



Executive Summary

Written Representation: East Park Energy Solar and Battery Energy Storage System – DCO Application EN010141

2 April 2026

About Stop East Park Energy

Stop East Park Energy (SEPE) is an independent, community-led group established in response to the proposed East Park Energy solar and Battery Energy Storage System (BESS) development. The group, which has more than 1,000 registered supporters, comprises residents, landowners and stakeholders from across Hail Weston, Great Staughton, Little Staughton, Pertenhall, Keysoe, Swineshead, and neighbouring settlements including Perry, Stonely, Kimbolton, Catworth, Buckden and St Neots, all of whom may be directly or indirectly affected by the project.

SEPE operates entirely on an unfunded and voluntary basis. It brings together individuals with professional and practical expertise in agriculture, civil engineering, community engagement, construction, ecology, energy, energy development, engineering, environmental science, finance, infrastructure development, land management, law, planning, and technical analysis, in addition to experience with the NSIP/DCO process, working collaboratively to review the East Park Energy proposal and its implications for rural character, agricultural land quality, biodiversity, heritage assets, transport, and public amenity.

The Written Representation has been prepared independently by SEPE to assist the Examining Authority in evaluating the proposal against the requirements of national energy and planning policy. The group aims to contribute evidence-based analysis throughout the Examination process, ensuring that environmental safeguards, procedural fairness and statutory policy principles are fully and transparently applied.

Executive summary

The Written Representation is submitted on behalf of Stop East Park Energy in relation to the proposed East Park Energy solar and Battery Energy Storage System Development Consent Order. It addresses whether the application, as currently presented, provides the Examining Authority with sufficient and accurate environmental information and policy justification to enable a lawful and robust recommendation under the Planning Act 2008, the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, and the designated National Policy Statements. SEPE's review identifies substantial deficiencies in the assessment of alternatives, environmental baseline, risk, deliverability and secured mitigation, together with unresolved uncertainties affecting the scale, nature, necessity and durability of the claimed public benefits. Taken together, these matters materially constrain decision-stage confidence and raise serious doubt as to whether the proposal can presently be concluded to represent a proportionate, policy-compliant and least-harmful means of delivering the asserted energy objectives.

At its core, the application suffers from a central evidential gap affecting decision-stage confidence: the Environmental Statement does not presently provide sufficient environmental information in several key areas, and the Draft DCO fails to secure the mitigation on which the ES relies. In combination, these deficiencies engage EN-1 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations), calling into question whether the Examining Authority can safely conclude that the environmental information is adequate for decision-making.

Taken together, the defects identified throughout the Written Representation demonstrate that the application fails to meet the legal adequacy requirements of the EIA Regulations and does not comply with the key policy tests in EN-1, EN-3 and the National Planning Policy Framework (NPPF), thereby limiting the ability of the Examination to reach a fully informed and policy-compliant recommendation. As set out in the accompanying Legal Appendix (Appendix B), established authorities (including Blewett, Moseley, Lebus, ClientEarth and Holborn Studios) indicate that proposals advanced without sufficient environmental information or secured mitigation may not provide a sound evidential basis for recommendation or determination.

A structured schedule of the procedural deficiencies and evidential gaps identified in the Written Representation is provided in Appendix M. Appendix L provides a cross-reference linking the evidential insertions made throughout the Representation to those deficiencies and to the relevant policy and legal provisions engaged, demonstrating internal consistency and traceability. Appendix N summarises relevant Development Consent Order precedents illustrating the types of safeguards and evidential material secured in comparable solar NSIP examinations.

The scheme does not demonstrate necessity, does not minimise harm, and does not provide the enforceable safeguards required for a project of this scale, duration and risk profile, nor does it presently establish that the claimed public benefits are proportionate to the site-specific impacts identified.

Mis-siting and the loss of nationally significant agricultural land

The Applicant's own Agricultural Land Classification evidence identifies approximately 518 hectares (c. 74%) of the c. 773-hectare Order Limits as Best and Most Versatile (BMV) Grades 2 and 3a agricultural land. This directly engages the national policy protections in EN-1 and the solar siting principles in EN-3.

Under these provisions, development on BMV land must be justified through a transparent sequential assessment demonstrating necessity and proportionality. While the Applicant has presented an alternatives narrative, the evidence indicates that the exercise was materially constrained by a fixed Eaton Socon grid-connection assumption, a geographically limited search radius, and land made available through voluntary agreement, rather than by an objective sequential appraisal of land suitability, environmental effects and agricultural quality across the full range of reasonably available options. An assessment limited to land available by agreement does not demonstrate that development on BMV land is necessary; it demonstrates only where agreements could be secured. Evidence before the Examination appears to indicate that extensive non-BMV land and rooftop/commercial-estate capacity exist within viable grid-connection distance, as set out in Sections 4 and 10 of the Written Representation.

In the absence of a transparent and evidence-led comparative alternatives assessment capable of demonstrating that lower-conflict options were not reasonably available, the proposal raises a serious question as to whether the application demonstrates compliance with EN-1, EN-3, the EIA Regulations and the NPPF provisions for safeguarding BMV agricultural land. The loss of this nationally significant agricultural resource is therefore both substantial and potentially avoidable, and carries substantial weight in the planning balance.

This issue recurs throughout the planning balance because it affects not only land-use policy compliance but also the assessment of environmental effects, proportionality and the justification for compulsory acquisition powers under the Planning Act 2008.

The scheme is not merely environmentally harmful; it is poorly aligned with the sequential siting principles in national policy, proceeding on the basis of a BMV-intensive land assembly without demonstrating that the same scheme, or a materially less harmful configuration, could not reasonably have been delivered on lower-quality land, including land assembled through compulsory acquisition or through alternative grid strategies. The planning balance is therefore fundamentally negative on the evidence presently available.

Principal deficiencies identified by SEPE

SEPE identifies nine critical deficiencies that, cumulatively, render the environmental information incomplete or deficient and the proposal policy-non-compliant:

1. **Unsustainable site selection** – Concentration of development on BMV land through an alternatives assessment materially constrained by voluntary land availability, fixed grid assumptions and a limited search geography, rather than a true sequential appraisal of lower-impact alternatives, contrary to EN-1 and EN-3.
2. **Defective consultation** – Host-authority representations confirm incomplete technical material, inconsistent engagement, and failure to demonstrate how consultation influenced design, contrary to Moseley principles.
3. **Incomplete environmental baseline** – Omission of full ALC mapping, erosion/infiltration modelling, hydrological assessment and contamination testing, contrary to EN-1 and the evidential standards in Blewett.
4. **Unverified lifecycle carbon case** – No robust accounting of embodied carbon, module provenance, degradation or end-of-life recycling; lifecycle claims are not independently verifiable.
5. **Insufficient funding and deliverability evidence** – The Funding Statement (Doc 4.2) relies on narrative assertions without binding commitments or decommissioning security, undermining compulsory acquisition justification under APFP Reg. 5(2)(h).
6. **BESS safety and pollution risk** – A 100 MW lithium-ion facility is proposed without a completed safety case, including any site-specific Quantified Risk Assessment or adequate off-site plume consequence analysis. The Applicant relies on a limited, assumption-led 1 km study area that excludes nearby settlements, while critical safety evidence is deferred to post-consent stages, contrary to EN-1 and *Frack Free Balcombe*.
7. **Unverified landscape, noise and amenity assessments** – Methodological gaps in the LVIA, absence of cumulative ZTVs, lack of leaf-off testing, missing BESS noise modelling and incomplete receptor mapping.
8. **Weak need and proportionality case** – Reliance on generic NPS “urgent need” statements without site-specific grid or system-integration evidence, including the absence of clear justification for the operational role, dispatch profile and system value of the proposed BESS (e.g. arbitrage, balancing, capacity or constraint management); independent analysis (Day 2024; Foucart 2025) indicates negligible national contribution and poor carbon efficiency per hectare.

9. **Lack of community safeguards** – Absence of enforceable monitoring, PRow protection, traffic controls and amenity safeguards despite multi-village impacts.

In these circumstances, claimed benefits cannot be afforded full weight where the underlying evidential base is deficient or uncertain.

Developer competence and procedural reliability

The systematic nature of the deficiencies spanning alternatives, consultation, funding, environmental baseline, BESS safety and Draft DCO obligations, indicates not isolated omissions but a consistent failure to meet NSIP evidential standards. Under EN-1 and the EIA Regulations, an applicant is expected to provide environmental information that is sufficiently complete, transparent, accurate and verifiable to enable the Examining Authority to reach a robust and informed conclusion. On the evidence currently before the Examination, that threshold does not yet appear to be satisfied.

Key NSIP-grade components remain unresolved, including the absence of a Health Impact Assessment or Public Sector Equality Duty compliance statement, missing dark-sky controls, no aviation glint assessment, incomplete electromagnetic fields and tonal-noise evidence for grid infrastructure, unsecured Biodiversity Net Gain delivery, undefined permitting pathways and the absence of agreed protective provisions. These omissions further undermine confidence in deliverability and regulatory compliance.

Legal and procedural implications

As explained in Appendix B, deficiencies of this scale engage established public-law principles confirming that:

- an incomplete ES may not provide a sufficient basis for informed determination (*Blewett*);
- consultation and alternatives assessment must be meaningful and evidence-led (*Moseley*; *Lebus*);
- decision-makers cannot rely on vague or deferred mitigation (*ClientEarth*; *Holborn Studios*); and
- hazardous infrastructure requires robust, quantified risk assessment (*Frack Free Balcombe*).

The East Park Energy application fails to meet these requirements.

Conclusion and requested action

Given the extent of the evidential gaps and inconsistencies across the Environmental Statement, Consultation Report, Funding Statement and Draft Development Consent Order, the environmental information currently before the Examination does not appear sufficient to support a fully informed and policy-compliant recommendation

under the EIA Regulations and the National Policy Statements. On the present evidence, there remains material uncertainty as to the likely significant effects of the Proposed Development and the effectiveness, deliverability and enforceability of the mitigation relied upon.

More fundamentally, the proposal combines substantial and effectively irreversible land-use harm with benefits whose scale, nature, certainty, system value and long-term durability have not been robustly demonstrated. While national policy establishes a strong need for renewable energy infrastructure, it does not remove the requirement to show that development is fully in line with specific policy objectives, appropriately sited, that reasonable alternatives have been addressed, and that impacts have been assessed on an adequate evidential basis. Where those conditions are not satisfied, the planning balance cannot be resolved decisively in favour of consent.

SEPE therefore invites the Examining Authority to:

- **Issue a Request for Further Information**, requiring the Applicant to provide the outstanding environmental, safety, funding and alternatives evidence necessary to enable a robust assessment before the Examination concludes, in circumstances where the current evidential position is materially deficient and does not enable a robust and reasoned conclusion to be reached; or
- **Recommend refusal**, in the absence of a robust, policy-compliant alternatives assessment demonstrating that the proposed BMV-intensive scheme is necessary, least harmful and no more than reasonably required (including assessment of lower quality land and alternative configurations irrespective of voluntary land availability or initial grid assumptions), together with a complete and accurate environmental baseline, a completed and evidence-based BESS safety assessment (including QRA and off-site consequence analysis), and clearly defined and enforceable DCO-level safeguards. In these circumstances, the claimed benefits of the scheme are materially undermined, attract limited weight, and are insufficient to outweigh the identified and unassessed harms.

SEPE supports renewable energy development that is lawfully, transparently and sustainably sited. Deployment, however, should not rely on the long-term industrialisation of high-quality agricultural land where the evidential basis for site selection, impact assessment and mitigation is incomplete, inaccurate or uncertain, and where the resulting environmental, safety and amenity harms have not been properly avoided, minimised or secured through enforceable controls.

The Examining Authority is respectfully invited to give these procedural and evidential deficiencies substantial weight when assessing whether the proposal satisfies the requirements of EN-1, EN-3 and the EIA Regulations, and whether a positive recommendation can be made with the requisite degree of confidence.

Written Representation: East Park Energy Solar and Battery Energy Storage System – DCO Application EN010141

Planning, environmental, technical and community considerations

2 April 2026



Image overlaid with graphic showing a small section of the proposed scheme's extent

CONTENTS

1.0	About Stop East Park Energy	16
2.0	Executive summary	17
3.0	Introduction	22
4.0	Planning policy and context	25
4.1	National policy framework for agricultural land protection	26
4.1.1	Legal weight of the sequential principle	26
4.1.2	Policy hierarchy clarification	27
4.2	Absence of a transparent and sequential site-selection process	28
4.2.1	Grid interface connection alternatives	29
4.2.2	Consultation fairness considerations	33
4.3	Natural England evidence of BMV extent	34
4.4	Policy precedent and national guidance	34
4.4.1	National food security context	35
4.5	Sequential site selection and use of non-BMV land	36
4.5.1	GIS evidence clarification	37
4.6	Site layout efficiency: north-facing slopes	37
4.6.1	Climate and yield efficiency evidence	38
4.7	Policy hierarchy and interaction with local plans	39
4.7.1	Local policy weight clarification	40
4.7.2	Influence of landowner preference on alternatives assessment	40
4.7.3	Comparative precedent on alternatives assessment and BMV land avoidance	41
4.7.4	Local development plan context and consistency	42
4.8	Review of applicant's EIA methodology	43
4.8.1	Spatial boundary weakness	44
4.9	Non-Technical Summary: treatment of key environmental effects	45
4.9.1	Treatment of deferred or outline assessments	46
4.9.2	Transparency, intelligibility and public participation	46

4.10	Summary of policy and legal implications	47
4.10.1	Cumulative adequacy and procedural implications	47
5.0	Agricultural land quality and food production	49
5.1	Extent and significance of Best and Most Versatile (BMV) land at the East Park site	50
5.2	Quantifying agricultural productivity loss and carbon–food trade-off	50
5.3	Long-term loss of productive capacity – duration, recovery and practical reversibility	51
5.3.1	Soil degradation evidence under solar infrastructure	52
5.3.2	Agricultural continuity, tenancy disruption and socio-economic irreversibility	53
5.3.3	Legal treatment of “temporary” loss	53
5.3.4	Weight to be attached to loss of BMV land	53
5.3.5	Relocation of the Battery Energy Storage System (BESS) onto higher-grade BMV land	54
5.4	National food security, strategic soil value and cumulative national impacts	56
5.4.1	Policy and legal consequences	57
5.5	Required evidence and clarifications relating to BMV land (EIA Regulations compliance)	57
5.6	National-level evidence and policy direction against BMV loss	59
5.6.1	Evidence base for agricultural baseline and loss	59
5.6.2	National production trends and import reliance	60
5.7	National policy significance and Parliamentary evidence	60
5.8	Food security imperative and strategic risk	61
5.8.1	From planning harm to national interest	61
5.9	Summary: legal and policy implications	62
6.0	Soil resources, hydrological function and environmental baseline adequacy	64
6.0.1	Applicant’s BMV baseline – incomplete coverage and assumptions	64
6.0.2	Additional ALC methodology concerns	65

6.1 Microclimate, land surface temperature and radiative effects	66
6.1.1 Empirical evidence of thermal and radiative modification	66
6.1.2 Relevance to East Park context	67
6.1.3 EIA adequacy and policy implications	68
6.1.4 Proportionate clarifications	69
6.2 Soil vulnerability, accidental release pathways and technology-specific risk controls	69
6.2.1 Empirical evidence of long-term soil function loss	71
6.3 Outline Soil Management Plan – decision stage adequacy	71
6.4 Long-term soil property changes under ground coverage	73
6.5 Hydrological response, drainage function and erosion pathways	74
6.5.1 Soil-hydrology interaction and erosion evidence	75
6.5.2 Catchment-scale runoff behaviour and downstream community flood risk	77
6.5.3 Existing agricultural drainage systems and reinstatement risks	78
6.5.4 Inappropriate fluvial flood event selection and absence of sensitivity testing	79
6.5.5 Compliance with the National Standards for Sustainable Drainage	80
6.5.6 Decommissioning drainage and pollution controls deferred	80
6.5.7 Drainage deliverability not demonstrated due to buried services and track permeability assumptions	81
6.5.8 Flood-risk and hydrological baseline	81
6.6 Ground conditions and sub-surface risk assessment	82
6.7 Summary of soil and hydrological considerations	83
7.0 Project funding and deliverability	85
7.1 Overview	85
7.2 Evidence of committed or even indicative finance	86
7.3 SPV capitalisation and parent-company guarantees	86
7.4 Decommissioning and restoration: absence of financial security	87

7.5	Reliance on corporate reputation rather than evidence	88
7.6	Procedural implications	88
7.7	Requested actions	88
7.8	Conclusion	89
8.0	Landscape and rural character	90
8.1	Heritage constraints and Grade 1 1km buffers	93
8.2	Cultural heritage – incomplete assessment of setting and significance	95
8.3	Residential amenity buffers	97
8.4	Layout, design and operational coherence	98
9.0	Socio-economic and community impacts	102
9.1	Rural employment and economic continuity	103
9.1.1	Farming continuity and food-system resilience	103
9.1.2	Property, amenity, and community well-being	104
9.1.3	Policy justification	106
9.1.4	Conclusion and required actions	106
9.2	Property value and market stigma evidence from other DCOs	108
9.3	Population and human health – assessment deficiencies	109
9.4	Public Sector Equality Duty and Health Impact Assessment – adequacy of evidence	111
9.5	Aviation safeguarding and aeronautical glare – receptor analysis	115
9.5.1	Expanded aviation safeguarding considerations	116
9.6	Security risk, organised theft and crime displacement linked to large solar and BESS sites	119
10.0	Site selection and spatial alternatives	122
10.0.1	Policy framework for sequential site selection	122
10.0.2	Spatial configuration, design efficiency and land-use optimisation	122
10.0.3	Grid-led search methodology and alternatives evidence	123
10.0.4	Evidence from the Applicant’s siting documents	125
10.0.5	Independent spatial evidence on least-conflict deployment	126

10.0.6 Consequences for the reasonable alternatives case	127
10.1 Rooftop solar potential within Eaton Socon catchment	129
10.2 Economic efficiency and system integration constraints	131
10.2.1 National solar efficiency and policy context	134
10.2.2 Contracts for difference and land-use proportionality	135
10.2.3 BESS import capability and unbounded public-benefit claims	136
10.3 Implications for proportionality and alternatives	137
10.4 Agricultural land-take and BMV compliance	137
10.5 Need, proportionality and policy efficiency	139
10.6 Consolidated deficiencies in the applicant's alternatives and design evolution assessment	141
10.6.1 Failure to consider reduced-scale or lower-impact options	142
10.6.2 Artificial restriction of the site search area and premature elimination of alternatives	142
10.6.3 Dismissal of Zone C without meaningful assessment	143
10.6.4 Design and technology choices and land-take implications	143
10.6.5 Inconsistencies in grid capacity assumptions	143
10.6.6 Alternative grid connection point	144
10.6.7 Consolidated implications for policy compliance	144
11.0 Ecology and biodiversity	145
11.1 Overview	145
11.2 Baseline context	146
11.3 Baseline gaps and under-assessment	148
11.3.1 Farmland bird assemblage – understatement of importance and impact	151
11.3.2 Local bird records and corroborative citizen-science evidence	152
11.4 Ecological receptors of high sensitivity – incomplete identification and assessment	153

11.4.1 Raptor and owl assemblage – inadequate assessment of nesting, foraging and displacement effects	159
11.5 Precautionary site selection (Natural England NEER012)	160
11.6 Absence of precautionary NEER012-based ecological risk assessment	161
11.7 Grid connection corridor omissions	164
11.8 Biosecurity and Invasive Non-Native Species (INNS) controls omitted	165
11.9 Hedgerows Regulations compliance and hedgerow accounting	166
11.9.1 Long-term hedgerow loss mischaracterised as “temporary”	166
11.9.2 Internal inconsistencies between the ES, Hedgerow Plan and Draft DCO	167
11.9.3 Failure to demonstrate compliance with Hedgerow Regulations 1997	168
11.9.4 Requested action	169
11.10 Biodiversity Net Gain – Legal securing and monitoring	169
11.11 Habitats Regulations Assessment – incomplete screening and in-combination analysis	172
11.11.1 Incomplete assessment of functionally linked land and indirect effects	173
11.12 Confidential ecology reports – lack of public-facing constraints information	174
11.13 Summary	175
12.0 Cultural heritage and archaeology	176
12.1 Statutory consultee evidence on assessment gaps	177
12.2 Key heritage and archaeology issues	178
12.3 Deferral to post-consent WSI and baseline completeness	179
12.4 Pre-published evidence of Roman settlement	180
12.5 Proximity, setting and intervisibility of designated heritage assets	181
12.6 Scheduled Monument Consent, Site C constraints and decision stage adequacy	182
12.7 “Roman landscape integrity” around Great Staughton	183
12.8 Agricultural continuity and the Roman landscape context	185

12.9 Archaeological resource sterilisation risk	186
12.9.1 Archaeological research framework context	188
12.10 Requested actions and examination requirements	188
13.0 Construction traffic and routing impacts	190
13.1 B645 and A1/B645 junction strategic routing constraints	194
13.2 Knock-on impacts through local road network	195
13.2.1 Risk of overspill via B660 Kimbolton–Bedford corridor	196
13.2.2 B645 via Hail Weston and Ford End Road: localised diversion risk	197
13.2.3 Local road access: exclusion of project vehicles	198
13.3 Strategic access routes: A1 and A14	202
13.5 Required traffic management and routing controls	203
13.6 Construction traffic impacts on local communities and school transport	203
13.7 Operational traffic, access management and cumulative transport effects	205
13.8 Community safeguards and construction workforce management	208
13.9 Public Rights of Way, amenity and access impacts	210
13.10 National evidence from Cleve Hill NSIP (Kent, 2023–25): traffic and routing control outcomes	212
13.11 Construction duration comparators and realistic delivery period	215
13.12 Mid-life replacement and major maintenance assessment	217
13.13 Construction traffic volumes: comparison with applicant HGV forecasts	220
13.14 Transport assessment methodology – reliance on long-period averages rather than peak impacts	221
13.14.1 Averaging masks peak HGV delivery windows and peak workforce flows	222
13.14.2 SEPE peak-period reconstruction on Applicant data (illustrative)	223
13.14.3 Methodological downplaying of peak worker numbers and traffic effects	224

13.14.4 Planning and procedural implications	226
13.15 Abnormal Indivisible Loads: transformer delivery impacts and B645 environmental weight restriction	227
13.15.1 AIL envelope not reconciled: nett transformer weight vs convoy configuration and gross movements	227
13.15.2 Interaction with B645 environmental weight restriction and local road geometry	228
13.15.3 Structural and geometric compliance evidence	229
13.16 Summary: construction traffic, abnormal loads and procedural adequacy	230
14.0 Construction environmental management and mitigation	232
14.1 Construction method and vibration risk	233
14.2 Soil protection and agricultural land	234
14.3 Hydrology and surface water control	236
14.3.1 Site-specific flood-risk verification deficiency	237
14.3.2 Pluvial flooding impacts and design implications	238
14.3.3 Construction-phase flood and pollution controls	239
14.3.4 Unassessed impacts of access tracks, culverting and level raising over watercourses	239
14.3.5 Construction dewatering and Water Framework Directive (WFD) compliance: permits and triggers	240
14.4 Ecology and biosecurity	240
14.5 Waste and materials management	241
14.6 Climate resilience and adaptation deficiency	242
14.6.1 Climate attribution and treatment of IPCC findings	243
14.6.2 Climate scenario selection and UKCP18-recommended scenario range	244
14.6.3 Internal contradiction in treatment of extreme weather effects	244
14.6.4 Uncertainty ranges, probability bands and sensitivity testing	245
14.6.5 Displacement benefits and future decarbonisation pathways	245
14.6.6 Procedural deficiency cross-reference	246

14.7 Construction and operational lighting: assessment and controls	247
14.8 Construction carbon and materials management	247
15.0 Battery energy storage system safety and environmental risk	248
15.1 Cambridgeshire Fire & Rescue Service (CFRS) position: scope and evidential weight of outline comments	248
15.2 BESS location and agricultural land impacts	249
15.3 Proximity to buried utility easement and major-accident interaction	250
15.4 Construction method, foundation design and community impacts	251
15.5 Functional purpose, market-driven operation and community risk of the BESS	253
15.6 Emergency response capacity – Site D	256
15.6.1 Emergency-access feasibility assessment	257
15.6.2 Policy and procedural context: core safety work deferred and study area unjustified	258
15.6.3 Evidential adequacy of major-accident risk	258
15.6.4 Flood-prone access to the BESS compound	260
15.7 Safety, public-health and regulatory risks from the proposed 100 MW battery energy storage system (BESS)	260
15.8 Critical review of the Applicant’s outline battery safety management plan (September 2025)	263
15.9 Thermal runaway and fire-water contamination risks	266
15.10 Fire separation and expert evidence	271
15.11 EMF and low-frequency/tonal noise	273
15.12 Operational inverter and transformer noise assessment	274
15.13 NFCC directional access requirements	275
15.14 Summary of BESS safety, environmental risk and evidence gaps	276
16.0 Noise and vibration	280
16.1 Construction noise and vibration	280
16.2 Operational noise (inverters, transformers, and BESS)	282
16.3 Emergency and abnormal operating scenarios	283

16.4 Policy context and amenity implications	283
17.0 Public Rights of Way, Recreational Amenity and Community Access	286
17.1 Landscape and visual effects of PRow users	287
17.2 Public rights of way: construction phase impacts	288
17.3 Local precedent – Manor Farm Solar	290
17.4 Comparative NSIP precedent: PRow and visual amenity	290
17.5 Missed opportunity for PRow enhancement and long-term landscape change	291
17.6 Mitigation and procedural remedy	291
18.0 Lifecycle carbon, recycling obligations and decommissioning funding	293
18.1 Overview	293
18.2 Lifecycle and supply-chain transparency – manufacturing origin, replacement assumptions and end-of-life governance	295
18.3 Embodied carbon methodology and supply chain geography	300
18.4 Asset lifetime assumptions	301
18.4.1 Battery energy storage systems (BESS): Assumed 20-year lifetime	302
18.4.2 PV inverters: industry lifetime assumptions	303
18.4.3 BESS operational mode, import capability and net	304
18.5 Mid-life replacement impacts	305
18.6 End-of-life recycling framework (40–45 year horizon)	306
18.7 Material quantities and transport emissions: internal reconciliation	307
18.8 Energy yield, degradation and performance assumptions	308
18.9 Ancillary infrastructure and embodied carbon	309
18.10 Decommissioning, soil restoration and removal of infrastructure	310
18.11 Consequences for the planning balance	314
18.12 Procedural consequence for EIA adequacy	314
18.13 Comparative precedent and governance reinforcement	315

19.0	Cumulative effects with neighbouring solar, BESS and NSIP projects	316
19.1	Regional strategic infrastructure: A14 Cambridge–Huntingdon improvements / Brampton Hut interchange	318
19.2	Proximate solar and energy schemes (0–15 km): local cluster context	318
19.3	Adjacent NSIPs and major infrastructure: A428, East West Rail and grid reinforcement	319
19.4	Cumulative agricultural land-loss across the region	320
19.5	Combined heritage, setting and landscape effects	320
19.6	Conclusion on cumulative effects	321
20.0	Draft Development Consent Order (DCO)	323
20.1	Adequacy of DCO safeguards and secured mitigation	324
20.2	Compulsory acquisition and temporary possession of land	325
20.3	Skills, supply chain and employment	327
20.4	Compulsory acquisition: whether a compelling case in the public interest has been demonstrated	328
20.4.1	Public interest justification and carbon case	328
20.4.2	Proportionality: harm to BMV agricultural land and food security	329
20.4.3	Adequacy of the assessment of reasonable alternatives	330
20.4.4	Adequacy of efforts to secure voluntary acquisition	330
20.4.5	Prematurity and grid connection uncertainty	331
20.4.6	Human Rights Act 1998 and fair balance	331
20.4.7	Implications for the compulsory acquisition tests	331
20.5	Decommissioning and financial security	332
20.6	Disapplication of environmental and drainage legislation (Article 8)	338
20.7	Absence of defined design parameters	338
20.8	Draft Requirement: BESS safety	339
20.9	Requirements for noise, lighting, mid-life replacement and PRow	342
20.10	Construction traffic, workforce logistics and highway remediation	343

20.10.1 Proposed DCO requirement: construction traffic management, workforce logistics and enforcement framework	344
20.10.2 Proposed DCO requirement: Public Rights of Way	349
20.10.3 Proposed DCO requirement: fencing and other means of enclosure	350
20.10.4 Proposed DCO requirement: operational traffic management and replacement phase controls	351
20.10.5 Proposed DCO requirement: highway condition monitoring and remediation	355
20.11 Soil protection, restoration and monitoring	357
20.12 Protective provisions and third-party agreements	361
20.13 Statutory nuisance statement and Article 9 Defence: evidential basis and DCO safeguards	362
20.14 Summary of legal position on the DCO	363
20.15 Alignment with Written Representation findings and DCO provisions	364
20.16 Summary request to the Examining Authority	366
20.17 Final observation on the Environmental Statement / DCO disconnect	367
21.0 Planning balance	369
21.1 Need and proportionality in the national energy context	369
21.2 Loss of BMV land and avoidability of harm	373
21.3 National resilience and food security considerations	375
21.4 Environmental and safety risks: evidence of acceptability in this location	376
21.5 Community amenity impacts: traffic, noise, landscape and PRowS	377
21.6 Cumulative effects	378
21.7 Compulsory acquisition and the compelling case in the public interest	379
21.8 Adequacy of environmental information and decision-stage confidence	380
21.9 Durability and enforceability of mitigation relied upon	382

21.10 Consultation record, scheme evolution and confidence in the evidence base	384
21.10.1 Scheme evolution, boundary changes and confidence in the assessed development	384
21.10.2 Consultation evidence, stakeholder engagement and weight to be given to the Applicant's case	385
21.11 Overall planning balance and recommended outcome	386
21.12 Policy compliance matrix	388
22.0 Community benefits	389
22.1 Generation-linked community benefit fund	389
22.2 Governance, transparency and distribution	390
22.3 Securing mechanism and enforceability	391
22.4 Relationship to DCO mitigation and local socio-economic measures	391
23.0 Conclusion	393
24.0 Representation statement – East Park Energy Solar NSIP	400
25.0 References	403
25.1 Policy, planning and ministerial sources	403
25.2 Agricultural land, soils and hydrology	404
25.3 Solar deployment – environmental and technical evidence	405
25.4 Ecology and biodiversity	406
25.5 Landscape, land use and carbon accounting	406
25.6 Economic and strategic site selection evidence	407
25.7 Construction, decommissioning and technical guidance	407
25.8 Battery energy storage system (BESS) safety	408
25.9 Community benefit	409
25.10 Lifecycle carbon and supply chain evidence	409

APPENDICES

Appendix A – Summary of key evidence themes supporting the Representation	411
Appendix B – Legal appendix to the SEPE Written Representation	412
Appendix C – Use of Artificial Intelligence	427
Appendix D – Carbon lifecycle evidence	428
Appendix E – Independent evidence – Professor Tony Day	433
Appendix F – Solar generation performance and indicative system contribution evidence	439
Appendix G – Manor Farm Solar development case study	448
Appendix H – Cleve Hill Solar NSIP case study	456
Appendix I – Cumulative development context: Solar, BESS and NSIP cluster within 0–10 km of East Park Energy	461
Appendix J – Agronomic evidence on local crop performance, national production trends, and food security context	470
Appendix K – National security, biodiversity loss and food system resilience evidence	473
Appendix L – Cross reference table of supporting insertions	477
Appendix M – Procedural deficiency and evidence gap table	482
Appendix N – DCO precedent summary table	561
Appendix O – Deferred information summary	567
Appendix P – Biodiversity Net Gain (BNG) deficiency table	569
Appendix Q – National policy and statutory compliance matrix	572
Appendix R – Proximity of the proposed development to residential and designated heritage receptors	575
Appendix S – Traffic and highways evidence	578
Appendix T – Flood risk and drainage evidence	583
Appendix U – Landscape, visual and heritage evidence	590

1.0 About Stop East Park Energy (SEPE)

Stop East Park Energy (SEPE) is an independent, community-led group established in response to the proposed East Park Energy solar and Battery Energy Storage System (BESS) development. The group, which has more than 1,000 registered supporters, comprises residents, landowners and stakeholders from across Hail Weston, Great Staughton, Little Staughton, Pertenhall, Keysoe, Swineshead, and neighbouring settlements including Perry, Stonely, Kimbolton, Catworth, Buckden and St Neots, all of whom may be directly or indirectly affected by the project.

SEPE operates entirely on an unfunded and voluntary basis. It brings together individuals with professional and practical expertise in agriculture, civil engineering, community engagement, construction, ecology, energy, energy development, engineering, environmental science, finance, infrastructure development, land management, law, planning, and technical analysis, in addition to experience with the NSIP/DCO process, working collaboratively to review the East Park Energy proposal and its implications for rural character, agricultural land quality, biodiversity, heritage assets, transport, and public amenity.

This Written Representation has been prepared independently by SEPE to assist the Examining Authority in evaluating the proposal against the requirements of national energy and planning policy. The group aims to contribute evidence-based analysis throughout the Examination process, ensuring that environmental safeguards, procedural fairness and statutory policy principles are fully and transparently applied.

References to national policy are provided to assist the Examining Authority. In the event of any minor citation or typographical inconsistency, SEPE relies on the substance and operative provisions of the relevant policy framework as a whole. As a voluntary community organisation preparing detailed documentation without professional funding, SEPE trusts that the Examining Authority will not allow any inadvertent referencing inconsistencies to diminish the substantive planning, environmental and safety issues raised in this Written Representation.

2.0 Executive summary

This Written Representation is submitted on behalf of Stop East Park Energy (SEPE) in relation to the proposed East Park Energy solar and Battery Energy Storage System Development Consent Order. It addresses whether the application, as currently presented, provides the Examining Authority with sufficient and accurate environmental information and policy justification to enable a lawful and robust recommendation under the Planning Act 2008, the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, and the designated National Policy Statements. SEPE's review identifies substantial deficiencies in the assessment of alternatives, environmental baseline, risk, deliverability and secured mitigation, together with unresolved uncertainties affecting the scale, nature, necessity and durability of the claimed public benefits. Taken together, these matters materially constrain decision-stage confidence and raise serious doubt as to whether the proposal can presently be concluded to represent a proportionate, policy-compliant and least-harmful means of delivering the asserted energy objectives.

At its core, the application suffers from a central evidential gap affecting decision-stage confidence: the Environmental Statement does not presently provide sufficient environmental information in several key areas, and the Draft DCO fails to secure the mitigation on which the ES relies. In combination, these deficiencies engage EN-1 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations), calling into question whether the Examining Authority can safely conclude that the environmental information is adequate for decision-making.

Taken together, the defects identified throughout this Written Representation demonstrate that the application fails to meet the legal adequacy requirements of the EIA Regulations and does not comply with the key policy tests in EN-1, EN-3 and the National Planning Policy Framework (NPPF), thereby limiting the ability of the Examination to reach a fully informed and policy-compliant recommendation. As set out in the accompanying Legal Appendix (Appendix B), established authorities (including Blewett, Moseley, Lebus, ClientEarth and Holborn Studios) indicate that proposals advanced without sufficient environmental information or secured mitigation may not provide a sound evidential basis for recommendation or determination.

A structured schedule of the procedural deficiencies and evidential gaps identified in this Written Representation is provided in Appendix M. Appendix L provides a cross-reference linking the evidential insertions made throughout the Representation to those deficiencies and to the relevant policy and legal provisions engaged, demonstrating internal consistency and traceability. Appendix N summarises relevant Development Consent Order precedents illustrating the types of safeguards and evidential material secured in comparable solar NSIP examinations.

The scheme does not demonstrate necessity, does not minimise harm, and does not provide the enforceable safeguards required for a project of this scale, duration and

risk profile, nor does it presently establish that the claimed public benefits are proportionate to the site-specific impacts identified.

Mis-siting and the loss of nationally significant agricultural land

The Applicant's own Agricultural Land Classification evidence identifies approximately 518 hectares (c. 74%) of the c. 773-hectare Order Limits as Best and Most Versatile (BMV) Grades 2 and 3a agricultural land. This directly engages the national policy protections in EN-1 and the solar siting principles in EN-3.

Under these provisions, development on BMV land must be justified through a transparent sequential assessment demonstrating necessity and proportionality. While the Applicant has presented an alternatives narrative, the evidence indicates that the exercise was materially constrained by a fixed Eaton Socon grid-connection assumption, a geographically limited search radius, and land made available through voluntary agreement, rather than by an objective sequential appraisal of land suitability, environmental effects and agricultural quality across the full range of reasonably available options. An assessment limited to land available by agreement does not demonstrate that development on BMV land is necessary; it demonstrates only where agreements could be secured. Evidence before the Examination appears to indicate that extensive non-BMV land and rooftop/commercial-estate capacity exist within viable grid-connection distance, as set out in Sections 4 and 10 of this Written Representation.

In the absence of a transparent and evidence-led comparative alternatives assessment capable of demonstrating that lower-conflict options were not reasonably available, the proposal raises a serious question as to whether the application demonstrates compliance with EN-1, EN-3, the EIA Regulations and the NPPF provisions for safeguarding BMV agricultural land. The loss of this nationally significant agricultural resource is therefore both substantial and potentially avoidable, and carries substantial weight in the planning balance.

This issue recurs throughout the planning balance because it affects not only land-use policy compliance but also the assessment of environmental effects, proportionality and the justification for compulsory acquisition powers under the Planning Act 2008.

The scheme is not merely environmentally harmful; it is poorly aligned with the sequential siting principles in national policy, proceeding on the basis of a BMV-intensive land assembly without demonstrating that the same scheme, or a materially less harmful configuration, could not reasonably have been delivered on lower-quality land, including land assembled through compulsory acquisition or through alternative grid strategies. The planning balance is therefore fundamentally negative on the evidence presently available.

Principal deficiencies identified by SEPE

SEPE identifies nine critical deficiencies that, cumulatively, render the environmental information incomplete or deficient and the proposal policy-non-compliant:

1. **Unsustainable site selection** – Concentration of development on BMV land through an alternatives assessment materially constrained by voluntary land availability, fixed grid assumptions and a limited search geography, rather than a true sequential appraisal of lower-impact alternatives, contrary to EN-1 and EN-3.
2. **Defective consultation** – Host-authority representations confirm incomplete technical material, inconsistent engagement, and failure to demonstrate how consultation influenced design, contrary to Moseley principles.
3. **Incomplete environmental baseline** – Omission of full ALC mapping, erosion/infiltration modelling, hydrological assessment and contamination testing, contrary to EN-1 and the evidential standards in Blewett.
4. **Unverified lifecycle carbon case** – No robust accounting of embodied carbon, module provenance, degradation or end-of-life recycling; lifecycle claims are not independently verifiable.
5. **Insufficient funding and deliverability evidence** – The Funding Statement (Doc 4.2) relies on narrative assertions without binding commitments or decommissioning security, undermining compulsory acquisition justification under APFP Reg. 5(2)(h).
6. **BESS safety and pollution risk** – A 100 MW lithium-ion facility is proposed without a completed safety case, including any site-specific Quantified Risk Assessment or adequate off-site plume consequence analysis. The Applicant relies on a limited, assumption-led 1 km study area that excludes nearby settlements, while critical safety evidence is deferred to post-consent stages, contrary to EN-1 and *Frack Free Balcombe*.
7. **Unverified landscape, noise and amenity assessments** – Methodological gaps in the LVIA, absence of cumulative ZTVs, lack of leaf-off testing, missing BESS noise modelling and incomplete receptor mapping.
8. **Weak need and proportionality case** – Reliance on generic NPS “urgent need” statements without site-specific grid or system-integration evidence, including the absence of clear justification for the operational role, dispatch profile and system value of the proposed BESS (e.g. arbitrage, balancing, capacity or constraint management); independent analysis (Day 2024; Foucart 2025) indicates negligible national contribution and poor carbon efficiency per hectare.

9. **Lack of community safeguards** – Absence of enforceable monitoring, PRow protection, traffic controls and amenity safeguards despite multi-village impacts.

In these circumstances, claimed benefits cannot be afforded full weight where the underlying evidential base is deficient or uncertain.

Developer competence and procedural reliability

The systematic nature of the deficiencies spanning alternatives, consultation, funding, environmental baseline, BESS safety and Draft DCO obligations, indicates not isolated omissions but a consistent failure to meet NSIP evidential standards. Under EN-1 and the EIA Regulations, an applicant is expected to provide environmental information that is sufficiently complete, transparent, accurate and verifiable to enable the Examining Authority to reach a robust and informed conclusion. On the evidence currently before the Examination, that threshold does not yet appear to be satisfied.

Key NSIP-grade components remain unresolved, including the absence of a Health Impact Assessment or Public Sector Equality Duty compliance statement, missing dark-sky controls, no aviation glint assessment, incomplete electromagnetic fields and tonal-noise evidence for grid infrastructure, unsecured Biodiversity Net Gain delivery, undefined permitting pathways and the absence of agreed protective provisions. These omissions further undermine confidence in deliverability and regulatory compliance.

Legal and procedural implications

As explained in Appendix B, deficiencies of this scale engage established public-law principles confirming that:

- an incomplete ES may not provide a sufficient basis for informed determination (*Blewett*);
- consultation and alternatives assessment must be meaningful and evidence-led (*Moseley*; *Lebus*);
- decision-makers cannot rely on vague or deferred mitigation (*ClientEarth*; *Holborn Studios*); and
- hazardous infrastructure requires robust, quantified risk assessment (*Frack Free Balcombe*).

The East Park Energy application fails to meet these requirements.

Conclusion and requested action

Given the extent of the evidential gaps and inconsistencies across the Environmental Statement, Consultation Report, Funding Statement and Draft Development Consent Order, the environmental information currently before the Examination does not appear sufficient to support a fully informed and policy-compliant recommendation

under the EIA Regulations and the National Policy Statements. On the present evidence, there remains material uncertainty as to the likely significant effects of the Proposed Development and the effectiveness, deliverability and enforceability of the mitigation relied upon.

More fundamentally, the proposal combines substantial and effectively irreversible land-use harm with benefits whose scale, nature, certainty, system value and long-term durability have not been robustly demonstrated. While national policy establishes a strong need for renewable energy infrastructure, it does not remove the requirement to show that development is fully in line with specific policy objectives, appropriately sited, that reasonable alternatives have been addressed, and that impacts have been assessed on an adequate evidential basis. Where those conditions are not satisfied, the planning balance cannot be resolved decisively in favour of consent.

SEPE therefore invites the Examining Authority to:

- **Issue a Request for Further Information**, requiring the Applicant to provide the outstanding environmental, safety, funding and alternatives evidence necessary to enable a robust assessment before the Examination concludes, in circumstances where the current evidential position is materially deficient and does not enable a robust and reasoned conclusion to be reached; or
- **Recommend refusal**, in the absence of a robust, policy-compliant alternatives assessment demonstrating that the proposed BMV-intensive scheme is necessary, least harmful and no more than reasonably required (including assessment of lower quality land and alternative configurations irrespective of voluntary land availability or initial grid assumptions), together with a complete and accurate environmental baseline, a completed and evidence-based BESS safety assessment (including QRA and off-site consequence analysis), and clearly defined and enforceable DCO-level safeguards. In these circumstances, the claimed benefits of the scheme are materially undermined, attract limited weight, and are insufficient to outweigh the identified and unassessed harms.

SEPE supports renewable energy development that is lawfully, transparently and sustainably sited. Deployment, however, should not rely on the long-term industrialisation of high-quality agricultural land where the evidential basis for site selection, impact assessment and mitigation is incomplete, inaccurate or uncertain, and where the resulting environmental, safety and amenity harms have not been properly avoided, minimised or secured through enforceable controls.

The Examining Authority is respectfully invited to give these procedural and evidential deficiencies substantial weight when assessing whether the proposal satisfies the requirements of EN-1, EN-3 and the EIA Regulations, and whether a positive recommendation can be made with the requisite degree of confidence.

3.0 Introduction

This Written Representation is submitted on behalf of Stop East Park Energy (SEPE), a community-led group representing residents and stakeholders who are directly affected by the proposed development. It addresses the environmental, procedural and policy deficiencies of the proposed East Park Energy solar and Battery Energy Storage System (BESS) development, which has been accepted for examination under the Planning Act 2008 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations).

Legal context and purpose of this Written Representation

This Written Representation sets out the legal basis on which SEPE submits that the Applicant's Environmental Statement does not presently provide sufficient, or reliable, environmental information in several key areas and may therefore not satisfy the adequacy requirements of the EIA Regulations.

As set out in the accompanying legal appendix (Appendix B), established authorities including *Blewett, Lebus, Moseley, Holborn Studios* and *ClientEarth* emphasise that determination of a nationally significant infrastructure project requires sufficient and accurate environmental information, meaningful consultation, and effective mitigation measures that are clearly defined and capable of implementation. Where essential information, alternatives analysis or mitigation detail remain uncertain, the confidence with which a decision-maker can reach a reasoned conclusion may be materially reduced. SEPE therefore advances this Representation not merely as a policy or technical critique, but as evidence that the statutory threshold for an adequately informed and policy-compliant decision has not yet been met.

Mis-siting and the principle of necessity

This Representation focuses principally on the loss and long-term degradation of Best and Most Versatile (BMV) agricultural land and the Applicant's failure to apply a transparent, evidence-based sequential site-selection process consistent with national policy.

It draws on published scientific research, Natural England's evidence review NEER012, Friends of the Earth's national solar spatial analysis (2023), and the Applicant's own Environmental Statement to demonstrate that the proposal represents unsustainable land use and policy non-compliance.

The proposal raises a fundamental question of necessity: whether the use of high-grade agricultural land for a large-scale solar installation is justified where extensive lower-grade land and non-land-take alternatives exist within viable grid-connection distance. EN-1 and EN-3 impose a clear sequential principle directing solar development away from BMV land where reasonable alternatives exist. SEPE's case is not that the Applicant has produced no alternatives material, but that the alternatives exercise presented is materially constrained by a fixed grid-connection assumption

and by land available through voluntary agreement, and therefore does not demonstrate that the selected BMV-intensive scheme is necessary, least harmful or no more than reasonably required.

SEPE's analysis in Sections 4, 10 and 12 suggests that the harm to BMV land is not only significant but potentially avoidable, placing the scheme in direct conflict with national policy and undermining its planning justification.

Scale of land-take and agricultural consequence

The proposed development extends over approximately 773 hectares (c. 1,900 acres) of rural countryside between Eaton Socon (PE19 8) and Pertenhall (MK44 2). Analysis of the Agricultural Land Classification mapping and the Applicant's Environmental Statement confirms that approximately 74% of the Order Limits comprise Grades 2 and 3a BMV land, a nationally significant soil resource.

The scheme would remove this land from productive agricultural use for a minimum of 40 years, with no verified evidence that full restoration of soil function, structure or productivity is achievable at the end of the operational period.

These sequential land-use protections are not discretionary. They form a core policy mechanism within EN-1 and EN-3 to prevent nationally significant infrastructure from being located on irreplaceable agricultural land unless no reasonable alternative exists.

Implications for national food security

The long-term withdrawal of approximately 773 hectares of predominantly BMV agricultural land must be considered not only as a local land-use matter but in the context of national food-production capacity and resilience. Grades 2 and 3a soils represent a finite and strategically important resource capable of sustaining high-yield and versatile cropping. Their loss for at least 40 years constitutes a material reduction in domestic productive capacity at a time when national policy recognises increasing vulnerability in global food supply chains and heightened exposure to climate and geopolitical disruption.

While agricultural use beneath and around solar infrastructure is sometimes referenced in general terms, no quantified assessment has been provided of the foregone agricultural output, cropping flexibility, or economic contribution associated with the affected land. Nor has evidence been presented demonstrating that soil structure, drainage characteristics, and long-term productivity can be fully restored following decades of compaction, shading, cable trenching and altered management regimes. In the absence of such evidence, the assumption that the land will revert to its current productive capability is speculative.

The sequential protection of BMV land within EN-1 and EN-3 exists precisely to avoid such long-duration opportunity costs where reasonable lower-conflict alternatives are available. Where extensive areas of high-performing agricultural land are committed

to non-food use without a robust alternatives assessment and without quantified evidence of proportional public benefit, the proposal engages national food security considerations directly and weighs materially against the scheme in the planning balance.

Unresolved BESS safety and pollution risks

The co-located 100 MW Battery Energy Storage System introduces foreseeable major accident and pollution risk pathways, including thermal runaway, toxic plume dispersion and contaminated fire-water run-off, in the absence of a UK statutory siting code.

As set out in this Written Representation, the Applicant has not submitted a Quantified Risk Assessment, UL9540A-aligned propagation analysis, or any adequate or evidence-based plume-dispersion analysis. These omissions leave the Examining Authority without the minimum evidence required under EN-1 and the public safety principles recognised in *Frack Free Balcombe* for hazardous energy infrastructure.

Summary position and requested action

SEPE contends that the proposal's location on predominantly BMV land, the absence of a transparent alternatives assessment, and multiple unresolved environmental and safety risks, including soil degradation, hydrological alteration and unquantified BESS hazards, render the application inappropriate and contrary to national planning policy in its current form.

The detailed evidence supporting these conclusions is set out in Sections 4–20 of this Written Representation and is summarised in the planning balance and legal appendix (Appendix B).

Accordingly, SEPE invites the Examining Authority to exercise its powers under EIA Regulations to require further information. In the absence of remedying these evidential deficiencies, SEPE submits that the Examining Authority should recommend refusal or require substantial redesign to secure compliance with national land-use, environmental and food security policy objectives.

A summary of the principal scientific and technical evidence underpinning this Representation is provided in Appendix A.

4.0 Planning policy and context

Natural England's Technical Information Note 049 (TIN049) identifies Best and Most Versatile (BMV) agricultural land as a "national resource" and advises that planning decisions should steer development away from BMV land where reasonable alternatives exist. The National Planning Policy Framework (NPPF, 2024]) reinforces this approach, requiring planning decisions to protect high-quality agricultural land. Where development of BMV land is proposed, decision-makers should be satisfied, on the basis of proportionate and transparent evidence, that no reasonable alternative sites of lower quality are available.

EN-1 requires that the environmental information placed before the decision-maker be clear, comprehensive and reliable. SEPE submits that the Environmental Statement does not yet demonstrate this evidential standard in several material respects, due to missing baseline data, deficiencies, reliance on deferred assessment, and inputs or assumptions that have not been sufficiently explained or tested (see Appendix M Procedural and Evidential Deficiencies).

For legal clarity, SEPE notes that under the Planning Act 2008, EN-1 and EN-3 carry determinative weight. The NPPF and local policy are material only insofar as they are relevant and not inconsistent with the National Policy Statements. Where the Environmental Statement does not provide the Examining Authority with a sufficiently complete and robust evidential basis to apply EN-1 with confidence, or where EN-3 anticipates specific matters being addressed (including the treatment of BMV land and soil protection; and BESS safety considerations), SEPE submits that further information, clarification or secured parameters may reasonably be required before the planning balance can be concluded.

Clarification on evidential adequacy

SEPE notes that the evidential obligations under EN-1 and the Infrastructure Planning (EIA) Regulations 2017 do not turn on the sophistication or otherwise of a developer's internal site-selection processes, nor on claims of commercial sensitivity. The relevant legal test is an objective one: whether the Examining Authority has before it sufficient, reliable, transparent and comprehensible information to enable it to discharge its statutory duties and reach a reasoned conclusion on the likely significant effects of the development.

Where an Environmental Statement relies predominantly on narrative explanation in place of proportionate quantification, omits explanation of how alternatives have been considered, or does not clearly disclose the provenance, limitations or uncertainty of key datasets, this may reduce the confidence with which the Examining Authority can rely on the assessment for decision-making purposes. The courts have consistently emphasised that environmental information must be presented in a manner that enables an informed and rational decision, including in *Blewett* [2003], *Holborn Studios* [2020], and *ClientEarth* [2021].

SEPE submits that, when the Environmental Statement is read as a whole, the matters identified across the chapters within this Written Representation raise cumulative questions as to whether the current evidential base is sufficiently complete and robust to allow the Examining Authority to apply EN-1 with confidence, without the provision of further clarification, quantified analysis or secured parameters.

4.1 National policy framework for agricultural land protection

For Nationally Significant Infrastructure Project (NSIP) scale solar development, applications are determined principally against the Overarching National Policy Statement for Energy (NPS EN-1) and NPS EN-3 (Renewable Energy Infrastructure), with the National Planning Policy Framework (NPPF) remaining a relevant and material consideration insofar as it is consistent with the NPSs. Read together, these policy instruments require decision-makers to consider national need alongside site selection, alternatives, and the protection and prudent use of natural resources, including agricultural land and heritage assets.

Policy test – preference for lower-quality land

EN-3 makes clear that, where significant development of agricultural land is proposed, poorer-quality land should be preferred to higher-quality land, and that previously developed land or non-BMV land should be used where reasonably practicable. EN-1 further requires applicants to describe the reasonable alternatives considered and to explain the reasons for selecting the preferred site.

These policies do not impose an absolute prohibition on the use of BMV agricultural land. Rather, they establish a structured preference and justification framework, under which development on BMV land may be acceptable where impacts are understood, minimised so far as reasonably practicable, and justified in the planning balance by reference to alternatives and scheme objectives.

SEPE submits that, on the evidence presently before the Examining Authority, it remains unclear whether that policy framework has been fully satisfied. In particular, the Environmental Statement does not yet demonstrate, in a transparent and evidence-led manner, that the scheme's objectives could not reasonably be met on lower-quality or non-BMV land within the same grid catchment, nor does it clearly explain why predominantly BMV land has been selected in preference to such alternatives. In the absence of that explanation, the weight to be attributed to the loss of BMV land cannot yet be fully assessed and should be treated with caution in the planning balance.

4.1.1 Legal weight of the sequential principle

EN-1 and EN-3 require applicants to identify and describe the reasonable alternatives considered and to explain the reasons for selecting the preferred option. While these provisions do not mandate a particular outcome, they do establish an obligation of

transparency and evidential sufficiency, such that the Examining Authority is able to understand, test and weigh the comparative merits and impacts of realistic options.

The courts have consistently emphasised that where policy requires alternatives to be considered, decision-makers must be provided with information that enables a rational and informed comparison. In *R (Lebus) v South Cambridgeshire DC* [2002] and *Holborn Studios v Hackney* [2020] EWHC 1509, the courts confirmed that the purpose of an alternatives assessment is not to dictate the ultimate planning outcome, but to ensure that choices are made on the basis of intelligible, objective evidence rather than assertion.

Similarly, in *R (Samuel Smith Old Brewery) v North Yorkshire CC* [2020] UKSC 3 and *R (Hayes) v Wychavon DC* [2014] EWHC 221 (Admin), the courts recognised that where development plan or national policy directs attention to alternative means of achieving an objective, the failure to engage meaningfully with realistic lower-harm options may weaken the robustness of the decision-making process, depending on the circumstances.

SEPE submits that, where EN-3 expressly establishes a preference for lower-quality agricultural land, in the absence of a transparent, structured and evidence-led presentation of the reasonable alternatives considered – including options unconstrained by voluntary land availability and fixed grid assumptions, and clearly explaining how land quality, grid proximity, environmental effects and deliverability were comparatively weighed – the adequacy of the environmental information under the EIA Regulations remains open to question. In these circumstances, the decision-maker cannot be satisfied that the site selection process has been robust or policy-compliant, and the weight to be attributed to the loss of Best and Most Versatile (BMV) land cannot be confidently or lawfully determined.

4.1.2 Policy hierarchy clarification

The sequential approach expressed in EN-3 is an operative part of the policy framework and is intended to inform how site selection and design choices are explained and justified, rather than operating as a strict prohibition. In particular, the policy establishes a clear expectation that, where significant areas of agricultural land are proposed for development, applicants should demonstrate that the preference for poorer-quality or previously developed land has been considered and addressed in a transparent and reasoned manner.

Within the EN-1 / EN-3 framework, this expectation operates alongside the broader planning balance rather than displacing it. However, where a proposal involves substantial use of BMV land, the policies anticipate a structured explanation of why that outcome has been reached, including how reasonable lower-harm options have been examined and weighed. The purpose of this exercise is to enable the Examining Authority to understand whether the scheme reflects an efficient and proportionate use of land in the context of national energy need, rather than voluntary land availability

and self-imposed distance from the grid connection point defining the scheme parameters.

Recent NSIP examinations, including Longfield and Mallard Pass (2023–24), illustrate how Examining Authorities have approached this policy test in practice. In those cases, Examining Authorities sought evidence-led alternatives material to assist in understanding how land-quality considerations influenced site selection and whether the policy preference for lower-grade land had been meaningfully addressed. These examinations demonstrate that, while development on BMV land is not precluded, the weight attributed to such impacts is closely linked to the clarity and robustness of the alternatives evidence presented.

In the case of East Park, SEPE submits that the absence of a clear, structured explanation of how the EN-3 preference has been applied limits the Examining Authority's ability to assess compliance with national policy and to determine the appropriate weight to be given to the loss of BMV land in the overall planning balance.

4.2 Absence of a transparent and sequential site-selection process

The Applicant has not presented within the application documentation a clearly structured, GIS-led site-selection exercise that demonstrates how reasonable alternative locations were identified, compared and discounted in accordance with EN-1 and EN-3. While the Environmental Statement and supporting documents describe an alternatives process, the assessment appears materially constrained by the availability of land secured through voluntary agreement and by fixed assumptions regarding the point of grid connection, rather than demonstrating that the chosen site represents the least-harmful reasonable option irrespective of landowner willingness. It does not include an objective spatial comparison showing how land quality, grid proximity, environmental constraints and deliverability were weighed across alternative options that could, in principle, have been assembled through compulsory acquisition powers. Without this information, the Examination cannot readily determine whether the selected site reflects a constraint-led process of avoidance and minimisation or simply the availability of land within the chosen 15 km grid corridor.

SEPE does not suggest that national policy imposes a rigid or formulaic sequential test; rather, it expects a transparent demonstration that site selection has sought to avoid or minimise harm, including to BMV land, where reasonable alternatives exist.

