

Our Ref: EN010141/DR/8.1

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Application Reference: EN010141

Applicant response to Planning Inspectorate section 51 advice following decision to accept the application for Examination

I write on behalf of BSSL Cambsbed 1 Ltd (the 'Applicant') in response to the letter received on 30th October 2025 which provided the Planning Inspectorate's advice under section 51 of the Planning Act 2008 at the time the application for East Park Energy was accepted for Examination. The letter included several observations on the application documents, requesting that the Applicant act accordingly on the advice provided.

The Applicant has reviewed the advice and this letter sets out the response to the points raised. For ease of reference, we have repeated the advice provided by the Planning Inspectorate prior to providing our response. Where relevant we have referenced supporting appendices or revised application documents. We have also enclosed an updated **Guide to the Application (Rev. P02) [EN010141/DR/1.3]** and **Application Document Tracker (Rev. P02) [EN010141/DR/1.5]**.

Minor errors and omissions

"There are minor errors and omissions, as reflected in Box 30 of the acceptance checklist."

The Applicant has reviewed the comments made in Box 30 of the Planning Inspectorate's s55 Acceptance Checklist and has amended documents as follows:

Draft Development Consent Order

- Schedule 15 of the **draft DCO [EN010141/DR/3.1]** has been updated to reference Article 39 instead of Article 38.
- Article 9(2) of the **draft DCO [EN010141/DR/3.1]** has been updated to omit 'or' from the first line of the sub clause.

Explanatory Memorandum

- Paragraph 9.8.8 of the **Explanatory Memorandum [EN010141/DR/3.2]** has been updated to remove the duplicated word 'in'.

Book of Reference

- Paragraph 2.1.6 of the **Book of Reference [EN010141/DR/4.3]** has been amended to refer to paragraphs 2.1.4 and 2.1.5.
- Paragraph 2.1.4 of the **Book of Reference [EN010141/DR/4.3]** has been updated to provide an updated description of the hatching used in relation to Crown land.
- The Category of Rights column in table at Section 3 of the **Book of Reference [EN010141/DR/4.3]** has been amended to remove the duplicated word 'possession' for Plot 3-4.

Funding Statement

1. The Applicant has reviewed paragraph 4.1.2 of the **Funding Statement [EN010141/DR/4.2]** and has not identified the typo observed by the Planning Inspectorate. The full sentence reads as *"To date, Brockwell Energy has delivered two energy from waste plants with a total capital requirement of £500m, and its £300m flagship 220.5 MW North Kyle Wind Farm, being one of the largest operational*

windfarms in the United Kingdom”. The Applicant has therefore not amended the Funding Statement.

Land and Crown Land Plan

2. The Book of Reference [EN010141/DR/4.3] and the **Land and Crown Land Plan [EN010141/DR/2.2]** have both been updated to clarify the hatching used in respect of the Crown land at Plots 14-6 and 14-7.

Draft Development Consent Order [EN010141/DR/3.1]

“The applicant is advised to ensure that you have fully reviewed Advice Note 15 when reviewing the Explanatory Memorandum for every Article and Requirement, explaining why the inclusion of the power is appropriate in the specific case. Likewise, the Protective Provisions.

The Applicant is encouraged to agree any side agreements with the protected parties and for written confirmation of that to be provided by the parties before the close of the Examination.”

The Applicant has fully considered Advice Note 15 and has updated the **Explanatory Memorandum [EN010141/DR/3.2]**, where appropriate, to provide further information on the Articles and Requirements to explain their relevance and importance to the Authorised Development. The Applicant notes that Advice Note 15 provides that the extent of justification given for each Article and Requirement in the **draft DCO [EN010141/DR/3.1]** should be proportionate to the degree of novelty and/ or controversy in relation to the inclusion of that particular power. The Applicant has adopted this approach in the Explanatory Memorandum and has sought to include greater detail around provisions with wording that often vary between made DCOs.

The **Explanatory Memorandum [EN010141/DR/3.2]** has also been updated to include further detail on where wording has been derived from other made DCOs.

