

## Formal Procedural Objection to East Pye Solar Targeted Consultation

East Pye Solar Nationally Significant Infrastructure Project (NSIP)

Submitted by: Block East Pye Solar (BEPS)

Date: 16 November 2025

For the attention of:  
The Consultation Team  
East Pye Solar Ltd

### Re: Procedural Objection to the Targeted Consultation (October 2025) – East Pye Solar Nationally Significant Infrastructure Project

Dear East Pye Solar Team,

I write on behalf of BEPS to make a formal procedural objection to the adequacy of the Targeted Consultation (22 October to 26 November 2025) for the East Pye Solar NSIP, pursuant to Sections 42, 47, and 48 of the Planning Act 2008 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ('the EIA Regulations').

This objection concerns the inadequacy, incompleteness, and material inconsistency of the information provided in the targeted consultation, and the resulting procedural issues with proceeding to a Development Consent Order (DCO) application on this basis. It is opinion-based and not legal advice.

#### 1. Summary of Objection

**East Pye Solar has failed to issue or publish an updated Statement of Community Consultation (SoCC)** reflecting new affected parishes and receptors. A consultation about changes that affect the entire Order Limits, cross all villages and parishes, lead to new traffic routes, involve new landscape, ecological, heritage or aviation impacts **is not a limited or targeted consultation. It is fundamentally a new community-wide consultation.** As such, consultation under Section 47(2) and (7), Section 50 and Section 55 cannot be considered to have been undertaken in accordance with the published SoCC, **meaning it cannot be treated as compliant with s47(2) and therefore fails the s55(3)(e) acceptance test on current material.** *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'. There are over 26 redline boundary changes

across the entire project site, affecting all parishes, significant changes to areas 1b and 7, as well as new cumulative impacts.

The targeted consultation cannot be treated as part of a compliant pre-application consultation process because:

1. The material published is partial, incomplete, and omits key environmental, heritage, and technical information necessary to allow consultees to make an informed response;
2. The changes now introduced constitute material alterations to the design, location, and environmental footprint of the development compared with the 2025 statutory consultation and Preliminary Environmental Information Report (PEIR); and
3. As a result, the June 2025 PEIR is no longer valid under Regulation 5(2)(b) of the EIA Regulations 2017, which requires reassessment where changes 'may give rise to new or materially different significant effects.'

These failures render the current targeted consultation procedurally inadequate under the 2008 Act, contrary to statutory guidance, and incapable of satisfying the acceptance tests in Section 55(3)(e) of the Planning Act 2008.

## **2. Material Omissions and Deficiencies**

The following categories of information are missing or incomplete from the Targeted Consultation documentation:

- Environmental and Cumulative Assessment: No revised PEIR chapters or addenda have been published assessing the cumulative impacts of the East Pye Solar scheme with other advanced developments, including Tasway Energy Park, Simpsons Maltings Solar, Field Long Stratton BESS, Bloys Grove Solar (in construction), and Wacton BESS.
- New Infrastructure Locations and Effects: The consultation introduces entirely new elements, including a 400 kV National Grid substation on Sub-Site 1B and new transport and access corridors.
- Heritage and Landscape Information: There is no updated assessment of listed buildings, conservation areas, or landscape receptors along the new traffic routes.
- Incomplete Consultation Disclosure: The 'Targeted Consultation Change Note' provides no technical drawings or environmental rationale, preventing consultees from making 'intelligent and informed responses'.

## **3. Material Changes Requiring a New Statutory Consultation**

The new design and routing proposals constitute material changes under Regulation 5(2)(b) of the EIA Regulations. They introduce new significant effects in relation to traffic, ecology, heritage, aviation and cumulative landscape change. These cannot lawfully be incorporated into a DCO submission without prior consultation supported by adequate environmental information. Accordingly, the PEIR (June 2025) is outdated and invalid, and a new statutory consultation under Section 42 is required.

Proceeding to submission without first reconsulting on materially changed proposals would be *ultra vires* under Sections 42–47 and 55(3)(e) of the Planning Act 2008, as the statutory pre-application duties have not been lawfully discharged. Any acceptance of a DCO

application on this basis would be at serious risk of being found unlawful and susceptible to judicial review under Section 118 of the Act.

Natural England, Historic England, the Environment Agency, the Civil or General Aviation Authority, Network Rail, and the Health and Safety Executive have not been reconsulted on the materially changed proposals, contrary to Section 42(1)(a)–(d) of the 2008 Act and Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. The absence of reconsultation invalidates any Statement of Compliance under Section 37(3)(c).

#### **4. Legal and Policy References**

This objection is founded on:

- Planning Act 2008 (Sections 42, 47, 48, 55)
- Infrastructure Planning (EIA) Regulations 2017, Regulations 3, 5(2)(b), Schedule 4
- National Policy Statement EN-1 (2023), paragraphs 4.2.5–4.2.8 and 5.8
- NPPF (2023), paragraphs 199–208, 185
- R (Moseley) v Haringey LBC [2014] UKSC 56; R (ClientEarth) v Secretary of State [2020] IEWHC 1303 (Admin)

#### **5. Requested Actions**

I formally request that East Pye Solar Ltd:

1. Suspend the current targeted consultation pending publication of full and updated environmental and technical material;
2. Publish an updated PEIR or Environmental Statement Addendum including cumulative assessment and heritage, landscape, and transport chapters;
3. Undertake a new statutory consultation under Section 42;
4. Confirm the revised consultation programme and compliance measures with the EIA Regulations and the Planning Act 2008.

#### **6. Reservation of Rights**

This letter constitutes a formal procedural objection. We reserve the right to raise these deficiencies with the Planning Inspectorate and to challenge any decision that proceeds without a full and lawful re-consultation.

Yours faithfully,  
BEPS

admin@blockeastpyesolar.co.uk

## Objection

### Policy Context: No National Need

East Pye Solar is located within the East Anglia region which, according to Ofgem's April 2025 analysis, already exceeds the National Energy System Operator's (NESO) *Clean Power 2030 Action Plan* (CP2030) regional transmission and distribution (Tx + Dx) targets for solar generation for 2035, by projects already consented or in planning. Under NESO's *Connections Reform Methodology* (accepted 2025), projects within over-capacity regions will not normally advance through Gate 2 of the grid-connection process unless they meet exceptional system-need criteria, which this project does not. Accordingly, East Pye Solar cannot demonstrate a continuing strategic or national need under NPS EN-1 §4.2.3, nor can the extensive environmental, heritage, landscape and community harms identified in this objection be justified as serving any critical purpose. **The scheme is therefore non-compliant with national energy planning policy and the CP2030 framework, and its progression would be contrary to the Government's stated aim of geographically balanced, least-harm decarbonisation.**

East Pye Solar cannot claim national need or grid priority, meaning **none of its adverse environmental, heritage, or community impacts can be justified in public-interest terms**. This undermines one of the central NPS EN-1 tests — that nationally significant infrastructure must demonstrate a '**compelling case in the public interest**' (EN-1 §4.1.2 and §4.2.3)..

On any reasonable view, the CP2030 regional ranges imply that East Anglia is already over-subscribed for large ground-mounted solar. Additional large-scale solar generation does not meet the least-harm regional deployment principle (CP2030 § 4.3). East Pye Solar therefore fails to demonstrate a national or regional energy need consistent with EN-1 § 4.2.3 and § 4.2.8, and is unlikely to meet NESO's Gate 2 strategic-alignment criteria.

The scheme is **not required, not policy-compliant, and not grid-deliverable**, so all subsequent harm is unnecessary and disproportionate

What is more, solar developers who have themselves built large ground-mounted schemes admit they only supply 12% of capacity and are a waste of money, which would be better spent putting solar on roofs.

'The firm behind an £8 million solar farm near Newmarket says large sites in the countryside, like theirs, are an inefficient way of creating electricity. The company claims around two thirds of the energy created by the site at Red Lodge is lost when it is transported. Tim Dobson, from Switch 2 Renewable, says that means it is not producing enough electricity to be useful to the National Grid.'

[Newmarket: Solar farms branded a "waste of money" | Anglia - ITV News](#)

## Executive Summary

This objection is submitted on behalf of **Block East Pye Solar (BEPS) Community Action Group**, representing affected residents of South Norfolk. It challenges the adequacy and legality of the *East Pye Solar Targeted Consultation (October 2025)*, on both procedural and substantive grounds under the **Planning Act 2008**, the **Infrastructure Planning (Environmental Impact Assessment) Regulations 2017**, and relevant **National Policy Statements** (NPS EN-1 and EN-3).

East Pye Solar has **failed to issue or publish an updated Statement of Community Consultation** (SoCC) reflecting new affected parishes and receptors. As such, consultation under Section 47(2) cannot be considered to have been undertaken in accordance with the published SoCC, **rendering the targeted consultation legally void**. **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”.

The Targeted Consultation introduces extensive and materially different proposals from those presented in the June 2025 statutory consultation documents, including a new National Grid substation, revised transport and access routes, and large-scale vegetation removal. These changes materially alter the scheme’s environmental effects and red-line boundary, requiring a new statutory consultation under **Section 42** of the Planning Act 2008 and **Advice Note 16 (2023 update)**. Proceeding by way of a ‘targeted’ process instead of a full re-consultation constitutes a procedural defect under **Section 55(3)(e)** of the Act and **Regulation 5(2)(b)** of the EIA Regulations.

The developer’s consultation material is incomplete and misleading. It omits cumulative assessments of parallel energy projects including **Tasway Energy Park, Simpsons Maltings Solar, Bloys Grove NSIP**, and **the FIELD and Wacton BESS**, and it fails to update baseline data in the June 2025 PEIR or impacts of the proposals. As a result, consultees cannot meaningfully evaluate the environmental, heritage, transport, landscape, or hydrological implications of the revised proposals, breaching the principles of **fair participation and transparency** required by **Article 6 of the Aarhus Convention** and the **Environmental Information Regulations 2004**.

Particular procedural deficiencies include:

- Absence of updated Environmental Information contrary to **EIA Regulation 5(2)(b)**;
- Failure to notify or consult all affected persons under **Sections 42–44** of the Planning Act 2008;
- Non-compliance with **Planning Inspectorate Advice Note 16** regarding the treatment of material changes;

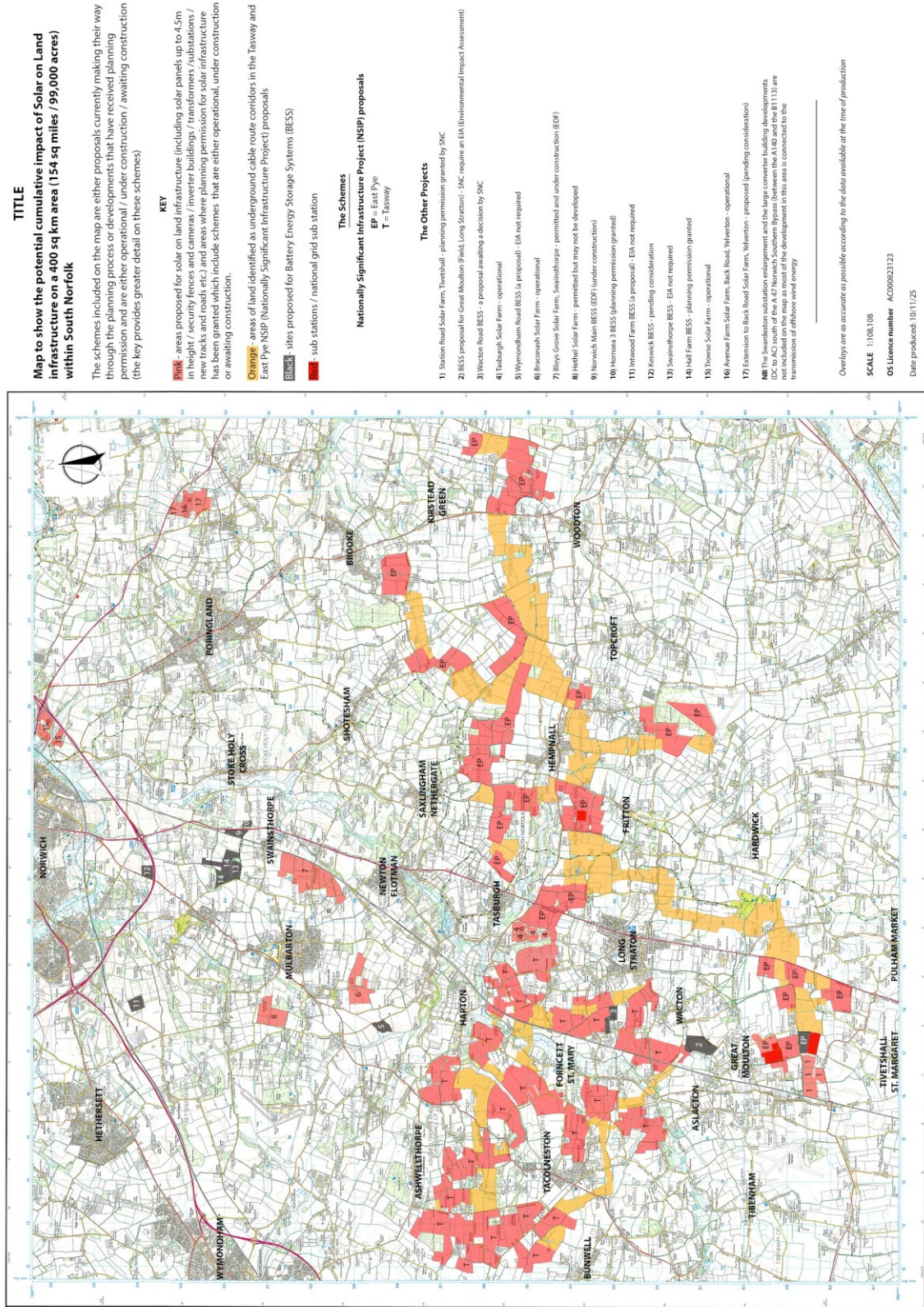
- Omission of cumulative and in-combination impact analysis required under **EN-1 §4.2.3** and **EN-1 §4.5.2**; and
- Lack of lawful justification for the use of a ‘targeted’ approach in place of a new statutory consultation.

Furthermore, the scheme’s proposed **Abnormal Indivisible Load (AIL)** and **HGV** movements are physically and legally unworkable within the local highway network. The developer has provided no swept-path, bridge-load, or conservation-impact assessments for the transport of 120- to 150-tonne transformer units through multiple designated conservation areas, contrary to **EN-1 §5.13**, the **Highways Act 1980 §44**, and **STGO 2003**. As currently designed, the scheme fails the ‘*reasonable prospects of delivery*’ test under **EN-1 §4.1.2** and **EN-3 §2.47.2**.