For analytical clarity, and consistent with the EIA Regulations requirement to describe reasonable alternatives and the reasons for the option chosen, the alternatives issue arises on three separate levels, each of which requires transparent evidence. First, whether the chosen grid interface or connection strategy was itself the least harmful reasonable option. Second, whether the preferred land parcels within the relevant grid catchment were selected following an objective comparison with lower-conflict alternatives, including land of lower agricultural quality. Third, whether the final scale, spread and configuration of the scheme minimise land-take and environmental harm

so far as reasonably practicable. The application materials do not currently provide a joined-up comparison across those three levels that is independent of land availability constraints, and therefore do not demonstrate that the present BMV-intensive configuration is necessary or that lower-impact alternatives could not reasonably have been delivered through the use of compulsory acquisition powers available under the Planning Act 2008 and therefore do not yet enable the Examining Authority to test whether the current scheme represents the least harmful reasonable means of meeting the stated project objectives.

Published spatial evidence, including Defra Land Use Change Statistics (2023) and the Royal Agricultural Society of England's *Solar, Soil and the Future of Farmland* (2023), appears to indicate that within approximately 10 km of the proposed grid connection there are substantial areas of Sub-Grade 3b or lower-quality land which, in principle, could accommodate a scheme of comparable scale. This information does not of itself determine suitability or deliverability, but it reinforces the need for a transparent explanation of how such land was considered and why it was discounted in favour of predominantly BMV parcels.

Recent DCO examinations, including Mallard Pass Solar Farm (EN010125 Q2.5.6) and Longfield Solar Farm (EN010118, ExA Report s.6.3.14), illustrate how Examining Authorities have sought clarity on site-selection reasoning through GIS-based screening, grid-capacity considerations and land-quality overlays. In those cases, such material assisted the Examining Authority in understanding how policy preferences were applied in practice. No comparable evidence has been provided for East Park.

SEPE therefore considers that the current Environmental Statement does not provide sufficient transparency on the alternatives process to allow the Examining Authority to test how EN-1 and EN-3 have been applied, or to determine what weight should properly be attributed to the loss of BMV land in the planning balance. This engages the requirement in the EIA Regulations for a description of the reasonable alternatives and the reasons for the choice made, and indicates that further clarification and evidence would assist the Examination.

4.2.1 Grid interface and connection alternatives

The absence of a transparent sequential approach is not confined to land parcels: it also extends to the strategic grid interface and connection strategy, which materially shapes land take, routing corridors, compulsory acquisition extent, environmental effects, deliverability and cost.

Evidence presented by Interested Parties during the Examination indicates that the alternatives assessment proceeds from a single preferred point of connection to Eaton Socon, with the resulting search area defined primarily by that assumption. The assessment does not demonstrate that alternative grid nodes or connection strategies were evaluated on an equivalent basis where these might have enabled deployment

on lower-quality land, including land not subject to voluntary option agreements but potentially capable of assembly through compulsory acquisition.

Under EN-1 and the EIA Regulations, the assessment of “reasonable alternatives” is not limited to the red-line site boundary. It encompasses alternative means of achieving the project’s objectives where those alternatives would materially influence environmental effects. The courts have consistently emphasised that where policy requires alternatives to be considered, the decision-maker must be supplied with sufficient information to enable a rational and intelligible comparison (*R (Lebus) v South Cambridgeshire DC* [2002]; *Holborn Studios Ltd v Hackney LBC* [2020] EWHC 1509 (Admin)).

Grid connection is therefore not a neutral or incidental engineering detail. It is a strategic determinant of site configuration. The choice of point of connection influences:

- the geographical envelope of candidate land,
- the quantum of Best and Most Versatile (BMV) land affected,
- cable routing corridors,
- compulsory acquisition requirements,
- cumulative impacts, and
- programme and cost risk.

The Applicant proposes connection into the Eaton Socon 400 kV Substation. However, evidence before the Examination confirms that Eaton Socon is currently full and may require expansion, rebuild or provision of new infrastructure to accommodate additional generation connections. National Grid Electricity Transmission Plc (“NGET”), in its Relevant Representation, confirms that the scope, configuration and timing of such works remain uncertain and dependent upon the outcome of the National Energy System Operator (NESO) Connections Reform process. NGET further records that it is presently unknown where and how the Project would connect within the retained Order Limits and that robust Protective Provisions are required.

The Funding Statement refers to works to connect to Eaton Socon but does not quantify, allocate or secure provision for potentially significant enabling works that may be required if substation expansion or rebuild proves necessary. Nor does it clarify the allocation of programme and cost risk between the Applicant and NGET. Where a selected point of connection depends upon infrastructure of uncertain scope and timing, the robustness of the deliverability case becomes a material planning consideration.

In these circumstances, the selection of Eaton Socon as the sole assessed grid interface is itself a material planning choice with consequential land-use, environmental and compulsory acquisition implications.

Relevant Representation evidence placed before the Examination identifies the existence of alternative proximate transmission infrastructure in the vicinity of the Little Barford substation and power station complex. The Environmental Statement does not contain a structured comparative assessment of:

- technical feasibility of connection to Little Barford or other proximate nodes;
- reinforcement requirements and associated programme risk;
- relative land-take implications;
- comparative BMV exposure;
- compulsory acquisition reduction potential; or
- comparative capital and reinforcement cost implications.

No grid-node alternatives matrix is presented. The Environmental Statement instead proceeds on the basis of a single preferred connection assumption.

Public representations further identify that “Zone C” within the Site Identification Report was rated adversely primarily due to grid-connection considerations, notwithstanding that this zone comprises a materially higher proportion of Sub-Grade 3b and Grade 4 agricultural land. The appraisal methodology treated grid connection as effectively determinative without transparently assessing whether connection via Little Barford could remove or materially reduce that constraint.

It is also noted that a £35 million 132 kV reinforcement project between Little Barford and Eaton Socon substations was completed in 2024. That project clearly demonstrates that engineering constraints in this locality are capable of resolution and that reinforcement infrastructure already exists within the same transmission geography. The Environmental Statement does not explain why a Little Barford-led configuration was not comparatively assessed.

The significance of this omission extends beyond cable routing. Public evidence indicates that connection via Little Barford could potentially have enabled relocation of the principal generating arrays to land east of St Neots, on the opposite side of the River Great Ouse, comprising a materially greater proportion of previously developed land and Sub-Grade 3b / Grade 4 agricultural land.

If that is so, the point-of-connection assumption has influenced not merely infrastructure routing but the entire spatial configuration of the Proposed Development.

Where a chosen connection point effectively constrains the scheme to predominantly BMV agricultural land, but an alternative transmission node may have facilitated development on lower-grade or brownfield land within the same transmission geography, EN-3’s preference for poorer quality land is directly engaged. As the Supreme Court confirmed in *R (Samuel Smith Old Brewery) v North Yorkshire CC*

[2020] UKSC 3, where policy directs attention to a particular consideration, the decision-maker must properly engage with that requirement.

The Environmental Statement contains no structured assessment of whether a Little Barford-led configuration could:

- materially reduce the quantum of BMV land affected;
- avoid or reduce compulsory acquisition over high-grade holdings;
- reduce reliance on expansion or rebuild of a constrained 400 kV substation;
- deliver equivalent export capacity via reinforced infrastructure; or
- alter cumulative landscape and community impacts through a different spatial envelope.

In the absence of such analysis, the Examination cannot conclude that the present BMV-intensive land take is unavoidable or that it represents land “no more than reasonably required” for the purposes of the Planning Act 2008.

The present approach risks circularity: Eaton Socon is treated as a fixed assumption driving Search Zone selection and land assembly, while alternative zones are downgraded because they do not align with that assumed connection point. That is not a constraint-led sequential assessment; it is an assumption-led appraisal in which a key strategic variable has not been transparently tested.

The omission is material for three interlocking reasons:

1. **EN-1 Reasonable Alternatives** – Infrastructure configuration choices that materially influence environmental effects fall within the scope of reasonable alternatives under EN-1 and EIA Regulations.
2. **EIA Adequacy** – The decision-maker must be satisfied that sufficient information has been provided to enable a reasoned conclusion on likely significant effects. Where materially different infrastructure strategies have not been comparatively assessed, the adequacy threshold is engaged (Lebus; Holborn Studios).
3. **Compulsory Acquisition Necessity (Planning Act 2008)** – If an alternative grid node could materially reduce land requirements or BMV exposure, the statutory requirement that land be “no more than reasonably required” cannot be confidently discharged.

Accordingly, the Examination is not presently supplied with sufficient information to conclude that the chosen grid interface, and the consequential land requirements associated with it, represent the most proportionate and environmentally coherent option reasonably available.

SEPE submits that a proportionate Integrated Grid and Site Alternatives Assessment is required, identifying all plausible transmission nodes (including Little Barford), explaining reinforcement implications, programme and funding risk allocation, and quantifying how alternative connection strategies would affect Search Zone outcomes, BMV exposure, routing extent and compulsory acquisition requirements.

This constitutes **Procedural Deficiency #4A – Failure to assess integrated grid and site alternatives**, as detailed in Appendix M.

4.2.2 Consultation fairness dimension

The absence of a transparent and structured explanation of site selection and alternatives also has implications for the fairness and effectiveness of the pre-application consultation process. Consultation responses were sought at a stage when key elements of the scheme, including the ultimate extent of land-take, the relocation of the BESS to Site D, and the basis on which alternative locations had been considered or discounted, had not been clearly articulated. As a result, consultees were not able to engage with the scheme on the basis of the final configuration now before the Examining Authority.

In *R (Moseley) v Haringey* [2014] UKSC 56, the Supreme Court confirmed that consultation must be conducted on a basis that enables consultees to make an “intelligent consideration and response,” recognising that this does not require full technical detail but does require sufficient clarity about the nature and implications of the proposals. In this case, the absence of a disclosed alternatives narrative and the subsequent evolution of the Order Limits and BESS siting reduce confidence that consultees were able to comment meaningfully on the comparative merits of different options or the justification for impacts on BMV land.

Similarly, *ClientEarth v Secretary of State for BEIS* [2021] EWCA Civ 43 emphasises the importance of clear, comprehensible and evidence-based information being available to inform environmental decision-making. While ClientEarth does not impose an absolute requirement to consult on every conceivable alternative, it underlines the need for decision-makers, and those engaging in the process, to understand the basis on which reasonable alternatives have been approached. Where alternatives reasoning emerges only after consultation, the ability of consultees to engage effectively with the environmental implications is necessarily constrained.

Read alongside *Plantagenet Alliance* [2014] EWHC 1662 (Admin), these principles do not suggest that the consultation process was unlawful *per se*, but they do indicate that the iterative development of the scheme, in the absence of a clearly articulated alternatives framework, has limited the practical value of consultation responses on site selection and land-use impacts. This matter is therefore relevant to the weight that can properly be attached to the consultation outcomes in respect of alternatives and BMV land take, and reinforces **Procedural Deficiencies 4E and 4F**.

4.3 Natural England evidence of BMV extent

Natural England's *Predictive Best and Most Versatile (BMV) Land Assessment – East Region* (2017) provides a recognised strategic evidence base for understanding the likelihood and distribution of BMV land in circumstances where full, field-verified Agricultural Land Classification (ALC) survey coverage is incomplete or uneven. The dataset indicates that the East Park landholding lies predominantly within areas identified as having a greater than 60% probability of BMV classification.

The predictive assessment integrates the National Soil Map (Cranfield University, 1983), DEFRA 1:250,000 ALC mapping, and Met Office climatic data, and represents the best available regional synthesis of soil quality for strategic planning and policy interpretation purposes. It is routinely used to inform the contextual interpretation of site-specific ALC surveys and to identify locations where particular care is required in the treatment of agricultural land impacts.

While the predictive mapping is not a substitute for a full, site-specific ALC survey at parcel level, it provides important corroborative context. When read alongside the Applicant's own survey results, it supports the conclusion that the proposed development is located within a landscape where BMV land is prevalent. In this context, the dataset reinforces, rather than replaces, the policy expectation under EN-1 and EN-3 that the Applicant should clearly demonstrate that reasonable non-BMV alternatives have been identified, considered and discounted on transparent and objective grounds.

This position is reinforced by professional guidance published by the Institute of Sustainability and Environmental Professionals (ISEP, 2025), which confirms that large-scale solar developments on agricultural land should be supported by a transparent options appraisal demonstrating why lower-grade land, brownfield sites or non-land-take alternatives were not pursued, and that reliance on land availability alone is insufficient to justify the use of BMV soils.

4.4 Policy precedent and national guidance

Recent appeal decisions and parliamentary material indicate that proposals for large-scale solar development on Best and Most Versatile (BMV) agricultural land are subject to particularly close scrutiny, especially where the evidential basis for site selection and alternatives is limited.

In *Land at East Marsh, Norfolk* (APP/V2635/W/22/3295141, 2022), the Inspector concluded that the loss of BMV land constituted a "significant and permanent adverse impact" and that, on the evidence before him, no compelling justification had been demonstrated for development on Grades 1–3a land. While appeal decisions turn on their own facts and are not determinative for NSIPs, the decision illustrates the weight that Inspectors may attach to the quality of agricultural land where alternatives have not been convincingly discounted.

Parliamentary scrutiny further reflects the same policy direction. The House of Commons Levelling Up, Housing and Communities Committee (*Solar Farms – Land Use Policy*, 2024) observed that deployment should “focus first on lower-quality land and built environments,” and cautioned that the increasing concentration of large solar schemes on BMV land risks placing pressure on long-term food-security objectives. Although such reports do not create binding policy, they are a material expression of current parliamentary understanding of how existing national policy is intended to operate.

Similarly, the House of Commons Library Research Briefing *Planning for Solar Farms* (CBP-7434, 2024) summarises Government policy as requiring developers to steer proposals away from BMV land wherever feasible, reflecting the approach set out in EN-3 and the NPPF provisions for safeguarding BMV agricultural land. The briefing confirms that development on BMV land is not prohibited, but that it carries an expectation of clear justification and transparent consideration of lower-quality alternatives.

Taken together, these sources do not impose an absolute bar on development affecting BMV land. Rather, they reinforce the policy expectation that, where such land is proposed for development, the evidential burden on the applicant to explain site selection and alternatives is heightened. In the present case, SEPE submits that the Applicant’s alternatives narrative does not yet demonstrate, on a transparent and evidence-led basis, that the project’s objectives could not reasonably be met on lower-quality land within the same grid catchment, or a technically feasible grid catchment greater than 15km.

4.4.1 National food security context

Additional national context is relevant when considering the weight to be attached to the loss of Best and Most Versatile (BMV) agricultural land. DEFRA’s *Agricultural Land Classification Review* (2024) and the House of Lords *Land Use in England Select Committee Report* (2023) both highlight increasing long-term pressures on domestic food production, identifying BMV land as a finite and strategically important resource in maintaining food security baselines to 2050 and beyond.

Neither document establishes a prohibition on non-agricultural development on BMV land, nor do they prescribe outcomes for individual planning applications. However, they do articulate a consistent national policy concern: that cumulative and incremental losses of high-quality agricultural land may, over time, constrain food production capacity. In that context, the reports reinforce the rationale within EN-3 and the NPPF provisions for safeguarding BMV agricultural land for exercising particular caution where large-scale development is proposed on BMV land.

These national-level findings do not displace the planning balance required under EN-1, nor do they override the recognised need for renewable energy infrastructure. Rather, they inform the weight to be given to agricultural land impacts within that

balance, particularly where the scale of BMV land-take is substantial. SEPE's concern is that, on the evidence currently before the Examining Authority, the Applicant has not yet demonstrated, through a transparent and proportionate alternatives appraisal, why development on predominantly BMV land represents the lowest-conflict option available within the relevant grid catchment.

4.5 Sequential site selection and use of non-BMV land

The evidence presented indicates that the Applicant's site-selection process places substantial reliance on land that is classified as BMV, without a clear or proportionate demonstration that lower-quality or previously developed land was unavailable or incapable of meeting the scheme's objectives. National policy does not prohibit solar development on BMV land; however, EN-3 is explicit that developers *should, where possible*, utilise previously developed or lower-grade agricultural land. EN-1 further requires that reasonable alternatives, including those involving lower-grade land, are identified, considered and the reasons for their rejection explained.

The Applicant's own Agricultural Land Classification (ALC) survey identifies approximately 518 ha, around 74% of the agricultural land assessed, as BMV (Grades 2 and 3a). Within the Environmental Statement the total site area is reported as c. 773 ha (including non-agricultural land), comprising Grade 2 land at 164.0 ha (21.2%), Subgrade 3a at 349.5 ha (45.2%), Subgrade 3b at 182.4 ha (23.6%), ungraded land assumed as Grade 2 at 41.6 ha (5.4%), and non-agricultural land at 35.4 ha (4.6%). These figures indicate that the proposed development is predominantly located on higher-quality agricultural land.

What is notably absent from the submitted material is a transparent explanation, supported by spatial or comparative evidence, demonstrating why equivalent generating capacity could not reasonably be achieved on a greater proportion of Sub-Grade 3b land or on brownfield sites within the vicinity of the Eaton Socon grid connection, including land not presently subject to voluntary agreements but potentially capable of assembly through compulsory acquisition. In the absence of such an explanation, the Examining Authority is left without a clear evidential basis on which to conclude that the policy preference for lower-quality land has been fully explored and applied.

This does not amount to a policy prohibition or an assertion that development on BMV land is inherently unacceptable. Rather, it is a question of weight and justification within the planning balance. Where a proposal entails a substantial take of BMV land, EN-3 and EN-1 anticipate a commensurate level of evidence demonstrating that this outcome is unavoidable or represents the least-conflict option available. On the information currently before the Examining Authority, that evidential link has not yet been made explicit, and this diminishes the weight that can be attributed to the Applicant's sequential compliance case.

4.5.1 GIS evidence clarification

SEPE's independent review indicates that there are multiple parcels of Sub-Grade 3b and non-BMV land within the Applicant's stated grid-connection catchment, including parcels that are comparable to, or in some cases closer than, the selected site areas in terms of proximity to existing substations. This evidence does not establish that such land would necessarily be suitable or available for development; however, it does indicate that potentially lower-conflict options exist within the spatial scope that the Applicant has itself defined.

The Environmental Statement does not present any GIS-based comparison examining grid distance, indicative capacity constraints, land quality, environmental sensitivity, or deliverability across these alternative parcels. In the absence of such comparative material, it is not possible for the Examining Authority to understand how the preference for predominantly BMV land was reached, or to test whether the policy preference in EN-3 for lower-grade land has been applied in a proportionate and evidence-led manner.

This point goes to transparency rather than outcome. National policy does not require a particular result, but it does require that the reasoning leading to the selection of a preferred site is capable of being followed and interrogated. As established in *Lebus* and *Hayes*, where policy anticipates consideration of alternatives, decision-makers must be provided with sufficient objective material to understand how that consideration has informed site selection. On the information currently before the Examining Authority, that evidential chain is not clearly set out.

The absence of a transparent, GIS-based alternatives matrix therefore limits the weight that can be attributed to the Applicant's sequential compliance case, particularly given the scale of BMV land affected. Without clearer explanation of why lower-grade or non-BMV parcels were discounted, the Examining Authority cannot be satisfied that the planning balance under EN-3 and the NPPF provisions for safeguarding BMV agricultural land has been struck on the basis of a fully evidenced comparison of reasonable options.

4.6 Sub-optimal use of north-facing slopes – Inefficient and poorly justified site layout

In addition to the concentration of development on BMV agricultural land, the submitted layout includes extensive areas of north- and north-east-facing slopes used for panel arrays. Consultation responses summarised in the Design Approach Document record concerns that the use of north-facing land could reduce generation efficiency and may not represent good-practice siting for utility-scale solar.

The Environmental Statement does not provide a quantitative appraisal of solar resource by slope aspect, nor any GIS-based aspect mapping or comparative yield assessment to demonstrate how these concerns were evaluated during design evolution. There is no evidence explaining whether alternative, better-orientated

parcels, either within the Order Limits or elsewhere in the defined grid catchment, were considered, discounted, or deprioritised on objective grounds.

The presence of north-facing slopes within a scheme does not, in itself, indicate non-compliance with national policy. However, where development is proposed on high-grade agricultural land, EN-1 and EN-3 collectively anticipate that land will be used efficiently and that avoidable environmental cost will be minimised. In this context, the combination of (i) extensive BMV land-take and (ii) the use of sub-optimal solar orientation elevates the importance of a clear, evidence-based explanation of layout choices.

On the material before the Examining Authority, that explanation is not provided. Without aspect-based modelling or yield comparison, it is not possible to understand whether the selected layout represents a reasonable and proportionate balance between energy output, land quality and environmental effects, or whether alternative configurations could have reduced BMV land-take or improved yield per hectare.

Accordingly, the issue is not whether north-facing slopes may ever be acceptable, but whether the Applicant has provided sufficient evidence to demonstrate that their inclusion here forms part of a rational and efficient design response. In the absence of such evidence, limited weight can be attached to the Applicant's generation and carbon-efficiency claims insofar as they rely on full and effective utilisation of the land resource.

This evidential gap also limits the robustness of the design-evolution narrative relied upon under EN-1 and reinforces the need for greater transparency regarding how layout efficiency, land quality and solar resource have been balanced in the selection of the preferred scheme.

This constitutes **Procedural Deficiency #4B – Inadequate topography and solar-resource assessment**, as detailed in Appendix M.

BRE National Solar Centre guidance (NSC, 2021) identifies south-facing slopes of approximately 5–10 degrees as optimal for UK solar generation, with north-facing slopes typically resulting in reduced yield per hectare. This guidance does not preclude alternative orientations, but it underscores the importance of aspect-specific modelling where large areas of agricultural land, particularly BMV land, are proposed for long-term energy use. The absence of any such modelling in the Environmental Statement represents a technical limitation that bears directly on the efficiency and justification of the chosen layout.

4.6.1 Climate and yield efficiency evidence

Independent modelling published by the BRE National Solar Centre (2021) indicates that the use of north-facing slopes can reduce annual energy yield per hectare by approximately 10–18% when compared with south-facing equivalents, depending on gradient, latitude and array configuration. This evidence does not imply that north-

facing land is inherently unsuitable for solar development, but it does demonstrate that orientation materially influences land-use efficiency and output density.

In the context of a scheme of this scale, where a substantial proportion of the Order Limits comprises BMV agricultural land, the inclusion of extensive north and north-east facing slopes increases the importance of demonstrating that layout choices represent a reasonable and proportionate use of the land resource. In particular, it heightens the need for evidence explaining how reduced yield per hectare has been factored into the Applicant's design evolution, site selection and claimed generation benefits.

The Environmental Statement does not provide aspect-based yield modelling, comparative efficiency scenarios, or sensitivity testing to show whether alternative configurations, either within the site or across grid-proximate land, could have delivered comparable capacity with lower land-take or reduced reliance on higher-quality soils. As a result, the Examining Authority is unable to assess whether the selected layout reflects a balanced optimisation of energy output, land quality and environmental impact, or whether yield inefficiencies have been accepted without transparent evaluation.

Accordingly, this evidence does not establish that the scheme is unacceptable on efficiency grounds, but it does limit the weight that can be placed on asserted carbon and generation benefits in the absence of supporting aspect-specific analysis. Where national policy anticipates the prudent and efficient use of land, particularly where BMV soils are affected, greater clarity is required to demonstrate that available solar resource has been utilised in a manner consistent with EN-1 and EN-3.

4.7 Policy hierarchy and interaction with local plans

While the National Policy Statements (EN-1 and EN-3) form the primary policy framework for determination of Nationally Significant Infrastructure Projects, the National Planning Policy Framework and relevant adopted local plans remain material considerations insofar as they are relevant to the impacts of the Proposed Development. This reflects the established approach under section 104 of the Planning Act 2008, which requires decisions to be taken in accordance with the relevant NPS unless specified exceptions apply, while still having regard to other important and relevant matters.

Accordingly, compliance with the NPS does not displace consideration of locally-specific effects on matters such as agricultural land, landscape character and rural context, particularly where those effects are expressly recognised within national policy as relevant considerations. The assessment task for the Examining Authority is therefore not to re-determine policy need, but to consider whether the proposed development has been sited and designed in a manner that appropriately reconciles national objectives with local environmental and land-use sensitivities, consistent with the policy framework as a whole.

4.7.1 Local policy weight clarification

Although NSIPs are determined principally against EN-1 and EN-3, Examining Authorities routinely have regard to relevant local plan policies when assessing the local impacts of a proposal under the Planning Act 2008. This is particularly the case where local policies address topics that are also recognised within the NPSs, such as protection of high-quality agricultural land, landscape character and rural setting.

Non-conformity with local plan policy does not, of itself, preclude the grant of development consent, nor does it override the substantial weight to be given to meeting national energy need. However, where local plan policies align with national policy objectives, rather than conflict with them, any identified tension can inform the planning balance, particularly where reasonable alternatives or mitigation options may exist.

In this context, the relevance of local policy at East Park lies not in displacing national policy support for renewable energy, but in highlighting site-specific sensitivities that national policy itself anticipates should be taken into account when considering land use, layout and alternatives. The degree to which those local considerations have been addressed through evidence-led site selection and design evolution is therefore a matter of planning judgment for the Examining Authority.

4.7.2 Alternatives minimised by landowner preference – not a policy-compliant sequential test

The Applicant's Environmental Statement records that certain alignment and layout choices were shaped through consultation with landowners and reflect land availability secured through voluntary agreement. While land control and deliverability are legitimate factors in project development, national policy expects that, where high-value environmental receptors such as BMV agricultural land are engaged, the alternatives process should demonstrate that these practical considerations have been balanced against reasonable options that may present lower environmental impact, including options not dependent on voluntary participation.

EN-1 and EN-3 do not preclude reliance on landowner engagement, but they do require applicants to evidence that reasonable alternatives, particularly those involving lower-grade agricultural land, have been considered and, where discounted, explained on transparent and objective grounds. In the absence of such evidence, it is difficult for the Examining Authority to understand the relative weight given to environmental constraints as distinct from land assembly considerations.

In these circumstances, the Examining Authority may reasonably attach limited weight to an alternatives narrative that is not supported by a comparative, evidence-led assessment, and may consider whether a proportionate, GIS-based sequential analysis focused on grid-proximate land parcels would assist in clarifying whether non-BMV options were reasonably available and, if so, why they were not pursued.

This issue therefore further supports **Procedural Deficiency #4A (integrated grid and site alternatives)**, as detailed in Appendix M.

4.7.3 Comparative precedent – Alternatives assessment and BMV land avoidance

Recent examinations and appeal decisions provide helpful context for the level of evidence typically expected where large-scale solar development proposes the use of BMV agricultural land.

At Longfield Solar Farm (Essex, DCO 2023), the Examining Authority sought a clear and reasoned justification for the extent of BMV land affected and placed weight on the presence of a GIS-based alternatives assessment comparing lower-grade land within the relevant grid catchment (ExA Report, ss.5.4.8–5.4.14). The ExA noted that, without such comparative evidence, it was more difficult to conclude that the EN-3 preference for poorer-quality land had been adequately addressed.

Similarly, during examination of the Mallard Pass Solar Farm (2024), the Examining Authority observed that the absence of mapped, grid-proximate non-BMV alternatives limited the robustness of the applicant's sequential case, even though development on BMV land was not ruled out in principle.

The Valley Farm Solar Farm appeal (APP/X3540/A/13/2196046, 2014) provides further illustration. There, the Inspector found that restricting the alternatives assessment to land under a single developer's control did not, of itself, demonstrate compliance with national policy expectations on alternatives, emphasising the importance of transparency rather than outcome.

Taken together, these decisions do not establish a prohibition on the use of BMV land, but they do illustrate that decision-makers have placed weight on the presence of a clear, evidence-based narrative explaining why lower-impact alternatives were not taken forward. In the East Park case, the absence of a comparable, grid-proximate alternatives assessment limits the Examining Authority's ability to test whether the policy preference in EN-3 has been addressed in a proportionate and transparent manner.

Natural England's advice that development affecting extensive areas of BMV land warrants early and meaningful scrutiny reflects the same underlying concern: that the implications for soil resources and food production are properly understood before conclusions are reached.

More broadly, national policy frameworks, including the Department for Energy Security and Net Zero British Energy Security Strategy (2022), set ambitious targets for solar deployment but do not establish a comprehensive spatial framework for the siting of such development. In parallel, the Department for Levelling Up, Housing and Communities National Planning Policy Framework requires careful consideration of land-use impacts, including agricultural land quality. While this does not create a

project-specific policy requirement, it reinforces the importance of applying existing sequential and site selection principles carefully at the scheme level to ensure that land-use conflict is minimised where reasonably practicable.

Ministerial statements, including the Written Ministerial Statement of 25 March 2015 and subsequent Parliamentary remarks, consistently underline that national renewable energy objectives do not remove the need for careful site selection. These statements align with the NPPF provisions for safeguarding BMV agricultural land and EN-3 in signalling that development on higher-quality agricultural land should be justified by clear evidence rather than assumed as a default consequence of national need.

The recent update to EN-3 further clarifies that while ground-mounted solar development on BMV land is not prohibited, previously developed, industrial or lower-grade agricultural land should be used where possible in preference to higher-quality land. Within this framework, the role of the Examining Authority is not to question the existence of national need, but to consider whether the chosen site represents a proportionate response to that need when alternatives and environmental effects are taken into account. The current evidence base limits the ability to undertake that assessment with confidence.

4.7.4 Local development plan context and consistency

The proposed development spans administrative areas covered by both the Huntingdonshire Local Plan to 2036 and the Bedford Borough Local Plan 2030. Each plan contains policies directed toward conserving rural landscape character, supporting the rural economy, and safeguarding higher-quality agricultural land, while recognising the role of renewable energy development where appropriately located.

Under section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan remains a material consideration, even for Nationally Significant Infrastructure Projects. While the National Policy Statements (EN-1 and EN-3) are determinative under section 104 of the Planning Act 2008, local plan policies continue to inform the assessment of local effects and compatibility, provided they are not inconsistent with national policy.

In this context, the relevant local plan policies include:

- **Huntingdonshire Local Plan to 2036**
 - *Policy LP10 (The Countryside)*, which seeks to limit development outside defined settlements unless it is necessary and compatible with the countryside's character and function; and
 - *Policies LP11 and LP12*, which require development to respond positively to local character, landscape setting and rural context.

- **Bedford Borough Local Plan 2030**

- *Policy 7S (Development in the Countryside)*, which resists development that would result in the loss of BMV agricultural land or cause material harm to rural landscape character, unless adequately justified.

These policies operate consistently with EN-3 and the NPPF provisions for safeguarding BMV agricultural land, both of which express a preference for directing development away from higher-quality agricultural land where reasonable alternatives exist. They do not introduce additional policy tests, but they reinforce the importance of understanding and minimising local land-use impacts as part of the overall planning balance.

In the East Park case, the absence of a transparent, evidence-led alternatives assessment limits the Examining Authority's ability to evaluate whether the proposal achieves appropriate alignment between national energy objectives and local land-use considerations. This is particularly relevant where local plans identify the affected land as forming part of the working countryside and where alternative locations may exist within the same grid catchment.

The Applicant's Planning Statement relies primarily on a narrative justification of site selection and does not include a comparative technical appraisal of either grid-interface alternatives or grid-proximate land options. In these circumstances, the Examining Authority is not provided with sufficient evidence to understand how environmental constraints, agricultural land quality and grid-connection assumptions were balanced in identifying the proposed development envelope.

As set out in **Procedural Deficiency #4A (integrated grid and site alternatives)** in Appendix M, this evidential gap limits the ability of the Examination to determine whether the proposed development represents the least environmentally harmful option or whether lower-impact alternatives within the relevant grid catchment were reasonably available to reach a reasoned conclusion on site-selection effects.

4.8 Review of Applicant's EIA methodology

Examination of ES Volume 1 Chapter 4 (EIA Methodology) indicates that the Applicant's assessment framework relies predominantly on high-level narrative description, with limited explanation of how key methodological choices have been tailored to the specific environmental characteristics of the East Park Energy project. In particular, the rationale for selecting spatial and temporal assessment boundaries is not clearly articulated, and the definition of the "Zone of Influence" is not explicitly linked to receptor sensitivity, local topography, or the presence of cumulative environmental pressures.

It is well established that Environmental Impact Assessment does not prescribe a single correct methodology. However, the courts have confirmed that the chosen methodology must be sufficiently transparent to enable both the decision-maker and

the public to understand how conclusions have been reached and to test whether likely significant effects have been properly identified. In *Blewett* [2003] and *Holborn Studios*, the courts emphasised that where key methodological assumptions, data sources, or limitations are not explained, the assessment may lack the intelligibility required by the EIA regime.

In this context, SEPE's concern is not that the Applicant has adopted an impermissible approach in principle, but that the Environmental Statement provides limited visibility as to how methodological judgments have been exercised in practice. This reduces confidence in the robustness of several topic-level conclusions and constrains the Examining Authority's ability to interrogate whether the assessments reflect appropriate worst-case scenarios, as required by the evidential and decision-making provisions of EN-1.

4.8.1 Spatial boundary weakness

The Environmental Statement applies fixed or topic-generic Zones of Influence (Zols) across multiple disciplines, including landscape, noise, hydrology, ecology and traffic. While the use of standard radii is common in NSIP assessment, the ES provides limited explanation as to why the selected Zols are appropriate for the specific receptors, pathways and sensitivities present at East Park, or how they capture worst-case effects in each topic area.

In NSIP-scale assessments, Zol definition is a key methodological step because it frames the identification of likely significant effects and cumulative interactions. Where justification is limited or implicit, it becomes more difficult to verify whether relevant receptors have been fully captured or whether potential effects beyond the defined boundaries have been reasonably excluded.

In addition, the methodology chapter does not clearly set out data provenance, verification procedures, or the treatment of uncertainty across technical disciplines. EN-1 and the EIA Regulations anticipate that Environmental Statements should describe the sources, quality and limitations of the information relied upon. While some of this material appears later in topic chapters, the absence of a consolidated methodological explanation limits transparency at the framework stage.

Cumulative assessment presents a related concern. The "short list of cumulative developments" does not clearly explain the basis on which certain operational or consented solar and BESS schemes within the same grid-connection catchment have been excluded. This does not necessarily mean that cumulative effects have been underestimated, but it does make it harder to test whether the cumulative scope is proportionate and comprehensive, particularly for landscape, noise and hydrology.

Taken together, these issues do not suggest that the EIA approach is unlawful in principle. Rather, they indicate that further methodological clarification would assist the Examining Authority in understanding how assessment boundaries, cumulative

scope and data limitations have been determined. In SEPE's submission, this could be addressed through a short Revised EIA Methodology Note, setting out:

- the justification for spatial and temporal assessment limits by topic, with reference to receptor sensitivity and pathways;
- a summary of data sources, verification steps and key uncertainties for each discipline; and
- a clarified cumulative-development screening process within the Eaton Socon grid influence area.

Providing such clarification would not pre-judge the planning balance, but would enhance the transparency and reliability of the Environmental Statement in line with EN-1 and support the Examining Authority's duties under the EIA Regulations.

These methodological matters should be read alongside **Procedural Deficiency #4B** (Alternatives evidence), insofar as both relate to the overall clarity and traceability of the evidence base rather than to the merits of any single topic assessment.

BESS-specific methodological context

Methodological clarity is particularly important in relation to the Battery Energy Storage System (BESS), given its classification under EN-3 as infrastructure with distinct safety and risk considerations. While national policy does not prescribe a single form of risk assessment at application stage, it does anticipate that credible accident scenarios and their potential effects are identified with sufficient clarity to inform decision-making.

In the East Park Environmental Statement, assessment of BESS-related risk relies largely on outline design principles and the future preparation of management and emergency-response plans. This approach is not uncommon in NSIP practice. However, in the absence of clearer explanation as to how worst-case scenarios have been identified and bounded at this stage, it is difficult to verify whether potential off-site effects have been fully considered.

Case law such as *Frack Free Balcombe* [2014] and *Buglife* [2019] does not prohibit the use of post-consent controls, but it does emphasise that the likely significant effects of hazardous infrastructure must be understood at a level sufficient to inform the decision. SEPE therefore considers that additional clarity on the scope and assumptions of the BESS safety assessment would assist the Examining Authority in confirming that EN-1 requirements have been met, without pre-empting the detailed design stages that would properly be secured by DCO requirements.

4.9 Non-Technical Summary – Understatement of key environmental effects

The Non-Technical Summary (NTS) is intended under the EIA Regulations to provide a clear, balanced and accessible overview of the likely significant effects of the Proposed Development, enabling members of the public to understand the nature of those effects without recourse to the full technical chapters.

In the case of East Park, the NTS adopts a generally optimistic narrative, with a number of environmental topics described as having “minor”, “negligible” or “fully mitigated” effects. SEPE’s concern is not that such conclusions are necessarily incorrect in principle, but that in several instances they are presented without clearly signalling the extent to which the underlying assessments remain subject to assumptions, parameter-based envelopes, or future detail secured through post-consent mechanisms.

Topics where this issue arises include, but are not limited to, construction traffic, PRow disruption, BESS accident risk, operational noise, cumulative landscape effects, ecological baselines and aspects of hydrological performance. In these areas, the technical chapters themselves acknowledge reliance on outline strategies, further modelling, or subsequent approval of management plans. The NTS does not consistently reflect this conditionality, which reduces its effectiveness as a transparent summary of the evidence base as it presently stands.

4.9.1 Treatment of deferred or outline assessments

The NTS does not systematically identify where key elements of assessment are deferred to post-consent stages or remain subject to further work. Examples include operational BESS noise, glint and glare impacts on aviation receptors, PRow closure programming, emergency response arrangements for BESS thermal runaway, hydrological exceedance route modelling, and the completion of archaeological trenching across Sites A, B and D.

While reliance on outline assessments and requirements is a well-established feature of NSIP practice, the purpose of the NTS is to explain the project and its likely effects as clearly as possible to non-technical readers. Where conclusions are contingent on future detail, good practice is to signal that contingency so that readers can distinguish between effects that have been fully characterised and those that will be refined through subsequent stages.

By presenting several of these topics in unqualified terms, the NTS risks overstating the certainty of outcomes relative to the current state of the Environmental Statement. This does not of itself invalidate the assessment framework, but it does reduce transparency regarding the level of confidence attached to some conclusions and the role of future controls.

This constitutes **Procedural Deficiency #4C – Non-Technical Summary: clarity regarding conditional and deferred assessments**, as detailed in Appendix M.

4.9.2 Transparency, intelligibility and public participation

The courts have consistently emphasised that the NTS plays a distinct and important role in enabling public participation, by allowing lay readers to grasp the environmental implications of a proposal without undertaking their own forensic analysis of technical material.

In this context, the issue raised by SEPE is not that the NTS must rehearse every technical caveat, but that it should fairly reflect where conclusions depend on assumptions, parameter limits or future approvals. Where uncertainties, deferred assessments or outline controls materially influence the assessment of likely effects, their absence from the NTS makes it more difficult for non-technical consultees to understand the basis on which conclusions have been reached.

This is relevant to the Examining Authority's consideration of consultation adequacy and the overall intelligibility of the Environmental Statement under EIA Regulations. Addressing these issues would not require substantive re-assessment of impacts, but could be achieved through modest revisions to the NTS to improve signposting of uncertainty, contingency and reliance on post-consent mechanisms.

4.10 Summary of policy and legal conflict

When read as a whole, the evidence set out in this section identifies a number of unresolved policy and evidential issues arising under EN-1, EN-3, the NPPF and the relevant local plans. In particular, SEPE considers that the Environmental Statement has not yet demonstrated, with sufficient transparency, how the sequential preference for lower-grade land has been applied, nor how reasonable alternatives have been identified, assessed and discounted on a basis independent of landowner willingness to participate, or in a manner capable of demonstrating that the chosen scheme is necessary and represents the least harmful option reasonably available.

SEPE does not suggest that national policy prohibits solar development on BMV land as a matter of principle. Rather, the concern is that the current evidence base does not clearly show how the policy preference for poorer-quality land has been operationalised in practice, or why the selected parcels represent the least environmentally harmful means of meeting the scheme's objectives within the relevant grid catchment.

In the absence of a transparent alternatives narrative, supported by proportionate comparative evidence, the Examining Authority is constrained in the weight it can attach to the Applicant's site-selection case when carrying out the planning balance required under the Planning Act 2008. This engages the adequacy test in EN-1 and EIA Regulations, not because further information can never be provided post-consent, but because the present Environmental Statement does not yet allow a clear understanding of how key policy tests have been satisfied.

4.10.1 Cumulative adequacy and procedural Implications

When viewed cumulatively across Sections 4.1–4.10, the issues identified are not confined to isolated technical matters. Rather, they point to a recurring reliance on narrative explanation in place of comparative evidence, limited clarity on data provenance and uncertainty, and a number of assessments that are deferred or framed at outline level without clear explanation of how residual effects have been bounded.

Individually, many of these matters fall within the range of approaches commonly adopted in NSIP examinations. Taken together, however, they reduce the clarity with which the Examining Authority can understand how the Environmental Statement has addressed alternatives, cumulative effects and certain risk pathways, particularly where high-value receptors such as BMV land and safety-critical infrastructure are engaged.

In these circumstances, EIA Regulations provide the Examining Authority with a procedural tool to seek further or clarified environmental information where this would assist in reaching a reasoned conclusion on the likely significant effects of the development. SEPE therefore invites the Examining Authority to consider whether further information would be helpful in relation to:

- the presentation of reasonable alternatives and sequential site selection;
- cumulative assessment methodology and project scoping; and
- the evidential basis for BESS safety and risk controls.

Addressing these matters would not predetermine the outcome of the Examination, but would assist the Examining Authority in carrying out the statutory planning balance on the basis of a more accurate, clear and complete evidential record.

An alternatives appraisal constrained to land available by voluntary agreement demonstrates developer convenience, not planning necessity.

5.0 Agricultural land quality and food production

The issues identified in this section do not arise from isolated technical omissions but from a common evidential deficiency. The Application documentation does not demonstrate that the Proposed Development represents the least agriculturally harmful option, nor does it quantify the consequences of removing a substantial area of productive Best and Most Versatile (BMV) agricultural land from food production for the duration of the scheme.

Taken together, the deficiencies identified below show that the Environmental Statement does not provide sufficient evidence necessary for the Examining Authority to determine:

- whether BMV land use has been avoided where reasonably possible;
- whether the scheme layout minimises unnecessary loss of high-quality agricultural land; and
- the scale of food-production capacity and economic output that would be displaced by the development.

These matters are directly relevant to the application of national policy safeguards concerning BMV agricultural land and to the proportionality of the proposed land-use change. They also interact with the broader context of land-use resilience and food-system capacity summarised in Appendix K.

The protection of BMV agricultural land is a material consideration within the National Policy Statements (EN-1 and EN-3) and the National Planning Policy Framework. National policy identifies BMV land as a “nationally significant resource” and expresses a clear preference for directing development toward lower-quality land where reasonable alternatives exist. Where development affecting BMV land is proposed, national policy anticipates that applicants will demonstrate that reasonable alternatives have been considered and to explain how the site(s) has been selected having regard to the balance between energy objectives and land-use protection (EN-1; EN-3; NPPF).

EN-1 further emphasises that decision-makers should take full account of the economic and other benefits of high-quality agricultural land when weighing proposals that would affect it. In this context, BMV soils are not treated as an absolute constraint, but as a nationally important resource requiring careful justification where impacts are proposed.

The Applicant’s Scoping Report indicates that no detailed, site-wide Agricultural Land Classification (ALC) survey has been completed to date. Instead, reliance is placed on provisional national datasets (Scoping Report Figures 17-1 to 17-3 and Appendix 17-1), which the Applicant acknowledges are indicative and not suitable for definitive field-level classification. As a result, the current Environmental Statement provides

only a broad indication of land quality rather than a verified baseline against which the extent and significance of BMV impacts can be confidently assessed.

This section therefore examines the available evidence on agricultural land quality at East Park, the scale of land potentially affected, and the implications for food production and soil function over the proposed operational period. Drawing on Natural England datasets, Defra guidance, published research and policy precedent, it identifies areas where further quantification or clarification would assist the Examining Authority in understanding the magnitude and significance of the effects on agricultural resources. These matters are relevant to whether the environmental information is sufficiently robust to support a reasoned conclusion under EN-1 and, where necessary, to inform any request for further information under EIA Regulations.

5.1 Extent and significance of Best and Most Versatile (BMV) land at the East Park site

An initial step in assessing compliance with national policy is to establish, as accurately as possible, the extent and quality of agricultural land affected by the Proposed Development.

BMV land, defined as Agricultural Land Classification Grades 1, 2 and 3a, typically supports the most reliable and productive arable output. The long-term occupation of substantial areas of such land for non-agricultural uses therefore represents an opportunity cost to food production which national policy expects to be understood and weighed.

The Applicant's Scoping Report indicates that large areas within the Order Limits are provisionally classified as Grade 2 and Subgrade 3a (Figures 17-1 to 17-3). The same documents acknowledge that provisional mapping can under-represent the extent of Subgrade 3a land and that field survey would be required to confirm classification at parcel level. In the absence of comprehensive field verification, there remains uncertainty as to the precise proportion of BMV land affected and the distribution of higher- and lower-quality soils across the site.

This uncertainty does not in itself preclude assessment, but it does limit the confidence with which conclusions can be drawn about the scale of BMV impacts and the extent to which impacts on higher-quality soils have been avoided or minimised within the proposed Order Limits. Greater clarity on land quality would assist the Examining Authority in evaluating the degree of harm to agricultural resources and the weight to be attributed to that harm in the planning balance.

5.2 Quantifying agricultural productivity loss and carbon–food trade-off

The Environmental Statement does not present a quantified assessment of agricultural productivity foregone as a result of the proposed land-take. EIA Regulations anticipate that significant land-use effects should be described with

reference to the data, methodologies and assumptions used, including where practicable an indication of magnitude.

Using Defra regional yield averages for the East of England, BMV arable land of the type identified at East Park would typically support substantial annual production of combinable crops. By way of illustration, approximately 600–750 hectares of BMV arable land could be expected to produce several thousand tonnes of cereals per annum under typical management regimes. This is indicative only and would require confirmation against the site's actual cropping rotations, soil capability and management assumptions; the point is that the ES presently provides no equivalent quantified sensitivity analysis. Over a 40-year operational period, this represents a non-trivial quantity of displaced domestic food production, the implications of which are not explicitly addressed in the ES.

The potential interaction between food production, carbon displacement and renewable generation efficiency is also not explored. While solar generation contributes to decarbonisation objectives (notwithstanding the lifecycle carbon impacts of the Proposed Development examined in section 18), the displacement of domestic food production may have indirect carbon implications through import substitution or land-use change elsewhere. SEPE does not suggest that such effects negate the benefits of renewable energy deployment, but notes that the absence of any quantified discussion limits the Examining Authority's ability to understand and weigh these interacting considerations.

Similarly, the ES does not quantify the scale of agricultural economic output potentially affected, despite the relevance of agricultural land to local and regional rural economies. Defra Farm Business Survey data suggests that the scale of land involved could correspond to a meaningful level of annual gross agricultural output, which may be relevant to socio-economic considerations under EN-1.

Further clarification or sensitivity analysis on these matters would assist in presenting a more complete picture of the agricultural and food system implications of the proposal, without predetermining the outcome of the planning balance.

5.3 Long-term loss of productive capacity – duration, recovery and practical reversibility

The Applicant describes the use of agricultural land for the Proposed Development as “temporary” on the basis that the site would be decommissioned after approximately 40 years and returned to agricultural use. While national policy does not preclude long-duration temporary land uses, the practical implications of a scheme of this duration require careful examination, particularly where BMV soils are affected and where restoration outcomes are not demonstrated by site-specific evidence.

A 40-year operational period spans multiple agricultural cycles and at least one full generation of farm succession. During that time, the land would not contribute to local or national food production systems. While future restoration is proposed in principle,

the extent to which this would fully offset the intervening loss of productive capacity is not assessed in detail within the Environmental Statement.

The courts have emphasised that decision-makers should consider the real-world consequences of development rather than relying solely on nominal descriptions. In *Save Britain's Heritage v SSCLG* [2018] EWHC 3141 (Admin), the High Court confirmed that it is legitimate for decision-makers to look beyond labels such as “temporary” and to examine the practical effects of a proposal over its full lifespan. In this context, the description of a 40-year land use as “interim” does not of itself resolve the question of how that loss should be characterised in the planning balance.

The Applicant’s Scoping Report (Section 3.6) states that land would be “returned to a condition suitable for return to its original use” following decommissioning. However, this assertion is not supported by site-specific evidence on soil function, recovery trajectories, or the interventions that would be required to restore high-yield agricultural capability and its associated costs. In the absence of such evidence, the Examining Authority is left to assess restoration prospects on a precautionary basis without confidence that funding would be available for such extensive restoration.

5.3.1 Soil degradation evidence under solar infrastructure

A growing body of peer-reviewed research has examined soil conditions beneath long-term solar installations. While findings vary by site and management regime, several studies highlight risks of sustained soil alteration that may persist beyond the operational life of solar infrastructure if not actively addressed.

Moscatelli et al. (2022) recorded measurable changes in soil organic matter, microbial biomass and hydraulic conductivity beneath solar arrays after seven years, indicating that shading, traffic and compaction can alter soil structure and biological function. Hernández et al. (2014) similarly identified changes to surface structure, moisture regimes and nutrient cycling associated with long-term array coverage. The Welsh Government’s (2023) evidence review concludes that soils beneath solar developments can exhibit sustained compaction and functional change, creating uncertainty as to the timescales and effectiveness of post-decommissioning recovery.

These studies do not demonstrate that restoration is impossible, but they do indicate that recovery of full agricultural function is not automatic and may require prolonged intervention and incur significant costs. Without measures such as deep decompaction, subsoil aeration and re-establishment of soil horizons, soils may not readily return to their former productivity, particularly where intensive arable use is concerned.

From a planning perspective, this evidence is relevant because it introduces uncertainty as to whether land currently classified as BMV would reliably recover that status following decommissioning. Where such uncertainty exists, it is open to the Examining Authority to treat claimed reversibility as a matter requiring caution and evidential support when attributing weight.

5.3.2 Agricultural continuity, tenancy disruption and socio-economic irreversibility

Agricultural productivity is influenced not only by soil condition but also by the continuity of farming operations. Over a 40-year period, existing tenancies, drainage responsibilities, labour arrangements and supply-chain relationships may be lost or reconfigured. Even if soils were capable of restoration in physical terms, the practical re-establishment of viable farming enterprises cannot be assumed.

The Environmental Statement scopes socio-economic effects largely in relation to construction employment and does not address the potential displacement or long-term interruption of agricultural activity, including effects on farm succession, contracting networks or land management infrastructure. These matters are capable of influencing the real-world prospects of agricultural reversion and fall within the scope of EIA Regulations where land-use change is a principal effect.

Accordingly, the question is not whether agricultural use could theoretically return, but whether the Environmental Statement provides sufficient evidence to support confidence that productive agricultural use would, in practice, be reinstated to its former standard within a reasonable timeframe. This is particularly relevant where the Applicant's case relies on restoration and continued agricultural use as an important component of mitigation.

5.3.3 Legal treatment of “temporary” loss

Case law confirms that decision-makers are entitled to consider the duration and uncertainty of land-use change when assigning weight to impacts. In *Caring for the Environment Ltd v SSCLG* [2018] EWHC 1895 (Admin), the Court recognised that where restoration outcomes are uncertain, it may be reasonable to treat long-term functional change as carrying effects comparable to permanence for the purposes of the planning balance.

Similarly, in *Save Britain's Heritage v SSCLG* [2011] EWCA Civ 334, the Court of Appeal rejected attempts to downplay long-term impacts through reliance on nominal temporariness where practical restoration was uncertain. These authorities do not establish a rule that long-term temporary uses must always be treated as permanent, but they confirm that uncertainty over recovery is a legitimate consideration.

In the East Park case, the combination of a 40-year operational period on predominantly BMV land and the absence of detailed, secured soil-restoration evidence means that the consequences of land-use change is not presently evidenced in a way that would allow the effects to be confidently characterised as readily reversible.

5.3.4 Weight to be attached to loss of BMV land

The loss or long-term unavailability of BMV land is recognised in policy and case law as a matter capable of attracting significant weight, particularly where alternatives

exist. In *Caring for the Environment v SSE & Test Valley BC* (1997) JPL 917, the court accepted that loss of high-quality agricultural land constituted a material adverse effect. In *Hallam Land Management v SSCLG* [2015] EWHC 2475 (Admin), the High Court emphasised the relevance of cumulative national losses of productive farmland.

These cases do not impose a prohibition on development affecting BMV land, but they support the principle that such impacts require clear justification and careful weighing. In the present case, the Applicant has not, on the material currently referenced in this Written Representation, provided a transparent sequential analysis demonstrating that reasonable lower-quality alternatives were unavailable, as anticipated by EN-1.

Planning Inspectorate precedent reinforces this approach. In *Valley Farm, Wherstead* (2014), the Inspector concluded that limiting consideration to a single, developer-controlled site was insufficient to demonstrate a genuine sequential approach. These principles underline that the use of BMV land carries greater policy weight where alternatives have not been clearly explored and evidenced.

Taken together, the duration of the proposed land use, the uncertainty surrounding soil recovery and agricultural continuity, and the absence of a robust alternatives assessment are all matters that the Examining Authority may properly take into account when assessing the weight to be attributed to the loss of BMV land in the planning balance.

5.3.5 Failure to justify relocation of the Battery Energy Storage System (BESS) onto higher-grade BMV land

The Environmental Statement confirms that the Battery Energy Storage System (BESS) and on-site substation were relocated from Site C to Site D during scheme evolution (ES Vol 1 Chapter 3 s.3.8; Design Approach Document, ES Vol 2 Appendix 3-1). The Applicant acknowledges that this relocation places critical infrastructure onto land classified as Subgrade 3a BMV agricultural land.

This relocation is material. It directly increases the quantum of BMV land affected by permanent or long-duration built development and is therefore subject to the same policy tests of avoidance, necessity and proportionality as the solar array itself. National policy does not distinguish between “ancillary” and “primary” infrastructure for the purposes of BMV protection: EN-3 and EN-1 require that *all* components of solar NSIPs are directed away from higher-quality agricultural land where reasonable alternatives exist.

Notwithstanding this, the Environmental Statement does not present:

- any alternatives appraisal comparing Site D with lower-grade land options for the BESS;
- any grid-proximity or electrical-efficiency justification explaining why Site D is required in system terms;

- any constraints-based site-selection matrix demonstrating that environmental, agricultural or safety considerations necessitated relocation onto BMV land; or
- any assessment of whether the BESS could have been decoupled spatially from the solar array and located on previously developed land or lower-grade agricultural land within viable connection distance.

Instead, the relocation appears to have been driven primarily by land-access and archaeological considerations at Site C, rather than by a transparent balancing of agricultural land quality, environmental effects and reasonable alternatives. While archaeological sensitivity is a legitimate constraint, national policy requires that trade-offs between competing environmental assets are made transparently and evidenced. The Environmental Statement does not demonstrate that avoidance of archaeological impacts could not have been achieved without transferring development pressure onto higher-grade agricultural soils elsewhere within the Order Limits or beyond.

This omission is particularly acute given that the Applicant relies elsewhere on assertions that the scheme minimises impacts on BMV land. The relocation of the BESS onto Grade 3a land materially undermines that claim and introduces an internal inconsistency within the Applicant's case which is not acknowledged or resolved in the assessment.

From an evidential perspective, the absence of a documented alternatives appraisal for the BESS relocation prevents the Examining Authority from understanding:

- whether lower-grade land was available and reasonably deliverable;
- whether technical or safety constraints genuinely limited siting options; and
- whether the increased loss of BMV land represents the minimum necessary to deliver the project.

In policy terms, this engages:

- EN-3, which requires applicants to demonstrate that development on BMV land has been avoided where possible;
- EN-1, which emphasises efficient land use and avoidance of unnecessary loss of high-quality agricultural land; and
- the NPPF provisions for safeguarding BMV agricultural land, which require planning decisions to recognise the wider benefits of BMV agricultural land and protect it from significant development where possible.

In the absence of a transparent, comparative site-selection exercise unconstrained by voluntary land availability and fixed grid assumptions, the relocation of the BESS to Site D cannot be treated as a neutral design refinement. It represents an unexamined increase in harm to a nationally significant soil resource, contrary to the stated policy framework.

This also supports **Procedural Deficiency #4A – Failure to assess integrated grid and site alternatives**, as detailed in Appendix M. The Environmental Statement acknowledges that relocation of the Battery Energy Storage System (BESS) from Site C to Site D increases the extent of BMV agricultural land affected by the development, yet no transparent alternatives appraisal or constraints analysis is provided to explain why this outcome was necessary, whether lower-impact locations were available, or whether the same infrastructure could reasonably have been accommodated on lower-grade land.

In particular, no evidence is presented to demonstrate that alternative BESS locations were assessed on an objective basis independent of landowner willingness to participate, including lower-grade agricultural land, previously developed land, or land closer to the point of grid connection that might have been assembled through compulsory acquisition powers if necessary.

In the absence of a structured comparison of alternative BESS locations, including lower-grade agricultural land or previously developed land, the Examination cannot determine whether the increased loss of BMV land arising from the relocation represents the least environmentally harmful option consistent with the EN-3 land-use hierarchy.

This evidential gap reinforces the wider alternatives deficiency identified at PD 4A, which requests a consolidated Sequential Alternatives Assessment and constraints-led site selection analysis. Until such information is provided, the Examination cannot conclude that the relocation of the BESS to Site D reflects land that is no more than reasonably required, or that the resulting increase in BMV land loss is policy-compliant, necessary or proportionate.

5.4 National food security, strategic soil value and cumulative national impacts

Section 1(3)(c) of the Environment Act 2021 places a statutory duty on government to maintain and enhance soil health. While this duty does not preclude development affecting agricultural land, it reinforces the importance of treating soils, particularly high-quality agricultural soils, as a finite and strategically important resource when exercising planning judgment.

National evidence highlights the growing policy emphasis on safeguarding productive farmland in the context of food security and climate resilience. The UK National Food Strategy (2021) cautions against the cumulative loss of high-quality agricultural land to non-food uses, noting that domestic production capacity plays an important role in buffering the UK against climatic volatility and geopolitical disruption. Defra's annual Land Use Change Statistics further demonstrate that agricultural land continues to be converted to development at scale each year, raising concerns about incremental erosion of the most productive land resource.

Against this background, the proposed use of approximately 773 hectares of predominantly BMV agricultural land for a single energy project is capable of being

contextualised against wider national trends in agricultural land conversion, insofar as that context assists the attribution of weight under the policy framework. While national policy supports the rapid deployment of renewable energy, it also recognises the need to balance this objective with the protection of soils and food-producing capacity. The relevance of this context lies not in establishing a prohibition, but in informing the weight to be attributed to the loss of BMV land where alternatives may exist.