In respect of protective provisions, the Applicant notes the need to agree any side agreements and provide written confirmation of that before the close of the Examination. The Applicant is in active discussion with those statutory undertakers affected by the Scheme and will keep the Examining Authority updated on progress at appropriate stages.

Draft Development Consent Order [EN010141/DR/3.1]**Article 2 Interpretation**

"A number of references to the certified documents are referred to as initials such as outline BSMP, outline CEMP, outline CTMP etc. These should be referred to as their full unabbreviated title such as outline Battery Safety Management Plan etc. as part of the Interpretation article for clarity and completeness."

The Applicant notes the Planning Inspectorate's comments and has updated the text of Article 2(1) of the **draft DCO [EN010141/DR/3.1]** accordingly. Consequential amendments have also been made to the Requirements at Part 1 of Schedule 2 of the draft order to reflect the updated definitions. The full abbreviated references had been included following the recently made Byers Gill Solar Order 2025, where such approach was considered acceptable.

Draft Development Consent Order [EN010141/DR/3.1]**Article 3**

"Works No.10 includes reference to the Agri-research facility. The text then proceeds to refer to 'further associated development...'. It is unclear from the Explanatory Memorandum or other documents whether the applicant views the Agri-research facility as part of the principal development or Associated Development. It would be helpful if this is clarified and explained."

The Applicant confirms that the Agrisolar research area forming part of Work No. 10 is separate from the list at the end of Schedule 1 of the **draft DCO [EN010141/DR/3.1]** which sets out what the further associated development is.

The paragraph following the description of Work No. 10 in Schedule 1 of the draft DCO, where the description of further associated development is set out, explains that it relates to further associated development "*in connection with the construction of Work Nos. 1-10 listed above*", therefore, making it clear that it is distinct from Works Nos. 1-10.

In relation to the distinction between Principal Development and Associated Development as defined in the **Explanatory Memorandum [EN010141/DR/3.2]**, the Applicant confirms that Work No. 10 for the Agrisolar research area falls within the definition of Associated

Development. The position has been clarified in the additional text provided at paragraph 4.1.4 of the Explanatory Memorandum.

The solar panels within Work No. 10 may generate electricity which will be connected to the on-site substation (Work No. 3) in the same way as Work No. 1. However, the difference with the Principal Development authorised in Work No. 1 is that the main purpose for seeking consent for Work No. 10 is to provide an area which will enable the Applicant to collaborate with Rothamsted Research, to test the soils underneath the panels in order to understand the impact to agriculture and ecosystems under photovoltaic panels and the best solar panel configuration and management. For this reason, the output of electricity generated by the Agrisolar research area to be consented under Work No. 10 may not be as regular and constant as the solar panels to be consented under Work No. 1.

The Applicant proposes to amend paragraph 4 of Requirement 18 of the **draft DCO [EN010141/DR/3.1]** to reflect that this part of the “authorised development” may not generate electricity with the same consistency as Work No. 1.

Draft Development Consent Order [EN010141/DR/3.1]

Schedule 5

“This cross-refers to Article 12 though it is noted that it is often referred to in Article 13, and this should be recognised in the DCO and Explanatory Memorandum.”

The Applicant notes the Planning Inspectorate’s comments; however, the Applicant respectfully disagrees that an amendment is required.

The Applicant notes that paragraph 3.22.2 of the National Archives Statutory Instrument Practice guidance 5th edition (November 2017) states that:

“3.22.2 The shoulder note at the head of a Schedule states the operative provision which introduces the Schedule. Include all provisions that reference the Schedule.”

Additionally, paragraph 8.1 of the Planning Inspectorate’s Advice Note 15 (updated March 2025) states that:

“8.1 Schedules in DCOs must be given effect by an operative Article in the main body of the DCO. This may be by an express provision that the Schedule is to have effect

*or by clear implication (such as where the Article which grants development consent does so by reference to the Schedule which describes the Authorised Development). The Schedule should also include a shoulder reference to that operative Article, and **such references should either be the first Article that mentions the Schedule, or all the Articles that mention the Schedule.** A consistent approach should be adopted throughout the DCO” (emphasis added).*

The Applicant considers that listing out every Article that mentions a Schedule would be unwieldy and notes that it is not required by Advice Note 15. Therefore, the Applicant has taken the approach of referencing the first Article that mentions each Schedule in the shoulder reference, as suggested by Advice Note 15.

