East Pye Solar (EN0110014) – Deadline 2: comments on Natural England's Deadline 1 submissions and its advice from scoping to date

Ross Jolliffe. Registration identification number: [redacted] (personal).

Deadline 2: 27 October 2026.

Introduction

The issues found to date in my work on the River Tas Valley and its wildlife, including crayfish, trees etc. led me to review the advice of Natural England (NE), the most important statutory adviser in my field. I wanted to understand why NE was "broadly satisfied" with the scheme when, for example, I, (and the Examining Authority (ExA)), have had to be persistent to bring crayfish, an obvious protected species, into the examination and I have, so far, achieved negligible change in the Applicant's approach on subjects that seem to me essential, largely within the NE remit.

I recognise that there is little scientific evidence on the effects of large-scale solar on the 'natural world', and none for which I could find references in East Pye Solar documents, meaning that landscape-scale change, with minimal benchmarking or monitoring is underway.

I felt that the result of my investigation would be helpful for NE, the Planning Inspectorate (PINS) and the Applicant and have therefore produced this document asking for clarification.

Summary

From scoping to Deadline 1, NE's requests for evidence on water quality, protected sites, surveys and management plans have mainly become "Agreed" or green. The published record reveals no NE review of the evidence it asked for. NE has never advised on white-clawed crayfish (WCC), yet South Norfolk Council defers to NE on the species. Norfolk County Council requires survey information on WCC. The Applicant points out, in the Statement of Common Ground with Norfolk County Council, that NE's Relevant Representation did not comment on the national importance of the barbastelle bat population; NE has since acknowledged it in its Deadline 1 response to written questions. The Environment Agency's Deadline 1 response does not refer to NE or to crayfish.

I ask the ExA to seek clarification on the points in section 2, and suggest disclosure of unpublished records. Section 1 sets out my understanding of the rules that apply whatever NE's position; section 3 sets out NE's advice in date order.

1. My understanding of the regulation and guidance that apply, whatever Natural England's position

1.1 White-clawed crayfish. NE's own standing advice says a WCC survey should be sought where records suggest the species may be present, spelling out that "Absence of a record does not mean there are no WCC", and that surveys should run July to

September. It also says a developer "may need a licence for activities that affect WCC", and Environment Agency permission to trap them.

References: White-clawed crayfish: advice for making planning decisions (Natural England, gov.uk).

1.2 Protected sites. The Secretary of State, not NE, decides the Habitats Regulations Assessment (HRA) on the evidence; NE's view is advice. Flordon Common Site of Special Scientific Interest (SSSI) is part of the Norfolk Valley Fens Special Area of Conservation (SAC), so it falls under the HRA. For SSSIs generally, section 28I of the Wildlife and Countryside Act 1981 requires an authority, before permitting operations likely to damage an SSSI's special features, to notify NE and take its advice into account, "even if the operations would not take place on land included in" the SSSI. I have not established how section 28I applies to a Development Consent Order (DCO) decision.

References: Wildlife and Countryside Act 1981, section 28I.

1.3 Tree and woodland buffers. The NE and Forestry Commission standing advice sets a buffer for veteran trees of at least 15 times the stem diameter, or 5m beyond the canopy if that is larger, and at least 15m for ancient woodland. The Applicant's Design Principles adopt the veteran tree figure (B3, Appendix B). Detailed design must "accord with" the Design Principles under Requirement 5(2) of Schedule 2 to the draft DCO (DCO Requirement 5).

References: Ancient woodland, ancient trees and veteran trees: advice for making planning decisions (gov.uk); 7.18 Design Principles, Parameters and Commitments (Revision 2); 3.1 Draft Development Consent Order (Revision 3).

1.4 Who approves the management plans. NE is consulted only under DCO Requirements 7–9: the Landscape and Ecology Management Plan (LEMP), the protected species mitigation strategy and biodiversity net gain. South Norfolk Council will approve the other plans without consulting NE: the Construction Environmental Management Plan (CEMP) and Operational Environmental Management Plan (OEMP) (consulting the Environment Agency), the Decommissioning Environmental Management Plan (DEMP) (consulting the Environment Agency and highway authority), the drainage scheme and the soil resource and management plan.

References: 3.1 Draft Development Consent Order (Revision 3).

