distinction between significant and not significant residual effects directly affects the presentation of the Scheme's long-term environmental consequences. It also affects the weight which can properly be attached to the mitigation relied upon by the Applicant.

The Applicant's position depends substantially upon its prediction that planting will establish sufficiently to integrate the development into its surroundings and reduce the magnitude of landscape change.

SNDC challenges that assumption at the level of landscape character. Its position is that, notwithstanding planting, the infrastructure remains present and the former agricultural landscape remains transformed. The difference cannot be resolved simply by demonstrating that a hedge is expected to achieve a particular height or density by Year 15.

The Applicant must address the underlying question: whether concealment of infrastructure from certain external viewpoints adequately reduces the effect upon the character of the development site itself.

The six sites identified by SNDC are not incidental or peripheral components of the Scheme. Together they represent a substantial part of its geographical footprint. If SNDC's conclusions are accepted, the extent of significant adverse landscape effects remaining at Year 15 would be greater than reported in the Applicant's residual-effects assessment.

BEPS therefore requests a site-by-site response explaining the Applicant's assessment of each of Sites 2, 3, 4, 5, 9 and 10, the reasons for the predicted reductions in significance and the specific mitigation relied upon.

The response should distinguish reductions in external visibility from changes in landscape character and should explain why the continued presence of extensive solar infrastructure does not constitute the level of residual harm identified by SNDC.

15.5 The dispute extends to Year 15 visual effects and the experience of public rights of way

Under **SNDC LV-17**, the Council also challenges the Applicant's Year 15 visual assessment.

SNDC considers that the Applicant has understated the magnitude and residual significance of visual effects, including where screening is assumed to reduce the development's prominence. This disagreement is consistent with the Council's LIR.

At paragraph 2.8, SNDC explains that Year 15 planting should not automatically be treated as removing or materially reducing an adverse effect where it replaces an open rural outlook with a vegetated corridor. Screening may increase enclosure, interrupt long views and create a tunnel-like experience along public rights of way.

The distinction is particularly relevant to walkers, riders and other recreational users who currently experience open countryside, long views, mature hedgerows and occasional woodland groups. A route enclosed between newly planted screening belts may contain fewer direct views of the solar arrays but nevertheless offer a substantially diminished experience of the original landscape.

BEPS submits that the Applicant must distinguish between visual screening and restoration of visual amenity. The fact that infrastructure becomes less visible does not establish that the former view or recreational experience has been preserved. Where screening replaces an open outlook with dense vegetation, the assessment must consider the resulting enclosure as part of the residual effect. This is not merely a theoretical concern. SNDC expressly identifies it as a substantive criticism of the Applicant's Year 15 assessment.

The Applicant should provide route-based evidence demonstrating how the proposed planting will affect the actual experience of public rights of way throughout their length, including the proportion of each route enclosed, the interruption of long views and the opportunities to experience unaffected countryside.

The assessment should also explain how these effects vary between construction, Year 1 and Year 15.

15.6 Hempnall Parish Council's independent assessment reinforces SNDC's concerns

The independent Landscape and Visual Impact Case submitted by Hempnall Parish Council [EN0110014-000984] provides additional evidence supporting the concern that the Applicant has understated the lasting transformation of the landscape.

The assessment challenges the significance classifications assigned to several development sites, landscape character areas and cable corridors. In particular, it disputes the reductions attributed to mitigation planting between Year 1 and Year 15.

The independent assessment argues that the landscape remains occupied by extensive energy infrastructure even when planting conceals some of its components. This closely reflects SNDC's reasoning under LV-16. Both identify the distinction between a development becoming less conspicuous from selected viewpoints and the landscape itself remaining substantially altered.

The independent assessment also challenges the Applicant's visual conclusions. The Applicant's ES Table 7.10 identifies seventeen Moderate Significant visual effects at Year 15, with no Major or Major-to-Substantial effects recorded among its 124 assessed view locations.

Hempnall Parish Council disputes the degree of reduction predicted. Its narrative-walk evidence for sub-site 7F, for example, identifies nine Major-to-Substantial effects and two Substantial Significant effects among fourteen additional viewpoints assessed along that route at Year 15.

These are the independent assessor's findings, not classifications recorded in the Applicant's original 124-viewpoint table. Nevertheless, they demonstrate a substantial difference in professional evaluation which requires consideration. The independent evidence describes the transformation of views across agricultural land, meadows, trees and hedgerows into views dominated by infrastructure or enclosed by vegetation introduced to screen it.

The Applicant should respond to the specific viewpoints and routes identified rather than rely exclusively upon its existing significance classifications.

BEPS respectfully asks the ExA to consider whether the independent evidence reveals deficiencies in the choice of viewpoints, the representation of sequential views or the interpretation of landscape mitigation.

15.7 SNDC disputes the adequacy of the visualisations and reasonable worst-case representation

The Applicant–SNDC SoCG records continuing disagreement concerning the visual evidence. Under **SNDC LV-9 and LV-10**, the Council seeks additional viewpoints and

improved visualisations. SNDC considers that additional viewpoints are required where public rights of way cross or closely adjoin the development.

It also raises concerns that the Applicant's Type 3 visualisations do not provide sufficient geometric and locational certainty where the assessment depends upon relatively fine distinctions concerning panel height, path alignment and the location of planting. SNDC has requested Type 4 visualisations for relevant locations.

The distinction is important because the Scheme permits tracker arrays up to 4.5 metres in height, and the visual impact from certain locations may depend significantly upon precise ground levels, proximity to the path, panel orientation and the proposed screening position.

A visualisation appropriate for communicating a general development concept may not provide sufficient precision to resolve a disputed significance judgment where a small difference in height, distance or landform changes the apparent prominence of infrastructure.

The Council's LIR, paragraph 2.9, expressly questions whether the submitted visual evidence consistently represents the reasonable worst case.

BEPS therefore requests that the Applicant identify which visualisations represent the maximum permitted tracker height and operating position, the assumed maturity and location of planting and the relevant seasonal conditions.

Where material effects are disputed, the Applicant should provide sufficiently precise visual evidence to enable the ExA and Interested Parties to evaluate the difference between the competing assessments.

The Applicant should also explain why additional viewpoints or more detailed visualisations are unnecessary where requested by the host local planning authority.

15.8 The kinetic experience of the landscape is not adequately represented by isolated viewpoints

SNDC's LIR expressly identifies the importance of the kinetic experience of public rights of way. This concerns the experience of moving through the landscape rather than observing the development from a fixed location. East Pye's dispersed layout makes this particularly important.

A walker may pass through a sequence of development parcels, crossing open countryside, entering enclosed sections, travelling alongside solar arrays or passing near electrical infrastructure. The landscape experienced over the journey may be affected by successive changes in openness, tranquillity, visibility, enclosure and the presence of infrastructure. Individual viewpoint assessments may identify the effect at selected points but fail to capture the cumulative experience along the whole route. Hempnall Parish Council's narrative walks provide evidence of this problem. SNDC's objection independently reinforces the need for a route-based assessment.

The Applicant should identify the principal recreational routes affected, including the Boudicca Way, Via Beata and locally valued public rights of way, and explain the duration and distribution of exposure along each route.

The assessment should distinguish between places where solar infrastructure is directly visible, places where the landscape has been enclosed by screening and places where views of the existing countryside remain substantially unaffected. It should also consider construction-related path restrictions, diversions and disturbance where relevant.

BEPS submits that the resulting assessment must address the overall recreational experience rather than rely solely upon the significance classifications of separate viewpoints.

15.9 Screening may create a new adverse landscape effect rather than remove the original one

The Applicant relies extensively upon landscape planting to mitigate the effects of solar arrays, substations, fencing and other infrastructure.

BEPS accepts that new planting can provide genuine visual and ecological benefits. However, planting must be assessed according to its actual effect upon the receiving landscape. The existing South Norfolk countryside contains open agricultural land, mature hedgerows, groups of trees, historic field boundaries, rural lanes, churches, farmsteads and long views across gently undulating land. The introduction of dense screening belts may change those relationships. Such planting may reduce visibility of arrays from particular properties or routes while concealing open views, enclosing paths or interrupting the legibility of historic field patterns. At paragraph 2.8 of its LIR, SNDC expressly identifies that concern.

The Applicant–SNDC SoCG records further disagreement under **SNDC LV-18**, concerning the treatment and effects of embedded landscape mitigation. The Council questions whether the proposed woodland belts and screening measures provide an appropriate landscape response, particularly where they conceal infrastructure while creating substantial new landscape features.

BEPS submits that the Applicant should demonstrate how it has distinguished between planting which mitigates adverse effects and planting which creates additional change. A screening belt may have beneficial ecological value while still producing adverse landscape effects through enclosure. Conversely, a measure designed primarily for visual screening may not provide the ecological functions assumed within the biodiversity assessment.

The Applicant must therefore explain how the landscape and ecological objectives of the planting strategy have been reconciled. It should not treat the same planting automatically as successful mitigation across landscape, ecology and heritage without demonstrating what each intervention actually achieves.

Norfolk Wildlife Trust's Relevant Representation provides particularly important independent support for this criticism of the Scheme's design approach. Under its general comments concerning inefficient scheme design, NWT expressly states:

“We would prefer to see the plan reshaped to suit the landscape, rather than the current scheme which tries to reshape the landscape to the scheme plan.”

This is a fundamental criticism of the relationship between the proposed development and the receiving environment. It goes beyond the mitigation of individual ecological impacts and questions whether the development's extensive spatial configuration is appropriate to the character and ecological sensitivity of this part of South Norfolk.

NWT describes a landscape containing pockets of ancient woodland, extensive species-rich hedgerows, semi-natural road verges and roadside nature reserves. It identifies significant barbastelle maternity populations, other bat species, rare farmland birds including corn bunting, turtle dove and yellowhammer, and threatened flora distributed throughout the countryside.

NWT emphasises that this is not an ecologically sparse landscape of large, featureless fields. Its ecological value arises from the extensive network of established natural features and the wildlife using them.

The Trust also considers that the Scheme has a particularly extensive land footprint relative to its generating capacity and describes the proposed use of land as inefficient.

BEPS submits that this criticism has direct implications for the good-design and landscape requirements of NPS EN-1 and EN-3. The Applicant must demonstrate that it has responded appropriately to the established historic and ecological structure of the countryside, rather than merely seeking to assimilate a predetermined infrastructure layout through screening and compensatory planting.

A scheme whose design requires extensive modification of existing landscape features, interruption of historic ecological connections and the creation of new screening belts cannot be assumed to represent an appropriate landscape response merely because its individual effects have been assigned significance classifications within the Environmental Statement.

NWT's evidence supports BEPS's submission that the mitigation hierarchy should begin with the avoidance of sensitive landscape and ecological features, followed by minimisation of unavoidable effects. New planting and biodiversity enhancement should not be treated as equivalent substitutes for retaining established landscape character and mature ecological networks.

The Applicant should therefore explain what alternative configurations, reductions in infrastructure footprint and development exclusions have been considered to accommodate the Scheme within the existing landscape, rather than requiring the landscape to be reorganised around the Scheme.

15.10 The implications of vegetation establishment and long-term management require further evidence

The Applicant's Year 15 conclusions depend upon assumptions about the establishment, growth and maintenance of vegetation.

The necessary outcomes may be affected by drought, disease, soil conditions, planting failure, management regimes, shading restrictions and the continuing need for access to electrical infrastructure.

BEPS acknowledges that these matters can be managed through appropriate planting specifications, monitoring and replacement obligations. However, the assessment must demonstrate that the predicted mitigation can realistically be achieved and maintained.

Where a Year 15 conclusion depends upon screening reaching a particular height or density, that assumption should be clearly identified. The Applicant should also demonstrate that operational vegetation-management requirements will not prevent the planting from achieving those characteristics. For example, hedges and tree belts may require cutting or height restrictions to avoid shading panels, obstructing access or interfering with electrical infrastructure. Those restrictions could affect both the screening performance and the ecological condition of the planted habitats.

The final landscape commitments should therefore establish measurable performance objectives, monitoring arrangements and remedial obligations where planting fails.

BEPS respectfully asks the ExA to also consider whether the residual-effects assessment adequately addresses the possibility that some planting will fail to mature as predicted or will provide reduced screening during part of the year.

15.11 Winter visibility and seasonal conditions remain important unresolved matters

The performance of deciduous vegetation varies substantially between seasons. New and existing hedgerows and trees may provide less screening when leafless, particularly where their principal function is to conceal solar panels, fencing or electrical infrastructure. The issue is important where the Applicant predicts a reduction in the magnitude of visual effects at Year 15.

BEPS has previously requested consideration of winter views at sensitive locations, including historic settings and public routes around St Catherine's Church, Hundred Way and other affected parts of the landscape.

BEPS respectfully asks the ExA to distinguish between a viewpoint which is effectively screened for part of the year and one whose visual amenity is protected throughout the year. Where the Applicant relies upon summer or leaf-on conditions, it should explain how the corresponding winter effects have been assessed. This is especially relevant to long views, elevated receptors, historic approaches and routes passing close to the development.

The assessment should identify whether the predicted Year 15 reductions remain justified during leaf-off conditions and whether additional winter visualisations are required.

15.12 SNDC's objections extend to night-time effects and the landscape consequences of lighting

The Applicant–SNDC SoCG records an outstanding matter under **SNDC LV-13**, concerning night-time landscape and visual effects.

SNDC seeks further consideration of the potential consequences of lighting associated with the development, including matters to be addressed at detailed design.

The Applicant considers that the outline nature of the lighting arrangements is sufficient for the existing assessment and disputes the need for further examination-stage information.

BEPS acknowledges that the final configuration of security and operational lighting may legitimately be refined at detailed design.

However, the assessment should establish a sufficiently clear maximum lighting envelope to demonstrate that the effects upon the surrounding rural landscape will remain acceptable.

The existing countryside is characterised in many locations by low levels of artificial illumination.

Lighting associated with substations, BESS infrastructure, security arrangements, maintenance and emergency access could alter that character, particularly when viewed from nearby homes, public rights of way or elevated locations.

The Applicant should therefore identify the likely lighting locations, maximum operating scenarios, controls on illumination and the circumstances in which exceptional lighting may be required.

Where the detailed design could introduce materially different lighting effects from those assessed, additional scrutiny may be necessary.

The issue should also be reconciled with the ecological assessment, particularly where lighting could affect bat commuting and foraging habitats.

15.16 Mature trees, veteran trees and hedgerows are integral to landscape character

SNDC's SoCG identifies outstanding matters concerning arboricultural evidence and the protection of established landscape features.

Under **SNDC LV-14 and LV-15**, the Council raises issues concerning the identification of veteran trees, the adequacy of arboricultural coverage and ancient woodland boundary information.

These concerns are relevant because the Scheme's landscape mitigation relies substantially upon the retention and enhancement of existing vegetation. Mature trees and long-established hedgerows contribute immediately to landscape character in a manner which newly planted vegetation cannot replicate in the short or medium term. Their value extends beyond the area

or length they occupy. They may define historic field boundaries, frame views, provide visual landmarks, contribute to the character of rural lanes and form important ecological connections.

The Applicant should therefore provide a reconciled account of mature trees, veteran trees, important hedgerows and woodland boundaries potentially affected by the solar parcels, cable corridors, access routes and highway works.

Where vegetation removal is proposed, the assessment should identify the resulting landscape effects and the realistic timescale for replacement features to provide comparable character. The issue is not resolved merely by demonstrating that an equivalent number of trees or metres of hedge will eventually be planted elsewhere. Location, maturity, historic continuity and landscape function may be material to the significance of the loss.

BEPS respectfully asks the ExA to require the Applicant to identify which of SNC's arboricultural concerns have been resolved through the latest evidence and which remain subject to further survey or design development.

15.17 The cable corridors require realistic assessment of reinstatement and landscape recovery

Hempnall Parish Council's independent assessment challenges the Applicant's significance conclusions for several cable corridors, particularly during construction and Year 1 operation.

Its concerns include the extent of excavation, vegetation disturbance, temporary access requirements and the time needed for reinstated land to recover.

At Year 1, the independent assessment disputes the comparatively low residual significance assigned to CRC4, CRC6, CRC7, CRC9 and CRC13.

The Applicant should demonstrate the actual vegetation losses and restoration timescales for each corridor and explain whether its Year 1 and Year 15 conclusions reflect those differences.

The relevance of this issue may increase if the final National Grid connection requires changed cable alignments or additional works.

A materially revised cable corridor may affect different landscape features and receptors from those presently assessed.

15.18 The Tas Tributary Farmland and Great Moulton Plateau Farmland effects remain disputed

The Applicant–SNDC SoCG records further disagreement under **SNDC LV-22**, concerning Landscape Character Area B1, Tas Tributary Farmland, and Landscape Character Area E2, Great Moulton Plateau Farmland.

SNDC agrees that the Applicant's LVIA identifies significant effects upon these landscape character areas. However, it considers that the Applicant underestimates their sensitivity and the magnitude of change, and that the effects should be assessed at a greater level of severity.

The Council's concern relates particularly to the loss of rural character, tranquillity and openness and the increased perception of human infrastructure. It also considers that excessive weight has been given to planting as mitigation, when that planting cannot restore the underlying agricultural landscape.

The Applicant disagrees with the Council's interpretation. It maintains that its assessment recognises significant effects and appropriately distinguishes between the more severe impacts within individual development sites and the lower magnitude of change experienced across the wider landscape character areas.

This distinction is relevant and should be examined carefully. A large landscape character area may experience a smaller overall magnitude of change than the portion directly occupied by infrastructure. However, that does not mean that the locally affected portion of the character area lacks significance.

BEPS respectfully asks the ExA to therefore evaluate the Applicant's distinction between site-level and wider character-area effects and determine whether the localised transformation has been given sufficient weight.

The disagreement is particularly important because these landscape character areas contain multiple development parcels and associated electrical infrastructure.

BEPS requests that the Applicant provide a clear reconciliation identifying the specific landscape qualities which SNDC considers undervalued and explaining the basis for the Applicant's alternative sensitivity and magnitude judgments.

15.19 Historic England's evidence demonstrates the limitations of visual screening

Historic England's Written Representation [EN0110014-001093] is relevant to the landscape assessment because the significance of many designated heritage assets is connected to their rural surroundings and historic agricultural relationships.

Historic England expressly distinguishes intervisibility from the contribution made by setting to heritage significance. A development may change the historic relationship between a building and its surrounding land even where the development is screened from direct view. This principle reinforces BEPS's concern that the landscape assessment places substantial weight upon visual screening without fully addressing the transformation of historic countryside.

Historic England identifies positive examples where the Applicant has responded through avoidance. It welcomes the exclusion of development from sensitive land associated with the Grade I Church of St Michael at Stratton St Michael and the substantial setback associated with the Grade I Church of St Catherine at Fritton.These are important examples because

they demonstrate that changes to the location and extent of development can protect historic relationships in a manner which screening alone cannot achieve.

Historic England nevertheless raises concerns concerning other assets. These include Oaks Farmhouse, Shotesham Road, the Church of St Mary at Shotesham and Shotesham Conservation Area, and the Scheduled Monument at Tasburgh. Its evidence identifies potential harm arising through changes to historic agricultural settings, landscape relationships and the wider context in which heritage significance is experienced.

The evidence provides independent support for assessing landscape change through character, historic relationships and the experience of place rather than visibility alone.

The Applicant should demonstrate that the landscape and heritage assessments are consistent in their treatment of screening, openness and the importance of existing agricultural land.

15.20 Natural England's evidence requires landscape mitigation to deliver functional ecological enhancement

Natural England's Written Representation [EN0110014-001116] approaches the landscape primarily through its ecological functions and the potential for long-term nature recovery.

Natural England supports the principle that a project of this scale should deliver meaningful environmental enhancement and a positive legacy for wildlife and people. It encourages alignment with the Norfolk Local Nature Recovery Strategy and the creation of more, bigger, better and better-connected habitats.

This is relevant to the landscape mitigation strategy because much of the proposed planting is intended to serve several purposes simultaneously. These include visual screening, biodiversity enhancement, habitat connectivity and landscape integration. Those purposes may be compatible, but the Applicant must demonstrate their compatibility in the actual design. A dense screening belt may reduce views of infrastructure while creating an enclosed recreational route or altering the character of a historic open landscape. Similarly, a planting scheme designed principally to achieve screening height or density may not provide the ecological functions needed to support existing woodland-edge habitats and bat commuting routes.

The Applicant should demonstrate how proposed planting has been designed to respond to the character of the receiving landscape and the requirements of relevant species and habitats. It should also explain how vegetation management necessary for solar operation, fire safety and electrical clearances will remain compatible with those objectives. Natural England's evidence does not establish that the Applicant's LVIA significance judgments are incorrect. Its importance is that landscape mitigation should be understood as a functional, long-term environmental intervention rather than a purely visual device.

BEPS requests that the Green Infrastructure Strategy, Outline Landscape and Ecology Management Plan and revised Design Principles be reconciled accordingly.

15.21 NCC's qualified position reinforces the need for examination of significant residual effects

NCC's Local Impact Report [EN0110014-001412] provides further independent evidence concerning the scale and nature of the Scheme's landscape effects. The County Council acknowledges that the Applicant has used an established LVIA methodology and provided a substantial evidence base. However, it identifies issues requiring further scrutiny, including landscape sensitivity, local value, perceptual qualities, public rights of way, cumulative effects and the predicted success of long-term planting.

NCC recognises the importance of tranquillity, openness, recreation and other locally valued landscape characteristics. It also identifies a need to consider whether the predicted reductions in significance between Year 1 and Year 15 depend upon assumptions about planting establishment and management which require further substantiation. These concerns align with the issues raised by SNDC and Hempnall Parish Council. Nevertheless, NCC's overall position must be represented accurately. Its LIR indicates that landscape and visual effects alone are unlikely to outweigh the national benefits of the Scheme, having regard to the relevant energy policy framework.

The importance of NCC's evidence is that it recognises the scale of the harm and identifies material questions concerning the assessment and mitigation. The proper weight to be given to that harm must be determined alongside the development's other adverse effects, unresolved design questions and the certainty of the benefits relied upon.

A conclusion that landscape harm alone is unlikely to justify refusal does not establish that it lacks substantial weight when considered cumulatively.

15.22 The unresolved National Grid infrastructure creates uncertainty about the assessed landscape envelope

National Grid Electricity Transmission's examination evidence introduces a further issue. NGET has confirmed that the Applicant's proposed transmission arrangement does not provide sufficient connection capacity for all potential customers identified in the relevant Transmission Entry Capacity Register.

It has also identified the need to consider the North Anglia Node E [Node A?] transmission arrangements and has not accepted the Applicant's proposed location, size and design as the final transmission solution.

The unresolved transmission design is directly relevant to the reliability of the LVIA. A materially larger substation could occupy more land, require additional screening, alter the skyline or introduce further electrical equipment. A differently located substation could affect landscape character areas, residential receptors, public rights of way and heritage settings which have not been assessed for the Applicant's present arrangement. Changes to cable corridors, overhead-line connections or construction access could introduce additional landscape disturbance.

The Applicant must therefore demonstrate that the environmental assessment encompasses the maximum development which could be authorised under the DCO. The assessment

should distinguish the solar arrays from the National Grid and project substations, particularly where the latter may have a different ownership and operational lifespan.

It should also explain how the landscape consequences of a different transmission solution would be assessed if NGET's final requirements materially depart from the submitted scheme.

An unresolved substation design should not be treated as a matter of routine detailed design if its eventual dimensions, location or associated land requirements could materially alter the development's environmental effects.

The Government's guidance on changes to an accepted NSIP application is relevant where a proposed amendment could result in a materially different project or where the cumulative effect of incremental changes alters the development originally submitted.

BEPS therefore requests an express explanation of the transmission-infrastructure envelope assessed and the circumstances in which a different connection solution would require additional environmental information, consultation or a formal change procedure.

15.23 Cumulative landscape effects must address the wider transformation of the area

SNDC's SoCG identifies cumulative landscape and visual effects as an outstanding matter under **SNDC LV-6**, with further cumulative issues recorded under **SNDC LV-23**. The Council is concerned about the interaction between East Pye and other major infrastructure developments within South Norfolk and the surrounding area.Its LIR identifies the cumulative effects of existing and consented energy and infrastructure projects, together with the wider concentration of development within the district.

The relevant issue is not simply whether two projects are visible from the same viewpoint. Cumulative effects may arise through sequential views, repeated exposure to infrastructure, changes to the character of a wider landscape area and the progressive erosion of the rural environment experienced by communities and recreational users. A route may pass through successive areas of solar development, transmission infrastructure, substations and highway works. The combined effect may substantially alter the experience of the countryside even where the developments are not simultaneously visible. The proposed Norwich to Tilbury transmission infrastructure is particularly relevant where it interacts geographically or functionally with the East Pye connection.

Projects meeting the applicable cumulative-assessment criteria should be addressed consistently, and the final connection infrastructure necessary for East Pye should not be excluded from the understanding of its environmental consequences.

The Applicant should explain whether the cumulative LVIA captures the realistic combinations of major infrastructure and whether the unresolved NGET design changes the assumptions upon which the assessment relies.

15.24 The National Policy Statements require harm to be minimised and residual effects to be weighed

NPS EN-1 and the solar-specific provisions of NPS EN-3 provide strong national policy support for renewable electricity infrastructure. BEPS acknowledges that this policy framework permits significant landscape effects where the applicable decision-making requirements are satisfied. However, national need does not remove the obligation to assess adverse effects accurately or to take appropriate opportunities to avoid and minimise harm.

NPS EN-1 Section 5.10 recognises the importance of landscape character and visual amenity, including landscapes whose value does not depend upon national designation. The assessment must therefore consider the locally valued qualities of the South Norfolk landscape, including openness, tranquillity, historic field patterns, rural routes and the relationship between settlements and surrounding countryside.

NPS EN-3 also requires the landscape and visual consequences of solar development to be considered through the proposed design, its relationship with the receiving environment and the effectiveness of mitigation. The policy framework does not require all adverse effects to be eliminated. However, the Applicant must demonstrate that the degree of harm has been accurately characterised and that reasonable opportunities to avoid or reduce it have been considered.

The evidence of SNDC, Historic England and Hempnall Parish Council is particularly relevant to that design question.

Where screening cannot preserve the underlying landscape character or historic setting, the appropriate response may require adjustment or omission of infrastructure rather than additional planting.

