East Pye Solar (EN0110014) – Deadline 2: comments on the Applicant's Deadline 1 submissions

Ross Jolliffe, Tas Valley resident, registration identification number: [redacted])

Deadline 2: 27 October 2026

Outline

The Applicant's Deadline 1 responses do not resolve my earlier points; where documents have been revised, the changes do not address the downstream receptor.

With respect to project impact, nothing has changed, and my earlier submissions stand.

Procedural

My Deadline 1 Written Representation, 'White-clawed crayfish and the River Tas: request for statutory advice, and response to the Applicant's Position Statement on White-Clawed Crayfish (EXAM/8.5, EN0110014)' has been published by the Examining Authority within my post hearing submission. I ask that it be treated as a Written Representation.

River Tas

1.1 The Applicant has responded to my representations in "The Applicant's Responses to Procedural Deadline A and Additional Submissions" Table 4.19 Ross [Jolliffe]. I asked at the open floor hearings whether the points raised by Interested Parties and the responses were studied by The Examining Authority. I recall that the answer was that the process was inquisitorial. I have taken this to mean an independent panel of inspectors actively investigates and questions the application, rather than acting as passive referees in a debate between the Applicant and others. I will respect that process by relying upon Examining Authority's inquisitorial role and by stating that the Applicant has repeated or referenced information that was already shown to be inadequate in my submissions to date. Some points are answered by citing the whole Environmental Statement or replies written for other parties or are non-answers, for example, in response to my critical point that Norfolk Rivers Trust evidence etc. was overlooked, reproduced at Fig 1. (RJ-PDA-006) where the Applicant's response refers only to itself.

			and watercourses to prevent pollution.
RJ-PDA-006	Ecology and Biodiversity	The Applicant has sometimes stated such river life to be unlikely within the order limits or in part, for example in the case of water vole, otter and white clawed crayfish. Various local knowledge of white clawed crayfish and even Norfolk Rivers Trust survey presence confirmation that was conscientiously reported to East Pye Solar pre-application (BEPS RR refers) and then submitted in my own RR, has been overlooked (Rule 6 Letter, Annex F refers).	Please note the Applicant's response to RJ-PDA-006.
	Ecology and		Please note the Applicant's response to RJ-PDA

Fig 1 (page 407)

The Examining Authority has advised us in the Rule 6 letter that repetition is not necessary and I am at pains to follow that guidance. The following are either corrections or emphases, only where essential for clarity.

1.2 The revised WFD Assessment, changed in response to my submission (RJ-PDA-008), now states, "*There is no direct interaction between the Order Limits and the River Tas, with the closest parts of the Order Limits being Sub-Sites 4A and 7A, both located approximately 1.1km from the River Tas at their closest point. Part of CRC 4 and a small part of Sub-Site 4A lie within the catchment of the River Tas (Head to Tasburgh) water body. Sub-Sites 7C to 7F, 8A and 8B, CRC 13 and part of CRC 10 lie within the catchment of the River Tas (Tasburgh to River Yare) water body.*"

The downstream pathway is still not properly answered. BEPS makes the same point. It seems to me that the Applicant has not followed the intentions of The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. <u>The WFD obligations work at the scale of the whole water body, not the site boundary</u> (that is irrelevant to a watercourse) and statutory consultees might helpfully clarify the matter.

In a simplistic explanation, *if* you were obliged to wash contamination from solar panels by using a persistent, bright red and concentrated dye in the distilled water, then the River Tas and River Yare would turn pink and its inflow would be visible at sea. In the real world, the WFD document now acknowledges the water-body scale on paper, then defines sensitive receptors as those defined in ES Chapter 9 (water supplies and designated sites) and concludes that "none are associated with this WFD water body" (para 3.3.3). It never references crayfish, or any species-level receptor. Drainage, sediment and contaminant chemicals or drilling fluid entering the catchment will travel downstream into rivers etc. regardless of the Order Limits[1].

[1] In an appropriate warning, the EA cautions that "the transport of genetic material along rivers needs to be considered when interpreting crayfish eDNA survey results". (Operationalisation of eDNA methods for crayfish monitoring: summary, 2024. Environment Agency).

