Written Representation

Project: East Pye Solar Project (NSIP)

PINS Reference: EN0110014

Submission Deadline: Procedural Deadline Two

Interested Party: Erika Webster

Reference Number: [redacted]

Locality: Sneath Common (Aslacton)

EXECUTIVE SUMMARY:

This representation objects to the East Pye Solar development due to material contradictions, unmitigated local impacts, and non-compliance with statutory national planning tests. The full text provides granular technical evidence, localized calculations, and formal interrogatories structured around the following key areas:

- Industrial Creep & Procedural Failures (Sections 1 & 6): Evidence tracking how successive public consultations altered the project from a moderate regional scheme into a heavy national transmission hub, invalidating early public engagement and legacy land contracts.
- Substation Over-Specification & Third-Party Grid Linkages (Sections 4 & 5): Technical analysis proving the physical layout cannot generate the requested capacity, exposing how the oversized infrastructure acts as a commercial regional hub designed to absorb separate, unapproved developments like the Tasway scheme.
- Compulsory Acquisition & Security Liabilities (Sections 2 & 3): Legal challenges to the applicant's compulsory acquisition

residential boundaries and public highways. This includes a review of deferred decommissioning funds and the multi-generational security risks left to farmers if high-voltage cables are abandoned in the ground.

- Grid Saturation & Curtailment Financials (Section 7): Data outlining regional transmission stress in East Anglia caused by upcoming baseload nuclear and offshore wind assets, creating a high probability of taxpayer-funded non-production. Evidence includes documented corporate lobbying of NESO to amend regional grid capacity rules.

- Topographical Noise Failures & Emergency Logistics (Sections 8 & 9): Proof that acoustic models under-calculate low-

frequency drone by assuming flat terrain, alongside evidence of logistical bottlenecks threatening transit routes for local unmanned, on-call retained fire crews.

- Microclimates, Food Webs, & Ecological Precedents (Sections 10 & 11): Documentation on localized heat island effects and baseline survey omissions regarding protected ditch invertebrates and ten native bat species. The text notes national planning precedents regarding the unmodeled displacement of protected Red Kites actively documented hunting this landscape.
- Assessment Credibility & Public Sector Equality Duties (Sections 12 & 13): Arguments showing how early trial trenching failures compromise the remaining documentation, alongside deficits in meeting legally binding equality

for sensory-sensitive individuals.

The full submission contains specific section-by-section questions that require the applicant to provide detailed technical, statutory, and legal explanations on the formal examination record.

PART I: PROCEDURAL COMPLIANCE & CORPORATE VIABILITY

Section 1: Spatial Boundaries, Consultation Timelines, and Industrial Creep

Page four of the October 2024 Phase One Non-Statutory Consultation Booklet defined the project area as approximately 1100 hectares (2718 acres). Within these flyers, the applicant

categorized the local network infrastructure strictly as 132 kilovolt regional distribution substations. The marketing stated the project would generate clean electricity to power up to 115,000 homes, creating an inference that the generation would serve the regional network. Section 1.1.3 of the Programme Document (Doc Ref: 333 101 211 / A5) and the Phase Two Statutory Leaflet reveal that the final application area expanded to a search footprint of 2232 hectares. The infrastructure was upscaled to detail 400 kilovolt transmission hardware.
The applicant expanded the project via sequential public announcements, executing systematic asset creep:

1. Initial Submission: Promoted as a moderate local scheme utilizing 132 kV regional distribution substations.
2. Phase Two Expansion: Upscaled to double the search footprint and introduced two 400

kV substations while stating this was in addition to a permanent 400 kV National Grid substation.

3. Targeted Consultations: Squeezed in an extra 400 kV project substation at site one, along with additional parcels of land.

Final Configuration under Examination:
Proliferated into a heavy network infrastructure cluster consisting of three 400 kV project substations, three 132 kV project substations, and one centralized 400 kV National Grid substation. Drawing logs for Figure 1,2 (Sheets 1 to 13) suggest the panel layouts, battery boundary, and 14 cable corridors were cartographically frozen by Stantec on 19/12/2024. This design freeze occurred nine working days after the public portal closed on 06/12/2024.