The cumulative effect of these procedural failures renders the Targeted Consultation inadequate in law and incapable of curing the deficiencies in the original PEIR. BEPS therefore requests that the **Planning Inspectorate**, in accordance with **Section 55(3)(e)** of the *Planning Act 2008*, **refuse to accept any DCO application** for East Pye Solar until:

1. A fully updated PEIR is published;
2. A new statutory consultation under **Section 42** is undertaken; and
3. All cumulative and deliverability assessments are transparently re-evaluated.





Map showing cumulative impact of Tasway, East Pye Solar, N2T pylons and Bloys Grove.

# Contents

<b>Inadequacy of the East Pye Solar Targeted Consultation</b>	<b>11</b>
<b>1. Overview</b>	<b>11</b>
<b>2. Procedural and Legal Deficiencies</b>	<b>12</b>
(a) Failure to Reassess Environmental Effects (EIA Breach)	12
Expanded Procedural Law and Consultation Compliance	12
1. Statutory Framework	12
2. Acceptance Tests under the Planning Act 2008	13
3. Case Law and Precedent	13
4. Consequence of Procedural Non-Compliance	14
(b) Failure to Assess Cumulative Developments (EIA and NPS Breach)	14
(c) Failure to Provide Meaningful Consultation under the Planning Act 2008	14
<b>Consultation Fairness and Public Participation under the Aarhus Convention and Environmental Information Regulations 2004</b>	<b>15</b>
1. International and Domestic Legal Framework	15
2. Breach of Fair Participation Principles	15
3. Targeted Consultation as an Instrument of Exclusion	16
4. Consequences of Non-Compliance	16
(d) Failure to Integrate with National Policy and Statutory Guidance	17
(e) Material Misrepresentation of Project Scope	17
Resulting Legal and Procedural Consequences	17
<b>3. Changes to Site 1 B</b>	<b>18</b>
Great Moulton Substation Cluster – Cumulative and Environmental Impacts	18
<b>4. Aviation and Glider Safety – East Pye Solar (EPS) Site 1B and Cumulative Developments</b>	<b>21</b>
Summary of Objection	21
Affected Aerodrome: Tibenham Airfield (Norfolk Gliding Club)	22
Energy-Infrastructure Schemes within the Safeguarding Radius	22
Material Aviation-Safety Risks	23
(a) Fixed Obstacles in the Circuit and Approach Sectors	23
(b) Loss of Emergency Landing Areas ('Outs')	23
(c) Temporary Construction Hazards	23
(d) Lighting and Night-Time Disorientation	23
Cumulative-Impact Duty Breached	24
Case-Law and Precedents on Aviation Safety	24
Statutory Duties Breached	<b>24</b>
Conclusion and Requested Action	25
Aviation Safety and Air Navigation Order (ANO) Compliance	25
1. Purpose	25
2. Statutory and policy framework	25



2.1 Air Navigation Order 2016 (SI 2016 No. 765)	25
2.2 CAA CAP 738 (Safeguarding of Aerodromes, 4th ed., 2021)	26
3. Tibenham Airfield's safeguarding status	26
3.1 Operational context	26
3.2 Recognition under the ANO framework	26
4. Relevance to the East Pye Solar Project	26
4.1 Mandatory consultation	26
4.2 Potential hazards	27
4.3 Consequences of non-compliance	27
5. Requested action	27
6. Conclusion	27
<b>Failure to Consult with MOD and USAAF</b>	<b>27</b>
emergency-use mapping	<b>2Error! Bookmark not defined.</b>
Aviation Safeguarding Conflict – Tibenham Airfield	29
<b>5. Site 7 – Saxlingham Green</b>	<b>30</b>
<b>6. Traffic and Transport</b>	<b>31</b>
Introduction	31
PEIR Traffic Forecasting Baseline (Appendix 11.2, June 2025)	32
Targeted Consultation Routing Changes (October 2025)	32
Comparison Between PEIR Forecasts and New Routing	33
Environmental and Safety Constraints	34
Legal and Procedural Failings	34
Conclusion and Requested Action	35
References	35
<b>7. New Construction and AIL Routes – Heritage and Conservation Impacts</b>	<b>35</b>
Summary of the Proposed Change	35
Identified Sensitive Heritage Receptors	36
Legal and Policy Non-Compliance	38
(a) Statutory Heritage Duty	38
(b) National Planning Policy Framework (NPPF §§199–208)	38
(c) National Policy Statements EN-1 §5.8 and EN-5 §2.9	38
(d) Transport and Vibration Impacts (EIA Reg. Sch. 4 §6)	38
Procedural Defects	39
Comparative and Precedent Examples	39
Requested Action	<b>39</b>
Conclusion	39
<b>Contextual Analysis: New East Pye Solar Traffic Routes and South Norfolk Conservation Area Appraisals</b>	<b>39</b>
Conservation Area Appraisals – Planning Context	40
Long Stratton Conservation Area	40
Saxlingham Nethergate Conservation Area	41

Stoke Holy Cross Conservation Area	42
Summary of Conflicts with Conservation Area Objectives	42
References	42
<b>Impracticability of AIL Access Routes through Conservation Areas</b>	<b>43</b>
Extracted Evidence – PEIR Appendix 11.2: Traffic Forecasting	43
Technical and Legal Analysis – Why the Proposed Routes Are Unworkable	43
(a). Physical Constraints	43
(b). Conservation and Heritage Constraints	44
(c) Procedural and Legal Failures	44
Summary Conclusion	44
<b>8. Impact of Vegetation Removal – East Pye Solar Traffic Routes</b>	<b>45</b>
Extent of Proposed Interventions	45
Scheme-wide Implications	45
(a) Heritage Impact	45
(b) Landscape and Ecology Impact	45
(c) Townscape and Cumulative Character	46
Works in Conservation Areas	46
Planning and Legal Precedents	<b>46</b>
Conclusions	46
<b>Heritage Implications – Case Study: Fairstead Lane and Tasburgh Conservation Area</b>	<b>47</b>
Implications for Fairstead Lane	48
Legally significant shortcomings	48
Summary	48
1. Conservation Area Boundary	49
2. Legal Implications	49
3. Policy and Precedent	49
4. Conclusion	50
<b>Feasibility of AIL Movements over the New Hall Lane Bridge, Long Stratton</b>	<b>50</b>
1. Current and Proposed Highway Layout	50
2. Structural Capacity	50
3. Physical Geometry and Access	51
4. Legal and Procedural Barriers	51
5. Conclusion	51
Summary Conclusion	51
<b>Project Deliverability and AIL / Transport Constraints</b>	<b>52</b>
1. Legal and Policy Framework	52
2. Abnormal Indivisible Load (AIL) Transport Requirements	52
3. Physical and Geometric Constraints	53
4. Failure to Provide Adequate Assessment	53
5. Cumulative and Regional Context	53

6. Conclusion	53
<b>9. Procedural Objection Summary</b>	<b>55</b>
<b>10. Conclusion and Remedies Sought</b>	<b>56</b>
Summary of Procedural Deficiencies	56
Legal Consequences	56
Lack of Strategic or National Need	56
<b>Closing Statement</b>	<b>57</b>
<b>References</b>	<b>58</b>

## Inadequacy of the East Pye Solar Targeted Consultation

### 1. Overview

The Targeted Consultation (22 October - 26 November 2025) for East Pye Solar Ltd (EPS) does not meet the statutory requirements for a valid consultation under the Planning Act 2008, The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, or the Infrastructure Planning (EIA) Regulations 2017.

This is in addition to its Statutory Consultation (July - August 2025) also in our opinion being inadequate. None of the omissions identified in the PEIR have been addressed or reconsulted upon as part of the Targeted Consultation.

What is more, EPS has materially changed its development proposals since the statutory (Stage 2) consultation including:

- A new 400 kV National Grid substation site on Sub-Site 1B, immediately south of Great Moulton;
- Extensive new HGV and abnormal load routes not previously assessed in the PEIR;
- Removal of vegetation and reconfiguration of access corridors across multiple fields; and
- Relocation and expansion of the associated East Pye Solar substations.

These changes constitute a substantive redesign of the Development Consent Order (DCO) proposal and therefore require a new statutory consultation, not a limited “targeted” one. They invalidate all of the data put forward in the PEIR, as none of it has been reassessed and resubmitted for consultation in light of these significant changes and additions.

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 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 s42 consultation with updated PEIR is required before submission.

## 2. Procedural and Legal Deficiencies

### (a) Failure to Reassess Environmental Effects (EIA Breach)

Under Regulation 5(2)(b) and Schedule 4 of the Infrastructure Planning (EIA) Regulations 2017, the developer must re-consult where project design changes “may give rise to new or materially different significant effects.”

The targeted consultation fails to issue any updated Environmental Statement (ES) or revised PEIR chapters addressing:

- New construction and transport corridors;
- Removal of hedgerows, trees, and habitats previously marked for retention;
- Noise, lighting, and visual effects of the new National Grid substation location;
- Groundwater and flood-risk implications of new substation, including mapping of and impact to private drinking water supplies.

This omission contravenes both Regulation 3(2) (requirement to assess cumulative and indirect effects) and EN-1 §4.2.5–4.2.6 (requirement to reassess where design changes are material).

### *Expanded Procedural Law and Consultation Compliance*

#### 1. Statutory Framework

Under **Sections 42–47 of the Planning Act 2008**, a developer promoting a *Nationally Significant Infrastructure Project (NSIP)* must carry out a **statutory pre-application consultation** that is both *adequate and fair*. Where material changes are introduced following statutory consultation, **Planning Inspectorate Advice Note 16 (2023 update)** stipulates that:

“If the changes materially alter the nature, scale or environmental effects of a proposed development, further consultation under Section 42 will be required before submission of the application.”

The *East Pye Solar Targeted Consultation (October 2025)* introduces new elements — including an additional National Grid substation and new transport routes — which materially alter the scale, environmental footprint, and nature of the scheme. Proceeding by way of a *targeted* exercise rather than a new **Section 42** statutory consultation contravenes the clear procedural requirements of the *Planning Act 2008* and **Advice Note 16**.

#### *2. Acceptance Tests under the Planning Act 2008*

Section **55(3)(e)** of the Act provides that the Secretary of State (through the Planning Inspectorate) **must refuse to accept** a Development Consent Order (DCO) application if:

‘The applicant has not complied with the duty to consult under sections 42, 47 and 48.’

The omissions in the Targeted Consultation therefore go to the heart of the *acceptance test*. If a DCO were to be submitted without the missing consultation stages and updated environmental information, it would be **at serious risk of being found unlawful** under **Section 55(3)(e) if accepted**.

The *East Pye Solar* process also fails to meet the requirements of **Section 47(2)**, which obliges applicants to ensure that their Statement of Community Consultation (SoCC) is followed. No updated SoCC has been issued to reflect the revised project scope, meaning that the current consultation cannot be treated as compliant with s47(2) and therefore fails the s55(3)(e) acceptance test on current material.

### **3. Case Law and Precedent**

Courts have repeatedly affirmed that consultation on NSIPs must be **substantive, fair, and based on complete and intelligible information**.

Key authorities include:

- **R (Mid Suffolk DC) v Secretary of State for Communities and Local Government [2016] EWHC 1001 (Admin)** – held that failure to re-consult on material design changes rendered a consultation at serious risk of being found unlawful.
- **Forge Field Society v Sevenoaks DC [2014] EWHC 1895 (Admin)** – established that decision-makers must give *considerable importance and weight* to the statutory duty to preserve heritage settings when assessing procedural adequacy.
- **R (Plantagenet Alliance Ltd) v Secretary of State [2014] EWHC 1662 (QB)** – affirmed that public participation must occur when proposals are still capable of being influenced.
- **In Mallard Pass Solar DCO (2024) and Gate Burton Energy Park (2024)** – developers reconsulted or delayed to address material changes, demonstrating regulatory expectations where changes are significant.
- **Medworth Energy from Waste CHP DCO (2023)** – acceptance delayed until missing EIA information supplied.

PINS has consistently refused acceptance of DCO applications where developers failed to reconsult after design evolution materially changed environmental impacts.

These precedents confirm that the *East Pye Solar* Targeted Consultation, conducted after significant boundary and design alterations without new environmental assessment, **fails the legal standard of consultation adequacy**.

### **4. Consequence of Procedural Non-Compliance**

As the consultation process does not meet the minimum legal requirements, the Planning Inspectorate is obliged, under **Section 55(3)(e)** of the *Planning Act 2008*, to **refuse to accept the DCO application** unless and until a compliant statutory consultation is



undertaken. Failure to do so would expose the application and any subsequent decision to **judicial review** for procedural unfairness and breach of consultation duty.

### **(b) Failure to Assess Cumulative Developments (EIA and NPS Breach)**

The consultation fails to include any cumulative assessment with nearby large-scale infrastructure that is public, advanced in planning, or within the same grid zone, including:

- Tasway Energy Park (North of Great Moulton);
- Simpsons Maltings / Station Road Solar (Tivetshall St Margaret);
- Field Long Stratton BESS (Carr Lane);
- Wacton BESS (2025/1152) (Land North of Hill Farm, Forncett St Peter)
  
- Bloys Grove Solar (Swainsthorpe)

Each of these schemes lies within 10 km of East Pye and shares grid, transport and environmental receptors. The omission breaches EIA Reg. 2017 Sch. 4 para 5(e) and NPS EN-1 §4.2, both of which require cumulative impact assessment of other “existing or reasonably foreseeable developments.” The same cumulative deficiency applies across ecology, water, landscape, and aviation (see separate objection section on glider safety).

As it transpired from Tasway Energy Park’s non-statutory consultation materials and discussion with their team, East Pye Solar are in talks with Tasway about sharing a grid connection at Great Moulton (Tasway Webinar slides). This has not been disclosed in East Pye Solar’s targeted consultation materials, nor has there been any acknowledgment of the known cumulative impact of the combined schemes.

### **(c) Failure to Provide Meaningful Consultation under the Planning Act 2008**

Section 47 and Section 48 of the Planning Act 2008 require pre-application consultation to be:

- Transparent, inclusive, and accessible to all affected parties;
- Proportionate to the significance of the changes proposed; and
- Supported by adequate information to enable an informed response.