Both Part 1 and Part 2 of Schedule 5 are first referenced and given effect by Article 12(1) and so this is considered to be the appropriate shoulder reference. The Applicant notes that the same approach has been taken in other solar DCOs; for example, the shoulder note for Schedule 4 of the Byers Gill Solar Order 2025 refers to Article 11 (power to alter layout, etc., of streets) as opposed to Article 12 (construction and maintenance of altered streets).

Consequently, the Applicant has not amended the draft DCO in respect of this comment.

Draft Development Consent Order [EN010141/DR/3.1]

Schedule 2 Requirements

“Requirement 17 should include reference to no working on public and bank holidays.”

The Applicant notes the Planning Inspectorate’s comments and has updated the text of Requirement 17 of the **draft DCO [EN010141/DR/3.1]** to clarify that no construction works are to take place on public holidays or bank holidays.

Draft Development Consent Order [EN010141/DR/3.1]

Schedule 11

“This cross-refers to Article 29 (Rights under or over streets). Schedule 11 is not mentioned in Article 29 at all, whereas it is referred to in Article 30 (Temporary use of land for carrying out the authorised development). The applicant should review this and amend as necessary.”

The Applicant notes the Planning Inspectorate's comments and has updated the shoulder reference at Schedule 11 of the **draft DCO [EN010141/DR/3.1]** to refer to Article 30 as suggested.

Draft Development Consent Order [EN010141/DR/3.1]

Schedule 12

"The Explanatory Memorandum describes this as 'Hedgerows' whereas the dDCO lists this schedule as 'Removal of Hedgerows'. A consistent reference to the removal of hedgerows is needed."

The Applicant notes the Planning Inspectorate's comments and has updated the **Explanatory Memorandum [EN010141/DR/3.2]** to refer to "Removal of Hedgerows" as suggested.

Plans – Land and Crown Land Plan [EN010141/DR/2.2]

"It is unclear whether Temporary Use and Acquisition of Rights are sought over plot 14-6; the Book of Reference lists this plot as only being temporarily possessed."

The applicant is advised to review all shading and hatching to ensure the plans correspond with the Book of Reference and that the powers being applied for can be immediately identified. Expanding the range of shading and hatching used should be considered."

The Applicant acknowledges the feedback received and has reviewed the **Land and Crown Land Plan [EN010141/DR/2.2]** and amended the key to reflect that the Crown interest is located in plot 14-6 and 14-7. The hatching covers both plots and an inset has been provided to provide clarity.

Plans – Statutory and Non Statutory Sites or Features for Nature Conservation Plan [EN010141/DR/2.6]

"On Sheet 8 green shading is used for Deciduous Woodland and Coastal and Floodplain grazing marsh. The shades are quite similar in colour so these should be amended to avoid confusion and in the interests of clarity."

The Applicant has amended the hatch colour for 'Coastal and Floodplain Grazing Marsh' on the **Statutory and Non Statutory Sites or Features for Nature Conservation Plan [EN010141/DR/2.6]** to better differentiate it from the hatch colour used for 'Deciduous Woodland'.

Plans – Referencing of Land

"Consistency is needed when referring to land. The applicant has presented the development in terms of Groups of fields A, B C, and D but then uses land parcel numbering elsewhere in the presentation of Works and Land plans. The applicant is advised to review the application documents to ensure there is more clarity and consistency in referencing of different elements of the proposed development."

The Applicant has described the Order Limits for the purposes of consultation, describing the site, and environmental assessment with reference to East Park Sites A, B, C and D, as set out in paragraphs 1.3.2 to 1.3.4 of **ES Vol 1 Chapter 1: Introduction [EN010141/DR/6.1]**. These references to Sites A, B, C and D are not used within the **draft DCO [EN010141/DR/3.1]** or within the land and compulsory acquisition documents.