Questions for the Applicant:

- Question 1a: What is the legal justification under Section 47 of the Planning Act 2008 for omitting the maximum 2232 hectare footprint from early consultation flyers when proposals were at a formative stage? If the applicant disagrees that this under-reporting skewed public participation, provide a detailed statutory explanation supporting that disagreement.
- Question 1b: Does the applicant agree that introducing the project as a 132 kilovolt regional distribution scheme created an incorrect baseline public understanding? If the applicant disagrees, provide a detailed technical explanation supporting that disagreement.
- Question 1c: How does shifting the core infrastructure to a national bulk-export tier across separate consultation windows

satisfy the requirement for procedural consistency? If the applicant asserts this process satisfies Section 47, provide the specific steps taken to correct the public record.

- Question 1d: Disclose the internal log detailing how local community consultation responses were reviewed, synthesized, and accounted for within the nine working days before freezing the design layout. If the applicant asserts that feedback was fully evaluated in this window, provide the explicit timeline proving how the responses were actioned before locking the drawings on 19/12/2024.

Section 2: Corporate Financial Structures and Decommissioning Liabilities

The applicant operates as an isolated special purpose vehicle under the 100% ultimate ownership of Macquarie Asset Management (Document 4,2). Under the Outline Decommissioning Environmental Management Plan (DEMP), the applicant defers securing removal funds, cleanup frameworks, or financial bonds until the end of the operational lifecycle.

The applicant’s current Outline Decommissioning Environmental Management Plan (DEMP) fails to provide structural parameters for the complete physical extraction of subterranean grid assets. Leaving redundant high-voltage cabling infrastructure abandoned within private agricultural land parcels introduces an ongoing, unmitigated security liability. High-value metal alloys embedded across the 14 interconnecting route corridors present a permanent target for organized metal

theft and illicit excavation. This infrastructure abandonment shifts the long-term burden of security monitoring, land-trespass enforcement, and physical site protection directly onto local agricultural owners, failing the core public interest criteria of the planning balance.

Questions for the Applicant:

- Question 2a: What corporate financial instruments will Macquarie Asset Management place onto the formal examination record to protect the local area from long-term remediation liabilities of a leveraged special purpose vehicle?
- Question 2b: Will the parent company provide an unconditioned, legally binding parental guarantee under UK commercial law as a primary obligor to underwrite site

extraction, and structural ground restoration costs? If the applicant disagrees that a parental guarantee is necessary to protect the public purse, provide a detailed legal explanation supporting that disagreement.

- Question 2c: What explicit legal and physical frameworks will the applicant implement within the draft Development Consent Order (dDCO) to protect landowners from illegal entries, land trespass, and criminal asset stripping if subsurface cables are left in situ post-decommissioning?
- Question 2d: If the applicant disagrees that leaving high-value scrap assets in agricultural ground creates an unmitigated criminal trespass liability for farmers, provide the precise operational security budget and long-term indemnity clauses

landowners from these multi-generational policing costs.

Section 3: Statutory Necessity and Compulsory Acquisition Parameters

Within Document 4,1 (Statement of Reasons), the applicant seeks Compulsory Acquisition and permanent freehold land-take powers over public highways, road verges, Public Rights of Way (PRoWs), and private agricultural land parcels. Under Section 122 of the Planning Act 2008, Compulsory Acquisition can only be granted if there is a compelling case in the public interest, and the land-take is restricted to the minimum required to deliver the core infrastructure.

The applicant categorizes the project as a

temporary, reversible development with a fixed 60-year operational lifecycle, culminating in a mandatory decommissioning phase to return land parcels to their baseline agricultural state. Subsurface cables are armored, backfilled, and static once installation is complete. The applicant seeks permanent Compulsory Acquisition over land envelopes reaching up to 50 meters in width for subsurface corridors and storage compounds.