I ask that the Environment Agency, as the appropriate agency for the WFD, and Natural England, confirm whether a WFD assessment that does not identify a protected species within the screened-in water body should be relied upon.

1.3 Similar misstatement of the reach of riverine natural history appears elsewhere and this inquiry has to be aware of the large territories of mobile species. For example, consider the Applicant's "*Otter surveys have been undertaken and detailed within ES Volume 3 Appendix 8.8 Water Vole and Otter Survey Report. No evidence of otter was recorded during the surveys, thereby concluding that the species is unlikely to be currently present within the Order Limits which present little habitat opportunity for holt creation.*" (RJ-PDA-015)

The Applicant equates no evidence during its surveys with likely absence and might be taken by a non-specialist to imply that an otter will not be present if it could not secure a convenient holt. (The Applicant also proposes an artificial holt within the Order Limits - potentially for these 'unlikely' otters to breed.)

Individual otters can have home ranges extending over tens of kilometres. (Chanin, P. (2003). Ecology of the European Otter. Conserving Natura 2000 Rivers Ecology Series No. 10. English Nature, Peterborough.) This useful guide references a study recording a male range of 50 km of river and a female range of 24 km. This is because otter life history includes patrol, feeding and breeding and does not depend upon holts everywhere they travel.

There are other otter presence reports in representations and the Applicant's own document says, "*There are a total of 13 records of otter within 2km of the Site boundaries including one on the boundary of Parcel 2b dating from 2012. Six of the records date from the last 10 years. The closest of the more recent records is located across the road from Parcel 4b (190 metres north) dating from 2015. The land on which this record is from is owned by an angling club with at least one pond stocked with fish. Two records are approximately 700 metres north-west of Parcel 4a where otter spraints were found in 2017, and an otter was observed fishing along a tributary of the River Tas in 2019. There are a further two records from 2018 of otter associated with the River Tas near Smockmill Common approximately 1.65km north of a potential road widening area (LCH) through Saxlingham Nethergate (over 2km from the main site).*" (Environmental Statement Volume 3: Appendix 8.1 – Ecological Desk Study and Extended Habitat Survey Revision 2). To suggest that '*the species is unlikely to be currently present within the Order Limits'* appears somewhat absurd.

Otters are certain in the River Tas catchment, as the Applicant's own response concedes (RJ-PDA-015). I suggest that they will be intermittently present throughout its tributaries (including within the order limits). This is something that could be confirmed easily, by the use of basic camera traps for example (I have done this at home on the banks of the Tas within about 2km of the Order Limits and can offer evidence if requested).

1.4 "Historic presence" (RJ-PDA-022) and other references to The Applicant's position on crayfish: please refer to my D1 Written Representation, 'White-clawed crayfish and the River Tas: request for statutory advice, and response to the Applicant's Position Statement on White-Clawed Crayfish (EXAM/8.5, EN0110014)'. I remain critical of that position.

1.5 Drought, applied selectively. The Applicant repeats that no WCC survey was done in 2026 because of drought. Yet its revised newt report shows it surveyed or assessed 48 further ponds and revisited 37 more in May and June 2026, with eDNA sampling in June. eDNA sampling for crayfish, otters and other creatures would be possible in still and running water.

1.6 Drilling fluids. The Applicant says it will avoid PFAS-containing products "where feasible", with products confirmed in the detailed CEMP. The Environment Agency records this PFAS point as "Resolved", but the commitment remains "where feasible" and is not secured: the revised Outline CEMP contains no reference to PFAS. The breakout contingency procedure remains deferred, and the Environment Agency lists it as "Not agreed". It also lists the risks to the aquifer from deep foundations and trenchless drilling as "Not agreed", and records that delayed incident reporting has previously caused significant damage to chalk stream habitat. The PFAS commitment should be secured in the Outline CEMP without "where feasible". (Many project documents, including the draft Development Consent Order, contain similar discretionary wordings that should be clarified.)

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.