EPS’s targeted consultation fails all three tests:

- Only limited parties were notified, even though the substation relocation and traffic changes directly affect new residents, parishes, and businesses;
- The consultation materials lack basic environmental data, visualisations, or technical reports;
- The ‘targeted’ label is being used to circumvent a lawful re-consultation on a significantly re-engineered project.

This approach breaches the duty of fairness established in *R (Moseley) v Haringey LBC* [2014] UKSC 56 and reaffirmed in *Plantagenet Alliance Ltd* [2014] EWHC 1662 (Admin),

where the courts held that consultation must be based on adequate, intelligible, and accurate information.

## Consultation Fairness and Public Participation under the Aarhus Convention and Environmental Information Regulations 2004

### 1. International and Domestic Legal Framework

The United Kingdom is a signatory to the **Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (1998)**.

Article 6(2)–(8) of the Convention requires that members of the public are given an **early and effective opportunity to participate** in environmental decision-making when *all options remain open* and **adequate information** about the proposal's environmental effects is available.

These obligations are implemented in domestic law through the **Environmental Information Regulations 2004 (EIR)**, which require that environmental information be:

- Up-to-date,
- Accurate, and
- Made available before decisions are taken or consultations closed.

### 2. Breach of Fair Participation Principles

The *East Pye Solar Targeted Consultation (October 2025)* does not comply with these obligations. The consultation documentation:

- Omits key updates to the **Preliminary Environmental Information Report (PEIR)**;
- Excludes the **cumulative impact assessment** required under **EIA Schedule 4 paragraph 5**; and
- Introduces new substation and transport infrastructure without providing the corresponding environmental data.

By withholding or failing to generate updated environmental information before consultation, the developer has **deprived the public of a fair and informed opportunity to respond**, contrary to **Aarhus Article 6(6)** and **EIR Regulation 5(2)**.

In **R (Plantagenet Alliance Ltd) v Secretary of State [2014] EWHC 1662 (QB)**, the High Court confirmed that public consultation must occur '**when proposals are still at a formative stage and when consultees are given sufficient information to enable intelligent consideration and response.**' The present Targeted Consultation fails this test:

consultees have not been provided with complete, accurate or current data upon which to form a reasoned view.

### 3. Targeted Consultation as an Instrument of Exclusion

While targeted consultations can, in principle, be used to address *minor refinements* in design, they cannot lawfully replace a **Section 42 re-consultation** when the scheme has materially changed in scope or impact.

The approach adopted by East Pye Solar excludes the majority of affected stakeholders, including those newly impacted by the expanded substation site south of Great Moulton, the revised transport routes through multiple Conservation Areas, and consequent vegetation removal and access widening.

The revised plans draw in new communities who were not involved in the previous statutory consultation (Stoke Holy Cross, Poringland etc.) and therefore have not been included in the full statutory consultation.

In their change note, the developer says they are ‘only seeking your comments on the 26 changes...no further rounds this year.’ Meaning that those communities not previously involved in the July-August Statutory consultation are unable to comment on the wider scheme, by which they are now impacted.

This exclusion conflicts with the **Aarhus Convention Article 3(9)** guarantee of *non-discrimination in participation rights* and the requirement of **procedural fairness** affirmed in **R (Greenpeace Ltd) v Secretary of State for Trade and Industry [2007] Env LR 29**, where the High Court held that consultation must not only be fair in content but also in scope and accessibility.

### 4. Consequences of Non-Compliance

Because the Targeted Consultation fails to meet the principles of **transparency, inclusivity and informed participation**, it cannot cure the procedural defects of the original July-August 2025 statutory consultation. The consultation process is therefore at risk of being found **inadequate in law**, and any subsequent DCO submission based upon it would be **vulnerable to judicial review** under both domestic and international environmental law.

To restore compliance, East Pye Solar Ltd must:

1. Publish an **updated PEIR** reflecting all material changes;
2. Undertake a **new statutory consultation** under **Section 42 of the Planning Act 2008**; and
3. Ensure all environmental information is publicly available in advance in accordance with **EIR Regulation 5(2)** and **Aarhus Article 6(6)**.

The consultation also breaches Article 6(1) of the European Convention on Human Rights (right to a fair hearing) and Section 149 of the Equality Act 2010 (Public Sector Equality Duty), by failing to consult affected communities in an inclusive manner or to assess differential community impacts of new transport routes.

#### **(d) Failure to Integrate with National Policy and Statutory Guidance**

EPS's targeted consultation ignores mandatory national policy requirements to:

- Avoid 'piecemeal or retrospective consultation' (EN-1 §4.2.7);
- Consider 'cumulative development and associated infrastructure' (EN-1 §4.2.8);
- Reassess alternatives where the preferred option has changed (EN-1 §4.4.2); and

#### **(e) Material Misrepresentation of Project Scope**

The consultation documents present the scheme as a 'refinement' rather than a 're-design.' However, new maps show entirely new infrastructure locations, routes, and receptor areas not included in the original red line boundary of the statutory consultation.

By under-describing these changes, EPS has misled consultees and suppressed relevant environmental information, contravening:

- R (ClientEarth) v Secretary of State for Business [2020] EWHC 1303 (Admin) – procedural unfairness where consultees are misled about the significance of effects; and
- R (Greenpeace) v Secretary of State for Trade and Industry [2007] EWHC 311 (Admin) – inadequate consultation due to lack of meaningful information on environmental risks.

#### **Resulting Legal and Procedural Consequences**

Because the 2025 targeted consultation omits updated environmental and cumulative information, excludes directly affected parties, and fails to re-consult statutory bodies, it cannot be relied upon as a valid stage in the pre-application process. Under s.55(3)(e) of the Planning Act 2008, the Planning Inspectorate must refuse to accept the DCO application if the applicant has not complied with its consultation duties.

Accordingly:

- EPS must be required to carry out a new statutory consultation, supported by an updated PEIR or Environmental Statement, reflecting all post-2024 design changes and cumulative projects; and
- Any DCO application submitted on the basis of the current targeted consultation would be procedurally invalid and liable to judicial review under s.118 of the 2008 Act for breach of consultation and EIA regulations.

### 3. Changes to Site 1 B

#### Great Moulton Substation Cluster – Cumulative and Environmental Impacts

It is noted that the developer of the proposed Tasway Energy Park (which would join East Pye Solar at the existing solar field at Tasburgh) has publicly indicated an intention to connect to the National Grid at or near Great Moulton. They have stated verbally that they are already in discussion with East Pye Solar about sharing this proposed grid connection. However, East Pye Solar's Targeted Consultation materials make no reference to the potential for any additional connection or shared use of the proposed new National Grid 400 KV substation site south of Great Moulton. This omission is material.

Under the Electricity Act 1989 and National Grid ESO's 2024 Connections Reform Methodology, each project is required to hold its own Gate 2 connection offer and Transmission Entry Capacity (TEC) allocation, supported by a separate or joint legal agreement if a shared substation is envisaged. No such joint arrangement has been disclosed. In the absence of any declared coordination between the two developers, it must be assumed that Tasway would require a separate on-site substation and connection compound in the same locality.

The cumulative effect of multiple substations, together with associated Battery Energy Storage System (BESS) infrastructure, within a designated Drinking Water Source Protection Zone and close to residential properties at Great Moulton, would materially exacerbate the environmental, hydrological, and public health risks of the scheme. The failure of East Pye's documentation to assess or even acknowledge this foreseeable cumulative scenario renders the consultation incomplete and non-compliant with the requirements of Regulation 12(2) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, which obliges developers to consider cumulative impacts with other proposed developments.

It is unclear whether East Pye Solar's decision to increase the capacity of its proposed substation at Great Moulton from 132MV to 400MV, as set out in its targeted consultation materials, is due to its new decision to share this substation with Tasway to connect to the National Grid at Great Moulton. If this is the case, this has not been stated in any of the targeted consultation materials. It has a significant effect on the cumulative impact of this project as both projects would cover some 6,500 acres of farmland in continuous solar development. This foreseen cumulative impact was not even mentioned in East Pye Solar's PEIR, let alone evidenced, again it has not been mentioned in the targeted consultation. This is a material omission, which invalidates the PEIR as a true representation of the East Pye Solar proposals.

Tasway Energy Park sent this information by email on 27 October 2025: 'At this stage, Aukera has a grid connection offer from the National Energy System Operator (NESO) to



connect to the National Grid Electricity Transmission (NGET) network via a proposed new "North Anglia" substation. Two potential connection options are currently being assessed:

- A northern option, in proximity to the existing Norwich substation.
- A southern option, which could involve connection at or near the substation options being considered by East Pye Solar.

We are aware of the East Pye Solar project and are reviewing the potential for coordination where practical, but no final decisions have been made at this early stage. If Tasway were to connect via the southern option near Great Moulton, a dedicated substation for Tasway would likely be required close to the connection point. The exact location and design of this, along with the Battery Energy Storage System (BESS) locations, will be refined as technical assessments continue. No decisions have yet been made regarding a BESS at Great Moulton specifically'.

East Pye Solar's new selected National Grid substation site immediately south of Great Moulton lies wholly within a Drinking Water Source Protection Zone (SPZ) and an area known to contain private wells and groundwater-fed domestic supplies, as well as being 750m from a borehole providing public drinking water supply at Tivestshall. Both the Environment Agency's Groundwater Protection Policy (GP3) and the National Planning Policy Framework (NPPF, para. 183) require developers to demonstrate that contamination of the water environment will be prevented through appropriate siting, design and mitigation.

The proposed concentration of high-voltage transmission infrastructure immediately south of Great Moulton also has significant proximity impacts on nationally and locally important assets. The site is directly east of the London–Norwich mainline railway, where electromagnetic interference, subsidence from cable trenching, and restricted emergency access present operational and safety concerns for Network Rail.

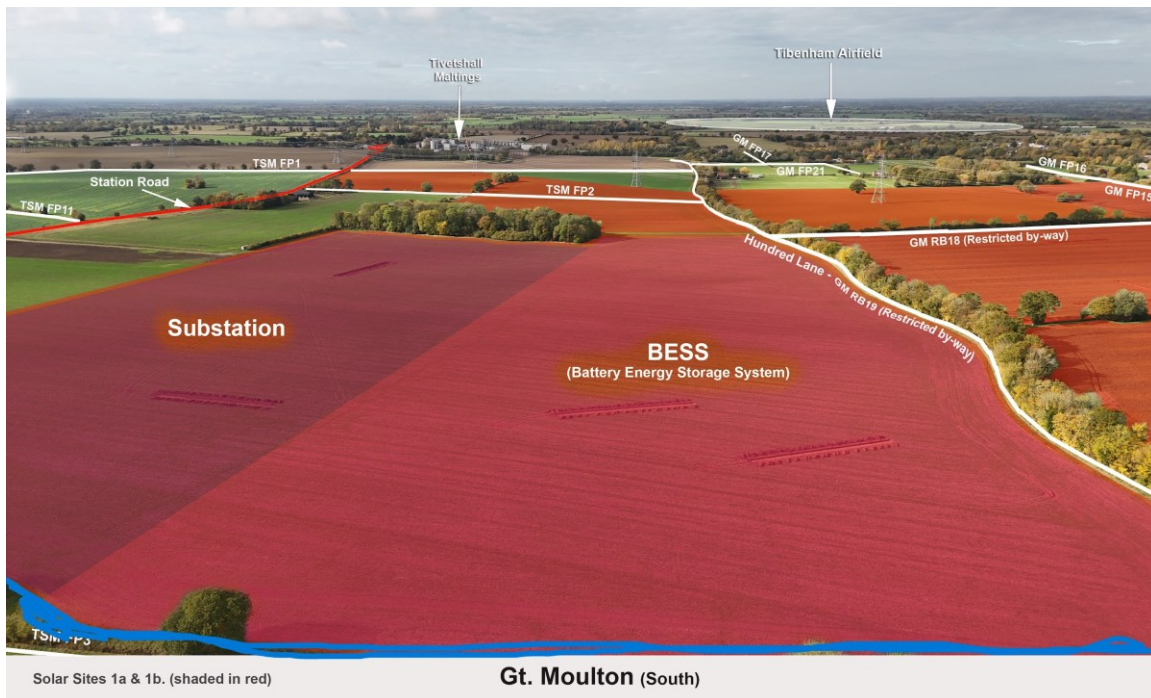
Furthermore, the site's proximity to Tibenham Airfield, a long-established gliding base, raises unresolved aviation safety issues due to the height, glare, and turbulence effects of substation and BESS installations. The cumulative impact of both East Pye Solar and the Tasway scheme, which East Pye Solar is facilitating, would surround Tibenham Airfield to the north and east with solar infrastructure, within 3km, therefore well within its legal safety zone. None of these new cumulative impacts to aircraft safety have been assessed in an update to the PEIR, as East Pye Solar has incorrectly stated that this is unnecessary as there will be no significant impacts.

The impacts for the villagers of moving the National Grid substation closer to Great Moulton have not been assessed at all.

Under Regulation 6(1)(a)(i) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, a DCO application must include a Grid Connection

Statement explaining the connection arrangements. As the targeted consultation introduces a new 400 kV National Grid substation and potential shared connection with Tasway Energy Park, the previous Grid Connection Statement is invalid. Proceeding without reconsulting on this material change would breach Regulation 6 and Advice Note 14.

Taken together, these matters demonstrate that the proposed National Grid substation site at Great Moulton is not an appropriate or lawfully justified location for this scale of infrastructure. Its designation within a groundwater protection area, its proximity to critical transport and aviation infrastructure, and the foreseeable cumulative effects of accommodating both East Pye Solar and Tasway Energy Park connections render the site contrary to the precautionary principles of the NPPF (para. 184), the EIA Regulations 2017, and the Environment Agency's statutory groundwater protection objectives.





## 4. Aviation and Glider Safety – East Pye Solar (EPS) Site 1B and Cumulative Developments

### Summary of Objection

The EPS statutory and targeted consultations are at serious risk of being found unlawful and procedurally deficient because they fail to assess, or even acknowledge, the cumulative aviation-safety impacts of multiple large-scale energy developments proposed to now encircle Tibenham Airfield, an active gliding site and training facility, operated by the Norfolk Gliding Club.