The weight attributed to residual harm must reflect the development actually proposed and the degree of certainty concerning its environmental consequences.

15.25 The mitigation hierarchy requires further consideration of avoidance and design changes

The Applicant has relied substantially upon screening vegetation, hedgerow enhancement and landscape management to reduce adverse effects. Such measures may be appropriate in many locations. However, the examination evidence demonstrates that their effectiveness is disputed and that screening may not preserve the landscape characteristics which are most valued.

BEPS therefore requests a clearer explanation of how the mitigation hierarchy has informed the Scheme's layout.

The Applicant should identify the areas where development has been removed, reduced or relocated to avoid sensitive landscape effects.

The withdrawal of solar development from Site 6 and the heritage-related setbacks welcomed by Historic England demonstrate that meaningful changes to the development footprint can

reduce harm. However this has not been applied consistently throughout the scheme to other similar heritage assets – creating the impression of a ‘tokenistic’ approach.

The Applicant should explain whether similar avoidance measures have been considered in response to the independent landscape evidence and the continuing objections recorded in SNDC's SoCG. Particular attention should be given to locations where significant adverse effects are predicted to remain at Year 15, where public rights of way would become enclosed corridors or where infrastructure would alter valued open views.

Where the proposed planting does not address the underlying landscape character harm, further avoidance or redesign must be seriously considered rather than dismissed on the basis that screening will eventually conceal the infrastructure.

15.26 Further evidence and reconciliation required

BEPS requests that the Examining Authority require a consolidated response to the landscape and visual evidence submitted during Examination.

The response should address the following matters.

First, the Applicant should reconcile its Year 15 landscape conclusions with SNDC LV-16. This requires a specific response for Sites 2, 3, 4, 5, 9 and 10, identifying the evidence supporting the Applicant's conclusion that significant residual landscape effects will not remain where SNDC considers that they will.

Second, the Applicant should reconcile its Year 15 visual conclusions with SNDC LV-17 and the independent viewpoint assessments submitted by Hempnall Parish Council, including the additional sub-site 7F evidence.

Third, the Applicant should address SNDC's concerns under LV-9 and LV-10 concerning the adequacy of viewpoints and visualisations, including whether Type 4 visualisations are required at disputed locations and whether the evidence adequately represents the maximum tracker parameters and proximity to public rights of way.

Fourth, the Applicant should explain how the route-based and kinetic experience of the development has been assessed, including sequential views, enclosure, interruption of open vistas and the effects upon the Boudicca Way, Via Beata and other affected public rights of way.

Fifth, the Applicant should address the outstanding matters under SNDC LV-13, LV-14 and LV-15, concerning night-time visual effects, veteran trees, arboricultural coverage and ancient woodland boundary information.

Sixth, the Applicant should reconcile the proposed woodland belts, hedgerows and screening measures with SNDC LV-18, demonstrating where planting will reduce adverse effects and where it will introduce new enclosure or otherwise alter landscape character.

Seventh, the Applicant should address the sensitivity and residual-effects disagreements relating to Tas Tributary Farmland and Great Moulton Plateau Farmland under SNDC

LV-22, distinguishing site-level effects from the assessment of wider landscape character areas.

Eighth, the Applicant should provide an updated response to SNDC's cumulative-effects concerns, including LV-6 and LV-23, demonstrating how other major infrastructure projects and the necessary grid-connection works have been considered.

Ninth, the Applicant should reconcile its landscape assessment with Historic England's concerns concerning historic agricultural settings, including locations where screening cannot preserve the contribution of openness and historic landscape relationships to significance.

Tenth, the Applicant should demonstrate that the landscape and ecological purposes of the Green Infrastructure Strategy are compatible, including the planting and management requirements identified by Natural England and Norfolk Wildlife Trust.

Eleventh, the Applicant should identify the maximum National Grid and project-substation envelope assessed and explain whether the final transmission solution could result in materially different landscape and visual effects.

Twelfth, the Applicant should provide clear evidence of the enforceability and long-term performance of mitigation, including planting specifications, establishment assumptions, winter screening, monitoring, replacement and corrective management.

Thirteenth, the Applicant should respond expressly to Norfolk Wildlife Trust's criticism that the Scheme has been designed by reshaping the landscape to accommodate infrastructure rather than adapting the infrastructure to the landscape. That response should identify the layout alternatives, opportunities for reducing land take and additional avoidance measures considered in relation to ancient woodland, historic hedgerows, ecological corridors and locally distinctive landscape character.

Where the Applicant maintains its existing judgments, it should explain specifically why the independent assessments are not accepted. A general statement that the LVIA follows GLVIA3 cannot resolve a disagreement concerning whether the significance assigned to a particular receptor is justified.

BEPS respectfully asks the ExA to identify which disagreements materially affect the final residual-effects assessment and ensure that the environmental balance reflects the range and weight of the evidence.

15.27 Overall conclusion: the full extent of residual landscape harm has not been resolved

The Applicant's Environmental Statement already identifies extensive significant adverse landscape and visual effects. Its construction assessment records significant effects upon 18 of 25 landscape receptors and 71 of 124 assessed visual locations. Its Year 1 assessment continues to identify significant adverse effects across multiple landscape receptors.

The Applicant predicts that planting will substantially reduce many of those effects by Year 15. However, the examination evidence demonstrates that these predicted reductions remain materially contested.

SNDC's current LIR provides a direct assessment of the transformation of the agricultural landscape, the enclosure of public rights of way and the limitations of screening. Its Statement of Common Ground records explicit outstanding disagreements concerning the Year 15 landscape effects at Sites 2, 3, 4, 5, 9 and 10, the significance of visual effects, the adequacy of viewpoints and visualisations, embedded mitigation, cumulative effects and the treatment of landscape character areas.

Hempnall Parish Council's independent evidence reinforces those concerns through detailed receptor assessments and narrative walks, including substantially different conclusions concerning the residual effects at sub-site 7F.

Historic England's evidence demonstrates why screening cannot be treated as equivalent to preserving the historic character of the countryside or the landscape relationships contributing to the significance of heritage assets.

Natural England's advice further requires the proposed planting to deliver credible ecological functions rather than operate merely as visual concealment.

NCC acknowledges significant harm and seeks further scrutiny, notwithstanding its conclusion that landscape effects alone are unlikely to outweigh the national benefits of the Scheme.

These matters must also be considered against the unresolved National Grid connection, which may affect the location, footprint, appearance and long-term presence of major transmission infrastructure.

BEPS’s objection is that the Applicant's assessment of residual harm must accurately reflect the development's actual consequences, including the transformation of established agricultural landscape character, the enclosure of recreational routes and the limits of mitigation planting.

The present examination evidence does not establish agreement upon those matters. Instead, it identifies substantive and continuing disagreements with the host local planning authority and independent landscape assessors.

BEPS submits that the Scheme's extensive significant adverse landscape and visual effects are established, while the full extent of the residual harm, particularly at Year 15, remains materially disputed. The Applicant has not demonstrated that screening will restore the rural landscape character, openness, tranquillity and recreational experience affected by the development.

BEPS respectfully asks the ExA to therefore require reconciliation of the outstanding landscape and visual matters before relying upon the Applicant's reduced Year 15 significance classifications.

In determining the Scheme, the Secretary of State must give appropriate weight not only to the significant effects admitted by the Applicant but also to any additional residual harm established through the examination of the independent evidence.

The claimed national benefits must be weighed against the development as it would actually be constructed and operated, rather than against a landscape scenario in which the physical transformation of agricultural countryside is assumed to diminish principally because the infrastructure becomes less visible.

16. Cultural Heritage: Independent Evidence of Extensive Harm, Historic Landscape Relationships and the Need for Further Avoidance

16.1 Introduction: the Applicant's conclusions are materially challenged by independent and statutory examination evidence

BEPS maintains its objection to the adequacy of the Applicant's assessment of cultural heritage, particularly its conclusions concerning the significance and settings of designated heritage assets within the historic agricultural landscape of South Norfolk. The objection is substantially reinforced by the independent *Heritage Impact Assessment: Proposed East Pye Solar Farm, South Norfolk*, prepared by [redacted], dated September 2026 and provided to BEPS on 2 October 2026. His assessment includes site visits to listed buildings and conservation areas potentially affected by the development and provides a detailed alternative evaluation of heritage significance, setting and harm.

This evidence must be considered alongside Historic England's Written Representation [EN0110014-001093], the Applicant–Historic England Statement of Common Ground [EN0110014-001347], South Norfolk District Council's Local Impact Report [EN0110014-001448], the Applicant–SNDC Statement of Common Ground [EN0110014-001344], the Applicant's Environmental Statement (ES) Chapter 10 and associated Heritage Statement, and BEPS's Written Representation Chapter 10. The relationship between cultural heritage and landscape change also requires consideration of the Applicant's ES Chapters 7 and 20 and the independent landscape evidence submitted by Hempnall Parish Council.

The evidence must be interpreted according to its actual scope. Historic England considers that the ES provides a broadly adequate basis for the examination of cultural heritage effects and acknowledges that heritage considerations have influenced the Scheme's design. SNDC identifies specific disagreements concerning individual heritage assets and the historic landscape. Edleston provides a wider independent challenge, identifying substantially more designated assets experiencing harm than the Applicant accepts. These positions differ in extent, but they collectively require closer scrutiny of the Applicant's residual heritage conclusions.

The central issue is not whether numerous historic buildings would be physically altered or demolished. It is whether the proposed transformation of their surrounding agricultural landscape would harm the significance of designated heritage assets through changes to their

settings, historic relationships, rural character and the experience of approaching or viewing them within the countryside.

16.2 Edleston identifies a substantially wider pattern of less than substantial harm

The Applicant's Heritage Statement identifies less than substantial harm at the lower end of the scale to two designated heritage assets: Moulton Farmhouse, Great Moulton, and Barn Cottages, Tivetshall St Margaret. It concludes that the development would cause no heritage harm to other designated or non-designated heritage assets considered.

Edleston reaches a materially different conclusion. His assessment at paragraph 7.15, drawing upon the asset-by-asset findings summarised at paragraph 6.66, identifies some degree of less than substantial harm to **36 designated heritage assets** from the proposed built development, including solar arrays, the BESS, project substations and National Grid infrastructure. This comprises low-level harm to 24 listed buildings and four conservation areas, together with eight further listed buildings for which he identifies a greater degree of harm.

Paragraph 7.16 separately identifies additional adverse effects from proposed road widening and abnormal-load routes, including effects upon historic buildings and Saxlingham Nethergate Conservation Area. The executive summary accordingly identifies **41 heritage assets affected overall**. The distinction between the 36 assets affected by the built development and additional assets or settings affected by highway works is important and should be preserved in the examination record.

Edleston does not conclude that the built development would cause substantial harm to any designated heritage asset. His finding is that less than substantial harm would be substantially more widespread, and in several cases more severe, than the Applicant acknowledges.

BEPS recognises that this is an independent professional assessment whose conclusions remain open to examination. It does not establish that all 36 findings must be accepted without further scrutiny. However, a discrepancy of this magnitude requires more than a general defence of the Applicant's methodology. The Applicant should respond asset by asset, identifying which findings it accepts, which it disputes, the reasons for disagreement and the residual heritage harm which would remain after mitigation.

16.3 EIA significance must be distinguished from heritage-policy harm

A fundamental issue is the distinction between the significance of an environmental effect under EIA methodology and harm to the significance of a designated heritage asset under the relevant statutory and planning-policy framework. These are related but distinct assessments. The absence of a significant effect within the Applicant's EIA methodology does not establish the absence of heritage harm, nor does a finding of less than substantial harm mean that the harm is negligible or may be disregarded.

Edleston raises a particular concern about ES Table 10-3, which categorises Grade II listed buildings as receptors of medium or regional sensitivity. BEPS accepts that a technical EIA methodology may employ different sensitivity classifications and that the use of such

terminology does not automatically demonstrate failure to recognise a building's national designation. Nevertheless, the Applicant must demonstrate how the methodology has been applied and explain why its classifications have not understated the significance of the harm identified.

All listed buildings are nationally designated heritage assets, although their individual significance and the contribution made by their settings differ. The assessment must reflect those distinctions without treating the grading terminology within an EIA matrix as determining the statutory or policy weight attached to conservation.

The final heritage balance must therefore identify the existence and degree of harm to individual designated assets separately from the EIA significance judgments. Where harm is established, the decision-maker must apply the relevant statutory duties and national heritage policy rather than assume that the Applicant's conclusion of no significant residual cultural heritage effect resolves the matter.

16.4 The acknowledged significant landscape harm must be reconciled with the Applicant's conclusions of negligible heritage harm

A fundamental inconsistency requiring examination arises from the relationship between the Applicant's Landscape and Visual Impact Assessment (LVIA) and its Cultural Heritage Assessment. The Applicant acknowledges extensive significant adverse changes to the landscape character of the proposed development area, including Major Adverse effects upon individual development sites and significant residual effects upon the Tas Tributary Farmland and Great Moulton Plateau Farmland landscape character areas. Nevertheless, its cultural heritage assessment identifies less than substantial harm to only two designated heritage assets and concludes that no significant residual cultural heritage effects would arise.

BEPS recognises that landscape and heritage assessments employ different methodologies and address different receptors. A significant adverse effect upon landscape character does not automatically establish harm to the significance of every designated heritage asset within that landscape. Historic England expressly makes this distinction at paragraph 2.6 of its Written Representation [EN0110014-001093], explaining that EIA significance and heritage-policy harm are not interchangeable and that changes within setting must be assessed by reference to the contribution which setting makes to an asset's significance. The relevant question is therefore not whether the findings in the two ES chapters must necessarily be identical, but whether the Applicant has adequately explained their markedly different conclusions.

The distinction is particularly important in South Norfolk because many of the affected designated heritage assets are not isolated monuments whose significance derives exclusively from their architectural fabric or immediate surroundings. Historic churches, farmhouses, manor houses, agricultural buildings and conservation areas form part of a historically evolved rural landscape, and their significance may derive partly from the agricultural, topographical, visual and historical relationships which connect them with that landscape. These relationships are experienced through the character of surrounding fields, the openness of rural approaches, historic lanes, mature hedgerows, woodland, settlement patterns and the continued agricultural use of land.

Edleston's independent Heritage Impact Assessment addresses precisely this issue. At paragraph 7.3, he explains that the predominantly open agricultural landscape is integral to the setting of many of the area's historic buildings, citing Historic England's Farmstead and Landscape Statement, which identifies approximately 98% of the relevant character area as open landscape, with arable agriculture accounting for approximately 90% of that land. At paragraph 7.4, Edleston emphasises that this historic agricultural landscape is not merely a backdrop to the listed buildings situated within it. The historic relationships between buildings and countryside are themselves relevant to understanding heritage significance, and the effects of changing those relationships must be considered within the heritage assessment.

Edleston further identifies the cumulative consequences of the Scheme's extensive geographical distribution. His concern is that, although the effect upon an individual asset may be assessed as low or moderate, the repeated introduction of solar arrays, fencing, substations, BESS infrastructure and associated works would change the character of the wider historic area. This could cumulatively erode the rural historic setting within which numerous designated heritage assets are understood and experienced, even where direct visual effects upon an individual building are limited. Edleston's assessment therefore identifies a materially wider pattern of less than substantial harm than the Applicant acknowledges.

Historic England's examination evidence reinforces the need to examine these relationships. Its Written Representation identifies the contribution of open agricultural land to the significance of the Grade I Church of St Michael at Stratton St Michael and welcomes the exclusion of development from sensitive fields within its rural setting. It similarly recognises the value of the setback associated with the Grade I Church of St Catherine at Fritton. Conversely, it raises concerns regarding the historic agricultural setting of Grade II* Oaks Farmhouse, the rural landscape associated with the Church of St Mary at Shotesham and the wider setting of the Scheduled Monument at Tasburgh. These examples demonstrate that land contributing to a designated asset's significance may extend beyond its immediate curtilage and that harm cannot be determined solely by whether energy infrastructure is visible from the asset.

South Norfolk District Council's Local Impact Report [EN0110014-001448] provides further local authority evidence. SNDC identifies concerns about the effects of the Scheme upon dispersed heritage assets and the historic routes which connect settlements and agricultural landscapes. It considers that the cumulative introduction of solar PV development, substations and BESS infrastructure would erode the rural character of the landscape and diminish the contribution made by historic settings to local sense of place. The Council also disputes the Applicant's heritage judgments concerning Moulton Farmhouse and Hillside House. Its position does not establish that every asset within a significantly affected landscape character area would experience heritage harm, but it demonstrates that the Applicant's conclusions are not universally accepted by the relevant local planning authority.

The Applicant's landscape findings provide an important evidential starting point for resolving these disagreements. Where ES Chapter 7 concludes that a development site or landscape character area would undergo significant adverse change, ES Chapter 10 should identify whether that location forms part of the setting of designated heritage assets and, if so, whether the characteristics being altered contribute to their significance. Where the Applicant concludes that no heritage harm would arise, it should explain why the acknowledged landscape transformation would not diminish that contribution.

This exercise is particularly important for the Tas Tributary Farmland and Great Moulton Plateau Farmland landscape character areas and for individual development sites where significant adverse effects remain after mitigation. The Applicant should demonstrate that the landscape qualities identified as being significantly changed in the LVIA have been considered within the cultural heritage assessment wherever they contribute to the significance of nearby or associated historic assets. A general finding that vegetation will eventually screen infrastructure cannot resolve the question where the heritage value derives from openness, agricultural continuity, historic associations or relationships between buildings and their surrounding land.

Nor can the issue be resolved merely by noting that the Scheme would be operational for approximately 60 years and that the solar arrays are intended to be removed thereafter. A development operating over several generations would alter the context in which the historic environment is experienced for a substantial period. The proposed landscape mitigation may itself introduce long-lasting changes through new woodland belts, screening hedgerows and altered patterns of enclosure. Moreover, the National Grid transmission infrastructure may have a different operational lifespan from the solar installation. The heritage assessment must therefore consider the duration and potential persistence of these changes, rather than assume that the development's eventual decommissioning eliminates the intervening harm.

BEPS does not contend that significant landscape effects and negligible or non-significant EIA heritage effects are necessarily incompatible. The issue is the **absence of a sufficiently transparent and asset-specific explanation of how those markedly different conclusions have been reached**, particularly in light of Edleston's independent assessment, Historic England's observations and SNDC's outstanding concerns.

BEPS therefore requests that the ExA require the Applicant to undertake an explicit cross-chapter reconciliation between ES Chapters 7, 10 and 20. This should identify the landscape character areas and development sites experiencing significant adverse effects, the designated and relevant non-designated heritage assets whose settings include those landscapes, the contribution made by the affected landscape characteristics to heritage significance, and the reasoning supporting the Applicant's assessment of any resulting harm. Where the Applicant maintains a conclusion of no heritage harm notwithstanding significant landscape change, that conclusion should be supported by evidence concerning the particular significance and setting of the asset, rather than by a general reliance upon screening, distance or lack of intervisibility.

The Applicant cannot be required to find heritage harm merely because it acknowledges significant landscape harm. However, neither can it treat those findings as unrelated where the affected landscape forms part of the historic setting of designated heritage assets. The acknowledged transformation of the countryside must be carried through into the heritage assessment wherever it alters characteristics which contribute to heritage significance.

Until that reconciliation is provided, BEPS submits that the Applicant has not adequately demonstrated that the extensive significant landscape effects acknowledged within its own Environmental Statement are consistent with its substantially more limited conclusions concerning harm to the historic environment.

16.5 South Norfolk District Council identifies the historic countryside itself as part of the heritage setting and seeks further avoidance

South Norfolk District Council's detailed heritage assessment in Section 7.1 of its Local Impact Report [EN0110014-001448] provides particularly important support for BEPS's objection concerning the relationship between significant landscape change and heritage harm. At paragraphs 7.1.4–7.1.5, the Council describes the historic agricultural landscape, with its dispersed settlements, farm buildings, woodland, hedgerows and longstanding trackways, as an essential part of the context in which designated heritage assets are understood and experienced. The relevant historic environment is not confined to the immediate curtilages of listed buildings, but includes their relationships with the agricultural countryside and the historic routes connecting buildings and settlements.

At paragraphs 7.1.9–7.1.15, SNDC accepts that the operational Scheme would not directly affect the fabric of designated heritage assets, but expressly identifies indirect harm arising through changes to their settings. It considers that the introduction of extensive solar arrays, fencing and substations would alter the historically evolved rural character and sense of place of the area. It also questions the assumption that landscape planting necessarily mitigates that harm, observing that screening may remove views and diminish the ability to appreciate historic buildings within their wider settings. These conclusions directly reinforce the need to reconcile the Applicant's acknowledgement of significant adverse landscape effects with its comparatively limited identification of heritage-policy harm.

SNDC does not conclude that the operational Scheme would cause substantial harm to designated heritage assets. However, it considers that some of the harm should be assessed as moderate adverse and significant and that identified heritage harm should be afforded considerable importance and weight in the planning balance. This is a more qualified position than Edleston's comprehensive independent assessment of affected assets, but it provides independent local authority support for the proposition that the Applicant's heritage assessment may understate the adverse consequences of changing the historic landscape.

Of particular importance, SNDC does not regard additional screening as the only available response. At paragraphs 7.1.16–7.1.20, the Council refers to NPS EN-3 paragraph 2.10.63 and questions whether the Applicant has adequately demonstrated the range of panel numbers, types, layouts and storage options considered. It notes that the Scheme seeks flexibility for tracker panels up to 4.5 metres high across the development, including locations within the settings of designated heritage assets. SNDC considers that lower panels, closer in height to existing historic hedgerows, could reduce harm in sensitive locations and that such restrictions should be identified on a parameters plan where appropriate.

The Council also advocates omitting panels from certain areas to retain historic views and relationships between routes, buildings and settlements. It seeks landscape planting which respects historic landscape character rather than introducing incongruous new screening features. These proposals provide specific examples of further avoidance and design refinement which the Applicant should consider before relying upon long-term visual screening.

BEPS therefore requests that the Applicant respond expressly to SNDC's proposed mitigation measures, identifying whether lower panel heights, additional development exclusions,

alternative layouts and the retention of historic views have been assessed for the assets and routes where heritage harm is identified. Where such measures are rejected, the Applicant should explain the design, engineering and environmental reasons, and demonstrate that the resulting residual harm has been properly recognised and weighed.

This evidence reinforces Edleston's underlying conclusion that the historic agricultural landscape is not merely the background against which listed buildings are viewed. It is an integral part of their historic context and, where it contributes to significance, its substantial alteration requires a corresponding heritage assessment. The Applicant's recognition of significant landscape change makes that reconciliation particularly important.

16.6 Historic England's qualified position provides an important independent test

Historic England's Written Representation [EN0110014-001093] is significant both for the matters it accepts and for those it continues to question. Its summary states that the Environmental Statement provides a broadly adequate basis for examination and welcomes the extent to which heritage considerations have informed the Scheme's design, including development exclusions and setbacks.

BEPS acknowledges those conclusions. It would be inaccurate to suggest that Historic England has rejected the Applicant's heritage assessment in its entirety or has adopted Edleston's full list of affected assets.

However, Historic England expressly identifies outstanding matters concerning the assessment of changes within setting, the distinction between visual screening and mitigation of heritage harm, reasonable worst-case and cumulative assessment, and the securing of heritage-related design commitments.

Historic England also identifies an apparent inconsistency between draft DCO Requirement 5 and the Design Principles, Parameters and Commitments, particularly as they apply to National Grid substation and overhead-connection infrastructure. This is important because the environmental acceptability of the development must be determined by reference to the infrastructure and design flexibility which the DCO would actually authorise, rather than solely the illustrative or presently anticipated arrangement.

The Applicant–Historic England SoCG [EN0110014-001347] records areas of methodological and baseline agreement, alongside outstanding matters concerning heritage setting and mitigation. Agreement that the ES provides a workable basis for examination is not equivalent to agreement that every heritage effect has been correctly classified or that all necessary mitigation is legally secured.

BEPS respectfully asks the ExA to therefore consider Historic England's evidence as a qualified statutory-consultee position and determine how its outstanding concerns relate to the wider harms identified by Edleston.

16.7 SNDC independently disputes the Applicant's assessment of Moulton Farmhouse and Hillside House

South Norfolk District Council's current Local Impact Report [EN0110014-001448] provides particularly important evidence from the host local planning authority.

At paragraph 2.2, SNDC expressly disagrees with the Applicant's assessment of harm to two heritage assets: **Grade II Moulton Farmhouse (List Entry 1373270)** and **Grade II Hillside House (List Entry 1050216)**. The Council considers that both should be assessed as experiencing a moderate degree of harm, having regard to their medium sensitivity and the low magnitude of impact upon their settings under the Applicant's own ES methodology.

This is a significant distinction from Edleston's wider assessment. SNDC does not identify the same total number of affected assets in its LIR, and BEPS should not imply that it endorses Edleston's conclusions for all 36 assets. Nevertheless, its position demonstrates that the Applicant's heritage judgments are disputed independently of BEPS.

The disagreement concerning Moulton Farmhouse is particularly important because the Applicant already acknowledges some harm to that asset, while SNDC considers the level should be greater. The disagreement concerning Hillside House concerns an asset for which the Applicant's broader conclusions do not acknowledge equivalent harm.

The Applicant should therefore address SNDC's assessments expressly, identifying why it considers its original magnitude and significance judgments appropriate and explaining whether its final conclusions have been reconsidered in light of the local authority's evidence.

This should form part of a consolidated asset-level reconciliation with Edleston's assessment. Where Edleston, SNDC and the Applicant reach different judgments concerning the same asset, the ExA should be presented with a clear explanation of the source of those differences.

16.8 SNDC's concerns about historic routes strengthen the wider setting objection

At paragraph 2.3 of its LIR, SNDC identifies a further concern: historic paths and routes have not been adequately identified or assessed as non-designated heritage assets under the policy framework to which the Council refers.

The Council explains that these routes, together with dispersed designated assets frequently located away from the principal settlements, form important elements of the historic agricultural landscape experienced by people moving through the area. It considers that the cumulative effects of solar PV sites, project substations, the National Grid substation and the BESS would erode rural character and the settings of dispersed heritage assets, reducing their contribution to local sense of place.

This is not merely a landscape-amenity objection. It concerns the ability to understand historic assets within the routes, settlements and countryside that provide their context.