2. Clarification requested (in order of importance to the outcome)

Issue	Clarification sought	From
1. HRA and protected sites	Has NE reviewed the hydrological connectivity assessment, and the justification it asked for on screening out birds (this doc para. 3.3)? Why has NE dropped SSSIs Flordon Common (River Tas valley; part of Norfolk Valley Fens SAC), Forncett Meadows, Aslacton Parish Land and Sexton Wood from its list? If the reason is the 2km study area, how does that fit NE's own advice on threshold distances, the River Tas water bodies that receive drainage from the scheme, and otter ranges relevant to The Broads SAC (3.2, 3.6)?	NE and Applicant
2. White-clawed crayfish	Did the survey scope accepted in October 2024 include WCC? Has NE considered WCC against its standing advice, including whether a licence would be needed (1.1, 3.1, 3.8)?	NE (Applicant to disclose the scope)
3. Protected species licences	What new information changed "may be required" to "Agreed" not required (3.6–3.8)?	NE
4. DCO Requirements	Do NE's Amber ratings stand against draft DCO Revision 3? On what basis is DCO Requirement 7 "Agreed"? Should NE be consulted on the CEMP and OEMP (1.4, 3.6, 3.8)?	NE and Applicant
5. Tree and woodland buffers	Which buffer applies to veteran trees, to other trees and to ancient woodland (Appendix B)? Is item NE EB-7 of the Statement of Common Ground (SoCG) agreed when the outline plans have not been updated as the Applicant promised (3.6–3.8)?	NE and Applicant
6. Plan wording	Does NE share PINS's concern about unbounded qualifiers in the outline plans (3.5)?	NE
7. Relevant Representation (RR): "broadly satisfied"	What does this mean, and on what evidence does that meaning rest, with 12 Amber items and the HRA justification and hydrological assessment unreviewed (3.3, 3.6)?	NE
8. SoCG status	Has NE signed the SoCG? Does NE accept the items where its agreement was only recorded as "assumed" by the Applicant (3.8)?	NE and Applicant
9. Disclosure	Please publish: the 31 October 2024 meeting record and agreed survey scope; NE's pre-application advice; NE's 25 November 2025 Agricultural Land Classification (ALC) advice (ref 532662); and the issues tracker (December 2025). None appears in	Applicant and NE

	the index of 915 published documents.	
10. Government review	The Ministry of Housing, Communities and Local Government's consultation outcome on reforms to the statutory consultee system acknowledges concerns about capacity and generic advice. Is the consultation system adequate in this case, or would other advice or measures be desirable to ensure a sound planning outcome, fully in accordance with regulation and government policy?	PINS
11. Droves Solar Farm text / references	Please confirm the apparent errors in Appendix A and which Droves passages apply to East Pye (or other reasoning for reference to Droves).	NE

References: Natural England Relevant Representation (ref 547242); Reforms to the statutory consultee system: government response (MHCLG, gov.uk).

3. Natural England's advice headlines, listed in date order

Within each paragraph the issues are taken in the same order where relevant: crayfish; protected sites and water; tree and woodland buffers; protected species licences; management plans and DCO Requirements; soils. Buffer distances are labelled B1–B7 (Appendix B). Apparent errors are underlined.

3.1 31 October 2024 – meeting. NE "accepted the proposed survey scope". The Applicant's Scoping Report (January 2025) does not mention crayfish. (The proposed scope NE accepted is not referenced specifically.) In February 2025 PINS required a commitment to survey for crayfish on the River Tas, referring to Environment Agency records.

References: 9.10 Statement of Common Ground with Natural England; 6.3.2.1 ES Volume 3: Appendix 2.1 – EIA Scoping Report; East Pye Solar Scoping Opinion (contains Natural England scoping response).

3.2 10 February 2025 – scoping advice. NE advised that surveys be carried out "in optimal survey time periods" and that local records be obtained. It did "not concur" with scoping out water and air quality. It asked for hydrological links to be assessed to the Norfolk Valley Fens SAC (via Flordon Common), The Broads SAC and Broadland Ramsar, including watercourse crossing methods, named 10 SSSIs for assessment, and warned that standard threshold distances for assessment "may not be suitable".

For ancient woodland it gave the standard minimum of at least 15m (B1), and referred to the standing advice for veteran trees.

References: East Pye Solar Scoping Opinion (contains Natural England scoping response).

3.3 5 August 2025 – Preliminary Environmental Information Report (PEIR) response. NE repeated the water quality advice, said it would comment on the HRA when available, and would review the hydrological assessment "once it has been completed". Screening out birds needed "full justification and evidence".

NE asked for clarity because ancient woodland buffers of 15m and 30m were both cited (B2). The Applicant replied: ancient woodland 30m; veteran trees 15 × stem diameter or 5m beyond the canopy (B3).

NE said it would comment on the management plans when available. The Applicant replied: “No peat was found in the ALC.”

References: 5.12 Consultation Report Appendix 11: Section 42 Applicant Response Table.

3.4 19 November 2025 – targeted consultation. NE repeated that an SSSI assessment was needed for air and water quality, and that peat should be avoided. The Applicant replied: “No peat soils were identified that would be affected.”

References: 5.12 Consultation Report Appendix 11: Section 42 Applicant Response Table.