These omissions breach:

- NPS EN-1 (2023) – Civil and Military Aviation and Defence Interests (§§ 5.5.1–5.5.8);
- The Infrastructure Planning (EIA) Regulations 2017, Schedule 4 para 5(e);
- CAA CAP 738 and CAP 168;
- Civil Aviation Act 1982 s. 76 and Air Navigation Order 2016 Article 240 (endangerment of aircraft);
- The Health and Safety at Work Act 1974 s. 3 (duty to protect non-employees from risk);
- and
- Common-law and case-law duties of fair and lawful consultation (R (Plantagenet Alliance Ltd) v Secretary of State for Justice [2014] EWHC 1662 (Admin)).

EPS has not provided any cumulative aviation-safeguarding assessment, any consultation evidence with the CAA, NATS, or the Norfolk Gliding Club, or any analysis of obstacle limitation surfaces (OLS), crane operations, or emergency-landing zones ('outs') relating to

this new arrangement of infrastructure. As a result, the consultation material is legally defective, and any decision made on it would be vulnerable to judicial review.

### **Affected Aerodrome: Tibenham Airfield (Norfolk Gliding Club)**

- Location: Approx. TM 156 871 (Norfolk).
- Operations: Continuous gliding activity under British Gliding Association (BGA) oversight; both winch and aerotow launches to 2 000 ft AGL.
- Safety profile: Requires unobstructed 'outs' on all quadrants for cable breaks and EFATO (engine-failure-after-take-off) scenarios.
- Safeguarding: Falls within the 10 km safeguarding radius defined by CAA CAP 738 for obstacle and lighting assessment.

### **Energy-Infrastructure Schemes within the Safeguarding Radius**

Scheme	Developer	Main Infrastructure	Approx. Distance / Bearing from Tibenham	Planning Status
East Pye Solar (NSIP)	East Pye Solar Ltd	400 kV National Grid substation (20–25 m gantries), project substations, 8 ha BESS, overhead-line tie-ins	3.5–4 km N	Targeted consultation (2025)
Tasway Energy Park	Tasway Energy Ltd	400 kV substation & solar generation fields north of Great Moulton	4–5 km NNE	Early consultation (2025)
Simpsons Maltings Solar (Tivetshall)	Pathfinder Clean Energy / Simpsons Malt Ltd	Solar array & substation compound supplying private-wire to Simpsons Malt	5 km W	Full permission granted (2024)

Field Long Stratton BESS	Field Energy Ltd	Battery storage compound up to 400 MW (6– 10 m lighting poles, 3 m fencing)	5 km N	Anticipated application (2025)
Wacton BESS (2025/1152)	Wacton Energy Ltd	BESS and transformer compound, Land N of Hill Farm, Forncett St Peter	6 km E SE	Full application live (2025)

All lie within 10 km of Tibenham—the statutory safeguarding consultation radius. EPS’s PEIR and targeted-consultation documentation mention none of them.

## Material Aviation-Safety Risks

### (a) Fixed Obstacles in the Circuit and Approach Sectors

Substation gantries ( $\approx 25$  m), lightning masts, and pylons from EPS/Tasway create new fixed obstacles on northern and southern bearings. CAP 738 and CAP 168 require assessment against Obstacle Limitation Surfaces. Failure: EPS has not modelled obstacle intrusion nor sought CAA or aerodrome comment—contrary to EN-1 § 5.5.5.

### (b) Loss of Emergency Landing Areas (‘Outs’)

EPS, Tasway, Field BESS and Wacton BESS collectively occupy low-lying farmland habitually used as emergency landing fields for cable-breaks or winch malfunctions. Removal of these areas increases accident severity, breaching the SoS’s duty under Civil Aviation Act 1982 s. 76 and HSE’s ALARP principle (risks reduced ‘as low as reasonably practicable’). No alternative ‘outs’ analysis or mitigation is provided—contrary to EN-1 § 4.2.6 (reasonable alternatives).

### (c) Temporary Construction Hazards

Concurrent projects will employ cranes, lattice masts, and heavy plant exceeding 30 m. CAP 738 (§ 10) requires temporary-obstacle notification (NOTAM) and consultation; EPS provides no such coordination plan. Each unnotified crane within 10 km constitutes potential endangerment of aircraft under ANO 2016 Art. 240.

### (d) Lighting and Night-Time Disorientation

NG Grid Substation, EPS, Tasway, Field BESS and Wacton BESS compounds will operate security and aviation lighting. The cumulative light-scatter compromises visual cues used for circuit alignment in low-light gliding operations, contrary to NPPF § 185 and EN-1 § 5.5.8 (requirement to mitigate lighting impacts on aviation).



## Cumulative-Impact Duty Breached

Under EIA Regulations 2017 Sch. 4 para 5(e), an Environmental Statement must assess ‘the cumulative effects of the development with other existing and/or approved development.’ EPS’s PEIR and targeted-consultation documentation assess only its own footprint. They omit Tasway, Simpsons Maltings, Field BESS, Bloys Grove Solar and Wacton BESS—even though all were public at the time of consultation. This renders the consultation misleading and legally deficient. In *R (ClientEarth) v Secretary of State for Business* [2020] EWHC 1303 (Admin), the court confirmed that material omissions in consultation evidence on environmental effects vitiate the consultation process.

## Case-Law and Precedents on Aviation Safety

- *Rufforth (York Gliding Club) – APP/C2741/W/19/3223376* (31 Oct 2019): Inspector gave decisive weight to glider safety; development dismissed where obstacle proximity endangered circuits.
- *Beccles Aerodrome (Ellough, Suffolk) – APP/V3500/W/24/3354097* (8 Apr 2025): Appeal dismissed primarily on aviation-safety grounds near active airfield.
- *Bournemouth Airport v Secretary of State* [2011] EWHC 2900 (Admin): High Court held the SoS must show ‘cogent and reasoned consideration’ of aerodrome-safety representations; failure to do so is at serious risk of being found unlawful.
- *Blackpool & Fylde Aero Club v Fylde BC* [2019] EWHC 3312 (Admin): Planning permission quashed for failure to consult the airfield under CAP 738; confirms that unlicensed aerodromes enjoy procedural protection.
- *HSE v Portsmouth City Council* (2017): Local authority found negligent in approving a hazardous-installations site without proper risk consultation; demonstrates public-law liability for omissions in statutory-consultation duties.

## Statutory Duties Breached

Duty Holder	Statutory / Policy Obligation	EPS Failure
East Pye Solar Ltd	EIA Regulations 2017 – Cumulative Effects	No cumulative aviation or safety assessment.
Secretary of State (EN-1 § 5.5)	Ensure no adverse effect on aerodrome safety	No evidence of CAA/NATS or aerodrome consultation.
Environment Agency / HSE	Protect third parties from foreseeable risk (HSWA s. 3)	No risk analysis of aircraft-impact or fire-water incidents.
Local Authority / Planning Inspectorate	Fair and transparent consultation (Plantagenet Alliance)	Inadequate disclosure; consultees misled about cumulative hazards.

## Conclusion and Requested Action

1. EPS's PEIR and targeted consultation are at serious risk of being found procedurally unlawful for failing to include cumulative aviation-safety assessment and required statutory consultations.
2. The omission of Tasway, Simpsons Maltings, Field Long Stratton BESS, Bloys Grove Solar and Wacton BESS renders any EIA or DCO submission incomplete and misleading.
3. The cumulative effect of these developments would:
  - Introduce fixed and temporary obstacles within glider circuit envelopes;
  - Remove essential emergency-landing fields;
  - Multiply crane and lighting hazards; and
  - Endanger aircraft contrary to ANO 2016 Art. 240 and CAA CAP 738.
4. The Secretary of State must therefore:
  - Require a full cumulative aviation-safeguarding assessment before accepting any application; and
  - Reject or relocate Site 1B and associated infrastructure unless independent evidence demonstrates that the developments, taken together, pose no material risk to aviation safety.

Failure to correct these deficiencies would expose the decision to challenge under s. 118 of the Planning Act 2008 and judicial review for breach of statutory consultation duties.

## Aviation Safety and Air Navigation Order (ANO) Compliance

### 1. Purpose

Tibenham Airfield, home of the Norfolk Gliding Club, is a safeguarded aerodrome under the UK's Air Navigation Order 2016 and CAA CAP 738 Safeguarding of Aerodromes. The East Pye Solar Project has not yet provided the required evidence of compliance with those statutory and regulatory protections.

### 2. Statutory and policy framework

#### *2.1 Air Navigation Order 2016 (SI 2016 No. 765)*

The ANO 2016, made under the Civil Aviation Act 1982, governs the safety of civil air navigation in the UK. Article 212 empowers the Civil Aviation Authority (CAA) to issue directions in relation to any land or water in the vicinity of an aerodrome for the purpose of protecting air navigation. Article 222 enables the CAA to require the marking, lighting or alteration of any structure that constitutes a danger to aircraft. Together with Section 77 of the Civil Aviation Act 1982, these provisions allow the CAA to act where any structure or reflective surface endangers aircraft operations.

## ***2.2 CAA CAP 738 (Safeguarding of Aerodromes, 4th ed., 2021)***

CAP 738 §1.5 confirms that safeguarding applies not only to licensed aerodromes but also to unlicensed aerodromes where aircraft operate, including gliding sites and those used for flight training, which either voluntarily adopt safeguarding or are identified by the relevant planning authority as requiring safeguarding consultation. Section 4.1 provides that planning authorities should consult aerodrome operators on any proposed development within the defined Safeguarding Map or within 13 km of the airfield boundary for tall or reflective structures. The Order and CAP 738 together ensure that no development creates hazards through physical obstruction, lighting, glare or electromagnetic interference.

## **3. Tibenham Airfield's safeguarding status**

### ***3.1 Operational context***

Tibenham Airfield (ICAO Location Indicator EGTW) is a civil gliding aerodrome in active daily use for winch-launch and aerotow operations by the Norfolk Gliding Club, affiliated to the British Gliding Association (BGA). The site occupies a former WWII airfield and has three operational grass runways up to 1,200 m in length.

### ***3.2 Recognition under the ANO framework***

Although unlicensed, Tibenham Airfield is recognised by the CAA and BGA as a safeguarded aerodrome for the purposes of CAP 738:

- The BGA Safeguarded Sites Register (2024) lists: 'Tibenham (EGTW) — Norfolk Gliding Club — Safeguarded under CAP 738 (13 km radius).'
- South Norfolk Council's Local Plan Policies Map (2023) identifies 'Tibenham Airfield — Safeguarded Aerodrome (CAP 738)' as a planning constraint layer, triggering consultation with the aerodrome operator for tall or reflective structures.
- The UK Aeronautical Information Publication (AIP) lists Tibenham (EGTW) as a civil, unlicensed aerodrome open for gliding operations, bringing it within the protective scope of ANO 2016 Articles 212–214.

Therefore, Tibenham Airfield is explicitly covered by the safeguarding provisions of the Air Navigation Order 2016 and the corresponding duties in CAP 738.

## **4. Relevance to the East Pye Solar Project**

### ***4.1 Mandatory consultation***

Under CAP 738 §§4.1–4.2, any development within the safeguarding zone must consult the aerodrome operator and demonstrate that it does not infringe the Obstacle Limitation Surfaces (OLS) or cause visual distraction to pilots or controllers.

#### **4.2 Potential hazards**

Large-area solar arrays create multiple aviation risks including glint and glare visible from cockpit altitudes and circuit patterns, reflected-light dazzle toward glider approaches, thermal turbulence above solar surfaces, and loss of usable emergency landing areas within the gliding circuit.

#### **4.3 Consequences of non-compliance**

If the CAA or Tibenham Airfield conclude that East Pye Solar constitutes a danger to air navigation, the Examining Authority must afford that finding substantial weight under Section 104 of the Planning Act 2008. It would be at serious risk of being found unlawful and unprecedented for the Secretary of State to override a CAA safety objection without explicit technical justification. The CAA could, under Section 77 of the Civil Aviation Act 1982 and ANO Article 222, issue a Direction requiring alteration or removal of hazardous structures, rendering the consent undeliverable.

#### **5. Requested action**

1. That the applicant provide a CAA-endorsed Glint and Glare Assessment consistent with CAP 738 Appendix C.
2. That the Examining Authority seek written confirmation from the CAA and South Norfolk Council of Tibenham's safeguarding status and boundaries.
3. That, pending receipt of that information, the DCO application not be accepted or examined further under EIA Regulations 2017 Regulation 14(2)(d).

#### **6. Conclusion**

Tibenham Airfield is a safeguarded aerodrome under the Air Navigation Order 2016, Civil Aviation Act 1982 Section 77, and CAA CAP 738. East Pye Solar lies within its 13 km safeguarding radius and may cause unacceptable glint-and-glare and air-safety hazards. Until the applicant demonstrates full compliance with the ANO safeguarding requirements, the scheme cannot lawfully be deemed acceptable on aviation-safety grounds.

#### **Failure to Consult with MOD and USAAF**

Tibenham Airfield (EGTW) was originally constructed and operated by the USAAF and later the RAF, and although now used primarily for gliding, it continues to appear in MOD and CAA emergency-use datasets as a contingency and diversion field. Under Article 212 of the Air Navigation Order 2016 and NPS EN-1 § 4.15, the Secretary of State must ensure that nationally safeguarded aerodromes are protected from development which could compromise emergency or military aviation operations. The applicant has not demonstrated that the proposed solar arrays would not prejudice these retained emergency functions.

Tibenham Airfield (EGTW) appears in the UK AIP and on CAA low-flying charts, is recorded by the MOD Defence Infrastructure Organisation as a *Category 3 non-operational but usable emergency airfield* and is listed by the UK Aeronautical Rescue Coordination Centre as an available emergency landing site. It is also routinely used by the East Anglian Air Ambulance and Police Air Service for emergency operations. Accordingly, Tibenham retains an emergency and diversion utility recognised by both the CAA and the MOD.

It lies almost midway between **RAF Marham** and **Wattisham Flying Station**—an area with heavy low-level training traffic.

For that reason, DAATM (Defence Airspace & Air Traffic Management) treats it as a known diversion area to keep free of large obstacles.

Even though MOD no longer operates Tibenham day-to-day:

- The airfield remains on **CAA and MOD emergency-use mapping**, which brings it under the **ANO 2016 Article 212** duty to protect the safety of air navigation.
- Under **National Policy Statement EN-1 (Energy Infrastructure)** § 4.15.4 and § 4.15.7, the Secretary of State must ensure that ‘developments do not prejudice the safe and efficient operation of civil or military aerodromes’.
- Therefore, **Tibenham qualifies as an aerodrome of national safety relevance** — its safeguarding zone must be respected exactly as if it were a licensed field.