The applicant seeks to absorb entire, intact agricultural fields into the permanent application boundary to deliver their statutory 10% Biodiversity Net Gain (BNG) uplift, where no solar arrays or transmission hardware are designated for installation.

Questions for the Applicant:

- Question 3a: What is the statutory justification under Section 122 for seeking permanent Compulsory Acquisition of full freehold land titles for a temporary project, rather than utilizing time-limited, 60-year operational leasehold easements? If the applicant asserts that freehold acquisition is strictly necessary for a reversible scheme, provide the explicit legal justification supporting that disagreement.
- Question 3b: What is the justification for stripping freehold ownership from existing local landowners if the land is to be reverted at year 60? Will the applicant provide an explicit guarantee within the draft Development Consent Order (dDCO) restricting the long-term use of acquired freehold parcels solely to agricultural reversion post-decommissioning? If the

applicant objects to this restriction, explain why.

- Question 3c: What is the engineering necessity under Section 122 for retaining extensive permanent corridors post-construction rather than utilizing narrow 5-to-10-meter permanent operational easements and short-term temporary possession powers? If the applicant disagrees that a 50-meter permanent width exceeds the minimum required, provide the technical engineering calculations supporting that disagreement.
- Question 3d: What is the technical justification for expanding the project footprint into separate agricultural parcels for BNG metrics rather than achieving these within the primary solar field margins? How does this approach satisfy the strict necessity tests of Section 122? If the

applicant disagrees that this represents an excessive use of compulsory powers, provide the detailed layout analysis supporting that disagreement.

PART II: PHYSICAL INFRASTRUCTURE & PARAMETERS

Section 4: Hardware Capacity Contradictions and Substation Asset Over-Specification

The application requests consent for a 500 megawatt substation architecture and a 500 megawatt BESS yard. Single-axis tracking panels are capped at a maximum height of 4,5 meters and a minimum ground clearance of 0.4 meters (40cm). Modules necessitate row pitch spacing to avoid mutual shading during rotation.

Spatial allocations across the available area—deducting percentages for BNG greenery and internal tracks—limit the layout threshold to 525,000 tracking units.
Utilizing standard module efficiencies, 525,000 panels produce a true site generation output of 250 megawatts (MW). To produce a 500 megawatt output within this unit count, each panel requires an output of 952 Watts, dictating a glass surface area of 4,33 square meters (3.46m x 1,25 m). A tracking assembly holding a 3,46 meter module length cannot rotate through a 60-degree tilt angle while remaining below the 4,5 meter height limit and above the 0.4 meter ground clearance minimum.

Questions for the Applicant:

- Question 4a: What is the engineering basis for seeking consent for a 500 megawatt

substation and BESS facility when physical field height constraints (4,5 m), module dimensions, and row pitch clearances limit the site solar generation yield to 250 megawatts? If the applicant disagrees with this mathematical limitation, provide the explicit geometric model proving how a 500 MW solar field can rotate within the requested Rochdale parameters.

- Question 4b: State the exact continuous discharge duration capacity of the proposed 500 megawatt BESS. How many hours is this facility capable of continuously exporting its full 500 megawatt capacity to the national grid before storage cells are depleted?
- Question 4c: If the physical field layout cannot produce a surplus 250 megawatts of power to charge the BESS locally, what is the exact number of hours per year this

is intended to operate as a commercial grid-import storage trading hub using off-peak national grid power?

Section 5: Compulsory Acquisition over Residential Boundaries and Shared Infrastructure Linkages

The formal Book of Reference and Section 56 notices apply Compulsory Acquisition of rights and Temporary Possession powers over property boundaries within the district. These powers encroach upon private residential verges, boundary hedges, driveways, sub-soil ownerships, and drainage routes along local pathways. Restricting the reimbursement of professional legal and land agent fees exclusively to parties who enter into voluntary

Heads of Terms negotiations creates an inequitable environment for affected residents.