3.5 April 2026 – application. The Applicant’s Potential Main Issues for Examination listed only two NE issues: impact pathways to the protected sites, and ALC survey of the whole site. Both were rated likely to be resolved.

Environmental Statement (ES) Chapter 8 attributes the 30m ancient woodland buffer to the outline OEMP (B4), which contains veteran tree buffer zone statements but no distance and no reference to ancient woodland. PINS advised that repeated “unbounded” qualifiers in the outline plans (“where practicable”) could affect the “examinability and testability” of commitments. The Applicant declined to change them.

References: 7.16 Potential Main Issues for Examination; 6.1.8 ES Volume 1: Chapter 8 – Ecology and Biodiversity; 7.2 Outline Operational Environmental Management Plan (Revision 1); Section 51 advice to the Applicant; 8.1 Applicant’s Response to Advice and Observations at Acceptance.

3.6 10 June 2026 – Relevant Representation. NE states that it is “broadly satisfied”, with no Red items but 12 Amber: protected species licences, four soils issues and seven DCO Requirements. It does not mention crayfish, an obvious threatened species already referenced by PINS. It agrees the HRA in one paragraph, without reference to its earlier requests for change.

It lists six of the ten SSSIs it named at scoping, taken from the Applicant’s flood risk assessment: Fritton Common, Pulham Market Big Wood, Shotesham-Woodton Hornbeam Woods, Shotesham Common, Hedenham Wood and Tindall Wood Ditchingham. Flordon Common, Forncett Meadows, Aslacton Parish Land and Sexton Wood are not mentioned, and no document I have found states why. A likely reason (my inference) is distance: the flood risk assessment examines hydrological links only for sites within the 2km water-quality study area, and these four lie 2.2–2.83km from the Order Limits. Sites beyond it are described only generally, as “topographically above the Order Limits or … at such a distance” that no significant impact is expected. Flordon Common is the part of the Norfolk Valley Fens SAC that NE singled out for a possible hydrological link. The Applicant’s own Scoping Report places it “in the valley of the River Tas”, and ES Chapter 8 describes lowland fen connected to Flordon Common SSSI as lying “along a tributary of the River Tas downstream of the Order Limits”.

NE may need to explain/record this change. Its own scoping advice warned that standard threshold distances "may not be suitable", especially where sites support mobile species or may be affected by a pathway beyond the threshold. Drainage from parts of the scheme enters both River Tas Water Framework Directive water bodies, which are assessed as whole water bodies, not by radius. For example, otter, a qualifying feature of The Broads SAC, ranges over 24–50km of river (Chanin, 2003), yet the Shadow HRA sets it aside because of its "smaller territories/ranges than birds".

NE converts the ancient woodland figure into "a 30m buffer zone of 30m around veteran trees" (B5), "clarified in the oOEMP" (the outline OEMP, which has no such number). The RR contains passages from NE's RR on The Droves Solar Farm (Appendix A).

References: Natural England Relevant Representation (ref 547242); 6.3.9.1 ES Volume 3 Appendix 9.1 Flood Risk Assessment & Outline Surface Water Drainage Strategy (Revision 3); 6.1.9 ES Volume 1: Chapter 9 – Water Environment; 6.1.8 ES Volume 1: Chapter 8 – Ecology and Biodiversity; 6.3.2.1 ES Volume 3: Appendix 2.1 – EIA Scoping Report; East Pye Solar Scoping Opinion (contains Natural England scoping response); 6.3.9.2 ES Volume 3 Appendix 9.2 Water Framework Directive Assessment (Revision 2); 7.25 Shadow Habitats Regulations Assessment (Revision 2); Chanin, P. (2003) Ecology of the European Otter, Conserving Natura 2000 Rivers Ecology Series No. 10, English Nature.

3.7 4 September 2026 – Applicant's response to the RR. The Applicant told NE that the veteran tree buffer is 15 × stem diameter or 5m (B3), and that individual trees, groups and non-ancient woodland have 15m and ancient woodland 30m (B6), secured by DCO Requirement 5. It said "the protection zone for ancient and veteran trees will be clarified" in the outline CEMP, LEMP and DEMP.

On protected species licences: "It is therefore assumed that the consultee is satisfied", but that is not documented by NE.

References: 8.7 The Applicant's Response to Relevant Representations Part 2.

3.8 6 October 2026 – Deadline 1. NE's Written Representation (WR) says the RR stands wherever it is not updated. It does not mention crayfish, and does not review the HRA justification, the SSSIs or the DCO.

It repeats the 30m veteran tree buffer (B5). (However, the revised (Revision 2) CEMP, LEMP and DEMP do not define the veteran tree buffer (B7).)