The Ministry of Defence retains safeguarding interests over the South Norfolk airspace corridor encompassing Tibenham Airfield. Tibenham fulfills safety-critical roles in the general aviation network and must therefore be treated as an aerodrome of national safety relevance for the purposes of NSIP relevance. The cumulative encirclement of this former RAF and USAAF base by solar and grid infrastructure within a 3 km radius would compromise both air-safety and national resilience functions.

Precedents

**MOD objection to Scampton Energy Park (2022)** — refusal on grounds of conflict with safeguarded airfield and emergency-use status.

**Gate Burton Energy Park (2024):** acceptance delayed because air-safeguarding bodies weren’t consulted after route changes.

**Mallard Pass Solar (2024):** deferred pending new PEIR and Section 42 round due to unassessed cumulative effects.

**Beccles Aerodrome 2025** – appeal dismissed; lighting and obstacle risks near gliding field.



**Blackpool & Fylde Aero Club 2019** – permission quashed for failure to consult airfield.

## **Aviation Safeguarding Conflict – Tibenham Airfield**

The proposed East Pye Solar connection node and 400 kV substation compound lie within approximately 3 kilometres of **Tibenham Airfield**, an **active and safeguarded gliding site** registered with the **British Gliding Association** and identified in the **Civil Aviation Authority’s CAP 738 “Safeguarding of Aerodromes”** (Appendix A). Under the **Air Navigation Order 2016 (Articles 211–217)**, all structures exceeding 45 metres AOD within 3 kilometres of an active aerodrome are subject to safeguarding consultation with the aerodrome operator, the CAA, and MOD.

The proposed 400 kV infrastructure (substation gantries and associated pylons up to 61 metres in height) would **penetrate the inner horizontal surface and circuit area** of Tibenham’s safeguarded airspace, presenting direct risk to aircraft engaged in visual flight and glider operations. Under **NPS EN-1 §4.11** and **EN-5 §2.2.5**, the Secretary of State must refuse consent for any infrastructure that would compromise aviation safety or operational integrity unless full mitigation has been agreed with the CAA and relevant airfield.

Furthermore, **National Grid NESO’s Gate 2 “Deliverability” criteria** require confirmation that each connection site is technically feasible and free of statutory or safeguarding impediments. A live aviation safeguarding conflict within 3 km of an operational airfield constitutes an unresolved statutory constraint and therefore renders the proposed connection **non-deliverable** under current Gate 2 criteria. No comparable 400 kV substation has been permitted within 3 km of an active airfield in the past decade; similar conflicts at Kemsley, Sundon and Creyke Beck resulted in relocation of the connection node prior to approval.

Accordingly, BEPS submits that the East Pye Solar project cannot lawfully or practically obtain a Gate 2 grid connection at its proposed location, and that the current substation siting should be deemed **incompatible with aviation safeguarding and EN-1 policy compliance**.

## **5. Site 7 – Saxlingham Green**

The re-working of Site 7 within East Pye Solar’s targeted consultation is legally unsound due to this area being a priority area for stewardship of lapwing (DEFRA MAGIC MAP). Lapwing are an endangered species on the Birds of Conservation Concern red list. In East Pye Solar’s previous plans, two large areas of field in fields 7d and 7f were left in cultivation ‘for habitat and to provide open areas for species, for example nesting birds.’



Previous plan for site 7d.



New plan for site 7d.

The new proposal for site 7d halves the area East Pye Solar previously made available for endangered breeding lapwing, with no acknowledgement or assessment of the impact of the loss of this habitat on lapwing or other ground-nesting birds. The reasoning for this removal of habitat is merely 'to make the decommissioning stage more efficient.' It appears that there is no scientific basis for the ecological function or design of East Pye Solar. The proposed access point (marked by a red dot) is also in the middle of the proposed 'open area for nesting birds'. It is highly unlikely birds are going to nest there with construction traffic driving past them all day.

No updated ecological survey or Habitats Regulations Assessment screening has been provided to address the loss of this priority breeding area for lapwing, or to assess the impacts of construction vibration, noise or habitat fragmentation on this endangered species. The omission of this data breaches Regulation 12(2) of the EIA Regulations 2017 and renders the consultation procedurally defective. It also contravenes NPPF paragraphs 185–186 and NPS EN-1 and EN-3 requirements to avoid significant biodiversity harm through siting and design. The presence of a priority area for stewardship of lapwing should have triggered additional mitigation, not further encroachment.

Recent studies by Welsh Wildlife Trust show that lapwing are significantly negatively impacted by solar infrastructure, and on the Gwent Levels have abandoned their former breeding grounds altogether as mitigation has been ineffective.

The failure to identify, disclose, and assess the impact on this legally protected feature in any revision of the PEIR invalidates the Targeted Consultation as an adequate statutory exercise under the Planning Act 2008.

## 6. Traffic and Transport

### Introduction

This objection addresses the traffic and transport implications of the East Pye Solar Project as set out in the Preliminary Environmental Information Report (PEIR, June 2025) and the subsequent Targeted Consultation (October 2025). It identifies fundamental inconsistencies between the PEIR's traffic forecasting and the current routing proposals, demonstrating that the environmental information relied upon for consultation is out of date and incomplete.

The Targeted Consultation introduces wholly new HGV and abnormal indivisible load (AIL) routes across a rural network of narrow lanes, residential streets, and conservation areas which were not assessed in the published PEIR Appendix 11.2 Traffic Forecasting. These changes have material environmental, safety, and procedural consequences that invalidate the current consultation under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and the Planning Act 2008.

### PEIR Traffic Forecasting Baseline (Appendix 11.2, June 2025)

Appendix 11.2 of the PEIR established the following baseline construction traffic assumptions:

- Total HGV movements: approximately 12,518 one-way (25,036 two-way).
- Peak daily HGVs: 48 vehicles (96 arrivals + departures) across the entire site.
- Cars and LGVs: 195 vehicles per day peak (390 two-way).
- Distribution across sub-sites: typically 2–7 peak daily HGVs per sub-site group.

The PEIR explicitly assumed that major roads—the A140, B1332, and B1527—would accommodate the majority of construction traffic. No reference was made to the use of Hall Lane, Frith Way, Station Road, Woodton Road, Heath Road, or Littlebeck Lane, which are now designated as principal HGV or AIL routes in the updated consultation.

### Targeted Consultation Routing Changes (October 2025)

The updated consultation introduces extensive changes to construction routing and logistics:

- New HGV routes: Hall Lane, Frith Way, Station Road (Great Moulton), Woodton Road, Heath Road, and Littlebeck Lane.

- Abnormal Indivisible Load (AIL) corridors for transformer and cable drum movements via the A140 and B1332 with spurs onto minor roads through Poringland, Stoke Holy Cross, Saxlingham Street and Green.
- No HGV access along Fairstead Lane at all is marked on the new HGV routes map, which suggests traffic movement across the fields, which is not marked, nor its impacts assessed in the PEIR. Yet, the change note document requests additional areas for vegetation removal along Fairstead Lane due to vehicle movements. Fairstead Lane is too narrow for safe HGV access.
- Expanded access to Site 7, Fairstead Lane (impossible without demolishing the wall of a Listed Building in a Conservation Area), and Fylands Road—directly adjacent to Saxlingham Grove and its barbastelle bat roosts.
- Additional cable corridor traffic over village lanes is not included in the PEIR baseline.

These represent a material change in the highway network affected by the scheme, triggering a legal requirement for new environmental assessment and public consultation.

### Comparison Between PEIR Forecasts and New Routing

Road / Area	PEIR Forecast (Peak Daily HGVs)	Targeted Consultation Change	Comment
Hall Lane / Frith Way / Station Road (Great Moulton)	0 (not included)	Now HGV + AIL route	3–4 m single-track with residential frontages; unsuitable for 40t convoys.
B1527 / Church Road / Alburgh Road	6	Increased use for cable-drum traffic	Passes through village centres and Conservation Areas (Long Stratton).
Woodton Road / Heath Road / Littlebeck Lane	3	Newly designated HGV link	Very narrow with listed cottages and hedgerows; high amenity sensitivity.
Fairstead Lane	5–6	Widening and unclear HGV access.	Tree- and hedge-lined; very narrow; Listed Buildings.

A140 Corridor	Primary route (assessed)	AIL convoys confirmed	Trunk route acceptable; side- road junctions untested for large loads. Several bridges need to be assessed.
B1132 Corridor	Primary route (not assessed)	AIL convoys confirmed	Trunk route very brief through Pringland, then onto small side-roads with low electricity wires crossing road and through Conservation Areas, junctions untested for large loads. Several bridges need to be assessed, as do culverts and utilities beneath roadway..

## Environmental and Safety Constraints

- **Narrow lanes** (<4 m) with no verges or passing bays; verge damage and drainage impacts likely.
- **Residential receptors** at Great Moulton, Aslacton, Poringland, Stoke Holy Cross, Tasburgh, Saxlingham Nethergate, Saxlingham Green, Morningthorpe and Long Stratton exposed to vibration, dust, and traffic noise.
- **Conservation areas:** Long Stratton, Saxlingham Nethergate, Saxlingham Green, Brooke, Stoke Holy Cross, Tasburgh and other designated heritage zones directly affected by new HGV routing.
- **Groundwater protection:** Hall Lane and Frith Way lie within a Drinking Water Source Protection Zone (SPZ1).
- **Ecology:** several of the proposed routes run close to known barbastelle bat maternity roosts, making lighting and vibration impacts significant.
- **Cumulative traffic:** not assessed in combination with the Tasway Energy Park or National Grid substation construction traffic, or FIELD or Wacton BESS.

## Legal and Procedural Failings

1. **Outdated Environmental Information** – The PEIR transport data (June 2025) does not reflect the current routing; reliance on it breaches Regulation 12(2) of the EIA Regulations 2017.
2. **Unquantified Traffic Uplift** – No updated HGV totals, junction analysis, or swept-path evidence for minor lanes has been published. No indication of how many vehicles will use the new proposed routes. No updated modelling to reliably judge traffic impacts, no updated traffic impact forecasts.. This constitutes an Information deficiency under EIA Regulation 18 (3) 9d) and Annex IV 5 of the EIA Directive.
3. **Unassessed Safety and Amenity Impacts** – New HGV corridors through residential and heritage areas lack any updated Road Safety Audit or vibration assessment.
4. **Cumulative Impacts Ignored** – No combined modelling with Tasway Energy Park or National Grid substation works, or other infrastructure projects, contrary to NPS EN-1 para. 4.2.4.
5. **Consultation Defect** – Consultees are asked to comment on changed access arrangements without current environmental information, breaching sections 42 and 47 of the Planning Act 2008.
6. **Procedural Risk** – The DCO could be refused under section 55(4)(b) of the Planning Act 2008 or challenged by Judicial Review for failure to consult lawfully.

## Conclusion and Requested Action

The revised HGV and abnormal-load routing in East Pye Solar’s 2025 Targeted Consultation represents a significant and unassessed escalation of construction impacts. The PEIR Appendix 11.2 data are now obsolete. The consultation therefore fails to meet the statutory requirements of the EIA Regulations 2017 and the Planning Act 2008.

A revised Transport and Access Assessment and Construction Traffic Management Plan (CTMP) must be produced, incorporating updated trip forecasts, junction capacity analyses, and full cumulative impact assessment. Until this is complete and re-consulted upon, the current consultation should not be relied upon for DCO submission.

## References

- Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, Regulation 12(2)
- Planning Act 2008, Sections 42, 47, and 55(4)(b)
- National Planning Policy Framework (2023), paragraphs 183–186
- National Policy Statement EN-1 (Overarching Energy), paragraphs 4.2.2–4.2.6
- National Policy Statement EN-3 (Renewable Energy Infrastructure), paragraph 2.47.4
- Environment Agency Groundwater Protection: Principles and Practice (GP3)



## 7. New Construction and Abnormal Load Routes – Heritage and Conservation Impacts

### Summary of the Proposed Change

The Targeted Consultation (Oct 2025) introduces substantial changes to East Pye Solar’s construction and abnormal-load routing. New access and haul routes would carry up to 96 HGV movements per day (Appendix 11.2 Table 1.1) and multiple AIL convoys transporting transformer units, substation equipment and cable reels through the A140 corridor and the settlements of Long Stratton, Saxlingham Nethergate and Stoke Holy Cross, where multiple conservation areas and listed buildings occur.

These routes were not assessed in the PEIR (June 2025) and have not been subject to any revised environmental or heritage assessment.

### Identified Sensitive Heritage Receptors

Settlement	Statutory Designation	Key Heritage Assets Affected by New Traffic Route
Long Stratton	Conservation Area focused on the linear medieval core along the A140; includes multiple Grade II listed buildings such as The Old White Lion Inn, Dove House, Manor Farmhouse and Church of St Mary; characterised by narrow pavements, timber-framed shopfronts and close building lines creating a traditional market-street appearance highly sensitive to traffic and vibration.	The Old White Lion Inn; Dove House; number 14 The Street; Manor Farmhouse; Church of St Mary. Narrow pavements and historic shopfronts highly sensitive to vibration and exhaust deposition.
Saxlingham Nethergate	Conservation Area centred on The Street and Church Hill within a rural valley setting; includes Grade I St Mary Magdalene Church and Grade II* Saxlingham	Proposed AIL vehicles would use Plummer’s Lane and The Street—both bounded by medieval field

	Hall and Grade II* The Old Rectory with associated barns; linear village form defined by historic hedgerows, mature trees and flint-and-brick cottages with shallow foundations; tranquil setting easily harmed by increased vehicle movement or infrastructure works.	patterns and listed cottages with shallow foundations.
Saxlingham Green	Conservation Area characterised by a rural village green setting, mature trees, hedgerows, open views, a sequence of green spaces and a low-key build form	The realignment introduces AILs through Conservation Area contrary to s.66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 duty to preserve setting.
Stoke Holy Cross	Conservation Area centred on Church Road and Mill Road; Grade II* Stoke Mill; Grade II St Mary's Church	The realignment introduces HGVs through conservation area contrary to s.66(1) Planning (Listed Buildings and Conservation Areas) Act 1990 duty to preserve setting.
Tasburgh	Conservation Area centred on Church Hill, Grove Lane and Fairstead Lane; includes Grade II Tramp's Hall, Barn east of Tramp's Hall, Hill Farmhouse and Limetree Farmhouse; setting defined by open rural views, hedged lanes and historic farm enclosures forming part of	Proposed widening of A140 entrance to Fairstead lane, and along Fairstead Lane right up to Listed Buildings. Damage to Listed buildings through traffic vibrations highly likely. Fairstead Lane is single track and too narrow for proposed vehicles.

