

To: The Planning Inspectorate
National Infrastructure Directorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Date:

Re: Section 55 Procedural Objection – East Pye Solar Nationally Significant Infrastructure Project (EN0110014)

Dear Sir or Madam,

Please find below a formal procedural objection submitted for your consideration under Section 55 of the Planning Act 2008. This objection is submitted in the context of the East Pye Solar NSIP (EN0110014) and highlights fundamental deficiencies in the Preliminary Environmental Information Report (PEIR) as presented at statutory consultation stage. We respectfully request that the Planning Inspectorate consider this objection in evaluating the adequacy of the developer's pre-application engagement and environmental assessment under the relevant legislation.

Legal Basis for Procedural Objection

According to Section 55(3) of the Planning Act 2008, an application must include documents and information in accordance with statutory requirements. Schedule 4 of the Infrastructure Planning (EIA) Regulations 2017 requires a description of likely significant effects and adequate baseline data to inform statutory consultation under Section 47 of the Act.

Key Procedural Failings in the PEIR

- The PEIR does not justify any evidenced need for the scheme either in this specific location or in relation to CP2030 or 2035 regional targets or the latest NESO and Ofgem data which demonstrates a clear oversupply of both BESS projects and solar in the East of England region (NESO Connections Reform Data Impact Assessment, December 2024; OFGEM TM04+ Impact Assessment, April 2025). (PINS SO 2.2.2)
- The PEIR defers crucial environmental survey data (e.g. for great crested newts, skylarks, lapwings, turtle doves, and bats), preventing meaningful assessment of ecological impact and breaching Schedule 4(1) of the EIA Regulations.

- No detail is given of the capacity, technology or design of the BESS (contrary to PINS SO 2.1.2). No Outline Battery Safety Management Plan (OBSMP) is provided, despite the known fire and pollution risks of large-scale BESS installations. This contravenes CDM2015, EIA Regs Schedule 4(8) and NPS EN-1 §4.11 on major accident risk assessment.
- Project lifetime impacts on human health are not adequately described nor cross-referenced across chapters (PINS SO 3.11.1)
- The PEIR omits any mapping or risk appraisal of the high-pressure gas main, water mains, railway line, or Source Protection Zones, which is necessary for assessing infrastructure safety and water contamination risks. This undermines compliance with EN-1 §4.11 and EIA Regs Schedule 4(8).
- No cumulative impact assessment includes adjacent or overlapping solar/BESS projects (e.g. Tasway Energy Park, High Grove, The Drovers), contrary to NPS EN-1 §4.2.5, EIA Regs Schedule 4(5) and PINS Scoping Opinion requirement 3.21.2; 3.21.3
- There is no complete Land Management Plan or Soil Management Plan, and no detailed operational land use strategy. This impedes assessment of long-term impacts on Best and Most Versatile (BMV) agricultural land. There is no decommissioning plan to restore the soil quality (PINS SO 3.20.3 and 2.1.9)
- Water-Framework Directive (WFD) screening is needed for ditch & River Tas crossings. The PEIR contains no WFD screening or assessment contrary to PINS SO 3.2.4. An assessment of Private Water Supplies and impacts on them is incomplete and inadequate for statutory consultation (PINS SO3.2.5)
- EMF effects on fish & bats (400 kV export cable at Hempnall Beck) is missing. (PINS SO 3.4.1 & 3.15.17)
- The PEIR does not provide specific design parameters for the Horizontal Directional Drilling (HDD) works proposed for cable installation, nor does it adequately assess whether HDD alignment is likely to encounter groundwater bodies or aquifers (PINS SO 2.1.5)
- Materials, waste and arisings have not been described (PINS SO 3.9.1)
- Full Flood-Risk Assessment incl. 0.1 % AEP test + sequential/exception tests. No FRA outputs provided; contrary to PINS SO 3.2.3 and EA comment FR1
- ALC for cable-route corridor is missing. Only on-site Grade 3 land is assessed; cable route omitted (PINS SO 3.20.3)
- Night-time lighting & dark-skies assessment. Lighting impacts are missing despite PINS SO 3.14.6.

- Construction-phase glint/glare & equestrian safety not assessed (PINS SO 3.6.1). Acceptability of Glint and Glare has not been agreed by Aviation stakeholders.
- Decommissioning noise & vibration (heritage) is omitted (PINS SO 3.18.3)
- Invasive-species plan & biosecurity is missing (PINS SO 3.15.14)
- BNG metric is missing completely. Watercourse biodiversity-net-gain metric is also missing. Environment Agency wants BNG for River Tas – comment FBG9
- Public Rights of Way severance metrics & bridleway safety. Impacts on PRoW users underestimated (PINS SO 3.6 & equestrian glare)
- Further UXO survey commitment for RAF Hardwick/Tibenham sites was requested however, no commitment to intrusive UXO surveys despite ‘moderate–high’ risk flagged in PINS SO 3.3.2 (RAF Hardwick consists of both sites 3a and 3b – Heavy Bomb dump was on 3b).
- There is no evidence of effective public engagement under Section 47 of the Act, as the PEIR lacks the detail needed for informed community consultation—particularly regarding visual impacts, transport disruption, BESS risk, and water use.