The proposed Scheme could alter the experience of historic lanes and paths through changed views, roadside vegetation, construction access, enclosure and the presence of large-scale

electrical infrastructure. These effects may influence the contribution of setting to heritage significance even where the historic route itself remains physically accessible.

BEPS requests that the Applicant respond to SNDC's identification of historic routes and explain whether its archaeological and built-heritage assessments adequately distinguish non-designated historic landscape features from ordinary public rights of way. It should also assess the cumulative consequences of changes to the routes connecting historic villages, churches, farmsteads and the surrounding countryside.

16.9 Historic England's examples demonstrate the value of genuine avoidance

Historic England's Written Representation provides examples where the Applicant has modified the proposed development in response to heritage considerations.

It welcomes the exclusion of the southern fields of Sub-Site 4B from built development in relation to the Grade I Church of St Michael at Stratton St Michael and recognises the contribution of retained open land to appreciation of the church within its rural setting. It also welcomes the substantial setback associated with the Grade I Church of St Catherine at Fritton and Fritton Conservation Area.

These are meaningful design responses and should be acknowledged. They demonstrate that avoiding development within particularly sensitive parts of the landscape can protect heritage significance in ways that subsequent screening may not achieve.

Nevertheless, Historic England seeks assurance that the relevant exclusions and setbacks are secured through the DCO. Their effectiveness must not depend solely upon illustrative drawings or voluntary commitments capable of being altered during detailed design.

Edleston's conclusions concerning the same assets require further consideration. The existence of a setback does not necessarily establish that all harm to setting has been avoided. The issue is whether the extent of retained open land, the position and height of infrastructure beyond it, and the remaining historic landscape relationships sufficiently preserve the contribution of setting to significance.

The Applicant should therefore provide an asset-specific explanation of the mitigation achieved through these design changes, identifying any residual harm and demonstrating how the essential exclusions and limitations are enforceable.

16.10 The Church of St Catherine at Fritton requires a full assessment of its rural setting

Edleston identifies the Grade I Church of St Catherine at Fritton among the high-status heritage assets for which the development would cause harm. Historic England, by contrast, welcomes the substantial setback provided around the church and Fritton Conservation Area.

Both positions must be considered.

The central issue is the contribution made by the surrounding agricultural landscape, settlement pattern, routes and views to the church's significance. The assessment cannot be confined to whether solar panels would be directly visible from a particular point within the churchyard.

The experience of approaching the church through its rural setting, the openness of surrounding land and the relationship between the church, village and historic agricultural countryside may contribute to the appreciation of its significance.

BEPS has also requested examination of winter visibility, when deciduous vegetation may provide less screening and the relationship between the church and surrounding development may be more readily perceived.

The Applicant should explain how the setback has been determined, which elements of setting it protects and whether the remaining development would change historically important approaches or wider landscape relationships.

Where Historic England considers the avoidance measures beneficial but Edleston nevertheless identifies residual harm, BEPS respectfully asks the ExA to evaluate the competing judgments on the basis of the actual contribution of setting to significance, rather than assume either that the setback eliminates all effects or that its benefits are immaterial.

16.11 The Stratton St Michael heritage group requires assessment as an interconnected setting

Edleston's report identifies particular concern concerning the group of heritage assets at Stratton St Michael, including the Grade I Church of St Michael, the Grade II* Old Rectory and the Grade II listed barn to the north.

The significance of this group is not necessarily confined to the individual architectural and historical qualities of each building. Their spatial and historic relationships, together with the surrounding agricultural landscape, may contribute to the ability to understand the settlement's historical development.

Historic England welcomes the exclusion of development from sensitive land associated with the church. However, the assessment must consider whether the wider historic relationships among the church, rectory, associated buildings and surrounding landscape remain adequately preserved.

The Applicant should explain how the effects upon the group have been assessed cumulatively, rather than relying solely upon separate judgments for each designated building.

It should also identify whether the proposed planting changes the visibility and historical legibility of the relationships between the assets and whether any further development exclusion or layout adjustment could reduce harm.

The independent assessment provides a substantive basis for requiring this further explanation, notwithstanding Historic England's recognition that the Applicant has already made beneficial design changes.

16.12 Oaks Farmhouse illustrates the difference between visual screening and preservation of historic agricultural setting

The Grade II* listed Oaks Farmhouse is a further important example. Historic England identifies concerns about the effect of development upon its wider historic agricultural setting and questions reliance upon screening or absence of intervisibility as sufficient to demonstrate no harm.

The asset's significance may be informed by historical relationships with surrounding farmland and the agricultural character of its setting. Those relationships can remain relevant even if the development is not directly visible from the building. Edleston also identifies Oaks Farmhouse among the higher-status assets requiring particular consideration.

The Applicant must therefore establish whether the proposed conversion of surrounding agricultural land to solar development would diminish the contribution of that land to significance. Where proposed woodland planting would alter the character of agricultural setting, the planting itself must be assessed as part of the change.

A mature screening belt may conceal energy infrastructure without preserving the historic relationship between the farmhouse and the formerly open or agricultural land.

The Applicant should respond specifically to the asset-level observations of Edleston and Historic England, identify the disputed elements of significance and explain whether further avoidance or reduction of infrastructure would provide more effective mitigation.

16.13 Shotesham and Tasburgh demonstrate the need to assess setting beyond intervisibility

Historic England raises concerns concerning the Grade II* Church of St Mary at Shotesham and Shotesham Conservation Area, questioning whether the Applicant has adequately considered changes to the wider tranquil rural valley landscape.

It also raises issues concerning the Scheduled Monument at Tasburgh, particularly the need to understand the contribution of wider landscape context to significance rather than depend exclusively upon direct intervisibility.

These examples reinforce Edleston's wider criticism that the Applicant has placed insufficient weight upon openness, historic associations, topography, tranquillity and relationships between heritage assets and their surroundings.

A landscape can contribute to an asset's significance through the historical circumstances in which the asset developed, its relationship to settlement or agriculture and the way it is approached or understood. Direct visual connection is relevant where it forms part of that contribution, but it is not the only possible mechanism by which development may cause harm.

BEPS requests that the Applicant explain why the relevant assets were scoped out or assessed as experiencing no harm, notwithstanding the evidence of substantial landscape change and the concerns identified by Historic England and Edleston.

The response should distinguish between the wider landscape's general visual amenity and the particular elements of setting which contribute to each designated asset's heritage significance.

16.14 Moulton Farmhouse, Hillside House and Barn Cottages require reconciliation of conflicting assessments

The assessments of Moulton Farmhouse, Hillside House and Barn Cottages provide a particularly clear opportunity to reconcile the Applicant's conclusions with the examination evidence.

Moulton Farmhouse is one of the two assets for which the Applicant acknowledges lower-end less than substantial harm. SNDC considers the assessed degree of harm should be greater, and Edleston likewise identifies a moderate level of harm in his comparative assessment.

Hillside House is specifically identified by SNDC as experiencing a moderate degree of harm, contrary to the Applicant's lower assessment. The Applicant should explain the evidence supporting its judgment and whether the Council's evaluation of setting and magnitude of change has been properly addressed.

Barn Cottages is the other asset for which the Applicant acknowledges less than substantial harm. Edleston considers that the harm is greater than the Applicant accepts and questions reliance upon future planting around the associated substation infrastructure.

The Applicant's Heritage Statement anticipates that screening may ultimately reduce the harm to Barn Cottages substantially, potentially to no harm once planting has matured over a period approaching 30 years.

That reasoning requires scrutiny. Even where mature planting conceals a substation, it does not necessarily restore the open agricultural character or historic landscape relationships which existed before the infrastructure was installed. Moreover, harm experienced over several decades before planting matures remains relevant to the planning balance.

The Applicant should provide a direct comparative assessment of these assets, distinguishing the degree of harm at construction, early operation and after mitigation establishment, and explain what aspects of heritage significance are preserved or altered at each stage.

16.15 Highway widening and abnormal-load routes create additional heritage impacts

Edleston's assessment identifies adverse heritage effects arising from highway widening and abnormal-load routes which are additional to the impacts of the built development.

At paragraph 7.16, he identifies proposed works affecting Fairstead Lane, Tasburgh and Saxlingham Nethergate, including harm to designated buildings and Saxlingham Nethergate Conservation Area.

Fairstead Lane is identified as an ancient sunken lane whose form, hedgerows and rural character contribute to the historic environment. Changes required to accommodate large vehicles may affect those characteristics even where the road remains in use.

Saxlingham Nethergate: unresolved abnormal-load access, heritage harm and the limits of post-consent approval

The proposed abnormal indivisible load (AIL) route through Saxlingham Nethergate raises a material unresolved heritage issue. Edleston's independent Heritage Impact Assessment identifies potential adverse effects associated with highway modifications and abnormal-load movements, including effects upon the Grade II* Old Rectory and Saxlingham Nethergate Conservation Area. These concerns are independently reinforced by Norfolk County Council's Local Impact Report [EN0110014-001412] and South Norfolk District Council's Local Impact Report [EN0110014-001448]. The Applicant–National Highways Statement of Common Ground [EN0110014-001351] must also be considered because it records agreement that detailed AIL routing may be finalised after consent.

NCC raises specific concerns at paragraphs 8.19–8.20 of its LIR. It explains that the Applicant's swept-path assessments rely upon Ordnance Survey mapping and that a topographical survey is needed to establish whether the proposed vehicles can negotiate the intended routes. The Council identifies particular constraints at The Street and Church Hill, Saxlingham Nethergate, including the moat edge at Old Hall, fencing near the school and the historic boundary wall adjoining Church Hill at the Grade II* Old Rectory. NCC officers inspected the location and found that the original boundary wall remains within the hedge immediately adjoining the carriageway.

NCC expressly warns that loss of the historic fabric of the wall would result in substantial harm to a listed building, exceeding the effects assessed in the Environmental Statement. This is an important qualification to the wider heritage evidence, which predominantly concerns less than substantial harm arising through changes within setting. The potential removal or destruction of original historic fabric raises a different and potentially more severe issue. BEPS does not assert that substantial harm will inevitably occur, but NCC has identified a specific physical constraint and a possible consequence which the Applicant has not demonstrated can be avoided.

SNDC's LIR provides complementary evidence. At paragraphs 7.1.7–7.1.8, the Council identifies the proposed alterations to landscaping within Saxlingham Nethergate during construction and transport movements, including landscaping associated with the Grade II* Old Rectory, designed by Sir John Soane. SNDC considers that the landscaping around the entrance contributes to the building's designed setting and that damage or alteration associated with heavy vehicles navigating the village road could cause a loss of significance. It anticipates that some effects upon landscaping may be temporary if the affected features can be re-established. That position should not be confused with NCC's separate concern about the potential loss of original masonry: replacement landscaping would not necessarily remedy the destruction of historic built fabric.

The Applicant–National Highways SoCG records under NH TA-5 that National Highways is content for detailed AIL routing to be dealt with after consent. However, National Highways expressly recommends that routing be discussed before a decision is made, to ensure that a workable and acceptable strategy exists in principle. It also identifies risks arising from the constraints affecting abnormal loads and notes the potential risk to the Applicant of leaving the matter until post-consent.

That agreement must be understood within its proper scope. National Highways is addressing the acceptability of arrangements for abnormal loads, including movements using the Strategic Road Network. It does not determine the heritage acceptability of impacts upon a Grade II* listed building on the local highway network. Nor does agreement that detailed routing can be finalised after consent demonstrate that every proposed local route is physically feasible or that the associated environmental effects have been assessed.

BEPS submits that the distinction between detailed traffic management and the assessment of potentially significant heritage effects is decisive. Matters such as precise delivery schedules, traffic escorts, temporary road controls and operational routing arrangements may appropriately be developed through post-consent processes where sufficient parameters and safeguards have already been established. By contrast, whether the necessary loads can pass through a constrained historic village without substantial harm to designated heritage fabric may affect the environmental acceptability and deliverability of the authorised development itself.

If the Applicant intends to use Church Hill for the relevant AIL movements, it should demonstrate before determination that the route is physically feasible without damage to the original boundary wall or other protected historic features. That requires an appropriately detailed topographical survey, verified swept-path analysis using the proposed vehicle and load dimensions, and identification of all necessary vegetation and highway interventions. The assessment should include the relationship between the proposed vehicle envelope, highway boundaries, historic masonry, trees, hedges and other structures.

If a collision-free route cannot be established, the Applicant should identify a feasible alternative, explain any additional works or land requirements and assess the resulting environmental and heritage consequences. An alternative route may affect different listed buildings, conservation areas, historic lanes, vegetation or residential receptors. It cannot automatically be assumed to fall within the effects already assessed for the original route.

The issue is particularly important because the Applicant seeks development consent on the basis of an assessed design and construction strategy. Leaving the final choice of a feasible AIL route until after consent could defer the identification of impacts upon designated heritage assets which ought to inform the examination and planning balance. Where an alternative route would require material changes to land requirements or the authorised works, an appropriate change or separate consenting process may also be necessary.

BEPS therefore requests that the ExA distinguish expressly between National Highways' acceptance of post-consent detailed route approval and NCC's unresolved concern about potential substantial harm at Saxlingham Nethergate. BEPS respectfully asks the ExA to require the Applicant to demonstrate an acceptable AIL access strategy in principle, supported by sufficient topographical and engineering evidence to exclude the need for

unacceptable damage to designated heritage fabric, or otherwise provide the necessary additional heritage assessment.

National Highways' willingness to agree detailed AIL movements after consent does not establish that an environmentally acceptable route exists. Where the proposed movement may require the loss of historic fabric belonging to a Grade II listed building, the risk cannot properly be treated as resolved merely through a post-consent traffic-management commitment.

16.16 Screening may reduce visibility without preserving heritage significance

The Applicant relies upon planting, hedgerow reinforcement, landscape buffers and other green infrastructure to mitigate visual and heritage effects.

BEPS acknowledges that such measures may reduce the visibility of infrastructure and may provide real benefits. However, the appropriate assessment depends upon whether the measure preserves the particular contribution of setting to the significance of the affected asset.

Historic England expressly identifies the distinction between visual screening and mitigation of heritage harm as requiring further examination. Edleston likewise questions the assumption that screening necessarily reduces harm and identifies circumstances in which new planting may itself alter historic views or agricultural character.

For a rural church, farmhouse or conservation area whose significance is partly informed by its open agricultural setting, dense planting may replace one form of alteration with another. Infrastructure beyond the planting becomes less visible, but the historical relationship with surrounding farmland may nevertheless be weakened.

The same concern arises where hedgerow planting encloses historic routes or interrupts views between buildings and the landscape in which they developed.

The Applicant should therefore identify separately the visual effect of screening and its effect upon heritage significance. Where planting is relied upon as mitigation, it should explain why the resulting landscape condition preserves the relevant heritage values rather than merely hides the development.

This is especially important where the mitigation would take 15 to 30 years to become fully effective and where the landscape may remain altered throughout the Scheme's approximately 60-year operational life.

16.17 Winter visibility and historic approaches require specific evidence

The assessment of heritage settings should address the conditions under which significance is actually experienced, including the seasonal appearance of the landscape and the experience of moving through historic approaches and routes.

BEPS has requested particular attention to winter views around the Church of St Catherine at Fritton, Hundred Way and other sensitive heritage locations.

Deciduous hedgerows and woodland may screen development in leaf-on conditions while providing substantially less visual containment during winter. Where the Applicant relies upon planting to reduce harm, it should demonstrate how the relevant heritage relationships are experienced during both seasons.

However, winter visibility must not be treated as the sole test. The absence of intervisibility in summer or winter does not necessarily establish that changes to the wider agricultural setting are harmless.

The Applicant should consider the sequence of approaches to historic buildings, views from public routes, the experience of open countryside and the relationships between heritage assets and their wider landscape.

Where those relationships contribute to significance, the assessment should be supported by appropriate field evidence and should not rely exclusively upon selected static viewpoints.

16.17.1 The accompanied site inspection should examine disputed heritage relationships under leaf-off conditions

BEPS requests that the proposed accompanied site inspection include the relevant publicly accessible viewpoints and routes associated with the Church of St Catherine at Fritton, Hundred Way and other heritage assets for which winter intervisibility and the relationship with the historic agricultural landscape remain disputed. The inspection should assess the contribution of open views, approaches, field boundaries and surrounding agricultural land to the experience and significance of the heritage assets, particularly where those relationships may be obscured by summer foliage in the Applicant's visual material.

The proposed November timing is particularly valuable because it would enable the ExA to inspect the landscape during leaf-off conditions, when the visibility of adjoining fields and the relationships between historic buildings and their surroundings may be materially different. The inspection should include suitable publicly accessible locations from which the ExA can understand the likely position of solar arrays, fencing, substations and proposed screening, rather than relying exclusively upon viewpoints chosen for the LVIA.

BEPS requests confirmation that these locations will be included in the site-inspection itinerary, or that the ExA will otherwise inspect equivalent accessible viewpoints capable of demonstrating the disputed relationships. The resulting observations should inform the evaluation of heritage setting, landscape effects and the Applicant's proposed reliance upon planting as mitigation.

17.18 The unresolved National Grid connection creates uncertainty concerning permanent heritage effects

The proposed National Grid infrastructure is particularly important because it may be permanent or have an operational life different from that of the solar arrays.

Edleston expressly identifies the National Grid substation as permanent infrastructure capable of introducing lasting change to the rural settings of designated heritage assets.

NGET's examination evidence also establishes that the Applicant's proposed substation location, size and design have not been accepted as the final transmission solution. The Applicant's arrangement does not accommodate all potential connecting customers identified in the relevant Transmission Entry Capacity Register, and NGET's wider siting and design considerations remain ongoing.

BEPS does not assert that the Great Moulton substation will necessarily be enlarged or relocated. However, the unresolved position raises a substantive question about the heritage assessment envelope.

A materially larger substation or a different location could alter views, historic landscape relationships, cable routes, overhead-line connections, construction access and the settings of different designated assets.

The Applicant should therefore demonstrate that the heritage assessment encompasses the maximum infrastructure permitted by the DCO and explain how any materially different transmission solution would be assessed.

Historic England's concern about the relationship between DCO Requirement 5 and the Design Principles is especially important in this context. The essential heritage-related design limitations must be legally secured and must apply to the actual infrastructure constructed, not merely the presently illustrated arrangement.

A substantial change to the transmission configuration cannot be assumed to have equivalent heritage effects merely because the final engineering design is deferred.

17.19 The cumulative heritage consequences extend beyond individual assets and development parcels

Edleston's report and SNDC's LIR both identify the importance of the wider historic agricultural landscape and the relationships among dispersed heritage assets.

The proposed development comprises multiple solar parcels, substations, the BESS, cable corridors and construction works distributed across a substantial geographical area.

Its effects may therefore be cumulative even where each individual asset is assessed separately.

A historic route may pass through several areas affected by the Scheme. A church or farmstead may experience changes to more than one part of its agricultural setting. The wider landscape may become progressively characterised by energy infrastructure, changing the context within which historic buildings and settlements are experienced.

SNDC's LIR specifically identifies the cumulative erosion of rural character and the settings of dispersed designated assets. Historic England similarly requests further clarity concerning cumulative heritage effects.

The Applicant should therefore demonstrate that its cumulative assessment addresses the combined experience of the development and relevant other projects, including the transmission infrastructure associated with East Pye and the proposed Norwich to Tilbury scheme where appropriately included under the cumulative-assessment methodology.

The assessment should distinguish cumulative heritage harm from general landscape change by identifying which historic relationships or elements of setting contribute to the significance of particular assets and how the combined developments would affect them.

A conclusion that individual effects are not significant under the EIA methodology does not automatically establish that the combined heritage-policy harm is negligible.

17.20 The policy and statutory framework requires great weight to be given to conservation

The decision-making framework includes the Planning (Listed Buildings and Conservation Areas) Act 1990, the designated heritage asset provisions of NPS EN-1, the relevant heritage policies of the National Planning Policy Framework and Historic England's published guidance concerning setting.

Section 66(1) of the 1990 Act requires special regard to the desirability of preserving listed buildings, their settings and features of special architectural or historic interest. Section 72(1) addresses the preservation or enhancement of the character or appearance of conservation areas where applicable to the exercise of the relevant planning functions. The application of those duties to the particular statutory decision must be considered within the Planning Act 2008 framework.

The applicable national policy requires great weight to be given to the conservation of designated heritage assets, with greater weight for assets of higher significance. Harm must be justified and weighed in accordance with the relevant policy tests.

BEPS acknowledges that less than substantial harm is not an automatic bar to development consent. Such harm may be outweighed by sufficiently compelling public benefits, and the national need for renewable electricity is an important consideration under the energy National Policy Statements.

However, the outcome of that balance depends upon identifying the harm accurately. The difference between two affected assets and a materially wider pattern of harm involving 41 Grade I, Grade II* and Grade II listed buildings and conservation areas is capable of affecting the weight of the adverse heritage consequences.

BEPS respectfully asks the ExA to therefore consider Edleston's assessment, Historic England's statutory advice and SNDC's specific objections before determining the extent and degree of harm to designated assets.

The Applicant's claim that no significant residual cultural heritage effects would arise under its EIA methodology should not be permitted to obscure heritage harm which must be addressed separately in the planning balance.

17.21 The mitigation hierarchy requires further consideration of avoidance

The evidence demonstrates that meaningful avoidance measures are available in some circumstances. Historic England welcomes the exclusion of development from sensitive land associated with the Church of St Michael and the substantial setback around the Church of St Catherine. These examples show that changes to the development layout can preserve elements of heritage setting more effectively than screening alone.

BEPS submits that the Applicant should explain whether comparable opportunities for further avoidance have been examined at other locations where Edleston identifies heritage harm and where SNDC or Historic England questions the adequacy of the assessment.

The appropriate response may involve additional setbacks, the omission of particularly sensitive development parcels, changes to infrastructure location or the selection of less harmful construction and abnormal-load routes.

Avoidance must be considered in the context of the nature of the heritage significance, the extent of the harm, alternative design opportunities and the consequences of any proposed change. However, where screening cannot preserve an important historic landscape relationship, the Applicant should not treat further planting as necessarily equivalent to avoiding the effect.

The evidence should demonstrate that reasonable opportunities to avoid and minimise harm have been considered before residual heritage harm is weighed against the benefits of the Scheme.

17.22 The Applicant must reconcile the independent findings with the current examination evidence

BEPS requests a consolidated asset-by-asset heritage reconciliation drawing upon Edleston's assessment, Historic England's Written Representation and SoCG, and SNDC's LIR.

The reconciliation should identify each asset for which the independent evidence concludes that harm has been understated or omitted, the contribution of setting to significance, the relevant development or highway works, the Applicant's conclusion, the independent conclusion and the reasons for disagreement.

Particular attention should be given to the Grade I Church of St Catherine at Fritton; the Grade I Church of St Michael and associated historic group at Stratton St Michael; Grade II* Oaks Farmhouse; Moulton Farmhouse; Hillside House; Barn Cottages; the Grade II* Church of St Mary at Shotesham; Tasburgh's Scheduled Monument; and the designated heritage assets and conservation area affected by the proposed works at Saxlingham Nethergate.

The Applicant should also identify which historic landscape and route features require assessment as non-designated heritage assets, address the effects of proposed highway and abnormal-load interventions, and confirm the protection of any potentially affected historic boundary walls or other fabric.

For each proposed mitigation measure, the reconciliation should explain whether it avoids harm, reduces the change to significance or primarily screens the infrastructure. The Applicant should identify any residual harm and the precise DCO provisions securing the relevant development exclusion, setback, infrastructure limit or other control.

Finally, the Applicant should explain whether the heritage assessment remains representative of the maximum National Grid connection infrastructure which might be authorised and how the cumulative effects of that infrastructure and relevant other developments have been treated.

The purpose is not to require all consultees to adopt a common professional judgment. It is to provide the ExA with a transparent explanation of the competing conclusions so that it can determine the appropriate weight to be afforded to each.

17.23 Overall conclusion: the extent of heritage harm remains materially contested

The Applicant's Heritage Statement identifies lower-end less than substantial harm to two designated heritage assets and concludes that no harm would arise to the other heritage assets considered.

Edleston's independent assessment identifies a substantially wider pattern of less than substantial harm: 36 designated assets affected by the built development, together with additional highway-related effects contributing to an overall total of 41 affected heritage assets in his executive summary. His conclusions include harm affecting high-status Grade I and Grade II* listed buildings and identify important deficiencies in the treatment of historic agricultural settings, screening and the wider landscape context.

Historic England does not endorse that full alternative assessment. It considers the ES broadly adequate for examination and recognises meaningful improvements arising from heritage-led design changes. However, it also identifies outstanding questions concerning the assessment of setting, mitigation, reasonable worst-case and cumulative effects, and the security of essential design controls.

SNDC independently challenges the Applicant's assessment of Moulton Farmhouse and Hillside House and identifies historic routes and the cumulative erosion of the rural settings of dispersed heritage assets as matters requiring consideration.

These differences matter. They demonstrate that the examination evidence does not support treating the Applicant's original heritage conclusions as an uncontested account of the Scheme's effects.

BEPS does not contend that the independent identification of less than substantial harm necessarily requires the Scheme to be refused. The final decision must consider the degree and significance of the harm, the statutory and policy requirements governing designated heritage assets and the public benefits of the development.

However, that balance cannot be undertaken reliably unless the actual extent of heritage harm is identified and the effectiveness of the proposed mitigation demonstrated.

The issue is particularly important because the Applicant's environmental case acknowledges extensive significant landscape change while reporting essentially no significant residual cultural heritage effects. Although those findings are not inherently inconsistent, the divergence requires explanation where the historic agricultural landscape contributes materially to the significance of numerous designated assets.

BEPS submits that the Applicant has not yet adequately reconciled its heritage conclusions with the independent evidence of more extensive harm, Historic England's outstanding concerns and SNDC's specific objections. BEPS respectfully asks the ExA to require that reconciliation, together with confirmation that essential avoidance measures are secured and the heritage effects of the final transmission infrastructure remain within the assessed envelope.

Where further avoidance or redesign would materially reduce harm to nationally important heritage assets, those opportunities should be examined before relying upon screening or deferred management. The residual heritage harm ultimately established must then be afforded its proper statutory and policy weight in the determination of East Pye Solar.

The Applicant's own acknowledgement of widespread significant landscape effects creates a further requirement for explanation: where historic buildings and settlements derive part of their significance from the very agricultural landscape which the Scheme would transform, the conclusion that almost no heritage harm would result requires clear, asset-specific justification.