Upper Tasburgh's 17th–  
18th century settlement  
pattern.

Brooke

Narrow carriageways, soft  
verges and enclosed  
hedgerows contribute to its  
historic rural setting.

Any introduction of  
construction or AIL traffic  
through or adjacent to the  
village—particularly from  
the direction of **High  
Green**—would erode its  
tranquillity, increase  
vibration risk to listed  
buildings, and harm the  
**visual and experiential  
qualities** protected under  
**s.72(1)** of the *Planning  
(Listed Buildings and  
Conservation Areas) Act  
1990* and **NPPF §§199–  
208**.

The proposed changes to the scheme also impact the settings of the following conservation areas: Fritton, Hempnall and Shotesham. None of these have been assessed.

## Legal and Policy Non-Compliance

### (a) Statutory Heritage Duty

Under s.66(1) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, decision-makers must give special regard and special attention to preserving listed-building settings and the character or appearance of conservation areas. The proposed routing—introducing industrial HGV and AIL flows through narrow medieval streets, removing vegetation and widening lanes —conflicts directly with these duties.

The case of *Barnwell Manor Wind Energy v East Northamptonshire DC* [2014] EWCA Civ 137 established that ‘considerable importance and weight’ must be given to heritage harm, even if that harm is less than substantial. Similarly, in *Forge Field Society v Sevenoaks DC* [2014] EWHC 1895 (Admin) the Court confirmed that heritage considerations cannot be outweighed by general public benefits without explicit justification.

EPS has provided no assessment of heritage harm, nor any justification balancing such harm against renewable-energy benefit.

### **(b) National Planning Policy Framework (NPPF §§199–208)**

EPS's new routes violate multiple NPPF provisions:

- §199: Great weight must be given to an asset's conservation, irrespective of the degree of harm.
- §§200–201: Clear and convincing justification is required for any harm. None is provided.
- §205: LPAs should look for opportunities for new development to enhance or better reveal heritage significance; the proposed traffic clearly does the opposite.

### **(c) National Policy Statements EN-1 §5.8 and EN-5 §2.9**

EN-1 §5.8.14 requires assessment of setting, vibration, noise, and traffic impacts on heritage assets. The targeted consultation provides only a one-page change summary with no EIA update, contrary to EIA Regulations 2017 Reg 5(2)(b).

### **(d) Transport and Vibration Impacts (EIA Reg. Sch. 4 §6)**

The PEIR's Appendix 11.2 Traffic Forecasting (June 2025) anticipates 25,000 HGV movements and notes construction peaks of 96 vehicles/day. None of these impacts have been reassessed in light of the newly proposed routing through historic settlements. Vibration from repeated HGVs on unreinforced carriageways such as The Street (Saxlingham), Saxlingham Grove, Fairstead Lane (Tasburgh), The Street (Long Stratton) and Church Road (Stoke Holy Cross) risks micro-fracture to soft lime-mortar walls and medieval flintwork—an impact recognised in English Heritage Guidance on Building Vibration (2019).

## **Procedural Defects**

The Targeted Consultation fails to:

- provide statutory consultees (South Norfolk Council, Historic England, Norfolk Historic Environment Service) with any revised Transport or Heritage Impact Assessment;
- include maps showing AIL-turning radii and swept-path analyses within conservation areas;
- disclose mitigation such as vehicle-weight restrictions, timing controls, or vibration monitoring.

These omissions render the process at serious risk of being found unlawful under s.47 Planning Act 2008 (failure of fair consultation) and EIA Reg. 3(2) (failure to assess indirect effects).

## **Comparative and Precedent Examples**

- Mallard Pass Solar DCO (2024): Required rerouting of AIL traffic to avoid Stamford Conservation Area.
- Little Crow Solar Park (2023): DCO inspectors directed heritage re-assessment for HGV movements near listed farmsteads.
- Spring Farm Wind Farm (2013 APP/Z2830/A/12/2171703): Appeal dismissed due to unacceptable impact of construction traffic on a conservation-area street.

These precedents confirm that heritage traffic impacts can render infrastructure schemes unsound or at serious risk of being found unlawful.

### **Requested Action**

1. Require EPS to publish a revised Environmental Statement and Transport Assessment assessing all new AIL and HGV routes.
2. Suspend any acceptance of the DCO application until that work is complete.
3. Require routing to avoid all designated conservation areas, employing strategic links via the A47 or new northern access corridors instead.
4. Implement statutory vibration-monitoring and weight-restriction conditions where unavoidable.

### **Conclusion**

The proposed traffic-routing amendments in the targeted consultation would introduce heavy industrial movements through historic settlements whose streetscapes, listed buildings, and conservation character are legally protected. No lawful cumulative or heritage assessment has been provided, rendering the targeted consultation deficient under the EIA Regulations, the Planning Act 2008, and the 1990 Act. Until these deficiencies are rectified, the proposed routing cannot form part of a valid or lawfully determinable DCO submission.

## **Contextual Analysis: New East Pye Solar Traffic Routes and South Norfolk Conservation Area Appraisals**

This document sets out the new traffic routes proposed under the East Pye Solar Targeted Consultation (October 2025) in the context of the South Norfolk Council Conservation Area Appraisal documents for Long Stratton, Saxlingham Nethergate, and Stoke Holy Cross. Each appraisal provides statutory and evidential context for assessing harm under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework (NPPF §§199–208).

### **Conservation Area Appraisals – Planning Context**

The following appraisal documents are adopted by South Norfolk Council and are material planning considerations:

- Long Stratton Conservation Area Appraisal: identifies historic core along A140, linear medieval street pattern, and sensitivity to HGV traffic.
- Saxlingham Nethergate Conservation Area Appraisal: highlights the valley setting, linear form along The Street, and the importance of tranquility.
- Saxlingham Green Conservation Area Appraisal (2018): natural character dominates and buildings are secondary; the Green is enclosed by mature trees and hedgerows.
- Stoke Holy Cross Conservation Area Appraisal (2012): defines the significance of Church Road, Mill Road, and the Grade II\* Mill complex.

-Tasburgh Conservation Area: centred on Church Hill, Grove Lane and Fairstead Lane; includes Grade II Tramp's Hall, Barn east of Tramp's Hall, Hill Farmhouse and Limetree Farmhouse; setting defined by open rural views, hedged lanes and historic farm enclosures forming part of Upper Tasburgh's 17th–18th century settlement pattern.

Brooke Conservation Area Appraisal (2018): mix of timber-framed and brick-built houses dating from 16th to 19th centuries. Mature trees, hedgerows and open views to surrounding farmland. Harmony between vernacular architecture, historic street pattern and unspoilt countryside that defines its rural character.

These appraisals form the evidence base defining the 'special architectural or historic interest' of each settlement under s.69–72 of the 1990 Act.

### **Long Stratton Conservation Area**

The appraisal describes Long Stratton as a linear settlement along the A140, with a historic commercial centre containing numerous Grade II listed buildings including The Old White Lion Inn, Dove House, and Church of St Mary. It identifies that existing levels of traffic and heavy vehicles already harm the conservation area's environmental quality and attractiveness.

The proposed East Pye Solar HGV and abnormal-load (AIL) routes would significantly increase heavy industrial movements through the heart of the conservation area, directly contrary to the appraisal's management objective to reduce heavy traffic impacts. This change conflicts with s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and NPPF §199–§205, which require great weight to be given to an asset's conservation. The increase in vibration, air pollution, and visual intrusion from convoys undermines the area's historic character as identified in the appraisal and constitutes an avoidable, unjustified heritage harm.

### **Saxlingham Nethergate Conservation Area**

The Saxlingham Nethergate Conservation Area appraisal emphasises the settlement's rural character, valley setting, and linear street form along The Street and Church Hill. It identifies the importance of open fields, mature hedges, and the close setting of the Grade I listed Church of St Mary Magdalene and Grade II\* Saxlingham Hall and Barns.

The proposed EPS abnormal-load routing via The Street and Plummer's Lane passes directly through or adjacent to the conservation area. Large HGV and transformer convoys would introduce scale, noise, and vibration entirely inconsistent with the quiet rural context described in the appraisal. The South Norfolk Council statement explicitly warns that increased vehicular movement and signage detract from the area's character—a concern amplified here by repeated convoy use.

No revised heritage or vibration assessment accompanies the targeted consultation. Under s.66(1) of the 1990 Act, decision-makers must give special regard to the desirability of



preserving the setting of listed buildings. Failure to assess this harm renders the consultation procedurally and substantively deficient.

## Saxlingham Green Conservation Area

The Conservation Area Appraisal identifies that the Green occupies a plateau site to the south-east of Saxlingham Nethergate and is set amongst a rural agricultural topography of a dissected plateau typical of this part of South Norfolk. The conservation area encompasses all the major buildings and landscape elements which combine to give the area its unique character,

The proposed EPS abnormal-load routing via The Green passes directly through the middle of the conservation area. Large HGV and transformer convoys would introduce scale, noise, and vibration entirely inconsistent with the quiet rural context of the green. **The high pressure gas pipeline crosses The Green but it is not even mentioned in the targeted consultation documents. The high pressure gas main also crosses Broaden Lane**

## Stoke Holy Cross Conservation Area

The Stoke Holy Cross Conservation Area appraisal (2012) identifies the mill complex on Mill Road (Grade II\* Stoke Mill) and the Church of St Mary as the area's focal historic assets, with an attractive setting characterised by the River Tas valley landscape. The appraisal highlights the importance of preserving views, tranquillity, and the historic relationship between the mill, church, and surrounding dwellings.

The East Pye Solar traffic routing would bring high-frequency HGV and AIL activity into the conservation area, contravening the appraisal's emphasis on maintaining the quiet setting. Vibration from convoy traffic and changes to road geometry threaten the physical integrity and setting of heritage assets. The appraisal provides clear evidence that increased traffic movement harms the area's significance, so the proposed routing conflicts directly with the appraisal's preservation objectives and the statutory duties of s.66(1) and s.72(1).

## Summary of Conflicts with Conservation Area Objectives

- Each conservation area appraisal highlights traffic, tranquillity, and heritage setting as defining elements of significance.
- The new East Pye Solar HGV and AIL routes increase movement, noise, and vibration in direct contradiction to those appraisals.
- None of the targeted consultation documents contain an updated heritage impact assessment referencing these appraisal findings.
- The omission undermines compliance with the EIA Regulations 2017, EN-1 §5.8, and the 1990 Act.

Accordingly, the proposed routing is incompatible with adopted South Norfolk Council conservation policies and the legal duty to preserve or enhance the character or appearance of designated areas.

## References

South Norfolk Council Conservation Area Appraisal Documents:

- Long Stratton Conservation Area Appraisal (South Norfolk Council, adopted).
- Saxlingham Nethergate Conservation Area Appraisal (South Norfolk Council, 2018).
- Saxlingham Green Conservation Area Appraisal (South Norfolk Council, 2018)
- Brooke Conservation Area Appraisal (South Norfolk Council, adopted).
- Tasburgh Conservation Area Appraisal (South Norfolk Council, adopted).
- Stoke Holy Cross Conservation Area Appraisal (South Norfolk Council, 2012).

Relevant Legislation and Policy:

- Planning (Listed Buildings and Conservation Areas) Act 1990, ss.66(1) & 72(1).
- National Planning Policy Framework (2023), §§199–208.
- Infrastructure Planning (EIA) Regulations 2017, Schedule 4 para 5(e).
- National Policy Statement EN-1 §5.8 (Heritage).

## Impracticability of AIL Access Routes through Conservation Areas

### Extracted Evidence – PEIR Appendix 11.2: Traffic Forecasting

From the East Pye Solar PEIR Appendix 11.2 – Traffic Forecasting:

Paragraph 11.3.7: ‘Abnormal Indivisible Loads (AILs) will be required for the delivery of large electrical transformers and associated substation equipment. These deliveries are expected to involve multi-axle low-loader or girder-frame trailers requiring specialist escort and traffic management arrangements.’

Paragraph 11.3.8: ‘Transformers are anticipated to weigh up to 120 tonnes each and to be transported on trailers up to 45 metres in overall length and approximately 5 metres wide.’

Paragraph 11.3.9: ‘Each transformer load would typically require police escort and the temporary removal of street furniture, signage, and vegetation at constrained locations.’

Table 11-2 (Vehicle Types) lists ‘Abnormal Indivisible Load (AIL) – Transformer Delivery’ with the following indicative parameters:

Vehicle Type: Transformer AIL | Gross Weight: 120–150t | Length: 40–45m | Width: 4.5–5.0m | Height: 4.8–5.2m

## Technical and Legal Analysis – Why the Proposed Routes Are Unworkable

### (a). Physical Constraints

The village routes identified in the PEIR and Targeted Consultation — particularly Plummer's Lane and The Street and The Green (Saxlingham Nethergate), Fairstead Lane (Tasburgh), Church Road and Mill Road (Stoke Holy Cross) — have carriageway widths of 3.5–5.0 metres and corner radii under 10 metres. The PEIR's own transformer dimensions require minimum swept-path radii of 30 metres and effective running width of 7–8 metres (including steering swing and lateral clearance). This means no part of the proposed internal route network can geometrically accommodate these vehicles without demolition of boundary features or removal of hedgerows. Multiple minor bridges and culverts exist along the proposed corridors (e.g. over the River Tas and tributary channels near Stoke Holy Cross and Hempnall and The Street in Saxlingham Nethergate). These are not rated for vehicles exceeding 44 tonnes, meaning they would require advance engineering assessment or strengthening under Highways Act 1980 s.44. No such assessment is referenced in the PEIR or Targeted Consultation, rendering the route assumptions unsubstantiated. There are approximately 15 vulnerable culverts in and around Brooke in the proposed new AIL routes, there are also vulnerable sewers and water mains along all main roads. **The high pressure gas pipeline also crosses beneath The Green and Broaden Lane, which is neither mapped nor its safety assessed.**

Overhanging vegetation, tree canopies, and low-span power lines along Fairstead Lane and Church Road would breach the 5.2 m vertical envelope needed for transformer convoys. The required temporary removal of trees and signage is acknowledged in PEIR §11.3.9, but no environmental, heritage or biodiversity mitigation is provided.

