East Pye Solar (EN0110014) – Deadline 2: South Norfolk Tree Warden Network comments on the Applicant's Deadline 1 submissions

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Deadline 2: 27 October 2026

Outline

The Applicant's Deadline 1 responses do not resolve points made by the South Norfolk Tree Warden Network.

With respect to project impact, nothing has changed, and the earlier submissions of the Network stand.

Procedural omission

The SNTWN Deadline 1 Written Representation (D1) was sent and receipted on time (see email 02/10/2026) but it has not been published at 27/10/2026. I followed up (email 22/10/2026) and have been told that it will be published (email 26/10/2026). I am relying on PINS to publish and have not resubmitted D1 at Deadline 2 to avoid confusion. I have asked that leadership be made aware because I assume that participants have not had the opportunity to review D1, although the speaking note will have been heard at the open floor hearing.

I ask that the Examining Authority accept the submitted D1 as the SNTWN Written Representation for Deadline 1.

Summary

This submission does not repeat earlier arguments. It comments on the Applicant's Deadline 1 responses to SNTWN, on the tree numbers, and on where the responses obscure rather than answer. One concession is welcome (deeper trenchless crossings) but is qualified and not yet secured. Elsewhere the Applicant describes indicative plans as "clearly shown", states "no loss" of veteran trees while its own report records conflicts with their buffers, answers a tree point with a crayfish paragraph, and records a 30m veteran tree buffer as "Agreed" with Natural England while offering 15 × stem diameter. Unsurveyed veteran trees remain unmeasured.

Applicant's responses to SNTWN

1.1 Trenchless depth (SNTWN-PDA-009). The Applicant will increase the minimum depth beneath root protection areas from 1m to 4m (ancient and veteran tree buffers) and 3m (other retained trees), all promised for Deadline 2. This solitary concession is welcome but it gives no evidence for choice of either figure, and the depths remain "subject to…". Damage to fine roots is a serious matter: tunnel bores may be up to 1m in diameter (Cable Route Construction Statement, 2.4.7). The true extent of root penetration and spread, well beyond the canopy, can be very extensive (and fine roots can be said to do all the 'nurture work'). Depth does not address drilling-fluid escape, which follows fractures towards the surface through the root zone and there is no evidence offered on what impact that persistent fluid has or the quantity and spread, which might be very large in a breakout situation1.

Cable-burying work proposed would be through open countryside enabling a flexible cable corridor: under the mitigation hierarchy, bores should be routed to avoid retained trees, and not pass beneath them. A buffer that is tunnelled is not a buffer.

Request: the Applicant should explain why avoidance is not possible for each tree or buffer to be bored beneath; a justified fixed minimum depth without qualifiers; drilling-fluid impact evidence; a breakout procedure covering root zones; and arboricultural supervision of all boring beneath root protection areas/buffers.

1.2 Tree impacts "clearly shown" (OFH1 Summary, RJ-002). The Applicant states that impacts on trees, hedgerows and woodland "are clearly shown on the Annex D Tree Impact Plan". The Applicant's own Environmental Statement (Volume 3: Appendix 7.10) states that the protective fencing locations on that plan "are indicative only" and that access routes "are indicative at this stage" with "flexibility to relocate". An indicative plan cannot clearly show impacts. This response also offers evidence about lack of 'front-loading' of the application (denied in RJ-001). The Applicant's commitment to 'follow' standing advice is qualified. The policy is not: EN-1 5.4.55 says consent should not be granted for development resulting in the 'loss or deterioration' of ancient or veteran trees without wholly exceptional reasons, and the Forestry Commission advises that 'most temporary effects will result in irreplaceable damage'. The Applicant itself commits that 'no excavation works … will be undertaken within the ancient or veteran

[1] '…an estimated 2 million gallons of bentonite-based drilling fluid into high-quality wetland that occurred during horizontal directional drilling under the Tuscarawas River in Stark County, Ohio, for Energy Transfer Partners L.P.'s Rover Pipeline. The release covered about 6.5 acres, coating wetland soils and vegetation with bentonite clay and bore-hole cuttings…' Engineering Nes Record.com (The image is well-worth looking-up).

tree buffer zone' (App 7.10, 1.5.23); a bore beneath a buffer does not meet that commitment.

Request: seek an unqualified, general, enforceable commitment from the Applicant to follow Natural England and Forestry Commission standing advice.

1.3 "No loss" of veteran trees (SNTWN-PDA-004). The Applicant replies that there "would be no loss of Ancient Woodland, ancient or veteran trees as secured through the Outline CEMP". Its report records that the Works Plan and Indicative Masterplan overlap the buffers of 16 ancient or veteran trees and Doyly's Grove ancient woodland (Table 1.7), with avoidance left to detailed design. "No loss" describes an intention, not a front-loaded and secured outcome.