BEPS respectfully asks the ExA to require the Applicant to respond to SNDC's specific proposals for lower panel heights, additional development exclusions and the preservation of historic views and routes, as well as NCC's requirement for evidence demonstrating that the Saxlingham Nethergate AIL route can be implemented without unassessed direct harm to the Grade II* Old Rectory.

18. Mental Health, Wellbeing, Noise and the Combined Effects Experienced by Residents

18.1 Introduction: the Mental Health and Wellbeing Addendum does not resolve the underlying environmental uncertainties

BEPS maintains its objection to the adequacy of the Applicant's assessment of mental health, wellbeing and residential amenity. The objection is now informed by the Applicant's *Mental Health and Wellbeing Addendum* [EN0110014-001371, EXAM/9.27], submitted during Examination, and by further evidence from Norfolk County Council (NCC), South Norfolk District Council (SNDC) and affected residents.

The Addendum is a welcome acknowledgement that mental health and wellbeing may be influenced by the Scheme through a wider range of pathways than direct exposure to noise, air pollution or other conventional environmental hazards. Its introduction expressly recognises uncertainty, perceived loss of control, environmental and landscape change, attachment to place, enjoyment of homes and outdoor spaces, access to nature, construction disturbance, community cohesion and the combined effects of environmental change. It also

recognises the particular circumstances of older people, disabled and neurodivergent people, children, carers and people living with existing physical or mental health conditions (paragraphs 1.1.4–1.1.5).

However, the Addendum does not replace, amend or supersede the submitted Environmental Statement or Equality Impact Assessment. It draws together their findings, the technical assessments and the mitigation commitments already proposed. Its overall conclusion remains that the Scheme is not expected to cause likely significant adverse mental-health or wellbeing effects at population or identified vulnerable-group level, subject to the implementation of the proposed controls.

BEPS does not suggest that the available evidence establishes that the development will cause particular psychiatric diagnoses or measurable population-wide increases in mental illness. Such claims would require appropriate clinical and epidemiological evidence. The objection is narrower and more directly relevant to the Examination: whether the Applicant has adequately assessed the foreseeable consequences of prolonged environmental change for the residents and communities most exposed, particularly where several adverse effects arise together and where important technical assumptions remain disputed.

The Addendum acknowledges relevant impact pathways but repeatedly relies upon the conclusions reached in other Environmental Statement chapters. That reliance requires careful examination because NCC and SNDC continue to raise substantive questions concerning operational noise, residential amenity, landscape and public-rights-of-way effects, construction access and the arrangements for major electrical infrastructure. The wellbeing conclusions cannot be treated as more certain than the underlying environmental assumptions on which they depend.

18.2 The Applicant expressly recognises that population-level findings do not describe every resident's experience

At paragraph 1.1.5, the Addendum acknowledges reports from residents concerning stress, anxiety, sleep disturbance, uncertainty and other effects. It treats those accounts as relevant qualitative evidence and recognises that the experience of individuals may differ from conclusions reached at population or subgroup level. The Applicant expressly accepts that the absence of a likely significant population-level effect does not mean that no individual will experience distress, anxiety or reduced wellbeing.

This distinction is important because East Pye would affect a geographically dispersed population unevenly. Some households may experience relatively limited environmental change, while others would be close to solar arrays, the BESS, project substations, construction routes, compounds or other infrastructure. Residents near multiple components may experience overlapping visual, acoustic, access and construction effects which are not representative of the wider population.

The same distinction applies to people who spend a greater proportion of their time at home, depend upon familiar routes or require predictable environmental conditions. A population-level assessment may provide useful information about the overall distribution of likely effects, but it cannot establish that the experiences of the most exposed residential receptors are immaterial.

BEPS therefore requests that the Applicant explain how its population-level conclusions have been tested against the circumstances of the most exposed households and communities. The assessment should distinguish between impacts affecting many people at relatively low intensity and concentrated impacts affecting smaller groups at substantially greater intensity. It should also identify the extent to which the Addendum's conclusions depend upon the assumption that the principal environmental controls will perform as predicted.

18.3 The acknowledged significant landscape effects have direct relevance to wellbeing

The Applicant's own Landscape and Visual Impact Assessment identifies extensive significant adverse effects during construction and operation, including residual effects upon landscape character and recreational receptors after mitigation planting is assumed to have matured. The independent landscape evidence submitted during Examination and SNDC's Local Impact Report further challenge the Applicant's Year 15 conclusions.

These findings are relevant to mental health and wellbeing because familiar landscapes, rural tranquillity, outdoor recreation, attachment to place and the enjoyment of residential surroundings are recognised determinants of wellbeing. The Addendum itself identifies those pathways and acknowledges that environmental change may influence how residents experience their homes and local communities.

A distinction must nevertheless be maintained between significant landscape effects and significant population-level mental-health effects. The former do not automatically establish the latter, because the assessments concern different outcomes and apply different significance judgments. However, where the Applicant has acknowledged a major environmental change, the wellbeing assessment should explain how the resulting changes to residential surroundings and recreational experience have been evaluated.

The issue is particularly important where screening forms a substantial part of the proposed mitigation. The Applicant's Addendum acknowledges at paragraph 6.1.23 that proposed actions do not imply that landscape mitigation will preserve all existing views, and it recognises that visual change and attachment to place may remain relevant even after screening is established. Similarly, the Addendum's response to representations concerning public rights of way acknowledges that maintaining access does not necessarily preserve the character of a route or the recreational experience.

BEPS submits that these acknowledgements should have practical consequences for the assessment. A public footpath remaining technically accessible may nevertheless become substantially less attractive if it is enclosed by fencing or dense screening vegetation, experiences noise from nearby infrastructure or loses views across open countryside. Those changes may affect the opportunities residents have for relaxation, recreation and engagement with familiar landscapes.

The Applicant should therefore demonstrate that its wellbeing conclusions address the environmental experience which will remain after mitigation, rather than assume that retained access or reduced visibility necessarily preserves existing wellbeing benefits.

18.4 The effects of landscape change and prolonged uncertainty require a properly bounded assessment

The representation submitted by a Norfolk County Councillor for West Depwade [EN0110014-001179] provides relevant evidence concerning residents' experiences of uncertainty, loss of control and anxiety about changes to their homes and communities. It raises concerns about prolonged uncertainty during consultation and Examination, potential effects on property marketability and financial planning, and the loss of familiarity and attachment to the local landscape.

The representation refers to *solastalgia*, a term describing distress associated with unwanted environmental change to a valued and familiar place. This is a relevant conceptual framework for understanding the concerns expressed by some residents, although its use does not establish that a particular clinical condition has been caused by the Scheme.

The representation also describes anecdotal reports of anxiety, depression and exacerbation of existing health difficulties. Those accounts should be considered as representations of reported experience and concern, not as independently verified clinical findings attributable to the development. The Applicant is entitled to distinguish qualitative evidence from epidemiological or clinical evidence when assessing population-level significance.

However, the absence of clinical verification does not render residents' evidence irrelevant to the assessment of residential amenity, perceived loss of control or wellbeing. Those matters may be examined through proportionate qualitative and receptor-based methods without diagnosing illness or requiring disclosure of private medical information.

The Applicant should explain how it has considered prolonged uncertainty about land use, construction arrangements, major electrical infrastructure and the future character of surrounding communities. It should also distinguish effects arising from the application process itself from those likely to arise if development consent is granted and the Scheme proceeds. Both may help explain representations received, but only relevant prospective effects should be attributed to the authorised development in the environmental assessment.

18.5 NCC's Local Impact Report identifies long-term mental-health and wellbeing concerns

NCC's Local Impact Report [EN0110014-001412], Section 11, provides independent local-authority evidence concerning health and wellbeing. The Council acknowledges the Applicant's expanded human-health material and the consideration given to wellbeing in the Equality Impact Assessment, but identifies further matters requiring examination.

NCC places particular emphasis on the potential for longer-term mental-health effects among older residents and other vulnerable groups who may experience substantial changes to their familiar surroundings and local environment. It also identifies the potential for operational noise and the degradation of public-rights-of-way amenity to influence wellbeing over time.

These concerns should be considered in the context of NCC's other findings. Its LIR raises extensive issues concerning highway safety and construction traffic, the recreational experience of public rights of way and the significance of residual landscape effects. Those

matters provide potential pathways through which the Scheme could affect daily life, particularly for residents whose homes or regular walking routes are close to development infrastructure.

BEPS does not suggest that NCC has established the occurrence of clinically significant mental-health harm. Rather, the Council identifies plausible longer-term wellbeing pathways and calls for the relevant environmental mitigation and monitoring arrangements to address them.

The Applicant should therefore explain how it has responded to NCC's evidence, particularly where the County Council's conclusions concerning amenity, access or noise differ from those relied upon in the Addendum. The response should identify whether any change to the underlying technical assessments would alter the Addendum's conclusions.

18.6 SNDC's operational-noise objections materially affect the reliability of the wellbeing conclusions

SNDC's Local Impact Report [EN0110014-001448] raises specific concerns about the adequacy of the Applicant's noise and vibration assessment. These matters are especially important because the Addendum relies upon ES Chapter 12 when concluding that operational noise will not cause significant population-level health and wellbeing effects.

In its Local Impact Report, paragraphs 2.13–2.15 and Section 7.3, SNDC questioned the adequacy of the Applicant's original baseline assessment, particularly the absence of a distinct evening noise assessment. The Applicant has subsequently submitted an Evening Noise Assessment [EN0110014-001337], considered below. The outstanding issue is therefore whether that additional evidence adequately addresses SNDC's concerns and whether its assumptions and proposed operational limits are secured through the DCO.

The Council observes that rural areas may experience a marked reduction in ambient noise during the evening, meaning that noise from electrical infrastructure could become more prominent at times when existing background levels are low.

This is not simply a question of compliance with an annual or daytime noise criterion. The potential effect of a new, continuous or intermittent industrial noise source depends upon its character, timing, local background conditions, proximity to receptors and the way in which it is experienced within an otherwise quiet rural environment.

SNDC also raises concerns concerning uncertainty over the National Grid substation and the operational noise associated with project substations. It questions whether the available assessment adequately demonstrates that the final infrastructure arrangements can operate within the predicted noise limits.

These are material objections because the wellbeing Addendum's conclusions depend upon the reliability of the assessment of noise, sleep disturbance and residential amenity.

18.7 The Evening Noise Assessment provides further evidence but depends upon the final equipment configuration and enforceable limits

The Applicant has submitted an additional Evening Noise Assessment [EN0110014-001337] responding to SNDC's concerns concerning the absence of a distinct evening assessment. The document considers operational noise between 19:00 and 23:00, using evening background-sound information and a revised operational scenario. It identifies low adverse impacts at receptors NSR3B and NSR5A, where calculated rating levels are approximately 1–2 dB above background. The Applicant concludes that the effects remain not significant under its assessment methodology.

The submission provides further information relevant to SNDC's objection and should be considered alongside the original ES Chapter 12 and the Mental Health and Wellbeing Addendum. However, the assessment continues to depend upon indicative plant specifications, assumed source locations, operational scenarios and mitigation performance. The Applicant acknowledges that detailed plant specifications are not presently available. The significance conclusions therefore require confirmation that the final equipment and design arrangements cannot exceed the sound-power assumptions and receptor levels used in the assessment.

At paragraph 1.7.7, the Applicant proposes additional operational-noise commitments. These include achieving the predicted BESS façade rating levels in Table 1.12 and controlling other Scheme noise sources so that their façade rating levels do not exceed the relevant background sound level, subject to a 30 dB LAr,Tr criterion in particularly quiet conditions. The Applicant should identify where these revised commitments are incorporated into the latest Outline Operational Environmental Management Plan and demonstrate that the relevant DCO requirements secure them as enforceable operational limits.

The assessment also requires reconciliation with the unresolved National Grid substation design. A materially different substation footprint, equipment arrangement or location could alter the distribution of operational noise and the receptors most affected. The Applicant should demonstrate that the maximum permitted design is encompassed by the assessed noise scenario and that the proposed limits will apply to all relevant infrastructure, including any transmission assets whose operation or ownership differs from the solar development.

BEPS respectfully asks the ExA to seek SNDC's response to the Evening Noise Assessment and determine whether the additional evidence resolves its concerns or whether further baseline, modelling or enforceable design restrictions are necessary. The Applicant's conclusion of no significant evening effect must be assessed against the final permitted operating envelope and the cumulative experience of residents affected by other environmental changes associated with the Scheme.

The revised draft DCO [EN0110014-001299, Schedule 2, Requirement 14] contains an apparent drafting error: the consultation provision governing approval of the Operational Environmental Management Plan refers instead to the construction environmental management plan. This should be corrected to ensure that the Environment Agency is consulted on the appropriate operational document. More substantively, the Applicant's additional operational-noise limits proposed in the Evening Noise Assessment [EN0110014-

001337] must be incorporated into the operative environmental controls. Requirement 14 does not itself specify the numerical limits, and the revised Design Principles [EN0110014-001312] do not expressly reproduce them. The Applicant should identify the precise approved or certified document containing the limits, confirm that they apply to the maximum authorised operating configuration, and demonstrate that the DCO provides an effective mechanism for monitoring, enforcing and maintaining compliance throughout the operational life of the relevant infrastructure.

18.8 Operational noise must be considered together with visual and other residential effects

The effect of operational electrical infrastructure upon nearby residents cannot be understood exclusively through an acoustic assessment. A residence may experience a combination of a changed outlook, increased enclosure, the presence of electrical compounds, operational noise, altered access routes and loss of rural tranquillity.

Each pathway may have a separate technical assessment and significance threshold. Nevertheless, the experience of occupying the home and its surroundings involves the interaction of those effects.

The Addendum recognises this principle in Section 4.4, which considers in-combination wellbeing pathways. Its assessment identifies the possibility of interactions between visual change, access, traffic, noise, perceived safety and attachment to place. It also recognises that vulnerable groups may be more sensitive to those combinations.

The difficulty is that the Addendum predominantly draws its conclusions from topic-specific assessments, many of which remain disputed in other examination evidence. It should therefore demonstrate not merely that each topic has been considered individually but how the combined circumstances of particularly exposed residential receptors have been evaluated.

For example, a household close to a project substation and a construction route may experience environmental effects different from those of a household exposed to only one component. A household close to several solar parcels may experience landscape enclosure and loss of familiar rural outlook across multiple directions, even where no individual noise limit is exceeded.

BEPS requests a receptor-focused assessment identifying locations where several pathways overlap and the extent to which those effects persist through construction, early operation and longer-term operation.

18.9 The uncertainty surrounding the final National Grid connection is material to noise and wellbeing

The final National Grid connection remains subject to unresolved siting and design considerations. NGET's examination evidence indicates that the Applicant's proposed transmission arrangement has not been accepted as the final solution and that wider network requirements may affect the infrastructure ultimately needed.

This uncertainty is relevant to the assessment of residential amenity because a materially larger or differently located substation could alter the distribution of operational noise, construction disturbance, visual effects, lighting, access requirements and proximity to residential receptors.

BEPS does not contend that an alternative location or enlargement is inevitable. The issue is whether the present assessment encompasses the reasonable maximum parameters of the infrastructure which the DCO may authorise.

If the final substation or associated electrical infrastructure would differ materially from that assessed, the Applicant should explain whether the noise and wellbeing conclusions remain representative. The mere deferral of detailed electrical design cannot establish that future configurations will have equivalent environmental effects.

The Applicant should therefore identify the operational-noise envelope assumed in ES Chapter 12 and the Addendum, the infrastructure locations and equipment parameters upon which it depends, and the controls preventing a final design from exceeding those assumptions.

18.10 Construction impacts must be assessed through duration, sequencing and overlapping exposure

The construction of East Pye would involve activities across multiple geographically dispersed development parcels, cable corridors and electrical infrastructure sites. Those activities include excavation, piling, cable installation, vegetation clearance, construction compounds, temporary access routes, heavy vehicle movements and road works.

The Applicant assesses the principal environmental effects of these activities in separate technical chapters. However, residents may experience more than one form of disturbance at the same time or in successive periods. The combined experience may extend beyond the duration of the most intensive activity immediately adjoining a particular property.

For example, an affected household could experience construction traffic on a nearby road, followed by cable installation, construction of adjoining arrays and subsequent works associated with substations or network infrastructure. Even where each phase complies with the relevant management controls, prolonged or repeated disturbance may affect enjoyment of the home, daily routines and the use of local recreational routes.

The Addendum acknowledges such in-combination pathways, but its conclusions should be tested against the actual construction programme and the realistic exposure of affected communities. It should explain whether the assessment considers the duration between successive works, overlapping activity at neighbouring parcels and the possibility of further disturbance arising from changes to access arrangements.

This is particularly important where the final AIL strategy, construction traffic controls or National Grid works remain subject to further agreement. A change to the location or sequencing of construction activities may alter the communities most affected.

BEPS therefore requests a location-based account of the principal construction phases, the environmental pathways likely to operate together and the controls intended to prevent unacceptable cumulative disturbance.

18.11 The proposed highway and abnormal-load arrangements may influence residential wellbeing

The examination evidence concerning highways is relevant to wellbeing not merely because of traffic volume, but because it affects the safety, accessibility and character of the rural road network used by residents.

NCC has raised extensive concerns about the Applicant's construction access strategy, the adequacy of particular routes and the safety of road users. National Highways has agreed under SoCG matter NH TA-5 that detailed AIL routing may be resolved after consent, while recommending that a workable strategy be established in principle before determination.

These positions must be distinguished. National Highways' acceptance of post-consent route approval does not establish that all local highway effects have been resolved or that the distribution of construction disturbance is fixed.

The route through Saxlingham Nethergate illustrates the problem. NCC identifies a material physical constraint at the historic boundary wall of the Grade II* Old Rectory and seeks further topographical and swept-path evidence. Alternative arrangements, if required, could affect different roads, residents and environmental receptors.

The wellbeing assessment should therefore identify how it has considered the actual construction routes likely to be used and whether the conclusions remain valid where material routing choices are unresolved.

Particular attention should be given to rural residents dependent upon narrow lanes, people with mobility impairments, pedestrians, cyclists, school journeys and access to local services. The assessment should distinguish demonstrable transport-safety risks from reported anxiety or uncertainty about future traffic conditions, while recognising that both may influence everyday residential experience.

18.12 Public rights of way provide more than a means of access

The Applicant's Addendum recognises that public rights of way, countryside access and outdoor recreation contribute to physical and mental wellbeing. It relies upon the Outline Public Rights of Way and Permissive Paths Management Plan, route management arrangements and proposed additional permissive paths to maintain access and provide opportunities for recreation. However, maintaining access does not necessarily preserve the quality or character of the recreational experience.

A public path passing through open agricultural countryside offers a different environment from a path enclosed by tall security fencing, solar arrays or screening belts. Even where the route remains passable and is not formally closed, changes to views, tranquillity, natural features and the perceived character of the surroundings may diminish its recreational value.

The Applicant itself acknowledges this distinction in the Addendum. It recognises that retained access does not necessarily preserve route character or recreational experience and that landscape mitigation will not preserve all existing views.

The independent landscape assessment submitted by Hempnall Parish Council, SNDC's LIR and NCC's LIR all provide evidence relevant to the scale of these changes. SNDC has identified the risk of substantial enclosure along public rights of way, while NCC seeks further scrutiny of recreational amenity and the effects of the Scheme upon routes such as the Boudicca Way and Via Beata.

BEPS requests that the wellbeing assessment explain how these admitted changes have been treated. It should address the actual experience of walking through the affected landscape, including sequential enclosure, the loss of open views, proximity to infrastructure and the extent of alternative routes retaining comparable rural qualities.

An increase in the total length of permissive paths does not necessarily compensate for a reduction in the character or amenity of existing established routes. Both the quantity and quality of recreational access require consideration.

18.13 The assessment of vulnerable groups must be linked to specific exposure pathways

The Addendum expressly considers potentially vulnerable groups, including older people, disabled people, carers, neurodivergent people, children and people with existing physical or mental health conditions. It identifies how these groups may rely more heavily upon familiar environments, accessible routes, predictable conditions and established social networks.

BEPS welcomes this recognition. However, identifying vulnerable groups at a general population level is not the same as demonstrating how particular environmental changes might affect them.

For example, a diverted or enclosed path may be of greater consequence to someone who depends upon a particular accessible local route than to a recreational user with numerous alternatives. Repeated construction disturbance may also have different consequences for someone spending substantial time at home or managing caring responsibilities.

The Applicant need not obtain private medical information or identify individual diagnoses. A proportionate equality and wellbeing assessment can instead consider the characteristics of affected locations, the accessibility of alternative routes, the duration of disruption and the practicability of mitigation for different user groups.

BEPS requests that the Applicant demonstrate how its equality and wellbeing conclusions respond to the locations where the highest concentrations of environmental effects arise, rather than rely solely upon district-wide demographic characteristics or general commitments to communication.

18.14 Private water supplies, fire safety and perceived environmental risk require careful distinction

The Addendum considers perceptions of environmental safety, including concerns concerning private water supplies, contaminated land, electrical infrastructure, electromagnetic fields and fire risk.

It correctly distinguishes between perceived risk and objectively assessed technical hazards. A resident's concern about potential contamination or fire does not establish that contamination or a fire will occur, and it would be inappropriate to infer a clinical health effect solely from that concern.

However, the accuracy of the technical information provided to residents is itself relevant to the effectiveness of reassurance and risk communication.

BEPS has submitted evidence concerning private water supplies, groundwater vulnerability and the proposed BESS firewater arrangements. The Environment Agency and the independent water-environment review have identified material questions requiring further consideration. Where such matters remain unresolved, the Applicant cannot demonstrate that concern will be adequately addressed merely by providing additional information based upon contested assumptions.

The Addendum's reliance upon the conclusion that no credible risks to identified private water supplies are present must therefore be reconciled with the examination evidence concerning the completeness of the private-supply baseline, groundwater pathways and the adequacy of the relevant mitigation.

Similarly, the assessment should distinguish the possibility of a battery fire, the objectively assessed consequences of an incident and the separate wellbeing implications of living close to infrastructure perceived as hazardous. Those matters should be addressed without exaggerating technical risk or dismissing legitimate requests for accurate information.

The principal requirement is for robust underlying risk assessment, clear communication of the findings and enforceable environmental controls. Communication can reduce uncertainty where the technical position is sufficiently understood, but it cannot substitute for the assessment of unresolved environmental pathways.

18.15 Agricultural landscape, livelihoods and financial uncertainty are relevant contextual factors

The Addendum expressly recognises in Section 4.3 that agricultural land, soils and farming activity contribute to rural character, sense of place, environmental quality and perceptions of long-term stewardship. It nevertheless concludes that the significant agricultural-land effect identified under the relevant worst-case assessment does not translate into a significant population-level mental-health effect, taking account of wider regional agricultural resources, restoration assumptions and the anticipated consequences for agricultural businesses.

BEPS does not contend that the assessment of agricultural-land loss should automatically determine the wellbeing significance conclusion. However, the Applicant should explain how

the local experience of changing agricultural land use has been considered, particularly where farming activity is closely connected with the identity and economy of affected communities.

The West Depwade councillor's representation also describes concerns about financial security, property marketability, the ability to plan retirement and uncertainty about whether residents will wish or be able to remain in their homes.

Prolonged uncertainty concerning residential surroundings and future land use is relevant to understanding the representations received. The Applicant should explain how such concerns have been considered qualitatively and what reliable information can be made available to help residents understand the development's likely effects.

18.16 The Addendum does not rely for its conclusions on any peer-reviewed research relating to mental health impacts from rural industrialisation or energy infrastructure

The Applicant's Mental Health and Wellbeing Addendum [EN0110014-001371] does not appear to engage with the substantial peer-reviewed literature examining the psychological consequences of changes to familiar environments and the role of place attachment in responses to large-scale energy infrastructure. This literature is directly relevant to the assessment pathways identified by the Applicant.

Roddis et al. (2020), examining community responses to the UK's first nationally significant solar farm, identify place attachment, development scale and procedural justice among the important determinants of community responses. Devine-Wright (2010) examines disruption of place attachment and the protection of restorative environments in the context of renewable-energy infrastructure. Devine-Wright and Peacock's (2024) systematic review identifies 190 publications investigating place-related concepts in energy infrastructure research. Raymond et al. (2010) demonstrate that attachments to rural places can be investigated using an empirically developed multidimensional framework.

The mental-health relevance of environmental transformation is further supported by Albrecht et al. (2007), who describe solastalgia as distress associated with environmental changes affecting people who remain connected to their home environment. Research into unconventional gas development (2017) identifies relationships between perceived loss of valued resources, disruption of place attachment and negative emotional responses. These findings do not establish that solar development necessarily causes clinically significant mental-health effects, but they demonstrate that the relevant psychological pathways are recognised in published research and require proportionate assessment.

BEPS submits that the Applicant has not adequately explained how these pathways have been evaluated for residents experiencing the cumulative transformation of familiar agricultural landscapes, altered recreational environments, associated electrical infrastructure and prolonged construction activity. Nor has it sufficiently demonstrated how the conclusions derived from other Environmental Statement chapters have been tested against the distinct psychological consequences of place-related change, particularly for long-established residents and those most exposed to the development.

The ExA is therefore requested to examine whether the Addendum's methodology and evidence are sufficient to support its conclusion that significant adverse mental-health and wellbeing effects are unlikely. In particular, the Applicant should explain how place attachment, restorative value, cumulative environmental change and variation in individual vulnerability have informed the assessment, and whether additional receptor-specific evidence or analysis is required.

BEPS supplies a basic literature review:

18.16.1. Research specifically concerning large-scale solar developments

1. Roddis, P., Roelich, K., Tran, K., Carver, S., Dallimer, M. and Ziv, G. (2020), What shapes community acceptance of large-scale solar farms? A case study of the UK's first 'nationally significant' solar farm**,** *Solar Energy*, 209, 235–244.

It examines community responses to a nationally significant solar development in England and identifies 28 factors shaping acceptance, notably project scale, place attachment, landscape concerns, planning processes and justice. It demonstrates that community responses cannot be adequately explained simply through support for or opposition to renewable energy in principle.

Establishes that place attachment and the social meaning of agricultural landscapes are recognised factors in assessing the impacts of large-scale solar development.

2. Gamper-Rabindran, S. and Ash, J. (2024), “Farming the sun” or “coal legacy”? Social perspectives on solar energy projects in Appalachia**,** *Energy Research & Social Science*, 117, 103656.