The applicant acknowledges that the substation infrastructure layout is intentionally sized and structured with excess capacity to enable a grid connection link for separate developments. Official examination records confirm the substation has been designed with excess capacity to allow the nearby Tasway Energy Park scheme to connect, acting as a commercial regional hub.

Questions for the Applicant:

- Question 5a: What is the statutory justification under Section 122 of the Planning Act 2008 for deploying compulsory acquisition and permanent freehold land-take powers over public verges and private

boundaries to build oversized infrastructure for a completely separate third-party development?

- Question 5b: If the applicant disagrees that structuring the Site One substation infrastructure to facilitate the Tasway project connection exceeds the strict necessity parameters of Section 122, provide the explicit legal precedent under UK national infrastructure planning law that permits a private developer to compulsorily acquire land to derisk the grid integration of unassociated future commercial schemes.
- Question 5c: Provide the explicit public engagement materials and dates where this final substation asset density and shared regional grid hub connectivity were transparently disclosed to the community. If the applicant disagrees that this was hidden from early public view, list the specific page

references in the Phase One documents where a seven-substation hub was illustrated.

Section 6: Procedural Integrity of Legacy Land Option Agreements

Existing land options and Heads of Terms agreements were executed based on original, smaller design parameters. Because the true scope, height configuration, and infrastructure requirements were upscaled after these legacy private options were finalized, the underlying contractual baseline does not reflect the current scheme under examination.

Questions for the Applicant:

- Question 6a: Given that the scheme's physical footprint, height parameters, and voltage tiers were fundamentally upscaled after private land options were executed, what is the statutory justification for relying on these legacy contracts to validate land availability under National Energy System Operator (NESO) Gate 2 requirements? If the applicant asserts these agreements remain valid for the upscaled parameters, provide the specific contractual clauses that permit unchecked infrastructure expansion without resetting landowner consent.

Section 7: Regional Transmission Saturation and Taxpayer-Funded Non-Production

The application indicates that the project is designed to function as a regional infrastructure

hub under national grid operating frameworks. The upcoming integration of absolute baseline generation assets—specifically the 3,2 Gigawatt baseload output of the Sizewell C nuclear power station alongside high-density grid connections of offshore wind arrays—means the regional high-voltage transmission lines will operate under permanent thermal and capacity stress during key meteorological peaks. Localized intermittent onshore solar developments face a material risk of systemic, mandatory curtailment to protect grid stability. Energy developers are eligible for extensive financial compensation via statutory grid curtailment or constraint payments whenever directed to decouple from the network to prevent transmission overload.

Information released under the Environmental Information Regulations exposes that the applicant's parent entities actively lobbied the

National Energy System Operator (NESO) and the Department for Energy Security and Net Zero (DESNZ) to manipulate regional grid capacity metrics. Under NESO's original allocations, transmission-connected solar within the T7 East Anglia zone was strictly capped at 900 megawatts to prevent systemic thermal overload. The applicant's scale would fundamentally breach this safety threshold. Following backroom corporate interventions, the calculation methodology was altered to combine regional limits, artificially engineering a priority Gate 2 connection slot for a project that fails baseline grid safety parameters. This lobbying history compromises the administrative integrity of the applicant's Grid Connection Statement.

The Department for Energy Security and Net Zero (DESNZ) and the system operator have formally enacted the Reformed National Pricing

(RNP) delivery framework to address out-of-control grid congestion costs. Official system metrics confirm that transmission network constraint costs are projected to escalate to £3,2 billion over the 12-month horizon to July 2027. The statutory launch of the RNP framework serves as an explicit acknowledgment by central government that regional network zones are heavily oversubscribed. Siting a heavy 500-megawatt transmission-connected asset directly into an over-congested corridor completely contradicts the explicit locational and system-efficiency directives of current national energy market reform policy.