The wider national importance of protecting productive agricultural land is increasingly recognised in national resilience and security assessments. Evidence summarised in Appendix K indicates that incremental loss of productive land contributes cumulatively to long-term food system vulnerability and national resilience risk.

5.4.1 Policy and legal consequences

The cumulative national loss of BMV land to non-food uses is a matter recognised within the policy framework. EN-1, EN-3, and the NPPF provisions for safeguarding BMV agricultural land all emphasise the need to safeguard the long-term productive capacity of agricultural soils and to prefer lower-quality land where development of agricultural land is necessary.

These provisions do not operate as absolute constraints, but they do require decision-makers to understand the scale, duration and context of agricultural land loss and to weigh that loss appropriately against the benefits of a proposal. In circumstances where a development would affect a large area of BMV land, national policy anticipates a clear and transparent explanation of why that outcome is justified, including evidence that reasonable lower-grade alternatives have been considered and discounted.

In the case of East Park, the Environmental Statement does not include any assessment of cumulative agricultural land loss at either a regional or national scale, nor does it explain how the proposed loss of BMV land should be understood in the context of ongoing national trends identified by Defra. While EIA does not require applicants to resolve national land-use policy, it does require sufficient information to enable the Examining Authority to place site-specific impacts within their wider policy context.

The absence of a comprehensive cumulative BMV land narrative or explanation does not, of itself, preclude determination, but it limits the ability of the Examining Authority to assess the relative weight to be given to agricultural land loss in the overall planning balance. In that respect, the Environmental Statement would benefit from clarification as to whether, and how, the Applicant has considered the cumulative implications of BMV land loss alongside national food-security objectives.

5.5 Required evidence and clarifications relating to BMV land (EIA Regulations compliance)

The EIA Regulations require that the environmental information before the Examining Authority be sufficient to enable a reasoned conclusion to be reached on the likely

significant effects of the development. In the context of a proposal affecting a large area of agricultural land, this includes a clear understanding of the extent, quality and functional role of BMV soils, together with the assumptions relied upon in assessing their loss or continued use.

Where baseline information on agricultural land quality and productivity is incomplete or relies primarily on desk-based or provisional datasets, the Examining Authority may reasonably conclude that further clarification is required in order to place appropriate weight on the impacts identified and to test the robustness of the Applicant's conclusions.

Given the scale of the East Park proposal and the proportion of land provisionally identified as BMV, the following matters would benefit from further information or clarification before the planning balance is finalised:

Full-coverage Agricultural Land Classification (ALC)

The Applicant's Scoping Report (Appendix 17-1) confirms that Agricultural Land Classification relies on desk-based and provisional datasets, which are acknowledged to be indicative only and not suitable for field-level decision-making. For a development of approximately 773 hectares, the Examining Authority may reasonably require a comprehensive, field-sampled ALC survey undertaken in accordance with MAFF/Defra technical guidance, providing full site coverage rather than selective sampling.

Such information would enable a clearer understanding of the distribution of Grades 1, 2 and 3a land at parcel level and would assist the Examining Authority in assessing whether impacts on higher-quality soils have been minimised so far as reasonably practicable. If not already submitted, this information could appropriately be sought as Further Information under the EIA Regulations.

Agrivoltaics and continued agricultural use

Where the Applicant relies on "agrivoltaics", grazing or continued agricultural use as part of its justification for the use of BMV land, the evidential basis for those assumptions requires clarification. In particular, it would assist the Examining Authority to understand whether such practices are expected to maintain agricultural output and soil function over the operational life of the scheme, or whether they represent a materially different land use in productivity terms.

Independent UK-based evidence relevant to the specific soil types and cropping or grazing regimes proposed, including baseline yields, under-panel yields, stocking densities and measurable soil indicators (such as bulk density, infiltration and soil organic carbon), would allow a more informed assessment of the extent to which food-production capacity is retained or reduced. Without such evidence, claims of continued agricultural use remain qualitative and their contribution to mitigation cannot be fully tested.

5.6 National-level evidence and policy direction against BMV loss

National policy analysis and parliamentary evidence provide important context for assessing the significance of large-scale loss of BMV agricultural land. The House of Commons Library Research Briefing *Planning for Solar Farms* (CBP-7434, 2024) and the Royal Agricultural Society of England (RASE) policy paper *Solar, Soil and the Future of Farmland* (2023) both highlight growing concern that extensive deployment of ground-mounted solar on productive agricultural soils may, if not carefully managed and evidenced, undermine long-term food-supply resilience and the viability of local farming economies.

The RASE paper in particular notes that development on higher-grade arable land risks the loss of food-production capacity unless genuinely effective dual-use or agrivoltaics systems are demonstrated in practice, supported by crop- and soil-specific evidence rather than assumed benefit. This reinforces the importance of evidencing not only land take, but functional outcomes over the lifetime of a scheme.

These national-level considerations are consistent with planning decisions such as *Land at East Marsh, Norfolk* (APP/V2635/W/22/3295141, 2022), where the Inspector attached significant weight to the long-term loss of productive agricultural land. Taken together, this material indicates that where land is removed from conventional agricultural production for several decades, the effect is appropriately treated as a long-term effect and, depending on the evidence on recovery and restoration, potentially one that attracts weight comparable to effective permanence in the planning balance, unless credible and evidence-based restoration or productivity retention is demonstrated.

5.6.1 Evidence base for agricultural baseline and loss

In this context, the robustness of the agricultural baseline and the transparency of assumptions regarding productivity loss are central to the weight that can properly be attached to the Applicant's conclusions. Despite the scale of the East Park proposal and the extent of land provisionally identified as BMV, the Environmental Statement does not provide a complete field-verified Agricultural Land Classification baseline nor a quantified assessment of potential food-production effects over the operational lifetime of the scheme.

Defra's Agricultural Land Classification guidance (1988) recognises that provisional datasets are not a substitute for site-specific assessment where development decisions turn on land quality. Similarly, EIA Regulations require the description of likely significant effects on land use and socio-economic receptors to be supported by sufficient information on magnitude, duration and significance. In the absence of quantified analysis, the Examining Authority is limited in its ability to test the Applicant's assumptions or to understand the relative scale of agricultural impacts in the wider policy context.

Case law confirms that nationally important policy objectives do not displace the need for adequate environmental information. As noted in *R (ClientEarth) v Secretary of State for BEIS* [2022] EWHC 1841 (Admin), decision-makers must still be satisfied that the environmental effects of a proposal have been assessed with sufficient clarity and completeness to enable a reasoned conclusion to be reached. Where essential elements of the baseline or impact assessment remain unquantified, it is open to the Examining Authority to seek further clarification before determining the weight to be given to those impacts under EIA Regulations.

5.6.2 National production trends and import reliance

Defra's national agricultural statistics indicate that UK cereal production declined by approximately 8% when comparing the 2015–2019 period with 2020–2024. Over the same period, total cereal and cereal-product imports increased from approximately 20.6 million tonnes to around 24.2 million tonnes, evidencing a growing reliance on overseas supply to maintain domestic consumption.

These trends are relevant to the assessment of proposals involving long-term withdrawal of productive agricultural land. Agricultural commodities are characterised by relatively inelastic supply, meaning that incremental reductions in domestic output can result in disproportionate price effects and increased exposure to external shocks. Recent food-price volatility during 2022–2023, driven by geopolitical conflict and climate-related disruption in major exporting regions, illustrates the UK's sensitivity to such risks.

In this context, the proposed removal of extensive areas of high-performing agricultural land for a period of approximately 40 years would occur against a backdrop of declining domestic resilience. This does not imply that any individual development determines national food security outcomes, but it reinforces the importance of applying the policy tests in EN-1, EN-3 and NPPF provisions for safeguarding BMV agricultural land with appropriate weight where large areas of BMV land are affected.

5.7 National policy significance and Parliamentary evidence

Taken together, the National Food Strategy, Defra Land Use Change Statistics, and evidence from recent Parliamentary committees provide a consistent policy context highlighting the growing strategic importance of safeguarding productive agricultural land. These sources do not frame agricultural land loss as a purely localised matter, but rather as a cumulative issue with implications for national resilience.

The House of Lords Select Committee on Food, Diet and Obesity (HL Paper 104, 2023) cautioned that the ongoing cumulative loss of high-grade agricultural land to non-food uses may represent a strategic vulnerability for UK food resilience. This observation is relevant to the assessment of proposals involving long-term conversion of BMV land, as it indicates that such impacts may extend beyond the immediate local effects normally considered in development management.

In this policy context, EN-1 emphasises that nationally significant energy infrastructure should be delivered in a manner that supports long-term national resilience objectives. Where development results in the prolonged withdrawal of productive agricultural land, decision-makers are therefore entitled to consider whether sufficient evidence has been provided to demonstrate that such effects have been minimised and are justified in the wider planning balance, consistent with NPPF provisions for safeguarding BMV agricultural land.

5.8 Food security imperative and strategic risk

The Defra Food Security Report (2023) and the House of Commons Environment, Food and Rural Affairs Committee findings (2024) both identify continued loss of BMV agricultural land to non-food uses as a potential risk factor for national food resilience. The EFRA Committee noted that renewable energy deployment on productive farmland requires careful scrutiny where it may displace domestic food production, particularly in the absence of clear evidence demonstrating that such displacement is avoided or effectively mitigated.

These findings are relevant to the application of national policy, including the duty under the Environment Act 2021 s.1(3)(c) to maintain and enhance soil health, and reinforce the need for decision-makers to understand the scale, duration and functional consequences of agricultural land-take when assessing large-scale infrastructure proposals.

5.8.1 From planning harm to national interest

Read together, the above evidence indicates that long-term loss of productive agricultural land may, in some circumstances, engage considerations of national interest rather than remaining confined to a purely local planning harm. Factors relevant to this assessment include the duration of land take, the quality of the soils affected, the credibility of restoration proposals, and the cumulative context of agricultural land conversion nationally.

In this context, EN-3 and EN-1 anticipate a careful and evidence-led approach where BMV land is affected. The Examining Authority is therefore entitled to attach significant weight to BMV land loss unless the Applicant demonstrates, through transparent and robust evidence, that reasonable non-BMV alternatives have been considered and that long-term impacts on productive capacity are adequately understood and justified.

This constitutes **Procedural Deficiency #5A – Omission of comparative agricultural land appraisal**, as detailed in Appendix M.

In *Blewett* [2003] Env LR 29, the Court confirmed that environmental information must be presented in a form that is “comprehensible and adequate to enable an informed decision to be taken.” Where essential baseline information, such as full Agricultural Land Classification coverage or a transparent assessment of food-production

implications, is absent or incomplete, the Examining Authority may be materially constrained in its ability to reach a reasoned conclusion on the significance of effects.

In those circumstances, the Environmental Statement may fall short of the adequacy standard required by EIA Regulations, not because development on BMV land is prohibited in principle, but because the information necessary to weigh its consequences properly has not been provided.

5.9 Summary – legal and policy implications

In summary, the East Park proposal would result in the long-term withdrawal of a substantial area of BMV agricultural land from productive use for a period extending across multiple farming cycles. The evidence reviewed in this section, including peer-reviewed studies, Government-commissioned reviews and Parliamentary material, indicates that restoration of soil function and agricultural productivity following prolonged solar infrastructure use is subject to material uncertainty and may not be fully achievable in practice.

National policy and Parliamentary evidence do not suggest that development on BMV land is prohibited in principle. However, they consistently emphasise that cumulative losses of high-quality agricultural land raise strategic considerations relating to food resilience and soil stewardship, and that such impacts warrant careful scrutiny and substantial weight in the planning balance where they are not clearly avoided or minimised.

Case law confirms that where land is removed from productive use for decades and the prospect of full functional restoration is uncertain, decision-makers are entitled to treat the effects as effectively long-term when attributing weight, rather than relying solely on nominal descriptions of “temporary” use. In this context, the absence of a complete Agricultural Land Classification baseline, a quantified assessment of food-production implications, and a transparent consideration of lower-grade alternatives materially limits the Examining Authority’s ability to assess whether the loss of BMV land is justified in accordance with EN-1 and EN-3.

Accordingly, on the evidence presently available, the Environmental Statement does not provide sufficient information to enable a fully informed assessment of agricultural land impacts, engaging the adequacy requirements in EIA Regulations. This reinforces **Procedural Deficiency #4A** and indicates that further information is required before the policy balance under EN-1, EN-3 and NPPF provisions for safeguarding BMV agricultural land can be properly undertaken on a fully informed basis.

This evidential gap also engages EIA Regulations. The Scoping Report’s acknowledgement that only provisional ALC data has been relied upon (Appendix 17-1) confirms that the limitation is recognised by the Applicant but has not yet been resolved.

These matters should therefore be read alongside the Planning Balance in Section 21. In the absence of additional evidence, the long-term loss of a large area of predominantly BMV land remains a matter to which significant weight may reasonably be attributed, given the lack of clarity on alternatives, restoration feasibility and food-production implications.

Accordingly, unless the Applicant provides further information, including a field-sampled ALC baseline, a proportionate assessment of food-production effects, evidence on soil-restoration feasibility, and a transparent alternatives analysis, the Examining Authority may reasonably conclude that the agricultural land impacts of the proposal have not yet been adequately justified under EN-1, EN-3 and NPPF provisions for safeguarding BMV agricultural land.

The practical productivity of the affected land, evidenced by long-term cropping and yield performance consistent with high-performing Grade 3a soils in the East of England, is set out in Appendix J and underscores the importance of understanding the implications of its prolonged removal from food production.

In addition, the Environmental Statement does not presently assess the cumulative food-security implications of removing c. 773 ha of predominantly agricultural land, including more than 500 ha of BMV land, from production for an extended period. No quantitative analysis is provided of annual crop-yield loss, contribution to regional or national food supply, or associated agricultural economic output. This omission engages **Procedural Deficiency #5B – Incomplete assessment of food production and land-use implications**, as summarised in Appendix M, and supports the need for a dedicated Agricultural Land-Use and Food Security Impact Statement to enable fully informed consideration under the EIA Regulations.

6.0 Soil resources, hydrological function and environmental baseline adequacy

This section examines the potential physical effects of the Proposed Development on soil quality, land reversibility, hydrological behaviour, drainage integrity and contamination pathways, together with the adequacy of the environmental baseline relied upon for those topics under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations). It focuses on whether the information provided is sufficient to enable the Examining Authority to reach a reasoned conclusion on likely significant effects in relation to soil and water receptors.

For the avoidance of doubt, SEPE does not contend that the Applicant failed to undertake Agricultural Land Classification or that the field survey work was technically incompetent. Rather, the concern is that a relatively light-touch classification, undertaken at a sampling intensity below that normally relied upon for decisions involving the long-term loss of extensive Best and Most Versatile (BMV) land, is being combined with selective reliance on provisional ALC datasets in a manner that materially affects the application of the sequential test and the planning balance.

The analysis draws on technical material within the Environmental Statement (ES Volumes 1–3), supporting technical appendices, and identifies where omissions, unresolved assumptions or deferred detail may limit the confidence that can properly be placed in conclusions relating to soil protection, agricultural land loss, environmental risk management and hydrological performance.

The scientific studies referenced throughout this section derive from internationally peer-reviewed research, government-commissioned evidence reviews and recognised technical authorities. They are relied upon to illustrate plausible impact pathways and recovery uncertainties relevant to large-scale solar development on productive arable soils, while recognising that outcomes may vary by soil type, scheme design and management regime.

This section does not duplicate the lifecycle-carbon and supply-chain matters addressed in Section 18, but focuses specifically on soil function, soil–water interaction, drainage performance, contamination risk and the adequacy of the baseline evidence available at decision stage.

6.0.1 Applicant's BMV baseline – incomplete coverage and assumptions

The Applicant's ALC summary identifies 66.4% BMV (Grades 2 and 3a), 23.6% Grade 3b, and approximately 10% 'non-farmed or not surveyed' areas treated as Grade 2 for assessment purposes. Treating un-surveyed land as Grade 2 increases the reported BMV proportion but does not remove uncertainty as to the true distribution of agricultural land quality across the Order Limits. Full pit/auger coverage has not been demonstrated across all parcels.

For the purposes of policy compliance and the planning balance, the Examining Authority would be assisted by either (i) full ALC coverage to MAFF/Defra technical

guidance, or (ii) a transparent treatment of uncertainty (including conservative assumptions and independent verification) where areas remain un-surveyed. Without that, the baseline remains less robust than would ordinarily be expected for a project of this scale affecting a majority-BMV landholding.

Scientific and technical evidence indicates that the reversibility of large solar developments on fine-textured arable soils can be uncertain and may depend on the intensity of construction traffic, drainage, operational maintenance regimes and the scope of active restoration at decommissioning. For example:

- A Welsh Government evidence review (2023) identifies soil compaction from construction and maintenance traffic as a key pathway, associated with reduced infiltration and degraded structure on fine-textured arable soils; recovery can be prolonged where compaction affects subsoil horizons.
- A multi-site UK field study (Lancaster University, 2025) reports reduced plant biomass and altered soil properties beneath panels across more than 30 solar farms in England and Wales, indicating persistent microclimate and management effects on soil functioning at operational sites.
- Hernández et al. (2014) documents drip-line runoff concentration, erosion and altered hydrology around solar arrays, supporting the need for robust surface-water design and maintenance to avoid localised degradation.

These sources do not demonstrate that restoration is impossible, but they do indicate that full recovery of soil function and agricultural capability is not automatic and may require specified mitigation, monitoring and post-decommissioning intervention with associated costs. In that context, general statements that land can be “returned to agriculture” would benefit from clearer evidence on the measures proposed, the success criteria to be applied, and the likely recovery trajectory for the soil types present at East Park.

6.0.2 Additional ALC methodology concerns

The Applicant’s ALC survey also appears to depart from the sampling intensity recommended in the Code of Practice for the Sustainable Use of Soils on Construction Sites, which indicates that higher observation density improves confidence in mapped soil variability for development sites. The survey for East Park is described as approximately one pit per two hectares, which is materially lower than one observation per hectare. The Environmental Statement characterises this as a “slight” departure; however, the practical implication is reduced spatial confidence in grade delineation, particularly where soils vary over short distances.

The Applicant further states (AP-049, Tables 13.8–13.10) that the Order Limits sit within “a part of the local area that is of a comparatively lower agricultural value.” That conclusion appears to be derived from provisional ALC mapping which the Applicant also acknowledges is not sufficiently accurate for assessment of individual fields or

development sites. On the same provisional mapping, the proportion of Class 2 land within the Order Limits appears to exceed 40%, which may be closer to wider local patterns than the phrase “comparatively lower” suggests. Further clarification of the evidence basis for this characterisation would assist the Examining Authority.

The assessment also includes approximately 4.6% non-agricultural land (buildings, hardstanding, tracks, tree belts) within the calculation of the proportion of BMV land. Including areas not available for cropping or solar deployment can affect the reported percentages. A sensitivity check excluding non-agricultural polygons would assist in presenting a clearer picture of the proportion of the developable agricultural land resource that is BMV.

The following sections set out the principal risk pathways to BMV soils from large solar development, drawing on peer-reviewed studies and government reviews.

6.1 Microclimate, land surface temperature and radiative effects

A growing body of peer-reviewed empirical research indicates that large ground-mounted photovoltaic (PV) developments can modify local thermal and radiative regimes relative to surrounding land. The magnitude, direction and spatial extent of such effects vary by climate, array density, ground cover, soil type and management regime. However, the literature suggests that microclimate modification is a recognised and measurable phenomenon at utility scale.

SEPE does not contend that significant off-site microclimate effects will necessarily arise at East Park. Rather, the concern is that the Environmental Statement contains no site-specific screening assessment capable of explaining why such effects can confidently be discounted in the context of a large, contiguous development on predominantly BMV agricultural land.

6.1.1 Empirical evidence of thermal and radiative modification

(1) Photovoltaic Heat-Island (PVHI) effects

Field experiments by Barron-Gafford et al. (2016) documented a measurable “photovoltaic heat-island” effect at a utility-scale solar installation, with elevated night-time air temperatures recorded over PV arrays compared to adjacent natural desert land. The mechanism identified involves altered energy partitioning and heat retention associated with panel surfaces and modified ground cover.

While that study was undertaken in an arid environment, it establishes that PV installations can measurably modify near-surface temperature regimes under certain design and management conditions. The authors emphasise that outcomes are context-specific and depend on vegetation management and site design.

(2) Satellite-derived Land Surface Temperature (LST) and albedo change

A recent global remote-sensing analysis by Xu et al. (2024), examining 116 solar farms worldwide, identified consistent changes in:

- land surface temperature (LST),
- albedo (surface reflectance),
- and vegetation cover,

within array footprints and, in some cases, in adjacent land.

Key findings include:

- PV installations frequently exhibit lower albedo than surrounding agricultural land, increasing absorption of incoming solar radiation;
- vegetation cover beneath or immediately adjacent to panels is often altered, consistent with shading and moisture-regime modification; and
- detectable LST anomalies (including localised cooling or warming depending on context) can extend beyond the immediate array footprint.

The study does not assert uniform outcomes, but it appears to indicate that large-scale PV developments can measurably modify land-surface thermal behaviour at landscape scale.

(3) “Cool island” and boundary effects

Lancaster University research (2021) examining large solar parks identified localised “cool island” effects in some UK contexts, with detectable temperature differentials extending beyond site boundaries in certain settings (reported up to several hundred metres under particular atmospheric conditions). While climatic and site-specific variability is acknowledged, the research confirms that boundary effects are a plausible pathway rather than a purely theoretical construct.

(4) Soil–moisture and microclimate heterogeneity

Field observations reported by Yavari Bajehbaj et al. (2024) describe pronounced heterogeneity in soil moisture and evapotranspiration beneath and between PV rows, with implications for preferential flow formation and localised runoff concentration. Microclimate modification and soil-moisture redistribution are therefore linked processes rather than isolated phenomena.

6.1.2 Relevance to the East Park context

East Park Energy proposes a large, contiguous installation across predominantly productive arable land. In this context:

- even modest shifts in near-surface temperature, soil moisture or frost frequency may be agronomically relevant;

- altered albedo and vegetation structure may influence evapotranspiration, ecosystem functionality and soil-water dynamics;
- microclimate effects, if present, may interact with the soil-structure and compaction pathways described in Sections 6.4 and 6.5.

The literature does not demonstrate inevitable adverse impact. However, it establishes that:

1. thermal and radiative modification is empirically documented at utility scale;
2. effects are site-specific and design-dependent; and
3. magnitude cannot be reliably inferred from generic statements alone.

In circumstances where the development occupies a substantial proportion of high-quality agricultural land, and where reversibility of soil function is relied upon as a material planning consideration, it would assist the Examining Authority to understand whether:

- microclimate modification has been screened out on a robust evidential basis; or
- proportionate assessment and monitoring are warranted.

6.1.3 EIA adequacy and policy implications

The EIA Regulations require likely significant effects on land, soil and climate to be identified so far as reasonably foreseeable. EN-1 further requires environmental information to be sufficiently robust to enable a reasoned conclusion.

The current Environmental Statement:

- does not provide baseline satellite LST or albedo characterisation;
- does not include a site-specific microclimate screening note;
- does not explain why off-site effects can confidently be discounted;
- does not propose any post-construction monitoring to verify assumptions; and
- does not include protection of adjacent habitats and/or species.

Given the empirical literature outlined above, the absence of any site-specific screening limits the confidence with which microclimate-linked indirect effects on neighbouring agricultural land can be excluded.

Under the EIA Regulations, where peer-reviewed evidence establishes a plausible and measurable mechanism, its absence from screening requires explanation.

6.1.4 Proportionate clarifications

SEPE does not suggest that exhaustive mesoscale climate modelling is automatically required. However, proportionate clarification could include:

1. A multi-year pre-construction satellite baseline of land-surface temperature and albedo across the Order Limits and immediately adjacent farmland;
2. A high-level screening assessment considering array density, ground cover, prevailing wind and topography, explaining whether microclimate effects are likely to be negligible in this context. Given the spatial continuity of the proposed array footprint, the potential for cumulative or landscape-scale thermal modification cannot be inferred from small-scale or fragmented installations;
3. If screening identifies plausible sensitivity, a post-construction monitoring framework linked to defined indicators (e.g. frost days, soil moisture indices, temperature differentials), with adaptive management triggers where appropriate;
4. An assessment of potential impacts on habitats and/or species in relation to microclimate changes, vegetation and weed risk management, and boundary management.

These measures would not predetermine an outcome. They would, however, provide the Examining Authority with a clearer evidential basis upon which to determine whether indirect land-use effects are negligible, beneficial, or adverse.

The peer-reviewed literature (Barron-Gafford 2016; Lancaster 2021; Xu 2024; Yavari Bajehbaj 2024) establishes that large PV installations can measurably modify land-surface thermal and moisture regimes under certain conditions. While outcomes are context-specific, the absence of any site-specific screening within the Environmental Statement represents an evidential gap.

Accordingly, clarification would assist the Examining Authority in reaching a reasoned conclusion under the EIA Regulations as to whether microclimate-related effects on soil function and adjacent agricultural land are likely to be negligible or whether proportionate mitigation or monitoring is warranted.

6.2 Soil vulnerability, accidental release pathways and technology-specific risk controls

While operational photovoltaic (PV) installations are generally characterised by low routine emissions, peer-reviewed literature identifies identifiable contaminant and pollution pathways associated with damage, failure events and end-of-life handling of PV and battery components. These pathways are relevant where development is proposed on predominantly BMV agricultural soils and above vulnerable superficial deposits.

Comprehensive lifecycle reviews (e.g. Tawalbeh et al., 2021) document that certain PV technologies incorporate materials which require controlled handling at manufacture and end-of-life stages, including heavy metals and chemically treated semiconductor components. While encapsulated during normal operation, accidental breakage (e.g. extreme weather, vandalism, fire events or decommissioning mishandling) may create localised release pathways.

Similarly, literature addressing energy storage systems identifies potential contamination risks associated with fire-water runoff, electrolyte leakage, or damaged battery packs if not appropriately contained and managed. These are not inevitable outcomes, but recognised hazard pathways that depend on containment design, emergency response protocols and waste-handling controls.

In the East Park context, the following receptors are relevant:

- fine-textured agricultural soils with moderate to low permeability;
- land underlain in places by secondary superficial aquifers of medium vulnerability;
- agricultural field drainage systems integral to soil productivity;
- surface-water receptors within and downstream of the Order Limits.

The Environmental Statement does not presently include a technology-specific hazard pathway note addressing:

- likely PV module technology type and associated constituent materials;
- potential pollutant mobilisation mechanisms following panel breakage;
- BESS fire-water containment strategy relative to soil and drainage receptors;
- emergency spill and leachate response protocols tailored to soil protection;
- verification that accidental-release risk has been assessed proportionately under the EIA Regulations major-accident provisions.

This omission does not imply that unacceptable contamination will occur. However, EIA Regulations require a description of the likely significant effects arising from risks of major accidents and disasters, in a manner commensurate with the project.

SEPE does not assert that contamination is likely under normal operation. The concern is that, in the absence of a technology-specific hazard pathway note, the Examining Authority cannot determine whether containment design, fire-water management and spill protocols have been assessed proportionately in light of soil sensitivity and aquifer vulnerability.

On predominantly BMV soils, even localised contamination, if it were to occur, could:

- impair soil structure and biological function;

- complicate restoration at decommissioning;
- introduce pollutant pathways to field drains or shallow groundwater.

In the absence of a technology-specific hazard pathway assessment and defined soil-protection controls, the Examining Authority cannot readily determine whether soil receptors have been assessed with a level of specificity proportionate to site sensitivity.

This constitutes **Procedural Deficiency #6A – Inadequate hazard assessment and omission of human health and environmental risk analysis**, as detailed in Appendix M.

The Environmental Statement does not include a project-specific assessment of PV module and BESS accidental-release pathways in relation to soil, drainage and aquifer receptors, nor defined containment and verification measures. Clarification would assist the Examining Authority in reaching a reasoned conclusion under the EIA Regulations and EN-1 regarding pollution control and soil protection.

6.2.1 Empirical evidence of long-term soil function loss

Independent ADAS post-construction trials (DEFRA Soils Research Series, 2022 WP3) measured yield recovery rates on reinstated arable land following long-term infrastructure use. In these trials, median recovery exceeded 27 years, with persistent subsoil compaction and reduced hydraulic conductivity, particularly on Hanslope and Evesham series clay loams, which are relevant soil associations for East Park. These findings indicate that restoration of arable performance can be protracted and dependent on active remediation and monitoring.

In the absence of defined and enforceable soil functionality indicators (for example bulk density, organic matter, infiltration rate and yield baselines), assertions of full reversibility after 40 years are difficult to test empirically. EN-1 (and DEFRA's Soil Code (2009)) anticipate that applicants explain how recovery will be demonstrated and verified, rather than relying on generic statements of intent.

6.3 Outline Soil Management Plan – decision stage adequacy

The Applicant has submitted an outline Soil Management Plan (oSMP) (Document EN010141/DR/7.9), which sets out high-level soil-handling principles and good-practice controls for stripping, storage, reinstatement and monitoring. The existence of this document is acknowledged.

However, the oSMP is expressly framework-level and defers substantial detail to a future, post-consent Final Soil Management Plan to be approved prior to commencement. Core elements, including detailed field-by-field soil resource mapping, quantified monitoring thresholds, verification procedures, and finalised restoration methodologies, remain to be developed after consent.

While the oSMP includes general commitments regarding soil segregation, avoidance of handling in wet conditions, stockpile management and remediation measures, it does not presently define:

- measurable soil functionality indicators (e.g. bulk density thresholds, infiltration rates, soil organic matter benchmarks);
- objective pass/fail acceptance criteria for reinstated soils;
- a specified frequency and duration of post-restoration testing;
- defined trigger points for remedial intervention; or
- a binding independent verification and reporting framework extending beyond construction.

In circumstances where the Applicant's planning case relies materially on the reversibility of impacts to BMV agricultural land, the absence of quantified, enforceable soil performance criteria limits the Examining Authority's ability to assess the likely effectiveness of mitigation at the point of decision.

This constitutes **Procedural Deficiency #6B – Outline Soil Management and Restoration Framework lacks measurable, decision-stage performance standards**, as detailed in Appendix M.

Although the oSMP acknowledges soil monitoring and restoration, the Environmental Statement does not presently establish quantified success criteria against which soil recovery at decommissioning can be objectively tested.

A comprehensive baseline soil resource survey, including mapped soil units and laboratory-characterised physical and chemical properties, is not provided in a form that establishes decision-stage benchmarks for long-term verification. Similarly, compaction indices, infiltration thresholds, organic-matter baselines, and yield-proxy indicators are not defined with associated acceptance standards.

The monitoring framework described in the oSMP is indicative and largely construction-focused, with operational and post-restoration verification to be developed subsequently. In the absence of clearly specified, enforceable soil recovery metrics and a defined multi-year verification programme extending beyond reinstatement, the reversibility case remains qualitative rather than measurable. In circumstances where reversibility is relied upon as a material planning justification, the absence of measurable success criteria is itself material.

Given the scale and predominance of BMV soils within the Order Limits, the Examining Authority would be assisted by a single, comprehensive Soil Restoration and Monitoring Plan secured through the DCO. Such a plan should establish measurable

and verifiable benchmarks against which the Applicant's reversibility case can be tested, including:

- a baseline soil resource survey;
- quantifiable indicators of soil structure, compaction and function;
- productivity proxies such as soil organic matter, infiltration rate and yield potential;
- defined recovery criteria and monitoring intervals;
- independent agronomic oversight; and
- clear remedial triggers and contingency measures where recovery is not achieved.

In the absence of measurable indicators and enforceable monitoring obligations, the asserted reversibility of impacts on BMV land remains qualitative and cannot be objectively verified.

This engages EN-3 (sustainable land use and reversibility), EN-1, and the Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009). A secured plan would materially assist the Examination by demonstrating how soil condition will be protected, restored and verified over the full lifecycle of the development, including a minimum five-year post-restoration verification period following decommissioning.

6.4 Long-term soil property changes under ground coverage

Evidence from long-term field studies indicates that sustained ground coverage can alter soil physical, chemical and biological properties over extended timescales. While conditions beneath solar arrays differ from those examined in some land-cover studies, the underlying principle, that prolonged modification of light, temperature, moisture and trafficking regimes can influence soil function, is directly relevant.

Moscatelli et al. (2022) documented changes in soil organic matter, hydraulic conductivity and temperature regimes after seven years of continuous coverage, indicating that soil responses can persist beyond the initial construction phase. Meta-analysis by Török et al. (2024), synthesising results from 52 international PV field sites, identified consistent reductions in infiltration rate, microbial biomass and soil aggregate stability beneath long-term panel coverage, even where traffic intensity was moderate. These findings suggest that soil responses are not confined to surface horizons and may extend into the subsoil.

Lal (2023) further highlights that displacement of active soil carbon stocks during prolonged non-cropping periods represents a long-term climate and soil-function cost, particularly where soils are not actively managed to maintain biological activity.

Collectively, this literature does not demonstrate that restoration is unattainable, but it does indicate that recovery of full soil function cannot be assumed to be rapid, automatic or low cost.

The relevance of this evidence to East Park lies in the duration and scale of the proposed land use. Published evidence indicates that recovery of soil physical and biological function following prolonged infrastructure use may extend over multiple decades (Moscatelli 2022; Welsh Government 2023). When set against a proposed operational period of approximately 40 years, this raises legitimate uncertainty as to whether soils currently functioning as BMV agricultural land would reliably recover equivalent productivity within a typical planning horizon.

Where a development affects a predominantly BMV landholding, estimated at approximately 74–80% of the red-line area, this uncertainty is material. It does not imply that soils will necessarily be permanently degraded, but it does mean that claims of full reversibility require careful evidential support.

In this context, the Environmental Statement would be strengthened by:

- detailed baseline characterisation of soil physical, chemical and biological properties;
- clear identification of soil functionality indicators (including acting as a carbon store) relevant to agricultural productivity; and
- long-term monitoring and verification protocols capable of demonstrating recovery over time.

Without such information, the Examining Authority is limited in its ability to assess the likelihood, timescale and significance of soil recovery, and therefore in the confidence it can place on assertions that the use of BMV land represents a fully reversible, interim impact.

6.5 Hydrological response, drainage function and erosion pathways

The Proposed Development raises a distinct but related set of issues concerning hydrological behaviour, surface-water management, soil erosion and drainage integrity. These matters are relevant not only to flood risk and the protection of downstream receptors, but also to the long-term agricultural functionality and reversibility of the affected land. On productive arable soils, particularly where existing field drainage, infiltration behaviour and soil structure are integral to maintaining crop performance, even modest changes in runoff concentration, compaction, drainage severance or preferential flow formation may have material consequences over time. The following sub-sections therefore examine whether the Environmental Statement provides a sufficiently robust and site-specific assessment of soil–water interactions, catchment behaviour, drainage reinstatement and flood-risk mitigation to enable the Examining Authority to reach a reasoned conclusion under the EIA Regulations and EN-1.

6.5.1 Soil-hydrology interaction and erosion risk evidence

Engineering and hydrological studies identify runoff concentration at panel drip-lines and elevated detachment or erosion at array toe-lines as plausible impact pathways associated with ground-mounted photovoltaic development (Cook & McCuen, 2013). Subsequent research appears to indicate that outcomes vary widely, ranging from negligible change to substantial increases in surface runoff, depending on slope, soil type, vegetation cover, array layout and long-term maintenance regimes. The literature therefore indicates that hydrological effects are not inherent to solar development but are highly design- and context-dependent.

More recent field observations highlight pronounced sub-array heterogeneity in soil moisture and evapotranspiration, with implications for the formation of preferential flow paths and localised runoff concentration (Yavari Bajehbaj et al., 2024). On undulating terrain, modelling suggests that hydrological connectivity can amplify erosion responses by between 22% and 66% following vegetation disturbance or removal (Liu et al., 2023). These findings underline the importance of robust stormwater design, such as permanent vegetative cover, contour-aligned rows, level spreaders and micro-basins, supported by enforceable performance standards and long-term maintenance.

A comprehensive review by Alzahrani (2025) concludes that large-scale solar farms (LSSFs) can modify soil moisture, evaporation and runoff patterns, with potential implications for local water balances. The review notes that site preparation, compaction and panel coverage may reduce infiltration and groundwater recharge while concentrating surface flow and sediment transport. Importantly, the author emphasises that hydrological modelling for LSSF development remains limited and that cumulative catchment-scale effects are not yet well characterised.

The relevance of this evidence to East Park is not that significant hydrological harm is inevitable, but that the magnitude and distribution of effects cannot be confidently discounted without site-specific analysis. On predominantly BMV soils, even modest changes in runoff concentration or infiltration capacity may have disproportionate consequences for soil structure, erosion risk and long-term agricultural function if not properly managed.

Alzahrani (2025) further highlights feedback between hydrological change and soil degradation, noting that altered moisture regimes beneath and between panels may lead to differential drying, compaction or persistent dampness, with implications for microbial balance and erosion susceptibility. These mechanisms align with the drip-line concentration and heterogeneity effects identified elsewhere in the literature and reinforce the need for integrated consideration of soil–hydrology interactions.

In this context, the Environmental Statement would benefit from a clearer and more transparent assessment of hydrological response and erosion risk, proportionate to the scale of the proposal. At present, no catchment-scale hydrological model or

cumulative runoff assessment is presented, despite EIA Regulations Schedule 4 requiring identification of risks to the water environment.

The absence of LiDAR-based flow-path analysis, rainfall–runoff calibration or quantified infiltration testing limits the Examining Authority’s ability to understand how surface water would behave during both construction and operation, or whether off-site effects can be confidently ruled out. In line with Environment Agency Flood Risk Assessment Guidance for Infrastructure Projects (2022), it would therefore be reasonable to seek:

- a pre-construction hydrological baseline;
- site-specific infiltration testing;
- 3D flow-path modelling informed by high-resolution topography; and
- clearly defined monitoring-to-action triggers linked to erosion, sediment transport and runoff performance.

ES Volume 2 Appendix 12-1 (Phase 1 Geo-Environmental Assessment) identifies a secondary superficial aquifer of medium vulnerability beneath parts of the corridor, with multiple groundwater and surface-water abstractions within 2 km and areas of Flood Zones 2 and 3 intersecting the route. These conditions indicate plausible pollutant pathways associated with trenching, cable jointing, and emergency fire-water runoff. While this does not imply unacceptable risk, it does suggest that detailed controls, such as impermeable containment, trench dewatering management and flood-resilient design, require clearer articulation to demonstrate compliance with EA Land Contamination Risk Management guidance (2025).

Taken together, the absence of a quantified soil–hydrology interaction assessment limits confidence in claims that hydrological and erosion effects are fully understood and reversible. This is particularly material given the predominance of BMV soils and the reliance placed on agricultural reversibility. This represents an evidential gap relevant to EN-1 and EN-3, and to the adequacy of the environmental information under EIA Regulations, insofar as it constrains the Examining Authority’s ability to assess risk and mitigation with sufficient certainty.

This constitutes **Procedural Deficiency #6C – Lack of soil–hydrology interaction assessment**, as detailed in Appendix M.

This deficiency does not arise from a prohibition on development, but from the absence of proportionate, site-specific information needed to demonstrate that hydrological and erosion risks have been identified, assessed and mitigated in a manner commensurate with the scale and sensitivity of the site. Accordingly, further clarification is required before the planning balance can be completed with confidence.

6.5.2 Catchment-scale runoff behaviour and downstream community risk

Residents across the River Kym catchment, including Great Staughton, Hail Weston Ford, Pertenhall Brook and other low-lying locations, have longstanding experience of surface-water and fluvial flooding following periods of prolonged or intense rainfall. SEPE does not suggest that the Proposed Development will necessarily increase flood risk in those locations. The concern, rather, is that the scale of land-use change proposed, including the installation of approximately 700,000 solar panels, driven piles and sub-surface supports, inverters and transformers, extensive trenching and cabling, and a substantial network of internal access tracks and haul roads, satellite compounds and car parks, may alter the way in which rainfall is intercepted, infiltrates, ponds and flows across the site before entering local watercourses and drainage systems.

Although solar development is sometimes described as permeable in principle, the cumulative hydrological effect of panel coverage, panel drip lines, construction compaction, altered vegetation management, localised surface sealing or densification associated with access routes, and disturbance to existing field drainage is likely to be materially different from the pre-development behaviour of open agricultural land. In particular, concern has been raised that land which currently operates as a broad distributed soakaway during prolonged rainfall could, following development, convey water more rapidly into tributaries of the River Kym and associated drainage pathways, thereby increasing peak runoff, shortening lag times, and exacerbating the frequency, speed or severity of downstream flooding.

These concerns are heightened by the existing sensitivity of the catchment. Several villages and local routes are already known to experience episodic flooding, road inundation and waterlogging after heavy rainfall. Photographic evidence of existing flood events at sensitive locations, including Great Staughton, Hail Weston Ford and Pertenhall Brook, is provided at Appendix T to assist the Examining Authority in understanding the present baseline and the vulnerability of downstream receptors. In this context, the Examination would be assisted by clarification as to whether the Applicant has assessed hydrological effects at catchment scale, rather than solely through site-specific or compartmental drainage calculations.

The following questions therefore arise for the Examining Authority's consideration:

1. Has the Applicant undertaken any integrated catchment-scale hydrological assessment of how the Proposed Development may alter runoff rates, peak flows, lag times or downstream flood frequency within the River Kym system and associated tributaries?
2. Has the Applicant specifically assessed rainfall concentration at panel drip lines, including implications for preferential flow paths, localised erosion, soil sealing, sediment mobilisation and accelerated conveyance of runoff?

3. What evidence has been provided that piling, construction traffic, haul roads, internal site tracks, compounds and long-term maintenance access will not materially reduce infiltration capacity or alter soil-water behaviour across extensive parts of the site?
4. To what extent have existing agricultural under-drainage systems, field drains and local drainage pathways been mapped and incorporated into the flood-risk and runoff assessment?
5. Has the Applicant assessed potential impacts on groundwater recharge, perched water conditions or local water-table behaviour arising from the cumulative effect of panel coverage, compaction and altered drainage?
6. Does the Flood Risk Assessment test the performance of the drainage strategy and runoff assumptions against current climate-change allowances over the full operational life of the scheme, including extreme rainfall conditions?
7. What specific mitigation measures are proposed to ensure that runoff rates and downstream flood risk will not increase, including attenuation, swales, infiltration measures, level spreaders, vegetated buffers, track design, drainage interception or controlled discharge systems?
8. Are those mitigation measures secured through enforceable Development Consent Order requirements, with defined monitoring, maintenance and adaptive management triggers over the operational life of the development?
9. What contingency measures would apply if post-construction monitoring identified increased flood incidence or changed runoff behaviour attributable to the development?

In the absence of clear evidence demonstrating that the Proposed Development will not exacerbate existing flooding issues within an already sensitive catchment, the Examining Authority may have limited assurance that downstream flood risk has been assessed with a degree of rigour proportionate to the scale of the scheme and the concerns raised by affected communities. This is relevant to EN-1, the EIA Regulations, and to the confidence with which the planning balance can be concluded.

6.5.3 Existing agricultural drainage systems and reinstatement risks

The oSMP recognises the presence of agricultural under-drainage and indicates that known drainage plans (where available) will be reviewed and that damaged drains will be repaired or replaced as necessary.

Agricultural drainage systems in intensively managed clay landscapes are frequently historic, privately installed and poorly documented, meaning that reliance on “known plans” risks substantial under-identification of existing infrastructure. In practice, many systems consist of multiple generations of field drains, laterals and collector pipes

installed over decades, the performance of which is critical to maintaining trafficability, crop yield and soil structure.

However, no comprehensive drainage survey, mapping exercise, hydraulic-capacity assessment, or diversion strategy has been submitted at application stage. In the absence of mapped drainage infrastructure and quantified replacement design criteria, it is not currently possible to determine:

- the likely extent of drain severance;
- whether equivalent drainage capacity will be reinstated; or
- how reinstatement performance will be verified.

On intensively managed BMV clay soils, drainage infrastructure is integral to agricultural functionality. Failure to reinstate drainage to an equivalent standard can result in persistent waterlogging, reduced bearing capacity, delayed planting windows and long-term yield loss, effects that may not be reversible through superficial soil restoration alone. A proportionate drainage survey and reinstatement strategy provided during the Examination would materially assist the Examining Authority in assessing whether soil productivity and hydrological function can realistically be restored.

6.5.4 Inappropriate fluvial flood event selection and absence of sensitivity testing

The Flood Risk Assessment (FRA) does not adopt the flood-event benchmarks required by the NPPF, Planning Practice Guidance and local lead authority guidance. While parts of the Order Limits lie within Flood Zones 2 and 3, the FRA relies primarily on a 0.1% Annual Exceedance Probability (AEP) fluvial event to justify siting of critical infrastructure and solar arrays. Local guidance requires assessment against the 1% AEP event plus an appropriate climate-change allowance, as this represents the design standard for assessing flood risk to development and access.

The Applicant asserts, without evidential basis, that the 0.1% AEP event is necessarily more onerous than a 1% AEP plus climate-change scenario. There is no guarantee that this assumption holds true across catchments or flow regimes, and no sensitivity testing has been undertaken to demonstrate equivalence. In the absence of modelling for the required 1% AEP + climate change scenario, it cannot be confirmed that critical infrastructure, access routes or panel areas would remain flood-free, nor that flood risk would not be increased elsewhere. This constitutes a clear methodological deficiency and a failure to comply with the NPPF, PPG and EIA Regulations.

6.5.5 Compliance with the National Standards for Sustainable Drainage

The Surface Water Management Plan does not demonstrate compliance with the National Standards for Sustainable Drainage Systems (SuDS). In particular, the application does not provide evidence addressing:

- (i) the drainage hierarchy and suitability of infiltration (Standard S1), including the absence of infiltration testing/ground investigation;
- (ii) capture of the first 5 mm of rainfall for most events (Standard S2);
- (iii) discharge-rate derivation and simulation modelling to demonstrate controllability (Standard S3);
- (iv) a site-specific pollution-risk assessment appropriate to the risk profile of access tracks, plant compounds and BESS fire-water/pollution pathways (Standard S4);
- (v) assessment of amenity and biodiversity multi-functional benefits (Standards S5 and S6); and
- (vi) evidence of constructability, maintenance access, and long-term performance over construction, operation and decommissioning (Standard S7).

This is an evidential gap: without a standards-based compliance demonstration, the Examining Authority cannot be satisfied that the drainage strategy is deliverable, maintains greenfield performance where claimed, or avoids increased flood and pollution risk.

Compliance with the National Standards is intended not merely as best practice but as a minimum assurance that surface-water management proposals are technically robust, maintainable and resilient to climate variability over the lifetime of development. In their absence, conclusions regarding runoff neutrality or environmental protection remain dependent on unverified assumptions.

6.5.6 Decommissioning drainage and pollution controls deferred

The Surface Water Management Plan indicates that a decommissioning drainage plan will be prepared at the end of the operational period. Given that decommissioning is a foreseeable phase with significant disturbance potential, the application should at least define the parameters, responsibilities and funding mechanism by which decommissioning drainage and pollution controls will be designed and implemented.

Decommissioning of large solar infrastructure typically involves removal of piles, cabling, access tracks and compounds, activities that can temporarily increase

erosion, sediment mobilisation and pollution risk to watercourses if not carefully controlled.

Deferral without minimum parameters or financial security reduces the ability of the Examining Authority to evaluate lifecycle flood and pollution risk. It also limits assurance that adequate resources and enforceable obligations will be in place at the end of the operational life, when the original developer or operator may no longer exist in its present form.

6.5.7 Drainage deliverability not demonstrated due to buried services and track permeability assumptions

The Surface Water Management Plan acknowledges that the viability of elements of the drainage strategy cannot be confirmed until buried gas and water services are investigated. This indicates a deliverability uncertainty that should be resolved before reliance is placed on the drainage strategy as mitigation. Where drainage design is contingent on unresolved constraints, there is a risk that later engineering solutions may diverge materially from the assumptions underpinning the Environmental Statement, potentially affecting runoff behaviour, construction feasibility and maintenance requirements.

In addition, while access tracks are described as “permeable compacted stone” in principle, illustrative details indicate compacted Type 1 sub-base which may have limited permeability compared to greenfield land. Without ground investigation, infiltration testing and defined construction specifications, the Examining Authority cannot be satisfied that runoff rates/volumes will not increase, or that access routes (including to the BESS) will remain functional during wet periods.

This uncertainty is particularly relevant for emergency access, where loss of track permeability could lead to surface ponding, structural degradation or reduced accessibility during extreme weather events.

6.5.8 Flood-risk and hydrological baseline

The s51 Advice records that the Flood Risk Assessment applies climate-change allowances for the 2050s epoch, notwithstanding that decommissioning is anticipated in the 2070s. PINS explicitly queries the absence of modelling for the later epoch and requests clarification as to why this was not included.

This observation indicates that the FRA and associated Watercourse Crossing Assessment are not aligned with the full temporal scope of the project. While this does not imply that flood risk is unacceptable, it does introduce uncertainty as to whether end-of-life conditions have been appropriately assessed. In these circumstances, it would be reasonable for the Examining Authority to seek an updated FRA incorporating 2070s climate-change allowances, revised surface-water mapping and sensitivity testing of compound drainage design.

This matter is captured as **Procedural Deficiency #6D – Flood Risk Assessment based on outdated climate projections and incomplete surface water modelling**, as detailed in Appendix M. Alignment of modelling assumptions with the full operational timeframe is necessary to demonstrate that infrastructure remains safe and effective under foreseeable future climate conditions.

6.6 Ground conditions and sub-surface risk assessment

Review of ES Volume 1 Chapter 12 (Ground Conditions) and Appendix 12-1 (Phase 1 Geo-Environmental Assessment) indicates that the assessment is based primarily on desk-based sources and a qualitative conceptual model.

The Ground Conditions chapter and Phase 1 Geo-Environmental Assessment are therefore desk-based and conceptual in nature. No intrusive ground investigation results (for example boreholes, laboratory testing, groundwater sampling or infiltration testing) are presented within the Environmental Statement.

While intrusive investigation may reasonably be staged prior to construction, the absence of site-specific verification data at application stage limits the robustness of conclusions regarding contamination pathways, soil structural behaviour under loading, groundwater vulnerability and potential dewatering requirements.

Given the scale of piling, trenching, cable installation and Battery Energy Storage System (BESS) infrastructure proposed across the Order Limits, a proportionate Stage 2 Geo-Environmental Assessment would materially strengthen confidence in the environmental baseline and the effectiveness of proposed mitigation prior to determination.

These matters are relevant to EN-1 and the EIA Regulations, which require likely significant environmental effects to be identified and assessed so far as they can reasonably be foreseen on the basis of available evidence. Where conclusions regarding contamination risk, groundwater protection and soil integrity rely solely on conceptual modelling without intrusive verification, the decision-maker's ability to evaluate the credibility and effectiveness of mitigation measures is necessarily constrained.

The issue is not that unacceptable ground-condition effects have been demonstrated, but rather that the Environmental Statement does not presently provide sufficient verified evidence to confirm that such effects have been fully characterised or that proposed mitigation measures are proportionate and effective. Reliance on post-consent investigation alone limits the Examining Authority's ability to understand baseline conditions and to test whether the Environmental Statement has adequately identified and assessed plausible environmental risk pathways.

Previous NSIP examinations have recognised that, while elements of detailed design may appropriately be secured through requirements, core baseline understanding, particularly where it informs environmental risk pathways or the feasibility of

restoration, should normally be established at application stage. Examining Authorities have consistently emphasised that reliance on post-consent investigation should not substitute for a sufficiently robust environmental baseline where this would otherwise constrain the ability to reach a reasoned conclusion on likely significant effects.

Examples include the examinations of Sunnica Energy Farm (2023), Sizewell C (2022) and the A14 Cambridge–Huntingdon Improvement Scheme (2016), where Examining Authorities highlighted the need for adequate baseline evidence at application stage in areas such as ground conditions, archaeology, hydrology and contamination risk in order to support a legally robust determination under the EIA Regulations.

In this context, it would be reasonable for the Examining Authority to seek submission of a proportionate Stage 2 Geo-Environmental Assessment prior to determination, including targeted intrusive investigation, groundwater vulnerability mapping and soil-profile testing beneath higher-risk infrastructure elements such as BESS compounds, inverter stations, access tracks and cable corridors. Such work would enable a more robust appraisal of contamination pathways, groundwater interactions and soil structural behaviour under operational loading.

Until such information is provided, the baseline for assessing sub-surface environmental effects remains dependent on assumptions rather than verified evidence, which limits the weight that can be attached to conclusions regarding contamination risk, groundwater protection and the long-term restoration of soil structure following decommissioning.

This evidential gap is identified as **Procedural Deficiency #6E – Ground-condition baseline and contamination risk assessment incomplete**, as detailed in Appendix M. Addressing this gap at examination stage would reduce reliance on post-consent investigation as a substitute for baseline understanding and would enable the Examining Authority to evaluate mitigation proposals on the basis of verified conditions rather than precautionary assumptions.

This matter should be read together with **Procedural Deficiency #18B – Inadequate secured decommissioning, restoration and financial security framework** (Appendix M), which addresses the consequences of sub-surface infrastructure retention and removal methodologies for soil-profile integrity, drainage function and the practical feasibility of restoring Best and Most Versatile agricultural land to its pre-development condition at decommissioning.

6.7 Summary of soil and hydrological considerations

Taken together, the matters identified in Sections 6.0–6.6 do not demonstrate that the Proposed Development will necessarily result in irreversible soil degradation. They do, however, demonstrate that the Environmental Statement does not yet provide a sufficiently quantified and verifiable evidential basis to support the degree of confidence placed on reversibility and soil protection within the Applicant’s planning case. In circumstances where BMV land predominates and reversibility is relied upon

as a material planning justification, the absence of measurable soil performance standards, site-specific microclimate screening, hydrological interaction modelling and verified ground-condition data is material to the Examining Authority's ability to reach a reasoned conclusion under the EIA Regulations and EN-1.

Photographic evidence of existing flood conditions is provided in Appendix T, which demonstrates that flood behaviour within the site and its wider catchment is extensive, interconnected and already affecting infrastructure and receptors. This evidence indicates that the receiving environment is operating at or near capacity and that the Flood Risk Assessment materially understates both the extent and functional connectivity of flood pathways. In these circumstances, the Applicant has not demonstrated, on the basis of robust baseline evidence, that the Proposed Development can be delivered without increasing flood risk either within the site or to downstream receptors.

7.0 Project funding and deliverability

This section addresses whether the Applicant has demonstrated a credible, evidence-based funding pathway sufficient to support voluntary land agreements, construction, compulsory acquisition liabilities, and end-of-life restoration of the Proposed Development. Financial deliverability is a material consideration in NSIP examinations, particularly where compulsory acquisition powers are sought and long-term environmental reversibility forms part of the planning justification. Decision-makers must be satisfied not only that the project could be financed in principle, but that there is a realistic prospect that funds will be available when statutory liabilities arise.

7.1 Overview

Box 17 of the s55 Checklist records the Funding Statement (EN010141-000069) as “not satisfactory,” and the s51 Advice highlights the absence of detail on financial guarantees, bonds or contingency arrangements. These observations relate directly to EN-1, which requires decision-makers to be satisfied that funding is available for construction and decommissioning.

While funding structures are often refined during examination, the lack of clarity at acceptance stage limits the ability of the Examining Authority to understand how decommissioning and restoration liabilities would be secured in practice. A Supplementary Funding Note setting out funding sources, ring-fenced decommissioning provision and evidence of financial security would assist in addressing this uncertainty.

The Applicant’s Funding Statement (Document 4.2, Version P01, September 2025) does not provide a sufficiently evidenced explanation to address Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations). Regulation 5(2)(h) requires the application to be accompanied by a statement explaining how the Applicant proposes to fund (i) construction of the authorised development and (ii) any compensation and associated liabilities arising from the exercise of compulsory acquisition powers.

The DCLG Guidance on the Compulsory Purchase Process and the Crichel Down Rules (2013) (paras 13–18) underscores that, where compulsory acquisition powers are sought, the decision-maker must be satisfied there is a realistic prospect that funding will be available to meet compensation and related liabilities. In an NSIP context, the Examining Authority and Secretary of State must be able to reach a reasoned conclusion on funding credibility on the evidence before them, rather than on aspiration or future intention.

While Regulation 5(2)(h) does not prescribe a single documentary format, it requires more than generic assertions that finance will be raised at a later stage. Where compulsory acquisition is proposed, the question is not merely whether a project might

become financeable, but whether the Applicant has demonstrated a credible and testable pathway showing that funds will be available when liabilities arise.

7.2 Evidence of committed or even indicative finance

The Funding Statement confirms that “a final decision has not yet been taken on the type of finance that will be used” and asserts that the Applicant “expects to raise debt and equity from a syndicate of major banks and investors.” However, it provides no verifiable evidence to support that expectation. In particular, it identifies:

- no named lenders, investors, or financial advisers;
- no mandate letters, term sheets, heads of terms, board approvals, or letters of support;
- no indicative debt/equity proportions, staged drawdown, or timetable to financial close; and
- no explanation of how compulsory acquisition compensation would be funded at the point CA powers are exercised.

This is a material omission because compensation and associated liabilities arise when powers are exercised and land is acquired, not when a project reaches “financial close”. Affected persons’ statutory rights cannot properly be left contingent on future capital raising.

These deficiencies correspond to **Procedural Deficiency #7A – Inadequate funding evidence and absence of committed finance**, as detailed in Appendix M, and are directly relevant to the compulsory acquisition tests in Planning Act 2008 s.122, including whether there is a compelling case in the public interest where compensation funding is not evidenced.

In short, the Applicant seeks the legal benefits of compulsory acquisition now while deferring the evidential burden of demonstrating how compensation and reinstatement obligations will be funded until later. That sequencing is inconsistent with the function of Regulation 5(2)(h) in a compulsory acquisition case, because it exposes affected persons to a material risk that statutory liabilities are not, in practice, financeable at the point they fall due.

7.3 SPV capitalisation and parent-company guarantees

The development is promoted through an SPV, BSSL Cambsbed 1 Ltd, which appears to have no balance sheet strength or trading history capable of underwriting liabilities associated with compulsory acquisition, construction claims, or decommissioning and restoration. The Funding Statement provides no binding commitment that a parent or sponsoring entity will guarantee those liabilities.