Based on interviews with 32 farmers and 16 non-farmers in rural Pennsylvania and Maryland. The research found that farmers' identities and perceived responsibilities towards agricultural land, alongside other residents' emotional relationships with rural landscapes, strongly influenced responses to solar proposals.

Supporting the proposition that conversion of productive farmland to extensive solar infrastructure can have cultural and emotional consequences beyond the measurable physical environmental changes. It does not quantify psychiatric outcomes.

3. Schoenecker, K., Goldberg, Z. and Baka, J. (2026), Recognizing senses of place in just energy transitions: Insights from rural Pennsylvania solar development**,** *Geoforum,* 2026.

Investigates community responses to grid-scale solar development in two rural Pennsylvania townships. The study considers how people with different understandings of their locality vary in their willingness to accommodate landscape change, and why recognising those differences matters to procedural justice.

Challenging the assumption that community views can be treated as uniform, or that formal consultation alone resolves the social consequences of landscape transformation.

18.16.2. Place attachment and the psychological effects of changing landscapes

4. Devine-Wright, P. (2009), Rethinking NIMBYism: The role of place attachment and place identity in explaining place-protective action**,** *Journal of Community & Applied Social Psychology*, 19(6), 426–441.

A foundational paper explaining how proposed development can threaten place-related identity and produce protective responses. It argues that opposition to energy infrastructure should not automatically be interpreted as self-interested resistance to change.

Establishing the conceptual basis for psychological responses to changes in the identity and character of familiar rural landscapes. This is principally a theoretical synthesis, not a clinical mental-health study.

5. Devine-Wright, P. (2010), Disruption to place attachment and the protection of restorative environments: A wind energy case study**,** *Journal of Environmental Psychology*, 30(3), 271–280.

Particularly relevant because it connects renewable-energy infrastructure with the meanings people attach to environments they experience as restorative. The research uses discussions and questionnaire responses from residents in two North Wales coastal towns (488 respondents) concerning a proposed offshore wind farm.

Supporting investigation of how a landscape valued for quietness, familiarity, recreation or psychological restoration may be experienced differently following extensive infrastructure development.

6. Raymond, C. M., Brown, G. and Weber, D. (2010), The measurement of place attachment: Personal, community, and environmental connections**,** *Journal of Environmental Psychology*, 30(4), 422–434.

Develops and empirically tests a multidimensional framework for measuring place attachment among rural landholders. It distinguishes personal, community and environmental connections.

Use for East Pye: Demonstrating that attachment to place is capable of systematic empirical assessment. This is relevant to whether the Applicant's qualitative approach adequately investigates the affected population.

7. Bailey, E., Devine-Wright, P. and Batel, S. (2016), Using a narrative approach to understand place attachments and responses to power line proposals: The importance of life-place trajectories**,** *Journal of Environmental Psychology*, 48, 200–211.

Investigates how people's relationships with places develop throughout their lives and how those experiences influence responses to proposed electricity transmission infrastructure.

Especially relevant to long-established residents whose attachment to the landscape reflects decades of residence, family history and everyday experience.

8. Devine-Wright, P. (2013), Explaining "NIMBY" Objections to a Power Line: The Role of Personal, Place Attachment and Project-Related Factors**,** *Environment and Behavior*, 45(6).

Draws on questionnaire responses from 503 residents in southwest England concerning proposed high-voltage electricity infrastructure. It examines place attachment alongside perceived project impacts, trust and procedural justice.

Directly relevant to the transmission infrastructure and the relationship between local landscape meanings, public confidence and development proposals.

9. Devine-Wright, P. and Peacock, A. (2024), Putting energy infrastructure into place: A systematic review**,** *Renewable and Sustainable Energy Reviews*, 197, 114272.

A systematic review of 190 peer-reviewed publications published between 1999 and March 2022 examining place attachment and related concepts in energy infrastructure research. It finds extensive research spanning renewable energy, fossil-fuel infrastructure, electricity distribution and other development.

One of the strongest references for establishing that place attachment is a recognised and substantial field of energy-infrastructure research, while acknowledging the methodological limitations and fragmentation of the literature.

18.16.3. Environmental change, rural industrialisation and psychological distress

This literature provides the strongest evidence that major changes to familiar environments can be associated with psychological distress.

Although some concern mining, industrial resource development or rural restructuring, rather than solar installations, they establish plausible and, in some settings, observed psychological effects.

10. Albrecht, G. et al. (2007), Solastalgia: The distress caused by environmental change**,** *Australasian Psychiatry*, 15(Suppl. 1), S95–S98.

Introduces solastalgia: distress caused by environmental change affecting people while they remain in the place to which they are attached. The paper draws on research involving drought in rural Australia and large-scale open-cut coal mining in the Hunter Valley.

A conceptual basis for investigating whether substantial changes to familiar countryside could cause distress even though residents are not physically displaced.

11. Understanding the psychological impact of unconventional gas developments in affected communities (2017), *Energy Policy*, 101, 492–501.

Investigates psychological responses to unconventional gas development in a rural community. The study identifies perceived losses of personal and communal resources, with place attachment influencing negative emotional responses. It also finds substantial variation between residents.

Especially valuable because it connects a large industrial energy development with place attachment, perceived loss and emotional responses, rather than looking only at environmental measurements.

18.16.4. Mental health and wellbeing impacts of renewable-energy infrastructure

These studies investigate health, quality of life, sleep or annoyance in communities exposed to wind-energy developments. Wind turbines have substantially different operating characteristics from solar arrays, but some psychological pathways concerning visual intrusion, perceived change and annoyance may be relevant.

12. Jalali, L. et al. (2016), Changes in quality of life and perceptions of general health before and after operation of wind turbines**,** *Environmental Pollution*, 216, 608–615.

A prospective Canadian study of 43 participants examining changes before and after wind-turbine operation. It found worsening scores on certain mental-health and life-satisfaction measures among participants reporting negative attitudes, visual or noise annoyance, or concerns about property values.

Evidence that the relationship between energy infrastructure and wellbeing may involve perception, visual effects and annoyance, not only measured noise exposure. Its small sample and wind-specific exposure limit generalisation.

18.16.5 conclusion

The fundamental weakness in the Applicant's Mental Health and Wellbeing Addendum [EN0110014-001371] is not simply its limited engagement with peer-reviewed research, but its failure to demonstrate that the recognised psychological consequences of large-scale environmental change have been adequately investigated and assessed. A substantial body of published research establishes that attachment to place, landscape identity, environmental familiarity and access to restorative environments are important dimensions of human wellbeing. Research concerning renewable-energy infrastructure, rural restructuring and industrial landscape transformation further demonstrates that changes to valued environments can give rise to psychological distress, perceived loss, diminished wellbeing and adverse emotional responses.

These effects cannot necessarily be identified or evaluated through conventional assessments of landscape, visual amenity, noise, traffic or ecology considered individually. The psychological consequences of environmental transformation may arise from the combined experience of those changes, including disruption to place identity, loss of familiar surroundings, alteration of valued recreational landscapes, reduced opportunities for psychological restoration, diminished perceptions of control over one's environment and the cumulative effects of prolonged construction activity and permanent infrastructure. For long-established residents, whose attachment to the countryside may have developed over decades or generations, these consequences may be particularly significant.

The proposed East Pye Solar development would introduce extensive solar arrays, fencing, substations, battery storage infrastructure, access routes and associated electrical

infrastructure across a substantial area of predominantly rural agricultural landscape for an operational period of approximately 60 years. The Applicant's own landscape assessment acknowledges significant adverse effects upon landscape character and numerous visual receptors, including effects persisting after proposed mitigation has matured. These admitted changes provide a substantial evidential basis for investigating the potential consequences for residents' psychological relationships with their surroundings. The Applicant cannot adequately resolve that question merely by transferring significance conclusions from individual Environmental Statement chapters into a separate wellbeing assessment.

The peer-reviewed literature, including Devine-Wright (2010), Roddis et al. (2020), Raymond et al. (2010), Albrecht et al. (2007) and Devine-Wright and Peacock (2024), establishes that the relevant psychological pathways are recognised and capable of systematic investigation. These studies demonstrate why the cumulative consequences for mental wellbeing should not be treated as insignificant.

BEPS therefore submits that the Applicant has not demonstrated a sufficiently robust evidential or methodological basis for its conclusion that significant adverse mental-health and wellbeing effects are unlikely. In particular, the Addendum does not adequately explain how place attachment, loss of restorative environments, the cumulative experience of environmental change and differences in individual vulnerability have informed its significance judgements. Nor does it demonstrate that the potential effects upon the most exposed residents, including those whose homes, established recreational routes and everyday surroundings would be substantially altered, have been adequately distinguished from conclusions drawn at the wider population level.

BEPS requests that the Examining Authority require the Applicant to provide a transparent, evidence-based assessment of these recognised psychological pathways, informed by the relevant peer-reviewed literature and the actual scale, duration and cumulative environmental consequences of the Scheme. That assessment should identify the populations and receptors most likely to experience adverse effects, explain the criteria used to determine significance, examine the interaction between environmental stressors and demonstrate whether the proposed mitigation would be effective in addressing psychological as well as physical environmental impacts.

Until those matters have been adequately examined, BEPS submits that the Applicant's conclusion of no likely significant adverse mental-health and wellbeing effects cannot safely be relied upon in determining the environmental acceptability of the Scheme or the overall planning balance.

18.16 The proposed wellbeing principles are useful but are principally management measures

Section 6 of the Addendum sets out wellbeing management principles intended to improve communication, reduce avoidable uncertainty, maintain access, support community resilience and provide procedures for identifying and responding to concerns.

At paragraph 6.1.3, the Applicant expressly states that these principles consolidate existing commitments secured through the DCO and associated management plans rather than establish a new clinical service or substitute for existing environmental controls.

The proposed arrangements include the Community Liaison Group, construction management procedures, public-rights-of-way arrangements, complaints handling and information concerning activities likely to affect residents.

BEPS acknowledges that timely information, predictable construction arrangements and effective complaint procedures can reduce avoidable inconvenience and uncertainty. These measures should be secured and implemented effectively.

However, it is necessary to distinguish management of the resident's response to an environmental impact from mitigation of the underlying impact itself. Advance notice of a noisy operation does not reduce the noise emitted. Notification of a path diversion does not preserve the path's availability during closure. Explaining a screening scheme does not restore the former open landscape.

Where the Addendum relies upon environmental mitigation already proposed, the Applicant should identify the particular measure, the DCO requirement securing it, the performance standard which will apply and the means by which compliance will be established.

The absence of additional substantive mitigation proposed in the Addendum is material where the underlying noise, access, landscape or infrastructure assessments remain under examination.

18.17 Monitoring based upon complaints may not adequately identify cumulative effects

Section 7 of the Addendum proposes a monitoring and review framework based principally upon existing environmental management and community liaison arrangements. It draws upon complaints and enquiries, information from the Community Liaison Group and monitoring undertaken through the relevant technical management plans.

This is a starting point, however, a complaints-led system may fail to capture the full extent of environmental effects experienced by residents. Not everyone affected by recurring disturbance will submit a complaint, and the absence of complaints does not necessarily demonstrate that the mitigation is effective.

It also requires the resident to actually experience the distress before making the complaint. The objective should be for the resident not to experience the distress in the first place.

The monitoring framework should therefore distinguish between recorded complaints, objective environmental monitoring and the performance of commitments concerning access, noise, traffic and landscape mitigation.

Where multiple concerns arise at the same location, the Applicant should consider whether they indicate an overlapping exposure which is not captured by the individual management plans. The framework should include clear arrangements for reviewing recurring issues, identifying corrective actions, recording outcomes and escalating unresolved matters to the relevant responsible authority. Those arrangements should not depend solely upon discretionary responses by the Applicant.

The monitoring obligations must also remain effective throughout relevant construction phases and where operational complaints concern substantial changes to the environment.

18.18 Community consultation and access to information have contributed to the concerns raised

The West Depwade councillor's representation identifies substantial concern about the accessibility and transparency of the application process. It describes difficulties navigating extensive online documentation, poor rural connectivity, digital exclusion and uncertainty among residents about how to understand or participate in the consultation and examination process.

Those matters require careful treatment. Procedural adequacy and the accessibility of consultation information are not identical to the likely significant environmental effects of the authorised development. They may be examined under different legal and procedural frameworks.

Nevertheless, the representations provide context for residents' reported uncertainty and perceived lack of control. The Addendum itself recognises the influence of communication, trust and engagement upon wellbeing.

The Applicant should therefore explain how its future engagement arrangements will address accessibility barriers, particularly for residents with limited digital access or difficulty navigating technical documents.

Plain-language explanations, suitable non-digital alternatives where practicable, clear notification of relevant works and accessible mechanisms for submitting concerns may all assist. Such measures should supplement rather than substitute for legally required consultation, environmental assessment and mitigation.

The purpose is to ensure that residents can understand the arrangements which will affect them and participate meaningfully in relevant future decisions, particularly where detailed works or construction routes remain subject to approval.

18.19 The wellbeing assessment must be reconciled with the unresolved environmental matters

A recurring feature of the Addendum is its reliance upon the conclusions of other Environmental Statement chapters. That approach is understandable: wellbeing depends upon environmental determinants which require specialist assessment, and duplicating every technical study within one document would be unnecessary.

However, the Addendum's conclusions must remain responsive to material changes in those underlying studies. The current examination evidence identifies outstanding matters concerning the landscape and visual assessment, operational noise, construction access and abnormal-load routing, public-rights-of-way amenity, the National Grid transmission infrastructure, groundwater and private water supplies, and BESS firewater controls.

BEPS does not suggest that every outstanding technical disagreement will necessarily alter the mental-health significance conclusion. Some may be resolved without any change to the predicted environmental effects, while others may affect only a limited group of receptors.

Nevertheless, the Applicant should identify which unresolved matters could materially alter the location, intensity, duration or combination of environmental effects experienced by residents.

The revised wellbeing assessment should be checked against the final environmental information accepted for examination, including any material changes to the development envelope, mitigation or infrastructure design.

Where the Applicant maintains its conclusion of no likely significant population-level wellbeing effect, it should demonstrate that the conclusion remains robust notwithstanding those changes and the additional consultee evidence.

18.20 Further information and clarification requested

BEPS requests that the ExA require the Applicant to provide a consolidated and receptor-focused response addressing the following matters:

1. Identify the residential locations most exposed to overlapping landscape, operational-noise, construction, traffic and public-rights-of-way effects, and explain how their circumstances have been considered within the population and vulnerable-group assessments.
2. Reconcile the Addendum's conclusions with SNDC's outstanding concerns about evening background-noise monitoring, project-substation noise and uncertainty concerning the National Grid substation.
3. Explain how significant landscape effects acknowledged by the Applicant, and the additional residual effects identified by SNDC and Hempnall Parish Council, have been considered as determinants of wellbeing and residential amenity.
4. Assess this evidence in the light of peer reviewed research on the effects of rural landscape change through industrialisation on rural communities.
5. Assess the qualitative distinction between preserving physical access to public rights of way and preserving their recreational character, tranquillity and value to affected communities.
6. Identify the realistic sequencing and duration of construction activities at locations where several sources of disturbance could affect the same residents.
7. Demonstrate that the wellbeing conclusions remain representative of the final construction access strategy, including any material AIL route changes, and the maximum permitted National Grid and project-substation arrangements.
8. Explain how concerns relating to private water supplies, BESS safety and other perceived environmental risks will be addressed through reliable technical evidence and accessible communication, rather than reassurance alone.
9. Identify the precise DCO requirements and management-plan commitments relied upon to control each relevant impact pathway and demonstrate how corrective action will be secured if the predicted mitigation is not achieved.
10. Explain how monitoring will identify recurring or combined residential effects which may not be apparent from individual complaints or topic-specific environmental monitoring.

11. Confirm whether the Addendum requires revision in consequence of material changes to the underlying technical assessments during Examination.
12. Confirm what the Applicant proposes to do if the community presents as suffering mental-health and well-being impacts during the construction or operation of East Pye Solar despite its own conclusion of no significant effects (which contradict the research literature).

These requests seek a proportionate explanation of how the environmental consequences of the Scheme would be experienced by the communities most directly affected and a commitment to resolve the effects.

18.21 Overall conclusion: acknowledging wellbeing pathways is not equivalent to resolving them

The Mental Health and Wellbeing Addendum represents a useful expansion of the Applicant's environmental case. It expressly acknowledges residents' reported experiences of anxiety, uncertainty and reduced wellbeing, recognises attachment to place and the importance of the surrounding countryside, and accepts that a population-level conclusion does not describe every individual's experience.

However, the Addendum remains principally a consolidation of the Applicant's existing assessments and proposed management controls. Its conclusion that no likely significant adverse population-level or vulnerable-group wellbeing effects are anticipated depends upon technical assumptions which are materially contested elsewhere in the examination evidence.

NCC's LIR identifies longer-term wellbeing concerns and the importance of operational noise and recreational amenity. SNDC questions the adequacy of evening background-noise evidence and the assessment of electrical infrastructure. The Applicant itself acknowledges extensive significant landscape change, while independent examination evidence disputes the extent to which planting will reduce residual harm.

The unresolved transmission connection and construction access arrangements introduce further uncertainty concerning the location and character of environmental effects. These matters do not establish that significant adverse mental-health outcomes will occur, but they prevent the Addendum from being treated as an independent demonstration that all relevant exposure pathways have been adequately resolved.

BEPS submits that the appropriate examination question is not whether every resident who expresses concern will experience a clinically recognised mental-health condition. It is whether the Applicant has adequately considered the reasonably foreseeable combined effects of a large and prolonged change to the residential and recreational environment, particularly for those most exposed and for groups more sensitive to disruption.

The Applicant's recognition of potential anxiety, uncertainty, disturbance and loss of sense of place is welcome, but recognition alone is not mitigation. BEPS respectfully asks the ExA to require the Applicant to demonstrate that its conclusion of no likely significant adverse wellbeing effects remains robust once the outstanding landscape, noise, highway, public-access and infrastructure matters have been resolved.

The resulting determination should distinguish between the absence of demonstrated population-level clinical harm, which BEPS does not challenge without evidence, and the environmental and residential-amenity consequences which are already established or remain materially disputed. Those consequences must receive their proper weight within the overall planning balance.

19. Agricultural Soils, Best and Most Versatile Land, Long-Term Soil Degradation and the Unproven Reversibility of the Scheme

19.1 Introduction: the agricultural-land assessment does not demonstrate that BMV capability can be restored

BEPS maintains its objection to the Applicant's assessment of effects upon soils, best and most versatile (BMV) agricultural land, agricultural businesses and long-term land capability. East Pye Solar would occupy extensive areas of productive agricultural countryside for approximately 60 years, while requiring construction, operation, maintenance, infrastructure replacement and eventual decommissioning across predominantly heavy, seasonally wet soils. The principal deficiency is the assumption that the development's effects are temporary and reversible because the solar infrastructure can eventually be removed and a future soil-management or decommissioning plan will provide for restoration.

The Scheme's effects must be assessed against the physical characteristics of the affected soils and the complete development lifecycle. The capacity of agricultural land to return to productive BMV use depends upon its soil structure, depth, drainage, permeability, organic matter, biological function and suitability for cultivation. Those characteristics may be altered through construction trafficking, compaction, trenching, soil stripping, soil storage, changes in vegetation and moisture regimes, repeated infrastructure replacement and decommissioning. Equipment removal does not itself restore them.

This section supplements BEPS's Written Representation Chapter 15, which provides detailed analysis of the Applicant's methodology, soil vulnerability, peer-reviewed research, agricultural drainage, land management, cumulative effects and restoration obligations. It also responds to the subsequent examination evidence of Natural England, Norfolk County Council (NCC) and South Norfolk District Council (SNDC), together with the Applicant's revised DCO and soil-management commitments.

The principal evidence comprises ES Chapter 15, *Soils and Agricultural Land* [APP/6.1.15]; the Applicant's ALC and agricultural-business evidence; the Outline Soil Resource and Management Plan (oSRMP); Natural England's Written Representation [EN0110014-001116] and Statement of Common Ground [EN0110014-001349]; NCC's Local Impact Report [EN0110014-001412], particularly Section 4; SNDC's Local Impact Report [EN0110014-001448]; and BEPS's Written Representation Chapter 15 and supporting technical literature. The latter includes Carvalho et al. (2025), *Plant and soil responses to ground-mounted solar panels in temperate agricultural systems*; the ADAS/Welsh Government report, *The Impact of Solar Photovoltaic Sites on Agricultural Soils and Land* (2023); and the Institute of Sustainability and Environmental Professionals'

guidance, *Solar PV on Agricultural Land: Essential Components of Environmental Assessments and Reports* (2025).

The examination question is whether the Applicant has demonstrated that the affected land can retain or recover its pre-development agricultural capability, rather than merely whether a later management plan can prescribe equipment removal and surface reinstatement. That question is particularly important because Natural England continues to identify deficiencies in the agricultural-land baseline and significance methodology, while NCC objects to the scale and cumulative concentration of BMV occupation in Norfolk.

19.2 The surveyed development area contains approximately 829 hectares of BMV land

The scale and quality of the agricultural land affected provide the starting point for the assessment. The Applicant's detailed ALC evidence, analysed in BEPS's Written Representation Chapter 15, identifies approximately **397.4 hectares of Grade 2 land and 431.7 hectares of Grade 3a land**, giving approximately **829.1 hectares of surveyed BMV agricultural land** within Sites 1–10 and the BESS area. BEPS's analysis records approximately 470 hectares of BMV land within Works No. 1 alone.

NCC's Local Impact Report identifies a wider Scheme area of approximately 1,212 hectares of agricultural land and cites the Applicant's Planning Statement as recording 78.7% BMV land. Those figures concern different assessment boundaries and should not be treated as interchangeable. The surveyed 829.1-hectare figure is particularly important because it distinguishes the measured land quality within the principal development areas from remaining uncertainty elsewhere within the Order Limits.

BEPS's Written Representation identifies approximately 158.9 hectares of Cable Route Corridor land which had not been covered by detailed ALC survey, together with smaller outstanding areas. The Scheme-wide distribution of BMV land therefore cannot be treated as fully established from the surveyed development parcels alone.

BMV land provides flexibility for crop choice, agricultural rotation and production under varying conditions. Grade 2 and Grade 3a land also contributes to agricultural resilience and to the viability of farms which operate across combinations of soils, fields, drainage systems and tenures. Its value is not confined to the immediate difference in cereal yield between one grade and another.

The Applicant's environmental assessment must distinguish the area physically occupied by permanent infrastructure, the area prevented from normal arable production during operation, land subject to repeated construction access and soil disturbance, and land remaining available for genuinely compatible agricultural use. These categories involve different effects, but all are relevant to the environmental consequences of committing predominantly BMV land to an approximately 60-year energy development.

19.3 The incomplete ALC baseline prevents fully informed avoidance and assessment

Natural England's Written Representation and SoCG identify the incomplete ALC coverage as a continuing matter requiring resolution. The SoCG records agreement on the broad methodology and sampling density for the land already surveyed, including approximately one auger boring per hectare and supplementary soil pits. Natural England's concern is therefore not that the principal field surveys were undertaken using an inherently unacceptable classification method, but that material parts of the proposed works area remain insufficiently characterised.

Under SoCG matter **NE SA-3**, Natural England seeks detailed ALC evidence across the Cable Route Corridors before determination. The Applicant proposes to complete the remaining survey following refinement of the cable alignments and before construction, when the actual working widths and land affected will be known more precisely. The Applicant relies upon the future Soil Resource and Management Plan and commitments to reinstate disturbed land to an equivalent agricultural grade.

The Applicant's response to ExQ1 Q1.13.1 [EN0110014-001403, pp. 208 onwards] confirms that detailed ALC and soil-characterisation surveys across the Cable Route Corridors will be undertaken following refinement of their alignments and before construction. The Applicant relies upon the Outline Soil Resource and Management Plan, Requirement 18 and the treatment of post-consent cable-corridor surveys in the Gate Burton and Heckington Fen decisions.

This response confirms that the land-quality and physical-soil baseline for the final cable alignments remains incomplete during Examination. The relevance of the cited precedents depends upon the particular circumstances of East Pye, including its soil characteristics, cable-corridor extent, drainage networks, potential use of corridors for haul roads and the scope of the rights sought over third-party agricultural land. The Applicant should demonstrate that the deferral does not prevent informed route selection, avoidance of sensitive soils or assessment of the likely consequences of construction. It should also explain how Requirement 18 secures measurable restoration outcomes, rather than simply prescribing the future preparation and approval of a management plan.

This approach defers information which is relevant not only to soil handling but also to route selection and avoidance. Detailed ALC evidence can identify locations where cable alignments, compounds, access tracks or working areas should be modified to avoid particularly sensitive soils. It can also reveal peat, wet soils, problematic drainage or other characteristics which influence the appropriate construction methodology.

BEPS's Written Representation identifies a cable network extending for approximately 24 kilometres. A corridor of that extent may affect multiple holdings, soil types and agricultural drainage systems. The environmental consequences depend upon the selected alignment and the associated working areas, not simply the width of the permanent cable easement.

BEPS respectfully asks the ExA to require the Applicant to identify the unsurveyed areas, the potentially affected agricultural grades, the works proposed within them and the range of effects permitted by the final DCO. Any proposed post-consent survey requirement must

operate within an environmental envelope established before determination and should include enforceable mechanisms for avoidance where the survey identifies previously unrecognised constraints. A commitment to restore comparable ALC grade after the works does not provide the evidence needed to determine whether those works should have been located elsewhere.

19.4 The Applicant's reversibility assumption suppresses the assessment of long-duration effects

BEPS's Written Representation Chapter 15, Section 15.4, identifies a fundamental problem with the Applicant's magnitude criteria. ES Chapter 15, particularly paragraphs 15.5.17–15.5.29, categorises temporary and reversible effects as low magnitude, notwithstanding differences in their geographical extent, duration or potential consequences. It then relies upon future soil-management and decommissioning measures to support the characterisation of many impacts as reversible.

The resulting assessment is circular where reversibility is asserted on the basis of future management rather than demonstrated through evidence of soil recovery. The development is described as reversible; the magnitude of its effects is reduced because it is reversible; and the resulting low significance is then relied upon to support the conclusion that the effects are acceptable.