All of the failings of the PEIR are set out in detail and evidenced in the accompanying Objections document, chapter by chapter.

Requested Remedy

In light of the above procedural deficiencies, we respectfully request that the Examining Authority decline to accept the current PEIR as adequate for statutory consultation under Section 55. The applicant should be required to revise and resubmit the PEIR to include full baseline survey data, cumulative impact assessments, detailed land and risk management plans, and a demonstrably adequate engagement process.

Conclusion

The PEIR, as currently presented, does not meet the standards of adequacy required for nationally significant infrastructure projects. It withholds key environmental, safety, and cumulative impact information necessary to inform the public and statutory consultees. We submit that the application, if made in its current form, would be procedurally flawed and legally challengeable under the EIA Regulations and Planning Act 2008.

Yours faithfully,

Addenda

The summary table below consolidates all objections raised in the formal and Section 55 procedural objection letters for the East Pye Solar project. Each entry includes the relevant reference from the Planning Inspectorate's Scoping Opinion and a Section 25 remedy explaining the corrective action respectfully suggested to ensure the PEIR complies with Nationally Significant Infrastructure Project (NSIP) standards at the statutory consultation stage.

Objection Topic	PINS Scoping Opinion Ref.	Section 25 Remedy
Incomplete ecological survey data (e.g. GCNs, turtle doves, bats, lapwings)	3.3.1	Provide completed, seasonally valid ecological surveys in accordance with NE guidance; apply precautionary approach if data incomplete.
No cumulative impact assessment (e.g. Tasway Energy Park, High Grove, Drovers)	3.19.4; 3.21.2; 3.21.3	Incorporate all relevant Pre-Application and Application NSIPs and solar/BESS schemes; assess ecological, visual, traffic and other cumulative effects.
No WFD nor assessment of chalk stream (River Tas), private water supplies, or SPZs	3.2.2, 3.2.4	Provide Water Framework Directive assessment; identify SPZs and boreholes, assess hydrology

		impacts, water abstraction and contamination risks (especially in relation to BESS).
No Flood Risk Assessment (FRA) provided	3.2.3	Include an FRA with flood zones, sequential test, and drainage strategy. Assess impacts on SPZs and private water supplies.
No BESS fire risk assessment, thermal runaway model, or health impact	3.11.1	Provide Outline Battery Safety Management Plan; model fire plume, chemical risks, and emergency response capacity.
EMF impacts ignored (e.g. fish, bats, Hempnall Beck)	3.4.1, 3.15.17	Assess electromagnetic field impacts near watercourses and roosting habitats; do not scope out as negligible without justification.
Noise and vibration impacts from BESS and HGVs unassessed	3.18.3; 3.18.9	Include operational noise models, receptor-based impact tables, and decommissioning vibration analysis for heritage sites.
No air quality or dust modelling	3.1.3	Apply IAQM guidance to model construction dust, vehicle emissions, and vulnerable receptor exposure.
Heritage and setting impacts incomplete; no	3.16.6, 3.14.5, 3.14.6	Expand LVIA to include summer photos, dark

summer photography or private views		skies, private receptors; integrate with historic setting and cumulative landscape effects.
Public rights of way (PROWs) and vulnerable user access not assessed	3.6	Apply NCC PRoW standards, address bridleway severance, ensure safe and accessible diversions.
INNS and biosecurity plan omitted	3.15.14	Reinstate INNS risk assessment; include biosecurity protocol and EA-recommended safeguards for habitat integrity.
BNG including Watercourse biodiversity net gain (BNG) metric missing	Natural England	Apply Defra metric to River Tas and associated ditches; show BNG contribution per watercourse parcel.
No mapping or risk appraisal of gas main, railway, or UXO	3.3.2; 3.13.1; 3.5.1	Map gas mains and high-pressure pipeline and high-risk infrastructure; consult Cadent and MOD; commit to intrusive UXO survey due to WWII site use.
ALC omitted for cable corridor; no soil/land restoration plan; no assessment of impact on farm businesses	3.6.1, 3.20.3, 3.20.1	Map full ALC including cable route; provide Soil Management Plan and restoration commitments post-decommissioning.
Statutory consultation fails s47 & EIA Reg 12 due	General	Revise Non-Technical Summary and

to vague or misleading content		consultation documentation to clearly explain risks, alternatives, and sensitive receptors using mapped data and visuals.
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