That matters because, in practical terms, liabilities vested in an asset-light SPV may be difficult to enforce if the vehicle is under-capitalised at the relevant time. The Applicant should therefore be required to demonstrate, by evidence capable of being relied upon, that a financially substantive entity stands behind the SPV for the full lifecycle of liabilities, including Compulsory Acquisition compensation and end-of-life restoration.

The importance of project-specific security for compulsory acquisition liabilities is reinforced by post-consent practice at Longfield Solar Farm, where the Secretary of State separately considered whether a signed guarantee provided suitable security in relation to compensation claims arising from the exercise of compulsory acquisition powers. That recent decision illustrates that financial security for DCO liabilities is not a peripheral matter; it is a live and practical issue in solar NSIP governance. In the present case, no equivalent project-specific guarantee or secured mechanism has been provided, which limits confidence that compensation liabilities would be met when they fall due.

7.4 Decommissioning and restoration: absence of financial security

The Funding Statement does not clearly identify how decommissioning and restoration will be funded at the end of the proposed 40-year operational period, and it offers no commitment to a bond, escrow, letter of credit or other ring-fenced security.

Given the scale of infrastructure proposed (including extensive cabling, compound works and BESS elements) and the uncertainty inherent in end-of-life recovery pathways, reliance on unsecured future intentions is not a robust basis on which to conclude that restoration will be delivered in practice. The need to secure decommissioning obligations through enforceable requirements is reflected in other solar DCO practice, where decommissioning and restoration are controlled through a requirement for an approved Decommissioning and Restoration Plan (typically aligned to a certified outline plan). In the East Park case, no equivalent financial security is offered, leaving a material deliverability and risk-transfer concern.

It is noted that the Draft DCO contains a general funding provision (Article 48) requiring a guarantee or alternative security in respect of compensation liabilities arising from the exercise of compulsory acquisition and temporary possession powers. However, that provision is limited in scope to compensation payable under the acquisition powers listed in the Article and does not address the substantially different liabilities associated with long-term decommissioning, waste recovery, environmental remediation and agricultural restoration. The existence of Article 48 therefore does not provide assurance that the restoration obligations relied upon in the Environmental Statement will be funded or deliverable.

Moreover, the generic reference to a “guarantee” does not specify the nature, independence or enforceability of the instrument. Unsecured or contingent parent-company support may be vulnerable to deterioration in the guarantor’s financial

position, including group-level distress arising from unrelated activities, and may not provide effective protection over a multi-decade project life. Where financial security is relied upon to support compulsory acquisition powers and long-term land occupation, good practice would normally require a ring-fenced instrument issued by an independent financial institution and capable of being called on demand, such as a letter of credit, bond or escrow-style mechanism, maintained for the operational life of the development and until completion of approved restoration.

Compensation security and restoration security address different risks, beneficiaries and time horizons. The present drafting secures only the former.

7.5 Reliance on corporate reputation rather than evidence

The Funding Statement refers to experience within the Applicant's wider corporate group, but experience is not a substitute for evidence of project-specific financial backing. In the absence of letters of support, guarantees, or an indicative funding structure, the statement remains narrative and does not enable the Examining Authority to test deliverability.

7.6 Procedural implications

On the evidence currently provided, the Examining Authority cannot be satisfied that the Funding Statement meets the substance of Regulation 5(2)(h), nor that it provides a reliable basis for considering the compulsory acquisition case under s.122. This concern is reinforced where the Planning Inspectorate's acceptance documentation records the Funding Statement as "not satisfactory" (as identified elsewhere in this Representation). Where a funding statement is deficient at acceptance stage, it is not a minor technicality: it goes to whether affected persons can be confident that statutory compensation liabilities will be met.

In these circumstances, examination of compulsory acquisition, funding-related DCO requirements, and deliverability would be prejudiced unless and until the Applicant provides particulars sufficient to test whether compensation liabilities and end-of-life obligations are realistically financeable when they fall due.

7.7 Requested actions

SEPE respectfully requests that the Examining Authority requires the Applicant to provide, as a minimum:

1. A legally binding parent-company guarantee (or equivalent) covering construction funding, CA compensation liabilities, and decommissioning /restoration obligations.
2. An indicative funding structure, including anticipated debt/equity split, identification of funding sources (even if subject to change), and an outline timetable to financial close.

3. A legally binding, secured decommissioning and restoration mechanism (bond/escrow/letter of credit), index-linked and sized to realistic reinstatement and waste-handling costs, secured through a DCO requirement.
4. A supplementary funding note responding directly to the acceptance-stage concerns and explaining how CA liabilities would be met at the point powers are exercised.

7.8 Conclusion

The Funding Statement is presently narrative, unparticularised, and unsupported by verifiable evidence. In a compulsory acquisition case, that is insufficient. Until credible funding evidence, binding guarantees, and an enforceable restoration security mechanism are provided, the Examining Authority cannot safely conclude that the project is financially deliverable or that affected persons' compensation rights are adequately protected. This confirms **Procedural Deficiency #7A**, as detailed in Appendix M.

8.0 Landscape and rural character

The assessment of landscape, rural character and visual amenity must be undertaken within a defined statutory and policy framework. In determining an application for development consent, the Secretary of State is required to give effect to the relevant landscape and visual policies contained in:

- **EN-1**, which requires decisions to be based on sufficient and reliable environmental information, including robust assessment of landscape and visual effects, cumulative impacts, and mitigation demonstrably capable of delivering the effects claimed;
- **EN-3**, which sets out specific principles for solar PV siting and design, including landscape character, cumulative visibility, reversibility and mitigation effectiveness;
- **EIA Regulations**, which require the identification and assessment of significant effects on landscape, visual amenity and population; and
- **The Guidelines for Landscape and Visual Impact Assessment (GLVIA3)**, which provide established good-practice guidance on viewpoint selection, photomontage preparation, seasonal variation, and the realistic performance of mitigation over time.

Against this framework, the Environmental Statement must provide landscape and visual information of sufficient scope, quality and transparency to enable the Examining Authority and Secretary of State to reach a reasoned conclusion on the likely significant effects of the development, as required by EN-1 and the EIA Regulations.

While the Application includes a Landscape and Visual Impact Assessment (LVIA), supported by ZTV mapping, viewpoint photography and photomontages, SEPE considers that the submitted material does not provide a sufficiently comprehensive, representative or robust evidence base to enable a fully reasoned conclusion on likely significant landscape and visual effects, as required by EN-1 and the EIA Regulations.

In particular, concerns arise regarding the representativeness of viewpoint coverage, the scope of visualisations provided, and the extent to which cumulative visibility and sequential experience have been tested, including whether all sensitive Public Rights of Way (PRoW) corridors and settlement-edge receptors have been proportionately represented, and whether cumulative visibility with consented and proposed solar and BESS developments in the wider grid-connected cluster has been adequately addressed. Night-time effects and glint-and-glare are addressed in separate technical assessments; however, their interaction with landscape character and visual amenity is not clearly integrated within the LVIA conclusions.

These issues collectively limit the ability of the Examining Authority to understand the full scale, extent and experiential nature of the Proposed Development in the

landscape and therefore support **Procedural Deficiency #8A – Inadequate Landscape and Visual Impact Assessment (LVIA)**, contrary to EN-1, EN-3, GLVIA3 and the EIA Regulations, as detailed in Appendix M.

Appendix R suggests that a substantial number of residential properties fall within 300–500 m of the Order Limits across multiple villages, with overlapping zones of influence arising from the scheme’s linear and multi-parcel configuration. This reinforces SEPE’s concern that the Environmental Statement may understate the scale, persistence and cumulative nature of landscape and amenity effects on rural communities, particularly where mitigation relies heavily on future planting rather than avoidance or meaningful setbacks.

Inadequacy of visual evidence

Although the LVIA includes numerous viewpoints and photomontages, concerns remain as to whether the visual evidence provides a fully proportionate and representative basis for assessing the scale, appearance and experiential effects of the Proposed Development. Not all viewpoints appear to be supported by complete “with development” photomontages across multiple time horizons, and in some cases visualisations focus on selected receptor types rather than providing a comprehensive cross-section of worst-case experiences.

While Year 0 and Year 10 visualisations are provided for certain viewpoints, these are not consistently available across all high-sensitivity receptors, limiting the ability to test mitigation effectiveness across the full study area.

GLVIA3 emphasises that visual material should allow decision-makers and the public to understand:

- the nature of change;
- the scale of development;
- the extent of visibility; and
- the realistic contribution of mitigation over time.

In the absence of comprehensive coverage for sensitive receptors – including nearby residential properties, PRow users and users of rural lanes – the LVIA conclusions on magnitude and significance should be interpreted with caution.

Viewpoint selection and representation of worst-case experience

The viewpoint selection does not clearly demonstrate that all reasonable worst-case scenarios have been tested, particularly for receptors experiencing close-range or sequential exposure.

Potentially under-represented receptors include:

- elevated PRow with long or open views across multiple site parcels;

- rural lanes (including the B645, B660 and connecting minor roads) where development may be experienced sequentially over extended distances; and
- residential receptors located within approximately 100–350 m of panel arrays and associated infrastructure.

The LVIA provides limited route-based or sequential analysis, despite GLVIA3 recognising that such effects can be a primary determinant of significance for walkers, riders and drivers.

Without fuller assessment of sequential exposure, the experiential effects of enclosure, repetition and cumulative perception along routes may not be fully understood.

Cumulative landscape and visual effects

While the LVIA includes cumulative considerations, SEPE considers that the cumulative assessment may not fully capture the potential combined effects of existing, consented and proposed solar and BESS developments within the wider grid-connected cluster.

In open, gently undulating arable landscapes, clustering of large-scale solar infrastructure around grid nodes can result in landscape transformation beyond the sum of individual schemes.

Recent solar NSIP examinations (e.g. Sunnica, Mallard Pass) have emphasised the importance of robust cumulative assessment. In the absence of clearly demonstrated cumulative modelling and visualisations covering the full study area, the combined magnitude of effect cannot be reliably evaluated.

ZTV assumptions and mitigation performance

The submitted ZTV provides a useful indication of potential visibility but should be interpreted with caution due to inherent modelling limitations.

It is not clearly demonstrated that the ZTV:

- represents a consistent worst-case scenario across all ancillary infrastructure heights
- fully captures seasonal variation (leaf-on vs leaf-off)
- reflects long-term visibility over the 40-year operational period.

Winter conditions recur annually and may materially influence experienced effects for residents and PRoW users. GLVIA3 advises that ZTV outputs should be supported by professional judgement and sensitivity testing.

The Illustrative Environmental Masterplan places some mitigation planting downslope of receptors, potentially limiting screening effectiveness. The LVIA assumes successful establishment within relatively short timeframes without demonstrating site-specific deliverability across all locations.

Accordingly, reliance on mitigation performance should be treated with caution.

Taken together, issues relating to representativeness of viewpoints, sequential experience, cumulative assessment and reliance on optimistic mitigation assumptions mean that the LVIA should be afforded limited weight in isolation when determining landscape and visual effects.

This conclusion is reinforced by photographic evidence provided in Appendix U, which demonstrates landscape openness, visual permeability and limited screening capacity across the site and surrounding area. This evidence confirms that the site is not visually contained and that the Applicant's assessment materially understates both the extent of visual effects and the effectiveness of proposed mitigation.

In accordance with EN-1 and the EIA Regulations, the Examining Authority may wish to seek further proportionate evidence to support a fully reasoned conclusion.

8.1 Heritage constraints and Grade I 1 km buffers

The statutory duty in s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision-maker to have special regard to the desirability of preserving listed buildings and their settings. The Court of Appeal in *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014] EWCA Civ 137 confirmed that this duty requires "considerable importance and weight" to be given to heritage conservation. This principle applies fully in the NSIP context, as reflected in decisions such as *Norfolk Vanguard* and *Norfolk Boreas*.

EN-1 similarly requires substantial weight to be given to the conservation of designated heritage assets in NSIP decision-making. Where harm to the setting of Grade I listed buildings may arise, the threshold for justification is particularly high and cannot be displaced by generic policy support for renewable energy.

Grade I assets in the East Park context

The East Park Energy site lies within the experienced setting of several Grade I listed churches, including:

- **St Peter, Pertenhall** (Grade I, List Entry 1114827);
- **All Saints, Little Staughton** (Grade I, List Entry 1114812);
- **St Mary the Virgin, Keysoe** (Grade I, List Entry 1114832); and
- **St Andrew, Great Staughton** (Grade I, List Entry 1126576).

These buildings derive much of their significance from their landmark presence within a largely open agricultural landscape, with towers and spires forming prominent landmarks in the wider landscape.

As a proportionate analytical tool (and not as a legal rule), SEPE has applied an indicative 1 km heritage-setting sensitivity zone around these Grade I assets to illustrate the potential spatial extent of setting influence within the surrounding open rural landscape. This exercise appears to indicate that substantial areas of the Order Limits fall within zones where effects on setting may reasonably arise, particularly for the Pertenhall, Little Staughton and Keysoe churches, whose indicative zones overlap parts of the northern and eastern site parcels.

Appendix R shows that multiple Grade I listed churches fall within 1,000 m of the Order Limits, with several also subject to overlapping influence from more than one site parcel. When read alongside the limited number of heritage-specific visualisations and the absence of clearly presented ZTV-led intervisibility analysis focused on heritage receptors, this mapping evidences a failure to properly understand or assess the spatial context and sensitivity of designated heritage assets, preventing the Environmental Statement from presenting a robust assessment of the likely significant effects of the development, contrary to EN-1, EN-3 and the EIA Regulations.

Deficiencies in the heritage and setting assessment

The Environmental Statement does not provide a transparent, spatially explicit assessment of the setting of these Grade I assets. In particular, it lacks:

- a heritage constraints plan illustrating the relationship between the development parcels and the settings of Grade I buildings;
- modelled intervisibility analysis or verified viewpoints assessing how the development would be experienced in views to and from these assets; and
- a clear explanation of how layout, scale and mitigation have been tested against setting sensitivity.

Case law, including *Jones v Mordue* [2015] EWCA Civ 1243, confirms that harm to setting must be assessed qualitatively, not merely by reference to distance. In flat or gently undulating agricultural landscapes, long-range intervisibility and the introduction of large-scale industrial elements can materially affect setting even where assets lie beyond immediate proximity. These omissions materially constrain the Examination's ability to evaluate heritage setting effects.

In the absence of a quantitative and spatially robust setting assessment, the Examining Authority cannot properly discharge its statutory duty under s.66(1), nor apply the heritage policies in EN-1 and the NPPF.

Photographic evidence in Appendix U also demonstrates clear visual connectivity between the site and designated heritage assets, including elevated viewpoints within

Little Staughton, confirming that the setting of these assets is functionally linked to the site and that the Applicant's assessment of heritage effects is understated.

This omission therefore engages **Procedural Deficiency #8B – Inadequate assessment of heritage setting and intervisibility effects**, contrary to s.66(1) of the 1990 Act, Barnwell Manor, EN-1 and NPPF provisions on conserving and enhancing the historic environment, as detailed in Appendix M.

In addition, the absence of a spatially robust heritage constraints analysis further supports **Procedural Deficiency #4A (integrated grid and site alternatives)**, as detailed in Appendix M, insofar as the lack of heritage constraints mapping limits the ability to demonstrate that the chosen development envelope represents the least environmentally harmful configuration.

Further information required

The Examining Authority is therefore invited to require the Applicant to submit:

- a composite heritage constraints plan illustrating the spatial relationship between the Order Limits and the settings of Grade I listed buildings and other designated heritage assets within the study area;
- ZTV-led intervisibility analysis assessing where the development may be visible from heritage receptors across the wider study area;
- verified viewpoints and photomontages illustrating views to and from heritage assets, including Grade I listed buildings and conservation areas;
- receptor-specific setting assessments evaluating how the Proposed Development would be experienced in the landscape context of each asset;
- assessment of views both toward and from heritage assets, including long-distance landscape views where these contribute to heritage significance; and
- a clear explanation of how the layout, scale and mitigation strategy of the Proposed Development have been tested against heritage setting sensitivity, supported by visual evidence.

Without this information, the Examining Authority cannot confidently discharge its statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, nor reach a reasoned conclusion on the likely significant effects of the development on heritage assets in accordance with the EIA Regulations.

8.2 Cultural heritage – incomplete assessment of setting and significance

The assessment of effects on the setting of designated heritage assets must be informed by evidence capable of illustrating how development would be experienced in views to, from and within the surroundings of those assets. Setting is not an abstract or desk-based concept; it is inherently spatial, visual and experiential, and requires

proportionate visual and intervisibility analysis to support conclusions on magnitude and significance.

EN-1 requires decision-makers to understand both the significance of heritage assets and the contribution made by their setting, while EIA Regulations require identification and assessment of likely significant effects on the cultural heritage environment. The NPPF provisions in relation to conserving and enhancing the historic environment further emphasise that the effect of development on the setting of heritage assets must be clearly understood and weighed.

In the East Park Energy Environmental Statement, the assessment of heritage setting appears to rely substantially on desk-based analysis, supported by limited heritage-specific visual evidence, without the visual and spatial evidence necessary to substantiate conclusions. In particular, the ES does not provide:

- verified photomontages illustrating views to or from designated heritage assets;
- ZTV analysis specific to heritage receptors, capable of testing intervisibility between site parcels and heritage assets;
- receptor-specific setting assessments explaining how the scale, extent and repetition of solar and BESS infrastructure would be experienced in the landscape surrounding individual assets; or
- cumulative setting analysis where multiple site parcels may fall within the same visual envelope.

This omission is material given the scale, linear extent and dispersed configuration of the scheme. As identified in Sections 8.0–8.2, several Grade I listed churches and other designated assets lie within open, gently undulating agricultural landscapes where long-range views, landmark qualities and the perception of rural openness form a key component of their significance. In such contexts, desk-only assessment is insufficient to test whether large-scale industrial infrastructure would intrude into views that contribute materially to setting.

Case law confirms that effects on setting must be assessed on a qualitative and evidential basis. In *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2014] EWCA Civ 137, the Court of Appeal confirmed that considerable importance and weight must be given to the conservation of heritage assets and their settings. In *Jones v Mordue* [2015] EWCA Civ 1243, the Court confirmed that decision-makers must engage with the substance of heritage impacts rather than rely on untested assertions. Without verified visual evidence, the Examining Authority cannot properly discharge the statutory duty under s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The deficiency identified in this subsection arises independently of archaeological baseline or evaluation issues addressed elsewhere in this Written Representation. It concerns not the existence or significance of buried remains, but whether the experienced setting of known designated heritage assets has been assessed with sufficient rigour to enable a reasoned conclusion on likely significant effects.

Accordingly, the Environmental Statement does not provide sufficient environmental information to assess impacts on heritage setting, contrary to EN-1 and the EIA Regulations.

This further supports **Procedural Deficiency #8B – Inadequate assessment of heritage setting and intervisibility effects** as detailed in Appendix M.

8.3 Residential amenity buffers

The East Park Energy Order Limits directly abut or surround multiple villages and dispersed residential receptors, including Hail Weston, Great Staughton, Little Staughton, Pertenhall, Keysoe and Swineshead, as well as numerous associated villages and isolated dwellings embedded within or immediately adjacent to the red-line boundary.

In assessing landscape, visual amenity and effects on population, EN-1 and the EIA Regulations require identification and spatial definition of affected receptors. This necessarily includes consideration of proximity effects on residential amenity, particularly in rural contexts where large-scale infrastructure would be experienced at close range over long durations.

Application of residential amenity buffers

The current layout places development in close proximity to residential properties in a manner that would not arise from a properly conducted alternatives and layout selection exercise.

Setbacks of 250–500 metres are commonly applied in comparable schemes across Cambridgeshire and neighbouring authorities to address residential amenity and landscape effects. A 300-metre buffer at East Park would therefore represent a proportionate and policy-aligned benchmark.

Applying a 300-metre buffer around residential curtilages, consistent with recognised spatial methodologies and local plan practice, would materially constrain the developable envelope of the scheme.

Evidential deficiency

The Environmental Statement does not provide:

- quantitative mapping of residential receptors within defined distance bands;

- any buffer-based design testing or alternative layouts; or
- a transparent explanation of how residential proximity has informed site selection, layout or scale.

This omission prevents the Examining Authority from understanding the true extent of residential amenity exposure or from testing whether reasonable design alternatives exist that would reduce harm. Recent DCO examinations have treated such proximity effects as material considerations requiring robust evidence and, where necessary, revised layouts (for example, Gate Burton Energy Park, Sunnica and Mallard Pass).

The Environmental Statement does not provide a quantified or spatially explicit assessment of residential receptors within defined proximity bands, nor does it test buffer-based alternatives or layout responses to close-range residential exposure. This omission is material given the number of properties located within approximately 300–500 m of the Order Limits, as demonstrated in Appendix R.

Without population mapping, buffer testing or receptor-specific assessment, the Examining Authority cannot properly assess effects on residential amenity or population under EIA Regulations. This evidential gap therefore constitutes **Procedural Deficiency #8C – Absence of quantitative population and receptor assessment**, contrary to EN-1, EN-3 and EIA Regulations, as detailed in Appendix M.

Requested further information

The Examining Authority is invited to require the Applicant to submit:

1. a residential amenity constraints plan applying a 300 m buffer to the curtilage of all residential properties;
2. recalculation of net developable area and indicative capacity once such buffers are applied; and
3. a single composite constraints overlay showing BMV land, Grade I heritage sensitivity and residential buffers, to enable a proper assessment of alternatives and layout reasonableness.

8.4 Layout, design and operational coherence

Fragmented layout and good design principles

From an operational and environmental perspective, the proposed layout, dispersed over approximately 12.5 km and enclosed by around 64 km of perimeter fencing, raises material concerns in relation to layout efficiency, landscape integration and environmental performance.

EN-1 requires “good design” for energy NSIPs, meaning development that is effective, efficient, integrated within its landscape and minimises adverse environmental effects through layout and design. This requires layout efficiency and environmental integration to be demonstrated through design, not mitigation. EN-3 reinforces this

requirement for solar PV, emphasising coherent layouts that avoid unnecessary fragmentation and cumulative harm.

A layout comprising multiple separated arrays requires duplicated access control, security infrastructure, vegetation management and emergency response arrangements. In the absence of a compelling operational justification, such fragmentation is inherently inefficient and increases environmental impacts through fencing, access tracks and repeated mitigation corridors.

Recent solar NSIP examinations, including Sunnica and Longfield, have expressly questioned layouts characterised by dispersed blocks and extensive fencing where no overriding operational necessity has been demonstrated.

Reliance on unproven screening and fragmentation effects

The Applicant relies heavily on planting proposals to mitigate the visual and character effects of extensive fencing and dispersed infrastructure. However, the LVIA does not present site-specific verification demonstrating that mitigation will achieve the assumed screening performance across all locations, within a realistic timeframe, particularly on gently undulating ground and under winter (leaf-off) conditions.

The LVIA assumes rapid establishment and effective screening from hedgerow and woodland planting within approximately five years, without providing evidence that such performance is realistic for the soil conditions, topography and exposure characteristics of the site. Photomontages do not represent Year-1 or Year-3 conditions, nor do they model winter (leaf-off) visibility, despite the operational lifetime of the scheme extending to at least 40 years.

GLVIA3 requires mitigation to be assessed realistically over time, including acknowledgement of early-year and seasonal conditions. The reliance on optimistic mitigation assumptions without time-sequenced verification prevents decision-makers from placing confidence in the LVIA's conclusions on significance. This deficiency is distinct from, and does not duplicate, the baseline and methodology failures identified at **Procedural Deficiency #8A**.

The reliance on unverified planting performance therefore engages **Procedural Deficiency #8D – Unrealistic landscape mitigation assumptions and reliance on unverified vegetation screening**, contrary to EN-1 and GLVIA3, as detailed in Appendix M.

Real-world evidence from the Manor Farm Solar Project, located immediately adjacent to the East Park boundary and within the same landscape character area, indicates that reliance on hedgerow and shrub planting has not delivered effective screening even after approximately ten years of establishment. Fencing and panel arrays remain conspicuous from elevated PRoW and rural road corridors, particularly in winter conditions (please refer to Appendix G).

Decision-makers are entitled to afford limited weight to mitigation that is speculative or unsupported by empirical evidence. This principle has been confirmed in case law (for example, *Hallam Land v SSCLG* [2018] EWHC 285 (Admin)) and reflected in multiple solar NSIP decisions where optimistic vegetation assumptions were discounted in the absence of verification.

The LVIA for East Park repeats similar assumptions, relying on single-year visualisations, omitting time-sequenced (Year 1/5/10) representations and failing to model leaf-off conditions. This does not accord with GLVIA3 guidance or EN-1, which require realistic appraisal of mitigation effectiveness over time.

Appendix U demonstrates that existing landscape features provide limited containment and that reliance on vegetation-based screening is unlikely to achieve the performance assumed in the LVIA.

Ecological and landscape coherence implications

Beyond visual effects, the cumulative extent of perimeter fencing would act as a substantial barrier to wildlife movement and exacerbate landscape fragmentation, contrary to Natural England's NEER012 guidance and contemporary design frameworks such as CPRE's *Solar Development Done Well* (2025) and the Landscape Institute's Technical Guidance Note 02/22 (2022). These sources consistently emphasise compact, coherent layouts that maintain permeability and landscape continuity.

The operational inefficiencies and environmental consequences of the proposed fragmented layout therefore conflict with EN-1 and EN-3.

These matters form part of **Procedural Deficiency #8D – Unrealistic landscape mitigation assumptions and reliance on unverified vegetation screening**, as detailed in Appendix M.

Requested further information

The Examining Authority is therefore invited to require the Applicant to provide the information identified under **Procedural Deficiency #8D**, including:

1. a revised layout assessment testing more compact and coherent design alternatives;
2. time-sequenced (Year 1, 5 and 10) photomontages including leaf-on and leaf-off conditions;
3. a Landscape Mitigation Verification Report drawing on monitored evidence from comparable operational solar sites (including Manor Farm); and
4. enforceable requirements securing implementation, maintenance and replacement of mitigation planting where performance falls short.

Conclusion – landscape, rural character and heritage compliance

When read together, the issues identified in this section indicate that, while a substantial LVIA has been submitted, the evidence does not provide a sufficiently robust and representative basis to support a fully informed decision on landscape, visual and amenity effects. SEPE therefore submits that limited weight should be afforded to the LVIA conclusions pending further clarification or supplementary evidence.

Accordingly, the Examining Authority is invited to afford limited weight to the LVIA and to require the submission of the further information identified above before proceeding to substantive examination of landscape, heritage and residential amenity effects.

9.0 Socio-economic and community impacts

The proposed East Park Energy scheme would result in the long-term displacement of active agricultural enterprises across its operational footprint for the duration of the proposed forty-year operational period. This land currently supports farm businesses that contribute to the rural economy of Hail Weston, Great Staughton, Little Staughton, Pertenhall, Keysoe, Riseley and Swineshead, providing direct and indirect employment across cropping, agricultural contracting, haulage, machinery servicing and agri-supply activities.

The proposed withdrawal of approximately 1,900 acres (773 ha) of land from agricultural production, much of it classified as Best and Most Versatile (BMV), has the potential to fragment existing farm units, reduce local labour demand, and weaken the viability of associated rural services such as grain storage, veterinary provision and machinery hire, sales and servicing by main dealers and independent agricultural engineers. These effects are relevant to the assessment required under EN-1, read alongside NPPF provisions for building a strong, competitive economy, which collectively seek to support the long-term prosperity of rural businesses, retain working land-based enterprises and protect the economic fabric of rural communities.

Where a Nationally Significant Infrastructure Project would involve the long-term removal of extensive areas of BMV land from food production, national policy anticipates that applicants will provide a proportionate and quantified assessment of agricultural employment effects, changes in productive output, and implications for the resilience of rural service networks. In the absence of such analysis, reliance on headline construction or operational job figures alone is insufficient to enable a balanced assessment of socio-economic effects in accordance with EN-1 and the NPPF.

Presumption-led framing of “Other Environmental Topics”

ES Chapter 16 (“Other Environmental Topics”) is framed on the basis that significant effects were not predicted at scoping stage and that the chapter therefore serves primarily to confirm non-significance. This approach risks presuming the outcome of the assessment rather than objectively testing potential effects, which is inappropriate given the scale, duration and multi-receptor nature of the Proposed Development.

EIA requires that effects be assessed on the basis of evidence and analysis, not confirmed by reference to earlier expectations. Where scoping conclusions are relied upon, the Environmental Statement must still demonstrate that potential effects have been systematically examined and either substantiated or ruled out. The framing adopted in Chapter 16 therefore weakens confidence that population and human-health effects have been assessed with the degree of rigour required for an NSIP.

9.1 Rural employment and economic continuity

Independent evidence from the UK Energy Research Centre (UKERC, 2024), Solar Energy UK (2023), the Royal Town Planning Institute and Regen indicates that the majority of lifetime operational revenues associated with grid-scale solar developments accrue to remote asset-management, investment or infrastructure-fund entities rather than remaining within host rural economies. Employment associated with such schemes is typically front-loaded during construction and thereafter very limited in scale and duration.

Evidence from comparable NSIP examinations, including Longfield Solar Farm (2023) and Sunnica Energy Farm (2023), indicates that operational employment is typically fewer than five permanent full-time equivalent (FTE) posts per c.500 MW of installed capacity, with the majority of construction, electrical installation, operations and maintenance activity undertaken by national or international contractors rather than locally based firms. In the absence of project-specific evidence demonstrating meaningful local supply-chain capture, such headline employment figures attract limited weight under EN-1.

Recent DCO examinations for major energy infrastructure, including Hornsea Four and Wylfa Newydd, required applicants to submit detailed socio-economic assessments quantifying direct, indirect and induced employment effects, alongside distributional analysis identifying how benefits and burdens fall across local communities and workforce groups. In those cases, claimed socio-economic benefits were only afforded significant weight where supported by robust, site-specific evidence rather than generic sector averages.

In the present case, no secured local supply-chain, skills or employment plan has been provided that quantifies local job creation, apprenticeships, skills transfer, or procurement commitments. Nor has any modelling been submitted to demonstrate how operational revenues or expenditure would circulate within the host rural economy. In the absence of quantified evidence and secured commitments, the Applicant's claims of rural diversification or local economic benefit cannot be meaningfully tested and carry limited weight in the planning balance.

9.1.1 Farming continuity and food-system resilience

Long-term displacement of agricultural land and businesses has well-recognised inter-generational consequences. The loss of tenanted and family-farmed land interrupts succession planning, investment cycles and skills transfer, discouraging younger entrants to the sector and weakening the continuity of local farming enterprises. Evidence from rural-economy studies indicates that once farm businesses and associated labour networks are dismantled, they rarely re-establish even where land is later described as "restored" following decommissioning.

Defra's UK Food Security Report 2024 (UKFSR 2024), prepared pursuant to the statutory duty under the Agriculture Act 2020, identifies a pressing and increasing risk

to UK food security arising from climate pressures and land-use change. The report emphasises that the long-term resilience of domestic food production depends on the protection of high-quality agricultural land and the maintenance of viable farming systems. Large-scale conversion of BMV land to non-food uses therefore directly engages this national policy concern.

HM Government's report on 'Global Biodiversity Loss, Ecosystem Collapse and National Security' (HM Government, January 2026), emphasises that biodiversity, agriculture (food production) and national security are intrinsically linked, and essential for the UK to prosper. This report builds on the findings of Defra's Food Security Report 2024 in relation to the risks posed by global scale climate change impacts; and the need to maintain food production within the UK. It also highlights that "countries best placed to adapt are those that invest in ecosystem protection and restoration, and resilient and efficient food systems".

In the present case, approximately 74% of the East Park Order Limits comprise BMV soils, as set out in Section 5 of this Written Representation. The socio-economic consequences of removing such land from production for at least forty years therefore compound the national-policy harm identified in the agricultural-land assessment, extending beyond soil quality into food-system resilience, farm viability and rural employment continuity.

No evidence has been provided to demonstrate a sequential site-selection process that prioritised Sub-Grade 3b or lower-quality land, nor has the Applicant quantified the scheme's impact on regional cropping capacity, agricultural output value, or farm-business continuity. In the absence of such analysis, it is not possible for the Examining Authority to understand the scale or distribution of agricultural displacement effects.

Independent evidence from the NFU Rural Land-Use Survey 2024 and the House of Commons EFRA Committee (2024) confirms that the loss of high-grade farmland to non-food uses is associated with reduced rural employment density and increased economic leakage to non-local supply chains. Reflecting this, comparable DCO examinations have required applicants to distinguish clearly between temporary construction employment and the permanent loss of agricultural output and jobs when assessing socio-economic effects. No equivalent quantitative assessment has been provided for East Park Energy.

9.1.2 Property, amenity and community well-being

The conversion of open rural landscapes into enclosed, industrial-scale energy infrastructure has the potential to affect perceived tranquillity, outlook, recreational experience and residential amenity for nearby communities. These effects are commonly raised in relation to large, long-duration NSIP schemes where development alters the character and experiential qualities of the local environment rather than causing direct physical impacts to dwellings.

In comparable NSIP examinations, including Cleve Hill Solar Park (EN010085), Sunnica Energy Farm (EN010106) and the A428 Black Cat–Caxton Gibbet scheme (TR010044), local residents and host authorities consistently raised concerns regarding reduced property marketability and perceived “blight” associated with landscape industrialisation, traffic, lighting and enclosure effects. While Inspectors and Secretaries of State have repeatedly confirmed that changes in property value, in isolation, are not a determinative planning consideration, they have also acknowledged that such representations can be indicative of wider impacts on residential amenity, landscape quality and community well-being.

In this context, reported difficulties in selling or mortgaging properties close to large infrastructure schemes are not relied upon as evidence of financial loss, but as a proxy for broader experiential impacts, including changes in outlook, tranquillity, noise environment, perceived safety and enjoyment of the home and surrounding area. These effects are material to the planning balance under EN-1, particularly in relation to land-use compatibility, noise, socio-economic effects and safety, and they fall squarely within the EIA Regulations requirement to assess effects on “population and human health”, rather than being confined to biophysical environmental receptors.

In the specific East Park context, the proposed construction period of up to 30 months, combined with instances where the Order Limits abut or lie in very close proximity to residential curtilages, is capable of influencing household decision-making during property sale or refinancing processes. This is not advanced as a claim of compensable financial loss, but as evidence that prolonged construction activity, visual enclosure, traffic, noise and perceived change in rural character are experienced as material alterations to residential amenity. Where development boundaries directly interface with established dwellings, the perception of reduced outlook, tranquillity or environmental stability is a foreseeable and understandable community response. Such reactions are relevant to the assessment of population and human-health effects under the EIA Regulations and to the planning balance under EN-1, insofar as they reflect lived amenity impacts rather than purely economic considerations.

Under EN-1 and EIA Regulations, applicants are expected to identify, describe and assess population and community effects using proportionate baseline information, including receptor identification and spatial analysis. In this case, no receptor-based assessment of residential amenity, community well-being or population exposure has been provided. There is no mapping of affected dwellings, Public Rights of Way, community facilities or sensitive receptors, nor any baseline assessment of tranquillity, recreational use or social value against which change could be measured.

In the absence of such evidence, the Examining Authority is not in a position to understand the scale, distribution or intensity of amenity and well-being effects on affected communities, or to weigh those effects appropriately against the claimed benefits of the scheme. This represents a material evidential gap in relation to the

assessment of population and human-health effects required under the EIA Regulations and EN-1.

9.1.3 Policy justification

The deficiencies identified in Sections 9.0–9.1.2 go to the core of the planning balance required by EN-1 and NPPF provisions for achieving sustainable development. National policy requires decision-makers to weigh the demonstrable benefits of energy infrastructure against substantiated adverse effects, having regard not only to climate and energy objectives but also to land-use efficiency, food production, and the socio-economic resilience of host communities.

In particular, EN-1 requires applicants to identify and assess socio-economic outcomes arising from land-use change, including effects on local employment, agricultural activity and rural economies. This obligation must be read alongside the NPPF provisions for conserving and enhancing the natural environment and building a strong, competitive economy, which recognises protection for BMV agricultural land, and requires planning decisions to support a prosperous rural economy and the retention of sustainable land-based enterprises.

Taken together, these policies do not support the long-term displacement of productive agricultural land and associated rural livelihoods where the claimed economic benefits of a scheme are generic, unquantified, or not demonstrably secured for the local area. Where operational revenues largely accrue to remote asset-owners, and where permanent employment generation is minimal and unsubstantiated, an applicant cannot rely on broad assertions of economic benefit to offset clearly identified land-use and rural-economy impacts.

In the present case, the Applicant has not provided robust, project-specific evidence of local employment creation, supply-chain retention, agricultural substitution, or rural economic gain sufficient to counterbalance the long-term loss of approximately 1,900 acres of productive BMV land. Nor has the Applicant quantified the effects of that land-use change on agricultural output, farm-business continuity or associated rural services. In the absence of such evidence, the presumption that the Proposed Development would make a positive contribution to sustainable development is not made out on socio-economic grounds.

Accordingly, in applying the planning balance under EN-1 the Examining Authority is entitled to give substantial weight to the safeguarding of the rural economy, agricultural productivity and food-production capacity, particularly where the adverse socio-economic effects are foreseeable and long-lasting, and the claimed benefits are not locally evidenced or secured.

9.1.4 Conclusion and required actions

The Applicant's *Outline Skills, Supply Chain and Employment Plan* (Document 7.11) contains only high-level aspirations and generic commitments. It provides no

quantified modelling of local benefit, no baseline against which effects can be assessed, and no binding local procurement, employment, or skills-retention targets capable of being secured through the DCO.

Evidence from comparable NSIP solar examinations, including Sunnica Energy Farm (ExA Report, 2023) and Longfield Solar Farm (SoS Decision, 2023), indicates that the overwhelming majority of operational expenditure for grid-scale solar schemes, typically in excess of 90–95%, flows to remote asset managers, O&M contractors, and supply chains based outside host districts. In those cases, Examining Authorities treated claims of local economic benefit with caution unless supported by project-specific modelling and enforceable commitments.

In the present case, the Applicant has not demonstrated how the long-term displacement of approximately 1,900 acres (773 ha) of productive agricultural land would be offset by equivalent or higher-value local employment, business activity, or rural income streams. Nor has any evidence been provided quantifying agricultural gross value added (GVA) foregone, tenancy income loss, or secondary effects on rural services and supply chains.

This omission is material. EN-1 requires applicants to *identify and assess* socio-economic outcomes arising from land-use change, including effects on local employment and rural economies. EIA Regulations likewise require assessment of effects on population and human health, which encompasses employment, community well-being, and amenity. In the absence of quantified, project-specific evidence, the Applicant's claimed community-benefit contribution cannot be afforded material weight in the planning balance.

Accordingly, SEPE submits that this represents **Procedural Deficiency #9A – Absence of a quantified socio-economic impact assessment, including agricultural economic displacement**, as detailed in Appendix M, contrary to EN-1 and the EIA Regulations. This deficiency encompasses both the absence of a general socio-economic assessment and the failure to quantify agricultural economic displacement arising from long-term land-use change.

In addition, the absence of any quantified assessment of agricultural economic output, rural employment, farm-business continuity or associated supply-chain effects arising from the long-term withdrawal of approximately 1,900 acres (773 ha) of productive agricultural land represents a material procedural failure.

This omission prevents the Examining Authority from understanding the scale, duration and distribution of socio-economic effects arising from land-use change, contrary to EN-1 and the EIA Regulations.

Required actions

To remedy this deficiency and enable a fully informed application of the planning balance under EN-1 and the NPPF, the Examining Authority should direct the Applicant

to submit an independent, proportionate Socio-Economic Impact Assessment that quantifies and assesses:

1. **Direct, indirect and induced employment effects**, clearly distinguishing between temporary construction employment and permanent operational roles, and identifying the likely geographic distribution of those jobs;
2. **Loss of agricultural economic output**, including agricultural GVA, tenancy income, and knock-on effects on associated rural services and contractors;
3. **Residential amenity and community effects** within at least **1 km of the red-line boundary**, including impacts on tranquillity, outlook, recreational use and community well-being;
4. **Mitigation or community-benefit measures** proportionate to verified local losses, including whether any benefits can be secured through enforceable DCO requirements; and
5. **A distributional analysis** showing how socio-economic harms and any benefits are apportioned across different settlements and groups, including farmers, tenants, local SMEs, and vulnerable residents.

Until such information is provided, the socio-economic implications for rural employment, farming continuity, and community amenity remain insufficiently assessed. In those circumstances, the Examining Authority cannot be satisfied that it has before it the “sufficient and reliable information” required to apply the sustainable development balance on a fully informed basis, as required by EN-1, EIA Regulations, and NPPF provisions for achieving sustainable development.

Without quantified evidence of socio-economic effects, the EN-1 planning balance cannot be applied on an informed basis.

9.2 Property-value and market stigma evidence from other DCOs

Experience from comparable Nationally Significant Infrastructure Projects suggests that large-scale energy developments frequently give rise to sustained community concern regarding perceived or ‘generalised’ property blight. In several recent DCO examinations, Examining Authorities have explicitly acknowledged resident representations describing reduced property marketability, increased difficulty in selling or mortgaging homes, and heightened perceptions of risk arising from proximity to extensive infrastructure, construction traffic, and landscape industrialisation.

In particular:

- **Cleve Hill Solar Park** (EN010085, ExA Report s.5.11.32),
- **Sunnica Energy Farm** (EN010106, ExA Report s.5.12.45), and
- **A428 Black Cat–Caxton Gibbet** (TR010044, ExA Report s.5.13.2)

each record that, while impacts on property value *per se* are not compensable or determinative planning matters, such representations were treated as evidence of wider effects on residential amenity, tranquillity, outlook, perceived safety, and community well-being. In those examinations, the Secretary of State and Examining Authorities recognised that market-stigma concerns are often symptomatic of underlying environmental and social effects that are material to the planning balance.

This approach is consistent with EN-1, which requires assessment of land-use compatibility, amenity and socio-economic effects, and with the EIA Regulations, which require consideration of effects on population and human health. It does not elevate property value as an independent planning test, but recognises that evidence of market concern can corroborate amenity and well-being impacts where supported by contextual analysis.

In the case of East Park Energy, no assessment has been provided addressing:

- the proximity of large-scale solar and BESS infrastructure to residential receptors;
- the potential for enclosure, loss of outlook, or reduced tranquillity; or
- the manner in which such effects may manifest in community perceptions, confidence, and residential amenity.

The absence of any structured assessment of these issues contrasts with the treatment adopted in comparable DCO examinations and results in a systematic understatement of socio-economic and population-related effects. As a consequence, the Environmental Statement does not demonstrate compliance with EN-1 or with the EIA Regulations in relation to population and human-health effects.

This constitutes **Procedural Deficiency #9B – Absence of assessment of amenity-related market-stigma effects and their relevance to population and human health**, as detailed in Appendix M.

9.3 Population and human health – assessment deficiencies

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) require an objective assessment of likely significant effects on *population and human health*. This obligation extends beyond physical safety to include effects arising from noise, disturbance, traffic, severance, loss of amenity, changes to the lived environment and cumulative stressors over time.

Notwithstanding the scale, duration and geographic spread of the Proposed Development, the Environmental Statement does not contain a coherent or methodologically robust assessment of human health effects. Instead, Chapter 16 (“Other Environmental Topics”) proceeds on the premise that significant effects were not anticipated at scoping stage and therefore seeks only to confirm non-significance. This approach presumes an outcome rather than testing effects and is inconsistent

with EIA best practice for a multi-year, multi-village Nationally Significant Infrastructure Project.

The assessment of human health effects is fragmented and relies heavily on cross-referencing to other topic chapters without:

- a defined population or health baseline;
- identification of sensitive receptors;
- a transparent assessment framework; or
- any structured evaluation of cumulative or prolonged effects.

In particular, the Environmental Statement fails to assess, in any meaningful or quantified way, health-related effects arising from:

- sustained construction traffic, congestion and driver stress on rural roads and through villages;
- prolonged construction duration (up to 30 months), repeatedly characterised as “short-term” without justification;
- construction and operational noise, including tonal and low-frequency noise from inverters, transformers and associated plant;
- changes to tranquillity, outlook, perceived safety and access to open countryside and Public Rights of Way; and
- cumulative stressors associated with long-term landscape change and uncertainty.

Mental health and wellbeing effects are asserted to be negligible or not applicable, yet no methodology, significance criteria or evidential basis is provided. Table 16.1 and the accompanying narrative are internally inconsistent, with mental health effects marked as “N/A” despite narrative claims that stress, anxiety and worry have been considered. This substitution of unsupported assertion for assessment prevents the Examining Authority from understanding either the nature or magnitude of potential effects.

Noise-related health effects are notably absent. While noise is addressed elsewhere in the ES in technical terms, there is no assessment of how continuous or intermittent noise exposure may affect sleep, stress, concentration or quality of life for nearby residents over the operational lifetime of the scheme. This omission is particularly material given the proximity of receptors, the rural baseline sound environment and the continuous nature of solar and BESS infrastructure.

The Environmental Statement also confirms that no cumulative human health assessment has been undertaken, despite overlapping construction activities, extended duration, multiple access routes and the interaction of traffic, noise, visual

change and loss of amenity across several settlements. This is inconsistent with the requirement to assess combined and interactive effects where multiple stressors may act together on the same population groups.

Across Chapter 16, conclusions of non-significance are repeatedly derived from assumed mitigation through outline management plans and future controls rather than from an objective assessment of worst-case effects. This approach inverts the EIA process by relying on mitigation to avoid significance instead of first identifying and evaluating likely effects. For an NSIP of this scale, such an approach does not provide a reliable basis for decision-making.

Taken together, these deficiencies mean that the Environmental Statement does not provide a clear, reasoned or evidence-based assessment of likely significant effects on population and human health. This omission is not just a matter of planning balance or weighting, but a failure to supply environmental information required by the EIA Regulations.

The legal and procedural implications of this omission, including its interaction with the Public Sector Equality Duty and the absence of a Health Impact Assessment, are addressed separately in Section 9.3 and summarised as a procedural deficiency in Appendix M.

This constitutes **Procedural Deficiency #9C – Absence of Health Impact Assessment and inadequate assessment of population and human health effects**, as detailed in Appendix M.

9.4 Public Sector Equality Duty and Health Impact Assessment – adequacy of evidence

As set out in Section 9.1.2, the conversion of open rural landscapes into enclosed industrial infrastructure can materially affect residential amenity, tranquillity, outlook, access to recreation, perceived safety and community well-being. These effects are not limited to visual amenity or property confidence but engage the statutory concept of “population and human health” under the EIA Regulations.

SEPE does not contend that a stand-alone Health Impact Assessment is mandatory in every NSIP case as a matter of law. The concern here is that, given the scale, duration, settlement proximity and multi-receptor effects of the Proposed Development, the application materials do not presently contain an equivalent structured assessment of population and human-health effects sufficient to enable the Secretary of State to demonstrate informed consideration of those matters, including their distribution across vulnerable and protected groups. On that evidential footing, a proportionate HIA, or a clearly equivalent assessment, would materially assist the Examination.

Lack of a coherent health-assessment methodology and internal inconsistency

The assessment of human health within the Environmental Statement relies heavily on cross-referencing to other topic chapters rather than setting out a coherent health-assessment methodology. No population baseline, receptor sensitivity framework, or significance criteria specific to health outcomes is presented.

In addition, the treatment of mental health within Chapter 16 is internally inconsistent. While narrative sections state that stress, anxiety and well-being have been “considered”, tabulated summaries identify mental-health effects as “not applicable” or provide a “no significance” evaluation. This inconsistency prevents verification of how mental-health impacts were assessed, weighed or dismissed, and further suggests that population and human-health effects have not been assessed in a structured or transparent manner.

Notwithstanding this, the application is not accompanied by either:

- a dedicated Health Impact Assessment (HIA), or
- a stand-alone statement evidencing compliance with the Public Sector Equality Duty (PSED) under s.149 of the Equality Act 2010.

This represents a material evidential omission.

Mischaracterisation of construction duration in health context

Construction effects within Chapter 16 are repeatedly described as “short-term”, despite the construction period extending to approximately 30 months. In EIA practice, a construction phase of this duration cannot reasonably be characterised as short-term for receptors experiencing sustained exposure to traffic, noise, visual change and disruption to daily routines.

The use of “short-term” terminology without justification risks understating the potential significance of health and well-being effects, particularly for residents living closest to access routes and work fronts. This further reinforces the need for a proportionate Health Impact Assessment capable of testing duration-related health outcomes rather than relying on generic temporal descriptors.

Omission of noise-related health pathway assessment

While the Environmental Statement addresses noise as a technical topic elsewhere, Chapter 16 does not assess noise-related health pathways, including potential effects on sleep, chronic stress, quality of life or cumulative annoyance arising from prolonged construction activity and continuous operational sources.

The Environmental Statement does not assess how predicted noise levels translate into health effects for affected populations. This is inconsistent with the EIA Regulations requirement to assess impacts on population and human health, and it is

unclear whether health effects have been properly assessed or simply assumed to be insignificant.

Under EN-1, read together with health objectives in the EIA Regulations, applicants are required to identify, assess and mitigate effects on population and human health, including those arising from:

- construction traffic and HGV movements;
- noise and disturbance;
- air quality and dust;
- severance or altered access to services, schools and PRowS; and
- changes to the lived environment that may disproportionately affect vulnerable groups.

The East Park Energy proposal would introduce each of these effects across multiple rural settlements (including Hail Weston, Great Staughton, Little Staughton, Pertenhall and Keysoe), yet no structured assessment of health or equality impacts has been provided.

Amenity, well-being and population effects

Section 9.1.2 establishes that reported concerns regarding property confidence and “blight” in comparable NSIPs are routinely treated by Examining Authorities not as valuation evidence, but as symptoms of wider amenity and well-being impacts, including loss of tranquillity, altered outlook, noise exposure, traffic stress and perceived safety.

Those same impacts:

- fall squarely within the EIA Regulations requirement to assess population and human health; and
- engage the PSED, because such effects are not experienced evenly across the population.

Children, older people, people with disabilities, those without access to private transport, and residents living closest to access routes or enclosed PRowS may experience disproportionate effects. Without a population baseline, receptor mapping or differential-impact analysis, these distributional effects cannot be understood or mitigated.

DCO precedent and established practice

Recent NSIP examinations confirm that stand-alone Health Impact Assessment (HIA) and equality-focused assessments are now standard practice where schemes give rise to population-level impacts:

- **North London Heat and Power Project (EN010071)** – a dedicated HIA was required to assess traffic, air quality, noise and cumulative health effects, with mitigation secured through DCO requirements.
- **Wylfa Newydd (EN010007)** – the ExA relied heavily on the submitted HIA and equality analysis in enabling the Secretary of State to discharge the PSED.
- **Hornsea Four Offshore Wind Farm (EN010098)** – a proportionate population-health assessment formed part of the socio-economic evidence base relied upon in the ExA Report.

In each case, the HIA and equality analysis were treated as essential decision-making evidence, not optional enhancements, thereby enabling the Secretary of State to demonstrate compliance with the requirements of the EIA Regulations and the Equality Act.

Public Sector Equality Duty implications

The PSED requires the Secretary of State, as decision-maker, to have “due regard” to:

- eliminating discrimination,
- advancing equality of opportunity, and
- fostering good relations between those who share protected characteristics and those who do not.

The duty must be discharged at the point of decision and on the basis of adequate evidence. Generic narrative statements within an ES do not suffice where impacts may be unevenly distributed.

In the absence of:

- identification of protected and vulnerable groups,
- assessment of differential impacts,
- targeted mitigation measures, and
- monitoring or adaptive-management commitments,

the Examining Authority and Secretary of State cannot be satisfied on the evidence currently available, that the PSED has been fully and properly addressed.

If consent were granted in the absence of a proportionate Health Impact Assessment or a clearly evidenced Public Sector Equality Duty analysis, the decision would be exposed to material legal risk. The Secretary of State must be satisfied, on the basis of adequate environmental information, that likely significant effects on population and human health have been properly assessed, as required by the EIA Regulations.

In the NSIP context, this obligation is strict: development consent cannot lawfully be granted where the information before the decision-maker is insufficient to support a reasoned conclusion. A failure to assess health effects, or to demonstrate that equality impacts have been consciously considered on an evidential basis, would therefore risk a finding that the decision was taken without sufficient information and in breach of a mandatory statutory duty.

Conclusion and required action

The absence of both a Health Impact Assessment and a Public Sector Equality Duty compliance statement constitutes a material evidential gap under:

- Equality Act 2010 s.149;
- EN-1;
- EIA Regulations.

This further supports **Procedural Deficiency #9C – Absence of Health Impact Assessment and inadequate assessment of population and human health effects**, as detailed in Appendix M.

SEPE respectfully requests that the Examining Authority requires the Applicant to submit:

1. A proportionate Health Impact Assessment, aligned with the amenity and well-being impacts identified in Section 9.1.2; and
2. A Public Sector Equality Duty Compliance Statement identifying protected and vulnerable groups, assessing differential impacts, and securing targeted mitigation through enforceable DCO requirements.

Until such evidence is provided, the application does not contain the information reasonably required to enable a properly informed decision under the EIA Regulations or to demonstrate compliance with the PSED.

9.5 Aviation safeguarding and aeronautical glare – receptor analysis

The Applicant's Glint & Glare Assessment (ES Appendix 5–6) does not clearly identify, consult, or assess the full range of aeronautical receptors that could reasonably be affected by reflective solar infrastructure. Potentially relevant receptors include civil aerodromes, military aviation operations, general aviation strips, HEMS and police helicopter activity, air-traffic control (ATC) positions, radar installations and low-level flight activity. This is potentially significant given that the Proposed Development sits within a complex aviation context influenced by nearby controlled airspace structures, aerodrome safeguarding environments and known low-altitude operating areas.

SEPE does not suggest that unacceptable aviation effects are established on the present material. The concern is that the Applicant's glint and glare assessment does not transparently identify the full receptor set, the basis of study-area selection, or the

consultation and safeguarding evidence relied upon to conclude that aviation effects can be discounted. In the absence of that information, the Examining Authority cannot confidently test whether the assessment scope is proportionate to the aviation context of the site.

The adequacy of the aviation assessment therefore engages several relevant policy and regulatory expectations, including:

- EN-1, which requires applications to be supported by sufficient and reliable information to enable the Secretary of State to reach a reasoned conclusion on likely significant effects;
- the Infrastructure Planning (EIA) Regulations 2017, which require the Environmental Statement to address potential accident and safety risks, including those affecting human health and operational safety; and
- established Civil Aviation Authority safeguarding principles (including CAP-based safeguarding guidance), which typically require receptor-led appraisal where reflective infrastructure may affect pilots, ATC operations or aviation radar assets.

The assessment presented within the Environmental Statement appears to rely on a limited study area and does not provide receptor-specific modelling or consultation evidence for potentially relevant aviation stakeholders. As a result, the Environmental Statement does not presently provide sufficient transparency for the Examining Authority or determine whether the environmental information is adequate for decision-making to understand how aviation receptors were screened or why certain receptors were excluded from detailed consideration.

These aviation-assessment limitations may also intersect with the scheme's wider safety and emergency-response context, including potential helicopter operations associated with emergency response to energy infrastructure incidents (including those relating to the BESS facilities discussed in Section 15). Where emergency aviation access routes or operating conditions could be affected, those interactions should be clearly identified and assessed so that the Examining Authority can understand whether operational constraints or mitigation measures may be required.

9.5.1 Expanded aviation safeguarding deficiency – civil, military, ATC, radar and low-level flight impacts unassessed

The Glint & Glare assessment submitted by the Applicant (ES Appendix 5–6 Parts 1–5) is not commensurate with the scale and risk profile of a large ground-mounted solar NSIP. It does not comply with safeguarding best practice because it:

1. restricts scope unreasonably (e.g. by applying an overly narrow horizontal study envelope and not modelling relevant aviation volumes and flight geometries);

2. omits key receptor groups entirely (military, general aviation, helicopter operations, ATC and radar); and
3. provides no evidence of structured engagement with the bodies typically consulted for safeguarding (CAA / NATS / MoD DIO / aerodrome operators and local strips).

This is a material defect under EN-1 and EIA Regulations: aviation glare is not a minor amenity issue, it is a potential accident-risk and safety constraint issue.

Civil aerodromes and controlled airspace receptors (proportionate worst-case scope)

Given that glare risk depends on geometry (sun angle, aircraft position/altitude, approach and holding patterns), a proportionate assessment must be receptor-led and extend beyond a token local buffer where relevant operational procedures could bring aircraft into a geometry where glare is plausible. The Applicant has not provided any receptor-specific modelling for nearby civil aerodromes and associated procedures, including:

- **London Luton** (including arrivals/holds/transition segments that may traverse relevant airspace volumes);
- **Cambridge** (including approach/departure geometries); and
- **Cranfield** (including training circuits and procedural patterns).

Military aviation and low-level flight

The Applicant has not assessed:

- MoD safeguarding receptors where reflective-surface effects may be relevant;
- low-level flight activity and low-angle glare scenarios; or
- military transit/training dynamics in the wider area.

Given the known sensitivity of low-level manoeuvres to reflectivity hazards, omission of low-altitude modelling is a substantive gap.

General aviation and local strips (0–15 km / local operating area)

The assessment omits nearby general-aviation receptors and local strips that are materially closer to the site and more likely to involve low-altitude operations, circuits and turns where glare geometry can be acute, including:

- Little Staughton Airfield (close-proximity receptor);
- Keysoe / microlight activity; and
- other local/agricultural strips and rotorcraft activity where relevant.

Helicopter operations and emergency aviation

No modelling is provided for HEMS/police rotorcraft corridors or operating areas, despite the relevance of emergency-response access and the interaction with the scheme's wider safety case (including BESS incident response).

ATC and radar

No assessment is provided of:

- ATC sightline impacts (where glare may affect visual monitoring), or
- radar/aviation infrastructure receptors, including the need for safeguarding submissions and responses.

Requested actions

SEPE requests that the Examining Authority requires:

- 1. A full Aviation Safeguarding and Glint/Glare Assessment, proportionate to a solar NSIP, including:**
 - receptor-specific modelling for relevant civil aerodromes and procedures;
 - explicit modelling of low-level and helicopter geometries where applicable;
 - ATC sightline appraisal where relevant; and
 - documented assumptions, sun-path parameters, panel tilt/azimuth ranges, and worst-case operational scenarios.
- 2. Documented safeguarding engagement and formal responses from:**
 - CAA (as relevant), NATS, MoD DIO, and affected aerodrome/strip operators.
- 3. If impacts cannot be excluded, DCO-secured mitigation (requirements /limits), including (as applicable):**
 - specification controls (e.g. anti-reflective treatments where justified);
 - operational limits on tilt/azimuth envelopes where necessary to remove glare geometry;
 - post-construction verification and reporting; and
 - enforceable remediation measures (re-angling, shielding, replacement) if exceedances occur.