Natural England raises a corresponding concern in its Written Representation, questioning the treatment of temporary and reversible effects as low magnitude irrespective of their scale and duration and referring to the approach set out in the 2022 ISEP land-and-soil EIA guidance.

An effect lasting approximately 60 years cannot be adequately characterised merely through the terminology of temporary development. The assessment must consider how long agricultural production would be displaced, how often the soils would be disturbed, whether structural damage could persist, and whether the relevant land can realistically regain its original capability after decommissioning.

Reversibility is a property requiring evidence. It is not established by the Applicant's intention to remove infrastructure or by the existence of a requirement to prepare a management plan. Where the soil characteristics are especially vulnerable to damage, the likelihood, timescale and cost of achieving restoration must be considered explicitly in the significance assessment.

19.5 The affected heavy clay soils are vulnerable to persistent structural damage

BEPS's Written Representation identifies the prevalence of slowly permeable, seasonally wet clay and clay-loam soils within the development area. These include the Beccles 1 and Burlingham 1 soil associations, which have slowly permeable subsoils and are susceptible to seasonal waterlogging.

The physical characteristics of these soils are material because their agricultural capability depends upon intact structural pores, stable aggregates, functioning field drainage and careful management of moisture conditions. When heavy machinery passes over wet clay soils,

loading can cause compaction, rutting, smearing and collapse of the pore structure. Some damage may extend into the subsoil beneath the depth affected by routine cultivation.

ES Chapter 15 recognises that trafficking under unsuitable conditions can damage soil structure and identifies vehicle movements as an important potential source of harm. BEPS's Written Representation refers particularly to the Applicant's conclusions at ES paragraphs 15.6.15–15.6.20, 15.8.26–15.8.31 and 15.8.67–15.8.72, where the assessment relies upon appropriate working methods and subsequent remediation to conclude that significant lasting effects are unlikely.

The difficulty is the absence of a sufficiently quantified baseline for the physical condition and performance of the affected soils. Existing ALC grading provides information about agricultural land quality, but it does not in itself establish parcel-specific bulk density, subsoil structure, permeability, infiltration, drainage condition or organic matter fractions against which subsequent degradation and restoration can be measured.

Routine subsoiling may alleviate certain forms of compaction, but its effectiveness depends upon the depth and nature of the damage, soil moisture conditions, drainage and the ability to carry out treatment without causing additional structural harm. The Applicant should therefore demonstrate the technical basis for its restoration assumptions on the particular soils affected, including the feasibility of correcting deeper subsoil damage.

The presence of Grade 2 and Grade 3a land does not mean that its productive capacity is insensitive to construction. On the contrary, the long-term agricultural value of the land increases the importance of preventing damage to the soil structure upon which that capability depends.

19.6 Peer-reviewed field evidence challenges the assumption that operational solar land remains soil-neutral

BEPS's Written Representation relies upon Carvalho et al. (2025), *Plant and soil responses to ground-mounted solar panels in temperate agricultural systems*, published in *Environmental Research Letters* and included as Appendix N to the Written Representation. The study examined soils at 32 operational ground-mounted solar farms in England and Wales and compared soil conditions beneath panels with those in adjacent gap or pasture areas.

As reported in BEPS's review of the study, mean bulk density beneath panels was approximately 14–15% higher, soil organic carbon concentrations approximately 9% lower and particulate organic matter approximately 29% lower than in the comparison areas. The study also identified differences in vegetation cover and biomass associated with the conditions beneath panels.

These findings are relevant because bulk density is an indicator of soil compaction, while particulate organic matter contributes to aggregate stability, biological functioning and soil structural resilience. Reduced plant biomass and altered soil-moisture patterns may further affect the development and maintenance of soil structure.

The study does not establish that the same magnitude of change will necessarily occur at every East Pye field. It supplies empirical evidence that soil conditions beneath operational

solar arrays can differ materially from those in adjoining land, including during the first decade of operation. Those findings require direct consideration where the Applicant's assessment predicts neutral or beneficial operational effects based substantially upon the conversion of arable land to grassland and the application of soil-management controls.

The study is particularly relevant to East Pye's slowly permeable clay soils because additional compaction may restrict rooting, reduce macroporosity and worsen drainage performance. The Applicant should explain how its proposed panel configuration, construction practices, under-panel vegetation and operational management would avoid or limit comparable effects.

A site-specific monitoring programme should compare conditions beneath panels, between panel rows, near tracks and within suitable control areas. Such monitoring would permit the Applicant's claims concerning operational soil benefits and restoration potential to be tested against measured outcomes.

19.7 The ADAS and ISEP evidence requires assessment of whole-profile restoration

BEPS's Written Representation also relies upon the ADAS/Welsh Government report *The Impact of Solar Photovoltaic Sites on Agricultural Soils and Land* (2023) and the ISEP guidance *Solar PV on Agricultural Land: Essential Components of Environmental Assessments and Reports* (2025), included as Appendices O and P.

Those sources inform BEPS's criticism of assessments which treat the presence of soil beneath solar panels as sufficient evidence that its agricultural capability will be preserved. Soil is a structured physical and biological resource. Its productive function depends upon relationships between particle arrangement, porosity, organic matter, biological activity, moisture movement and drainage.

The assessment must therefore address the entire affected soil profile, not merely whether the topsoil remains within the site or whether the surface is returned to vegetation. Heavy-vehicle loading, trench excavation, stockpiling and hardstanding formation may affect subsoil horizons whose condition cannot be inferred from surface appearance.

BEPS's Written Representation identifies a particular concern regarding compaction at depths extending beyond those readily remediated by ordinary agricultural cultivation. The Applicant should establish the expected depth and extent of structural disturbance, identify the proposed remediation methods and demonstrate their effectiveness for the relevant soil types.

Where full-depth reconstruction or specialist remediation could be required, the feasibility, environmental consequences and cost of those works must be included in the restoration strategy. An obligation to return land to comparable ALC grade has limited practical value unless the baseline condition and the means of verifying successful recovery are specified.

19.8 Functional agricultural sterilisation extends beyond the physical footprint of infrastructure

BEPS's Written Representation identifies agricultural sterilisation as a loss of functional land capability rather than simply the permanent covering of soil by buildings or hardstanding.

A field may remain largely uncovered but cease to function effectively for its former agricultural purpose because of a combination of restricted access, damaged drainage, compacted subsoil, cable restrictions, fenced infrastructure, loss of workable headlands or the configuration of permanent tracks.

At East Pye, those mechanisms could arise from repeated driven-pile installation and removal, cable trenching, construction compounds, haul roads, BESS and substation foundations, permanent access and constraints affecting deep cultivation or drainage repairs.

The significance of those effects depends upon the actual design and the consequences for individual holdings. They cannot be adequately assessed solely by calculating the proportion of land directly occupied by panels, piles or hardstanding.

The Applicant should identify the extent to which fields will remain capable of normal agricultural operations, the restrictions placed upon drainage maintenance and soil remediation, and the effects of retaining infrastructure or access routes after the generating station has ceased operating.

A claim that most land will remain physically unsealed is therefore insufficient to demonstrate that its BMV agricultural function will be protected.

19.9 Restoration after 60 years must account for repeated construction and replacement cycles

BEPS's Written Representation Chapter 15, Section 15.10, explains why the Scheme's lifecycle cannot be treated as a single construction event followed by a largely passive operational period and final restoration.

The initial construction phase would involve heavy machinery, piling, cable trenching, internal access routes, compounds, electrical foundations and soil handling. During operation, some of the same infrastructure and access areas would be used for maintenance, repairs and replacement. Major panels and electrical equipment may be replaced during the approximately 60-year period, while batteries may require more frequent replacement depending upon their specification and operational performance.

The exact timing and extent of those works must be established through the Applicant's design and operational assumptions. However, the prospect of substantial infrastructure renewal is foreseeable and has implications for soil disturbance, access requirements and restoration.

A further point emerged at Issue Specific Hearing 1. BEPS questioned the proposed dual use of Site 6 as biodiversity mitigation land and as a construction-compound area required for future replacement works. The Applicant's response to ISH1 Action Points 26 and 29

[EN0110014-001357, pp. 77–80] clarifies that the construction compound associated with Work No. 6 is located outside Sub-Site 6, north of the B1527 and aligned with CRC8. The Applicant states that this area will be reinstated following construction and is not intended to be reused during operation and maintenance. This clarification resolves the particular question of whether the identified compound occupies Site 6 biodiversity land, but it does not resolve the separate environmental consequences of its location along the cable corridor or the arrangements for future major equipment replacement elsewhere within the Scheme.

The Applicant should demonstrate that the compound's complete construction footprint, access, drainage and soil-restoration requirements have been assessed, including its relationship with neighbouring agricultural land and the CRC8 works. The wider whole-life assessment must also identify where major replacement activities would occur, which temporary compounds and access routes would be required, and whether those works could be accommodated without disturbing established biodiversity mitigation or causing further cycles of soil compaction and drainage alteration.

The soil implications of future infrastructure replacement remain a separate issue from the Applicant's clarification concerning the Work No. 6 compound. Major replacement activities may require heavy machinery, temporary working areas, access routes and ground preparation elsewhere within the Scheme. Where those activities involve previously reinstated agricultural land, they may create additional cycles of compaction, drainage disturbance and subsequent remediation. The Applicant should identify the locations and maximum extent of such works, demonstrate that their environmental effects fall within the assessed development envelope and explain how the relevant soil-restoration obligations will apply to successive periods of disturbance.

The assessment must account for those successive disturbance and recovery cycles rather than treating the first reinstatement as a permanent end-state. The Applicant should identify which compounds, haul routes and laydown areas may be reused, the probable extent of renewed ground disturbance and the consequences for soil structure, drainage and established habitats.

The eventual decommissioning phase would introduce a further cycle of machinery access, equipment removal, excavation, waste handling and reinstatement. The potential cumulative effect on the same soil profiles must be evaluated across the complete development lifecycle.

19.20 The restoration strategy must establish measurable performance standards

The central requirement arising from the evidence is a restoration framework based upon measurable agricultural and soil-function outcomes.

BEPS's Written Representation Section 15.16.2 identifies the need for parcel-specific baseline and restoration criteria, including bulk density by depth, soil structure, infiltration, organic carbon, particulate organic matter, drainage function and contamination where relevant.

The Applicant's commitment to restore land to comparable ALC grade provides a broad objective, but achieving that grade cannot be verified through visual inspection of reinstated ground or the presence of grass alone.

The final soil-management framework should establish baseline measurements before disturbance and specify the parameters against which restoration will be judged. It should provide for monitoring at appropriate depths and across representative parts of each affected land parcel, with additional scrutiny of tracks, compounds, cable corridors and hardstanding areas.

Restoration verification should include the condition and functioning of agricultural drainage, the capacity of the soil to support appropriate cultivation and evidence that any structural damage has been adequately remediated.

BEPS's Written Representation proposes ALC reclassification and evidence from at least two cropping seasons before final restoration sign-off. That proposal would provide a means of testing whether land has recovered a productive function, rather than merely an acceptable appearance. The appropriate period and indicators should be refined through expert evidence and secured in the DCO framework.

Monitoring should also take place during operation, including before and after major replacement works, so that emerging degradation can be identified and corrected rather than left to accumulate until final decommissioning.

19.21 Agricultural drainage is inseparable from the condition of BMV clay soils

The agricultural capability of the affected clay soils depends upon functioning drainage. The disturbance of existing underdrainage through piling, trenching, hardstanding construction or heavy trafficking may alter field hydrology, increase waterlogging and reduce the productive capacity of land beyond the immediate works area.

BEPS's Written Representation identifies the absence of sufficiently complete mapping and assessment of agricultural underdrainage as a material limitation. The interaction between panel cabling, Cable Route Corridors, haul roads, foundations and permanent access infrastructure must be evaluated against existing drainage systems.

A disrupted drain may affect a wider field or adjoining holding, and restoration may require coordinated works extending beyond the precise footprint of construction. The location and condition of existing drainage therefore form part of the baseline needed to assess the significance and reversibility of soil effects.

The Applicant should provide a clear strategy for identifying and protecting drainage infrastructure, recording any interventions and verifying restoration of drainage performance following construction, replacement works and decommissioning.

These issues also require reconciliation with the water-environment assessment. Compaction and altered drainage can affect runoff, infiltration, sediment movement and water pathways. The agricultural-soils and water-environment chapters should therefore use consistent

assumptions about the likely effects of ground disturbance and the effectiveness of mitigation.

19.22 The peat crossing at Hempnall Beck requires hydrological protection

Natural England's SoCG matter **NE SA-4** concerns peat associated with Cable Route Corridor 7 at Hempnall Beck. The Applicant proposes a trenchless crossing technique, which Natural England accepts in principle as a means of reducing direct excavation.

The relevant assessment must nevertheless demonstrate that the selected method will protect peat structure and hydrological function. The environmental consequences depend upon the position and depth of the crossing, the location of entry and exit pits, ground conditions, drilling methodology and any effects upon groundwater connectivity.

Peat and organic soils require particular care because disturbance, drainage and aeration can affect carbon storage, soil structure and hydrological relationships in ways which are not readily reversible.

The Applicant should identify the relevant peat distribution and hydrogeological conditions before the final construction methodology is approved and demonstrate that the works will avoid unacceptable effects upon that resource.

19.23 Permanent BMV land loss must not be obscured by a more favourable operational scenario

BEPS's Written Representation identifies a material difference between the Applicant's lower-impact operational assumptions and its worst-case assessment of permanent BMV land loss.

Chapter 15 records a worst-case permanent BMV loss of approximately **28.9 hectares**, increasing to approximately **37.9 hectares when BMV land associated with mitigation planting is included**, as analysed in BEPS's Written Representation Sections 15.9 and 20.8.

The relevant Environmental Statement findings include a Moderate Adverse significant effect under the worst-case assessment. The existence of that significant effect must remain clear in the overall planning balance.

The distinction between permanent physical occupation, long-term land-use change and mitigation land retained in a different use requires transparent treatment. Land converted permanently to woodland or other habitat may deliver biodiversity or landscape benefits but cannot simultaneously be assumed to return to its former arable use unless the end-state strategy provides for that outcome and addresses the consequences for the habitat commitments.

The Applicant should provide a reconciled schedule identifying the relevant hectares, ALC grades and uses, distinguishing infrastructure expected to remain, agricultural land restored after construction and land intended to remain under habitat management after decommissioning.

The possibility that the National Grid transmission infrastructure will continue operating after the solar generating station ceases must also be reflected. The land associated with permanent transmission assets cannot be treated as automatically returning to agriculture after approximately 60 years.

19.24 Agricultural land and biodiversity commitments require a coherent final end-state

The Applicant relies upon new grassland, hedgerows, woodland, habitat creation and other ecological measures to deliver mitigation and biodiversity benefits. At the same time, it relies upon the temporary character of the solar development and the eventual restoration of agricultural land to reduce the significance of its agricultural effects.

BEPS's Written Representation Section 15.15 identifies a potential conflict between those assumptions. If newly created habitats and woodland are intended to remain in the long term, land previously used for agriculture may not return to its former productive use. If the land is instead restored to arable cultivation, some habitats relied upon for biodiversity and landscape mitigation may be removed or materially altered.

The final decommissioning strategy should therefore identify which habitats will be retained, which land will be restored to agricultural use, which infrastructure will remain and how the relevant obligations will operate together.

This issue is especially important where land is designated for ecological enhancement while remaining potentially necessary for future replacement compounds or construction access. The Applicant should explain how repeated works will be accommodated without undermining the soil and habitat restoration outcomes claimed.

The final environmental end-state should be coherent across the agricultural, ecological, landscape and decommissioning assessments, with the consequences for BMV land identified expressly.

19.25 Existing Countryside Stewardship land contributes to agricultural and environmental value

BEPS's Written Representation Section 15.11 challenges the treatment of existing agri-environment management as evidence that land has limited agricultural importance because it is not currently cropped.

Land managed under Countryside Stewardship remains part of an agricultural holding and can contribute to farm income, biodiversity, soil protection, water quality and wider environmental objectives. Its present management may also retain future agricultural production potential.

The assessment should therefore recognise the ecological and agricultural functions already being delivered through publicly supported stewardship arrangements. It should identify whether proposed solar development would interrupt, replace or alter those functions and whether the claimed benefits of new habitats are genuinely additional to the existing baseline.

The expiry or potential expiry of a stewardship agreement does not establish that the land lacked environmental value during the baseline period or that the ecological functions it supported can be disregarded.

The Applicant should also demonstrate that its assumptions about grazing, mowing, grassland establishment and land management are compatible with soil protection and the existing agricultural operations of affected holdings.

19.26 Operational land management must be assessed rather than assumed to be beneficial

The Applicant relies upon conversion from arable cultivation to permanent vegetation and reduced agricultural inputs as potential soil and environmental benefits. Those benefits depend upon the actual management practices implemented during operation.

BEPS's Written Representation Section 15.12 identifies the need for a defined operational management regime covering machinery use, soil trafficking, mowing and vegetation management, herbicides, treatment of cuttings, drainage maintenance and monitoring.

Increased grass cover may provide benefits in some circumstances, but the conditions beneath panels can differ materially from those between rows. Shade, altered rainfall distribution and reduced vegetation biomass may affect soil organic matter and surface conditions. The Carvalho study provides empirical evidence requiring those differences to be assessed rather than assumed away.

Similarly, the use of machinery for mowing, repairs and maintenance may create repeated ground pressures, particularly if works occur during wet conditions on clay soils.

The operational land-management plan should therefore contain practical controls addressing ground conditions, machinery access, vegetation management and corrective measures where soil damage occurs. The predicted benefits of land-use change should be tested through monitoring rather than treated as an automatic consequence of reduced arable cultivation.

19.27 Agricultural holdings, severance and farm-business continuity require further assessment

The Applicant's agricultural assessment addresses a number of affected farm businesses, but BEPS's Written Representation Section 15.13 identifies substantial differences in the proportion of individual holdings affected and the nature of their operations.

The Applicant's evidence records approximately 25% of Farm 2, 35% of Farm 3, 26% of Farm 4, 18% of Farm 5, 29% of Farm 6 and 26% of Farm 8 within the Scheme. The affected businesses include arable cultivation, livestock, poultry, sugar beet, contract farming, stewardship and other agricultural activities.

These proportions require consideration in relation to each holding's access, field configuration, drainage, operational arrangements and ability to retain viable production.

The availability of rental income to some landowners does not establish that all tenants, contractors or associated agricultural businesses will benefit. Nor does financial compensation necessarily preserve the continuity of an existing farming enterprise.

The Cable Route Corridors also require consideration because temporary working areas, access and trenching may affect holdings excluded from the principal farm-business interviews.

The Applicant should provide a holding-by-holding assessment of material severance, access and drainage effects, identifying the measures required to preserve viable agricultural operations during construction and operation and to enable restoration after decommissioning.

19.28 The Applicant's food-production assessment undervalues the wider function of BMV land

BEPS's Written Representation Section 15.14 challenges the Applicant's approach to valuing the agricultural consequences of BMV land occupation.

The Applicant's economic calculation relies substantially upon the difference between the yield and financial performance of higher-grade and average agricultural land, rather than the full range of economic and strategic functions supported by the affected holdings.

That approach does not adequately capture rotational flexibility, crop choice, investment in drainage, agricultural contracting, integration with livestock and poultry enterprises, stewardship income, storage and haulage, or the resilience value of retaining productive domestic land.

The Applicant's use of county-wide or national percentages may be relevant to proportionality, but such comparisons can obscure concentrated effects upon particular holdings or local agricultural systems.

The environmental assessment should therefore distinguish the national scale of agricultural production from the consequences of occupying extensive BMV land within a relatively concentrated area of Norfolk.

The significance of land lost from productive cultivation over approximately 60 years should be evaluated against its actual agricultural function, not merely the marginal yield difference between hypothetical land grades.

19.29 NCC identifies the strategic and cumulative consequences of concentrated agricultural-land occupation

NCC's Local Impact Report, particularly paragraphs 4.3–4.8, identifies the concentration of major solar and electricity-transmission development as a significant concern for Norfolk.

The Council refers to East Pye, The Droves, High Grove, Tasway and other energy infrastructure projects and questions the absence of an overarching spatial strategy addressing cumulative agricultural-land and community impacts.

Its concern extends beyond the area affected by an individual scheme to the combined consequences for productive agricultural land, farming businesses and the character of the rural economy.

NCC also draws attention to the treatment of BMV land in the Beacon Fen Solar Farm decision, where the cumulative agricultural-land consequences were given substantial adverse weight.

The East Pye assessment should therefore evaluate the cumulative occupation and permanent loss of BMV land by relevant projects using consistent geographical boundaries and assumptions.

It should distinguish temporary construction disturbance from long-duration production displacement and permanent infrastructure occupation, while considering whether several schemes affect the same agricultural businesses, drainage networks, contractors or local production systems.

The significant cumulative permanent BMV-loss finding identified in BEPS's Written Representation must remain visible in the planning balance, rather than being obscured by a separate lower significance classification for operational food-production effects.

19.30 The unresolved National Grid design may change the agricultural-land assessment

The final National Grid connection arrangement remains subject to unresolved siting and design considerations.

A materially different substation footprint, location, cable configuration or construction arrangement could affect additional agricultural land or change the grade and soil characteristics of the land subject to permanent occupation.

The Applicant should demonstrate that the agricultural-land assessment encompasses the infrastructure which the DCO could authorise and that changes to the transmission design would not create material effects outside the assessed envelope.

Where an alternative configuration would require additional Grade 2 land, new cable corridors or altered access, its agricultural and soil consequences must be assessed before the relevant change is authorised.

The permanent or potentially permanent nature of transmission infrastructure must also be reflected in the restoration assumptions.

19.31 The reported private decommissioning securities require assessment against the full restoration obligation

BEPS's Written Representation initially identified the absence of an adequately evidenced, publicly enforceable financial mechanism securing the complete restoration of the Scheme.

Subsequent examination information has clarified that private land agreements include decommissioning securities, with provisions reportedly capable of revaluation or top-up and intended to provide protection against default or insolvency.

That evidence is relevant, but the adequacy of the securities depends upon their terms and coverage. In particular, it remains necessary to establish whether they apply consistently across all affected holdings and infrastructure, cover restoration of soils and drainage as well as equipment removal, provide for contamination remediation and aftercare, and remain sufficient if restoration costs rise substantially over time.

The arrangements must also address who can access the security and coordinate works if the undertaker defaults or becomes insolvent. Where landowners hold separate securities, it is necessary to establish how a coordinated restoration programme would be delivered across shared drainage systems, cable routes, access infrastructure and environmental mitigation areas.

The Applicant should provide sufficient information for the ExA to determine whether the claimed restoration of BMV agricultural land is financially credible and enforceable throughout the Scheme's life.

The required financial provision should be based upon independently costed restoration obligations, including the possibility of specialist soil reconstruction and drainage remediation, rather than equipment dismantling alone.

19.32 The revised decommissioning plan confirms that the Scheme will leave permanent infrastructure and potentially retained underground assets

The Applicant's revised Outline Decommissioning Environmental Management Plan [EN0110014-001318] provides material clarification of the Scheme's intended end-state. Paragraph 3.1.6 expressly confirms that the National Grid substation and grid-connection infrastructure would remain in situ following decommissioning of the solar generating station. The associated planting would also remain under National Grid's responsibility. The assessment of agricultural-land restoration, landscape effects and permanent infrastructure must therefore reflect the continued presence of these components.

The distinction is reflected in the revised DCO itself. Schedule 2, Requirement 21(1), applies the 60-year decommissioning deadline to Work No. 1 and specified associated Works, but excludes Works Nos. 4 and 5, comprising the National Grid substation and overhead transmission connection. The Applicant's restoration and temporary-land-use assessments must therefore distinguish infrastructure subject to the solar decommissioning.

Paragraph 3.1.3 identifies the possibility that interconnecting and grid-connection cables will remain buried following decommissioning, depending upon the environmental and technical circumstances prevailing at that time. Paragraph 3.1.2 also anticipates that certain foundations and below-ground infrastructure may be removed only to a specified depth. The resulting land may become capable of some agricultural uses, but its future management and ability to accommodate drainage installation, deep cultivation or other agricultural operations may remain subject to buried infrastructure and associated restrictions.

The Applicant's restoration assumptions must distinguish land genuinely restored to its pre-development agricultural capability from land returned to a modified use or retained for electrical infrastructure, biodiversity management or other purposes. Paragraph 3.1.4 anticipates that some habitat and biodiversity mitigation areas may remain following decommissioning, while the landowners determine the future use of other land. This confirms the need for a reconciled end-state plan identifying the land subject to permanent infrastructure occupation, retained habitats, underground restrictions and agricultural reinstatement.

The revised plan also anticipates a decommissioning period of 12–24 months and introduces further detail concerning temporary laydown areas and compounds. The associated traffic, excavation, soil disturbance and environmental effects must be considered within the whole-life assessment, including where access infrastructure is to be reconstructed or previously reinstated agricultural land disturbed again.

BEPS requests that the Applicant provide a parcel-based decommissioning and land-restoration schedule which identifies infrastructure to be removed, retained or potentially retained; the associated land restrictions; the measurable agricultural restoration outcomes; and the financial and legal responsibility for delivery. The extent of land described as temporary should be reconciled with the infrastructure and habitat commitments expected to remain beyond the solar development's operational life.

19.33 The draft DCO must secure an agricultural restoration outcome rather than a future process

The oSRMP is an important component of the proposed mitigation framework. Natural England has welcomed the use of recognised good practice and the commitment to develop detailed soil-management procedures. However, the reliance upon post-consent plans creates a distinction between securing a process and securing an environmental result.

A requirement to submit a soil-management plan may regulate the methods used, but it does not necessarily demonstrate that the land can be restored to its previous agricultural capability or guarantee that such restoration will be achieved.

BEPS's Written Representation refers to the ExA's first written question **ExQ1 Q1.13.1**, which asks the Applicant and Natural England whether the oSRMP provides sufficient certainty in circumstances where cable surveys, soil characterisation, stockpile arrangements, monitoring and restoration methodologies are intended to be developed after consent.

The question goes directly to the evidential deficiency identified by BEPS. Post-consent work can refine the implementation of an assessed and demonstrably achievable restoration solution. It should not be required to establish for the first time the baseline, constraints and restoration feasibility necessary to judge the development's likely effects.

The DCO should therefore secure measurable agricultural and soil-function outcomes, independent verification, remedial obligations, appropriate aftercare and financial security. It

should distinguish the restoration requirements applicable following initial construction, major replacement works and final decommissioning.