Questions for the Applicant:

- Question 7a: Does the applicant agree that siting an additional transmission-connected

500 megawatt solar array directly into a grid corridor that already requires emergency multi-county pylon interventions—such as the proposed 180-kilometre Norwich to Tilbury upgrade—represents an exceptional distortion of the planning framework? If the applicant disagrees that this layout creates a high probability of systemic curtailment, provide the localized network dispatch models proving continuous grid capacity.

- Question 7b: Environmental information disclosures reveal extensive private correspondence between the applicant's parent funds, NESO, and DESNZ regarding Gate 2 connection prioritisation. Will the applicant place the full unredacted record of these communications onto the formal examination record? If the applicant disagrees that shifting from a strict 900-megawatt transmission cap to a combined

regional allocation represents a distortion of genuine grid availability metrics, provide the technical justification for altering the calculation method just prior to receiving its Gate 2 connection offer.

- Question 7c: The launch of the Government's Reformed National Pricing (RNP) delivery plan explicitly acknowledges that the transmission grid is heavily oversubscribed and requires strict locational mechanisms to deter generation placement in saturated network zones. In light of this national policy, what is the planning justification for adding 500 megawatts of intermittent capacity directly into the saturated East Anglia network node? If the applicant disagrees that this deployment directly conflicts with the core system-operability and cost-reduction mandates of the RNP plan, provide the

this development will not exacerbate the £3,2 billion national grid constraint deficit.

Section 8: Vulnerabilities in Acoustic Modeling

Environmental Statement Chapter 12 concerning noise impacts demonstrates a structural omission regarding baseline topographical modeling. The computer models utilized by the applicant to evaluate low-frequency harmonic drone emissions from the primary 400 kilovolt substation structures operate on a flat-topography baseline assumption. This methodology treats the localized landscape as a uniform, smooth plain, entirely omitting rolling terrain variations, physical road cuttings, and dense microclimatic corridors.

Questions for the Applicant:

- Question 8a: Did the applicant utilise a flat-topography baseline assumption in Environmental Statement Chapter 12, omitting rolling terrain variations and road cuttings that amplify low-frequency drone? If the applicant disagrees that this approach under-calculates noise resonance across the residential plateau, provide the specific localized terrain data used to verify the acoustic model.

Section 9: Retained Emergency Services Logistics

The emergency management frameworks and environmental statements fail to evaluate the physical operation of local emergency services.

The district is dependent on unmanned, on-call retained fire stations, where first-response deployment timelines rely on local crew members transiting via private vehicles to the station house after an alert is issued. Stacking continuous industrial freight convoys and heavy vehicle movements onto the minor road network introduces a logistical bottleneck.

Questions for the Applicant:

- Question 9a: What is the empirical planning justification for stacking intensive construction freight convoys onto a minor road network that serves as the primary transit route for unmanned, on-call retained fire crews? If the applicant objects to implementing strict evening transit restrictions during peak volunteer response windows, explain exactly how the project

avoids delaying first-responder assembly timelines.

Section 10: Photovoltaic Heat Island and Microclimates

Large, concentrated clusters of dark photovoltaic panels create a documented photovoltaic heat island effect, raising air temperatures directly above and around the arrays by several degrees. The underlying ecological baseline fails to assess how this regional temperature spike will alter localized moisture and humidity levels across adjacent drainage networks and soil matrices, presenting a distinct risk of drying out sensitive clayland environments and disrupting native foraging habitats.

Questions for the Applicant:

- Question 10a: What empirical baseline modeling has been completed to track the photovoltaic heat island effect on adjacent agricultural soil matrices and drainage ditch networks? If the applicant maintains that regional temperature spikes will not cause structural drying out of sensitive clayland environments, provide the specific comparative field data used to support this conclusion.

