Draft reply by Saxlingham Nethergate Parish Council to East Pye's letter of 25 November 2025

Copy to Planning Inspectorate, NCC (Steven Faulkner & Alison Thomas), SNC (Claire Curtis and John Cook) and the clerks to Stoke Holy Cross, Poringland, Framingham Pigot and Bixley PCs

Dear Samantha Jones

Statutory Consultation (Phase Two consultation)
Section 42 of the Planning Act 2008, Regulation 3 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and Regulations 11 and 13 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ('the 2017 Regulations').

The Parish Council has considered your letter of 25 November. The fact that you have written the letter is confirmation that you have failed to consult particular people during either the statutory consultation or the targeted consultation. You cannot simply write to those people later and invent a private bespoke consultation that is different from everyone else's and treat that as a compliant consultation. Our reasons for taking this view are set out below.

1. Statutory consultation must be collective, structured, and time-limited

Under the Planning Act 2008 regime, statutory consultation must be:

- carried out **before submission**
- conducted **within a defined consultation period**
- undertaken **in accordance with a published Statement of Community Consultation (SoCC)**
- run on an **equal footing**, so consultees know they are part of a formal statutory process

Once the statutory consultation window closes – Wednesday 18 June to Wednesday 6 August and the targeted consultation – Wednesday 22 October to Wednesday 26 November - **it closes for everyone**. It is immediately clear that this letter and the dates it proposes for consultation – 25 November 2025 to 14 January 2026 – bear no relation to any of the other consultation dates or what is written in the Statement of Community Consultation – attached with this link:
https://static1.squarespace.com/static/66bdc824a78f475ab65a5bd1/t/683ff831a96dae3b8db1f878/1749022789277/20250604_East+Pye+Solar+SoCC+June+2025.pdf

It is not clear from your letter, attached, what you are asking for consultation on, what is the methodology for this consultation, or how this separate consultation relates to the statutory or targeted consultations or indeed to the dates or methodology in your own Statement of Community Consultation.

A developer **cannot retroactively reopen the consultation period for selected individuals only**, because that would:

- undermine procedural fairness
- break consistency with the SoCC
- distort the evidential base of the consultation

2. “Targeted consultation” is not a free-standing workaround

Targeted consultation is lawful **only if** it is:

- genuinely *targeted* at a defined group
- carried out **during the consultation phase**
- proportionate and reasoned
- consistent with the SoCC and consultation principles

It **cannot be used after the event** to mop up people who were missed.

If people were:

- omitted,
- miscategorised,
- not identified,
- or not contacted at all,

that is a **procedural failure**, not something that can be cured informally later.

3. Writing privately to people who were not consulted during the statutory consultation period

If East Pye Solar writes later, as you have done with your letter of 25 November 2025, and say that:

“We have identified that you have an interest in land that may be affected by the proposed east Pye Solar Scheme, so we are inviting you to take part in the consultation about this scheme.”

That is **engagement**, not **consultation**.

Key legal problems:

- It is **not transparent** (others cannot see or respond to it)
- It is **not equivalent** (different timeframe, different context)
- It is **not public-facing**
- It is **not part of the statutory evidential record in the same way**

This would **not satisfy** the duty to consult under the Planning Act.

4. Equality and fairness

Consultation law requires that consultees have a **fair opportunity** to:

- understand the proposals as presented to everyone else
- see how others may respond
- comment within the same structured process

Giving some people:

- a different window,
- different materials,
- or a private correspondence process

is **procedurally unfair** and vulnerable to challenge.

I would add that beyond the procedural impossibility, this “consultation” cannot be considered meaningful because it ends on 14 January and you have publicly stated that you intend to submit your DCO application in February, therefore there is inadequate time for any of your “consultation” comments to be meaningfully taken into account in the scheme design or the EIA.

6. Conclusion

Given that you have accepted that you missed during the statutory consultation period the persons who have been contacted by your letters of 25 November, the lawful options now open to you are to:

Re-consult properly by:

1. reopening the consultation
2. include *everyone*
3. update or republish SoCC if necessary

and we formally invite you to do this.

I am copying this letter to PINS, Steven Faulkner and Alison Thomas at NCC, Claire Curtis and John Cook at SNC and the clerks of Stoke Holy Cross, Poringland and Bixley parish councils.

Yours etc