Where land cannot meet the specified outcome within the prescribed timescale, the obligations should require further investigation and appropriate remedial action rather than automatic discharge of the restoration requirement.

19.34 Specific matters requiring resolution during Examination

BEPS requests that the ExA require the Applicant to provide an integrated response addressing the following matters:

1. **ALC baseline:** complete or substantively justify the outstanding ALC survey coverage, including the Cable Route Corridors, and explain how the final alignment will avoid the most sensitive soils.
2. **Assessment methodology:** reconcile ES Chapter 15's treatment of temporary and reversible effects with Natural England's objections concerning magnitude, scale, duration and the probability of recovery.
3. **Permanent and long-duration BMV occupation:** provide reconciled figures for land physically occupied by infrastructure, land unavailable for normal agricultural production during operation, and land intended to remain under habitat or transmission use after solar decommissioning.
4. **Soil vulnerability:** provide the baseline and assessment necessary to characterise compaction risk in the relevant heavy clay soils, including structural condition, drainage performance and susceptibility to deep subsoil damage.
5. **Operational evidence:** explain how the Applicant has considered the findings of Carvalho et al. (2025), ADAS (2023) and ISEP (2025), particularly in relation to under-panel soil condition, repeated trafficking and restoration feasibility.
6. **Whole-life disturbance:** identify the likely construction, maintenance, replacement and decommissioning activities affecting the same soils, including the potential reuse of compounds and haul routes and the implications for Site 6.
7. **Agricultural drainage:** provide a strategy for identifying, protecting, repairing and independently verifying the performance of agricultural drainage throughout construction, operation and restoration.
8. **Peat and sensitive soils:** demonstrate that the Hempnall Beck crossing and associated works will protect peat structure and hydrological function.
9. **BNG and agricultural end-state:** specify which land is intended to return to agricultural use, which habitats will remain and how potentially conflicting soil-restoration and biodiversity obligations will be reconciled.
10. **Farm businesses:** provide an appropriately detailed assessment of land severance, access, drainage, business continuity and the consequences for different agricultural interests.
11. **Cumulative effects:** respond to NCC's concerns concerning the concentration of BMV occupation by relevant solar and transmission projects, using consistent assumptions and transparent land-area figures.
12. **Restoration standards:** secure measurable parcel-specific outcomes for soil structure, bulk density, organic matter, infiltration, drainage and agricultural capability, together with appropriate independent verification and aftercare.
13. **Financial security:** demonstrate that the decommissioning and restoration arrangements remain sufficient and enforceable in the event of ownership change,

abandonment, default or insolvency, including across multiple landowners and infrastructure operators.

14. **Transmission infrastructure:** confirm that the agricultural-land assessment and restoration framework remain valid for the maximum National Grid infrastructure which may be authorised.

These matters require a response which reconciles the agricultural assessment with the water-environment, ecology, landscape, construction, transport and decommissioning evidence. The soil resource cannot be assessed independently of the works and environmental commitments which may alter its long-term condition and use.

19.35 Overall conclusion: the restoration of BMV agricultural capability has not been demonstrated

East Pye would occupy an extensive area of predominantly BMV agricultural land over approximately 60 years. The Applicant's detailed surveys identify approximately 829.1 hectares of Grade 2 and Grade 3a land within the surveyed principal development areas, while substantial Cable Route Corridor land remains outside the completed detailed ALC baseline.

The evidence establishes particular vulnerability associated with the site's slowly permeable, seasonally wet clay soils. BEPS's Written Representation identifies mechanisms through which construction trafficking, compaction, trenching, hardstanding formation, disturbed drainage, operational land management and repeated infrastructure replacement can cause persistent structural degradation. The empirical findings of Carvalho et al. (2025) demonstrate measurable changes in soil compaction and organic matter beneath operational solar arrays within the first decade of use. The ADAS and ISEP evidence reinforces the need to assess whole-profile soil function and the actual feasibility of restoration.

These matters are directly relevant to the Applicant's assumption that agricultural effects are temporary and reversible. Physical removal of solar arrays does not establish recovery of subsoil structure, agricultural drainage, organic matter or productive capability. The 60-year operational period, potential reuse of construction compounds and eventual decommissioning create successive opportunities for disturbance of the same land.

Natural England continues to seek fuller baseline evidence and justification of the assessment methodology. NCC identifies important cumulative consequences for Norfolk's productive agricultural resource. The Applicant's own worst-case assessment acknowledges a significant adverse permanent BMV-land effect, while its long-term restoration conclusions depend upon soil-management and decommissioning arrangements whose outcomes have not been demonstrated through parcel-specific performance criteria.

The unresolved National Grid design and the potential conflict between retained biodiversity habitats and agricultural reinstatement introduce further uncertainty about the final land-use position. The reported private decommissioning securities also require examination to establish whether they provide complete, coordinated and enforceable funding for soil, drainage and environmental restoration.

BEPS submits that the Applicant has not demonstrated that East Pye's BMV agricultural soils can be restored to their pre-development capability following approximately 60 years of occupation, repeated infrastructure works and decommissioning. The classification of the Scheme as temporary is not evidence of reversibility. The relevant test is whether the physical, biological, hydrological and productive functions of the affected land can be restored to measurable and enforceable standards.

BEPS respectfully asks the ExA to require resolution of the outstanding baseline and significance issues, a credible whole-life soil assessment, independently verifiable restoration standards and an adequately secured funding framework before accepting the Applicant's conclusions concerning the duration, reversibility and residual significance of the Scheme's effects upon BMV agricultural land.

20. Further Environmental Information, Potential Project Changes, Compulsory Acquisition and the Appropriate Examination Response

20.1 Introduction: the unresolved matters must be addressed according to their legal and environmental consequences

BEPS maintains that the outstanding matters identified throughout this submission require a coordinated examination response. They concern not simply the detail of individual mitigation measures but, in several important respects, the definition, deliverability, environmental effects and justification of the development for which consent is sought. The Examining Authority must distinguish between matters capable of resolution through clarification or enforceable post-consent controls and matters which require further assessment, consultation, alterations to the proposed development or reconsideration of the powers sought.

The issues vary considerably in character. Some involve disagreements concerning the interpretation of existing survey results, the significance of particular environmental effects or the adequacy of proposed DCO requirements. Others concern missing baseline information, unresolved engineering designs, uncertain construction methods or development components whose location and physical extent may be materially different from those presently assessed. The appropriate response must reflect those differences.

The principal evidence informing this section comprises the Applicant's revised examination documents, including the draft Development Consent Order [EN0110014-001299] and revised Works Plans [EN0110014-001260 and EN0110014-001261]; National Grid Electricity Transmission's examination evidence; the Applicant's Statements of Common Ground with National Highways [EN0110014-001351], Norfolk County Council [EN0110014-001343], South Norfolk District Council [EN0110014-001344], Natural England [EN0110014-001349] and Historic England [EN0110014-001347]; NCC's Local Impact Report [EN0110014-001412]; SNDC's Local Impact Report [EN0110014-001448]; and the independent ecological, water-environment, landscape and heritage evidence submitted during Examination.

The governing procedural framework includes the Planning Act 2008, the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, the applicable examination procedure rules, the Government's current guidance on the examination stage of NSIP applications and the Planning Inspectorate's advice concerning changes to an application after acceptance.

BEPS requests that the ExA assess not only the technical adequacy of the individual proposed solutions but also whether those solutions remain within the development, land requirements and environmental effects presented to affected persons during the pre-application and examination processes.

20.2 The examination evidence reinforces BEPS's original objection that the application was submitted prematurely

BEPS raised in both its Relevant Representation and Written Representation the concern that East Pye Solar had been submitted for development consent before the Applicant had sufficiently established the essential infrastructure, construction arrangements and environmental consequences of the Scheme. The evidence emerging during Examination materially reinforces that concern. Important uncertainties now concern not merely the detail of mitigation measures but the physical arrangements necessary to connect, construct and operate the proposed development.

The most consequential example is the unresolved National Grid connection. The Applicant has sought consent for a particular transmission arrangement while NGET's examination evidence raises fundamental questions about the location, capacity and configuration of the infrastructure required. Any materially different solution may alter the land footprint, cable corridors, construction access, compulsory-acquisition requirements and environmental effects. The transmission arrangements are integral to the delivery of the generating station and cannot be treated as an incidental matter of detailed design where their final configuration could require substantial changes to the authorised development.

The construction access strategy provides a second example. National Highways has not agreed all the strategic-road and traffic-management matters, while NCC has objected to important elements of the local highway strategy and sought alternative arrangements relying more extensively upon internal haul roads and Cable Route Corridors. Those alternatives may require prolonged construction traffic across third-party agricultural holdings, additional land rights and physical works whose full ecological, agricultural, drainage and heritage consequences have not yet been demonstrated. The proposed AIL route through Saxlingham Nethergate further illustrates the problem: NCC has identified a potential risk of substantial harm to the historic boundary wall of the Grade II* Old Rectory, while the detailed route remains subject to post-consent agreement.

These issues are accompanied by unresolved environmental information concerning private water supplies, groundwater protection, BESS firewater containment, protected species, agricultural soils and the significance of residual landscape and heritage harm. The outstanding matters differ in their legal and technical consequences, but several are linked to uncertainty about the development's final design or construction methodology. Resolving one matter may necessitate changes elsewhere, including revised land requirements and additional environmental assessment.

The Government's guidance on the examination of NSIP applications expects applications to be well prepared before submission and identifies post-acceptance changes as exceptional rather than routine. BEPS submits that the developing examination record raises a substantive question about whether East Pye had reached the necessary degree of design maturity when submitted. The number and interdependence of the outstanding matters suggest that important aspects of the development's feasibility and environmental consequences are still being established during Examination, rather than merely clarified.

The fact that the application was accepted under section 55 of the Planning Act 2008 does not determine these questions. Acceptance establishes that the statutory threshold for proceeding to examination was met; it does not resolve the merits of the development, guarantee the sufficiency of its environmental assessment or demonstrate that all essential infrastructure can be delivered within the powers sought. BEPS's original prematurity objection must therefore be considered in light of the subsequent evidence, rather than dismissed solely because the application was accepted.

The central issue is whether the Scheme can now be demonstrated to be sufficiently defined, deliverable and environmentally assessed for the ExA to recommend development consent. If resolving the outstanding matters requires substantial alterations to the transmission connection, access strategy, cable corridors, land powers or mitigation layout, the ExA must consider the individual and cumulative consequences of those changes, including whether the resulting development remains within the application accepted for examination.

BEPS submits that the examination evidence demonstrates a material risk that the application was submitted before essential elements of the Scheme had been adequately resolved. The Applicant should be required to establish the deliverability and environmental acceptability of the development actually proposed, rather than rely upon an expectation that unresolved infrastructure and access arrangements can be made workable after consent.

Where the Applicant cannot provide that demonstration within the statutory examination framework, or where the necessary solution would require a materially different development, the application should not be recommended for consent in its present form.

20.3 The appropriate response must distinguish four categories of outstanding matter

The first category comprises requests for clarification or disclosure of information already available to the Applicant. These include explanations of assessment assumptions, details of survey coverage, reconciliation of inconsistent figures, identification of relevant design parameters and confirmation of the scope of existing commitments. Such matters may be resolved through written answers, additional schedules, amended plans or more precise explanations, provided the information confirms rather than materially changes the environmental case.

The second category concerns mitigation and controls capable of being secured through the DCO. Appropriate matters may include construction working hours, traffic monitoring,

enforceable noise limits, ecological protection measures, vegetation management, drainage maintenance, monitoring and reporting arrangements, and detailed procedures for implementing measures whose environmental effectiveness has already been demonstrated. These matters require sufficiently precise obligations, identifiable approving authorities, measurable performance criteria and effective enforcement mechanisms.

The third category comprises issues requiring additional environmental information. These arise where the existing evidence does not sufficiently identify the affected receptors, establish relevant baseline conditions, assess a reasonably foreseeable impact pathway or demonstrate the likely effectiveness of mitigation. Examples include outstanding private-water-supply investigations, incomplete soil surveys, insufficiently defined haul-road impacts and unresolved evidence concerning sensitive habitats or protected species.

The fourth category concerns possible changes to the development itself. These include altered infrastructure locations, additional or enlarged electrical compounds, new construction roads, different cable alignments, additional land requirements, changes to compulsory-acquisition rights and the removal or relocation of development from environmentally sensitive areas. Such changes may require amendments to the application, revised environmental assessments, consultation with additional affected parties and formal consideration under the applicable NSIP change procedure.

The determination of which category applies is not exclusively a matter for the Applicant. The ExA must consider the substance of the outstanding issue, the information needed to assess it, the powers being sought and whether the proposed solution can lawfully be accommodated within the accepted application.

20.4 Additional environmental information must be obtained where necessary for a reasoned conclusion

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 govern the assessment of East Pye as an NSIP. Regulation 14 specifies the requirements for an Environmental Statement, including the information necessary to identify and assess the likely significant effects of the proposed development.

Regulation 20 provides a specific procedure where, during the examination of an accepted application, the ExA concludes that the Environmental Statement requires further information. In those circumstances, the ExA must provide a written statement explaining its conclusion and the applicant must supply and publicise the required information in accordance with the regulation. Consideration of the application is suspended as prescribed until the relevant requirements are met.

This statutory procedure is distinct from the submission of additional explanation in response to written questions or the refinement of a management plan. Its application depends upon the ExA's conclusion that further information is necessary for the Environmental Statement to satisfy the statutory requirements.

The evidence in this examination raises several matters which warrant consideration against that threshold. They include incomplete baseline investigations, uncertainty about groundwater and private water supplies, outstanding ecological surveys, new or changed

construction-access arrangements and the environmental consequences of unresolved major electrical infrastructure.

BEPS requests that the ExA identify which deficiencies can be addressed through ordinary examination submissions and which require formal further environmental information. That decision should be based upon the significance of the missing information to the assessment of likely environmental effects, including the ability of affected persons and statutory consultees to understand and comment upon the consequences.

The examination process must provide a reliable basis for the competent authority's reasoned conclusion concerning the development's significant environmental effects. The existence of a future approval procedure does not establish that the information necessary for that conclusion can be omitted from the present examination.

20.5 Deferring implementation details is different from deferring the demonstration of environmental acceptability

The Applicant relies upon a substantial range of outline management plans and DCO requirements, including arrangements concerning construction traffic, soil protection, drainage, landscape and ecology, public rights of way, operational management and decommissioning.

The use of outline plans is not inherently inadequate. Detailed construction methods, final planting specifications, monitoring procedures and operational arrangements may appropriately be refined following consent where the environmental consequences have been assessed and the DCO secures the relevant performance parameters.

The difficulty arises where the information deferred is needed to determine whether the proposed development is environmentally acceptable or physically deliverable. A future construction traffic plan cannot establish for the first time whether a necessary abnormal-load route exists without unacceptable heritage damage. A future soil-management plan cannot establish retrospectively whether an avoidable cable alignment crosses sensitive BMV land. A future drainage design cannot be relied upon to establish the absence of significant water effects unless the relevant constraints and achievable mitigation have already been demonstrated.

BEPS respectfully asks the ExA to therefore examine each proposed post-consent approval against the environmental assumptions relied upon in the ES. Where the Applicant asserts that a later design will remain within the assessed envelope, it should identify the binding parameters which ensure that outcome.

Those parameters may include geographical limits, maximum dimensions, construction methods, traffic movements, noise emissions, lighting restrictions, ecological exclusion areas, hydraulic performance standards and the prohibition of particular works within sensitive locations.

The need for precise DCO drafting increases where the Applicant has relied upon mitigation to reduce a potentially significant effect to a finding of no significant residual harm.

20.6 The unresolved National Grid connection raises a project-definition issue

The continuing uncertainty concerning the National Grid transmission arrangements is among the most consequential matters requiring examination.

National Grid Electricity Transmission's evidence indicates that the proposed transmission arrangements must be considered in the context of wider network requirements and potential connecting customers. The Applicant's proposed location, dimensions and configuration cannot be assumed to represent the final solution without confirmation that they are compatible with NGET's technical and operational requirements.

The consequences extend beyond the engineering design of a single electrical installation. A different or larger substation may require additional land, different access, revised cable routes, modified overhead-line connections and further environmental assessment. Those changes may affect landscape character, heritage settings, BMV agricultural land, groundwater, surface-water drainage, ecological receptors and residential amenity.

The legal and environmental questions are therefore interconnected. The ExA must establish what transmission infrastructure the DCO would authorise, which components are essential to the generating station's connection and whether the assessed design envelope encompasses the arrangements that may ultimately be required.

The Applicant should identify the maximum dimensions, footprint, location and associated works which are presently sought for the National Grid infrastructure. It should also explain whether NGET considers those parameters capable of accommodating the connection solution required for East Pye, and whether a materially different solution remains under consideration.

The relevant consideration is the infrastructure for which consent is sought, not an assumption that a future engineering agreement will resolve the issue without environmental consequences. If the necessary transmission solution materially differs from the submitted development, the implications for the application, land powers and environmental assessment must be addressed through the appropriate procedure.

20.7 A relocated or substantially redesigned substation may alter the identity of the development under examination

The Planning Inspectorate's current advice on changes to an accepted NSIP application requires consideration of whether the development, as changed, remains substantially the same project as that originally submitted. The Government's examination guidance requires consideration of whether a proposed change would result in a fundamentally different project, whether the revised application remains suitable for examination and whether affected persons can participate fairly within the statutory timetable.

These considerations are directly relevant to a major change in the location or configuration of the National Grid substation.

A relocation could alter the geographical relationship between the solar development, the grid connection and the connecting infrastructure. It could require new cable corridors, different construction access, further permanent or temporary land requirements and materially different effects upon environmental receptors and property interests.

A change of that nature cannot be assessed solely by reference to the total generating capacity remaining unchanged. The physical development, associated works, land requirements and environmental consequences may form an essential part of its identity for examination purposes.

BEPS respectfully asks the ExA to require the Applicant to identify whether the current DCO can deliver the project as proposed and, if not, what changes would be necessary. Those changes should be considered individually and cumulatively, including their effect upon the scheme which was accepted and publicised.

If the necessary solution cannot be accommodated within the accepted application and the available examination procedure, the Applicant must bear the procedural consequences of that position. A materially different transmission arrangement cannot be treated as an authorised detailed-design variation merely because the electricity generation objective remains the same.

20.8 Incremental changes must be considered cumulatively

The Applicant has submitted revised works information, management plans and design commitments during Examination. Further refinements may be proposed in response to the concerns of statutory consultees, local authorities and affected land interests.

Changes which appear limited when viewed individually may have broader consequences when considered together. A revised construction access may require a new internal haul road. That road may require additional temporary possession, altered drainage and vegetation removal. A changed cable corridor may then require different ecological surveys or affect a different agricultural holding. A modified substation footprint may require further access works and increased screening.

The resulting development may differ materially from the arrangement assessed in the original ES, even if no single amendment is presented as a fundamental change.

BEPS requests that the Applicant provide a consolidated change schedule identifying every material amendment made since acceptance, the reasons for the change, the affected application documents, changes to the Order land or powers and the environmental assessment implications.

The schedule should distinguish administrative and drafting corrections from physical or operational changes. It should also identify where a change in one topic requires reconsideration of assumptions relied upon in another.

BEPS respectfully asks the ExA to assess the cumulative consequences of those amendments before determining whether further application-change procedures or environmental information are required.

20.9 Revised construction access arrangements raise additional land and environmental requirements

The outstanding transport issues demonstrate why project changes cannot be examined solely within the technical topic which prompted them.

National Highways' SoCG [EN0110014-001351] records continuing disagreements concerning strategic-road effects, construction traffic, cumulative impacts and the enforceability of management measures. Its agreement under NH TA-5 concerns the principle of agreeing detailed AIL routing after consent and does not establish that every local route is physically feasible or environmentally acceptable.

NCC's Local Impact Report identifies substantial concerns with the proposed local-road access arrangements and advocates greater use of Cable Route Corridors and internal haul roads, particularly in relation to the dispersed development parcels in Sites 7–9.

The revised Outline CTMP [EN0110014-001325] identifies internal haul routes whose final alignments will be determined during detailed design. Those routes involve physical construction works and sustained vehicle movements across agricultural land. Their impacts may include soil compaction, drainage alteration, habitat fragmentation, vegetation clearance, wildlife disturbance, collision risks, landscape change and interference with public rights of way.

The feasibility of those arrangements also depends upon the land rights available. Cable corridors passing through third-party agricultural holdings cannot automatically be treated as available for prolonged construction-road use merely because cable installation rights are sought.

BEPS respectfully asks the ExA to therefore establish whether the access strategy supported by the relevant highway authorities can be implemented using the routes, works and land powers included in the application. If it requires additional roads, land occupation or environmental interventions, the need for further assessment and formal amendment must be addressed.

20.10 The Saxlingham Nethergate abnormal-load constraint cannot be left unresolved through a general traffic-management requirement

The AIL route through Saxlingham Nethergate provides a specific example of a potential conflict between post-consent detailed approval and the need to establish environmental acceptability before consent.

NCC's Local Impact Report, paragraphs 8.19–8.20, identifies limitations in the Applicant's swept-path analysis and seeks detailed topographical information. NCC's officers have identified the original historic boundary wall of the Grade II* Old Rectory adjoining Church Hill and warned that loss of its fabric would constitute substantial harm to the listed building beyond the effects assessed in the ES.

SNDC's Local Impact Report separately identifies the heritage importance of the Old Rectory and its designed setting, while Edleston's independent Heritage Impact Assessment identifies highway and abnormal-load works as a further potential source of heritage harm.

National Highways' agreement to post-consent detailed routing must be considered alongside these concerns. Its position does not establish that the route can accommodate the relevant loads without damage to designated heritage assets or that an alternative route is available without different environmental effects.

The Applicant should demonstrate a feasible route in principle, using appropriate survey and swept-path evidence, and identify the maximum vehicle and load parameters which the route must accommodate.

If the proposed route requires works affecting historic fabric or additional land, those effects and powers must be assessed and justified. If an alternative route is proposed, the environmental and land consequences of that alternative must also be considered.

BEPS respectfully asks the ExA to determine whether the remaining details concern the safe execution of an assessed movement or the prior question of whether a deliverable and environmentally acceptable movement is possible.

20.11 Additional rights over third-party agricultural land require express justification

The Applicant's proposed cable and construction corridors cross agricultural holdings whose owners or occupiers may not participate in the solar development.

The distinction between rights required for underground cable installation and rights needed to construct and operate temporary haul roads is material. The latter may require prolonged possession, load-bearing road formation, drainage works, vehicle crossings, temporary fencing and restrictions upon existing agricultural operations.

The Applicant should therefore identify the specific powers sought for each material construction route, including rights of access, temporary possession, compulsory acquisition and the creation of new rights.

Where an alternative haul-road strategy has emerged through consultation or Examination, BEPS respectfully asks the ExA to determine whether those powers were included within the accepted application and whether the affected land interests were adequately identified and consulted.

The Planning Inspectorate's changes advice and the Government's examination guidance identify special procedural considerations where proposed application changes require additional compulsory-acquisition rights. Regulation 4 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 may engage further procedural requirements, including notification, consultation and statutory timescales.

The need for new land rights must also be considered in relation to the statutory and policy tests governing compulsory acquisition. The Applicant should establish that the rights are

necessary for the development, that the purpose for which they are sought is sufficiently clear, and that the public-interest justification and interference with affected land interests are proportionate.

The availability of compulsory powers does not remove the need to demonstrate that the underlying works are environmentally assessed and reasonably necessary.

The unresolved land-rights issues are further reinforced by National Gas Transmission plc's Written Representation [EN0110014-001508], which maintains a formal objection to the protective provisions in Part 5 of Schedule 14 of the draft DCO. National Gas raises concerns about interference with its existing easements, statutory rights and operational access, and objects to provisions which would qualify the Applicant's obligation to obtain necessary third-party consents by reference to reasonable endeavours. Its representation demonstrates that the deliverability of the Scheme depends not merely upon acquiring land or rights from individual agricultural owners, but also upon accommodating existing legally protected infrastructure and the rights of other statutory undertakers. This is particularly significant where the proposed cable corridors and internal haul roads cross or interact with the FM05 high-pressure gas transmission pipeline. The Applicant must identify the precise rights required for each crossing, establish their compatibility with National Gas's existing rights, demonstrate that all necessary consents and protective arrangements can be secured, and explain whether compliance would require additional land, altered construction methods or revised route alignments. BEPS respectfully asks the ExA to require the Applicant to reconcile the Book of Reference, Land Plans, Statement of Reasons, draft DCO and proposed protective provisions with National Gas's outstanding objections before determining whether the compulsory-acquisition powers sought are necessary, proportionate and sufficient to deliver the Scheme. An unresolved conflict with existing statutory-undertaker rights cannot be treated merely as a matter for post-consent negotiation where its resolution may alter the works, land requirements or environmental effects assessed.

20.12 Land deliverability is not established merely by showing a route within the Order Limits

The distinction between geographical inclusion within the Order Limits and legal and practical deliverability is important.

A route passing through land included in the Order Limits may still require particular powers, additional engineering works or restrictions affecting third-party interests. Agricultural access, field severance, drainage, livestock management, public rights of way and the location of existing infrastructure may constrain the extent to which a proposed haul road can be implemented.

The Applicant must therefore demonstrate that the land powers sought correspond to the works actually required and that those works can be implemented without consequences materially different from those assessed.

This is especially important where a third-party holding may be required to accommodate heavy construction traffic for a substantial period while continuing agricultural operations.

BEPS respectfully asks the ExA to require a route-by-route land and access schedule identifying the affected plots, ownership and occupation interests, intended works, necessary rights, duration of occupation, anticipated effects upon farming and the environmental information supporting the route.

The schedule should also confirm whether the final Book of Reference, Land Plans, Works Plans and draft DCO remain mutually consistent.

20.13 The ecological consequences of revised access and infrastructure must be assessed before works are fixed

The Applicant's ecological assessment relies upon the relationship between development parcels, existing habitats, hedgerows, woodland, watercourses and surrounding land.

Revised construction roads, additional crossings, relocated infrastructure or new cable alignments may change that relationship. They may affect habitats or wildlife corridors outside the principal solar parcels and introduce traffic, lighting, dust and noise into areas not previously assessed for sustained construction activity.