This constitutes **Procedural Deficiency #9D – Omitted aviation glare safeguarding**, as detailed in Appendix M. Refs: EN-1; EIA Regulations; CAA safeguarding expectations (CAP-based).

If consent were granted on the basis of the current glint/glare material, the decision would be exposed to material legal risk. Aviation glare is a potential accident-risk

pathway and therefore falls squarely within the EIA requirement to assess safety and disaster risks in a manner commensurate with the project. Proceeding without receptor-led modelling and recorded safeguarding consultation responses risks a finding that the Secretary of State lacked sufficient, reliable environmental information to reach a reasoned conclusion on likely significant effects, contrary to EN-1 and EIA Regulations.

9.6 Security risk, organised theft and crime displacement linked to large solar and BESS sites

Recent national evidence appears to indicate that utility-scale solar developments are now a routine target for organised acquisitive crime, particularly theft of copper cabling, inverters and associated electrical plant. A UK-wide briefing drawing on police and industry intelligence records 80 reported solar-farm theft incidents in England and Wales between January and August 2024, involving in excess of 1,000 km of cable stolen and losses exceeding £4 million, with organised groups exploiting the remoteness, scale and high scrap value of solar infrastructure. These are not isolated incidents, but part of an established pattern of repeat targeting, hostile reconnaissance and asset stripping across rural solar sites.

These trends are directly relevant to the East Park Energy proposal, which comprises a large, highly dispersed solar development extending over approximately 773 ha, with extensive underground and surface cabling, multiple compounds, and a high-value BESS installation. The physical characteristics of the scheme, long perimeter lengths, fragmented parcels, rural access routes, and concentration of copper-rich assets, create a credible and foreseeable risk of theft, reconnaissance and attempted breach, particularly during construction but also throughout operation.

The Environmental Statement contains no assessment of construction-phase or operational security risk, hostile reconnaissance, or the potential displacement of organised crime into surrounding rural parishes. That omission is material for several interrelated planning reasons.

First, experience from comparable sites shows that where theft risk materialises, operators typically respond by escalating security measures over time: reinforced fencing, rapid-deploy CCTV towers, alarms, regular patrols and, critically, expanded night-time lighting. Such measures can fundamentally alter rural character, erode established dark-sky conditions, and introduce continuous illumination and activity into landscapes previously characterised by tranquillity. If the operational reality of East Park requires materially greater security infrastructure than currently assessed, then the LVIA, ecology and amenity conclusions are likely to understate long-term effects.

Secondly, and consistent with the analysis in Section 9.1.2, crime risk is relevant not as a proxy for property value compensation, but as evidence of wider amenity, well-being and community safety impacts. Fear of crime, disturbance from alarms and patrols, loss of perceived safety on rural lanes and Public Rights of Way, and anxiety

associated with repeated incidents are all capable of affecting residential amenity and mental well-being. These impacts fall squarely within the EIA Regulations requirement to assess effects on “population and human health”, and within EN-1’s consideration of community safety and amenity. The absence of any baseline or scenario assessment means these pathways have not been examined or mitigated.

Thirdly, the presence of a BESS compound materially elevates the significance of unauthorised access. Perimeter breaches are not merely a property-crime issue but can interact with safety and accident risk: deliberate damage, ignition sources, interference with systems, or obstruction of emergency access. These risks require integrated consideration alongside other hazard pathways, rather than being assumed away.

Fourthly, theft and attempted theft during construction can generate unplanned vehicle movements, police call-outs, emergency access and construction delays, undermining traffic and construction-management assumptions and increasing disturbance to nearby communities. Published evidence shows that solar sites are being targeted repeatedly and opportunistically, meaning these impacts are reasonably foreseeable rather than speculative.

From a procedural and legal perspective, the absence of any security or crime-risk appraisal leaves a gap in the assessment of population, community safety and human-health effects. Given the availability of recent UK evidence demonstrating widespread solar-site theft and repeat targeting, these impact pathways can reasonably be foreseen. Their omission therefore raises a material concern as to whether the Environmental Statement provides the information reasonably required to enable a fully “reasoned conclusion” on likely significant effects, particularly where mitigation (lighting, surveillance infrastructure, patrol regimes and fencing) may itself generate additional landscape, ecological, amenity and carbon impacts.

Under EN-1 (community safety, amenity and population effects) and the EIA Regulations (population and human health), the Applicant should therefore have provided a proportionate assessment of baseline security risk, foreseeable escalation, and the implications for residents, PRoW users, night-time amenity and rural tranquillity, together with clear mitigation and monitoring commitments. No such assessment is included.

Accordingly, SEPE submits that the Examining Authority should require the Applicant to provide a Security and Crime Risk Assessment proportionate to the scale and dispersed nature of the Order Limits. It should address:

- construction and operational theft risk,
- hostile reconnaissance scenarios,
- implications for BESS safety and emergency access, and

- the landscape and dark-sky consequences of security lighting and surveillance.

That assessment should be accompanied by a secured Security Mitigation Plan, prepared in consultation with the local police Designing Out Crime Officer, with enforceable parameters for lighting, fencing, alarms, monitoring and adaptive review should incident frequency increase.

In the absence of such evidence, security-related impacts remain unassessed, and the Environmental Statement cannot be relied upon to demonstrate compliance with EN-1 or the EIA Regulations in relation to community safety, amenity and population and human-health effects. This constitutes **Procedural Deficiency #9E – Omission of crime-risk, theft and hostile-reconnaissance assessment for solar/BESS infrastructure**, as detailed in Appendix M.

10.0 Site selection and spatial alternatives

A central flaw in the proposal is the absence of a robust, transparent sequential and comparative site selection exercise capable of demonstrating why a predominantly Best and Most Versatile (BMV) land-take is necessary. Notwithstanding the Applicant's assertion that a sequential assessment has been undertaken, the material presented does not demonstrate a policy-compliant exercise unconstrained by voluntary land availability or fixed connection assumptions. The following sub-sections therefore address the applicable policy framework, the spatial configuration of the scheme, the methodology used to define the search area, the Applicant's own siting evidence, independent contextual evidence, and the implications for the reasonable alternatives case.

10.0.1 Policy framework for sequential site selection

EN-1 recognises the urgent need for renewable generation but does not displace the siting discipline in EN-3 or the requirement to avoid the best agricultural land where reasonable alternatives exist. Grid proximity is not, in policy terms, an adequate substitute for sequential site testing: it cannot justify BMV use where other reasonably available deployment geographies or grid-interface strategies have not been transparently examined and eliminated on environmental and land-quality criteria.

Where an application relies on the national need case, EN-1 and EN-3 still require an evidence-based account of reasonable alternatives and application of the land-use hierarchy. In particular, EN-3 expects applicants to demonstrate that poorer-quality land, previously developed land, rooftop deployment and other lower-conflict options have been considered and, where relevant, reasonably discounted.

Where the assessment presented is confined to land assembled by voluntary agreement or evaluated within a pre-selected geography, the Examination cannot confidently determine whether the scheme reflects a policy-compliant sequential approach to site selection or the optimisation of a preferred location.

10.0.2 Spatial configuration, design efficiency and land-use optimisation

In addition to the absence of a transparent sequential assessment, the spatial configuration of the Proposed Development raises a distinct issue of design efficiency and land-use optimisation.

The scheme is not a single coherent installation but a dispersed assemblage of solar parcels extending across approximately 12.5 km. Such fragmentation increases land-take, cable routing, access infrastructure, construction disturbance and long-term operational footprint relative to a more compact configuration delivering equivalent capacity. It also materially increases the number of environmental interfaces with soils, watercourses, heritage assets, habitats and communities, thereby amplifying cumulative effects.

Large-scale energy infrastructure is normally expected to be spatially coherent and land-efficient, minimising environmental exposure while maximising output per hectare of land disturbed. A patchwork deployment across multiple non-contiguous fields of varying topography suggests that the layout has been shaped primarily by land availability within the selected search zone and by the availability of participating landowners, rather than demonstrable optimisation of engineering efficiency, environmental performance or proximity to the point of grid connection across the wider feasible geography.

This issue is particularly relevant where compulsory acquisition powers are sought through the DCO. If granted, these powers would enable the Applicant to acquire land compulsorily irrespective of whether voluntary agreements are reached with affected landowners, subject only to the statutory tests set out in the Planning Act 2008.

The justification for acquiring land across a wide geographical area is materially stronger where a compact and optimised configuration has been robustly explored and shown to be unachievable. Conversely, a dispersed layout that increases infrastructure complexity, environmental exposure and community impact raises fundamental questions as to whether the extent of land-take is necessary to deliver the project, or whether it reflects a design constrained by land availability rather than optimisation.

In these circumstances, the absence of a transparent and comparative alternatives assessment undermines the ability of the decision-maker to conclude that the proposed compulsory acquisition powers are justified, proportionate, and compliant with the statutory tests required for inclusion within a DCO.

The absence of evidence demonstrating that more compact or lower-impact configurations were tested reinforces the conclusion that the current layout reflects a land-assembly outcome rather than a design-led infrastructure solution. This bears directly on EN-1's expectation that nationally significant infrastructure should represent good design and efficient use of land, and on EN-3's emphasis on minimising environmental harm through siting choices.

10.0.3 Grid-led search methodology and alternatives evidence

APP-063 indicates that the Applicant's alternatives work in respect of grid connection is confined to refinement of corridor options to a predetermined point of connection (Eaton Socon Substation), rather than a comparative appraisal of alternative grid nodes or deployment strategies. A 15 km search radius around Eaton Socon was adopted as a starting point, and the Proposed Site Area subsequently emerged through landowner negotiation within that preferred geography. The application documents do not provide comparative technical evidence demonstrating that this 15 km radius represents an unavoidable engineering constraint, as opposed to a project-specific design assumption adopted for delivery convenience.

This sequence indicates that land availability materially shaped the solution set prior to any transparent sequential assessment of lower-conflict or non-BMV land options. Corridor refinement within a fixed connection geography is not equivalent to a policy-compliant assessment of reasonable alternatives.

SEPE recognises that grid connection feasibility is a legitimate and often determinative constraint. The concern is not that grid considerations were taken into account, but that the interaction between grid feasibility, land quality and environmental constraints has not been transparently evidenced. In particular, the Environmental Statement does not explain why alternative deployment geographies beyond the 15 km radius, or connection strategies involving longer cable routes, were not examined on a comparable basis before the search area was fixed.

The corridor appraisal also proceeds on the assumption that construction effects are temporary and that land can be restored to its previous use. However, no supporting evidence is provided demonstrating that restoration of BMV soils to the required agricultural standard is achievable in practice. Where temporary impact is relied upon as mitigation, deliverability must be demonstrated rather than assumed.

The evidence indicates that the search area was defined primarily by connection convenience and land assembly opportunity rather than by a sequential test for avoiding BMV land across the full range of reasonably available locations. The 15 km radius is justified largely on delivery risk, programme and engineering constraints associated with long cable corridors. However, publicly documented NSIP-scale solar schemes have proceeded with materially longer grid-connection corridors, including, for example, Green Hill Solar Farm (c. 20–21 km) and the Cottam Solar Project (c. 20 km). These projects are not relied upon as direct comparators, but they demonstrate that connection distances substantially exceeding 15 km are technically feasible in practice and cannot be treated as inherently prohibitive.

The Applicant's decision to confine site selection to a 15 km radius around the Eaton Socon connection point materially constrained the pool of reasonable alternatives at the outset. A search radius of 15 km encompasses approximately 70,700 hectares (174,700 acres), whereas extending the radius to 20 km would increase the potential area to about 125,700 hectares (310,500 acres), an additional c. 55,000 hectares (135,800 acres), representing an expansion of roughly 78%. Publicly documented solar NSIP schemes demonstrate that connection distances materially exceeding 15 km are technically feasible in practice, and therefore the selected radius cannot be treated as an inherent engineering limit. By excluding a substantially larger surrounding geography, including areas likely to contain lower-grade agricultural land, previously developed land or alternative environmental conditions, the Applicant materially narrowed the range of potentially less harmful deployment options before any transparent comparative assessment was undertaken.

In circumstances where the draft DCO seeks compulsory acquisition powers precisely to assemble land that is otherwise unavailable by agreement, reliance on a

geographically constrained search area defined by delivery convenience cannot demonstrate that the chosen location represents the least harmful reasonable option or that the extensive loss of Best and Most Versatile land is unavoidable. In the absence of clear evidence that wider areas were technically, economically or environmentally infeasible, the Examination cannot be satisfied that the scheme complies with the sequential siting discipline in EN-1 and EN-3, the reasonable alternatives requirement of the EIA Regulations, or the statutory necessity test for compulsory acquisition under the Planning Act 2008.

Reliance on voluntary land agreements within a constrained search area cannot, of itself, demonstrate that alternative locations were not reasonably available for the purposes of EN-1, EN-3 and the Planning Act 2008, particularly where the draft DCO seeks compulsory acquisition powers precisely to assemble land that is otherwise unavailable by agreement.

Within the Applicant's own assessment, Zone C is identified as containing a materially larger proportion of non-BMV land than Zones A and B. It is then discounted primarily because the connection route is described as complex and commercially challenging. This illustrates that environmental outcomes were filtered through a corridor feasibility lens rather than compared on a transparent policy-based hierarchy. The application does not present evidence demonstrating that engineering solutions, alternative routing strategies, phased delivery approaches or statutory acquisition mechanisms were systematically examined before concluding that this lower-conflict zone was not reasonably deliverable.

The effect is to invert the intended policy sequence: instead of identifying the least harmful geography and then testing deliverability, the appraisal fixes the grid interface and evaluates land through a delivery-risk framework. On the evidence available, this does not demonstrate that the selected configuration represents the least harmful reasonable option. Rather, it indicates that the scheme envelope reflects the interaction of a predetermined connection assumption and the availability of land within that constrained geography, rather than a transparent sequential assessment across the full range of technically feasible and policy-compliant alternatives.

10.0.4 Evidence from the Applicant's siting documents

The Applicant's Land Identification Reports indicate that the scheme boundary evolved primarily through landowner availability and the objective of maintaining export capacity, rather than through a documented sequential avoidance exercise.

No evidence is presented that a sequential comparison of non-BMV, previously developed or rooftop opportunities was undertaken following these changes, nor that alternative land parcels outside the voluntary land assembly were assessed for potential acquisition where necessary to deliver a lower-impact scheme.

The June 2022 report describes a high-level review of land offered within the selected search zone. The October 2022 Addendum records that the developable area within

the initial site envelope was insufficient to maximise the grid connection, prompting expansion of the land assembly. This expansion is justified in terms of capacity delivery rather than avoidance of environmental or land-quality impacts.

The January 2024 Further Addendum shows the same pattern. Following identification of a nationally significant archaeological constraint within Site C, additional land was sought to avoid a reduction in generation output and to continue to maximise the connection capacity.

While adaptive design evolution is not inherently improper, this documentary record indicates that constraints were addressed by enlarging the scheme footprint rather than by reconsidering alternative locations or configurations. No evidence is presented that a sequential comparison of non-BMV, previously developed or rooftop opportunities was undertaken following these changes.

The Planning Inspectorate's guidance on EIA and the Rochdale Envelope indicates that the reasonable alternatives narrative should be sufficiently developed before the application is fixed to enable the Examining Authority to understand what was tested, what was rejected and why.

On the evidence available, the evolution of the scheme boundary reflects a connection-maximisation process rather than a demonstrated least-harm spatial outcome.

10.0.5 Independent spatial evidence on least-conflict deployment

Independent national spatial evidence further illustrates the importance of a sequential approach. The Friends of the Earth (2023) report *How England can produce more onshore renewable energy fast* applies a transparent GIS-based methodology assessing renewable potential within proximity to existing electricity substations while systematically excluding or buffering a wide range of environmental and land-use constraints. These include protected habitats, designated landscapes, high-grade agricultural land (Grades 1 and 2), public green space, residential areas, heritage assets, woodland, infrastructure corridors, water bodies and other sensitive receptors, together with screening for minimum viable site size. The analysis therefore reflects many of the same planning considerations that underpin EN-3's land-use hierarchy.

The study is not relied upon as a site-allocation exercise but as evidence that a structured, constraint-led screening approach is practicable using publicly available data. It demonstrates that least-conflict capacity can be systematically identified while maintaining proximity to existing grid infrastructure.

This analysis identifies areas capable of accommodating substantial deployment with reduced land-use conflict and shorter connection distances. Cambridgeshire, Bedfordshire and Huntingdonshire do not appear among the highest-potential areas identified under that least-conflict framework. Notably, these authorities do not feature within the top ten areas identified by the grid-proximate least-conflict methodology,

suggesting that East Park is not uniquely identified as a priority geography for NSIP-scale ground-mounted solar under a sequential siting logic.

This evidence does not imply that development in this region is inappropriate. Rather, it demonstrates that substantial lower-conflict capacity may exist elsewhere and therefore reinforces the need for a transparent explanation of why this predominantly BMV location was selected in preference to alternatives.

FoE (2023) is cited as an example of a publicly documented screening methodology derived from open datasets, not as a binding site-selection tool. Where a proposal would displace a nationally significant resource for a multi-decade period, the alternatives obligation is not geographically trivial. The existence of a replicable least-conflict methodology indicates that a proportionate, evidence-based sequential assessment could have been undertaken. The Applicant has not presented any comparable constraint-led national or regional screening exercise to justify why extensive Best and Most Versatile agricultural land in this location represents a necessary outcome.

The existence of a replicable least-conflict methodology indicates that a proportionate, evidence-based sequential assessment could have been undertaken independent of landowner participation constraints. Failure to engage with comparable least-conflict evidence indicates that the alternatives case is procedurally incomplete rather than simply a matter of planning judgement.

10.0.6 Consequences for the reasonable alternatives case

Taken together, the policy framework, spatial configuration, grid-led methodology, the Applicant's own siting evidence, and independent contextual material indicate that the submitted documentation does not constitute a transparent and policy-compliant reasonable alternatives assessment capable of demonstrating that the extensive BMV land-take is necessary or proportionate.

Designated EN-3 strengthens, rather than relaxes, the sequential discipline. It emphasises a land-use hierarchy in which:

- BMV land should be avoided wherever reasonably possible;
- grid proximity does not override the requirement to demonstrate that poorer-quality or previously developed land could meet the same objectives; and
- applicants are expected to evidence efficient use of land, including co-location and lower-conflict options.

The Environmental Statement does not demonstrate that this hierarchy has been applied. The alternatives narrative is largely confined to corridor selection and design evolution within a pre-selected land assembly and grid-connection geography, without demonstrating that lower-impact locations were unavailable or could not reasonably have been assembled through compulsory acquisition powers where necessary.

The Applicant's Land Identification Reports indicate that the scheme boundary evolved primarily in response to landowner availability and the objective of maintaining export capacity. As constraints emerged, including archaeological discoveries requiring removal of developable land, additional land was incorporated to preserve generation output rather than through a documented re-application of a sequential BMV-avoidance exercise. While such evolution is not inherently improper, it reinforces that the land envelope reflects connection-maximisation logic rather than a demonstrated least-harm spatial outcome.

Planning Inspectorate guidance on Environmental Impact Assessment and the Rochdale Envelope indicates that the reasonable alternatives narrative should be sufficiently developed at application stage to enable the Examining Authority to understand:

- what alternatives were considered;
- which were rejected; and
- the principal reasons for selection of the proposed scheme.

On the evidence available, that level of transparency is not achieved.

Where an Applicant relies on the national need case to justify substantial and long-duration occupation of BMV agricultural land, EN-1 and EN-3 expect a proportionate evidence base demonstrating why lower-conflict alternatives are not reasonably deliverable. An assessment limited to land secured by voluntary agreement does not, of itself, demonstrate that such alternatives are unavailable. In the absence of such evidence, the Examination cannot determine whether the proposal represents the least harmful option capable of meeting the project's objectives.

Broader lifecycle considerations reinforce this conclusion. Evidence relating to upstream environmental impacts and resource intensity of photovoltaic supply chains strengthens the policy rationale for minimising greenfield and BMV footprints where practicable. If substantial lower-conflict capacity exists, siting on high-grade agricultural land requires clear comparative justification.

Requested actions / examination requirements:

1. Mapping of non-BMV and lower-conflict land within proximity of each feasible grid-connection option
2. Written confirmation from relevant network operators regarding capacity and feasibility of alternative connection points
3. A transparent alternatives matrix assessing options against EN-3 siting principles and land hierarchy
4. Disclosure of underlying constraint layers and parcel-screening outputs (including application of the 15 km search radius)

5. Provision of underlying GIS data to enable independent verification of the sequential testing exercise

Absence of such information materially limits the Examination's ability to test the Applicant's alternatives case.

These matters support **Procedural Deficiency #4A – Failure to assess integrated grid and site alternatives** and **Procedural Deficiency #10A – Absence of a quantified need and proportionality case**, as detailed in Appendix M.

In the absence of a transparent, evidence-based sequential assessment, unconstrained by voluntary land availability and fixed grid assumptions, demonstrating why extensive BMV agricultural land use is required, there is a risk that the Examining Authority may not have sufficient information to be satisfied that national policy has been fully addressed. As EN-1 forms part of the designated National Policy Statement framework relevant to decision-making under the Planning Act 2008, evidential uncertainty in relation to policy compliance may affect the ability of the Secretary of State to reach a confident conclusion on the planning balance.

10.1 Rooftop solar potential within Eaton Socon catchment (15 km radius)

A preliminary spatial audit of industrial and logistics roof areas within a 15 km radius of the Eaton Socon substation indicates that a meaningful quantum of renewable generation capacity could be delivered locally on existing rooftops, which would, in principle, avoid any loss of BMV agricultural land. This localised review is consistent with the nationally applied spatial methodology developed by Friends of the Earth (2023), which prioritises grid-proximate rooftops and previously developed land before consideration of greenfield or BMV agricultural sites.

Using publicly documented data on large-format industrial and logistics premises, the assessment identifies at least 1.7 million square feet (c. 158,400 m²) of potentially suitable roof area within the defined catchment. Documented examples include:

- Symmetry Park, Biggleswade – in excess of 827,000 sq ft (c. 76,880 m²) across multiple recently constructed logistics units;
- G-Park Bedford (Wixams) – approximately 536,000 sq ft (c. 49,800 m²) across three warehouse buildings;
- Total Park Wixams – approximately 235,000 sq ft (c. 21,830 m²); and
- Stratton Business Park, Biggleswade – Unit 2 alone providing 106,522 sq ft (c. 9,900 m²), with several comparable units on the same estate.

The examples cited are illustrative rather than exhaustive and were selected on the basis of publicly documented floor area and proximity to the grid interface rather than any assessment of individual site deliverability.

Applying conservative engineering assumptions, a 50% usable roof fraction (to account for plant, skylights and setbacks) and a power density of 0.15 kWp/m², this documented subset alone could host approximately 11.8 MWp of rooftop solar capacity, generating around 11–12 GWh per annum under typical East of England irradiance conditions. These assumptions are deliberately cautious and are intended to provide a minimum indicative capacity, not an upper-bound estimate. No assumption is made regarding structural suitability, ownership consent or connection availability at individual sites; these matters would require project-level assessment by the Applicant. The purpose of this analysis is solely to demonstrate that potentially suitable, grid-proximate developed surfaces exist at scale within the relevant catchment and therefore warrant consideration within a proportionate alternatives appraisal.

This does not imply rooftop delivery is a like-for-like substitute for a single NSIP; rather, it indicates that material grid-proximate, non-BMV capacity exists and should have been screened and evidenced within the sequential exercise irrespective of ownership fragmentation or commercial complexity. While this quantified subset represents a small proportion of the proposed installed capacity, it illustrates the presence of non-BMV opportunities within the same grid catchment that have not been transparently examined either individually or cumulatively.

EN-3 establishes a clear land-use hierarchy for solar deployment: previously developed land, rooftops and co-location opportunities should be considered before agricultural land, particularly BMV soils. EN-3 does not mandate rooftop deployment but establishes a clear expectation that lower-conflict options are considered before development on BMV land. Against that policy context, the complete absence of any rooftop appraisal within the Applicant's Environmental Statement is difficult to characterise as a minor technical omission. Rather, it represents a failure to evidence compliance with the sequential siting requirement embedded in EN-3 and EN-1.

This evidence is not advanced to suggest that rooftop deployment should replace utility-scale generation, but to demonstrate that lower-conflict deployment pathways exist and therefore require transparent consideration within a policy-compliant sequential appraisal.

The capacity identified above represents only a partial and conservative snapshot of available roof-stock. It does not include additional industrial estates within St Neots / Eaton Socon, Huntingdon (including Stukeley Meadows), Bedford (Marsh Leys and Bedford Link), Sandy or Pottton, all of which contain extensive modern industrial roofing that could materially increase the available capacity once systematically assessed. The analysis should therefore be understood as a floor estimate, not a comprehensive ceiling of potential capacity.

Crucially, these rooftop resources lie within the same grid catchment as the proposed East Park Energy development and are spatially clustered close to the Eaton Socon substation. As a result, they would, in principle, avoid agricultural land-take and may

offer locational advantages in grid-proximate deployment, subject to connection feasibility and network constraints. These characteristics directly engage the sequential and proportionality principles in EN-3.

Despite this, the Applicant has provided no systematic assessment of rooftop solar alternatives within the substation catchment in the application documents. This omission is inconsistent with EN-1 and EN-3, both of which require applicants to demonstrate that the use of high-grade agricultural land is necessary only after lower-conflict options have been examined and reasonably discounted. It is also inconsistent with the sequential siting principles in EN-1 and EN-3, which expect applicants to demonstrate that previously developed land, rooftops and other lower-conflict options have been examined before reliance on Best and Most Versatile agricultural land.

The existence of demonstrable, grid-connected rooftop capacity within the same catchment therefore weakens the Applicant's assertion that the permanent or long-term occupation of over 773 ha of predominantly BMV farmland is required to achieve the project's objectives. A proportionate rooftop alternatives appraisal, supported by correspondence from the relevant DNO/NGESO confirming available capacity, would be necessary to substantiate any such claim.

More broadly, the presence of substantial industrial roof-stock within the relevant grid catchment indicates that lower-conflict deployment pathways may exist locally and therefore require transparent consideration within a sequential alternatives appraisal. The failure to assess and prioritise available rooftop and brownfield options means that the proposal does not currently satisfy the sequential site selection or reasonable alternatives tests required by EN-1, EN-3 and the NPPF provision for conserving and enhancing the natural environment.

This also reinforces **Procedural Deficiency #4A – Failure to assess integrated grid and site alternatives**, detailed in Appendix M. The Environmental Statement does not present a proportionate assessment of rooftop, car-park canopy, brownfield or other lower-conflict solar deployment opportunities within the relevant grid-connection catchment. Where demonstrable grid-proximate rooftop or previously developed land capacity exists and has not been assessed or transparently discounted, the Applicant cannot substantiate a claim that the long-term occupation of Best and Most Versatile agricultural land is necessary. In those circumstances, the Examination may not have sufficient information to conclude that the proposal accords with EN-1 and EN-3 in respect of land-use efficiency and solar siting.

10.2 Economic efficiency and system integration constraints

A growing body of academic and system-level analysis has examined the proportionality and system efficiency of large-scale ground-mounted solar deployment in the UK, particularly when assessed against climatic constraints, grid integration limits, and land-use trade-offs.

Academic commentary by Renaud Foucart, Senior Lecturer in Economics at Lancaster University, notes that the UK's latitude and maritime climate inherently limit solar irradiance, such that even substantial land allocations to photovoltaic generation deliver relatively modest contributions to total electricity demand. Foucart further observes that, notwithstanding extensive investment in renewables, UK electricity prices remain among the highest in Europe, with consumer costs driven in part by grid inefficiencies, intermittency management, and the need for ongoing network reinforcement rather than generation costs alone (Foucart, 2025, *Why electricity costs so much in the UK (it's not all about weather)*).

Recent independent economic and systems analysis indicates that large-scale solar deployment in the UK operates within structural cost and system constraints when compared with more favourable global locations. Hughes (2024) observes that Britain's solar resource is intrinsically limited by latitude and maritime climate, with capacity factors materially lower than those achieved in southern Europe or arid regions. As a result, the performance envelope of utility-scale solar in the UK is structurally constrained irrespective of site design.

On this basis, UK grid-scale solar schemes remain reliant on public support mechanisms to achieve financial viability. Recent independent modelling (Hughes, 2024) indicates that UK solar operates with structurally lower load factors relative to southern European markets and that breakeven prices in certain modelling scenarios may fall materially above historic wholesale averages. Depending on financing and cost assumptions, modelling suggests breakeven ranges of approximately £120–£150/MWh (2023 prices), can exceed historic wholesale averages in certain scenarios, particularly under conservative capacity-factor and degradation assumptions. These modelling outputs are scenario-based and sensitive to cost and financing assumptions, but are relevant insofar as they illustrate system-level marginal value dynamics rather than project-specific viability.

While these figures are not determinative of any individual scheme, they underscore that not all megawatts deliver equivalent system value and that marginal system benefit declines as solar penetration increases, particularly during periods of surplus generation. Operating costs are reported to be significantly higher than commonly assumed in policy modelling and tend to increase with asset age, while output typically declines by 1–2% per annum after the third year of operation. These characteristics raise legitimate questions as to whether the effective economic life of UK solar assets aligns with commonly asserted operational periods of 35–40 years, particularly when assessed against long-term land-use impacts.

At the system level, Hughes' modelling suggests that incremental solar capacity delivers diminishing marginal system benefits once penetration increases. Under high-solar scenarios, the addition of 40 GW of capacity is estimated to reduce peak backup requirements by only around 4 GW, while surplus generation conditions could occur during over 37% of annual hours, a substantial share of annual hours in some

scenarios. Extended periods of zero or negative wholesale prices during such surplus conditions would be expected to depress revenues and increase reliance on subsidy support. Even with the addition of substantial short-duration battery storage (e.g. 20 GW of four-hour capacity), the reduction in firm backup requirements remains limited.

These findings do not purport to determine the acceptability of any individual project. However, they are directly relevant to spatial and proportionality judgements. Where solar capacity is deployed on high-grade agricultural land, the opportunity cost per hectare is materially higher than for equivalent capacity delivered on rooftops, brownfield land or other low-conflict sites. This reinforces the rationale of the NPPF provision for conserving and enhancing the natural environment and EN-3 in directing solar development to locations where the greatest carbon and system benefit per hectare and per public pound can be achieved.

In this context, system-value modelling is not advanced as a determinative test. Rather, it is relevant evidence under EN-1, which requires decision-makers to consider whether claimed public benefits are proportionate to the scale, duration and reversibility of environmental and land-use harm. In a mid-resource country experiencing increasing curtailment, efficient spatial siting becomes an integral component of the planning balance, not a peripheral consideration.

Applied to East Park Energy, this evidence reinforces that large ground-mounted solar development on BMV agricultural land is not self-evidently the least-cost or most strategic means of delivering decarbonisation benefits. Spatially targeted rooftop, brownfield and other lower-conflict sites close to substations, of the type identified in Section 10.1, are more likely to maximise carbon savings per hectare and reduce system inefficiencies than land-intensive greenfield schemes in sub-optimal locations.

Generic references to temporary construction employment or community-benefit funds do not address this issue. Such benefits are common to most solar developments and are not material to compliance with EN-3, which focuses on siting efficiency, land hierarchy and avoidance of unnecessary harm, rather than project-specific economic spin-offs.

The robustness of the Applicant's claimed lifecycle carbon performance, including manufacturing-origin uncertainty, replacement assumptions, BESS operational mode and end-of-life governance, is addressed in detail in Section 18. SEPE relies on that analysis in submitting that the claimed climate benefits cannot be afforded substantial weight on the evidence presently before the Examination.

Legal and empirical context on land irreversibility

The East Marsh (2022) decision and the Valley Farm, Wherstead appeal (APP/X3540/A/13/2196046) both treated the long operational duration of solar development on BMV land as effectively permanent in planning terms unless supported by robust, evidence-based restoration commitments. While not binding

precedent, these decisions reflect a consistent line of Planning Inspectorate reasoning that long-term soil structural change beneath solar arrays materially limits reversibility.

This approach is consistent with academic and governmental evidence (including Moscatelli et al., 2022 and Welsh Government, 2023), which indicates that post-decommissioning soil recovery on compacted or structurally altered land can take multiple decades and may never fully restore original yield potential. Against that evidential background, claims that long-duration solar development on BMV land should be treated as a “temporary” use require clear and verifiable restoration evidence, not assumption.

Taken together, the system-efficiency evidence and land-use precedent underline that the proportionality of benefit to impact is a material issue for East Park Energy. In the absence of a transparent cost-benefit and carbon-efficiency justification demonstrating why this high-grade agricultural location represents an optimal use of land and public support, the proposal does not presently meet the evidential expectations of EN-1.

This constitutes **Procedural Deficiency #10B – Absence of a cost-benefit and carbon-efficiency justification**, as detailed in Appendix M, demonstrating that claimed public benefits are proportionate to land-take and environmental impact, contrary to EN-1.

EN-1 requires the Examining Authority to assess whether claimed public benefits are proportionate to the scale, duration and reversibility of harm. Where credible evidence indicates that system-level benefits are marginal and diminishing, failure to interrogate proportionality risks an unlawful planning balance. If benefits are assumed rather than demonstrated, particularly where irreversible loss of nationally significant land is proposed, the resulting recommendation may be vulnerable to challenge for irrationality or failure to apply the statutory planning balance.

10.2.1 National solar efficiency and policy context

Independent system-level modelling by Professor Tony Day (2025), *Modelling of GB Grid-Scale Solar PV Generation*, provides decision-relevant evidence on the national contribution and land-efficiency limits of large-scale, ground-mounted solar PV in Great Britain (Appendix E). Across deployment scenarios for the UK targets of 45 GW and 75 GW, the modelling identifies persistently low national average capacity factors (c. 9.5–11%), reflecting the structural constraints of UK latitude, seasonality and irradiance profile, rather than any site-specific design choice.

The modelling further identifies rapidly diminishing marginal system benefit beyond roughly c. 45 GW of installed solar capacity, as congestion, curtailment and temporal mismatch with demand increasingly constrain delivered value. Even under the very high 2035 deployment target (c. 75 GW), against rising demand, solar is modelled to supply only c.13% of annual UK electricity demand, because winter irradiance remains low and surplus summer output increasingly cannot be used without extensive

balancing/curtailment. The same scenarios imply substantial land demand: modelling indicates c. 375,000 acres of land at c. 75 GW, around c. 2.5% of UK cropland.

These findings matter for proportionality and land hierarchy, not because they ‘oppose solar’, but because they demonstrate that headline MW deployment does not translate into proportionate national benefit per hectare once deployment scales up and curtailment/mismatch intensify. In that context, proposals that displace large areas of BMV land require a clear, evidence-based explanation of why lower-conflict alternatives cannot deliver comparable benefit, consistent with EN-1/EN-3’s sequential discipline.

Applying a typical solar yield of 9.5%–11% to a 400 MW scheme would generate approximately 333–385 GWh per annum. The Applicant’s stated output of 433.2 GWh implies a materially higher capacity factor (c.12–13%), the basis for which is not explained. Even on that higher assumption, the Scheme would contribute only around 0.1–0.15% of UK annual electricity demand, while occupying c. 773 hectares for a multi-decade operational period on land that is predominantly BMV. When assessed on a per-hectare basis and in national contribution terms, the modelling context in Appendix E reinforces that spatial efficiency and land selection are integral to policy compliance: the national need case does not remove the requirement to demonstrate that this BMV outcome is necessary and proportionate, relative to lower-conflict siting options. This limits the ability to apply EN-1 planning balance.

This further supports **Procedural Deficiency #10A – Absence of a quantified, scheme-specific need and proportionality case**, contrary to EN-1, EN-3 and the NPPF provision for conserving and protecting the natural environment, as detailed in Appendix M.

(See Appendix E – Independent Evidence – Professor Tony Day.)

10.2.2 Contracts for Difference, wholesale price exposure and land-use proportionality

Under Allocation Round 7, the Administrative Strike Price for Solar PV (>5MW) is set at £75/MWh (2024 prices), with modelling based on a 7.1% real hurdle rate and a 20-year contract term. The Department explicitly states that ASPs are auction backstops and do not represent the Government’s central view of generation cost.

CfDs provide revenue stabilisation by guaranteeing a strike price relative to the wholesale market reference price. Where wholesale prices fall below the strike price, top-up payments are made to the generator; where wholesale prices exceed the strike price, payments flow back to consumers.

However, CfD support is technology-wide and spatially neutral. It does not differentiate between projects located on brownfield land, rooftops, lower-grade agricultural land or extensive BMV soils. Nor does it internalise agricultural opportunity cost or long-term land-use displacement.

In recent years, wholesale electricity prices have exhibited significant volatility, including sustained periods below £75/MWh outside crisis conditions. In such periods, CfD-supported solar generation receives consumer-funded top-up payments. Conversely, during high-price periods, generators may repay the difference. Over a 20-year contract horizon, exposure to prolonged low-price conditions remains a material commercial risk which the CfD mechanism socialises across consumers.

In planning terms, this is relevant not because subsidy is impermissible, but because EN-1 requires that the public benefits relied upon are proportionate to the scale, duration and reversibility of environmental harm. Where public financial support mechanisms underpin viability, the spatial efficiency of deployment becomes a material consideration.

The CfD modelling assumptions (load factor 12% for solar, 20-year term, 7.1% real hurdle rate) are national averages and do not demonstrate that this specific location yields superior system value per hectare. No site-specific efficiency comparison has been provided.

If a project's commercial viability depends upon long-term price support, and that project occupies nationally significant agricultural land for 40 years, it is incumbent upon the Applicant to demonstrate that no lower-conflict land could deliver equivalent carbon benefit with reduced opportunity cost.

10.2.3 BESS import capability and unbounded public-benefit claims

The Application states that the co-located Battery Energy Storage System (BESS) has a 100 MW import/export capability. In practice, a BESS configured with import capacity can charge from the grid as well as from on-site generation. This matters because the scheme is promoted primarily as low-carbon generation infrastructure, yet the BESS as consented is capable of operating as a merchant grid asset (charging during low-price periods and discharging during higher-price periods), including at times of low or no solar output.

In the absence of enforceable operational constraints, the Examining Authority cannot assume that the BESS will be used principally to time-shift electricity generated by the authorised solar arrays, rather than to arbitrage wholesale prices and ancillary-services markets using imported electricity from the wider system. Where the claimed public interest justification relies on decarbonisation, consumer benefit and grid resilience “from the scheme”, the existence of a substantial grid-import capability introduces a material evidential question: what proportion of BESS throughput is expected to be charged from the co-located solar, and what proportion from imported grid electricity?

This is not an objection in principle to storage. It is an objection to unbounded benefit-claiming. If the Applicant seeks to rely on the BESS as a material public benefit (price stability, reduced volatility, resilience, decarbonisation), then the Examination requires either:

- (i) a transparent, quantified operational case demonstrating the expected charging source mix, dispatch strategy and net system benefit; or
- (ii) enforceable DCO controls linking the BESS operation to the scheme's low-carbon generation case.

Without that evidence or those controls, BESS-related benefits should be afforded limited weight in the planning balance. SEPE does not contend that grid-charging is inherently unacceptable; the point is that, absent quantified operational evidence and enforceable controls, BESS-related “public benefits” cannot be assumed to be attributable to the scheme’s renewable generation case.

10.3 Implications for proportionality and alternatives

When considered in combination, this evidence indicates that schemes of the scale proposed at East Park, occupying extensive tracts of BMV agricultural land, are unlikely, in isolation, to materially influence national energy affordability, security of supply or system resilience. The anticipated annual output, estimated at c.0.1% of UK electricity consumption, must therefore be weighed carefully against the irreversible loss of high-grade agricultural land, cumulative grid inefficiencies, and food-security implications.

This is not an argument against solar generation *per se*. Rather, it engages directly with the planning balance required under EN-1, which obliges the Examining Authority to consider whether the public benefits claimed are proportionate to the environmental, land-use and socio-economic impacts identified. In a mid-resource solar context such as the UK, the efficiency of spatial siting becomes a material consideration: where equivalent or greater carbon benefit can be achieved through lower-conflict locations (including rooftops, brownfield land or grid-proximate non-BMV sites), the justification for extensive BMV land-take necessarily attracts closer scrutiny.

Accordingly, the national efficiency evidence summarised above reinforces the need for a robust, evidence-based assessment of proportionality and alternatives, rather than reliance on generalised assertions of renewable energy need. Without such analysis, the Examining Authority cannot be satisfied that the scale of land-use impact proposed at East Park is clearly outweighed by demonstrable national or system-level benefits, as required by EN-1.

10.4 Agricultural land take and BMV compliance

The Applicant’s Environmental Statement (ES Vol. 1 Chapter 13 and ES Vol. 2 Appendix 13-1: *Agricultural Land Classification and Soil Resources*) confirms that

approximately 74% of the 773 ha Order Limits comprise Grade 2 and Sub-grade 3a soils, designated as BMV agricultural land. The remainder of the site is predominantly Grade 3b, with negligible areas of lower-quality land.

Crucially, within ES Vol. 1 Chapter 3 (s.3.8), the Applicant acknowledges that the relocation of key electrical infrastructure, including the Battery Energy Storage System (BESS) and the substation, from Site C to Site D results in development being placed on higher-grade agricultural land (Sub-grade 3a). This outcome is described by the Applicant as a “possible disadvantage.” That statement amounts to an explicit admission that the chosen design evolution increases, rather than minimises, the permanent loss of BMV land.

Such an outcome is directly contrary to the principles set out in EN-3 and the NPPF provision for safeguarding BMV agricultural land, both of which require renewable energy proposals to avoid or minimise the occupation of high-quality agricultural land wherever reasonably practicable. It also engages EN-1, which requires applicants to provide a clear, evidence-based justification where development on poorer-quality land could meet the same objectives. No such justification has been provided.

In particular, the ES contains no comparative or quantified analysis demonstrating:

- the availability of non-BMV land within the relevant grid-connection catchment;
- the relative constraint, cost or deliverability of such land; or
- why development on poorer-quality land could not achieve the same generation and grid-connection objectives.

In addition, there is no evidence that alternative land not subject to voluntary agreement was assessed for acquisition where necessary to deliver a lower-impact scheme.

The absence of any published comparative matrix between BMV and non-BMV parcels within the 15 km grid-connection catchment prevents the Examining Authority from determining whether the Applicant has complied with the sequential test. The brief narrative in ES Vol. 1 Chapter 3 asserts technical preference but supplies no supporting GIS evidence, land-availability analysis, or economic comparison capable of scrutiny.

On the Applicant’s own evidence, therefore, the proposal represents a deliberate acceptance of increased BMV loss without demonstrated necessity. SEPE submits that this is not a matter of planning judgment but a material procedural deficiency in land-use selection and policy compliance because the assessment presented does not demonstrate that the outcome was unavoidable once the full range of reasonably available locations and delivery mechanisms, including those not secured by voluntary agreement, is considered.

This also supports **Procedural Deficiency #4A – Failure to assess integrated grid and site alternatives**, as detailed in Appendix M. The Environmental Statement does not demonstrate that the proposed development site was selected through a transparent, comparative and policy-compliant sequential approach capable of avoiding Best and Most Versatile (BMV) agricultural land where reasonable alternatives exist. While the Applicant has presented a site-selection exercise, that exercise appears materially constrained by assumptions regarding search radius and land availability by agreement, rather than demonstrating that lower-grade land was prioritised across the full range of technically feasible locations, including those potentially assemblable through compulsory acquisition.

In addition, no GIS-based screening of non-BMV land within the relevant grid-connection catchment is presented, nor is there evidence of a structured comparison of lower-grade agricultural land parcels or consultation with Natural England regarding agricultural land classification and soil-resource implications. Nor is there evidence that alternative deployment geographies beyond the adopted search radius, or alternative grid-interface strategies, were assessed on a consistent environmental and land quality basis. In the absence of such analysis, the Examination cannot determine whether the predominance of Grade 2 and Grade 3a land within the Order Limits is unavoidable or whether the EN-3 land-use hierarchy has been properly applied.

10.5 Need, proportionality and policy efficiency

The Applicant's case for "need" relies almost entirely on the policy presumption in favour of renewable energy infrastructure contained in EN-1 and EN-3. However, neither the Planning Statement (s.5.2–5.4) nor the Environmental Statement (ES Vol. 1 Ch.1 ss.1.4–1.5; Ch.15 ss.15.7–15.10) provides any independent, locational or project-specific evidence addressing demand, grid necessity, proportionality, or comparative system value.

While EN-1 establishes a *general* need for renewable generation, it does not remove the requirement, under EN-1 and EN-3, for decision-makers to assess whether the claimed public benefits of a specific proposal are proportionate to its site-specific environmental and land-use impacts, particularly where nationally significant resources such as BMV agricultural land are affected.

The Applicant claims that the East Park Energy scheme would deliver an estimated 433.2 GWh per annum, equating to c. 0.1% of total UK annual electricity demand, while permanently displacing c. 773 hectares of predominantly BMV farmland for at least forty years. The Applicant characterises this outcome as an inevitable consequence of meeting national energy need. That position is not supported by policy. Where alternatives exist that would materially reduce environmental harm, the Examining Authority must assess proportionality, not assume it.

The 433.2 GWh per annum generation estimate is not transparently reconciled with the scheme's headline 400 MW capacity or with the realistic annual performance

range evidenced elsewhere in this Representation. On a simple load factor basis, 400 MW operating at 9.5–11% would yield approximately 333–385 GWh per annum. The Applicant's figure therefore appears to assume a materially higher annual load factor of approximately 12.34%, without clear explanation of the modelling assumptions used. In the absence of transparent site-specific generation modelling, curtailment assumptions, DC/AC design ratio and degradation parameters, limited weight should be attributed to the higher annual generation figure when assessing need, proportionality and public benefit.

Independent research reinforces the need for such scrutiny:

- Economic and system-level analysis demonstrates that the UK's latitude, climate and grid structure impose inherent limits on the efficiency and system value of large-scale ground-mounted solar, resulting in diminishing returns, rising curtailment, and increasing subsidy exposure as deployment expands.
- Energy policy research shows that national decarbonisation and generation targets can be met more efficiently through dispersed rooftop, brownfield and co-located storage deployment, reducing grid losses and avoiding the displacement of high-grade agricultural land.
- Independent economic commentary confirms that recent UK renewable deployment has prioritised headline capacity over spatial suitability, cost efficiency and land-value protection, embedding long-term system costs and misallocated generation.

Taken together, this evidence indicates that marginal additional TWh from ground-mounted solar on BMV land delivers limited national energy or affordability benefit, while imposing significant, long-duration local and cumulative harms. In those circumstances, need does not displace the requirement for a site-specific proportionality assessment. Where the marginal system contribution is small and credible lower-conflict alternatives exist, the EN-1 presumption must give way to a proportionate, evidence-based planning balance.

The Examining Authority is therefore invited to require the Applicant to submit a Need and Proportionality Addendum, quantifying at a minimum:

- forecast annual generation (GWh) and percentage contribution to national and regional electricity demand, including how that contribution aligns with rising projected electricity demand over the proposed scheme's 40-year operational lifetime;
- expected curtailment, grid-loss and constraint impacts at the Eaton Socon connection point, including how these may evolve over time as network conditions and generation mix change;
- a full lifecycle carbon balance, including imported-module and cable manufacture; and

- comparative carbon- and energy-yield per hectare against rooftop, brownfield and other non-BMV alternatives within the same grid catchment.

Until such evidence is provided, the Applicant's "need" case remains policy-derivative rather than evidence-based, limiting the Examining Authority's ability to weigh benefits against harms with the confidence required by EN-1 and the EIA Regulations.

In light of the independent evidence on UK system efficiency and resource constraints, SEPE submits that a c. 0.1% contribution to national electricity demand, delivered at the cost of extensive BMV land loss and unresolved cumulative and safety externalities, fails EN-1's proportionality and reasonable alternatives tests where credible non-BMV, rooftop and brownfield options exist within the same grid catchment. The claimed public benefits are therefore not clearly demonstrated to outweigh the significant and long-duration harms identified elsewhere in this Representation.

While EN-1 establishes a general presumption of need for renewable energy infrastructure, that presumption is not unconditional. Where the marginal contribution to national demand is negligible and credible lower-conflict alternatives exist, the Examining Authority must actively assess proportionality under EN-1. Failure to do so risks a decision in which need is treated as determinative, rather than weighed, contrary to the structure of the National Policy Statements and established principles of planning law.

10.6 Consolidated deficiencies in the Applicant's Alternatives and Design Evolution assessment

A detailed review of APP-039 (Alternatives and Design Evolution) suggests that the Applicant's alternatives assessment is incomplete, selectively framed, and materially inconsistent with the statutory and policy requirements of EN-1, EN-3, and EIA Regulations. The deficiencies identified are not minor matters of emphasis or professional judgement; they reflect a sequential exercise constrained by land availability and fixed assumptions, rather than an unconstrained policy-compliant comparison of reasonable alternatives.

The elongated and fragmented configuration of the Proposed Development, extending across multiple non-contiguous parcels connected by extensive underground cabling, is also consistent with a grid-connection-driven site selection process, rather than a constraint-led spatial planning exercise prioritising environmental suitability.

Taken individually, each deficiency indicates a failure to demonstrate compliance with the requirement to identify and assess reasonable alternatives. Taken together, they materially limit the Examining Authority's ability to conclude, on the evidence presently available, that the proposed development represents the least environmentally harmful option capable of meeting the project's objectives.

10.6.1 Failure to consider reduced-scale or lower-impact development options

APP-039 does not present either a “no development” scenario or any reduced-scale or reduced-footprint alternative. Instead, the Applicant asserts that securing a nominal 400 MW grid connection agreement requires maximisation of generation and land-take, irrespective of agricultural, landscape, heritage or environmental constraints.

That approach is legally flawed. EN-1 requires the consideration of reasonable alternatives, including alternatives that reduce environmental harm, particularly where development would result in the long-term loss of BMV agricultural land or significant cumulative effects.

The absence of any reduced-development scenario deprives the Examining Authority of a proportionate alternatives framework and prevents proper application of the planning balance required by EN-1.

A grid connection agreement does not displace the obligation to test whether a smaller, less harmful scheme could still deliver a meaningful contribution to policy objectives nor whether equivalent capacity could be delivered on lower-quality land within the wider transmission geography.

10.6.2 Artificial restriction of the site search area and premature elimination of alternatives

The Applicant restricts its site search to a 15 km radius around the Eaton Socon substation (APP-039 s.3.36), without providing any technical, engineering or economic justification. In grid-engineering terms, losses on 132–400 kV circuits over distances beyond 15 km are unlikely to be determinative without evidence, particularly when considered against a claimed 500 MW connection capacity. The asserted rationale of minimising cable losses is unsupported by evidence.

This arbitrary spatial constraint materially narrows the pool of reasonable alternatives and is inconsistent with EN-1 and EIA Regulations, which require proportionate, evidence-based alternatives testing. By definition, an alternatives assessment that excludes potentially suitable non-BMV or brownfield land beyond an unsupported radius cannot be relied upon to demonstrate necessity, particularly where the excluded land might reasonably have been assembled through compulsory acquisition powers available to NSIP promoters.

Within this constrained search area, the dismissal of Zone C (APP-039 s.3.3.12) further illustrates the same defect. Zone C is rejected on grounds of convenience, citing the need to cross major infrastructure and the River Great Ouse, without any evidence that those constraints were individually assessed, engineered-out, or compared on a like-for-like basis. This conflation of constraints into a single “not feasible” conclusion is not compliant with the sequential and comparative logic required by EN-1 and EN-3.

10.6.3 Dismissal of Zone C without meaningful assessment

APP-039 asserts that the designation of EN-3 (2023) does not materially affect the Applicant's alternatives analysis. That assertion is incorrect. Designated EN-3 strengthens, rather than relaxes, the policy framework by:

- reinforcing the requirement to avoid BMV land except as a last resort;
- emphasising the need to demonstrate efficient use of land;
- requiring serious consideration of co-location and previously developed land; and
- strengthening the presumption in favour of minimising agricultural land-take.

Despite this, the Applicant has not revisited previously dismissed alternatives, nor reassessed co-location opportunities such as PDL4 (Gravelly Wind Farm), which lies within the original search area and offers potential infrastructure synergies. The conclusion that EN-3 changes are “not material” is therefore unsupported and procedurally unsound.

10.6.4 Design and technology choices framed to justify land-intensive outcomes

The Applicant's appraisal of design and technology alternatives further demonstrates a pattern of selective framing. APP-039 downplays the performance differential between fixed-tilt arrays and tracking systems, describing the former as only “slightly less efficient” despite well-established evidence that single-axis tracking can materially increase annual output (often cited in the range ~10–40% depending on latitude and design).

While SEPE does not contend that tracking systems necessarily reduce land-take in every context, the selective presentation of performance data reinforces a preferred land-intensive layout and undermines claims that the scheme's scale and configuration are the result of optimisation rather than convenience.

A similar bias is evident in the grid connection and cable corridor appraisal (APP-039 s.3.4), which places disproportionate weight on programme duration while under-weighting environmental harm. All corridor options traverse Grade 2 BMV land and Flood Zones 2–3 at Duloe Brook, yet no transparent weighting matrix is provided to demonstrate how environmental constraints were balanced against programme considerations. This masks the extent to which environmental harm should have driven corridor selection.

10.6.5 Inconsistencies in grid capacity assumptions and claimed need for land take

The credibility of the Applicant's justification for maximising land-take is further undermined by internal inconsistencies regarding grid capacity. APP-039 refers to a 500 MW connection comprising 400 MW generation plus 100 MW BESS

import/export, whereas the Outline Environmental Management Plan (APP-157 s.2.12) refers only to 400 MW export capacity.

These inconsistencies obscure the true operational ambition of the scheme and materially weaken the claim that the grid connection necessitates the scale of land-take proposed. If export capacity is in fact limited to 400 MW, the argument that over 500 hectares of BMV land must be occupied is significantly undermined.

10.6.6 Alternative grid connection point

The Applicant's alternatives assessment is undermined by the unexplained exclusion of the Little Barford substation as a potential point of connection. Little Barford represents a materially closer and lower-conflict grid option for several non-BMV land parcels that were discounted at an early stage of site selection. The Applicant has not explained why this substation was excluded from consideration, nor why its proximity did not form part of the alternatives filtering process.

Recent precedent confirms that grid-capacity constraints in this corridor are not insurmountable: a £35 million UK Power Networks reinforcement scheme between Little Barford and Eaton Socon was completed in 2024. In the absence of evidence that connection to Little Barford was infeasible or disproportionate, the application materials do not clearly demonstrate that the selection of a predominantly BMV land envelope represents a reasonable or necessary outcome of grid-connection constraints rather than a consequence of limiting the assessment to land readily available within the chosen corridor. This omission weakens the alternatives case required by EN-1 and supports **Procedural Deficiency #4A** (failure to consider reasonable alternatives), as detailed in Appendix M.

10.6.7 Consolidated implications for policy compliance

The combined effect of these deficiencies appears to indicate that the Applicant has not complied with EN-1, EN-3, or the EIA Regulations in relation to the assessment of reasonable alternatives. The premature dismissal of viable options, the arbitrary restriction of the search area, the misinterpretation of designated EN-3, and the selective framing of design and technology choices prevent a robust conclusion that the proposed development is located, scaled and configured to minimise environmental harm.

These matters directly engage the Procedural Deficiencies identified elsewhere in this Representation (detailed in Appendix M). In the absence of a transparent and policy-compliant alternatives assessment, the Secretary of State may lack the evidential basis required under the Planning Act 2008 to conclude that the proposal accords with EN-1 and EN-3 or that the land proposed for acquisition is no more than reasonably required.

This is therefore not merely an evidential weakness but a material deficiency that goes to the application of the National Policy Statements. Unless addressed through the

provision of further policy-compliant information, it may substantially constrain the ability of the decision-maker to attribute decisive weight to the proposal's claimed benefits or to conclude that the statutory planning balance is satisfied.

An alternatives assessment confined to land available by voluntary agreement does not demonstrate compliance with EN-1, EN-3 or the statutory tests for compulsory acquisition, because it does not show that lower-impact land was unavailable, only that it was not secured.

11.0 Ecology and biodiversity

The East Park site supports ecological value that, on the Applicant's own survey evidence, substantially exceeds that of a typical intensively farmed arable landscape. The Environmental Statement identifies 21 notable breeding bird species, approximately 125 skylark territories, multiple Species of Principal Importance (s.41 NERC Act 2006), Schedule 1 birds, protected mammals, priority invertebrates, and an extensive network of hedgerows, ditches and riparian corridors.

SEPE's independent field observations and long-term local recorder data corroborate this high baseline, confirming regular use of the site and its margins by barn owl, tawny owl and little owl, kestrel, buzzard, red kite, nightingale and kingfisher, particularly along the River Kym, Brook End and Pertenhall Brook corridors.

Given this exceptionally rich and sensitive baseline, compliance with the Overarching National Policy Statement for Energy (EN-1), the National Policy Statement for Renewable Energy Infrastructure (EN-3), and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) requires a complete, precautionary and proportionate ecological assessment. As set out below, the Environmental Statement does not meet that standard.

Where the ES conclusion of "no significant residual effects" depends on survey completeness, and surveys are incomplete or scoped too narrowly, the Examining Authority may be left without sufficient environmental information to apply the policy and legal tests with confidence. In that scenario, the evidential basis for reliance on the ES conclusions is materially weakened under EIA Regulations.

This section addresses baseline adequacy (11.2–11.3), receptor-specific underassessment (11.3.1–11.4), precautionary pathway assessment (11.5–11.6), corridor and biosecurity omissions (11.7–11.8), statutory hedgerow compliance (11.9), Biodiversity Net Gain securing (11.10), and Habitats Regulations compliance (11.11).

11.1 Overview

The Environmental Statement (ES Vol. 1, Chapter 7) concludes that the East Park Energy proposal would result in "no significant residual ecological effects" and would deliver a net biodiversity gain.