The **Land and Crown Land Plan [EN010141/DR/2.2]** instead identifies plot numbers following different land holdings, based on sheet numbers within the Land and Crown Land Plan drawings. These plot number references are then only used within the **draft DCO [EN010141/DR/3.1]**, **Book of Reference [EN010141/DR/4.3]**, the **Statement of Reasons [EN010141/DR/4.1]**, and the **Land and Rights Negotiation Tracker [EN010141/DR/4.4]**.

The **Works Plan [EN010141/DR/2.3]** does not differentiate between East Parks Sites A to D, or show the plot numbers used for the land referencing; it only shows the proposed spatial extent of each of the Works set out in Part 1 of Schedule 1 of the **draft DCO [EN010141/DR/3.1]**.

The Applicant considers the approach taken to be clear and consistent; the plot numbers required for the land referencing and compulsory acquisition elements of the application are not required for the assessment in the ES, where it is clearer to describe the Site with reference to Sites A, B, C and D.

Book of Reference [EN010141/DR/4.3]

"In the Table provided at 2.1.6 in the blue and purple hatched row, and the blue hatched row, the land use and power sought description is exactly the same. It is noted that Article 47 is referenced for the blue and purple hatching. The text should be amended to include the potential acquisition of Crown rights (with the agreement of the Crown).

Given the changes of ownership prior to the application being submitted, the Book of Reference should be updated before the applicant gives notice of the deadline for the submission of relevant representations under s56 of PA2008, in order that there can be certainty that all relevant persons (including those within s56(2)(d)) have been notified and are afforded the opportunity to submit a relevant representation. The Examining Authority may ask for the position to be clarified at or before the Preliminary Meeting. Where relevant, the Land Plans and the Statement of Reasons should also be updated.

The description for Plots 10-3 and 11-1 given in the Category of Rights column is Permanent Land. All land could justifiably be described as 'permanent' therefore an alternative descriptor, such as 'Permanent acquisition' should be considered."

The Applicant acknowledges the Planning Inspectorate's comment and has taken the following actions:

1. Crown land: Amended the Table at paragraph 2.1.6 and included additional text at paragraph 2.1.4 of the **Book of Reference [EN010141/DR/4.3]** to explain the purpose of the 'blue and purple hatching' and to introduce new 'green and purple hatching' in order to more clearly differentiate the powers sought in relation to Crown land;
2. Changes of ownership: The Applicant conducted a HM Land Registry refresh ahead of submission to ensure any changes were captured prior to submitting the application. The Applicant has also conducted a further HM Land Registry refresh prior to issuing the s56 notices.
3. Descriptions for Plots 10-3 and 11-1: The Applicant has amended the Category of Rights column in the table in Section 3 of the **Book of Reference [EN010141/DR/4.3]** for Plots 10-3 and 11-1 as per the suggestion provided by the Planning Inspectorate.

Environmental Statement – ES Vol 2 Appendix 7-7: Bat Activity Survey Report [EN010141/DR/6.2]

“Bat Survey Report is mislabelled on front page as ES appendix 7-8.”

The Applicant has amended **ES Vol 2 Appendix 7-7: Bat Activity Survey Report [EN010141/DR/6.2]** to correct the title shown on the front cover.

Environmental Statement – ES Vol 2 Appendix 8-1: Flood Risk Assessment [EN010141/DR/6.2]

“It is noted that the FRA relies on the 2050s epoch for both the modelling for the risk of flooding from surface water ((RoFSW) and for the risk of flooding from rivers and the sea (RoFRS), from 2040 up to the year 2069. The FRA paragraph 2.3.3 estimates that decommissioning would start in 2070. It should be clarified why the 2070s epoch has not been applied for the modelling as this has potential to influence the adequacy of the proposed mitigation set out in the FRA and the Outline Surface Water Management Plan (oSWMP). The applicant should either update the assessment to account for potential flood risk for the whole lifetime of the proposed development or justify the approach taken in the FRA. The applicant should explain why the mitigation proposed remains adequate in line with any alterations/justifications.