Section 11: Ecological Baseline Omissions, Food Web Disruptions, and Precedent Refusals

The baseline ecological frameworks accepted for examination demonstrate a structural

omission under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations. The applicant's environmental surveys focus almost exclusively on adjusting layout parameters for a single headline species, the rare Barbastelle bat, whilst failing to evaluate the distinct displacement, foraging disruption, and acoustic disorientation impacts across the wider hunting grounds of the other 10 protected regional bat species documented to utilize the adjoining clayland habitats. These 10 companion species comprise the Common Pipistrelle, Soprano Pipistrelle, Nathusius' Pipistrelle, Brown Long-eared Bat, Natterer's Bat, Daubenton's Bat, Whiskered Bat, Brandt's Bat, Noctule, and Leisler's Bat.

The application completely omits baseline localized impact data for protected ditch invertebrates and priority insects, including but

not limited to the rare shining ramshorn snail, the lesser whirlpool ramshorn snail, Desmoulin's whorl snail, and the legally protected Norfolk Hawker dragonfly, which rely entirely on the undisturbed hydrology of the agricultural ditch matrix. Wiping out this underlying insect resource destroys the prey baseline for local small mammals nesting within unmapped verges.

Two protected Red Kites have been observed actively hunting over the local landscape simultaneously and at separate times, frequenting this immediate area for at least the last four years. Red Kites are apex predators afforded absolute statutory protection under Schedule One of the Wildlife and Countryside Act 1981. Under national planning precedent set by the Mynydd y Gwynt Nationally Significant Infrastructure Project (NSIP), the Secretary of State refused a Development Consent Order

because the developer could not prove with scientific certainty that the infrastructure would not cause displacement, foraging disruption, or a secondary starvation trap for the local Red Kite population.

Questions for the Applicant:

- **Question 11a:** What is the technical basis under the Wildlife and Countryside Act 1981 for omitting localized impact data on protected ditch invertebrates—including but not limited to the shining ramshorn snail, lesser whirlpool ramshorn snail, and Norfolk Hawker dragonfly—from the baseline ecological frameworks? If the applicant disagrees that these species are impacted, state the precise survey methodology used to verify the absence of **all priority invertebrate species** from the agricultural ditch matrix.

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- Question 11b: How does the applicant demonstrate that deep soil compaction and panel enclosures will not trigger a secondary starvation trap for Schedule One protected Red Kites by destroying the small mammal prey baseline? If the applicant asserts this design avoids the unmodeled ecological chain reaction that legally triggered the *Mynydd y Gwynt* NSIP refusal, provide the scientific proof tracking prey population survival under systemic habitat alterations.

Section 12: Trial Trenching Failures & Environmental Survey Self-Policing

The omission of substantial geographical areas

within the original trial trenching survey—which was only corrected following independent aerial mapping intervention—establishes an administrative precedent of baseline assessment failure. There is no rational planning basis to assert that the applicant's remaining self-funded, self-policing documentation, specifically the Noise Surveys, Hydrological Flood Models, and Construction Traffic Management Plans, have been compiled with any greater degree of granular accuracy.

Questions for the Applicant:

- Question 12a: Following the proven omission of substantial geographic sections within the original trial trenching survey, what independent public sector audit will the applicant fund to verify the remaining Noise, Hydrological, and Traffic models? If

applicant asserts that its remaining self-policing documentation possesses administrative credibility despite this baseline failure, state the precise verification steps taken to protect the examination record.

Section 13: Public Sector Equality Duty Metrics

While Document 9.27 (Mental Health and Wellbeing Addendum) acknowledges that specific protected groups, including neurodivergent individuals and those with long-term sensory or health conditions, are uniquely sensitive to localized environmental alterations, the text relies on broad, descriptive frameworks without providing empirical verification or measurable indicators of efficacy for the

generalized mitigations proposed.

Questions for the Applicant:

- Question 13a: While Document 9.27 identifies neurodivergent and sensory-sensitive individuals as uniquely vulnerable, what measurable indicators of efficacy are established to test the generalized mitigations proposed? If the applicant objects to providing precise scientific metrics or real-world verification protocols to track localized wellbeing impacts, explain how this descriptive framework satisfies the binding requirements of the Public Sector Equality Duty.

Declaration: This representation was researched, analysed, and compiled with the

assistance of AI

End of Representation.