1.4 A tree point answered with crayfish documentation (SNTWN-PDA-002). My point that the examination should proceed on a complete ecological update, to avoid unexpected tree felling and hedgerow loss, is answered only with the Applicant's white-clawed crayfish paragraph. Trees are not mentioned.

Request: The Network is forced to repeat that it requests that examination proceeds only on the basis that a complete ecological update is available and in line with regulation and NPS EN-1, rather than leaving arguments and resolution to an uncertain iteration within the examination process or later in the project, when urgency and practical issues may lead to regrettable practice and ultimately increase the risk of avoidable ecological damage including disturbance, avoidable or unexpected tree felling and loss of habitat, disease introduction, landscape deterioration, slow decline of damaged trees, avoidable or unexpected hedgerow removal etc.

1.5 Veteran tree buffer confusion (SNTWN-PDA-005; OFH1 RJ-002). The Applicant states the veteran tree buffer zone is 15 × stem diameter or 5m from the canopy edge, and commits to Natural England / Forestry Commission standing advice "as set out in" its Design Principles.

Natural England's Deadline 1 Written Representation "welcome[s] the implementation of a 30m buffer zone around veteran trees", and the Statement of Common Ground records this as "Agreed". No revised Outline CEMP, OEMP, DEMP or LEMP contains a 30m tree buffer. Has the Applicant agreed an undocumented 30m buffer, or does Natural England's RR green rating depend upon a buffer that does not exist, or is there another explanation? (Note: there are other apparent confusions within the Statement of Common Ground).

Request: <u>The Examining Authority is asked to obtain a single, secured, effective buffer zone</u>.

1.6 Coppice stools (SNTWN-PDA-010). The Applicant says its survey identifies ancient coppice and found one, T234, "adjacent to the Order Limits". The report's methodology

does not mention coppice stools; ‘coppice’ appears only in three survey-schedule notes, including T234. Hedgerow stools within the Order Limits, the subject of my question, are not addressed (I have not been able to verify this but, based upon other areas nearby, it is unlikely that only one ancient/veteran stool could be found.)

1.7 Photographs (SNTWN-PDA-011). Refused because “not all tree photos were taken during the survey”. The photographs that were taken should be submitted for trees to be removed, pruned or crossed by trenchless works.

Request: a physical inspection should be offered and photographs taken for general viewing. Text cannot demonstrate the impact adequately. This refers also to visual amenity.

1.8 Monitoring (SNTWN-PDA-012). Presented as a change made in response to SNTWN, the revised Outline LEMP shares monitoring records with the planning authority only “upon request”. It provides no routine reporting and no route for tree wardens or parish councils to report problems, which was the request.

1.9 Generic replies. SNTWN-PDA-001, -003 and -015 receive the same cross-reference to the Outline CEMP, OEMP and DEMP and Requirements 13, 14 and 21. At the Issue Specific Hearing the Applicant answered SNTWN by citing “no likely significant adverse effects following mitigation”, with mitigation deferred to the final LEMP. SNTWN-PDA-014 (dry summer, tree resilience) is “acknowledged” with no change.

2. Tree numbers

2.1 <u>The following breakdown is admittedly confusing. It does not generate confidence in, among other things, the number, location or protection of ancient and veteran trees.</u>

The Applicant’s reconciliation (SNTWN-PDA-013) is 31 trees found on site + 25 inventory trees surveyed + 14 inventory trees “recently recorded … post the Applicants arboriculture surveys” = 70. This matches the Arboricultural Impact Assessment once its “No ID” entries are counted. Four problems remain:

(a) The 14 later inventory trees were not surveyed. The buffer depends on stem diameter and canopy. What measurements set their buffers?

(b) Two inventory trees (ATI 50282 and 177716) were “not found during the survey” and are absent from the report’s list of inventory trees (Table 1.2). Why?

(c) Different areas give the same total. The arboricultural report counts 70 “within or adjacent to 15m of the Order Limits”; the ecological desk study counts 49 “within the Order Limits and a further 21 within 30m”; the Applicant now says 70 were agreed “within the Order Limits or within a 30m buffer”. The desk study’s Biodiversity Information Service figure (46 within the Sites and six in the cable route) is not addressed.

(d) The Applicant concedes that Table 1.7 double-counts T11 and T14 (total 17 = 16 trees + 1 ancient woodland), but the report is uncorrected and two row totals remain wrong: “Temporary access” lists three trees against a total of four; “Permanent access” lists four against three.

Use of AI

I used Claude (Anthropic), an AI assistant, to manage and search documents for references to my representations, to check quotations and paragraph references, and to suggest some draft wording. I wrote this submission and have checked all quotations and references against the source documents. Sources were the examination documents published by the Planning Inspectorate and the references cited within my text. The content and requests are mine. I am responsible for this document.