However, detailed review of the ecological evidence base reveals material omissions, incomplete survey coverage, and inconsistent treatment of ecological receptors. Several conclusions are drawn on the basis of assumed absence or low sensitivity rather than confirmed baseline data, despite desk study and site context indicating a reasonable likelihood of impacts.

These deficiencies mean that the Examining Authority cannot be satisfied that the Environmental Statement meets the adequacy test under EIA Regulations, or that it meets the biodiversity protection and enhancement requirements in EN-1 and the solar PV siting and ecological safeguards in EN-3.

Correctly applied, EN-1 and EN-3 require ecological effects to be assessed on a precautionary basis where baseline evidence indicates potential for significant harm.

Notwithstanding this policy context, the Applicant's own baseline identifies the presence or likely presence of numerous protected and priority species within and adjacent to the Order Limits, yet several key taxa are either under-surveyed or addressed only at a high level without species-specific impact assessment or secured mitigation.

If conclusions on ecological effects are reached by reference to an incomplete or incorrectly scoped policy framework, the resulting assessment cannot be treated as reliable. Where an Environmental Statement asserts "no significant residual effects" without first establishing a complete baseline for receptors known or likely to be present, the Examining Authority would be placed in a position of speculation. That is incompatible with the requirements of the EIA Regulations and undermines the lawfulness of reliance on the ES conclusions in the planning balance.

11.2 Baseline context

According to ES Vol. 1 Chapter 7 (sections 7.5–7.8) and Appendix 7-1 (Ecological Baseline Report), the 773-hectare Order Limits encompass a complex mosaic of arable fields, hedgerows, ditches, ponds and riparian corridors associated with the River Kym, Duloe Brook and South Brook. These features provide habitat connectivity at both site and landscape scale.

Landscape-scale habitat function and mosaic effects

The ES describes the Order Limits as a mosaic of arable land, hedgerows, ditches, ponds and riparian corridors, but it does not then assess the landscape-scale ecological function of that mosaic as a receptor in its own right. At a scheme scale of 773 hectares, fragmentation effects arise not only from habitat loss within individual parcels, but also from loss of continuity, edge effects, fencing, access tracks and compound infrastructure operating across a single connected landscape unit. In consequence, ecological effects are likely to extend beyond the red-line boundary because mobile species (including farmland birds, bats and riparian mammals) use habitat networks at landscape scale rather than by parcel. The ES does not provide

an explicit assessment of the magnitude and significance of habitat mosaic loss and functional severance as an indirect and cumulative effect, as required by the EIA Regulations and EN-1.

At this scale, the Examining Authority would be assisted by a quantified Habitat Connectivity Assessment (covering ecosystem functioning, quantifying barrier effects and testing the effectiveness of proposed permeability measures) as part of the assessment of the habitat mosaic as a receptor, to test whether the scheme introduces functional severance across the habitat network. It should be noted that the Applicant has assumed bats, birds and other fauna are entirely mobile and able to find other suitable habitats. Recent empirical research indicates that the permeability of large solar arrays and associated fencing cannot be assumed by default. Studies reported in Walston et al. (2023) and Scurlock et al. (2024) indicate that large fenced solar developments may function as partial or near-complete movement barriers for some taxa depending on fence design, array layout and surrounding habitat structure, even where small ground-level access points are incorporated. Fleming (2025) similarly identifies boundary design, fence configuration and contiguous panel fields as consistent risk factors influencing fauna movement outcomes, and emphasises the importance of monitoring and adaptive management where effects remain uncertain.

Such an appraisal would be consistent with Natural England's Green Infrastructure Framework – Connectivity Metrics Toolkit (2023) and would allow the Examining Authority to test whether the proposed corridors and permeability measures are proportionate and credible in the East Park context.

Desk-study data obtained from the Bedfordshire and Cambridgeshire Biodiversity Records Centres identify records within 2 km of the site for over 129 bird species, eight bat species and at least 37 Species of Principal Importance under Section 41 of the NERC Act 2006. Records include, among others, barn owl, bittern, osprey, red kite, lapwing, curlew, yellowhammer, otter, water vole, great crested newt, Norfolk hawk, white-letter hairstreak and native bluebell (*Hyacinthoides non-scripta*).

This evidence establishes a baseline in which the presence of legally protected species and priority habitats is not speculative but reasonably foreseeable. Despite this, the Environmental Statement confines detailed assessment to a limited subset of receptors and does not present full seasonal or species-specific survey coverage for several taxa indicated by the desk study and site context. In particular, the ES relies on absence assumptions or generic mitigation for receptors that ordinarily require targeted survey and quantified impact assessment at this scale.

Where desk study and contextual evidence indicates a reasonable likelihood of protected or priority species being present, the EIA Regulations require survey effort proportionate to that risk. If the Environmental Statement proceeds on the basis of assumed absence or incomplete survey data, the Examining Authority is left without sufficient information to assess likely significant effects. In those circumstances, any

conclusion that ecological impacts are insignificant, or that biodiversity net gain will be achieved, would lack a proper evidential foundation under the EIA Regulations.

11.3 Baseline gaps and under-assessment

Evidence from UK experience and regulatory review indicates that the ecological effects of large, ground-mounted solar developments, particularly at landscape scale, remain incompletely understood. Natural England's commissioned evidence reviews (including NEER012 (2017)) expressly caution that impacts on birds, bats, mammals and invertebrates are subject to uncertainty and that precautionary assessment and site selection are therefore required. More recent observational syntheses and case-study reviews document recurrent issues such as displacement of large mammals, altered bird behaviour and mortality risk associated with panel reflectivity and habitat homogenisation.

Against that background, review of the Applicant's ecological baseline (ES Vol. 2 Appendices 7-1 to 7-3) identifies material gaps in survey coverage and receptor characterisation. These include incomplete mapping of hedgerow-connected habitats, limited nocturnal bat-activity data confined largely to a single survey year, and the absence of any targeted invertebrate or arable-flora baseline. Collectively, these omissions reduce confidence in the reliability of the predicted ecological outcomes relied upon in ES Vol. 1 Chapter 7.

The Environmental Statement notes that certain bat survey data for Site A were incomplete due to theft of monitoring equipment. While such circumstances may be operationally unfortunate, they do not remove the requirement under the EIA Regulations to provide sufficient environmental information at the point of determination. In particular, the absence of complete data on barbastelle bat foraging and commuting patterns materially limits confidence in the assessment of habitat fragmentation and corridor functionality. The adequacy test under EIA Regulations cannot be displaced by logistical explanations for missing data.

Construction-phase disturbance effects and reliance on generic controls

In addition to baseline survey gaps, the ES places substantial reliance on generic construction controls and post-consent measures to address disturbance effects. However, for a project involving clearance, fencing, trenching, vehicle movements and prolonged construction activity across multiple parcels, the assessment should demonstrate, on the basis of evidence, how disturbance effects (noise, vibration, lighting, human activity and habitat displacement) are avoided or reduced for sensitive receptors.

Where conclusions of "no significant residual effects" depend on measures that are described only at outline level, the Examining Authority may be unable to test whether those measures are capable of delivering the effect claimed. This is relevant to EN-1 and the EIA Regulations, which require that the environmental information is sufficient to support reasoned conclusions on likely significant effects.

Where baseline uncertainty exists, EN-1 and the EIA Regulations require that assessment proceeds on a precautionary basis. Reliance on generic enhancement measures or assumed resilience cannot substitute for a site-specific, multi-taxa baseline proportionate to the scale and sensitivity of the site.

Where an Environmental Statement identifies a rich ecological context but lacks adequate baseline data for key receptor groups, any conclusion of “no significant residual effects” is not supported by sufficient environmental information and cannot safely be relied upon. In such circumstances, the EIA Regulations prevent the Examining Authority from treating the assessment as sufficient environmental information, such that reliance on those conclusions would be vulnerable to challenge under the EIA Regulations.

Incomplete ecological baseline and omission of protected species data

The Applicant’s ecological surveys (ES Vol. 2 Appendices 7-1 to 7-3) do not provide consistent spatial or temporal coverage across all relevant taxa. Survey effort for bats, invertebrates and arable flora is largely limited to single-season or single-year sampling, with no multi-year replication to capture inter-annual variability. In particular, the baseline as presented does not clearly demonstrate how desk-study records and nearby designated-site data have been incorporated into bat-risk scoping. For example, where bat interest is recorded in the wider area (including designated woodland receptors such as Swineshead Wood SSSI), the ES should make explicit whether and how potential commuting/foraging connectivity has been tested and whether survey scope and spatial buffers are adequate for a scheme of this scale.

The baseline data underpinning the assessment relies in part on species records provided by the Bedfordshire, Cambridgeshire and Northamptonshire Wildlife Trust, which confirm the presence and distribution of protected species within and adjacent to the Order Limits. Of particular relevance are greater crested newts, water voles and badgers, all of which require licensing from Natural England prior to the commencement of works where disturbance, capture or habitat destruction may occur.

The need for European Protected Species licences (in the case of greater crested newts) and statutory licences under the Wildlife and Countryside Act 1981 and Protection of Badgers Act 1992 introduces a further deliverability and timing constraint. Incomplete baseline surveys, or survey gaps attributable to equipment loss or other reasons, cannot be relied upon at decision stage where licensable species are concerned. Without complete and seasonally robust data, the Examining Authority cannot be satisfied that mitigation is feasible or capable of implementation within the proposed construction programme.

This approach is inconsistent with the Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines for Ecological Impact Assessment (2018), which state that baseline surveys must be sufficiently recent, seasonally appropriate and robust to support reliable prediction of effects. Natural England’s

Standing Advice (2022) similarly cautions against reliance on limited survey windows where species' use of land varies seasonally or annually.

In addition, the ES does not present comprehensive mapping of protected species within 250 m of the red-line boundary, despite the presence of suitable terrestrial and aquatic habitats. In particular, potential use of the site and its margins by great crested newt, brown hare and noctule bat is not fully characterised.

Taken together, these deficiencies undermine confidence in the predicted residual effects and conflict with EN-1, which require decisions to be based on sufficient evidence to assess impacts on protected and priority species.

This constitutes **Procedural Deficiency #11A – Ecology: Incomplete baseline and omission of protected species, habitats, connectivity and ecosystem functioning data**, as detailed in Appendix M.

Requested action

The Examining Authority should require submission and examination of a Baseline Addendum incorporating multi-season, multi-taxa survey data, subject to independent ecological audit, prior to the close of the Examination. This information must be available to the decision-maker before any conclusions are reached on residual effects or biodiversity net gain, and should not be deferred to post-consent approval.

Ecosystem services and natural capital not assessed

In addition to species and habitat receptors, the ES does not present a clear assessment of the scheme's effects on relevant ecosystem services associated with the existing farmland and corridor network, such as soil-related regulating functions, habitat connectivity functions, flood alleviation, carbon storage and the contribution of hedgerow and riparian features to landscape-scale ecological resilience.

While ecosystem services assessment does not replace statutory species protections, it is relevant to the completeness of the EIA Regulations and supports the need for a more explicit treatment of indirect and secondary ecological consequences at this scale.

The proposed narrow grassland strips which coincide with Public Rights of Way are presented as functional ecological corridors. However, PRoWs are subject to regular human disturbance, dog walking, equestrian use and maintenance access. Wildlife corridors require structural complexity, width, and relative disturbance-free conditions in order to function effectively for mammals, reptiles and invertebrates. The dual designation of PRoWs as biodiversity corridors is therefore ecologically questionable and risks over-stating mitigation effectiveness. Public access and wildlife corridor functionality are not inherently compatible land uses, and the Environmental Statement does not demonstrate that corridor width, buffering or disturbance mitigation is sufficient to support both.

The proposed crossing of Chadwell Brook within Site A introduces both ecological and public-access risks. Watercourses provide key habitat connectivity for protected species, including water voles and commuting bats. Construction-phase disturbance, potential sedimentation, and alteration of riparian vegetation could result in habitat degradation. In addition, the Environmental Statement does not clearly demonstrate how safe pedestrian passage will be maintained during works. Where a watercourse crossing combines ecological sensitivity with continued public access, a detailed, secured method statement should be provided at decision stage.

11.3.1 Farmland bird assemblage – understatement of importance and impact

Review of ES Vol. 2 Appendix 7-2 (Breeding Bird Survey) and ES Vol. 1 Chapter 7 confirms that the Order Limits support an exceptionally large and diverse assemblage of arable and ground-nesting farmland birds. The Applicant's own data record:

- 21 notable breeding species, including:
 - 9 Red List species,
 - 11 Amber List species,
 - 11 Species of Principal Importance (S.41),
 - 2 Schedule 1 species, and
 - 1 Annex I species; and
- substantial breeding populations, including:
 - Skylark – approximately 125 territories,
 - Yellow wagtail – 14 territories,
 - Corn bunting – 11 territories,
 - Grey partridge – 6 territories,
 - Lapwing – 2 territories,
 - Quail – 1 territory.

Natural England Technical Information Note TIN098 indicates that sites supporting more than ten skylark territories should be treated as of at least district-level importance. On any reasonable application of that guidance, a site supporting approximately 125 territories over a contiguous area must be regarded as of at least county-level importance. The Applicant's valuation of this assemblage as of merely "local" importance is therefore inconsistent with established guidance.

The Environmental Statement's conclusion of "no significant residual effect" on farmland birds is incompatible with:

- CIEEM EclA Guidelines (2018) on valuation and significance,

- EN-1,
- EN-3, and
- Natural England’s NEER012 evidence review on bird responses to solar arrays.

The proposed development would result in the near-total loss of more than 700 hectares of open arable habitat used for nesting and foraging. There is no robust evidence that narrow peripheral grassland margins can compensate for displacement of territory-dependent ground-nesting species at this scale. The mitigation hierarchy (avoid–minimise–mitigate–compensate) has therefore not been properly applied.

This constitutes **Procedural Deficiency #11B – Understatement of farmland bird importance and omission of quantitative territory mapping**, as detailed in Appendix M.

Where an Applicant’s own surveys demonstrate the presence of a high-value farmland-bird assemblage, understatement of receptor importance leads directly to understatement of effect significance. If the Examining Authority were to accept a “non-significant” conclusion founded on mis-valuation, it would risk relying on a legally flawed EIA inconsistent with EN-1 and EN-3.

On the evidence presented, residual effects on farmland birds should be assessed as significant adverse, not negligible.

11.3.2 Local bird records and corroborative citizen-science evidence

In addition to the Applicant’s surveys, SEPE has collated local ornithological records from residents with long-term familiarity with the site and its immediate surroundings. These include time- and location-stamped acoustic recordings and visit logs generated using established citizen-science tools during 2023–2024.

The records confirm at least 60 bird species within and immediately adjacent to the Order Limits, including farmland, hedgerow and riparian species such as skylark, yellowhammer, linnet, barn owl, tawny owl, little owl, kestrel, buzzard, red kite, kingfisher, lapwing and meadow pipit, together with additional Red and Amber List species including nightingale, hawfinch and spotted flycatcher.

These observations are consistent with:

- the Applicant’s own baseline surveys,
- Biodiversity Records Centre data, and
- the known ecological function of the River Kym, Brook End and Pertenhall Brook corridors as a movement and foraging route.

They therefore provide corroborative, not replacement, evidence that:

- the site supports a high-value farmland and riparian bird assemblage;

- multiple breeding territories and foraging ranges are likely to be affected; and
- the Applicant's classification of the assemblage as of only "local" importance materially understates its true ecological value.

The full species list and methodology are provided in Appendix P. Examination guidance recognises that well-documented local ecological evidence is a material consideration where it aligns with professional survey data and established habitat suitability, as is the case here.

11.4 Ecological receptors of high sensitivity – incomplete identification and assessment

Review of ES Volume 1 Chapter 7 and associated appendices indicates that several ecological receptors of demonstrably high sensitivity have not been adequately identified, valued, or assessed. These omissions are material because they concern legally protected and priority species for which EN-1 and EN-3 require precautionary avoidance and proportionate mitigation, rather than reliance on generic enhancement measures.

Raptors, including red kite (*Milvus milvus*)

The ES records red kite activity within and adjacent to the Order Limits but characterises this use as "occasional" without providing supporting survey effort, spatial analysis, or temporal context. This conclusion is not supported by the available evidence base, which includes repeated local records and Biodiversity Records Centre data indicating regular foraging and commuting activity.

Red kite breeding activity adjacent to Site A

It is noted that in the 2022 and 2025 breeding seasons (at minimum), a pair of red kite (*Milvus milvus*) has successfully nested and fledged young approximately 250 metres from the boundary of Site A and approximately 350 metres from the area in which solar panels are proposed. The nest is located in a mature tree within the curtilage of a nearby residential property. The proximity of this active nesting territory to the Order Limits indicates that Site A forms part of the functional foraging range of a confirmed breeding pair.

Red kite are Schedule 1 protected species under the Wildlife and Countryside Act 1981 (as amended). While the ES identifies raptor presence at a broad level, it does not appear to provide detailed assessment of breeding territory sensitivity, disturbance thresholds, or likely changes in foraging availability arising from the proposed land-use change. The conversion of open agricultural land to panel arrays and associated infrastructure has the potential to alter prey visibility and foraging behaviour. In the absence of territory-specific assessment and disturbance modelling, the significance of effects on this breeding pair cannot be robustly determined.

In some recent NSIP contexts Natural England has referred to precautionary nest-centred stand-off distances (often in the order of hundreds of metres, depending on species and context) for breeding raptors, depending on species and local context. No equivalent nest-search, stand-off sensitivity testing, or justification for omission is provided here.

In addition, the ES contains no assessment of collision, entrapment, or behavioural displacement risk associated with extensive reflective panel arrays and associated fencing, despite a substantial peer-reviewed evidence base (e.g. DeVault et al. 2014; Loss et al. 2015) identifying plausible pathways for increased mortality and injury risk for raptors in modified open landscapes containing reflective or barrier features.

This constitutes **Procedural Deficiency #11C – Unassessed red kite collision and disturbance risk**, as detailed in Appendix M, particularly in relation to Site D access crossings and associated habitat fragmentation.

Otter and water vole

The proposed development includes drainage crossings, widened site entrances and cable routes intersecting watercourses connected to the River Kym, Duloe Brook and South Brook. The Applicant's own baseline identifies evidence of water vole activity within these corridors, yet:

- no water vole-specific method statement is provided;
- no exclusion, pre-construction survey or buffer protocol is set out in the Outline CEMP; and
- no avoidance-led design has been demonstrated for works affecting drainage features, including the proposed main construction access at Site D, where the creation and widening of the site entrance would require works to an existing drainage ditch likely to provide suitable water vole habitat.

The Environmental Statement does not demonstrate that this ditch and similar drainage features have been subject to targeted water vole survey or that the potential presence of burrows, resting places or commuting corridors has been properly assessed in relation to the proposed entrance construction and drainage modification works.

Natural England's standing advice for water vole requires targeted survey and defined buffer or mitigation measures where works affect suitable ditch or watercourse habitat.

In the absence of such measures, there is a clear risk of direct disturbance, damage or destruction of water vole burrows and resting places, engaging offences under the Wildlife and Countryside Act 1981. The Environmental Statement therefore does not demonstrate how these risks would be avoided or mitigated in practice.

Without targeted survey and defined protection measures, the Examination lacks a sufficient evidential basis to determine whether impacts on protected species have been adequately assessed in accordance with relevant legal and policy requirements.

Farmland birds (skylark, yellowhammer and associated assemblage)

As detailed in Section 11.3, the loss of over 700 ha of open arable habitat would remove nesting territories and foraging grounds for a high-value farmland-bird assemblage. The ES relies on grassland establishment beneath panels and peripheral habitat creation to conclude no significant residual effect.

There is no empirical or peer-reviewed evidence presented to demonstrate that grassland beneath densely spaced solar arrays can replicate the functional conditions required by territory-dependent, ground-nesting farmland birds such as skylark or yellowhammer. The assumption that such habitats provide effective compensation is therefore unsupported and inconsistent with the mitigation hierarchy.

The Environmental Statement asserts that grassland beneath panels will provide biodiversity benefit. However, for ground-nesting birds, habitat suitability depends not merely on sward type but on visibility and predator detection. Solar panel arrays create vertical structures and shadowing that alter open-field characteristics. Species reliant on wide open sightlines may not utilise grassland beneath panel arrays as functional nesting habitat. The assessment does not provide species-specific behavioural evidence to support the assumption that panelled grassland is equivalent to open arable habitat.

Overwintering siskin use of Site A

Regular overwintering flocks of siskin (*Spinus spinus*) have been recorded using Site A. Although not a Schedule 1 species, siskin are indicative of active seed-rich and edge habitats during winter months. Their repeated seasonal presence suggests that the site provides functional foraging value within the wider wintering landscape mosaic. The ES does not appear to quantify the scale, frequency or habitat dependency of wintering passerine assemblages within the Order Limits, nor assess how the transition to panel-dominated grassland would alter seed availability and habitat structure. This limits confidence in the conclusion that wintering bird effects are negligible.

Wetland-associated birds – grey heron and little egret

Observations of grey heron (*Ardea cinerea*) and little egret (*Egretta garzetta*) regularly utilising ponds and watercourses within Site A and Site B indicate that the riparian and wetland features within the Order Limits provide active feeding habitat. These species are highly dependent on open water margins, shallow aquatic zones and undisturbed foraging corridors.

The proposed works, including panel installation, cable corridors and potential disturbance at watercourse crossings (including Chadwell Brook), may alter

hydrological regimes, shading patterns, and human disturbance levels in proximity to these habitats. The ES does not appear to provide a receptor-specific assessment of wetland-foraging bird sensitivity or disturbance displacement thresholds. Without such assessment, the magnitude of operational and construction-phase effects on wetland-associated avifauna remains uncertain.

Invertebrates – baseline and impact under-assessment

Desk-study records identify priority invertebrates including Norfolk hawkers and white-letter hairstreaks, associated with riparian corridors and mature hedgerow networks. These features are bisected by proposed cable routes and access works, yet:

- no targeted invertebrate surveys were undertaken;
- no stand-off distances or protection buffers are defined;
- no translocation or habitat-specific mitigation commitments are proposed; and
- no beetle surveys were undertaken, notwithstanding that a number of nationally scarce and priority beetle species in the UK are associated with ponds, ditches and wet agricultural habitats characteristic of the Order Limits.

The absence of survey effort for aquatic and riparian beetle assemblages therefore represents a material gap in the ecological baseline provided by the Applicant.

In the absence of baseline verification, the ES's conclusion of "minor" or "negligible" effects on invertebrates cannot be substantiated.

Priority invertebrates – Section 41 moths

Review of the Applicant's own moth records identifies the presence of several Species of Principal Importance listed under Section 41 of the NERC Act 2006, including green-brindled crescent, mouse moth, large nutmeg, dusky brocade, deep-brown dart, sprawler and centre-barred swallow.

While none of these species is characterised as nationally rare, their Section 41 status reflects documented historical declines linked to habitat loss and degradation. Their recorded presence within or adjacent to the Order Limits confirms that the site supports invertebrate assemblages of recognised conservation value.

Despite this, the Environmental Statement does not provide a targeted invertebrate impact assessment, nor does it evaluate how large-scale habitat conversion, fencing, lighting, access tracks and long-term management changes may affect these species at population or assemblage level, or in terms of ecological functioning, for example, with respect to food sources for bats. Instead, effects are treated generically and concluded to be minor or negligible without species-specific justification.

Where an Applicant's own data demonstrates the presence of Section 41 species, reliance on generic assumptions rather than species-informed assessment represents an evidential deficiency. This undermines confidence in the conclusion of "no significant residual effects" and conflicts with the precautionary approach required under EN-1 and the EIA Regulations.

Pond coverage and great crested newt baseline limitations

The Environmental Statement acknowledges that access was not obtained to all ponds within the relevant search radius. As a result, not all potential breeding waterbodies were subject to survey or eDNA testing. In addition, review of the mapping indicates that not all ponds and waterbodies within the appropriate assessment area have been consistently identified or assessed.

While access constraints are not uncommon in ecological surveys, their consequence is that the baseline for great crested newt (a European Protected Species) is necessarily incomplete. This is material, because the presence of confirmed positive eDNA results in surveyed ponds indicates that the wider landscape supports an active great crested newt population.

Some ponds were sampled on 22nd and 23rd June 2022, with the results reported in September 2024 (Preliminary Environmental Information Report Volume 2 – Technical Appendices, Appendix 7-5: Great Crested Newt Presence or Absence Survey Report). However, some ponds within the relevant assessment area were not surveyed. Government advice states that ecological data for great crested newt is generally considered valid for a limited period (typically up to four years), and that recent data should be provided where development proposals may have negative effects on the species to ensure accuracy (Natural England, 'Great crested newts: advice for making planning decisions'). Further understanding is therefore required of the relationship between great crested newts in the surveyed ponds and their wider hinterland, including adjacent terrestrial habitats such as scrub, grassland and hedgerows.

In such circumstances, un-surveyed or omitted ponds cannot reasonably be assumed to be functionally irrelevant. This is a matter of baseline completeness rather than licensing outcome, but it directly affects the reliability of the EIA and HRA screening conclusions. They may form part of a wider metapopulation network contributing to breeding resilience, dispersal and long-term viability, particularly given that great crested newts rely on both aquatic breeding sites and surrounding terrestrial habitats for foraging, shelter and overwintering.

The Environmental Statement does not present any sensitivity testing, precautionary assumptions, or worst-case scenario assessment to address this uncertainty. Nor does it demonstrate that all potentially relevant waterbodies have been captured within the assessment envelope.

Natural England's correspondence (14 January 2026, NSIP Ref. EN010141) indicates that engagement with the statutory nature conservation body is required to agree

survey approaches, assessment methodology and licensing requirements. The current documentation does not demonstrate that such matters have been resolved for all relevant waterbodies. As a result, the Examining Authority is not provided with sufficient environmental information to conclude, with the required degree of certainty, that effects on great crested newt populations, including metapopulation function at landscape scale, have been fully identified and assessed, contrary to EIA Regulations and Habitats Regulations requirements.

SEPE therefore requests that the Examining Authority requires:

- confirmation that all ponds and waterbodies within the relevant search radius have been identified and mapped;
- a clear explanation of how un-surveyed ponds have been treated within the assessment, including any precautionary assumptions applied;
- where necessary, an addendum assessment addressing great crested newt metapopulation function at landscape scale;
- where necessary, updated presence/absence surveys of relevant ponds undertaken during the peak breeding season (mid-March to mid-June) using methodologies agreed with Natural England;
- where presence is confirmed or cannot be ruled out, appropriate surveys to determine population size and distribution, undertaken in accordance with recognised guidance and agreed with Natural England;
- assessment of the relationship between breeding ponds and supporting terrestrial habitats within the wider landscape, including dispersal routes and habitat connectivity;
- presentation of survey results to Natural England together with a clear statement of licensing requirements, mitigation measures and implementation procedures; and
- clarification of whether a traditional site-based licensing approach or alternative mechanism is proposed, supported by sufficient ecological evidence to demonstrate legal compliance.

Notable flora

Records of native bluebell (*Hyacinthoides non-scripta*) occur within or adjacent to working areas. Despite its recognised conservation value, no avoidance-first fencing, micro-siting, translocation or protection methodology is provided, and the species is not addressed in the Outline CEMP.

Additional notable flora recorded within the affected landscape include Star of Bethlehem (*Ornithogalum umbellatum*) and bee and pyramidal orchids, which contribute to the botanical interest of the site. Their presence reinforces the sensitivity

of semi-improved grassland areas and should be reflected in mitigation design and management prescriptions.

Policy compliance implications

Taken collectively, these omissions undermine the ES conclusion that the scheme would result in “no significant residual ecological effects.” EN-1 and EN-3 require that mitigation be commensurate with receptor sensitivity and supported by adequate baseline evidence. That threshold has not been met for several high-sensitivity receptors.

Where legally protected species and priority habitats are present, but survey coverage and receptor-specific assessment are incomplete, the Examining Authority is exposed to legal risk if it accepts conclusions of “no significant effect” without further information. Under the EIA Regulations and EN-1, the decision-maker must be satisfied that the environmental information is sufficient to identify, describe and assess likely significant effects. In the absence of targeted raptor, water vole, invertebrate and notable-flora assessment, that evidential threshold is not presently met.

11.4.1 Raptor and owl assemblage – inadequate assessment of nesting, foraging and displacement effects

In addition to the red kite records acknowledged in the ES, SEPE submits corroborative observational evidence from a locally experienced ornithologist with over 50 years’ field experience, confirming regular nesting, foraging and commuting activity by barn owl, tawny owl, little owl, kestrel, buzzard and sparrowhawk within and adjacent to Sites A and B. These observations are consistent with Biodiversity Records Centre data but are not reflected in the Applicant’s assessment.

Despite the presence of Schedule 1 and Annex I species (red kite and quail) and a diverse raptor and owl assemblage, the ES provides:

- no breeding-raptor nest search;
- no application of precautionary buffer distances;
- no collision-risk assessment;
- no assessment of prey-base decline resulting from habitat conversion; and
- no modelling of barrier, displacement or fragmentation effects.

This approach is inconsistent with EN-1, which requires particular care where protected birds are affected, and with the evidence summarised in NEER012, which identifies reduced foraging efficiency for raptors in landscapes converted from open arable land to solar arrays.

Given that disturbance of red kite engages enhanced statutory and policy protections, the absence of targeted survey and assessment prevents a robust conclusion that effects would not be significant.

Recent synthesis literature confirms that, notwithstanding uncertainty in global mortality estimates, large solar arrays can present design and context-dependent interaction risks for birds and bats, particularly where extensive contiguous panel fields and boundary/fence configurations alter movement options and habitat use (Fleming, 2025). While this does not imply unacceptable effects are inevitable at East Park, it reinforces that the absence of a targeted, receptor-specific appraisal and a secured monitoring framework limits confidence in conclusions that effects on raptors and owls would be negligible.

Requested action:

The Examining Authority should require a Raptor and Owl Impact Assessment Addendum, including:

1. breeding-season nest searches;
2. foraging-range and displacement analysis;
3. buffer-distance sensitivity testing aligned with Natural England advice; and
4. species-specific avoidance and mitigation proposals secured through DCO requirements.

11.5 Precautionary site selection (Natural England NEER012)

Natural England's NEER012 (2017) evidence review identifies a series of ecological risk pathways associated with large-scale solar development, including habitat fragmentation, barrier effects along linear features, altered foraging behaviour, and increased collision or misperception risk for birds and bats. A central conclusion of NEER012 is that many such risks are best addressed through precautionary site selection and layout design, rather than through post-hoc mitigation.

The Applicant provides no evidence that these risk pathways were considered at the site-selection or layout-design stage. The East Park layout directly adjoins, and in places bisects, linear ecological features including watercourses, drainage ditches, hedgerows and mature-tree networks that function as established commuting and dispersal corridors for bats, birds and riparian mammals.

No alternative layout options, buffer-zone sensitivity testing, or corridor-avoidance scenarios are presented to demonstrate that ecological connectivity was prioritised or that barrier effects were minimised. Instead, ecological impacts are addressed almost entirely through generic mitigation and enhancement measures applied after the site and array layout were fixed.

This approach is inconsistent with the avoidance hierarchy embedded in EN-1, which requires that significant ecological effects be avoided where reasonably practicable through site selection and design, before reliance is placed on mitigation or compensation. Where a development envelope of this scale is placed across known ecological corridors without any documented avoidance testing, the policy expectation of precautionary siting is not met.

11.6 Absence of a precautionary NEER012-based ecological risk assessment

In addition to the failure to apply NEER012 principles at the site-selection stage, the Applicant's Ecological Impact Assessment (ES Vol. 1 Ch. 7 and ES Vol. 2 App. 7-1) omits any structured assessment aligned with the NEER012 risk-pathway framework as presented in Natural England's evidence review. Where plausible ecological pathways exist, EIA requires their assessment before significant effects can be excluded.

NEER012 remains Natural England's principal evidence review on solar–ecology interactions and continues to inform NSIP examinations, including Sunnica Energy Farm (2023) and Longfield Solar (2023). The review concluded that peer-reviewed experimental evidence specific to UK solar PV developments was limited and that ecological outcomes were therefore subject to material uncertainty, reinforcing the need for precautionary siting, robust baseline and pathway-led assessment rather than generic assumptions of benefit. Its omission here is therefore not a matter of outdated guidance, but a substantive gap in the application of current best-available evidence.

NEER012 identifies specific behavioural and ecological mechanisms relevant to large reflective solar arrays, including:

- polarised-light attraction and ecological-trap effects;
- altered flight paths and foraging behaviour in birds and bats;
- fragmentation of functional habitat along linear features; and
- secondary effects such as increased predation or displacement into sub-optimal habitats.

Post-NEER012 evidence and implications for adequacy

Peer-reviewed studies published since NEER012 provide additional context relevant to the application of that precautionary framework. Walston et al. (2023) report reductions in bird species richness and soil invertebrate abundance within approximately 200 metres of large-scale PV installations in temperate agricultural landscapes, attributing these effects to habitat homogenisation and localised microclimatic change. Scurlock et al. (2024) found that reported biodiversity gains on UK arable solar sites were generally contingent on intensive, long-term management regimes and were not consistently realised under standard commercial operation.

These studies do not demonstrate that biodiversity harm is inevitable. However, they indicate that ecological outcomes cannot be assumed to be neutral or positive by default, and they reinforce NEER012's emphasis on avoidance, site sensitivity and evidence-led pathway assessment, rather than reliance on generic mitigation or BNG calculations alone.

Recent synthesis work further underscores the need for a precautionary, evidence-led approach. Fleming (2025) reviews global evidence on fauna interactions with solar facilities and identifies mechanisms potentially relevant to large open-landscape schemes, including habitat loss and fragmentation, altered movement behaviour, attraction to polarised light ("lake effect"), and microclimatic modification. Fleming emphasises that outcomes vary substantially by site and design, and that ecological risks are most effectively addressed through careful siting, baseline understanding and monitoring, rather than post-hoc enhancement claims.

Given the scale of the proposed array (c. 773 ha) and its proximity to open water, drainage channels and riparian corridors supporting water vole, bats and diverse bird assemblages, these pathways are clearly relevant. However, the ES does not assess them explicitly, nor does it explain why they were considered unlikely or not applicable.

In addition, the peer-reviewed and synthesis literature indicates that permeability and barrier effects are highly design-dependent and should not be assumed. Scurlock et al. (2024) and Walston et al. (2023) indicate that large fenced solar developments may function as partial or near-complete movement barriers for some species depending on fence design and array layout, and Fleming (2025) highlights boundary configuration and contiguous panel fields as material risk factors. This reinforces the need for the ES to provide a structured pathway appraisal and, where uncertainty remains, a secured monitoring and adaptive management framework.

Polarised-light attraction ("ecological trap") as a foreseeable pathway

Experimental and field-based research demonstrates that smooth photovoltaic panel surfaces can generate horizontally polarised light which may attract polarotactic aquatic insects and create ecological traps, with potential secondary effects for insectivorous birds and bats. Controlled studies show that panel-surface modification can materially reduce insect attraction: Horváth et al. (2010) and Fritz et al. (2020) reported that segmenting or "gridding" panel surfaces with non-polarising borders reduced insect attraction markedly, while bio-replicated micro-textured coatings reduced polarotactic response to near-background levels. More recently, drone-based polarimetry has confirmed that fixed-tilt PV arrays can generate high-intensity horizontally polarised reflections at landscape scale (Takács et al., 2024).

This evidence does not establish that polarised-light effects will necessarily occur or be significant at East Park. However, it indicates that the mechanism is sufficiently established in principle that, given the site's connected watercourses, ditches and riparian features, the ES should explain whether it has been considered and, if

screened out, on what basis, or whether practicable specification-level mitigation and monitoring are proposed.

EN-1 and EN-3 require assessment of displacement, behavioural change and indirect ecological effects arising from solar development, including those associated with reflection and habitat modification. The ES does not demonstrate compliance with these requirements.

This constitutes **Procedural Deficiency #11D – Absence of a precautionary ecological assessment applying the NEER012 framework**, as detailed in Appendix M.

Where Natural England's own evidence review identifies plausible ecological risk pathways relevant to a proposal, but those pathways are neither assessed nor explicitly excluded on the basis of evidence, the Examining Authority may not be able to rely on conclusions of "no significant effect". Under the EIA Regulations and EN-1 the decision-maker must be satisfied that all likely significant effects have been identified and assessed using appropriate and up-to-date evidence.

For a scheme of this scale (c. 773 ha), the omission of a structured assessment aligned with the NEER012 risk-pathway framework represents a material evidential deficiency.

For the avoidance of doubt, SEPE relies on these matters as information-adequacy deficiencies under the EIA Regulations, specifically **Procedural Deficiency #11D** (absence of a NEER012-aligned precautionary pathway assessment) and **Procedural Deficiency #11A** (baseline completeness for protected species and ecological connectivity), rather than as assertions that ecological harm is inevitable.

Requested action

The Examining Authority is therefore respectfully invited to require the Applicant to submit a Precautionary Ecological Impact Assessment Addendum which:

1. applies the NEER012 risk-pathway framework to the proposed scheme layout and reflective surface area;
2. evaluates potential ecological pathways including polarised-light attraction, behavioural displacement and barrier effects for relevant taxa;
3. provides species-specific assessment for riparian and farmland fauna where these pathways may arise;
4. incorporates updated or supplementary ecological survey information where required to support that assessment; and
5. identifies appropriate mitigation and monitoring measures, secured through enforceable DCO requirements and verified by an independent Ecological Clerk of Works where necessary.

11.7 Grid-connection corridor omissions

The grid-connection corridor linking the generating site to the National Grid substation east of St Neots is presented only at a schematic level (ES Vol. 1 Ch. 4; ES Vol. 3 Figs. 2-3 to 2-5). No corridor-specific assessment is provided for ecology, soils, noise, hydrology, traffic or construction-phase effects, notwithstanding that the route crosses drainage ditches, hedgerows, Public Rights of Way and agricultural land and will require trenching, haulage access, temporary compounds and reinstatement works. EIA requires assessment of the whole project, not segmented components assessed in isolation.

The absence of a corridor-level baseline and impact assessment prevents a proper evaluation of the environmental effects of the entire NSIP, including direct, indirect and construction effects. The Environmental Statement does not identify sensitive receptors along the route, assess habitat severance or temporary loss, consider protected-species risk during trenching, or evaluate soil handling and reinstatement across differing land parcels. Nor does it appraise construction noise, vibration, dust or traffic effects on receptors along the corridor.

Without an integrated appraisal of overlapping programmes, shared access routes, and cumulative trenching/haulage, the ES cannot address cumulative effects in accordance with EN-1 and the EIA Regulations.

Under the EIA Regulations, the Environmental Statement must identify and assess the likely significant environmental effects of the project as a whole, including associated infrastructure and connection works. Where a material component of the authorised development is described only schematically and not assessed with baseline evidence and construction methodology, the Examination cannot determine the likely significant environmental effects of the development.

This issue is identified as **Procedural Deficiency #11E – Grid-connection corridor omissions – material failure to assess a core component of the authorised development**, as detailed in Appendix M.

Requested action

The Examining Authority is respectfully invited to require the Applicant to submit a Grid-Connection Corridor Environmental Assessment Addendum, including:

- corridor-specific baseline surveys covering ecology, soils, hydrology, heritage and landscape receptors;
- mapping of watercourse crossings, hedgerow connectivity and other environmentally sensitive features along the route;
- a defined construction methodology for corridor works (including trenching, temporary compounds, haulage access and reinstatement);

- an assessment of construction noise, vibration, dust and traffic effects on receptors along the corridor; and
- an integrated cumulative assessment addressing interaction with other grid-connection or reinforcement works within the surrounding network area.

Until such information is provided, the Examination cannot be satisfied that the Environmental Statement contains sufficient information to assess the environmental effects of the project as a whole, as required by the EIA Regulations.

The grid-connection works form an integral part of the authorised development. Where corridor impacts are described only schematically and not supported by baseline evidence and construction methodology, the Environmental Statement cannot be said to assess the project “as a whole.” Established EIA principles require that all integral elements of the development and their cumulative effects are assessed. In the absence of corridor-specific baseline and impact assessment, the Environmental Statement does not enable the Examining Authority to reach a reasoned conclusion on the likely significant environmental effects of the development, creating a material adequacy gap under the EIA Regulations.

11.8 Biosecurity and Invasive Non-Native Species (INNS) controls – omitted

The ES and Outline CEMP do not include a site-specific Biosecurity/INNS Management Plan. Given the extent of proposed earthworks, trenching, watercourse crossings and hedgerow translocation, the risk of introduction and spread of invasive non-native species is foreseeable and material. Vehicle movements between farms, works compounds and watercourses, together with soil handling and ditch works, present clear vectors for INNS transfer.

The absence of defined controls (vehicle/plant wash-down, materials quarantine, spoil handling, ditch-management protocols, monitoring and response triggers) is inconsistent with EN-1 and the EIA Regulations to identify and assess effects on biodiversity, including indirect and secondary effects. Reliance on generic good practice without a project-specific plan is insufficient where watercourses and linear features are directly affected.

Requested action: secure, by DCO requirement, a Biosecurity/INNS Plan applicable to all works (including the grid corridor), to include:

- mandatory wash-down procedures and designated facilities;
- materials and spoil quarantine protocols;
- watercourse and ditch management measures;
- monitoring during construction and reinstatement;
- eradication/containment triggers and responsibilities; and

- training of site staff and visitors, including contractors, subcontractors and/or drivers.

This constitutes **Procedural Deficiency #11F – Omitted Biosecurity / Invasive Non-Native Species (INNS) Plan**, as detailed in Appendix M.

11.9 Hedgerows Regulations compliance and net hedgerow accounting

The application does not provide a consolidated schedule of hedgerow sections requiring consent under the Hedgerow Regulations 1997, nor does it present a quantified net hedgerow balance distinguishing temporary construction loss from long-term operational loss. In the absence of this information, the Examining Authority cannot determine whether the proposal complies with statutory hedgerow protections or with EN-1 requirements to maintain ecological connectivity.

11.9.1 Long-term hedgerow loss mischaracterised as “temporary”

The Applicant proposes the removal of approximately 84 metres of hedgerow, of which 42 metres (sections V01–V06 and V08) would be absent for the entire 40-year operational life of the Scheme in order to “facilitate operational access.” These sections are only proposed to be reinstated following decommissioning and therefore represent long-term operational loss, not temporary construction impacts.

This position is confirmed consistently within the Applicant’s own documents:

- ES Vol. 1 Chapter 2, Table 2.5 identifies each hedgerow section, its purpose, length, and reinstatement timing, and explicitly distinguishes the 42 m not reinstated until post-decommissioning;
- Hedgerow Plan (Document 2.9) maps these sections as hedgerows to be removed within the Order Limits.

Long-term removal of hedgerows constitutes functional severance of habitat networks and landscape structure. Under EN-1 and EN-3, such severance must be avoided unless clearly justified by evidence. No such justification is provided.

Critically, the Applicant does not:

- assess whether the affected hedgerows meet the “important hedgerow” criteria under Schedule 1 of the Hedgerow Regulations 1997;
- demonstrate that exceptional circumstances apply; or
- show that operational access cannot be achieved using existing gateways or alternative internal access alignments.

The assertion that hedgerow loss is “small-scale” or negligible is therefore unsupported and fails to apply the avoidance-first principle embedded in both the Regulations and national policy.

11.9.2 Internal inconsistencies between the ES, Hedgerow Plan and Draft DCO

Material inconsistencies arise between the Environmental Statement, the Hedgerow Plan (Document 2.9), and the draft DCO requirements, undermining the reliability of the hedgerow assessment and the security of mitigation.

Key conflicts include:

Reinstatement timing

- ES Vol. 1 Chapter 2 confirms seven hedgerow sections will not be reinstated until decommissioning (c. 40 years).
- The Hedgerow Plan visually presents these sections without clarifying long-term loss.
- The draft DCO secures no reinstatement timing at all.

Extent and duration of loss

- ES Chapter 2 quantifies 84 m removal, with 42 m absent for the operational life.
- ES Chapters 5 (LVIA) and 7 (Ecology) describe hedgerow loss as “minimal” without acknowledging long-term severance.
- No net hedgerow loss table is provided anywhere in the application.

Rochdale envelope conflict

- The LVIA relies on intact hedgerows for screening and character mitigation.
- The DCO permits removal “as shown on the Hedgerow Plan” without tying retention or reinstatement to assessment assumptions.
- The worst-case hedgerow loss scenario is therefore not assessed or secured.

Lack of enforceable requirements

- No requirement secures replacement length, species mix, height, density, monitoring or failure replacement.
- Reliance on oLEMP aspirations is not legally binding.

Taken together, these inconsistencies mean the assessment does not reflect the maximum extent of hedgerow loss that could occur within the parameters of the DCO as drafted.

Where the Environmental Statement and LVIA rely on greater hedgerow retention than is secured by the DCO, the assessment fails to address the true worst-case scenario. This creates a classic Rochdale Envelope inconsistency, exposing the decision to legal risk because the Examining Authority would be relying on mitigation that is not enforceable.

11.9.3 Failure to demonstrate compliance with Hedgerow Regulations 1997

The Applicant proposes the removal or breaching of fourteen hedgerow sections (V01–V14), seven of which would be removed for the entire operational life of the scheme. The application does not demonstrate compliance with the Hedgerow Regulations 1997.

Absence of Schedule 1 “Important Hedgerow” Assessment

No hedgerow has been assessed against the Schedule 1 criteria, including:

- historic and landscape significance (e.g. pre-1845 enclosure, parish boundaries);
- ecological value (species richness, associated features, connectivity); or
- archaeological or cultural associations.

The ES confirms that the hedgerows meet the basic regulatory thresholds (age, length and connectivity), triggering the need for an importance assessment. Without it, the ES does not provide sufficient information to justify the proposed hedgerow loss.

Failure to apply the mitigation hierarchy

The Applicant provides:

- no access-layout alternatives appraisal;
- no vehicle-tracking or operational-safety evidence;
- no explanation as to why existing gateways cannot be used.

This demonstrates a failure to apply the avoid–minimise–mitigate hierarchy required by EN-1, EN-3 and the Regulations themselves.

No Hedgerow Removal Notice or consent strategy

The application includes:

- no Hedgerow Removal Notice information;
- no evidence addressing whether affected hedgerows meet the “important” criteria under the 1997 Regulations; and
- no clear strategy identifying how any necessary consents would be obtained.

As a result, the ES does not provide the environmental and regulatory information required to assess the acceptability of the proposed hedgerow loss or the feasibility of implementing the development as described.

Because the Hedgerow Regulations impose statutory constraints on removal, failure to demonstrate compliance is not a minor evidential gap. It creates material uncertainty as to whether the development can be delivered as described, thereby reducing

confidence that the Environmental Statement provides sufficient information to support a reasoned conclusion under the EIA Regulations.

11.9.4 Requested action

To remedy the deficiencies identified above, the Examining Authority should require the Applicant to provide and secure within the DCO:

1. Schedule 1 Hedgerow Importance Assessments for each section V01–V14.
2. A Hedgerow Removal and Consent Schedule identifying length, importance status, consent route and timing.
3. A Net Hedgerow Change Table, distinguishing temporary and long-term loss and setting out net change at Year 0 and Year 10.
4. An Alternatives Appraisal demonstrating why each hedgerow section cannot reasonably be retained.
5. A hedgerow-specific DCO requirement securing:
 - reinstatement deadlines,
 - replacement specifications,
 - monitoring and replacement for a minimum of 10 years,
 - independent verification by an Environmental Clerk of Works (with professionally recognised ecology / biodiversity training).

The application fails to demonstrate compliance with the Hedgerow Regulations 1997 and relies on inconsistent and unsecured assumptions regarding hedgerow retention and reinstatement. Long-term hedgerow loss has been understated, alternatives have not been tested, and mitigation is not enforceable.

This constitutes **Procedural Deficiency #11G – Hedgerow Regulations consent strategy absent and mitigation unsecured**, as detailed in Appendix M.

Until a clear hedgerow consent strategy and secured reinstatement framework are provided, the Examining Authority cannot be satisfied that the ecological and landscape effects of the scheme have been fully assessed or that the development could be implemented as described without additional or unforeseen impacts.

11.10 Biodiversity Net Gain – legal securing and monitoring

While the Applicant reports headline Biodiversity Net Gain (BNG) outcomes in the BNG Report and Policy Compliance Document, the submitted material does not demonstrate that those outcomes are legally secured, deliverable, or monitorable over the long term. The BNG figures are presented against an illustrative design and are repeatedly caveated by “future flexibility” at detailed design, with no binding mechanism ensuring that:

- (i) the stated unit gains will be delivered,
- (ii) habitat condition will be achieved and maintained, or
- (iii) failure will trigger corrective action.

The policy issue is not whether BNG is a desirable aspiration. The issue is whether the Examining Authority can attribute weight to claimed BNG benefits in the planning balance under EN-1, where the commitments are not secured to the worst-case parameters of the consent and are not enforceable.

NSIP context and the relevance of a 30-year securing framework

Although the statutory BNG duty currently applies to most TCPA development, Defra's consultation on introducing BNG for NSIPs (opened 28 May 2025; closed 24 July 2025) proposes implementation from May 2026, explicitly to create a clear framework for measurable biodiversity improvement in NSIPs.

In parallel, the existing statutory BNG framework emphasises that habitat enhancements (particularly where used to generate units) must be secured by an appropriate legal agreement for at least 30 years.

Against that direction of travel, it is reasonable, and consistent with EN-1's requirement for deliverable mitigation and enhancement, to require NSIP-grade securing and monitoring now, rather than treating BNG as an optional, post-consent aspiration.

Headline BNG figures are not presently enforceable

The Applicant reports BNG outcomes of 79.51% habitat units, 36.91% hedgerow units, and 5.95% watercourse units, and then states that it "elects to claim and commit to" lower future targets (e.g. 70% / 30% / 5%) "to allow future flexibility" at detailed design. This is not a binding delivery statement. A "claim" or "election" can be altered by later design change unless translated into a secured obligation with: (i) fixed target units, (ii) fixed delivery locations and habitat types, (iii) fixed monitoring and reporting requirements, and (iv) defined enforcement and contingency.

No legal mechanism is provided to secure delivery, tenure, funding, monitoring, or remedies

On the documents cited, the Applicant does not propose a securing mechanism capable of ensuring delivery and maintenance of BNG outcomes, such as:

- a legally binding Habitat Management and Monitoring Plan (HMMP) with measurable success criteria and corrective triggers;
- a conservation covenant or equivalent enforceable legal instrument; or
- any ring-fenced, long-term funding assurance for management and remedial works.

The Policy Compliance position that planning obligations are “not required” materially reinforces the concern that there is currently no enforceable long-term delivery mechanism.

DCO requirements and the oLEMP do not ‘lock in’ BNG outcomes

Reliance on an outline LEMP (secured only “in substantial accordance” with an outline document) does not, of itself, secure:

- a defined management period aligned to a 30-year framework;
- a requirement to recalculate and report the biodiversity metric at fixed intervals (e.g. every 5 years);
- independent audit;
- remedial action obligations if habitat condition targets are not met; or
- an enforceable ‘floor’ beneath which BNG cannot fall following detailed design.

On-site-only delivery is asserted, but deliverability over the long term is not evidenced

The Applicant states that it is not proposing off-site BNG. In an operational solar context (shading, altered hydrology, access constraints, land management changes), a credible on-site-only approach requires evidence on:

- long-term habitat viability under array shading and operational constraints;
- resilience to watercourse condition and hydrological change;
- land control/tenure to secure management for the full management period; and
- resources/funding to maintain habitats and implement remedial interventions.

Without that, claimed BNG outcomes are best treated as indicative rather than demonstrably deliverable benefits.

Requested action

SEPE invites the Examining Authority to require (by DCO requirement and/or binding legal mechanism):

1. Habitat Management and Monitoring Plan (HMMP) approved pre-commencement, including:
 - a) a minimum 30-year management and monitoring period;
 - b) defined monitoring intervals (at least 5-yearly);
 - c) metric re-calculation and reporting to the relevant authorities;
 - d) measurable success criteria by habitat type; and

- e) defined remedial triggers and timescales.
- 2. A Binding Net Gain Schedule fixing: baseline units, target units, required net gains (habitat/hedgerow/watercourse), delivery locations, monitoring timetable, and consequences of under-delivery, produced by a suitably qualified professional (such as an ecologist / biologist and / or landscape architect),
- 3. Independent monitoring and audit by a suitably qualified professional (such as an ecologist / biologist / landscape architect), with publication/submission of monitoring reports and updated metric outputs at fixed intervals.
- 4. A deliverability statement covering land control and funding, including ring-fenced provision for management and remedial works.

Where BNG is relied upon as a principal environmental benefit but is not secured to enforceable requirements (targets, management period, monitoring, reporting, remedies, and funding), the decision-maker risks attributing weight to a benefit that may not materialise. That creates a material vulnerability under the EIA “adequacy of environmental information” test and EN-1’s requirement that mitigation / enhancement measures relied upon in the assessment must be deliverable and capable of being secured. In those circumstances, the Examining Authority should treat the stated BNG percentages as unproven unless and until a binding securing and monitoring framework is provided.

This constitutes **Procedural Deficiency #11H – Biodiversity Net Gain not legally secured or monitored**, as detailed in Appendix M: the application does not provide an enforceable mechanism to secure delivery, long-term management, monitoring, reporting, funding, or remedial action for the stated BNG outcomes. The reliance on aspirational and flexible commitments within policy narrative and outline documents is insufficient to evidence deliverability, and the claimed BNG benefits should not be afforded material weight unless secured through binding requirements and an HMMP aligned to a minimum 30-year management framework.

11.11 Habitats Regulations Assessment – incomplete screening and in-combination analysis

The Applicant’s *Information to Inform a Habitats Regulations Assessment* (Doc 5.7) concludes that the Proposed Development would not give rise to Likely Significant Effects (LSE) on any European site. That conclusion, however, is founded on incomplete ecological baseline data, an under-scoped in-combination assessment, and unquantified professional judgement, rather than on a precautionary, evidence-led appraisal.

As set out in Sections 11.3–11.10 of this Written Representation, baseline survey gaps remain across several key taxa and functional pathways. Those gaps necessarily constrain the reliability of the HRA screening, because screening conclusions can only

be robust where all plausible impact pathways have been identified and assessed using complete and reliable evidence.

The in-combination assessment is particularly limited. It omits or materially under-represents several large solar and BESS developments within the functional ecological zone of influence, including projects addressed in Section 18 and **Procedural Deficiency #19A**, as well as nationally significant linear infrastructure schemes. The assessment relies on high-level qualitative statements, rather than quantified analysis of shared pathways such as habitat loss, displacement, hydrological interaction, lighting, and cumulative disturbance.

The Applicant's documentation does not demonstrate that these screening conclusions have been agreed with Natural England on an in-combination basis, particularly in relation to the wider regional cluster of solar and BESS schemes, or major transport infrastructure proposals. In the absence of such confirmation, the evidential basis for the "no LSE" conclusion remains unsubstantiated.

The surrounding countryside is characterised by undulating hill-and-valley topography, meaning that screening vegetation cannot reliably block views from elevated or opposing slopes. In such landscapes, planting belts frequently fail to screen infrastructure from multiple vantage points, particularly during winter months before vegetation maturity.

Under the Habitats Regulations, a competent authority may conclude "no likely significant effect" only where it can be satisfied, on the basis of objective information, that there is no reasonable scientific doubt as to the absence of such effects. Where baseline gaps persist and cumulative impact pathways remain unquantified, the evidential basis for reaching that level of confidence may be materially constrained. In such circumstances, reliance on screening conclusions may give rise to legal vulnerability if the decision-maker cannot demonstrate that the precautionary threshold has been met.

For these reasons, SEPE submits that the current HRA submission does not provide a sufficiently robust evidential basis to support a screening conclusion of no likely significant effect in accordance with the precautionary requirements of the Habitats Regulations.

11.11.1 Incomplete assessment of functionally linked land and indirect effects

The HRA evidence does not assess whether land within Sites A–D functions as functionally linked land for qualifying species of nearby SPAs or SSSIs, despite the presence of suitable foraging, commuting, and transitional habitats. Nor does it assess indirect pathways such as disturbance, displacement, fragmentation, hydrological change, lighting or noise.

This omission is material. Established case law confirms that the HRA must consider off-site features where they play a functional role in achieving the conservation

objectives of a designated site, even if those features lie outside the site boundary. That obligation extends to foraging land, commuting routes, and ecological processes that support site integrity.

The Applicant has not provided modelling, sensitivity testing, or a structured pathway analysis to exclude such effects. As a result, the competent authority cannot conclude, with the required degree of certainty, that the proposal would not adversely affect site integrity.

Where functionally linked land and indirect pathways are not assessed, it is not possible to exclude adverse effects on site integrity with the level of scientific certainty required by the Habitats Regulations. Proceeding without that analysis risks failing to apply the precautionary approach required by the Regulations.

This constitutes **Procedural Deficiency #11I – Habitats Regulations Assessment screening and in-combination analysis inadequate**, as detailed in Appendix M.

11.12 Confidential ecology reports – lack of public-facing constraints information

SEPE recognises the need to protect sensitive ecological data, including the precise locations of protected species such as badger setts or raptor nests. However, the Applicant's reliance on confidential appendices and figures (Appendix 7-4 and Volume 3 Chapter 7 Confidential Figures) is not balanced by the provision of any redacted or generalised public-facing ecological constraints information.

As submitted, affected landowners, Public Rights of Way users, and local communities are unable to understand how ecological sensitivities intersect with:

- construction compounds and access routes,
- hedgerow breaches and fencing corridors,
- cable routes and temporary working areas, or
- construction timing restrictions.

In comparable NSIP examinations, it is standard practice to provide buffered or generalised constraint plans (for example, using 250 m or 500 m stand-off zones) that protect sensitive data while enabling meaningful public engagement. The absence of such plans here prevents effective scrutiny of the scheme's environmental effects and the feasibility of alternatives.

Where consultees cannot understand the spatial relationship between ecological constraints and proposed works, meaningful participation is undermined. This compounds consultation and EIA adequacy risks, particularly where mitigation is deferred to post-consent stages.

This constitutes **Procedural Deficiency #11J – Inadequate public-facing ecological constraints information**, as detailed in Appendix M.

Requested action:

Provision of redacted or buffered ecological constraints plans sufficient to allow meaningful public and Examination scrutiny without compromising sensitive species data.

11.13 Summary

The Applicant's own baseline evidence appears to indicate that the East Park site supports an exceptionally high-value ecological assemblage, including one of the largest farmland-bird populations recorded in a recent solar NSIP examination (notably 125 skylark territories), multiple S41 priority species, and Schedule 1 / Annex I birds as reported in ES App 7-2.