Figures 7a, 7b, 7c, and Figures 8a, 8b, and 8c of the FRA show the maps with RoFRS and RoFSW with climate change allowances for the 2050s epoch although the proposed development is anticipated to have a lifetime of 40 years up to 2070. The applicant to provide revised figures to show RoFRS and RoFSW with climate change allowances up to the 2070s epoch should be sought.

A figure distinguishing which areas of the proposed development’s order limits are within Flood Zone 3a and Flood Zone 3b should be provided with an updated version of the FRA.

The Environment Agency published data on 25 March 2025 which is relevant to planning and FRAs. The applicant should provide updated versions of the relevant assessments based on the updated Environment Agency data.”

The Applicant acknowledges the Planning Inspectorate’s comments with regards to **ES Vol 2 Appendix 8-1: Flood Risk Assessment [EN010141/DR/6.2]** and makes the following comments:

1. The Applicant believes the current approach to mitigation and assessment based on the period through to 2069 is appropriately conservative. The flood depths and proposed panel heights which are based on the 2050s epoch through to 2069 have conservatively taken the upper limit of each depth band, in addition to including a 200mm freeboard. It is the Applicant’s opinion that moving to the 2070s epoch to account for the decommissioning phase in the early years of the 2070s epoch would

- not result in a significant change to the assessment, in the context of the uncertainties around climate change impacts. The Applicant has set this out at paragraph 4.3.3 of the updated **ES Vol 2 Appendix 8-1: Flood Risk Assessment [EN010141/DR/6.2]**.
2. The Applicant has now included additional figures (Figures 8a to 8c) within **ES Vol 2 Appendix 8-1: Flood Risk Assessment [EN010141/DR/6.2]** which illustrate the risk of flooding from rivers and the sea with climate change allowances for the '2070s epoch'. For the risk of flooding from surface water, there is no published dataset that provides the '2070s epoch'. The Applicant intends to consult further with the Environment Agency and Lead Local Flood Authorities on this matter to establish whether bespoke modelling of the 2070s epoch for surface water flood risk is necessary at this time, or whether it could be a matter for detailed design.
 3. The Applicant has updated Figures 4a to 4c of **ES Vol 2 Appendix 8-1: Flood Risk Assessment [EN010141/DR/6.2]** to distinguish between Flood Zones 3a and 3b. It should be noted that the Environment Agency's flood risk mapping covering the Site does not formally distinguish between flood zones 3a and 3b (function floodplain). The Applicant has therefore presented the 3.3% annual exceedance probability (AEP) flood extent, which is often taken to represent flood zone 3b.
 4. The Applicant can confirm that the Environment Agency's March 2025 flood risk data has been used in **ES Vol 2 Appendix 8-1: Flood Risk Assessment [EN010141/DR/6.2]**.

Environmental Statement – ES Vol 3 Figures 7-1b and 7-1c [EN010141/DR/6.3]

"These illustrate the location of the internationally statutory designated sites in relation to the proposed development. However, the key for both of these figures do not identify Special Areas of Conservation (SACs)."

The Applicant has amended **ES Vol 3 Figures 7-1b and 7-1c [EN010141/DR/6.3]** to include the Special Areas of Conservation (SACs) within the key for each figure.

Funding Statement [EN010141/DR/4.2]

“The Funding Statement fails to give details of any financial or bank guarantees and bonds which would be used to secure the acquisition of any land acquisition and then be able to fund the development in its entirety. The applicant is advised to review this and provide further details, including an overview of company accounts.

In addition, whilst the headline cost of the scheme is provided, further detail should be provided on the level of contingency provided within the scheme costs. The Scheme will still be a number of years away from implementation during Examination. Costs will be subject to inflationary pressures along with uplift in land values, and geo-political forces that could all increase the cost of the overall proposal.”

The Applicant has set out in the **Funding Statement [EN010141/DR/4.2]** that there is no reason to believe that, should the DCO be made, the Scheme will not proceed due to an absence or shortfall of funding. Paragraph 4.1.3 of the Funding Statement confirms that should development consent be granted, a final financing package will be agreed with financial institutions and investors for the construction, operation, and decommissioning of the Scheme. This approach is common in privately funded infrastructure projects.