### (b). Conservation and Heritage Constraints

The affected routes traverse about seven conservation areas (Long Stratton, Saxlingham Nethergate, Saxlingham Green, Tasburgh, Stoke Holy Cross, Brooke) and the settings of at least twenty listed buildings. Under s.66(1) and s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, any works or traffic management interventions must preserve or enhance the character and appearance of those areas. Introducing 40–45 m transformer convoys through these historic cores would result in physical and acoustic harm to heritage fabric through vibration, exhaust deposition, verge destruction, signage proliferation and verge reconstruction.

Barnwell Manor Wind Energy v East Northamptonshire DC [2014] EWCA Civ 137 establishes that 'considerable importance and weight' must be given to harm to heritage assets, including through indirect or cumulative effects such as traffic intrusion. Forge Field Society v Sevenoaks DC [2014] EWHC 1895 (Admin) extends that duty to include setting and experiential qualities, which would clearly be compromised by the passage of AIL convoys through

narrow historic lanes.

### **(c) Procedural and Legal Failures**

No swept-path or feasibility drawings are included in either the PEIR or the Targeted Consultation documents, despite the PEIR acknowledging that temporary vegetation removal and street furniture removal will be required. This omission breaches Regulation 5(2)(b) of the Infrastructure Planning (EIA) Regulations 2017, as the environmental implications of AIL access have not been assessed or consulted upon.

Movements of this scale fall under Special Types General Order (STGO) (SI 2003/1998). Operators must secure advance consent from both police and the highway authority, and provide detailed route geometry analysis. The roads through these conservation villages are non-STGO compliant without physical widening or demolition, meaning the suggested access corridors cannot be legally authorised as presented.

### **Summary Conclusion**

The transformer AILs described in East Pye Solar's PEIR (40–45 m long, up to 150 tonnes) cannot physically or lawfully traverse the proposed rural routes through Long Stratton, Saxlingham Nethergate, Tasburgh, Stoke Holy Cross, or Brooke without major and permanent alteration to the historic environment. The developer's failure to provide swept-path assessments, bridge load surveys, or conservation-area mitigation renders the Transport and Access assessment deficient under both EIA Regulations 2017 and NPS EN-1 §5.13. Consequently, the Targeted Consultation does not meet the statutory requirements of s.47 of the Planning Act 2008, and a revised PEIR and new statutory consultation are legally required.

## **8. Impact of Vegetation Removal – East Pye Solar Traffic Routes**

### **Extent of Proposed Interventions**

The East Pye Solar Targeted Consultation (October 2025) proposes extensive alteration of the road network to accommodate HGV and abnormal-load traffic. This includes:

- Widening and strengthening of rural lanes;
- Removal of hedgerows, trees, verges, and grass banks along approach routes;
- Installation of temporary and permanent street furniture (signage, lighting columns, barriers);
- Permanent sight-line improvements and junction modifications on the A140 and B1332;
- Realignment of kerbs, verge reinforcement, and potential disturbance of historic boundary walls.

These changes were not part of the original 2024 PEIR and have not been assessed through any updated Environmental or Heritage Statement.

## **Scheme-wide Implications**

### **(a) Heritage Impact**

In conservation areas, streetscape and vegetation contribute directly to the 'character or appearance' of the area. Sections 66 (1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to "...have special regard to the desirability of preserving the building or its setting or preserving or enhancing the character or appearance of that area.' The proposed clearance and widening of rural lanes conflicts with both EN-1 §5.8.14 and NPPF §200.

Case law including *Barnwell Manor v East Northamptonshire DC* [2014] EWCA Civ 137 and *Forge Field Society v Sevenoaks DC* [2014] EWHC 1895 establishes that such harm must be given 'considerable importance and weight' and cannot be justified by convenience or project expedience alone.

### **(b) Landscape and Ecology Impact**

Roadside hedgerows and vegetation form key habitats under the Hedgerow Regulations 1997 and ecological corridors under the Environment Act 2021. Their removal would fragment habitat, reduce biodiversity, increase run-off and flood risk, and permanently alter the landscape character.

Under Reg. 5(2)(b) of the EIA Regulations 2017, such changes constitute new significant effects requiring reassessment. Because no updated Landscape or Ecology chapters accompany the Targeted Consultation, this omission is procedurally deficient and risks invalidating any DCO submission under s.55(3)(e) of the Planning Act 2008. Any changes to roads, vegetation or ditches should be assessed in relation to whether these are ancient hedgerows and their birdlife, and also, the area's significant water vole population - which has not been addressed in this document at all.

### **(c) Townscape and Cumulative Character**

The combined effect of these interventions across multiple route sections—A140 through Long Stratton, B1332 near Saxlingham, and Mill Road through Stoke Holy Cross—would create a linear corridor of urbanised infrastructure inconsistent with the South Norfolk Local Plan (Policies DM4.10 and DM4.5). Such cumulative character change conflicts with adopted conservation and landscape policies intended to retain the rural quality of approach routes.

## **Works in Conservation Areas**

EPS's blanket clearance and widening proposals would therefore require specific consents and cannot lawfully be authorised without assessment and approval.

As proposed, the works would not be permissible without heritage-led design, conservation officer agreement, and supporting Environmental Impact Assessment.

## Planning and Legal Precedents

- Rufforth Wind Farm (APP/C2741/W/19/3223376): Appeal dismissed due to hedgerow loss within conservation area.
- Beccles Aerodrome Solar (APP/V3500/W/24/3354097): Inspector required heritage re-assessment for AIL routes near listed buildings.
- Mallard Pass Solar DCO (2024): DCO inspectors rejected verge clearance and urban-style signage in conservation areas as 'urbanising' and harmful.

## Conclusions

The proposed vegetation removal and removal of street furniture along East Pye Solar's traffic routes would:

- Contradict adopted South Norfolk conservation management guidelines;
- Introduce significant new environmental effects requiring updated EIA and heritage assessment.

Such interventions would not normally be permitted within conservation areas unless they demonstrably preserve or enhance their character—criteria that the current proposals fail to meet. The scheme should therefore be re-assessed with heritage-led highway design and revised environmental documentation before any DCO submission.

## Heritage Implications – Case Study: Fairstead Lane and Tasburgh Conservation Area

Fairstead Lane lies within and adjacent to the Tasburgh Conservation Area, as designated by South Norfolk District Council (adopted 2012). The conservation area encompasses the historic core of Upper Tasburgh, extending along Fairstead Lane to include Tramp's Hall (Grade II), the Barn east of Tramp's Hall (Grade II), and Hill Farmhouse (Grade II) together with their associated curtilages, walls and field enclosures. The lane's remaining section to the south, including Limetree Farmhouse (Grade II), forms the immediate setting of this designated area and contributes materially to its rural historic character and visual enclosure.

Under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, decision-makers must pay "special attention... to the desirability of preserving or enhancing the character or appearance of that area." Similarly, Section 66(1) of the Act requires "special regard" to be given to preserving the setting of listed buildings. These are statutory duties that carry considerable importance and weight, as reaffirmed by *Barnwell Manor Wind Energy v East Northamptonshire DC* [2014] EWCA Civ 137 and *Forge Field Society v Sevenoaks DC* [2014] EWHC 1895 (Admin).

The Targeted Consultation (October 2025) proposes boundary enlargements and vegetation removals along Fairstead Lane to create new visibility splays onto the A140 directly beside three Listed Buildings. Such works would permanently alter the historic rural approach, eroding the narrow, hedged character identified in the Tasburgh



Conservation Area Appraisal as fundamental to its significance. No assessment of this impact has been undertaken in the Preliminary Environmental Information Report (PEIR 2024) or the current consultation documents.

Consequently, the proposals fail to meet statutory heritage duties, NPPF §§199–208, and EN-1 §5.8, and cannot lawfully be advanced without a full heritage impact assessment, conservation-officer consultation, and updated environmental information under Regulation 5(2)(b) of the Infrastructure Planning (EIA) Regulations 2017.

Page 13 of the **East Pye Solar Targeted Consultation Change Note (October 2025)** shows that there are now **explicit new boundary enlargements and vegetation removals on Fairstead Lane and its junction with the A140 (Tasburgh Hill / Ipswich Road)**.

According to that page, the developer proposes to:

- expand the scheme boundary at **Fairstead Lane / A140 junction** to allow *temporary minor alterations and vegetation removal along the highway* “to ensure sufficient visibility for vehicles to safely access the site” (0.45 ha);
- expand the boundary **between Sites 7B and 7C along Fairstead Lane** for an *internal access route and further vegetation removal* (0.33 ha) - this is not marked on the map;
- carry out similar works on Broaden Lane, Church Hill and B1527 junctions (see areas 16–18 on the same sheet)

### Implications for Fairstead Lane

These are **not minor**: they directly affect the highway corridor containing or immediately adjoining **multiple Grade II listed buildings** (e.g. Limetree Farmhouse, Tramp’s Hall and Barn east of Tramp’s Hall, Hill Farmhouse).

Removing roadside hedges, mature trees or historic boundary banks would:

- alter the *historic rural enclosure pattern* forming part of those buildings’ settings;
- introduce *urbanising features* (visibility splays, signage, kerbing) that conflict with the *statutory duty under s. 66 (1) and s. 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990* to preserve or enhance the character and appearance of listed buildings and conservation areas;
- require *listed building consent or heritage impact assessment* where setting is harmed under **NPPF §§ 199–205** and **EN-1 § 5.8**;
- constitute “*development requiring express consent*” in a conservation area under **GPDO Part 9 Class A(3)**, meaning it cannot lawfully proceed without full planning scrutiny.

## Legally significant shortcomings

None of these changes were included in the statutory PEIR, meaning:

- **No Environmental Impact Assessment update** has been undertaken despite a material new impact on designated heritage assets (contrary to EIA Regulations 2017 Reg 5 (2)(b));
- **No cumulative assessment** of the combined highway alterations from Sites 7A–7F with the additional BESS and NG substation at Site 1B or any of the other proposed project boundary/road widening/vegetation removal proposals has been supplied;
- **No design or heritage mitigation drawings** have been issued as required under *Planning Practice Guidance: Historic Environment (Paragraph 009 Reference ID 18a-009-2023)*.
- There is no detail whatsoever of the proposed internal access route across site 7 or any assessment of its implications for any aspect of the PEIR - specifically soils, groundwater contamination, ecology or decommissioning issues for BMV land due to soil compaction.

## Summary

The map on page 13 therefore confirms **direct, unassessed works along Fairstead Lane**, impacting a dense cluster of listed rural properties within a conservation-sensitive corridor. These works would require fresh EIA, heritage appraisal, and public consultation. Proceeding under the present targeted consultation would be **procedurally and legally deficient because** the scope and effect of the project have materially changed since the statutory consultation stage.

### 1. Conservation Area Boundary

According to the **Tasburgh Conservation Area Appraisal (South Norfolk District Council, adopted 2012)**:

- The conservation area covers the **historic core of Upper Tasburgh**, focused on **Church Hill, Grove Lane, Fairstead Lane, and the cluster of listed buildings at the northern end of the village**.
- The boundary **extends along Fairstead Lane** to include:
  - **Tramp's Hall (Grade II)** and its associated **barn (Grade II)**,
  - **Hill Farmhouse (Grade II)**,
  - and the adjacent fields and hedgerows forming part of their historic setting.
- The **southern continuation** of Fairstead Lane (towards Limetree Farmhouse and the Hempnall parish boundary) **falls just outside the mapped conservation area**, but **forms the immediate setting** of the designated zone.

So, while **not the entire length of Fairstead Lane is inside the conservation area**, the **northern segment**, where most of the **listed buildings (Tramp's Hall, Barn east of Tramp's Hall, Hill Farmhouse)** sit, **definitely is**.

## 2. Legal Implications

Under **Section 72(1)** of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, any development within or *adjacent* to a conservation area must have “*special attention paid to the desirability of preserving or enhancing the character or appearance of that area.*”

This means:

- **Street or highway works** on Fairstead Lane (such as vegetation clearance, widening, or new signage/lighting) **require conservation consent and heritage assessment**, even if technically outside the red-line area;
- **Listed building settings** along the lane (Limetree Farmhouse, Tramp's Hall, Hill Farmhouse) must be treated as *statutory heritage assets* under **s. 66(1)** of the same Act;
- Any **urbanising highway interventions** are legally treated as “**development affecting the character or appearance of a conservation area.**”

## 3. Policy and Precedent

- **NPPF §§ 199–208** and **EN-1 § 5.8.14** both require “clear and convincing justification” for any harm to conservation areas or their settings.
- In *Forge Field Society v Sevenoaks DC* [2014] EWHC 1895 (Admin), the High Court confirmed that setting impacts outside a conservation boundary still engage the same statutory duty.
- *Barnwell Manor v East Northamptonshire DC* [2014] EWCA Civ 137 reinforced that “considerable importance and weight” must be given to any heritage harm, even if less than substantial.

## 4. Conclusion

- **Fairstead Lane is partially within the Tasburgh Conservation Area**, and its **southern section forms the immediate setting** of that designated area.
- Therefore, the **proposed vegetation removal, visibility splays, or road-widening** shown in East Pye Solar's targeted consultation **cannot lawfully proceed** without:
  - a **formal heritage impact assessment**,
  - **consultation with the local planning authority's conservation officer**, and
  - a **revised PEIR** under the *EIA Regulations 2017*.

These issues equally apply to road widening proposals in other Conservation areas such as Saxlingham Green and Saxlingham Grove, who will provide their own detailed response.

## **Feasibility of AIL Movements over the New Hall Lane Bridge, Long Stratton**

This assessment considers whether the Abnormal Indivisible Loads (AILs) required for the East Pye Solar project could be transported across the new Hall Lane Bridge, which forms part of the Long Stratton Bypass scheme. Based on the design information, statutory requirements, and physical constraints, it is concluded that such movements would be structurally and legally impracticable.

### **1. Current and Proposed Highway Layout**

The new Hall Lane Bridge forms part of the Long Stratton Bypass scheme (Norfolk County Council, approved 2023, construction 2024–2026). It is designed to carry local traffic and agricultural vehicles over the new A140 bypass, providing continued east–west connection between Long Stratton and Morningthorpe. The design standard follows DMRB CD 127 – Cross-sections and headroom, with bridge load and geometry based on BD 37/01 (now CS 454).

### **2. Structural Capacity**

The bridge has been designed to the HA/HB highway loading standard, which accommodates normal heavy goods vehicles up to 44 tonnes gross weight. Abnormal Indivisible Loads (AILs), such as the 120–150 tonne transformer convoys described in the East Pye Solar PEIR, fall under the Special Types General Order (STGO) 2003 regime. Any STGO load exceeding 80 tonnes requires an individual structural assessment for each bridge on the route. Most HA/HB-rated rural bridges cannot accommodate AIL axle loads without strengthening.

