

Formal Notification to the Planning Inspectorate – Inadequacy of the East Pye Solar Targeted Consultation

Representative on behalf of BEPS - residents' action group
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16/11/2025

For the attention of:
The Case Officer
National Infrastructure Planning Directorate
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol BS1 6PN
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Subject: East Pye Solar (NSIP) — Pre-acceptance representation on adequacy of consultation and environmental information (Planning Act 2008, s55(3)(e); s37(3)(c))

Please record the attached materials as a pre-acceptance submission addressing the s55(3)(e) acceptance test. The developer's own Targeted Consultation Change Note confines feedback to '26 changes' and signals no further consultation before submission, reinforcing the need for a fresh s42 consultation with adequate environmental information (EIA 2017 Sch. 4/Reg 14; PINS AN7), before any application is accepted.

Dear Sir or Madam,

I write to respectfully bring it to the attention of the Planning Inspectorate that the East Pye Solar Ltd Targeted Consultation (22 October - 26 November 2025) is procedurally inadequate and fails to satisfy the consultation and environmental assessment requirements of the Planning Act 2008 and the Infrastructure Planning (EIA) Regulations 2017. This letter is opinion-based and not legal advice.

The Change Note states the developer is 'only seeking comments on the 26 changes' and 'do[es] not anticipate... further rounds of consultation this year,' yet includes completely new groups of consultees who have not had the opportunity to comment during the statutory consultation, and also relies on ongoing environmental work to finalise the design. That narrowing of scope, coupled with ongoing change, is incompatible with AN16

expectations for material changes and does not enable Moseley-compliant participation while options remain open. A fresh Section 42 consultation with updated PEIR is required before submission.

East Pye Solar has not issued an updated SoCC to reflect new affected parishes and receptors following material boundary and routing changes. On the present information, consultation cannot be treated as compliant with s47(2) and a DCO would be at risk of failing the s55(3)(e) acceptance test unless a fresh s42 consultation is undertaken with updated environmental information. **Planning Inspectorate Advice Note Sixteen: Consultation on Changes to Development Consent Order Applications (April 2023 update, para. 3.12–3.16)** requires republication of the SoCC when ‘the development boundary or affected area materially changes’.

East Pye Solar Ltd has not issued an updated Statement of Compliance under section 37(3)(c) of the 2008 Act. Without it, the Planning Inspectorate cannot be satisfied that consultation duties have been discharged, and any acceptance would breach section 55(3)(e).

The materials issued by East Pye Solar omit key environmental and technical information, do not address the deficiencies previously raised during statutory consultation, and introduce new design changes without adequate reassessment.

1. Basis of Concern

The targeted consultation:

- Provides no revised PEIR chapters despite material design changes (new NG substation position, new pylon and substation heights impacting aviation, new transport routes through Conservation Areas, proposed vegetation removal from approximately 26 sites);
- Lacks cumulative assessment of other adjoining and relevant NSIPs and energy schemes, which it is already in talks to potentially share a grid connection;
- Fails to update heritage, landscape, ecology, and transport evidence;
- Continues to rely on outdated 2024 PEIR data despite new impacts being identified. Claims these impacts are insignificant without providing any evidence.

The targeted package omits updated cumulative, heritage, landscape, ecology and transport assessment despite material design/routing changes. Those omissions indicate non-compliance with EIA 2017, Schedule 4 (content requirements) and Regulation 14 (ES content). For pre-application PEI, PINS Advice Note 7 sets the adequacy expectation. On that basis, the application would be incapable of satisfying s55(3)(e) on the present information.

2. Failure to Address Missing Elements from Statutory Consultation

The issues previously identified during statutory consultation—including insufficient cumulative impact assessment, inadequate heritage evaluation, lack of hydrology and aviation data—remain unaddressed. The Targeted Consultation has not corrected these deficiencies. Instead, it introduces further environmental uncertainties without appropriate supporting information.

In the circumstances, the Targeted Consultation cannot lawfully be regarded as a continuation of the July-August 2025 consultation process, nor can it satisfy the pre-application requirements for acceptance under Section 55(3)(e) of the Planning Act 2008.

3. Requested Action by the Planning Inspectorate

We respectfully request that the Planning Inspectorate:

1. Note this objection as a matter of record under Section 55(3)(e);
2. Require East Pye Solar Ltd to publish updated environmental and technical information through a new statutory consultation;
3. Decline to accept any DCO application that proceeds without a full re-consultation supported by an updated PEIR or Environmental Statement.

These steps are necessary to ensure compliance with the principles of fair consultation established in *R (Moseley) v Haringey LBC* [2014] UKSC 56 and the EIA Regulations 2017.

Yours faithfully,

Representative on behalf of BEPS

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