To provide a robust financial safeguard for landowners, Article 48(1) of the **draft DCO [EN010141/DR/3.1]** ensures that no compulsory acquisition can take place until the Applicant has first put in place either a guarantee or alternative form of security in respect of their liabilities to pay compensation pursuant to the provisions set out at Article 48(2), and that this must be approved by the Secretary of State.

The Applicant has set out at paragraph 3.1.3 of the **Funding Statement [EN010141/DR/4.2]** that the estimated cost to develop the Scheme includes provisions for contingency and inflation. If required, the Applicant can provide an updated Funding Statement during Examination which provides a breakdown of the assumptions that have gone into the calculated costs in Section 3 of the Funding Statement.

General

"The applicant is advised to consider whether provisions that confer deemed consent if an authority does not respond within a specified period (a "guillotine") find the right balance between not unnecessarily delaying the proposed development and ensuring that appropriate regard is given to the interests and advice of other parties. The applicant should also consider discussing and agreeing each provision with each relevant authority, as well as whether provisions should be added for any application for consent to contain a statement drawing the authority's attention to any guillotine."

The Applicant notes the Planning Inspectorate's comment and will consult with the relevant authorities with regard the provisions of the draft DCO that confer deemed consent if no response is received within a specified period. The Applicant expects to provide an update on this matter through Statements of Common Ground during Examination.

General

"The applicant is advised to ensure that the Requirements have been discussed, and where possible agreed, with the relevant planning authorities and other relevant statutory bodies."

The Applicant notes the Planning Inspectorate's comment and will provide an update on the position of the relevant planning authorities and other relevant statutory bodies through Statements of Common Ground during Examination.

Additional Matters

It has come to the Applicant's attention that Figures 1-1, 1-2 and 1-3 of **ES Vol 2 Appendix 5-7: Residential Visual Amenity Assessment (RVAA) [EN010141/DR/6.2]** were not included in the submission document. The Applicant has updated the RVAA to include Figures 1-1, 1-2, and 1-3.

Documents Updated

As set out in the updated and enclosed **Guide to the Application (Rev. P02) [EN010141/DR/1.3]** and **Application Document Tracker (Rev. P02) [EN010141/DR/1.5]**,

the Applicant has provided the following updated application documents as part of this submission:

- **Land and Crown Land Plan (Rev P02) [EN010141/DR/2.2];**
- **Statutory and Non Statutory Sites or Features for Nature Conservation Plan (Rev P02) [EN010141/DR/2.6];**
- **Draft Development Consent Order (Rev P02) [EN010141/DR/3.1];**
- **Explanatory Memorandum (Rev P02) [EN010141/DR/3.2];**
- **Statutory Instrument Validation Report (Rev P02) [EN010141/DR/3.3];**
- **Book of Reference (Rev P02) [EN010141/DR/4.3];**
- **ES Vol 2 Appendix 5-7: Residential Visual Amenity Assessment (Rev P02) [EN010141/DR/6.2];**
- **ES Vol 2 Appendix 7-7: Bat Survey Activity Report (Rev P02) [EN010141/DR/6.2];**
- **ES Vol 2 Appendix 8-1: Flood Risk Assessment (Rev P02) [EN010141/DR/6.2];**
and
- **ES Vol 3 Chapter 7 Ecology and Nature Conservation Figures (Rev P02) [EN010141/DR/6.3].**

In addition, the Applicant has provided the following additional documents to support the Examination:

- **Schedule of Changes to the draft Development Consent Order (Rev P01) [EN010141/DR/8.2].**

Conclusion

We trust that the responses contained within this letter and the associated attached documents assist the Planning Inspectorate and the Examining Authority in their consideration of the application.

Please do not hesitate to contact me or the undersigned representative of the Applicant if you have any questions or require any further information regarding the Application. We

would be happy to assist the Planning Inspectorate in any way necessary to facilitate the acceptance and examination of the application.

Yours sincerely,

[Redacted signature]

DCO Project Manager on behalf of BSSL Cambsbed 1 Limited

[Redacted contact information]