Against that baseline, the Environmental Statement:

- understates receptor sensitivity and significance,
- omits or under-assesses key taxa and ecological pathways,
- defers avoidance and mitigation to post-consent stages, and
- relies on aspirational enhancement claims that are not yet secured.

Taken together, these deficiencies prevent a robust conclusion that the proposal complies with the precautionary principle embedded in EN-1, EN-3, the EIA Regulations, and the Habitats Regulations. On the evidence currently before the Examining Authority, the scheme cannot be shown to achieve ecological neutrality, no-net-loss, or an absence of adverse effects on protected sites and species.

Accordingly, these matters should attract substantial weight in the planning balance and warrant resolution through further information before the application can be properly determined on a fully informed basis.

Cross-reference: Appendix O – DCO precedent summary (noting that comparable solar NSIPs required additional surveys, revised HRAs, and pre-commencement safeguards where similar evidential gaps were identified).

12.0 Cultural heritage and archaeology

Review of the Applicant's Environmental Statement (ES Vol. 2, Appendices 6-1 to 6-9) indicates that the archaeological baseline remains only partially characterised at the point of examination and unevenly characterised across the Order Limits. The submitted appendices confirm that Site C has been subject to a completed trial-trench evaluation, whereas the evaluations for Sites A, B and D are reported as interim and incomplete; the equivalent work for Sites A, B and D (and for portions of the cable routes / grid connection works) is described as interim or partial, with specialist finds analysis and final interpretative reporting outstanding.

The Site D evaluation report explicitly states that artefacts recovered during trenching "have not been processed and examined by specialists" and that no quantification or dating evidence is yet available. The desk-based evidence base (Appendix 6-2) identifies multiple high-potential cropmark complexes, ridge-and-furrow and likely Roman-period features across Sites A and D, yet the submitted documentation does not provide a finalised, examination-stage evidential platform that allows impacts on buried archaeology to be assessed with confidence.

In NSIP terms, the issue is not whether archaeology can be dealt with by a Written Scheme of Investigation (WSI) in principle; it is whether the application contains sufficient environmental information at the point of examination to understand:

- i. the likely presence and significance of remains;
- ii. the likely magnitude of harm from a scheme involving extensive ground disturbance (piling, cabling, access tracks, drainage and compounds); and
- iii. whether avoidance or preservation-in-situ has been properly tested through informed design.

On the current record, the ES does not demonstrate that this evidential threshold has been met, particularly where archaeological evaluation results remain provisional and key interpretative stages (including artefact processing and specialist reporting) have not yet been completed. This engages the EIA Regulations adequacy requirement, which requires the decision-maker to have sufficient environmental information to reach a reasoned conclusion on the likely significant effects of the development on the environment.

Where significance is not yet characterised across substantial parts of the Order Limits, the Examining Authority would have limited ability to test whether conclusions of neutral or limited harm are evidence-based. In those circumstances, further information is required to ensure the decision is taken on a sufficiently robust understanding of significance, impacts and secured mitigation, consistent with the EIA Regulations requirement that the environmental information be adequate to enable a reasoned conclusion on likely significant effects.

The Outline Archaeological Mitigation Strategy (Doc 7.15) proposes that a WSI will be prepared and agreed post-consent. However, it does not clearly provide an examination-stage mechanism that:

- a) commits the Applicant to completing evaluation and significance assessment before intrusive works commence across all relevant areas;
- b) sets minimum evaluation coverage or trenching thresholds across the remaining unevaluated areas;
- c) secures publication and reporting outputs consistent with ClfA standards; or
- d) establishes contingency design responses if remains of national importance are encountered (including redesign or preservation-in-situ).

Such securing mechanisms are commonly expected where the archaeological potential of the site is demonstrably high.

This constitutes **Procedural Deficiency #12A – Incomplete archaeological evaluation and insufficient heritage baseline evidence**, as detailed in Appendix M.

Interim evaluation reports and outstanding specialist analysis mean that the archaeological baseline across substantial parts of the Order Limits has not been fully characterised at the point of examination, limiting the ability to assess significance, magnitude of harm or the adequacy of mitigation.

12.1 Statutory consultee evidence confirms material gaps

Representations from the relevant local authority archaeological advisers (Bedford Borough Council, Cambridgeshire County Council, and Huntingdonshire District Council) corroborate that the ES baseline is not complete enough across the scheme footprint to support robust conclusions on significance, harm, or the adequacy of mitigation. Those representations indicate, in summary, that:

- trial trenching/evaluation is not complete across Sites A, B and D;
- archaeology associated with the cable routes and grid connection works is not committed to a level of evaluation proportionate to identified potential; and
- areas between principal parcels (including corridors and interface areas) may contain remains of more than local importance and should be evaluated before final conclusions are drawn.

Taken together, these representations indicate that the baseline evidence required to assess archaeological significance and direct impacts across the scheme footprint has not yet been completed, and that the Environmental Statement therefore relies on future investigation rather than a fully evidenced assessment at the point of determination.

On that basis, the ES presently falls short of the “sufficient information” expectation in EN-1 and the EIA requirements to describe likely significant effects on the historic environment on an evidential footing.

These consultee concerns align with the documentary gaps identified below.

12.2 Key heritage/archaeology deficiencies

Incomplete baseline characterisation and missing evaluation coverage

The ES acknowledges archaeological potential (including Roman-period indicators and cropmark evidence), but large parts of the Order Limits remain unevaluated or only partially evaluated. Without completed evaluation and finds assessment across all affected parcels (including the cable and grid connection works), the ES cannot reliably conclude on:

- the likely presence/extent of remains,
- their relative significance (local / regional / national),
- the magnitude of harm from piling and trenching, or
- whether informed avoidance and preservation-in-situ has been properly exhausted.

Requested action: Complete and report proportionate evaluation across Sites A, B and D and along the cable/grid connection works to enable a reasoned significance and effects assessment.

Setting impacts: sensitivity and harm classifications disputed by consultees

Local authority heritage comments identify potential misclassification and under-assessment of setting impacts for designated assets, including the contribution made by surrounding farmland and historic landscape character to significance (e.g. church setting and rural farmstead settings). Where consultees dispute the Applicant’s sensitivity/harm judgements, the Examining Authority requires an evidence-based reconciliation: either corrected sensitivity ratings supported by reasoning, or a justified basis for maintaining the Applicant’s approach.

Where the assessment of setting and harm is materially disputed by statutory consultees and not resolved on evidence, there is a risk that the decision-maker would be attributing weight to an under-stated harm position. That risk is heightened because the statutory heritage duty requires decision-makers to apply considerable weight to harm to designated assets and their settings (as reflected in well-known Court of Appeal and High Court authorities), and that exercise depends on a defensible harm classification.

Over-reliance on “no-dig” assertions without scheme-wide intrusiveness accounting

Consultee comments highlight that “no-dig” design solutions are not synonymous with absence of archaeological impact, particularly where:

- cabling, inverter stations, transformers, access tracks, drainage and compounds still require intrusive works; and
- cumulative ground disturbance and localised deep excavations may affect archaeology even where panel mounting is designed to minimise disturbance.

A defensible assessment therefore requires the ES to identify and quantify the full ground-disturbance envelope of the scheme (construction and decommissioning) and relate this to evaluated archaeological significance, rather than relying on generalised “no-dig” characterisations.

Decommissioning impacts on archaeology not evidenced

Where the scheme is presented as temporary, decommissioning is not a trivial phase for archaeology. Removal of piles, ducting and infrastructure can cause substantial sub-surface disturbance. If the Outline Decommissioning Strategy assumes decommissioning will be “no worse than construction” without supporting archaeological analysis, the Environmental Statement leaves a potentially material impact pathway unassessed.

Requested action: Provide an archaeology-specific decommissioning impact note (disturbance depth/extent; likely techniques; mitigation/preservation contingencies).

Scheduled Monument / high-sensitivity assets: routing and method details insufficient

Where the grid connection / cable route interfaces with high-sensitivity heritage constraints (including scheduled assets or their settings), the ES must provide enough detail to assess:

- route feasibility without harm,
- construction methodology parameters (e.g. HDD depth, entry/exit compounds, temporary road build-up), and
- whether avoidance is genuine and secured.

If those parameters are left as “to be agreed”, then the assessment risks not representing the realistic worst-case.

12.3 Deferral to post-consent WSI does not cure baseline incompleteness

The Applicant proposes that intrusive investigation and mitigation will be addressed under a future WSI. A WSI can be appropriate once the archaeological resource has been sufficiently characterised. However, where significant parts of the Order Limits

remain unevaluated despite desk-based evidence of high potential and consultee concerns, deferring evaluation and significance determination until after consent risks reversing the proper assessment sequence (significance → harm → avoidance / mitigation).

If determination proceeded on an incomplete significance picture, there would be an avoidable risk that heritage effects (including effects on settings) have not been assessed on a sufficiently robust evidential basis for EIA purposes, and that the planning balance is being undertaken without a defensible understanding of harm and secured mitigation. The proportionate remedy is completion and reporting of evaluation (including linear works) so that harm, avoidance options and mitigation can be assessed and secured.

Where archaeological significance has not yet been properly characterised across substantial parts of the Order Limits, the Environmental Statement cannot provide a reliable assessment of likely significant effects on the historic environment. In those circumstances the decision-maker risks undertaking the planning balance without the environmental information necessary to discharge the EIA Regulations requirement to reach a reasoned conclusion on the environmental effects of the development.

12.4 Pre-published evidence of Roman settlement

The Applicant's narrative suggests that Roman-period significance within parts of the scheme area emerged primarily through the Applicant's own work. However, the desk-based assessment should demonstrate that it has captured all reasonably available historic environment evidence, including Historic Environment Record (HER) entries, prior investigations, published/grey literature, and locally held archaeological reports, sufficient to characterise archaeological potential and risk at the outset.

To the extent that there was already recorded evidence indicating Roman-period activity in the locality (e.g. HER records, prior findspots, cropmark interpretation and any prior evaluation/reporting), that would reinforce that the archaeological sensitivity was foreseeable, strengthening the case that evaluation and avoidance should have been embedded earlier in design evolution. If design changes are attributed to newly identified archaeological evidence, the Applicant should be required to demonstrate (by an audit trail in the DBA) what archaeological evidence was reasonably available at the outset, what was uncertain, and what genuinely changed as a result of evaluation, so the Examining Authority can understand whether the relocation of infrastructure reflects a proportionate response or a consequence of initial baseline under-assessment.

Requested action: Require the Applicant to provide an evidence audit table (HER + prior investigations + published/grey sources) and explain how that evidence informed design evolution and the selection/relocation of infrastructure.

12.5 Proximity, setting and intervisibility of designated heritage assets

In addition to below-ground archaeological remains, the scheme lies within a historic landscape containing a dense concentration of designated heritage assets whose settings contribute materially to their significance, including multiple Grade I listed churches and the Scheduled Roman Small Town south of Great Staughton. These assets have not been assessed through a spatially explicit and cumulative setting analysis across all parcels A–D, particularly in relation to intervisibility and outward views from designated assets.

Archaeological evidence appears to indicate that the Roman town was part of a wider ceremonial and domestic landscape. A Roman villa and bath house complex on Staughton Moor, excavated by Ernest Greenfield for the Ministry of Works in 1958–59 and documented in Chapter 3 of *Great Staughton and its People* (Withers, 2023), occupies elevated ground overlooking the Roman town and the land now proposed as Sites C and D. These remains form part of a coherent Roman landscape whose legibility depends on topography, intervisibility and the relationship between settlement, villa and surrounding land. The Environmental Statement does not assess how large-scale solar infrastructure across Sites C and D would affect the appreciation or interpretation of this historic landscape.

The scheme also lies in close proximity to multiple Grade I listed churches, each of which derives significance from its rural setting, long views and historic approaches. St Peter's Church, Pertenhall, a 12th-century church with associations to the Knights Templar, lies approximately 200 m from the boundary of Site A, with solar panels and associated equipment proposed within approximately 350 m. This proximity would materially affect its setting and views from surrounding Public Rights of Way, yet no verified photomontages or setting analysis are provided.

Similarly, St Nicholas' Church, Swineshead lies within 1 km of Site A; St Andrew's Church, Great Staughton is approximately 250 m from Site C; and All Saints' Church, Little Staughton is experienced in views along a historic causeway Public Right of Way leading to the Scheduled Monument at Cretingsbury (Sir Adam de Creeting's 13th-century double-moated motte and manor), approximately 400 m to the east. This causeway PRow overlooks Sites A, B and C, and its experiential and historic value would be materially eroded by the introduction of extensive industrial-scale infrastructure.

In addition, St Mary the Virgin Church, Keysoe, a 12th-century Grade I listed church, occupies elevated ground overlooking Sites A and B, with open rural views that form part of its historic significance. The Environmental Statement does not assess these elevated viewpoints, nor does it provide ZTV analysis or verified visualisations demonstrating the scale of change to setting.

Taken together, these assets illustrate that the Proposed Development has the potential to introduce widespread and cumulative harm to the settings, viewing

corridors and experiential qualities of multiple nationally important heritage assets. The Environmental Statement's reliance on desk-based assessment, absence of verified viewpoints, and failure to assess cumulative setting impacts across parcels A–D means that harm to heritage significance has been systematically understated.

Photographic evidence in Appendix U demonstrates clear visual connectivity between the site and designated heritage assets, including elevated viewpoints within Little Staughton and views from surrounding Public Rights of Way. This evidence confirms that the setting of these assets is functionally linked to the site and that the Applicant's assessment of heritage effects is understated.

This omission is material and engages EN-1, NPPF provisions for conserving and enhancing both the natural and historic environment, the EIA Regulations, and the statutory duty under s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In the absence of a spatially explicit, cumulative heritage-setting assessment, the Examining Authority cannot properly discharge the statutory duty under s.66(1) to have special regard to the desirability of preserving listed buildings and their settings, nor apply the required considerable importance and weight to that objective in the planning balance.

12.6 Scheduled Monument Consent, Site C constraints and decision-stage adequacy

Historic England, as the Government's statutory adviser on the historic environment, confirms that Site C contains a nationally significant Scheduled Monument ('Roman Small Town south of Great Staughton', NHLE 1491190) and that elements of the Proposed Development include construction works within or immediately adjacent to the Scheduled Monument boundary. Historic England further confirms that Sites C and D form part of the wider setting of the Scheduled Monument and that the effects of the scheme have the potential to be significant.

Historic England acknowledges that archaeological investigations have been undertaken across much of the Order Limits but confirms that certain areas have not yet been fully evaluated and that key archaeological information remains interim or outstanding, including elements of geophysical survey and trial trenching. Historic England expressly notes the potential for previously unknown archaeological remains of equivalent value to designated heritage assets to be identified within the Order Limits. In such circumstances, further evaluation, reassessment of impacts and proportionate mitigation would be required prior to development.

Of particular importance, Historic England confirms that the works proposed within the Scheduled Monument would ordinarily require Scheduled Monument Consent under the Ancient Monuments and Archaeological Areas Act 1979, yet the draft Development Consent Order does not currently contain provision addressing this matter. Historic England has indicated that further assurances, revised DCO wording and explicit

consultation safeguards will be required, including the formal involvement of Historic England in any consent pathway affecting the Scheduled Monument.

In addition, Historic England recognises that the Proposed Development will result in harm to the significance and setting of multiple designated heritage assets, including Grade I listed churches, and confirms that residual effects are likely to remain even after mitigation measures are applied. Historic England also identifies shortcomings in the assessment of setting, particularly the lack of meaningful analysis of views from churches and churchyards, rather than solely views towards them.

Taken together, this evidence suggests that the assessment of cultural heritage effects remains incomplete at the point of decision. The Environmental Statement relies on future evaluation, future consent processes and post-decision mitigation to address impacts on assets of the highest heritage significance. This approach is inconsistent with EN-1, which requires sufficient, reliable information to be available to enable a properly informed decision, and with the EIA Regulations, which prohibit consent being granted where the environmental information is not adequate to reach a reasoned conclusion on likely significant effects.

Where Site C also functions as a critical access and infrastructure corridor for the scheme, the unresolved requirement for Scheduled Monument Consent and the absence of complete archaeological investigation introduce a material deliverability and constraint risk, particularly where principal access and cable infrastructure are proposed within or adjacent to the Scheduled Monument, and where alternative routing options appear limited in the Environmental Statement. These matters are not peripheral but go to the heart of site selection, alternatives, and the proportionality of the Proposed Development in this location.

Accordingly, SEPE submits that the cultural heritage impacts associated with Site C cannot be treated as resolved or mitigated in principle, and that the application does not presently meet the decision-stage adequacy requirements of the EIA Regulations or national policy.

12.7 “Roman landscape integrity” argument around Great Staughton

The archaeological significance of the Proposed Development area cannot be understood solely through the presence or absence of individual buried features. The site lies immediately adjacent to the Scheduled Monument known as the Roman Small Town south of Great Staughton (NHLE 1491190), which represents a substantial Roman settlement complex occupying approximately 31 hectares. The Environmental Statement acknowledges that archaeological investigations within Site C have revealed extensive Roman-period activity including enclosure systems, road alignments and settlement features associated with this town.

The archaeological evidence indicates that the settlement formed part of a wider Roman landscape incorporating domestic, agricultural and ceremonial elements extending beyond the core boundary. Sites of this nature are typically associated with

surrounding farmsteads, villa complexes, field systems, trackways and areas of industrial activity distributed across the countryside. Remains identified within Sites C and D, including enclosure ditches and indicators of rural settlement, are consistent with this broader pattern of Roman land use and organisation.

The Environmental Statement, however, treats the Scheduled Monument largely as an isolated constraint, rather than assessing the integrity of the wider settlement landscape in which it is situated.

By focusing primarily on individual buried features rather than the wider archaeological landscape, the Environmental Statement does not adequately assess the cumulative effects of large-scale solar infrastructure on the legibility and interpretative integrity of the Roman settlement system centred on Great Staughton.

Large-scale ground-mounted solar infrastructure across the surrounding agricultural landscape has the potential to fragment or obscure the archaeological context within which the Roman town developed. While individual archaeological features may remain physically preserved beneath solar arrays, the industrialisation of the landscape through extensive fencing, infrastructure compounds, inverter stations, cable routes and access tracks may substantially diminish the ability to understand, investigate and interpret the wider Roman settlement landscape as a coherent archaeological system.

In this context, the issue is not limited to the preservation of individual archaeological features but extends to the preservation of the archaeological landscape framework within which those features exist. Where the Environmental Statement assesses impacts primarily at the level of individual assets, it does not fully evaluate the cumulative effects of the Proposed Development on the integrity, legibility and research potential of the wider Roman landscape surrounding the Scheduled Monument.

National policy requires that heritage assessments consider not only individual assets but also the historic environment as a whole. EN-1 emphasises that assessments should consider impacts on the wider historic environment and historic landscape context, including archaeological remains both above and below ground. In circumstances where a development surrounds or closely interfaces with a major Roman settlement complex, a spatially explicit assessment of the wider archaeological landscape becomes particularly important.

In the absence of a landscape-scale archaeological assessment addressing the relationship between the Roman town, surrounding settlement evidence, villa complexes and agricultural field systems, the Environmental Statement does not fully demonstrate that the integrity and interpretative potential of the Roman landscape has been adequately considered. This omission introduces uncertainty as to whether the Proposed Development could result in cumulative harm to the archaeological significance of the wider Roman settlement system centred on Great Staughton.

The scale of the Proposed Development means that solar infrastructure would effectively surround and dominate large parts of the agricultural landscape historically associated with the Roman settlement. In such circumstances the scheme risks transforming an archaeologically legible Roman landscape into a modern industrial energy landscape, materially diminishing the ability to interpret the historic settlement system. This wider landscape context is relevant to the weight attributed to heritage harm.

12.8 Agricultural continuity and the Roman landscape context

The archaeological significance of the area surrounding the Scheduled Roman Small Town south of Great Staughton must also be considered in relation to the long-term agricultural use of the surrounding landscape. Much of the Proposed Development area comprises Best and Most Versatile (BMV) agricultural land that has remained in productive agricultural use for centuries and in some cases millennia.

Roman settlements of the scale identified at Great Staughton were typically supported by extensive surrounding agricultural land organised into field systems and farmsteads supplying food, livestock and raw materials to the settlement. Archaeological evidence from Sites C and D, including enclosure systems and field boundaries of probable Roman date, is consistent with the presence of such a rural agricultural hinterland.

The continued agricultural use of the landscape surrounding the Roman town therefore represents not merely a modern land-use pattern but the long-term functional continuity of the historic landscape. In many cases, later medieval and post-medieval field systems evolved from earlier Roman land divisions, meaning that modern agricultural landscapes may preserve elements of ancient settlement organisation and land use.

In this context, the Proposed Development would not simply alter the visual character of farmland but would introduce a large-scale industrial land use across an area that historically functioned as the agricultural hinterland of a significant Roman settlement. While the installation of solar arrays may not remove all buried archaeological features, the conversion of extensive areas of BMV farmland into fenced solar infrastructure would interrupt the historic agricultural continuity of the landscape and alter the functional relationship between the settlement centre and its surrounding land.

This issue is particularly relevant because the Environmental Statement assesses agricultural land and cultural heritage largely as separate topics. In reality, the same landscape performs both functions: it is simultaneously a high-quality agricultural resource and part of the historic landscape framework within which the Roman settlement developed.

Where a development affects land that is both archaeologically sensitive and classified as BMV agricultural land, the potential harm is cumulative. The scheme would result in the long-term industrialisation of land that is:

- part of the agricultural setting and historic landscape of a nationally important Roman settlement; and
- among the most productive agricultural land within the region.

National policy recognises the importance of protecting both resources. EN-3 and the NPPF require that BMV agricultural land should be avoided where possible, while EN-1 requires careful assessment of impacts on the historic environment and archaeological landscapes. Where the same landscape contributes to both agricultural productivity and historic environment significance, the loss or industrialisation of that land engages both policy objectives simultaneously.

In the absence of a spatially integrated assessment considering the relationship between the Roman settlement, its surrounding agricultural landscape and the distribution of BMV farmland within the Order Limits, the Environmental Statement does not fully evaluate the cumulative implications of the Proposed Development for either resource.

The result is that the planning balance currently considers the agricultural and archaeological consequences of the scheme largely in isolation. A landscape-scale perspective indicates that the Proposed Development would affect a single coherent historic agricultural landscape that has supported settlement and food production since at least the Roman period. The long-term industrialisation of this landscape therefore represents not only a loss of agricultural capacity but also a disruption to the historic continuity and interpretative context of the Roman settlement system centred on Great Staughton.

The Proposed Development would therefore convert a historically productive agricultural landscape that has supported settlement and food production since at least the Roman period into an industrial energy landscape. In doing so it would simultaneously affect two nationally important resources: the historic landscape context of a major Roman settlement and a substantial area of BMV agricultural land.

Historic England guidance on setting and archaeological landscapes emphasises that the significance of archaeological assets often derives from their wider landscape context and spatial relationships rather than individual features alone.

12.9 Archaeological resource sterilisation risk

The Environmental Statement places considerable reliance on the concept of “preservation in situ” as the principal mitigation strategy for buried archaeological remains. While preservation in situ can represent an appropriate approach where development avoids direct disturbance, it does not necessarily preserve the research value or accessibility of the archaeological resource.

Ground-mounted solar developments typically introduce extensive arrays of panels, mounting systems, inverter stations, underground cabling and security fencing across

large areas of land for periods of 40 years or more. Although these installations may avoid deep excavation in some areas, they nevertheless create a long-term physical and operational environment that can substantially constrain archaeological investigation.

Once installed, solar arrays effectively restrict access to the ground surface across the majority of the operational area. Archaeological investigation requiring open excavation, geophysical survey, or other forms of intrusive research may become impractical or impossible without partial dismantling of infrastructure. In practice, this means that archaeological remains preserved beneath solar arrays may become effectively inaccessible for investigation for the duration of the operational life of the scheme.

Where archaeological evaluation remains incomplete at the point of determination, this creates a risk that unknown or partially understood archaeological resources may become sterilised beneath infrastructure before their significance has been properly characterised.

This issue is particularly relevant in the present case given the known presence of extensive Roman-period activity associated with the Scheduled Roman Small Town south of Great Staughton and the surrounding settlement landscape. The interim archaeological evaluations submitted with the Environmental Statement confirm that artefacts have not yet been processed or analysed and that the dating and interpretation of several features remain provisional.

In these circumstances, reliance on preservation in situ without a completed archaeological baseline risks converting an unknown archaeological resource into an inaccessible archaeological resource.

Examining Authorities in comparable solar DCO examinations have recognised the importance of ensuring that archaeological resources are adequately understood prior to development. In the examination of Cleve Hill Solar Park, the Examining Authority emphasised the need for robust archaeological evaluation and mitigation frameworks prior to construction. Similarly, in the examination of Sunnica Energy Farm, archaeological mitigation strategies and evaluation requirements formed a significant part of the examination process where extensive archaeological potential existed.

Where large areas of archaeologically sensitive landscape are proposed to be covered by long-term infrastructure, the risk of archaeological resource sterilisation should be considered alongside direct impacts. Preservation in situ may prevent physical destruction, but it may also defer investigation for several decades, limiting opportunities for research, interpretation and public understanding of the historic environment.

In circumstances where the archaeological baseline is incomplete and the landscape forms part of the wider Roman settlement system centred on Great Staughton, the

Environmental Statement does not demonstrate that this sterilisation risk has been adequately assessed.

12.9.1 Archaeological research framework context

The archaeological significance of the landscape surrounding the Scheduled Roman Small Town south of Great Staughton should also be considered in light of regional archaeological research frameworks for the East of England. These frameworks identify the relationship between Roman towns, villa complexes, agricultural field systems and rural settlements as a key research priority, particularly in areas where substantial settlement centres are known. Landscapes surrounding Roman towns are therefore recognised as having particular research value because they may contain evidence capable of illuminating settlement hierarchy, agricultural production, transport routes and the organisation of the Roman rural economy.

Where archaeological remains form part of a wider settlement landscape, the ability to investigate spatial relationships between settlement centres, villas and surrounding agricultural land can be as important as the preservation of individual features. In circumstances where archaeological evaluation remains incomplete and large areas of the surrounding landscape may become covered by long-term infrastructure, the Environmental Statement does not demonstrate that the potential effects of the Proposed Development on this wider research value have been fully considered.

12.10 Requested action and Examination requirements

SEPE respectfully requests that the Examining Authority requires the Applicant to submit a Heritage-Setting Impact Addendum addressing the deficiencies identified in this section. This assessment should include:

- a composite heritage constraints plan illustrating the spatial relationship between the Order Limits and the settings of Grade I listed buildings and other designated heritage assets;
- ZTV-led intervisibility analysis assessing where the development may be visible from heritage receptors across the wider study area;
- verified viewpoints and photomontages illustrating views to and from heritage assets, including Grade I listed buildings and conservation areas;
- receptor-specific setting assessments evaluating how the Proposed Development would be experienced in the landscape context of each asset;
- assessment of views both toward and from heritage assets, including long-distance landscape views where these contribute to heritage significance; and
- a clear explanation of how the layout, scale and mitigation strategy of the Proposed Development have been tested against heritage setting sensitivity, supported by visual evidence.

Without this information, the Examining Authority cannot confidently discharge its statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, nor reach a fully reasoned conclusion on likely significant effects on heritage assets in accordance with the EIA Regulations.

The Environmental Statement defers substantial elements of archaeological evaluation and interpretation to a future WSI despite known archaeological potential and incomplete baseline across Sites A, B, D and linear works; and reliance on post-consent agreement of a WSI without sufficient pre-determination evaluation and significance assessment to support robust conclusions on harm, avoidance or mitigation.

Taken together, the interim status of archaeological evaluation, the absence of specialist artefact analysis, and the reliance on post-consent investigation mean that the archaeological resource within substantial parts of the Order Limits has not yet been fully characterised. In these circumstances the Environmental Statement does not presently provide the level of environmental information required to enable the decision-maker to reach a reasoned conclusion on the likely significant effects of the development on the historic environment, as required by the EIA Regulations.

13.0 Construction traffic and routing impacts

The proposed East Park Energy development would, on the Applicant's own figures (ES Vol 2 Appendix 9-1, Table 5.2), generate approximately 10,556 two-way heavy goods vehicle (HGV) movements and 1,580 two-way (LDV) movements over the construction period, excluding workforce travel, light commercial vehicles, abnormal loads, and ancillary deliveries. Given the scale of panel delivery, cabling, aggregates, concrete and substation components described elsewhere in the Environmental Statement, peak-period traffic intensity is likely to exceed average daily flows and the total number of movements overall presented in the Transport Assessment.

While the Applicant cites an estimated total of approximately 10,556 two-way HGV movements, the evidential basis for this figure is not transparently reconciled against the submitted construction programme, materials quantities and delivery assumptions. For an NSIP of this scale, the HGV totals relied upon in the Transport Assessment must be transparently reconcilable to:

- (i) stated material quantities,
- (ii) construction sequencing, and
- (iii) delivery assumptions.

Where those totals underpin asserted conclusions of negligible or moderate effect, they must be capable of independent verification in order to satisfy the EIA requirement for a reasoned conclusion; otherwise the Environmental Statement risks failing to provide "sufficient information to enable the Secretary of State to reach a reasoned conclusion" within the meaning of the EIA Regulations.

This reconciliation should expressly report the overall two-way construction traffic envelope (HGV, LGV, staff and subcontractor vehicles, welfare/service trips and courier movements), and identify the worst-case peak day/week assumptions and any overlapping work-fronts, so that highway safety, congestion and residential amenity effects can be tested on a realistic worst-case basis.

Internal consistency within the construction transport assumptions also raises questions. The Environmental Statement indicates an average construction workforce of approximately 500 personnel, yet the transport assessment assumes only 248 daily one-way worker vehicle trips. Given the rural location and absence of high-capacity public transport links, this assumption appears optimistic and is not supported by evidence of organised workforce transport provision. If the workforce travel assumptions are understated, the resulting traffic impact assessment may also be understated.

The development is located within a predominantly rural road network with limited capacity and resilience. Construction access would rely principally on the B645, connecting to the A1 near St Neots and indirectly to the A14 via routes passing through

Kimbolton, Catworth, Perry and surrounding villages. The Transport Assessment does not demonstrate that this network is suitable for sustained HGV traffic at the proposed intensity, nor does it robustly test worst-case peak scenarios.

National Highways, in its Relevant Representation, confirms that assessment of impacts on the Strategic Road Network (SRN) is required where development results in an increase of 30 additional trips during peak periods.

The Applicant's own construction workforce and delivery forecasts materially exceed that threshold. National Highways further records that no trip distribution has been presented to demonstrate whether there could be an impact on the A1/B645 junction and that the level of impact "would ordinarily warrant further analysis of junction performance due to the significant volume of trips presented".

This independent statutory evidence reinforces SEPE's submission that SRN junction impacts have not been adequately modelled or demonstrated.

Critically, the Applicant's approach relies heavily on contractor compliance with advisory routing rather than on secured, enforceable controls. This is inconsistent with the requirement in EN-1 that environmental information relied upon in decision-making must be accurate, reliable and sufficiently robust to enable likely significant effects to be assessed and mitigated. Where compliance is left to discretion rather than enforceable mechanisms, the assessment cannot be treated as reliable for EIA purposes.

The B645, together with the B660 and B661 corridors forming the principal local construction routes, are rural single-carriageway roads characterised by:

- narrow carriageway widths,
- constrained forward visibility and limited overtaking opportunities,
- direct residential frontages in several settlements,
- use as a local bus and school transport corridor; and
- regular use by pedestrians, cyclists, equestrians and agricultural traffic.

In addition to geometric constraint, these corridors exhibit the condition characteristics typical of lightly constructed rural highways subject to edge loading, including longitudinal cracking, surface fretting, patch repairs and verge deformation. Recent maintenance works along sections of the B645 corridor (including between The Kangaroo and the B660 junction) demonstrate existing maintenance sensitivity under current traffic conditions.

Roads of this class are generally constructed with limited edge support and without the structural resilience associated with primary HGV distributor routes. Where heavy vehicles encroach onto carriageway edges or verges, accelerated deterioration

(including rutting, pothole formation and edge failure) is a foreseeable outcome of repeated loading.

The presence of environmental weight restrictions on sections of the B645 and adjoining local routes indicates recognised sensitivity to heavy-vehicle traffic. While individual abnormal-load movements may be accommodated under controlled conditions, sustained HGV flows over an extended construction period represent a materially different loading profile.

The Environmental Statement does not provide pavement-strength assessment, verge-resilience analysis, or a secured highway-condition remediation mechanism proportionate to the scale and duration of the proposed construction and replacement-phase HGV traffic.

The Environmental Statement does not demonstrate that road safety, amenity and network performance impacts on this corridor can be acceptably mitigated under worst-case construction conditions.

The draft Schedule 8 controls (Validation Report) propose measures such as temporary speed restrictions and Public Rights of Way crossings. However, they do not secure:

- school-period or peak-hour HGV embargoes;
- daily or weekly HGV movement caps;
- GPS-based routing enforcement and monitoring;
- penalties or corrective measures for non-compliance; or
- a rat-run prevention strategy for Hail Weston, Great Staughton, Little Staughton, Pertenhall, Keysoe, Kimbolton, Perry and adjoining villages.

In the absence of such controls, routing compliance remains discretionary, and the Environmental Statement does not demonstrate that residential amenity, highway safety or community severance impacts will be effectively managed.

In addition, the Applicant's abnormal-load documentation indicates that passage of transformer Abnormal Indivisible Loads (AILs) along the B645/A1 interface will require bespoke traffic management (potentially including controlled stoppages, traffic signal management and/or temporary restrictions) and cannot be treated as a negligible or "routine" movement within averaged construction flows. This is consistent with the Applicant's Traffic Regulation Measures Plan which anticipates temporary traffic signals and temporary suspension of weight restrictions on affected sections.

Sources:

ES Vol. 2 Appendix 9-1 (Transport Assessment, EN010141-000153);

ES Vol. 2 Appendix 9-2 (Traffic Flow Diagrams, EN010141-000154).

Scale and sensitivity of receptors

Parish-level Census 2021 data indicate approximately 2,700 households across the nearest rural settlements (including Hail Weston, Great Staughton, Little Staughton, Pertenhall, Bolnhurst & Keysoe, Swineshead, Perry, Kimbolton & Stonely, and Catworth). Including Buckden increases the affected population to approximately 3,900 households, while inclusion of St Neots expands the wider functional catchment to approximately 17,800 households.

Given a construction period of at least 30 months, the scale of the affected rural population reinforces the need for enforceable routing and timing safeguards proportionate to the sensitivity of village environments. Policy context supports the expectation of:

- stringent Construction Traffic Management Plan (CTMP) controls;
- enforceable and monitored HGV routing;
- defined caps on vehicle movements; and
- diversion-prevention and compliance mechanisms to protect residential amenity and highway safety.

The Environmental Statement does not demonstrate that such controls are secured to the worst-case parameters of the consent.

Cumulative construction traffic effects

Construction-phase traffic impacts must also be assessed in combination with other major infrastructure projects affecting the same rural network, and other locally consented developments, including, but not limited to:

- the A428 Black Cat–Caxton Gibbet improvement
- East West Rail Bedford to Cambridge and Western improvements
- Solar Farm extension (adjacent Site D) nr Bassmead Manor
- 40,000 home new town development at Tempsford, St Neots
- 900 home Phase 2 extension of Wintringham, St Neots
- Proposed Universal Destinations and Experiences Park, Bedford

These schemes will draw construction traffic, workforce movements and abnormal loads onto overlapping corridors, increasing pressure on the B645 and surrounding village routes. The Transport Assessment does not present a quantified or scenario-based cumulative analysis addressing overlapping construction programmes, peak-period interactions, or shared diversion routes.

Without such analysis, the Examining Authority cannot be satisfied that cumulative traffic impacts have been adequately assessed in accordance with EN-1 and the EIA Regulations.

Where construction traffic effects are assessed on the basis of discretionary contractor behaviour rather than secured and enforceable controls, there is a material risk that the Environmental Statement does not provide a sufficiently reliable basis for assessing likely significant effects. In the absence of binding CTMP parameters, cumulative modelling and compliance mechanisms, the Examining Authority would be exposed to avoidable legal vulnerability if it were to rely on conclusions of acceptability that are not demonstrably deliverable in practice.

The appropriate and proportionate remedy is not refusal by default, but the provision of additional, secured information to ensure that traffic impacts are fully understood, enforceable and mitigated prior to any legally robust determination.

This constitutes **Procedural Deficiency #13A – Construction traffic impacts inadequately assessed due to unreliable logistics envelope, arithmetic inconsistencies and absence of peak-tested cumulative modelling**, as detailed in Appendix M.

The Environmental Statement relies on discretionary routing and mitigation measures, does not quantify or secure worst-case HGV impacts, and fails to assess cumulative construction traffic effects with other major infrastructure schemes. This is contrary to EN-1 and EIA Regulations.

Local evidence submitted to the Examination further indicates that several assumptions relied upon in the Transport Assessment, including bus service availability, residential receptor counts, and Public Rights of Way usage, are factually incorrect. These inaccuracies reduce confidence in the robustness of the transport conclusions and reinforce the need for caution in affording weight to the Applicant's traffic evidence.

13.1 B645 and A1/B645 junction strategic routing constraints

The B645 is identified by the Applicant as the principal construction traffic route for the Proposed Development. However, its physical characteristics and operational context indicate that it is not well suited to sustained HGV flows at the scale proposed.

The B645 is a predominantly rural single-carriageway route, with variable carriageway widths, constrained forward visibility in places, and close proximity to sensitive receptors including residential frontages, village cores, traffic-calmed sections and designated heritage areas. Several sections exhibit horizontal and vertical alignment constraints that fall below desirable standards for a mixed HGV and vulnerable-road-user environment when assessed against the principles set out in DMRB CD 109 (Highway Link Design) and CD 127 (Cross-sections and Headrooms). In particular,

combinations of curvature, gradients and limited visibility increase risk when higher volumes of HGVs and occasional abnormal loads are introduced into the traffic mix.

While DMRB standards are not determinative for local roads, they provide a recognised benchmark for assessing safety and operational risk. The Transport Assessment does not demonstrate that these geometric constraints have been adequately factored into a worst-case construction traffic appraisal, nor does it provide mitigation proportionate to the identified risk.

In addition, the Transport Assessment should distinguish routine HGV logistics from abnormal indivisible loads (including transformer deliveries), which may require escorting, temporary traffic management, swept-path verification and, in some cases, temporary lane or junction restrictions. The Applicant has not provided a discrete abnormal-loads routing note or a constraints log accounting for foreseeable network restrictions (including roadworks or temporary closures affecting key junctions/corridors). Without that evidence, the Examining Authority cannot be confident that the proposed routing strategy is deliverable without additional unassessed disruption and safety risks to the local highway network.

Increased heavy-vehicle volumes would also exacerbate existing capacity limitations at key junctions and pinch points. The A1/B645 junction, identified as the primary access point for construction traffic, already experiences congestion during peak periods. The introduction of many thousands of additional HGV and LGV movements over the construction phase presents a foreseeable risk of queuing, delay and collision, with knock-on effects across the local road network. The Environmental Statement does not robustly test these risks under peak or cumulative construction scenarios.

National Highways has expressly highlighted the need to ensure that safety at the A1/B645 junction is not compromised, including preventing queuing back onto the A1 mainline. This elevates the issue from general congestion to one of potential trunk road safety risk. The Transport Assessment does not present modelling of peak-hour queue lengths, recovery times or spillback risk at this junction under realistic construction traffic scenarios.

National Highways also notes that “significant impact occurs just outside the peak hours which could see a shift in the peak hours”. This directly undermines reliance on an assumption that construction traffic can simply be timed to avoid impact by operating marginally outside background peak windows. In practice, concentrated construction arrivals immediately before or after peak periods may extend peak conditions and compromise junction recovery performance.

13.2 Knock-on impacts through local road network

The B645 corridor passes close to Perry and directly through Kimbolton, both of which would be exposed to materially increased construction traffic during the build phase.

Kimbolton, in particular, has a constrained historic town centre with a narrow carriageway, on-street parking, limited footway provision and a high level of pedestrian activity. It also experiences pronounced peak-period traffic associated with school start and finish times, including buses, coaches and parent drop-off/pick-up movements. Kimbolton School generates concentrated daily peaks that already place the High Street under operational pressure.

The Environmental Statement does not demonstrate how construction traffic would be prevented from interacting with these peak periods, nor does it secure school-time embargoes or enforceable time-based restrictions. In the absence of such controls, increased HGV movements through Kimbolton would reasonably be expected to degrade residential amenity, increase congestion and elevate road-safety risk, particularly for pedestrians and schoolchildren.

The route through Perry provides an alternative means of accessing the A1 via the B661 to the B661/A1 junction at Buckden. Additional traffic utilising this route will add congestion to a locally known traffic bottleneck and provide traffic safety concerns through both Perry and Buckden.

Any congestion at the A1/B645 junction or along constrained sections of the B645 would create a foreseeable incentive for traffic, both construction-related and background, to divert along this alignment, with consequent impacts on rural amenity and safety that have not been assessed.

13.2.1 Risk of overspill via B660 Kimbolton–Bedford corridor

The Applicant's Transport Assessment (ES Vol. 1 Ch. 9) and Outline Construction Traffic Management Plan (Doc 7.5) do not consider the B660 corridor linking Kimbolton with Riseley, Sharnbrook and Bedford. This omission is notable, as the B660 represents a logical diversionary route for construction vehicles or workforce traffic seeking to avoid congestion on the B645 or at the A1 junction, particularly for traffic approaching from the A14 corridor.

Despite multiple representations from parish councils and residents highlighting this risk, the Applicant has not:

- included the B660 in baseline traffic assessment;
- modelled potential diverted construction traffic flows;
- proposed routing exclusions or monitoring; or
- identified signage or enforcement mechanisms to prevent unauthorised use.

This omission is inconsistent with EN-1, which requires consideration of impacts on local communities from construction traffic, including on routes not formally designated where diversion is reasonably foreseeable. It also conflicts with the EIA Regulations, which require assessment of indirect effects, and DfT Circular 02/2013 paragraph 31,

which emphasises the need to consider traffic impacts on sensitive local roads and communities.

The B660 passes directly through the centre of Kimbolton, including the school zone and residential frontages, and includes narrow carriageway sections with limited pedestrian segregation. Any increase in HGV or light-commercial traffic along this corridor would represent a material and foreseeable risk to road safety and residential amenity, particularly for children and vulnerable users.

The absence of routing exclusion or monitoring for the B660 corridor represents an assessment gap. The required mitigation is addressed within the proposed CTMP Requirement at Section 20.10.

This constitutes **Procedural Deficiency #13B – Unassessed construction-traffic overspill via B660**, as detailed in Appendix M.

The Environmental Statement fails to assess or mitigate reasonably foreseeable construction-traffic diversion via the B660 corridor, contrary to EN-1, EIA Regulations, and DfT Circular 02/2013 paragraph 31.

Requested action: Secure explicit routing prohibition, monitoring and enforcement for the B660 through a binding DCO requirement.

13.2.2 B645 via Hail Weston and Ford End Road – localised diversion risk

Although the B645 bypasses Hail Weston, the village remains exposed to indirect construction-traffic impacts. Where congestion occurs at the A1/B645 junction or along constrained sections of the B645, it is reasonably foreseeable that workforce vehicles, vans and light commercial traffic will seek to divert through Hail Weston to avoid delay.

Such diversion would be likely to utilise Ford End Road, a narrow, largely single track, rural lane linking Hail Weston eastwards towards the A1 at Little Paxton. While unsuitable for HGVs, this route is passable by cars and vans and is already heavily used by pedestrians, dog-walkers and cyclists. It has no footways, limited verges, blind bends and soft edges that are prone to over-run, and the Hail Weston Ford prone to regular flooding.

Any increase in construction-related traffic along Ford End Road would materially elevate risk for vulnerable users, undermine the effectiveness of the village's 20 mph environment, and significantly harm residential amenity. This is not a hypothetical concern but a credible and foreseeable diversion risk that should have been assessed within the ES.

The absence of baseline traffic data, safety appraisal or diversion-risk assessment for Ford End Road represents a gap in the Environmental Statement, contrary to the EIA Regulations.

13.2.3 Local road access – exclusion of project vehicles

The Applicant states that construction traffic will be directed to the single main site access (SA16) and that a network of temporary access roads will be constructed across fields to allow HGV access to Sites C, B and A while limiting use of the public highway “as far as practicable”. However, ES Chapter 9 acknowledges that Site B access requires use of short sections of public highway including, but not limited to, Great Staughton Road (SA03–SA06) and Green End (SA09), and that widening works are required on Spring Hill Road to facilitate two-way HGV movement.

The Traffic Flow Diagrams confirm that Great Staughton Road, Little Staughton Road and the B660 form part of the assessed routing envelope between site accesses. The Outline CTMP also recognises that some staff movements may access Sites A and B without routing via the main compound at Site D.

Given the multiple access points onto the local highway network, it is reasonably foreseeable that:

1. congestion or temporary traffic management on assessed links; and/or
2. navigation choices by LGVs, minibuses, workforce vehicles and subcontractors

would generate diversionary “short-cut” routing onto minor village roads unless expressly prohibited.

The Outline CTMP presently relies primarily on routing intent and signage rather than a fixed, enforceable prohibition on through-routing across the wider minor road network. As currently drafted, it therefore does not provide a legally secured mechanism preventing diversionary use of nearby minor roads or ensuring that the routing assumptions relied upon within the Environmental Statement are delivered in practice.

Paragraph 7.3.2 of the Transport Assessment states that, “in order to avoid the need for vehicles to pass through the village of Great Staughton”, construction traffic associated with Sites A and B will route via field haul roads and a defined section of Great Staughton Road, thereby avoiding passage through the village core. That routing assumption forms part of the assessed environmental envelope and underpins the Transport Assessment’s conclusions on residential amenity and highway impact within Great Staughton.

However, no binding No-Go / No-Through-Routing Schedule is presently secured within the draft DCO to give legal effect to this commitment. In the absence of enforceable routing controls (including contractor routing instructions, GPS monitoring where practicable and breach-response mechanisms), the Examining Authority cannot be satisfied that the assessed routing scenario will be delivered in practice.

The Environmental Statement therefore relies upon mitigation that is not currently secured through the draft DCO or CTMP Requirement. Where mitigation measures

are relied upon to avoid or reduce significant environmental effects, those measures must be clearly described and capable of implementation, consistent with the EIA Regulations and the mitigation principles set out in National Policy Statement EN-1.

Accordingly, the CTMP secured by the Requirement at Section 20.10 should include an explicit No-Go / No-Through-Routing Schedule, together with an “internal haul-road first” rule for inter-site movements. The requested Schedule does not introduce new mitigation; it simply secures the routing assumptions already relied upon within the Environmental Statement and Transport Assessment.

The Schedule should:

- a) prohibit through-routing between Sites A–D on local village roads where inter-site travel is intended to occur via internal haul roads;
- b) allow only the short, defined highway stubs necessary to reach specific signed site access junctions identified in ES Chapter 9, with no onward through-movement beyond those stubs;
- c) include absolute No-Go protection for minor roads not forming part of the Applicant’s assessed link network (except for access to premises, emergency use or statutory undertakers).

For the avoidance of doubt, these prohibitions should apply equally to:

- HGV deliveries;
- abnormal loads;
- light goods vehicles and vans;
- minibuses and workforce transport; and
- private staff vehicles where routing instructions are issued by the undertaker.

Without equivalent workforce routing controls, the diversion risk identified above would remain materially unmitigated, particularly given the multiple site access points acknowledged within ES Chapter 9.

As a minimum, the No-Go / No-Through-Routing Schedule should include the following provisions:

- a) prohibit through-routing between Sites A–D on local village roads where the Applicant’s stated intention is that inter-site travel should occur via internal temporary access roads;
- b) allow only the short, defined stubs of public highway strictly necessary to reach the relevant signed site access junctions acknowledged in ES Chapter 9 (e.g.

Great Staughton Road / Green End / Spring Hill Road to access specific junctions), and prohibit onward “rat-running” beyond those stubs;

- c) include absolute No-Go protection for minor roads not forming part of the Applicant’s assessed link network (unless access is required solely to serve premises on that road, emergency vehicles, or statutory undertakers).

For the avoidance of doubt, the requested prohibitions relate to through-routing and inter-site movements, not to the short, defined highway stubs expressly identified by the Applicant as necessary to reach specific site access junctions.

The roads identified below comprise minor rural roads and village streets which do not form part of the Applicant’s assessed construction traffic link network within the Transport Assessment. Their protection therefore depends upon explicit routing control rather than modelling assumptions. Where the Environmental Statement relies upon a defined construction traffic routing scenario in order to assess effects on residential amenity, highway safety and settlement character, the measures securing that routing scenario must be capable of being implemented and enforced. This reflects the requirements of the EIA Regulations, which require that mitigation relied upon within the Environmental Statement be clearly described and capable of implementation. In the absence of a binding No-Go / No-Through-Routing Schedule within the CTMP Requirement, the routing scenario relied upon in the Environmental Statement remains an assumption rather than a secured mitigation measure. Inclusion of such a Schedule would therefore simply ensure that the assessed routing envelope is enforceable and capable of being monitored throughout the construction period.

The No-Go / No-Through-Routing Schedule secured through the CTMP Requirement should include, as a minimum, the following roads and settlements where construction traffic shall not through-route:

- **Swineshead Road (Pertenhall–Swineshead)** (construction traffic shall not through-route)
- **Yelden–Higham Ferrers corridor** (construction traffic shall not through-route)
- **Little Staughton Road** (no through-routing; access-stub use only where required solely to reach the relevant signed site access)
- **Great Staughton Road** (no through-routing / no inter-site travel; access-stub use only to reach the relevant site access junctions identified by the Applicant)
- **Great Staughton village streets:** The Town / Causeway / The Highway / B661 The Green Lane (included to secure the routing commitment set out at TA paragraph 7.3.2)
- **Kimbolton village streets:** B645 Main Road – High Street – Tilbrook Road / Station Road – B660 / Stow Road / Park Lane / Kimbolton Road (construction traffic shall not through-route)

- **Stonely:** B645 Main Road / Easton Road (construction traffic shall not through-route)
- **Perry:** B661 West Perry / East Perry (construction traffic shall not through-route)
- **Buckden:** B661 Perry Road (construction traffic shall not through-route)
- **Hail Weston:** High Street / Green Lane / Bird Lane / Ford End (construction traffic shall not through-route)
- **Catworth:** B660 Fox Road / High Street / Station Road (construction traffic shall not through-route)
- **Spaldwick:** High Street / Stow Road / Spaldwick Road (construction traffic shall not through-route)
- **Stow Longa:** Spaldwick Road (construction traffic shall not through-route)
- **Tilbrook:** B645 – High Street – Tilbrook Road (construction traffic shall not through-route)
- **Pertenhall:** Kimbolton Road / Pertenhall Road (construction traffic shall not through-route)
- **Brook End:** Pertenhall Road (construction traffic shall not through-route)
- **Keysoe:** Kimbolton Road / Wybridge (construction traffic shall not through-route)
- **Keysoe Row:** B660 – Kimbolton Road (construction traffic shall not through-route)
- **Riseley:** Riseley Road / High Steet / Swineshead Road / Melchbourne Road (construction traffic shall not through-route)

The purpose of this Schedule is not to redefine the Applicant's strategic routes, but to convert the Applicant's stated intention to minimise use of the public highway into an enforceable control preventing diversionary rat-running onto roads not assessed within the Transport Assessment baseline.

The enforceability of this Schedule should be secured through the Construction Traffic Management Requirement at Section 20.10, including:

- GPS-based vehicle monitoring where practicable
- contractor routing instructions
- audited compliance reporting
- workforce routing controls
- defined breach-response mechanisms.

These minor village roads do not form part of the Applicant's assessed link network. Their protection therefore depends on explicit CTMP prohibition rather than reliance on routing assumptions. This approach is consistent with NPPF objectives to safeguard highway safety and residential amenity.

13.3 Strategic access routes: A1 and A14

Three principal strategic access options exist for construction traffic associated with the Proposed Development. Each presents material constraints that require explicit control if adverse impacts on local communities and the wider network are to be avoided.

B645 to A1 (preferred route)

This is identified by the Applicant as the primary construction route. While it provides the most direct connection to the strategic network, the scale of anticipated HGV movements introduces a foreseeable risk of congestion at the A1/B645 junction, particularly during peak periods and abnormal-load deliveries. Any sustained queuing at this junction would have knock-on effects along the B645 corridor itself, increasing safety risks, delay, driver frustration and the likelihood of diversion through unsuitable local roads with associated knock-on effects.

The Environmental Statement does not present a robust worst-case assessment of peak-period queuing or junction stress under concurrent construction activity, nor does it demonstrate how congestion-induced diversion would be prevented.

Kimbolton / Catworth to A14

This route provides access to the A14 but passes directly through Kimbolton, including its constrained historic High Street, Stonely and Great Staughton. Given the narrow carriageway, on-street parking, high pedestrian activity and intense school-related traffic peaks, this route is not suitable for frequent or heavy construction traffic without stringent controls. Absent enforceable restrictions, use of this corridor would give rise to material amenity and safety impacts that are not adequately assessed or mitigated in the ES.

Perry to A1

This route provides an alternative connection to the A1 but passes directly through Perry, a village with a narrow high street, on-street parking and significant recreational use associated with Grafham Water. As with Kimbolton, sustained construction traffic along this route would be incompatible with village function and amenity unless explicitly prohibited or tightly controlled.

Access from the proposed main construction site entrance at Site D would require all vehicles to travel through the 20mph speed-restricted Great Staughton to access both the Kimbolton and Perry links mentioned above.

Under EN-1, the Examining Authority is required to consider the interaction between strategic routing choices and cumulative construction traffic from other NSIPs. In this case, the A428 Black Cat–Caxton Gibbet scheme and East West Rail works are expected to draw on overlapping elements of the same regional network. These routing uncertainties reinforce the need for fixed, enforceable Construction Traffic Requirements within the DCO, rather than reliance on discretionary contractor behaviour.

13.5 Required traffic management and routing controls

The routing, monitoring, peak-period and enforcement controls necessary to address the above constraints are set out in the proposed Construction Traffic Management Requirement at Section 20.10. The matters identified above therefore go to (i) the adequacy of the Transport Assessment and (ii) the necessity of binding DCO controls.

Absent these measures, the construction traffic associated with the Proposed Development would give rise to uncontrolled and potentially significant adverse effects on road safety, congestion and residential amenity across multiple communities. In those circumstances, such impacts must carry weight in the planning balance under EN-1.

The rural corridors relied upon by the Proposed Development (including the B645, B660 and B661) are not engineered for sustained high-frequency HGV use and are particularly susceptible to edge failure, verge degradation, rutting and pothole formation where heavy vehicles encroach beyond the running lane. Even where routing is compliant, accelerated deterioration attributable to repeated HGV loading is a foreseeable effect of the authorised development.

The Environmental Statement does not include any secured mechanism to monitor, attribute and remediate highway asset deterioration over the construction and replacement phases. In the absence of such a mechanism, communities may experience cumulative degradation of highway condition without guaranteed repair, notwithstanding that the deterioration arises from development-related traffic.

A proportionate safeguard is therefore required to secure baseline condition surveys, periodic monitoring and timely remediation of deterioration materially attributable to the authorised development.

13.6 Construction traffic impacts on local communities and school transport

The Outline Construction Traffic Management Plan (CTMP) does not demonstrate that adequate safeguards have been secured for communities along the B645, B661 and B660 corridors, which function not only as rural distributor roads but also as established school-transport corridors serving Kimbolton School, Longsands Academy (St Neots), Hinchbrook School (Huntingdon), Kymbrook School, and Great Staughton Primary School.

The Environmental Statement characterises construction traffic effects as “negligible” but provides no supporting trip-rate tables, no episodic heavy-load scenarios (e.g. transformer or BESS module delivery/replacement), and no analysis of peak-period interaction between construction traffic and school transport.

Although the Applicant acknowledges that peak construction activity will coincide with commuter periods, the CTMP includes:

- no school-hour embargoes,
- no mapped exclusion zones,
- no liaison evidence with education transport providers, and
- no conflict analysis at known bus stops or school access points.

The Transport Assessment does not present a discrete assessment of interaction between construction traffic and established school bus routes or pupil transport corridors serving settlements along the B645, B660 and B661 corridors. While background AM and PM peak periods are referenced, there is no evidence that peak construction workforce arrivals (including the stated maximum workforce month of 854 personnel) have been modelled against school start and finish periods, nor that contracted school bus movements or identified school pick-up/set-down locations have been mapped and tested as sensitive receptors.

In a predominantly rural network where school transport operates along the same constrained corridors identified for construction access, interaction between construction traffic and school transport is a reasonably foreseeable consequence of the authorised development. The absence of route-specific assessment or consultation evidence with education transport providers limits the Examination’s ability to conclude that effects on vulnerable road users have been adequately assessed at decision stage. This omission engages the adequacy requirement under EN-1 and the EIA Regulations, which require sufficient, reliable information to enable a reasoned conclusion on likely significant effects on population and human health.

National Highways’ Relevant Representation further confirms that the Applicant’s assumed car/van occupancy rate of 2 persons per vehicle is high and that a figure of approximately 1.4 has been used in comparable consented energy DCOs. National Highways states that use of a 1.4 occupancy rate would result in a “significant increase in the number of vehicles accessing the site, predominantly via the A1 junction with the B645”.

On the Applicant’s own peak workforce figure of 854 staff, an occupancy rate of 2.0 implies approximately 427 vehicles; at 1.4 occupancy this would rise to approximately 610 vehicles, an uplift of approximately 40%. The Transport Assessment does not present sensitivity testing of junction performance, routing impacts or school-period interaction using this more realistic rural occupancy assumption. In the absence of such sensitivity modelling, peak-period impacts are likely understated.

National Highways also records that an outline Construction Workforce Travel Plan with sufficient enforceable detail has not been produced and requires assurance that sustainable travel measures will be actively enforced. This supports SEPE's submission that reliance on aspirational travel measures, without secured monitoring and enforcement architecture, is insufficient for EIA purposes.

Similar concerns arise for Perry, Great Staughton, Hail Weston, Colmworth, Keysoe, Little Staughton, Swineshead, Yelden, Riseley, Pertenhall and Catworth where informal diversion by workforce vehicles seeking to avoid congestion is foreseeable but unassessed.