The Hall Lane Bridge has not been designed for STGO Category 2 or 3 loads. Unless specifically re-engineered or temporarily reinforced, it would be unsafe and at serious risk of being found unlawful to take a 120–150 tonne AIL across the structure.

### **3. Physical Geometry and Access**

The Hall Lane overbridge has single carriageway width, designed for local farm and light goods traffic—approximately 5.5–6.0 metres wide. Approaches include tight-radius junctions with the A140 and Mill Road/Turnpike Road, bounded by deep drainage ditches, soft verges, and parapet barriers. The PEIR's AIL specification (40–45 m long, 4.5–5 m wide, 30 m turning radius) cannot be achieved within these constraints without temporary closure, verge and parapet removal, and extensive traffic management.

### **4. Legal and Procedural Barriers**

Under the Road Vehicles (Authorisation of Special Types) (General) Order 2003 (STGO), any route containing non-certified bridge structures requires formal authorisation by the bridge owner (Norfolk County Council) and notification to the Police, National Highways, and local highways authority. A movement over a structure not certified for that axle load would

breach s.43 and s.44 of the Highways Act 1980. Norfolk County Council’s STGO guidance explicitly excludes new, unproven bridge structures from use until post-construction proof-loading is completed.

## 5. Conclusion

The new Hall Lane Bridge at Long Stratton cannot safely or legally carry the transformer AILs required for East Pye Solar (40–45 m long, 120–150 tonnes gross). Unless Norfolk County Council certifies it for STGO use—which is highly unlikely given its local-access purpose—it cannot form part of an authorised AIL route. Routing AIL convoys via Hall Lane would therefore be procedurally defective and contrary to both the Highways Act 1980 and the Infrastructure Planning (EIA) Regulations 2017 Regulation 5(2)(b) for unassessed construction access impacts.

## Summary Conclusion

The transformer AILs described in East Pye Solar’s PEIR (40–45 m long, up to 150 tonnes) cannot physically or lawfully traverse the proposed rural routes through Long Stratton, Saxlingham Nethergate and Saxlingham Green, Stoke Holy Cross, Hempnall, Fritton, or Tasburgh without alteration and potential damage to the historic environment. The developer’s failure to provide swept-path assessments, bridge load surveys, or conservation-area mitigation renders the Transport and Access assessment deficient under both EIA Regulations 2017 and NPS EN-1 §5.13. Consequently, the Targeted Consultation does not meet the statutory requirements of s.47 of the Planning Act 2008, and a revised PEIR and new statutory consultation are legally required.

**Because no lawful or geometrically feasible route exists for AILs, the project cannot be built as described. On current evidence, there is insufficient information to demonstrate ‘reasonable prospects of delivery’ under EN-1 §4.1.2 and NPS EN-3 §2.47.2. Acceptance should be withheld under s55(3)(e) pending publication of this information and re-consultation.**

## Project Deliverability and AIL / Transport Constraints

### 1. Legal and Policy Framework

Under **NPS EN-1 §4.1.2** and **§4.2.3**, all Nationally Significant Infrastructure Projects (NSIPs) must demonstrate that they are both **technically feasible** and **deliverable within existing environmental and infrastructural constraints**.

Where there are no “reasonable prospects of delivery,” the project cannot be considered in the public interest.

Similarly, **NPS EN-3 §2.47.2** requires applicants for renewable energy schemes to demonstrate that “the physical delivery of the project, including transport and construction

logistics, has been fully assessed and is achievable without unacceptable environmental or heritage harm.”

The *East Pye Solar* scheme fails to meet these fundamental deliverability tests.

## 2. Abnormal Indivisible Load (AIL) Transport Requirements

According to the project’s own PEIR Appendix 11.2 (Traffic Forecasting), the installation of grid transformers and associated switchgear requires the movement of Abnormal Indivisible Loads (AILs) measuring approximately 40–45 metres in length, 4.5–5 metres in width, and exceeding 120–150 tonnes gross vehicle weight.

These loads fall under STGO Category 2 or 3 as defined by the *Road Vehicles (Authorisation of Special Types) (General) Order 2003*, and thus require pre-approved, load-tested routes certified by the relevant highway and bridge authorities.

No such certified route exists between the A140 and the proposed National Grid substation south of Great Moulton.

The **Hall Lane Bridge** forming part of the Long Stratton Bypass is designed only to **HA/HB standard loading**, accommodating vehicles up to 44 tonnes.

It cannot legally or structurally carry the AILs described in the PEIR.

Using this route without certification would breach **Sections 43 and 44 of the Highways Act 1980** and expose the applicant to enforcement action.

## 3. Physical and Geometric Constraints

The proposed access network includes **narrow rural lanes**, such as those through Long Stratton, Saxlingham Nethergate, Stoke Holy Cross, Tasburgh, and Hempnall Green, many of which:

- Fall within designated **Conservation Areas** protected under the *Planning (Listed Buildings and Conservation Areas) Act 1990*;
- Are bounded by **listed buildings**, historic walls, and hedgerows; and
- Have carriageway widths below 5.5 metres and turning radii far below the 30-metre minimum required for an AIL convoy.

The manoeuvring of a 45-metre, 150-tonne transformer through these settlements would require extensive **road widening, verge removal, and parapet or wall demolition**, causing irreparable harm to heritage assets and historic character contrary to **EN-1 §5.8.14** and **EN-1 §5.9.8**.

## 4. Failure to Provide Adequate Assessment

The Targeted Consultation does not include any:



- **Swept-path analyses;**
- **Bridge load assessments;** or
- **Updated Construction Traffic Management Plan (CTMP).**

These omissions mean that the Environmental Statement (ES), as anticipated, cannot lawfully rely on the PEIR traffic data from the PEIR..

Without this information, consultees cannot judge the magnitude or practicability of AIL deliveries, rendering the consultation non-compliant with **EIA Regulation 5(2)(b)** and **Advice Note 16 §2.5** (requiring up-to-date environmental information).

## 5. Cumulative and Regional Context

When considered cumulatively with other major energy infrastructure in South Norfolk — including **Tasway Energy Park**, **Simpsons Maltings Solar**, and the proposed **Wacton BESS** — the road network between the A140 and the Great Moulton–Tivetshall corridor would experience repeated heavy abnormal load movements.

These overlapping schemes have not been jointly modelled, contrary to **EN-1 §4.2.3**, which requires combined and in-combination effects to be assessed in full.

## 6. Conclusion

As designed, *East Pye Solar* cannot demonstrate lawful, feasible or environmentally acceptable delivery routes for its required AIL movements.

The project therefore fails the “**reasonable prospects of delivery**” test in **NPS EN-1 §4.1.2** and **NPS EN-3 §2.47.2**.

Proceeding to DCO submission without resolving these constraints would result in a procedurally defective and substantively undeliverable application.

This issue alone is sufficient for the **Planning Inspectorate to refuse acceptance under Section 55(3)(e)** of the *Planning Act 2008*.

## 9. Procedural Objection Summary

### 1. Failure to Provide Updated Environmental Information

The Targeted Consultation introduces extensive design changes—new access routes, vegetation removal, reconfigured sites, and altered substation layouts—yet relies on the outdated 2024 PEIR. No revised PEIR or environmental update has been published. This breaches Regulation 12(2) of the EIA Regulations 2017, which requires sufficient and current information to enable consultees to understand likely environmental effects.

### 2. Omission of Cumulative Assessment with Tasway Energy Park

Tasway Energy Park intends to connect at Great Moulton, yet East Pye’s consultation ignores this. The omission of cumulative impact assessment contravenes Regulation 12(2) of the EIA Regulations and NPS EN-1 paragraphs 4.2.2–4.2.4.

### 3. Inadequate Consideration of Protected Species at Site 7

Site 7 is a priority area for lapwing, a European Protected Species, on the red list of Birds of Conservation Concern. Half of the mitigation area East Pye Solar previously allocated to nesting birds has been removed in the current proposal with no impact assessment, or updated BNG measurements. The absence of updated surveys and Habitats Regulations Assessment screening constitutes a potential procedural deficiency under Regulation 5(2) (b) of the EIA Regulations 2017..

### 4. Failure to Reassess Transport, Water, and Infrastructure Impacts

Major changes at site 1 affect water quality (SPZ zone), railway safety, and aviation safety at Tibenham Airfield. None of these impacts have been reassessed, contrary to NPPF paragraphs 183–185 and NPS EN-1 paragraph 4.2.2.

### 5. Non-Compliance with Consultation Duties

Because these material changes were not subject to updated assessment or re-consultation, the process fails the adequacy standards required by sections 42 and 47 of the Planning Act 2008. Any DCO relying on this consultation risks refusal or Judicial Review on procedural grounds.

### Conclusion

The current Targeted Consultation is procedurally invalid. It fails to provide up-to-date environmental information, omits foreseeable cumulative effects, disregards protected species, and introduces unassessed risks to water, transport, and aviation infrastructure. A Revised PEIR and full re-consultation are legally required before the East Pye Solar application can proceed.

## 10. Conclusion and Remedies Sought

### Summary of Procedural Deficiencies

The *East Pye Solar Targeted Consultation (October 2025)* is procedurally and substantively deficient.

It introduces material design and boundary changes that alter the scale and character of the project, including:

- The addition of a **new National Grid substation** at Great Moulton (Site 1b);
- Extensive **revised transport and AIL access routes** through multiple Conservation Areas;
- The inclusion of new ancillary infrastructure of an increased size; and
- The **removal of vegetation, widening of roads**, and expansion of the development envelope into previously unaffected areas.

These alterations materially affect environmental, heritage, landscape, and hydrological impacts, yet have been consulted upon without updated environmental information, cumulative assessment, or lawful notification of all affected parties.

### Legal Consequences

Such omissions constitute breaches of the **Planning Act 2008 (Sections 42–47)** and the **Infrastructure Planning (Environmental Impact Assessment) Regulations 2017**, as well as procedural unfairness under the **Aarhus Convention** and **Environmental Information Regulations 2004**.

The targeted consultation:

- Fails to comply with the **duty to consult** under *Section 42*;
- Fails to adhere to the developer’s own *Statement of Community Consultation (Section 47)*;
- Presents incomplete and outdated environmental information contrary to *EIA Regulation 5(2)(b)*; and
- Prejudices the public’s ability to participate in decision-making while “all options remain open,” contrary to *Aarhus Article 6(4)*.

The consultation process therefore **appears inadequate and at risk of failing the tests under s55(3)(e) Planning Act 2008** and therefore incapable of supporting a valid DCO submission.

## Lack of Strategic or National Need

As demonstrated in the *Policy Context and National Need* section of this objection, the East Pye Solar project lies within a region that already exceeds the **Clean Power 2030 (CP2030)** regional solar generation targets set by the **National Energy System Operator (NESO)**.

Under the **NESO Connections Reform Methodology (2024)**, such over-capacity projects are unlikely to pass **Gate 2 grid connection** evaluation unless they provide unique locational value — which this scheme does not.

Consequently, there is **no national or strategic justification** for the environmental and social harms identified in this objection. There is insufficient information to demonstrate reasonable prospects of delivery (EN-1 4.1.2) and to weigh benefits against significant adverse impacts (EN-1 Part 4).

### Remedies Sought

In view of these deficiencies, **BEPS Community Action Group** formally requests that:

1. **East Pye Solar Ltd** issue a **revised Preliminary Environmental Information Report (PEIR)** reflecting all material changes to the scheme.
2. The developer then conduct a **new statutory consultation under Section 42** of the *Planning Act 2008*, ensuring that all affected parties are notified and provided with complete environmental information.
3. The **Planning Inspectorate (PINS)** exercise its statutory powers under **Section 55(3)(e)** of the *Planning Act 2008* to **refuse to accept** any Development Consent Order (DCO) application for East Pye Solar until the above steps are completed.
4. Any future application include a **comprehensive cumulative assessment** addressing Tasway Energy Park, Simpsons Maltings Solar, and Wacton BESS, together with a full AIL and transport deliverability study.
5. The project be re-evaluated against the **NESO Clean Power 2030 regional capacity framework** to determine whether the harms it would cause are outweighed by strategic need.

## Closing Statement

The current targeted consultation is at risk of failing both the letter and the spirit of the law. It denies meaningful public participation, misrepresents environmental baselines, and seeks to progress a project that is neither needed nor deliverable.

The Targeted Consultation fails multiple acceptance tests, including:

- Test 1: Adequacy of pre-application consultation (Section 42/47 compliance);

- Test 3: Adequacy of environmental information (EIA Reg 2017, Sch. 4 and Reg. 14; PINS AN7) - not satisfied on present material, therefore fails s55(3)(e);
- Test 6: Completeness of prescribed documents (Reg 5 and 6).

These deficiencies prevent lawful acceptance of any DCO submission.

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 be at risk of breaching section 55(3)(e).

BEPS therefore requests that the Planning Inspectorate formally direct East Pye Solar Ltd, under Section 55(5) of the Planning Act 2008, to withhold submission until a lawful consultation and updated PEIR have been completed, and to confirm that any submission received without such steps will be rejected under Section 55(3)(e).

BEPS also requests that the Planning Inspectorate confirm in writing, pursuant to section 55(5), that it will not accept any application for East Pye Solar unless and until a new statutory consultation is carried out.

Unless these procedural defects are rectified, the *East Pye Solar* DCO will remain at risk of being legally unsound and contrary to the principles of transparent, accountable decision-making at the heart of the *Planning Act 2008*.

Any acceptance of a DCO application based on the current targeted consultation would therefore be at serious risk of being found unlawful, irrational and procedurally improper in public law, and BEPS will seek judicial review under section 118 of the Planning Act 2008 if necessary.

**Submitted on behalf of:**

**Block East Pye Solar (BEPS) Community Action Group**

South Norfolk, 16 November 2025

## References

- Electricity Act 1989
- Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, Regulation 12(2)
- Planning Act 2008, Sections 42, 47, and 55(4)(b)
- National Grid ESO Connections Reform Methodology (2024)
- National Planning Policy Framework (2023), paragraphs 183–186
- Overarching Energy NPS EN-1, paragraphs 4.2.2–4.2.6

- Renewable Energy Infrastructure NPS EN-3, paragraph 2.47.4
- Environment Agency, Groundwater Protection: Principles and Practice (GP3)
- Conservation of Habitats and Species Regulations 2017