The independent ecological evidence identifies sensitive receptors including barbastelle bats, other bat species, established hedgerows, ancient woodland, Roadside Nature Reserves, farmland birds and water-dependent habitats. Additional routes may also create potential wildlife-vehicle collision pathways, particularly where construction traffic crosses open farmland or habitat connections during periods of low visibility.

The appropriate assessment must address the actual proposed works and their likely environmental consequences. An ecological survey of a cable corridor does not necessarily demonstrate the acceptability of using the same land as a prolonged HGV haul road.

Where route changes affect protected species, designated sites or other sensitive receptors, the Applicant should provide the necessary surveys, impact assessment and mitigation before relying upon the route as part of the deliverable construction strategy.

Any additional environmental information must also be reconciled with the relevant protected-species licensing and statutory-consultee requirements.

20.14 White-clawed crayfish and other sensitive ecological receptors require a precautionary evidence-led response

The examination evidence concerning white-clawed crayfish illustrates a separate category of unresolved environmental matter.

The identification of native white-clawed crayfish in the River Tas during the examination period, together with concerns raised by Norfolk Wildlife Trust and other ecological consultees, requires the Applicant to explain how its assessment and mitigation address the species' presence and the potential pathways connecting the development to suitable aquatic habitat.

The Applicant's position that presence can be assumed and appropriate mitigation secured must be examined against the actual works, hydrological relationships, construction methods and relevant protected-species requirements.

Where further surveys would materially inform the selection of a cable crossing or construction method, the necessary evidence should be obtained at a stage when avoidance remains possible.

BEPS respectfully asks the ExA to identify which ecological questions are matters of detailed implementation and which affect the determination of whether the proposed works are acceptable within the relevant habitat.

The same principle applies to other protected species and sensitive habitats where the submitted assessment relies upon assumptions that remain disputed or where revised designs introduce new impact pathways.

20.15 Water-environment uncertainties require resolution of the relevant assessment baseline and pathways

The independent water-environment review commissioned by BEPS, the Environment Agency's examination evidence and the relevant local authority responses identify substantial outstanding questions concerning groundwater, private water supplies, drainage and pollution prevention.

These issues are particularly important because some of the Applicant's conclusions depend upon baseline information, hydrological assumptions and mitigation measures which have been challenged by independent technical evidence.

BEPS respectfully asks the ExA to identify whether the missing information concerns the detail of a mitigation measure whose effectiveness has already been demonstrated or the existence and significance of a potential impact pathway which has not yet been adequately characterised.

For example, uncertainty concerning the location and vulnerability of private water supplies may affect the identification of receptors. Uncertainty concerning groundwater movement or the adequacy of containment may affect the assessment of potential consequences. Those matters cannot necessarily be resolved by a general future commitment to protect the water environment.

Where further environmental information is necessary to establish the likely significant effects of construction or operation, the appropriate EIA procedure should be followed.

The water-environment assessment must also remain consistent with the final haul-road locations, cable crossings, drainage arrangements and BESS configuration. A material change to those works may require reconsideration of conclusions based upon the previous design.

20.16 The BESS firewater strategy requires demonstrated containment within the final design

The Applicant's revised Outline Battery Safety Management Plan and related drainage information identify proposed firefighting-water storage, defensive firefighting assumptions and containment arrangements.

The Environment Agency's evidence raises outstanding questions concerning firewater management, drainage and the protection of groundwater and watercourses. These matters must be resolved by reference to the maximum BESS development permitted and the final containment arrangements relied upon.

The relevant issue is whether a credible worst-case event can be managed without unacceptable escape of contaminated water, including consideration of the combined effects of firefighting operations, stormwater, drainage failure and the proposed isolation systems.

Where the necessary containment footprint or drainage arrangements differ materially from the assessed BESS design, the environmental and land requirements of those works must be reconsidered.

BEPS respectfully asks the ExA to determine whether the outstanding issues can be addressed through enforceable performance standards and detailed design within the assessed envelope or whether further environmental information is needed to establish that such a design is achievable.

20.17 Landscape and heritage disagreements may require physical avoidance rather than additional screening

The examination evidence concerning landscape and cultural heritage identifies a further distinction between mitigation capable of refinement and harm requiring changes to the development layout.

The Applicant acknowledges extensive significant adverse landscape effects. SNDC's SoCG identifies outstanding disagreements concerning Year 15 residual effects at several development sites. Hempnall Parish Council's independent landscape assessment provides additional site-specific and route-based evidence challenging the Applicant's assumptions about screening and landscape recovery.

Edleston's independent Heritage Impact Assessment identifies a materially wider pattern of less than substantial heritage harm than the Applicant acknowledges. Historic England welcomes certain heritage-led development exclusions and setbacks while continuing to seek clarification concerning settings, mitigation, cumulative effects and the security of design commitments.

These matters may require different responses. Some disagreements may be resolved through additional reasoning and evidence. Others may demonstrate the need to omit infrastructure from sensitive locations, increase setbacks, reduce panel height or alter the distribution of development.

Where the appropriate mitigation requires physical avoidance, the Applicant should identify the changes proposed and assess their consequences for land requirements, generation layout, access, cabling and other environmental topics.

The effectiveness of planting cannot be assumed to establish the acceptability of harm arising from the underlying transformation of a historic agricultural landscape.

20.18 The restoration of BMV agricultural land requires evidence of achievable outcomes

The agricultural-land evidence identifies a separate problem with reliance upon future management commitments.

BEPS's Written Representation Chapter 15, supported by the Carvalho, ADAS and ISEP evidence, challenges the assumption that productive agricultural soils can necessarily be restored to their pre-development capability after approximately 60 years of solar operation, repeated infrastructure replacement and decommissioning.

Natural England seeks further ALC information and questions the methodology used to classify long-duration effects as temporary and reversible. NCC identifies wider cumulative impacts upon Norfolk's BMV agricultural resource.

The appropriate examination response must address the distinction between the removal of infrastructure and the recovery of soil function. The Applicant should demonstrate how its proposed restoration outcomes will be achieved, verified and financially secured, particularly for vulnerable clay soils and land subject to repeated trafficking or excavation.

The final DCO can appropriately regulate detailed soil-management methods. However, the underlying assessment must establish a credible basis for concluding that restoration is technically feasible and that the resulting environmental effects have been properly characterised.

If substantial aspects of the restoration strategy remain uncertain, that uncertainty should be reflected in the assessment of residual agricultural-land harm.

20.19 Disagreements recorded in Statements of Common Ground require an identified examination outcome

The Applicant's Statements of Common Ground provide an important means of distinguishing matters resolved from matters remaining in dispute.

Agreement on methodology, baseline information or the form of a management plan does not necessarily establish agreement on the significance of an environmental effect or the adequacy of the mitigation relied upon.

The examination evidence includes continuing disagreements with National Highways concerning transport impacts and management controls; with Natural England concerning agricultural-land assessment and other environmental matters; with SNDC concerning

landscape, noise and heritage judgments; and with other consultees concerning ecological, water and infrastructure issues.

BEPS requests that the ExA require an updated schedule of outstanding SoCG matters, identifying the exact issue, the parties' respective positions, the evidence required for resolution, whether the disagreement affects a significant environmental conclusion and the implications for the draft DCO.

The purpose is to ensure that an outstanding matter is not treated as resolved merely because an outline plan has been updated or further discussion is anticipated.

Where agreement cannot be reached, BEPS respectfully asks the ExA to identify the competing evidence and reach an assessment on the issue. The absence of a signed agreement does not automatically demonstrate that the application is unacceptable, but neither does the prospect of future discussions provide a substitute for determining the matters material to consent.

20.20 Changes to the application must comply with the applicable procedural guidance

The Planning Inspectorate's advice, *Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination*, and the Government's guidance on the examination stage establish the relevant considerations for proposed changes during Examination.

The Applicant is expected to identify proposed changes at the earliest opportunity and explain why they are necessary, including the extent to which they could not reasonably have been resolved during pre-application development.

The ExA must consider whether the changed development remains substantially the same as the application originally accepted, whether the revised application remains suitable for examination, whether affected persons can participate fairly and whether the statutory examination timetable and other procedural requirements can be satisfied.

The Applicant should provide a clear description of any proposed change, its reasons, revised plans, environmental implications, land consequences and the necessary amendments to the draft DCO and supporting documents.

The procedural requirements become especially important where changes introduce additional compulsory-acquisition rights, temporary possession or newly affected land interests.

BEPS requests that the ExA apply these considerations to the cumulative effect of any proposed alterations to the transmission infrastructure, construction access strategy, cable corridors and compulsory-acquisition footprint.

The applicable procedure must be determined by the substance of the changes, not simply by the Applicant's description of them as refinements or detailed design.

20.21 Material changes must not be divided into separate future consents to avoid assessing the development as a whole

The Applicant may identify circumstances in which a particular infrastructure component requires separate approval or in which detailed works can be authorised through another consenting procedure.

The availability of such procedures does not establish that the present application contains sufficient environmental information or that the Scheme can be delivered as assessed.

Where a component is integral to the proposed generating station's construction, grid connection or operation, its relationship with the authorised development must be understood. This includes the associated land requirements, construction routes, environmental effects and assumptions used in the assessment.

A separate future consent may be an appropriate legal mechanism for a genuinely separate development. It cannot retrospectively establish the accuracy of assumptions about infrastructure already relied upon in the present application.

BEPS respectfully asks the ExA to therefore identify which infrastructure is included within the DCO, which is expected to be separately authorised and how the environmental assessment addresses their interactions.

Where the essential transmission solution or access works cannot be determined within the present application, the ExA must consider the consequences for the development's deliverability and the certainty of its assessed environmental effects.

20.22 The examination timetable and fairness to affected persons are material considerations

The statutory examination process is intended to provide an opportunity for affected persons, local authorities, statutory consultees and other Interested Parties to examine the development and make representations.

Material changes may require new technical documents, revised plans, additional consultation and consideration of land interests not previously affected. The Applicant's ability to prepare revised material does not, by itself, establish that other parties have a fair opportunity to understand and respond to it. This is particularly important where material information is submitted late in Examination or where the changes concern technically complex matters such as substation design, groundwater, ecology or compulsory acquisition.

BEPS respectfully asks the ExA to consider the time needed for consultees and affected landowners to obtain and review relevant information, including independent technical advice where appropriate.

Where a proposed change cannot be properly examined within the statutory timetable, the Applicant should not assume that the original application can be recommended for consent with the unresolved element left to future agreement.

Fair participation requires sufficient clarity about the development being examined and the principal consequences for those affected by it.

20.23 The Applicant should provide a consolidated deliverability and environmental-assessment schedule

The evidence presently submitted is distributed across numerous Environmental Statement chapters, management plans, Statements of Common Ground, revised Works Plans, draft DCO requirements and independent technical representations.

This fragmentation makes it difficult to establish whether all the physical works required to construct and operate the Scheme have been adequately defined, assessed and authorised.

BEPS requests a consolidated schedule identifying each outstanding issue and its proposed route to resolution. For every material matter, the schedule should specify the current development assumption, the relevant documents, the parties identifying deficiencies, the information or design change required, the environmental assessments affected, the land and legal powers required and the proposed timetable for resolution.

The schedule should also identify whether the matter is capable of resolution through clarification, revised mitigation, further environmental information or a formal application change.

Particular attention should be given to the National Grid connection, internal haul-road network, abnormal-load routes, private water supplies, sensitive ecological receptors, BESS firewater containment, landscape and heritage avoidance, and the long-term restoration of agricultural soils.

Such a schedule would provide the ExA with an auditable basis for determining whether the proposed development is sufficiently defined and whether the outstanding matters can be resolved within the statutory examination process.

For each unresolved matter, the Applicant should also identify whether it considers the issue suitable for post-consent approval, the evidence establishing that the proposed solution remains within the assessed development envelope, and whether any statutory consultee disputes that position; BEPS respectfully asks the ExA to then determine which matters require resolution before the close of Examination.

20.24 BEPS respectfully asks the ExA to distinguish the environmental acceptability of the project from the enforceability of proposed commitments

A further issue concerns the relationship between the substantive environmental case and the legal mechanisms intended to secure mitigation.

An environmental effect may be capable of mitigation in principle but remain insufficiently controlled where the DCO does not secure the measure relied upon. Conversely, a carefully

drafted requirement cannot establish the effectiveness of mitigation where the underlying evidence does not demonstrate that the measure will work.

BEPS respectfully asks the ExA to therefore consider two separate questions for each material commitment: whether the measure is technically adequate to address the identified effect and whether it is legally secured with sufficient precision.

This distinction is relevant to traffic restrictions, ecological buffers, protected-species measures, drainage performance, landscape planting, noise controls, agricultural soil restoration, decommissioning obligations and the physical limits of major electrical infrastructure.

Where the Applicant's assessment depends upon a particular development exclusion, maximum infrastructure dimension or construction method, the DCO must prevent later approval of arrangements which materially depart from those assumptions without the appropriate assessment and authorisation.

The draft DCO should provide a coherent framework linking the authorised works, approved plans, environmental limits, management requirements and enforcement responsibilities.

20.25 The Applicant's revisions must be assessed against BEPS's previously submitted design-control audit

BEPS refers the Examining Authority to its earlier submission [EN0110014-001038], *BEPS Response on Design, the Works Plan and the Draft Development Consent Order*. That submission undertook a detailed cross-reference of the Applicant's Design Approach Document, Design Principles, Works Plans and draft DCO, identifying 30 specific areas in which the environmental and design commitments relied upon by the Applicant required clarification or stronger legal controls.

The audit identified, in particular, the limited scope of Requirement 5 in the then-current draft DCO, the extensive flexibility of Works Nos. 4–11, overlapping construction and ecological functions within Works Nos. 6, 7 and 10, the potential use of biodiversity mitigation land for subsequent maintenance and equipment replacement, and uncertainty concerning the enforceability of numerical parameters and qualified environmental commitments. It also identified the need to reconcile the powers to amend approved plans and undertake preliminary or maintenance works with the protection of the environmental outcomes assessed.

The Applicant's subsequent revisions to the draft DCO and Design Principles must be considered against those specific concerns. The expansion of Requirement 5 to cover additional Works appears to address part of the original deficiency, but the revised provisions require examination to determine whether they now secure the full range of design parameters and environmental commitments identified in BEPS's audit.

BEPS requests that the Applicant provide a point-by-point response to Appendix A of EN0110014-001038, identifying the revised provision or document which resolves each concern, explaining any matter which remains outstanding and specifying where the Applicant considers that existing controls are sufficient without further amendment.

Particular attention remains necessary concerning the enforceability of the National Grid substation parameters, the maximum footprint of cable and access works, overlapping construction and biodiversity uses, protection of sensitive ecological areas during major replacement works, the duration and permanence of BNG commitments, and the operation of the powers permitting amendments to certified documents and approved plans.

BEPS asks the ExA to consider the revised DCO and Design Principles against the detailed objections already submitted, rather than treating the existence of revised documents as evidence that the identified deficiencies have been resolved. Where material environmental commitments remain unsecured, the relevant provisions should be amended before the DCO is recommended for approval.

20.26 Unresolved compulsory-acquisition matters require particular scrutiny

The DCO application includes powers affecting land and rights required for the construction and operation of the Scheme.

The justification for those powers depends upon the development for which they are sought, the necessity of the land or rights, the feasibility of the proposed works and the availability of funding and other means of implementation.

Material changes to the connection infrastructure or access strategy may affect those matters. A relocated substation may require different land. An altered cable corridor may affect additional holdings. An internal haul road may require prolonged possession or rights materially different from those associated with cable installation.

The Applicant should therefore demonstrate that the compulsory-acquisition case remains consistent with the final proposed development.

The relevant assessment must consider the interference with affected landowners and occupiers, including persons whose land would be used principally for connecting infrastructure rather than for the generation facilities themselves.

The availability of compensation does not establish that the particular land powers are necessary or that the environmental consequences of their exercise have been adequately assessed.

Where the final works require materially different rights, the applicable procedural safeguards and public-interest justification must be addressed before those powers are recommended.

20.27 Where material deficiencies cannot be resolved, refusal remains the appropriate substantive outcome

The examination process provides mechanisms for obtaining further information, refining mitigation and considering appropriate changes to the submitted application. Those mechanisms are intended to enable an informed decision concerning the development proposed.

They do not remove the requirement for the Applicant to demonstrate that the development is capable of being constructed and operated within an assessed and legally authorised envelope, with acceptable residual effects under the applicable statutory and policy framework.

The relevant question at the conclusion of Examination is whether the information before the ExA supports the necessary findings and whether the development, as proposed and controlled, satisfies the requirements for development consent.

Where an unresolved matter concerns implementation detail within established environmental limits, an appropriately drafted DCO requirement may provide the necessary control. Where the deficiency concerns the existence of a feasible connection, the land required for essential works, the significance of environmental harm or the justification of compulsory powers, it may be necessary for the matter to be resolved before determination.

Where the evidence demonstrates unacceptable harm, the appropriate response may be further avoidance or redesign. Where necessary redesign would produce a materially different project, its acceptability and procedural consequences must be assessed under the applicable change framework.

Where the Applicant cannot provide the necessary evidence, cannot demonstrate that the development is deliverable or cannot justify the relevant land powers and residual effects, BEPS maintains that the requirements for granting development consent have not been demonstrated and that the application should be refused.

20.28 Overall conclusion and requests to the Examining Authority

The evidence examined by BEPS identifies substantial unresolved issues across the project. These include the final National Grid connection, construction access and abnormal-load deliverability, third-party land requirements, the environmental effects of internal haul roads, sensitive ecological receptors, groundwater and private water supplies, BESS firewater containment, residual landscape and heritage harm, and the long-term restoration of productive agricultural soils.

The consequences differ between topics, but a common issue emerges: several conclusions relied upon in the Applicant's environmental and planning case depend upon works, design parameters, mitigation measures or future arrangements which remain insufficiently defined or contested.

The Applicant's proposed solutions may also create new interactions between environmental topics. Avoiding unsuitable rural highway routes may require additional haul roads across agricultural land and ecological corridors. Altering the National Grid connection may change substation footprints, cable alignments and compulsory-acquisition requirements. Increasing landscape screening may alter historic settings, ecological functions and agricultural end-state assumptions.

These interactions reinforce the need to assess the development as a coherent project rather than a collection of separately managed technical issues.

BEPS requests that the Examining Authority:

1. Identify which outstanding issues can properly be resolved through existing evidence, technical clarification or enforceable DCO requirements.
2. Determine where further environmental information is required to provide an adequate assessment of likely significant effects and apply the relevant statutory procedure where necessary.
3. Require the Applicant to establish the final or maximum assessed parameters of the essential grid-connection and construction-access infrastructure.
4. Require a consolidated account of proposed changes to the development, environmental assessment documents, land requirements and compulsory-acquisition powers.
5. Assess whether any proposed changes would result in a project materially different from the accepted application, taking account of their individual and cumulative consequences.
6. Ensure that affected persons and statutory consultees have a fair opportunity to examine and comment upon material changes and new environmental information.
7. Require the Applicant to reconcile outstanding SoCG matters and demonstrate that mitigation commitments are both technically effective and legally enforceable.
8. Examine whether further avoidance, reduction or relocation of infrastructure is necessary to address environmental harm which cannot adequately be mitigated by management measures.
9. Apply the relevant statutory and policy tests to the development and powers actually proposed, rather than assume that essential uncertainties will be resolved through later approvals or separate future consents.
10. Recommend refusal where the Applicant has not demonstrated that the Scheme can be delivered within an adequate environmental assessment, with justified land powers and acceptable residual effects.

The Applicant's burden is to present a development sufficiently defined and supported by evidence to permit an informed determination. The appropriate examination response depends upon the nature and significance of the unresolved matters. Some may be addressed through clarification or enforceable controls; others may require further assessment, redesign or formal application changes.

BEPS respectfully asks the ExA to not recommend development consent on the assumption that outstanding engineering, environmental and land-rights difficulties will be resolved after consent where those solutions may require materially different works, additional powers or environmental effects not assessed in the application.

BEPS maintains its request that development consent for East Pye Solar be refused unless the Applicant demonstrates, through the examination process, that the development can be delivered as a sufficiently defined, environmentally assessed and legally justified project whose residual adverse effects satisfy the applicable statutory and policy requirements.

BEPS's response to the Applicant's answers to ExQ1

BEPS has reviewed the Applicant's responses to the Examining Authority's first written questions [EN0110014-001403] against BEPS's own ExQ1 submissions. The following table identifies the principal matters on which the Applicant's responses do not fully resolve the concerns raised by BEPS, including matters where further design development, environmental assessment or enforceable commitments remain necessary. These observations should be read alongside the more detailed evidence and objections set out elsewhere in this Deadline 2 submission.

1. Question-by-question findings

ExQ1 question	BEPS's position	Applicant's response	Deadline 2 significance
Q1.1.2 — Community Liaison Group	Requires independent administration, remuneration for community representatives, access to funded expert/legal advice and clear escalation arrangements.	Proposes a representative forum, with parish, community and statutory-body participation, regular meetings and monitoring of concerns.	Partly answered. The proposed forum addresses representation and communication, but does not establish the funding and independent scrutiny arrangements BEPS requests.
Q1.2.2(d) — BESS Gate 1	Gate 1 provides no assured route to Gate 2; strategic alignment and the relevant capacity-allocation mechanism must be demonstrated.	Expects the BESS to obtain Gate 2 in a future allocation round, while acknowledging that this is not guaranteed. Maintains Gate 1 does not prevent consent.	Critical. The Applicant's confidence in future delivery is not evidence of an allocated connection.
Q1.2.10 — PRoW design	The experience of using rural paths must influence the layout now, not be postponed to detailed design.	Relies upon minimum 15 m offsets, maximum parameters and later micro-siting of arrays, fencing and electrical infrastructure.	Material disagreement. The Applicant confirms that precise infrastructure positions affecting path users remain flexible.
Q1.2.15 — National Grid substation	The connection design, land powers and environmental assessment must accommodate the infrastructure actually required by NGET.	Related explanations in the Applicant's broader grid and DCO answers rely upon the connection strategy and subsequent technical design.	Critical. This remains a cross-document issue; I have not identified a separately indexed Applicant answer under this exact question number in the supplied PDF text.

Q1.3.2 — Site selection	Site selection was significantly shaped by grid availability and willing landowners, with inadequate weight given to environmental constraints.	Describes a staged process considering grid proximity, environmental constraints, landowner availability and the practicality of constructing a scheme with relatively few ownerships.	Important. The Applicant expressly confirms that willing landowners influenced the identification of the development parcels.
Q1.4.1 — Aviation	Existing gliding, emergency landing, turbulence and safeguarding risks require fuller specialist assessment.	Relies upon its aviation assessments and concludes that the Scheme will not materially affect gliding safety. Uses an assessed turbulence distance informed by an analogy with wind-turbine guidance.	Important technical disagreement. The suitability of that analogy and the assessment envelope remain contested.
Q1.6.4 — BESS fire safety	Future detailed design, approvals and consultation cannot replace evidence that a safe configuration is achievable within the assessed envelope.	Relies upon the Outline BSMP, design controls and subsequent approval of detailed safety arrangements.	Outstanding. The decisive issue is what safety performance is demonstrated and legally secured before consent.
Q1.9.1 — DCO drafting	“Substantially in accordance with” gives excessive discretion where outline plans contain qualified or incomplete commitments.	Defends the approach through the DCO framework and the flexibility required for later design.	Outstanding. BEPS's earlier 30-point DCO audit remains directly relevant.
Q1.14.1 — Transport	Significant mitigation and route details are deferred despite local-highway objections and unresolved AIL constraints.	Describes continuing discussions and later detailed traffic-management approval.	Critical. The final traffic strategy and enforceable environmental envelope remain in issue.

Q1.15.1 — Infiltration testing	The adequacy of the drainage solution cannot be demonstrated without representative testing and an established alternative.	Describes further evaluation of infiltration feasibility and additional work on discharge-to-watercourse alternatives.	Material. An alternative strategy is being developed, but its site-specific implementation still requires proof.
Q1.15.2 — Drainage design	Detailed layouts, discharge arrangements and calculations should not be left undefined where they affect the environmental assessment.	Confirms that final numbers and locations remain dependent upon investigation, detailed design and equipment choices.	Critical admission. The Applicant's own response confirms important remaining uncertainty.
Q1.16.1 — Ground conditions	The baseline and conceptual site model do not sufficiently resolve all relevant ground and water pathways.	Relies upon the Phase 1 Preliminary Risk Assessment, desk studies and risk conclusions, with later intrusive investigation.	Disagreement remains. The Applicant's assessment supports low risk but does not supply all later investigation results.
Q1.16.2 — Post-consent ground assessment	Mitigation whose effectiveness depends upon later investigations cannot automatically establish no significant effects now.	Relies upon the Phase 1 findings and the ability to develop appropriate mitigation after investigation.	Important. This reinforces the distinction between a risk-management procedure and an established assessment conclusion.
Q1.10.1 — Bat surveys and Site 3	Requires adequate evidence of barbastelle maternity-colony supporting function and consideration of avoidance at Site 3.	Maintains the adequacy of its ecological assessment and proposed approach in its wider responses.	Important. Disagreement. Site 3 should be removed and further surveys should be carried out to understand Barbastelle use of landscape.
Q1.10.7 — BNG	Questions baseline certainty, the ecological basis of predicted gains and whether long-term delivery is legally secured.	Cites predicted gains but identifies lower percentages it is willing to commit to for habitat, hedgerow and watercourse units.	Critical. This directly affects the weight and security of claimed benefits.

Q1.8.2 — Heritage schedule	Requests an asset-by-asset reconciliation of the Applicant's assessment with Edleston's HIA, separately identifying EIA significance and heritage-policy harm.	Refers to Annex B, providing a schedule of assets raised in representations and the Applicant's positions.	Partly answered. Annex B must be tested against the independently identified affected assets and the requested distinctions.
Q1.8.1 — Revised NPPF	Requires a fresh examination of disputed heritage impacts and the implications of the August 2026 framework.	States that no changes to its assessment are anticipated; treats the changes primarily as terminology and policy presentation.	Material disagreement. The Applicant has not accepted BEPS's case for reassessment of the disputed assets.

AI disclaimer: BEPS uses human research teams to do its primary research and work on its submission documents. It uses a bespoke closed-project GPT to cross reference across multiple project documents and to help draft material from its existing research. All material is edited and checked by BEPS before submission.