NE accepts that no protected species licences are needed. Such licences, issued by NE, allow work that would otherwise be an offence against a protected species, such as closing a badger sett or disturbing water voles. NE gives no reason of its own; it "acknowledges the Applicant's current position", which rests on avoiding impacts by design and on pre-commencement checks. NE's standing advice on WCC (1.1) has not been addressed by NE or the Applicant.

The SoCG is apparently unsigned. It records as "Agreed" the HRA, the six SSSIs listed in 3.6, the 30m veteran tree buffer (B5), the absence of protected species licences and DCO Requirement 7 (whose wording is unchanged). In the same SoCG the Applicant

gives “a minimum 15 m buffer away from trees” and 30m from ancient woodland (B6), also “Agreed”.

Five “Agreed” items appear to rest partly on what the Applicant “assumed” NE would accept. South Norfolk Council defers to NE on WCC (but NE has never mentioned them) and on designated sites.

References: Natural England Written Representation (Deadline 1); 7.1 Outline CEMP, 7.3 Outline DEMP and 7.4 Outline LEMP (Revision 2); 9.10 Statement of Common Ground with Natural England; 9.5 Statement of Common Ground with South Norfolk District Council; South Norfolk Council Local Impact Report.

Appendix A. Apparent document errors for reference of authors and PINS

Natural England Relevant Representation:

(a) Names "the Droves Solar Farm Limited" as the party to resolve outstanding matters (para 2.2).

(b) The summary sentence "Natural England are broadly satisfied with the current proposals" is the same as in the Droves RR ("Based on the current details presented …"), when clear evidence was yet to be presented for East Pye Solar.

(c) Refers to "the matters set out in Section 4"; there is no Section 4 to the East Pye RR. The same sentence is in the Droves RR (para 1.1.9).

(d) The LEMP advice in NE4 is identical with Droves para 1.3.2. The tree measures in NE9 repeat Droves para 1.2.24, including terms the East Pye CEMP does not use ("arboricultural clerk of works", "no-dig methods").

(e) States the 30m buffer is in the oOEMP (it is not), and applies it to veteran trees (B5). Reports no amber or red tree issues (para 1.2.22) but rates three DCO Requirements Amber for that buffer.

(f) "Prior to submission" for ALC surveys after submission (NE5). Contents "Appendix A" versus body "Appendix 1"; air quality text repeated; "PIER" for PEIR; Shadow HRA cited at Revision 1.

Statement of Common Ground:

NE EB-9 reproduces "Appendix 1 of this letter" from the East Pye RR; the outline soil plan is cited as [APP-024] (the Consultation Report) and the DCO as [AS-0321]; Chapter 8 is cited as [APP-214] (the Equality Impact Assessment); "Broadland SPA and Broadland SPA" (Special Protection Area; Ramsar intended); "Shotesham Common SSS"; items EB-8, EB-11 and EB-12 are missing.

Applicant:

ES Chapter 8 attributes the 30m ancient woodland buffer to the outline OEMP (B4); ES Chapter 9 places Flordon Common, Forncett Meadows, Aslacton Parish Land and Sexton Wood SSSIs (2.2–2.83km away) in its "Wider Area", which it defines as a 5–10km radius; ES Chapter 15 does not mention the peat at the Hempnall Beck crossing (now said to be in Chapter 16); the outline CEMP says "the Agriculturist will supervise" (Arboriculturist); the Consultation Report cites the Potential Main Issues document as APP/7.24.

References: Natural England Relevant Representation (ref 547242); Natural England Relevant Representation, The Droves Solar Farm (EN0110013); 9.10 Statement of Common Ground with Natural England; 6.1.9 ES Volume 1:

Chapter 9 – Water Environment; 7.1 Outline Construction Environmental Management Plan (Revision 2); 8.7 The Applicant's Response to Relevant Representations Part 2; East Pye Solar Examination Library.

Appendix B. Buffer distances referred to

B1 Ancient woodland: at least 15m (NE scoping; standing advice).

B2 Ancient woodland: 15m and 30m both cited (PEIR documents, as noted by NE).

B3 Ancient woodland 30m; veteran trees 15 × stem diameter, or 5m beyond the canopy if larger (Applicant's PEIR replies, Design Principles, response to the RR).

B4 Ancient woodland 30m, attributed to the outline OEMP (ES Chapter 8). The OEMP contains no such figure.

B5 Veteran trees 30m (NE RR, NE WR, SoCG item EB-7 "Agreed"). No Applicant document proposes it.

B6 Trees 15m, type not stated in the SoCG; ancient woodland 30m (SoCG item LV-2 "Agreed"; response to the RR).

B7 Veteran tree buffer zone, no dimension (outline OEMP, revisions 1 and 2; Revision 2 CEMP, LEMP, DEMP silent).

References: 7.18 Design Principles, Parameters and Commitments (Revision 2); 7.2 Outline Operational Environmental Management Plan (Revision 2).

Use of artificial intelligence

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.