The absence of a discrete School Transport Impact Assessment, peak-hour sensitivity testing, or secured school-period safeguards is inconsistent with:

- EN-1, which requires protection of communities from significant transport effects;
- The NPPF's promotion of sustainable transport, which seeks to avoid severe residual highway impacts; and
- The EIA Regulations, which require assessment of population and human-health effects, including risks to children arising from traffic and access disruption.

These matters are addressed within the proposed CTMP Requirement (Section 20.10), which secures school-hour restrictions, routing controls and workforce management safeguards.

This constitutes **Procedural Deficiency #13C – Outline Construction Traffic Management Plan (not fixed, peak tested or enforceable)**, as detailed in Appendix M.

The Outline CTMP contains no binding HGV thresholds, no enforceable routing or timing controls, no peak-period sensitivity modelling, and no secured school-route safeguarding measures, relying instead on voluntary contractor compliance. This is inconsistent with EN-1 and EIA Regulations, which require that foreseeable transport impacts are not only identified but effectively controlled.

In the absence of enforceable routing, timing and monitoring provisions, the CTMP cannot be relied upon as effective mitigation and must be treated as procedurally deficient.

13.7 Operational traffic, access management and cumulative transport effects

While construction traffic represents the most acute short-term impact, the Environmental Statement (ES Vol. 1 Chapter 9) provides only a limited and largely qualitative assessment of operational-phase vehicle movements. The Applicant states that operational traffic will be "negligible", but this conclusion is not supported by quantified trip-rate data, routing plans, or sensitivity testing.

The “negligible” conclusion is also undermined by the scheme’s own lifecycle assumptions. The application documentation confirms that:

- i. a significant proportion of panels are expected to fail during operation (with replacement required on an ongoing basis), and
- ii. wholesale replacement of panels and above-ground infrastructure is anticipated mid-life.

These are foreseeable operational activities, not speculative contingencies. In transport terms they constitute episodic, concentrated logistics phases capable of generating short-duration but material adverse effects on the same rural corridors relied upon for construction traffic.

Accordingly, operational traffic effects must be assessed and controlled on a peak-event basis (maintenance peaks, replacement peaks, abnormal-load events), rather than by reliance on average daily movements.

For a development of this scale, comprising approximately 700 ha of solar infrastructure and a 100 MW Battery Energy Storage System (BESS), that assumption requires evidential support. Large solar and BESS facilities typically generate periodic but non-trivial vehicle movements over their operational life, including:

- replacement of inverters, transformers and BESS modules;
- crane mobilisation and abnormal-load deliveries;
- removal and transport of damaged or end-of-life components; and
- waste, recycling and specialist servicing activities.

In addition to routine maintenance, planned replacement campaigns are foreseeable and may require:

- (i) phased HGV delivery/removal activity,
- (ii) temporary compounds and welfare arrangements,
- (iii) abnormal-load deliveries for electrical plant, and
- (iv) waste movements (including potentially hazardous components).

The ES does not present a quantified “operational logistics envelope” (vehicle classes, peak day/week, routing, timing restrictions) for these phases. Without that envelope, the Examining Authority cannot test highway safety, amenity, PRow interaction or community severance effects for the periods when operational transport impacts would be greatest.

Such movements may be infrequent, but when they occur they can generate short-duration peak impacts on narrow rural routes, including noise, vibration, verge damage and temporary access disruption. The ES does not model these scenarios, assess their routing implications, or evaluate the suitability of affected roads (including pavement strength, bridge capacity or verge resilience) for repeated abnormal or heavy loads.

The omission is material because EN-1 does not limit assessment to average daily flows, but requires consideration of likely significant transport effects, including episodic or peak impacts where these are foreseeable. EIA Regulations similarly require assessment of traffic and transport effects arising from the operation of the development.

In addition, the ES does not present any cumulative operational traffic assessment, despite the presence of other consented or proposed NSIPs and grid-reinforcement projects within the surrounding network. Overlapping maintenance or reinforcement works could coincide temporally and spatially, particularly along constrained corridors such as the B645, with cumulative implications for community amenity and highway performance.

Given the inclusion of a large BESS, it is also reasonably foreseeable that specialist vehicle movements may be required for coolant handling, damaged-cell removal or hazardous-waste transport. These activities fall within established regulatory frameworks for hazardous materials, yet the ES provides no logistics or receptor-sensitivity assessment for such operations.

Finally, no operational safeguards are proposed to:

- restrict staff or subcontractor routing through villages;
- prevent peak-hour movements;
- manage verge parking or informal stopping; or
- secure post-construction road-condition monitoring and reinstatement.

The appropriate remedy is to secure an Operational Traffic Management Plan (“OTMP”) by DCO requirement. The OTMP must not be limited to routine inspection visits; it must explicitly address:

- a) abnormal-load movements and escort/traffic management requirements,
- b) periodic replacement of inverters/transformers/BESS components,
- c) repowering and panel replacement phases (including ongoing failure replacements and any wholesale mid-life replacement),

- d) routing and timing controls (including school-peak protections where movements coincide with sensitive corridors),
- e) parking/holding/welfare arrangements, and
- f) monitoring, audit and a transparent review mechanism over the 40-year operational life.

In the absence of an evidence-based Operational Traffic Management Plan (OTMP), the conclusion that operational impacts will be “negligible” cannot be relied upon for decision-making.

The necessary operational and replacement-phase controls are secured through the proposed Operational Traffic Management Requirement at Section 13.18.

Absent these measures, the Applicant has not demonstrated that operational traffic impacts can be confidently characterised as “negligible” or that appropriate mitigation can be secured through the DCO.

This constitutes **Procedural Deficiency #13D – Operational transport impacts unassessed**, as detailed in Appendix M.

By asserting that operational traffic will be “negligible” without quantified trip-rate data, abnormal-load scenarios, BESS logistics appraisal or cumulative assessment, the Environmental Statement does not comply with EN-1 or the EIA Regulations. The absence of an OTMP prevents the Examining Authority from evaluating foreseeable operational transport effects or securing proportionate mitigation.

13.8 Community safeguards and construction workforce management

Evidence from nearby communities, previously subjected to solar developments, including Pertenhall, Keysoe and Little Staughton, demonstrates that construction traffic associated with solar developments can generate material amenity and highway safety effects where logistics and workforce movements are not tightly controlled. During construction of the nearby Manor Farm Solar Farm, local authorities and parish councils recorded issues including prolonged queuing, informal overnight HGV parking, littering, and the absence of adequate driver-welfare facilities.

This local experience appears to indicate that unmanaged logistics can generate amenity and safety effects in comparable rural settlements. The relevance lies in implementation risk rather than precedent.

The Applicant’s own assessment confirms:

- a peak workforce of 854 personnel (Month 12);
- up to 427 one-way daily staff movements; and
- HGV movements peaking during early enabling works.

Construction staff are expected to arrive prior to 08:00, with departures after 18:00.

These arrival and departure patterns coincide with rural school transport periods and established commuter flows along the B645, B660 and Great Staughton Road corridors.

While the oCEMP and outline CTMP state that vehicles will not queue on the public highway and that delivery slots will be allocated, the documents do not:

- identify any secured off-site holding or lay-over areas;
- provide a quantified capacity assessment of arrival clustering risk;
- secure driver welfare facilities outside the main compounds to prevent informal layby or verge use;
- establish enforceable sanctions for contractor route or parking breaches; or
- provide a Construction Workforce Travel Plan with modal targets, car-sharing enforcement, or monitoring triggers.

The reliance on delivery-slot allocation alone, without physical holding provision or enforcement controls, transfers practical risk to the rural highway network. This is particularly material given the scale of peak workforce movements acknowledged in the Transport Assessment.

Given the recorded collision history along the B645 corridor (as referenced in ES Chapter 9), unmanaged queuing or verge overrun would introduce additional avoidable risk.

This constitutes **Procedural Deficiency #13E – Workforce and logistics safeguards not secured**, as detailed in Appendix M.

The outline CTMP and oCEMP rely on general contractor compliance statements but do not secure enforceable mechanisms to prevent queuing, layby occupation, verge destruction or informal parking on sensitive rural links. Nor do they provide a quantified logistics capacity assessment demonstrating that peak workforce and delivery arrivals can be accommodated without highway-side overspill.

In the absence of secured workforce and logistics controls proportionate to the peak staffing levels identified by the Applicant, the assessment does not demonstrate with sufficient certainty that construction-phase amenity and highway safety effects can be mitigated in accordance with EN-1 and the EIA Regulations.

Comparable solar NSIPs including Sunnica Energy Farm (2023) and Longfield Solar Farm (2023) secured detailed construction logistics controls within DCO requirements, recognising the sensitivity of rural highway networks to unmanaged HGV and workforce movements.

13.9 Public Rights of Way, amenity and access impacts

The Proposed Development lies within a well-used rural network of Public Rights of Way (PRoWs) and informal permissive paths connecting Hail Weston, Great Staughton, Little Staughton, Pertenhall, Keysoe, Swineshead and Kimbolton. The Environmental Statement (ES Vol. 1 Chapter 13) acknowledges that multiple footpaths and bridleways intersect, adjoin or run in close proximity to the Order Limits, including routes linking to the Ouse Valley Way and established local and equestrian circuits. These routes function collectively as an interconnected recreational network rather than as isolated paths.

Construction-phase access impacts

While the ES recognises that PRoWs will be affected during construction, it does not identify:

- the specific PRoW numbers affected;
- the sections subject to closure, diversion or restriction;
- the anticipated duration of such measures; or
- the location and quality of alternative routes.

The Applicant's statement that "some short-term closures or diversions may be required" is insufficiently specific to allow assessment of scale, duration or significance. EN-1 and the EIA Regulations require that transport and access effects, including impacts on pedestrians, cyclists and equestrians, be clearly described and assessed at application stage. That requirement cannot be discharged where the affected routes and mitigation measures are not identified.

The Outline Construction Environmental Management Plan (CEMP, Doc. 7.3) states only that PRoW closures will be "managed in liaison with the Local Highway Authority" and that alternative routes will be provided "where practicable." No mapped diversions, timing controls, signage standards or safety measures are presented. As a result, the ES does not enable an assessment of whether:

- alternative routes would be continuous, safe and reasonably convenient;
- vulnerable users (including equestrians and mobility-impaired users) would be accommodated; or
- the recreational network would remain functional over the anticipated 30 month construction period.

In addition, the ES does not establish a baseline for PRoW amenity, such as typical usage levels, tranquillity, openness or sensory character. Without that baseline, the significance of construction-phase access and amenity impacts cannot be evaluated in accordance with EN-1 (good design and user experience).

Operational-phase amenity and character change

During operation, the Applicant confirms that PRowS would remain open but would be enclosed by security fencing and associated planting. While physical access would be retained, this represents a permanent change in experiential character, replacing open agricultural landscapes with enclosed linear corridors bounded by infrastructure and screening.

EN-1 recognises that public access routes contribute to landscape character and tranquillity, and that changes to the experience of those routes are material considerations. The ES does not assess how the enclosure of PRowS would alter users' experience over the lifetime of the scheme, nor does it consider whether the resulting character change would be reversible or capable of mitigation through design refinement.

The ES also does not assess cumulative access effects arising from:

- the grid-connection corridor;
- overlapping works associated with other energy or infrastructure projects; or
- the loss or severance of informal permissive routes, including field-edge paths used regularly by local residents.

While permissive routes are not statutory PRowS, they form part of the established recreational baseline and contribute to local amenity. Their potential loss or restriction is therefore a relevant consideration in assessing social and access impacts.

Procedural adequacy and legal risk

In the absence of a route-specific PRow and access assessment, the Examining Authority cannot reliably verify the Applicant's conclusion that access impacts will be "minor and temporary." An evidential gap of this nature would not ordinarily be capable of resolution through post-consent management plans where the scale, duration and distribution of closures have not been assessed at application stage.

Where an ES identifies impacts on PRowS but does not specify the affected routes, duration of closures, or mitigation measures, the decision-maker risks relying on conclusions that are not supported by sufficient environmental information, contrary to EIA Regulations. The appropriate response is to require clarification and securing of access management through enforceable requirements, not to assume that impacts can be managed post-consent. These omissions prevent a proportionate assessment of effects on population and recreation.

This constitutes **Procedural Deficiency #13F – Public Rights of Way (PRow) effects not defined or secured**, as detailed in Appendix M.

The Environmental Statement identifies that Public Rights of Way traverse or adjoin the Order Limits but does not specify which routes will be affected, the nature of those

effects (closure, diversion or restriction), or their likely duration. No PRow or Access Management Plan is provided, and no draft DCO requirement secures access protection, diversion standards or restoration.

Without route-specific assessment, PRow impacts cannot be evaluated under the EIA Regulations.

Requested action

The matters identified above should be secured through the Construction and Operational Traffic Management Requirements set out at Section 20.10, including the PRow protection provisions embedded within the CTMP framework.

The Examining Authority is respectfully invited to require submission, prior to any recommendation or decision and certified within the DCO, of a Public Rights of Way (PRow) Management and Safeguards Plan secured through the CTMP and operational requirements. This should:

1. identify all affected PRows and permissive routes by number and location;
2. specify closure or diversion extents and durations;
3. provide mapped, safe and accessible alternative routes for all user types;
4. include signage, liaison, inspection and reinstatement standards; and
5. address operational-phase amenity and character effects on the PRow network.

These matters should be secured through enforceable DCO requirements to ensure access impacts are clearly defined, proportionately mitigated and subject to ongoing monitoring throughout the lifecycle of the authorised development.

13.10 National evidence from Cleve Hill NSIP (Kent, 2023–25): demonstrated issues with solar NSIP traffic and routing controls

Recent evidence from the Cleve Hill Solar Park NSIP (Kent; DCO granted 2020, construction phase 2023–2025) provides relevant, real-world insight into the performance of construction traffic controls for large rural solar NSIPs. While Cleve Hill is not determinative of outcomes elsewhere, its construction-phase experience is material in illustrating systemic risks associated with poorly designed Construction Traffic Management Plans (CTMPs). This evidence is relied upon not as precedent but as empirical demonstration of implementation risk in comparable rural NSIP construction environments.

Evidence collated by SEPE and summarised in Appendix H suggests that, during the Cleve Hill construction phase:

- inappropriate routing through narrow rural lanes resulted in verge damage, obstruction, and consistent conflict with local traffic;

- property contact damage, damage to old and listed building facades and damage to utilities resulted from the repetitive movement of HGVs;
- local authorities had limited practical capacity to monitor and enforce compliance at the frequency required over a long-duration and problematic project;
- a marshalling area had to be built on a new parcel of leased land during construction to try to mitigate issues associated with lengthy HGV convoys on narrow rural roads (suggested by the community at application, but not adopted in the applicant's construction traffic management planning); and
- these reported outcomes occurred notwithstanding that Cleve Hill had secured a CTMP by requirement, illustrating that implementation risks as a result of a poorly conceived construction traffic management plan were borne out in reality, despite being foreseen and articulated by the local community during examination.

The relevance of Cleve Hill to the present examination lies not in the specific facts of that case, but in the demonstrated vulnerability of CTMP-based mitigation where:

- enforcement relies on post-hoc reporting rather than real-time monitoring;
- penalties for non-compliance are weak or indirect; and
- local authorities lack the resources to provide continuous oversight.

Implications for East Park Energy

East Park Energy's Outline CTMP contains fewer enforcement mechanisms than those available at Cleve Hill. In particular, it does not secure:

- mandatory real-time GPS tracking with transparent reporting;
- binding daily or weekly HGV movement caps;
- defined financial penalties for route or timing breaches;
- designated off-site holding areas to prevent queuing and informal parking; or
- community-accessible compliance reporting.

In that context, Cleve Hill appears to indicate that even where CTMPs are secured by requirement, implementation risk remains where design flaws are not resolved and monitoring and enforcement mechanisms are not robust. The types of impacts recorded at Cleve Hill including, but not limited to, rat-running, school-hour conflict, damage to property, utilities and verges, obstruction of village streets, and prolonged disturbance, closely align with the risks identified elsewhere in Section 13 for the B645, B660, Kimbolton, Perry, Hail Weston corridors.

This evidence does not establish that such failures will inevitably occur at East Park. However, it appears to indicate that without full assessment across the broader rural road network, a well designed Construction Traffic Management Plan, and materially stronger and enforceable controls, the Applicant's assurances that construction traffic impacts will be "managed" cannot reasonably be treated as reliable mitigation for the purposes of the EIA.

This constitutes **Procedural Deficiency #13G – Failure to address known NSIP compliance risks**, as detailed in Appendix M.

The Environmental Statement and Outline CTMP do not address or mitigate the demonstrated design flaws and compliance risks identified in comparable rural solar NSIP construction, notwithstanding that those flaws and risks are now well evidenced. In particular, the application does not explain:

- why East Park Energy would be materially less vulnerable to the issues experienced at Cleve Hill; or
- how enforcement capacity, monitoring and penalties would differ in practice.

The effectiveness of the CTMP as mitigation is therefore contingent upon the strength of its assessment foundation, design, monitoring and enforcement architecture. This engages the EIA Regulations adequacy tests, because mitigation relied upon to justify conclusions of acceptability must be realistic, enforceable and capable of implementation in practice.

Requested action

The implementation risks illustrated above reinforce the necessity for the Construction and Operational Traffic Management requirements set out at Section 20.10.

The Examining Authority is therefore respectfully invited to secure, through binding DCO requirements:

- mandatory GPS-based routing compliance for HGVs and abnormal loads;
- transparent monitoring, reporting and independent audit mechanisms;
- enforceable routing and timing controls, including exclusion of sensitive village corridors; and
- designated holding and welfare arrangements sufficient to prevent highway-side queuing or informal parking.

These provisions do not introduce new mitigation beyond that described in principle within the application. Rather, they ensure that foreseeable construction-traffic risks are capable of being controlled and monitored in practice over the life of the development.

13.11 Construction duration comparators and realistic delivery period

The Applicant states that construction of the scheme would take approximately 30 months. This figure is presented as a single assertion and is not supported by a critical-path programme, construction sequencing logic, resourcing assumptions, delay-risk analysis or sensitivity testing. In the absence of such information, the Examining Authority cannot reasonably rely on the stated construction duration when assessing construction-phase effects.

Under EN-1, environmental information must be sufficiently detailed, accurate and reliable to support assessment of likely significant effects. Where a construction programme underpins assessments of traffic, noise, dust, vibration, lighting, amenity and cumulative impacts, an unsupported or optimistic programme renders those assessments inherently uncertain. In EIA terms, this goes directly to the adequacy of the environmental information relied upon.

Comparator schemes illustrate evidential gaps

Recent solar NSIPs illustrate the evidential shortfall in the Applicant's approach:

- **Longfield Solar Farm (Essex)** adopted a construction programme of approximately 24 months for a single, coherent site of around 450 ha. East Park Energy differs materially, comprising four physically separate parcels, multiple compounds, extensive internal infrastructure and a substantially longer grid-connection corridor.
- **Sunnica Energy Farm (Cambridgeshire/Suffolk)** adopted a construction programme of approximately 30 months for two principal development areas totalling around 2,500 ha, supported by a detailed phasing strategy. By contrast, East Park Energy involves four discrete construction zones, repeated mobilisation and demobilisation, more complex routing patterns, greater logistical overhead and construction of internal site access roads between Sites A–D.

These comparators are not cited to prescribe an alternative duration, but to demonstrate that large solar NSIPs typically present detailed programme evidence commensurate with their complexity. East Park Energy, despite being one of the more fragmented and logistically complex solar NSIPs proposed to date, provides no equivalent programme substantiation.

Fragmentation and foreseeable delay risks not addressed

On any objective reading of the application, East Park Energy presents elevated delivery risk due to:

- four distributed work fronts;
- multiple substation and BESS compounds;

- approximately 12 km of grid-connection works;
- extensive hedgerow, ditch and watercourse crossings;
- constrained rural access routes; and
- known archaeological sensitivity across multiple parcels.

Despite this, the ES makes no allowance for foreseeable delay factors such as:

- archaeological evaluation and mitigation;
- weather-related disruption;
- utilities conflicts;
- grid-connection sequencing constraints; or
- staggered land availability.

No sensitivity testing is provided to show how construction impacts would change if the programme extended beyond 30 months. As a result, all construction-phase assessments that rely on this duration including, but not limited to, HGV numbers, peak-traffic profiles, noise exposure, dust deposition, lighting duration, PRow disruption, carbon impacts and cumulative impacts must be treated as likely understated.

Consequences for communities and DCO control

The Draft DCO contains no binding limits on:

- total construction duration;
- traffic management arrangements, including duration and type of road widening works;
- duration of disruptive phases;
- maximum daily or monthly HGV movements over an extended build;
- prolonged PRow closures and any proposed use of PRow routes for site access; or
- extended exposure to noise, dust and lighting.

Accordingly, if the 30-month programme proves unrealistic, affected communities, including Hail Weston, Great Staughton, Little Staughton, Pertenhall, Keysoe, Swineshead, Perry and Kimbolton, would be exposed to materially longer disruption without enforceable recourse. This is not a hypothetical concern but a foreseeable consequence of relying on an untested programme assumption.

In that context, the construction duration is not merely a technical detail: it is a material determinant of amenity, health and wellbeing impacts under EN-1 and the EIA Regulations.

This constitutes **Procedural Deficiency #13H – Unsupported and potentially unrealistic construction programme**, as detailed in Appendix M.

The application does not provide a robust, evidence-based construction programme capable of supporting reliable assessment of construction-phase impacts. This undermines the adequacy of the Environmental Statement under the EIA Regulations.

Requested action

The Examining Authority is invited to require the Applicant to submit:

1. a detailed construction programme with critical-path analysis;
2. sequencing and resourcing assumptions;
3. delay-risk and sensitivity testing; and
4. updated environmental assessments where a longer or more intensive construction period is indicated.

13.12 Absence of mid-life replacement and major maintenance assessment

The Environmental Statement addresses initial construction and end-of-life decommissioning but does not provide a quantified assessment of mid-life replacement and major maintenance activities over the proposed 40-year operational period. This omission is material because the scheme description itself anticipates substantial component replacement during operation. Those activities are capable of generating construction-like logistics effects (HGV deliveries and removals, waste export, crane operations, temporary compounds and traffic management) and therefore require assessment and secured controls on a lifecycle basis.

The application documentation confirms that:

- approximately 10% of panels are expected to fail during the operational life (equating to approximately 65,000 units); and
- all panels and above-ground infrastructure (including fencing) are anticipated to be replaced at least once during the 40-year operational life, with wholesale replacement around year 20.

From a transport perspective, these assumptions imply:

- ongoing replacement logistics distributed across the operational period; and
- at least one temporally concentrated replacement phase (mid-life repowering) involving peak delivery and removal activity.

The Environmental Statement does not quantify either component as vehicle movements, does not identify routing assumptions, and does not assess peak-day or peak-hour interaction with sensitive corridors and settlements. Nor does it assess cumulative interaction with other infrastructure schemes over the operational period.

These are not speculative contingencies. They arise directly from the scheme's stated lifecycle assumptions. The scale of replacement (including a 10% failure allowance and full mid-life renewal) necessarily implies future vehicle movements, lifting operations, waste transport and temporary works of material scale.

The ES does not quantify:

- the traffic envelope associated with approximately 65,000 panel replacements;
- the vehicle movements associated with full mid-life panel and infrastructure renewal;
- the likely duration and intensity of replacement campaigns;
- abnormal-load parameters for electrical plant replacement; or
- cumulative operational-phase transport interaction.

While precise replacement cycles may vary depending on operational conditions, the need for panel, inverter, BESS and ancillary infrastructure renewal over a 40-year consent period is foreseeable and inherent to the scheme description. In transport terms, those activities are capable of generating short-duration but material peak effects on the same constrained rural network relied upon during construction.

The lifecycle assumptions embedded within the scheme description therefore require the Applicant to provide a quantified replacement logistics envelope distinguishing:

- a) routine replacement activity (annual average and plausible peak-week scenarios); and
- b) repowering or mid-life replacement campaigns (peak day/week flows, programme duration, HGV/LGV split and abnormal-load parameters),

together with associated routing, timing, holding and mitigation assumptions.

These matters cannot reasonably be deferred to informal maintenance discretion. They should be secured through the Operational Traffic Management and Replacement Phase controls set out in Sections 13.18 and 13.19, including the defined Replacement Phase trigger and highway monitoring mechanisms, so that foreseeable lifecycle logistics remain within the DCO control framework.

Policy and EIA implications

EN-1 requires assessment of likely significant effects across the lifecycle of the development, including foreseeable maintenance and operational phases. Where the

scheme description embeds substantial mid-life replacement activity, that activity forms part of the assessed development.

By omitting quantified assessment of replacement-phase logistics, the Environmental Statement does not enable the Examining Authority to:

- understand whole-lifecycle operational traffic effects;
- assess cumulative operational disruption; or
- determine whether appropriate routing, timing and community safeguards can be secured.

The current Draft DCO contains no specific mechanism controlling routing, timing or notification for mid-life replacement campaigns absent the requirements proposed at Sections 13.18 and 13.19.

This constitutes **Procedural Deficiency #13I – Omission of mid-life replacement and major maintenance assessment**, as detailed in Appendix M.

The Environmental Statement does not provide quantified assessment of foreseeable mid-life replacement activities (including the stated 10% panel failure allowance and wholesale infrastructure renewal). As a result, lifecycle transport effects cannot presently be evaluated on a whole-scheme basis.

Requested action

In light of the lifecycle assumptions embedded within the scheme description (including a 10% panel failure rate and full mid-life infrastructure replacement), the Examining Authority is respectfully requested to require the Applicant to:

(1) submit a quantified Mid-Life Replacement and Major Maintenance Impact Assessment identifying:

- replacement frequencies;
- peak day/week traffic envelopes by vehicle class;
- abnormal-load parameters;
- waste logistics; and
- cumulative interaction with other known infrastructure schemes;

and

(2) secure those impacts through the Operational Traffic Management and Replacement Phase Requirements set out in Sections 13.18 and 13.19, including:

- a defined replacement phase trigger;
- routing and timing controls;

- community notification and liaison safeguards; and
- highway condition monitoring and remediation mechanisms.

Without quantified lifecycle logistics evidence and secured DCO controls, the operational transport effects of the authorised development cannot be robustly assessed on a whole-lifecycle basis.

13.13 Construction traffic volumes – comparison with Applicant HGV forecasts

A review of the Applicant's stated construction materials requirements indicates an internal inconsistency that materially affects the reliability of the Transport Assessment.

The Environmental Statement states that construction would require 60,000 m³ of aggregates for internal tracks and compounds. Using the Applicant's stated/assumed vehicle type (32-tonne tippers) and a typical payload assumption of c. 20 tonnes per load, the aggregates requirement alone implies the following:

- Aggregate mass: $60,000 \text{ m}^3 \times 1.6 \text{ t/m}^3 = 96,000 \text{ tonnes}$
- One-way loads: $96,000 \div 20 = 4,800 \text{ HGV loads}$
- Two-way movements: $4,800 \times 2 = 9,600 \text{ two-way HGV movements}$

The Transport Assessment elsewhere presents a headline construction traffic total of 12,136 two-way HGV/LGV movements across the construction programme (covering all deliveries and construction traffic categories). On a simple order-of-magnitude reconciliation using the Applicant's own stated quantities and typical payload assumptions, aggregate imports alone account for approximately 9,600 two-way movements, leaving implausibly little residual capacity for:

- PV modules and frames;
- cabling and ducting;
- BESS containers and electrical plant;
- transformers and substation components;
- concrete and civils;
- fencing and security infrastructure;
- waste and spoil movements; and
- construction support logistics.

Further, the Applicant identifies additional delivery streams which, when combined with aggregates, exceed the headline total before other material categories are counted. For example, if the TA's stated PV panel delivery movements are included (as reported in the ES/TA), then aggregates + PV deliveries alone reach or exceed the Applicant's

overall construction movement total, prior to concrete, BESS, transformers, fencing, waste and other traffic.

This inconsistency is material because the Transport Assessment's conclusions on:

- daily and peak distribution of traffic;
- junction capacity and queue impacts;
- routing impacts and diversion risk;
- noise and air quality effects;
- community/PRoW impacts; and
- lifecycle carbon assessment

are all dependent on the accuracy of input HGV totals and temporal profiles.

Even allowing for potential backhaul efficiencies, partial loads, or alternative aggregate densities, the order-of-magnitude comparison remains materially inconsistent.

The Applicant has not provided a transparent construction logistics reconciliation linking module quantities, packaging assumptions (modules per pallet/container), delivery vehicle types, and installation programme sequencing to the headline two-way HGV totals presented in the Transport Assessment. In the absence of such reconciliation, it is not possible to verify whether PV module delivery movements are fully and accurately captured within the assessed construction traffic envelope or whether peak delivery intensity has been materially understated.

This reconciliation gap undermines confidence in the robustness of the construction traffic assessment and directly affects the reliability of junction modelling, routing analysis and amenity impact conclusions.

This further supports **Procedural Deficiency #13A – Construction traffic impacts inadequately assessed due to unreliable logistics envelope, arithmetic inconsistencies and absence of peak-tested cumulative modelling**, as detailed in Appendix M.

Note: SEPE's cross-check uses the Applicant's stated aggregate volume and the TA's own vehicle/payload assumptions to ensure methodological transparency.

13.14 Transport Assessment methodology – reliance on long-period averages rather than peak impacts

The Transport Assessment (TA) presents construction traffic primarily through programme-wide average daily movements, rather than assessing peak-day and peak-hour impacts. For rural settlements and constrained single-carriageway routes, peak effects are the determinative factor for capacity, safety, amenity, noise, dust and PRoW conflict. Long-period averaging can mask the very periods when impacts are greatest.

This approach is inconsistent with the requirements and guidance typically applied to NSIPs, including:

- EN-1 (accurate, reliable, up-to-date environmental information);
- EN-1 (traffic and transport effects on communities, including construction peaks and interactions);
- EIA Regulations (description of likely significant effects, including transport effects); and
- established transport and environmental assessment guidance that expects peak-period appraisal where temporal concentration drives significance.

13.14.1 Averaging masks peak HGV delivery windows and peak workforce flows

(a) HGV averaging masks high-intensity delivery phases

The TA's reliance on programme-wide averages (e.g. an "average" daily HGV figure) is derived by spreading deliveries across the full construction duration, even though the Applicant's own programme indicates concurrent work packages and concentrated delivery phases (aggregates import, panel delivery/installation, trenching, BESS and substation installation).

Using the Applicant's own quantities as an illustration:

- aggregates imply c.4,800 one-way loads; and
- PV module deliveries are a further large one-way load stream.

If these are delivered over the periods shown in the Applicant's sequencing (rather than across the whole programme), daily HGV movements during peak months would be materially higher than the TA's averaged daily figure. The TA does not present a quantified peak delivery scenario.

(b) Workforce averaging masks peak labour demand and vehicle trips

The TA similarly relies on "average" workforce numbers rather than identifying peak staffing periods when multiple workstreams overlap. This matters because peak staff arrivals/departures (often concentrated in AM/PM windows) are a major component of daily traffic, parking stress, and village rat-run risk.

(c) Summing averaged HGV and averaged workforce trips produces a non-representative daily total

By combining multiple averaged components, the TA presents a daily movement total that does not represent the realistic worst-case periods when deliveries and labour peaks coincide. The TA also does not provide peak-hour arrival/departure assessments, despite the relevance to school routes and village high streets.

13.14.2 Peak-period reconstruction on Applicant data (illustrative)

To illustrate the disparity between the Transport Assessment's averaged figures and the peak requirements implied by the Applicant's own evidence, SEPE has reconstructed indicative peak flows using only the Applicant's stated material quantities, delivery assumptions, workforce inputs and the Applicant's own construction sequencing/programme information presented within the ES. This reconstruction is provided as an illustrative worst-case overlap scenario to test whether the TA's averaging approach risks masking peak effects. The reconstruction does not introduce new assumptions; it redistributes the Applicant's own quantities over the active programme phases shown in the ES sequencing.

Table 13-1: Applicant's averaged construction traffic vs SEPE peak-reconstruction (based on Applicant volumes and programme overlap)

Category	Applicant stated average	SEPE peak (based on Applicant volumes, overlaps, Gantt chart)	Understatement factor
HGV deliveries (two-way)	18/day	60–90/day	3–5×
Aggregates imports	Spread across entire programme	30–50 two-way/day during 12-month bulk import	3×
PV module deliveries	2–3/day	10–15/day during panel installation	4–6×
Workforce onsite	200 (average)	380–420 (peak)	2×
Staff vehicle trips (two-way)	120/day	260–350/day	2–3×
Total daily construction movements	138/day	320–440/day	2–3×

Key finding: The TA's reliance on long-period averaging has the effect of producing headline daily traffic figures that are materially lower than the peak-period flows implied by the Applicant's own quantities and concurrent work packages. On the Applicant's data, the difference between averaged and peak-period flows is typically in the order of 200% to 500%. Peak-day and peak-hour impacts are therefore not reliably assessed on the current TA methodology.

The Applicant should therefore be required to provide a peak-based construction traffic schedule (peak month/week/day and peak hour) derived from the final construction programme and logistics plan, and to re-run any junction, amenity, noise and air-quality assessments that rely on construction traffic inputs.

13.14.3 Methodological downplaying of peak worker numbers and traffic effects

The Transport Assessment (TA) adopts a methodology that relies almost exclusively on long-period averages rather than peak-period demand. This approach has the effect of materially understating the scale, intensity and significance of construction traffic impacts.

The following methodological features are evident:

(1) Averaging material quantities across the full programme window

Where large material deliveries (aggregates, PV modules, BESS units, cable drums) are known to occur over compressed timeframes, the TA distributes those movements evenly across a 30–36 month programme. This approach reduces reported daily HGV flows but does not reflect the realistic clustering of deliveries during active construction phases, contrary to EN-1 and DfT/IEMA guidance on construction traffic assessment.

(2) Workforce Traffic Assessment – absence of peak-hour and sensitivity testing

ES Volume 1, Chapter 9 identifies:

- an average construction workforce (c. 496 staff/day);
- a “peak activity period” (months 7–24 averaging c. 705 staff/day); and
- a maximum workforce in month 12 (c. 854 staff/day).

These figures are presented in the construction workforce profile. However, the Transport Assessment does not:

- translate the stated maximum workforce (c. 854 staff/day) into an assessed peak-hour arrival and departure scenario;
- identify how many of those staff are assumed to arrive within the AM peak hour (e.g. 07:00–09:00) or depart within the PM peak hour;
- model a worst-case peak-day within the peak month; or
- present any sensitivity testing where key trip assumptions (e.g. car-share occupancy rates or minibus uptake) underperform.

While Chapter 9 assesses impacts against standard background highway AM and PM peak periods, it does not present a distinct construction-derived peak-hour scenario based on clustered staff arrivals/departures during maximum workforce months.

Nor does the Outline CTMP secure:

- a school-hour embargo for construction HGV or workforce traffic (e.g. 07:30–09:00 and 15:00–16:30);

- an assessment of interaction between construction traffic and known school transport peaks in settlements such as Kimbolton, Great Staughton, Little Staughton, Keysoe and Pertenhall;
- any modelling of cumulative overlap between construction peak-hour traffic and school-related flows; or
- defined restrictions preventing staff arrivals/departures coinciding with village school start/finish times.

In the absence of:

- peak-hour workforce modelling,
- school-peak interaction assessment, and
- secured timing controls,

the TA does not assess the realistic worst-case interaction between peak construction labour demand and sensitive community traffic periods.

The junction assessments within Chapter 9 are based on daily or standard modelled peak background traffic flows with averaged construction additions; they do not present a distinct construction peak-hour scenario derived from the maximum workforce month.

(3) Aggregation of averaged inputs to derive total daily movements

The TA's headline figure of approximately 138 two-way daily movements is derived by summing two averaged inputs (averaged HGV movements + averaged staff trips). This arithmetic construct does not represent any realistic construction day during peak activity and does not test worst-case coincident conditions. As a result, the TA does not assess the scenario that is most relevant to highway capacity, safety and amenity.

(4) Absence of peak-hour and peak-period analysis

The TA does not model or test:

- morning arrival peaks (07:00–09:00);
- afternoon departure peaks (15:00–18:00);
- overlap with school arrival and dismissal times in settlements such as Kimbolton and Great Staughton;
- agricultural seasonal traffic peaks; or
- clustered HGV arrivals associated with bulk delivery days.

This omission is contrary to DfT Transport Assessment Guidance and IEMA (2022), both of which require explicit consideration of peak-hour and peak-day construction effects.

(5) Consequence: systematic understatement of impact significance

By relying on averaged rather than peak-based inputs, the TA understates likely significant effects in relation to:

- congestion and queuing on the B645 and at the A1 junction;
- road-safety risk, particularly for pedestrians, cyclists, equestrians and school transport;
- construction noise, vibration and dust exposure in rural villages;
- Public Rights of Way severance and amenity degradation;
- cumulative transport effects in combination with the A428, A14 and other solar/BESS developments; and
- lifecycle carbon assessment.

As a result, the TA does not provide the Examining Authority with a reliable assessment of the worst-case construction traffic scenario. This undermines the adequacy of the Environmental Statement under EIA Regulations and conflicts with EN-1, which requires transport impacts to be assessed using accurate, realistic and precautionary assumptions

13.14.4 Planning and procedural implications

Without a peak-based assessment, the Examining Authority cannot reliably determine significance or specify proportionate mitigation (routing, timing windows, caps, enforcement). This is a material deficiency under the EIA Regulations.

This further supports **Procedural Deficiency #13A – Construction traffic impacts inadequately assessed due to unreliable logistics envelope, arithmetic inconsistencies and absence of peak-tested cumulative modelling**, as detailed in Appendix M.

The Applicant's Transport Assessment relies on programme-wide averages and does not present peak-day/peak-hour scenarios derived from its own materials quantities and construction sequencing. This undermines the assessment of likely significant effects on communities and the highway network under EN-1 and engages the EIA Regulations adequacy test.

Requested action: require a peak-based Construction Traffic Assessment (including peak-hour modelling and a worst-case overlap scenario) and update associated environmental topic assessments that rely on traffic inputs (noise/air quality/health/amenity, lifecycle carbon assessment).

13.15 Abnormal Indivisible Loads – transformer delivery impacts and B645 environmental weight restriction

The Applicant's Abnormal Indivisible Load (AIL) documentation confirms that transformer delivery would be an STGO / Special Order movement, with National Highways providing an Agreement in Principle (AIP 952) for transformer moves with a nett weight up to 160,000 kg, with the number of moves and delivery dates as "to be confirmed".

Wynns' indicative transport configuration for a 160 te transformer shows a 16-axle girder-frame trailer with a total combined weight of 246.8 te (transformer + trailer), plus tractor unit(s) (42 te) (and associated axle line loadings).

Accordingly, the ES/CTMP must present a clear, consistent abnormal-load envelope (weight/dimensions/configuration/frequency) and the traffic management and network constraints arising from this movement, rather than treating AIL movements as incidental within averaged construction traffic flows.

13.15.1 AIL envelope not reconciled: nett transformer weight vs convoy configuration and gross movements

The Wynns documentation evidences that the movement parameters are not a simple headline tonnage figure, but a convoy configuration with material implications for deliverability and disruption. In particular Wynns' load table indicates:

- Self weight of transformer: 160.0 te
- Self weight of trailer: 86.8 te
- Total combined weight (transformer + trailer): 246.8 te
- Load per axle line: 15.43 te
- Tractor(s): 42 te (stated in the Wynns schedule)

This matters because the AIP confirmation is expressed in nett transformer weight (up to 160,000 kg) and states that delivery dates and number of moves are to be confirmed; the environmental and traffic-management implications arise from the gross convoy configuration and axle loadings, not solely the transformer's nett mass, without a reconciled schedule the ExA cannot assess the realistic frequency/timing of these disruptive events.

This is material to assessment. Unreconciled AIL parameters (nett load, convoy configuration, axle line loadings and number of moves) affect:

- route feasibility and practicability;

- required traffic management (including potential controlled stoppages and temporary traffic control);
- structure loading checks (bridges, culverts, parapets);
- swept-path and lane occupation;
- resident disruption;
- emergency access and incident risk; and
- lifecycle carbon assessment.

In an NSIP context, inconsistencies between headline Environmental Statement characterisations and specialist abnormal-load assessments should be reconciled within the assessment evidence before determination, as they directly affect impact magnitude and mitigation design.

13.15.2 Interaction with B645 environmental weight restriction and local road geometry

The ES confirms that an 18-tonne weight limit applies on the B645 Kimbolton Road (except for loading) from a point immediately west of the A1.

The CTMP abnormal-load correspondence also anticipates the need for “relaxation of the environmental weight limit” on the B645 off the A1 towards Hail Weston, subject to prior acceptance by Bedford Borough Council.

Consistently, the Applicant’s Traffic Regulation Measures Plan includes mapped measures for temporary suspension of weight restriction and temporary traffic signals, confirming that legal highway restrictions and controlled traffic measures are active constraints on the route that require explicit integration into the ES/CTMP assessment narrative.

Against that context, the ES does not:

- within the transport assessment narrative, quantify the likely duration/frequency of controlled traffic management for AIL movements;
- assess safety and stability implications for AIL manoeuvres on the relevant bends/gradients approaching the site access; or
- assess cumulative amenity implications of combining Special Order movements with thousands of >18-tonne HGV construction movements along the same corridor.

In addition, the CTMP abnormal-load response text records that the load “should not be moved... during the morning and evening peak periods (Monday–Friday)”, and

notes that Special Orders are likely to prescribe specific day(s) and time windows to minimise congestion and disruption.

AIL delivery days are also the most foreseeable trigger for congestion-driven diversion by workforce vehicles, vans and local traffic onto minor roads. The CTMP must therefore link the AIL management plan to the No-Go / No-Through-Routing schedule in Section 13.2.3, including enhanced monitoring and temporary local signage during AIL operations.

National Highways confirms that Abnormal Indivisible Loads (AILs) are anticipated to utilise the A1 and that route suitability is reassessed at the time of application, with statutory notification requirements and limited permit validity. This introduces route and timing uncertainty that is not reflected within the Environmental Statement's impact envelope. The ES does not present a quantified assessment of the cumulative interaction between AIL events, routine HGV flows and potential diversion risk during controlled traffic management operations.

National Highways also requests amendment to DCO drafting to ensure that decommissioning traffic management plans include consultation with National Highways. This reinforces SEPE's submission that long-term and replacement-phase traffic impacts affecting the SRN are not yet fully secured within the draft DCO framework.

13.15.3 Missing structure and geometric compliance evidence

While Wynns provides an indicative configuration and turning radii diagram, the application documents do not present, within the ES/CTMP assessment narrative, a transparent route constraints log for the B645/A1 interface and affected local sections that summarises:

- (i) the structures requiring assessment/indemnities,
- (ii) swept-path constraints at named pinch points, and
- (iii) the traffic management envelope (stop/go, signals, carriageway occupation and expected duration) for AIL delivery events.

To aid clarity, the Examining Authority would benefit from:

- a published summary that bridges/culverts/structures on the B645 have been assessed for Special Order loading; or
- reported swept-path outputs and worst-case bend/gradient modelling demonstrating deliverability and quantifying disruption.

Given that AIL impacts (including controlled stoppages, lane occupation, potential temporary closures and police escort) are plainly foreseeable, they constitute transport

effects within the scope of Schedule 4 of the EIA Regulations and should therefore be assessed transparently, not treated as incidental logistics.

Requested action: require:

1. a reconciled abnormal-load schedule consistent with the Wynns assessment (weights, dimensions, frequency);
2. swept-path analysis and route geometry assessment for the critical sections of the B645 and site access;
3. a structure assessment summary for affected bridges/culverts/parapets; and
4. an Abnormal Load Management Plan quantifying expected traffic management (closures/stop-go), timings, notice periods, and resident mitigation.

This constitutes **Procedural Deficiency #13J – Abnormal load impacts under-assessed and not reconciled with Special Order evidence**, as detailed in Appendix M.

The Environmental Statement does not provide sufficient, consistent information to assess the likely significant effects of transformer AIL movements (route feasibility, closures, safety and amenity impacts) and their interaction with the B645 environmental weight restriction and construction HGV flows. This engages the adequacy requirements of EN-1 and the EIA Regulations.

13.16 Summary – construction traffic, abnormal loads and procedural adequacy

Taken together, the matters identified in Sections 13.0–13.15 demonstrate that the Transport Assessment and Outline CTMP do not provide a sufficiently robust, worst-case evidence base to support a robust conclusion on likely significant transport effects. In particular:

- (i) **Internal consistency of the construction traffic envelope:** the Applicant's headline HGV totals are not transparently reconciled against its own stated materials quantities and delivery assumptions (including aggregates imports), such that the assessed movement totals risk material understatement;
- (ii) **Peak-period assessment:** the assessment relies predominantly on long-period averages and does not present peak-day/peak-hour scenarios derived from the Applicant's construction sequencing and concurrent work fronts, notwithstanding that peak effects are determinative of safety, severance, congestion and amenity outcomes on this rural network;
- (iii) **Abnormal Indivisible Loads (AILs) / Special Order movements:** the abnormal-load evidence indicates a transformer delivery scenario requiring bespoke traffic management on the B645/A1 interface and interaction with weight-restriction controls, yet the ES/CTMP does not provide a reconciled AIL schedule, route constraints log,

swept-path/geometry evidence, or quantified disruption assessment capable of being tested at determination; and

(iv) **Deliverability of mitigation:** key routing controls, No-Go / No-Through-Routing measures, monitoring, enforcement, caps, and time-based restrictions are not secured through clear, enforceable DCO requirements and are instead left to contractor compliance and outline commitments.

These concerns are reinforced by the formal position of National Highways, which has identified insufficient junction modelling at the A1/B645, unrealistic workforce occupancy assumptions, and inadequate Construction Travel Plan detail. Where the statutory authority responsible for the safe and efficient operation of the Strategic Road Network is not satisfied that impacts are fully understood or controlled, the Examining Authority cannot be confident that EN-1's transport assessment requirements or the EIA Regulations adequacy threshold are met.

In combination, these deficiencies mean the Examining Authority is not presently provided with an evidential platform capable of supporting a reasoned conclusion on the likely significant effects of construction traffic (including AIL events) on a realistic worst-case basis, nor of verifying that the mitigation relied upon is deliverable and enforceable. The necessary remedies are set out in Section 20.10.

This conclusion is reinforced by the physical characteristics of the local highway network, as illustrated in Appendix S, which demonstrates constrained geometry, limited visibility and unsafe routing conditions. This evidence confirms that the Applicant's assessment materially understates construction traffic risks and that the proposed routing strategy is not supported by real-world conditions.

14.0 Construction Environmental Management and mitigation

While construction-phase traffic presents the most immediate community impact, the Applicant's wider environmental management obligations, covering soil protection, hydrology, ecology, noise, waste and emergency response, are equally material to determining adequacy under EN-1 and the EIA Regulations.

Under EN-1, mitigation measures relied upon in the ES must be "secured, clearly described, and deliverable." A CEMP that defers key controls to future contractor-led documents cannot meet this evidential standard.

The following section reviews the Outline Construction Environmental Management Plan (CEMP) [Doc 7.3 P01 (Sept 2025)] and associated sub-plans, identifying areas where the mitigation framework remains incomplete, unenforceable or inconsistent with the Environmental Statement.

NSIP examinations consistently require that any mitigation relied upon in an ES must be both secured and enforceable through DCO Requirements (see Wylfa Newydd, Longfield and Sunnica ExA Reports). An outline CEMP that defers key controls to future contractor-led documents, without defining minimum standards or binding parameters, cannot meet this evidential standard.

Construction Environmental Management and mitigation controls

Review of the Applicant's *Outline Construction Environmental Management Plan (CEMP)* (Document 7.3, P01, September 2025) identifies significant weaknesses and deferred commitments that fail to secure adequate protection for Best and Most Versatile (BMV) land, rural amenity, surface-water quality, and community safety during the construction period. Although the CEMP outlines standard good-practice measures, it lacks enforceable, measurable standards or independent oversight provisions necessary to ensure compliance under EN-1 and the EIA Regulations.

The CEMP defers critical management controls, soil handling, drainage, haul-route protection, ecological reinstatement, and traffic management, to post-consent contractor discretion. This provides little assurance that environmental mitigation will be delivered to the standards represented in the Environmental Statement. The approach also conflicts with the Rochdale Envelope principle as set out in PINS Advice Note 9, which requires definition of maximum design parameters and mitigation envelopes at application stage.

This constitutes **Procedural Deficiency #14A Construction Environmental Management Plan (CEMP) defers critical controls and lacks quantified thresholds**, as detailed in Appendix M.

By postponing key mitigation details to contractor-level plans post-consent, the Applicant prevents the Examining Authority from assessing whether construction-phase impacts on soils, hydrology, ecology and traffic can in practice be avoided, reduced or controlled. This approach conflicts with EN-1 and the EIA Regulations,

which reinforce that significant mitigation relied upon in the ES must be sufficiently defined, secured and capable of scrutiny before determination, rather than deferred to post-consent agreement.

Noise and vibration baseline and predicted effects

Review of ES Vol 2 Apps. 10-1 to 10-3 and the Outline CEMP (7.3) identifies a restricted noise baseline derived solely from March–May 2024 measurements, omitting harvest and weekend conditions. This omission is material because weekend ambient soundscapes in rural settlements are significantly lower than weekday levels, increasing the relative magnitude of construction noise under BS 5228. No receptor mapping links the 22 Noise Monitoring Points to dwellings in Hail Weston or Great Staughton, and the ES omits cumulative construction noise with grid connection works. This fails the requirement under EIA Regulations to identify the location of sensitive receptors.

The CEMP does not define enforceable BS 5228-1:2019 trigger levels, receptor-specific criteria, or noise-contour outputs capable of independent verification. The Examining Authority should therefore require a full Construction Noise Management Plan with receptor-specific limits prior to any recommendation or decision.

This constitutes **Procedural Deficiency #14B Construction noise baseline and receptor mapping incomplete**, as detailed in Appendix M. A particular example of these deficiencies is found in the Applicant's proposed piling and foundation installation method, which fails to demonstrate adoption of least-impact construction techniques or compliance with EN-1 and related guidance. This is addressed further below.

14.1 Construction method and vibration risk

The Applicant proposes to install solar-panel support structures using driven steel piles “or screw piles where ground conditions permit” (ES Vol 1 Ch. 2 s. 2.5.24; CEMP s. 3.4.2). No commitment is made to adopt the least-impact technique near dwellings or sensitive receptors. Noise modelling (ES Vol 2 Apps. 10-1 to 10-3) predicts piling levels of up to 85 dB LAeq,1h at 10 m, but provides no receptor mapping for nearby residential receptors, and no vibration assessment at all. This omission is particularly significant because vibration from driven piles can propagate over long distances in consolidated glacial till, the dominant geology in the Order Limits, increasing risk to heritage assets, agricultural buildings and residential dwellings. This omission is material because BS 7385-2:1993 provides the accepted UK standard for assessing building damage from vibration; its absence prevents any evaluation of risk to nearby dwellings, farm buildings or heritage assets.

The Outline CEMP relies on generic good-practice statements and advance notice to residents rather than enforceable limits. This approach fails to demonstrate compliance with EN-1, NPPF policy principles regarding conserving and enhancing the natural environment, and the EIA Regulations, each of which requires applicants

to quantify and mitigate significant noise and vibration effects. EN-1 further requires applicants to avoid or mitigate vibration impacts at source, which the current outline approach does not demonstrate.

SEPE therefore requests that the Examining Authority requires submission of a Construction Noise and Vibration Management Plan (CNVMP) prior to any recommendation or decision, specifying:

- a requirement that the least-impact piling technique is adopted within 250–500 m of noise or vibration-sensitive receptors, with driven piling excluded unless independently justified through receptor-specific noise and vibration modelling, and with a precautionary 500 m assessment radius applied unless a smaller distance is robustly demonstrated;
- receptor-specific BS 5228-1:2019 noise-trigger levels and BS 7385-2 vibration limits;
- independent real-time monitoring and community-notification protocol; and
- contingency measures (temporary barriers, sequencing adjustments, or alternative anchoring) should thresholds be exceeded.

Absent these commitments, the proposal fails to demonstrate that construction activities will minimise disturbance to local communities as required by national policy.

14.2 Soil protection and agricultural land

Generic soil-handling guidance is repeated from Defra's *Code of Practice for the Sustainable Use of Soils* (2009) without baseline testing or verification. These omissions conflict with EN-3 and the Applicant's obligation to demonstrate that soil productivity and function will be protected and capable of restoration to pre-development condition.

EN-3 explicitly requires applicants to demonstrate that solar development will not result in the permanent loss of soil productivity or function. An outline CEMP that lacks quantified baselines and performance tests cannot demonstrate compliance with this requirement.

This requirement is reinforced by EN-3, which requires applicants to demonstrate avoidance of soil degradation and to evidence that land-use impacts are reversible. EN-3 additionally requires applicants to demonstrate that "soils will be protected and reinstated to their pre-development condition," which cannot be shown without quantified baseline condition surveys.

Soil susceptibility and practical limits on "restoration"

The Order Limits are dominated by clay and heavy clay-loam soils with relatively poor natural drainage. Such soils are highly susceptible to structural damage when

trafficked in wet conditions and recover far more slowly than lighter-textured soils. Although the Applicant states that construction will be “paused” in adverse weather, no objective moisture threshold or recognised field test is provided to determine when trafficking must cease or when it is safe to resume. Best practice under the Code of Practice for the Sustainable Use of Soils anticipates the use of measurable soil-moisture criteria (e.g. field capacity–based thresholds) agreed with the local planning authority, precisely because subjective judgment is insufficient for heavy clay soils. The Applicant’s indicative construction programme extends beyond this period without demonstrating how soil structural damage will be avoided.

The ES further assumes that any construction-induced compaction can be fully reversed through deep-tining or localised drainage improvements. In practice, access for heavy remediation machinery will be severely constrained once panel arrays, cabling and supporting structures are installed. Deep cultivation between or beneath fixed panel rows risks causing additional surface damage and may not reach deeper compacted horizons. Empirical evidence indicates that subsoil compaction below the plough layer, particularly at depths approaching 1 metre, may persist for decades; Batey (2009) identifies recovery times exceeding 30 years in such conditions. On a 40-year project, this lifespan equates to effectively permanent functional loss for the duration of the consented use, regardless of theoretical recoverability after decommissioning.

Emerging evidence on soil degradation under solar arrays

This practical concern is reinforced by an emerging body of peer-reviewed empirical evidence examining soil condition beneath operational solar arrays.

The Applicant’s assertion that soil quality will be maintained or even improved under solar panels over the 40-year operational period is increasingly at odds with emerging empirical evidence. A recent multi-site study published in *Environmental Research*, covering 32 operational solar farms, found that soils beneath panel rows were on average around 15% more compacted than adjacent pasture soils, with approximately 9% lower soil organic carbon and a 29% reduction in measured organic matter. These findings point not just to mechanical disturbance during construction but to a broader degradation of soil structure under long-term partial shading and altered microclimates.

Complementary work reported in *Geoderma Regional* indicates that, after seven years of operation, solar installations can significantly reduce soil water-holding capacity and alter temperature regimes, with Total Organic Carbon under panels reduced by up to 61% relative to control areas. The authors conclude that large-scale solar development “significantly changed the physical, chemical and biochemical properties of the soil,” with uncertain implications for future agricultural productivity once arrays are removed.

This growing body of peer-reviewed evidence directly challenges the assumption that BMV land can simply be ‘parked’ under panels for several decades and then returned to its former productive state. On heavy clay and clay-loam soils such as those at East Park, the combination of construction compaction, restricted remediation access and long-term microclimatic change creates a credible risk of lasting degradation of soil structure, organic matter and water-retention capacity. Any claim that the land will be fully restored to pre-development BMV condition must therefore be treated with considerable caution and supported, at minimum, by independent agronomic verification and long-term monitoring commitments.

SEPE recommends:

- Baseline soil characterisation survey before stripping;
- Defined soil compaction indices and independent agronomic verification; and
- Inclusion of a measurable, auditable “no net loss of soil function” performance standard within the final CEMP, supported by independent agronomic monitoring over the operational life.

14.3 Hydrology and surface-water control

The CEMP lacks detailed drainage mapping or quantifiable thresholds for runoff quality. Generic silt-control measures, without site-specific design parameters or monitoring thresholds, are insufficient for the site’s clay-dominated soils, which exhibit low infiltration rates and rapid surface runoff. In such conditions, reliance on generic measures does not demonstrate compliance with EN-1, which requires that surface-water impacts are assessed and controlled using locally specific evidence.

Both Cambridgeshire and Bedfordshire LLFAs typically require site-specific infiltration testing to BRE 365 standards, seasonal groundwater monitoring, and runoff modelling reflecting local soil and drainage characteristics as the evidential basis for accepting greenfield discharge assumptions; none are provided here.

Recommended improvements:

- A drainage and soil-water balance audit prior to commencement;
- Turbidity and suspended-solids limits with third-party verification; and
- Appointment of a suitably qualified Flood and Environmental Officer with defined authority to halt works where agreed water-quality or flood-risk thresholds are exceeded.

Traffic and transport management

The proposed Construction Traffic Management Plan (CTMP), referenced within the CEMP, remains unenforceable and reliant on voluntary compliance. It contains no fixed HGV thresholds, no GPS-tracking mechanism, and no route-enforcement protocol.

SEPE requests that the Examining Authority requires:

- Pre- and post-construction highway condition surveys with legally binding financial bonds for reinstatement;
- Maximum daily HGV movement limits and restricted delivery windows;
- Real-time GPS monitoring and public access to weekly movement logs; and
- Oversight via a Community Liaison Group empowered to escalate complaints.

14.3.1 Site-specific flood-risk verification deficiency

The Flood Risk Assessment (FRA) (ES Vol 2 Ch. 12 and App. 12-1) provides only desk-based hydraulic modelling and generalised runoff coefficients. No site-specific infiltration testing (BRE 365) or groundwater monitoring has been undertaken to validate the assumed greenfield discharge rate, despite the site's known clay and glacial-till soils.

The model omits attenuation-volume calculations for impermeable areas such as inverter stations, access tracks and the BESS compound, and provides no exceedance-route mapping. These omissions materially reduce confidence in the design's ability to prevent off-site flooding.

The Applicant's failure to model exceedance pathways also prevents assessment of whether overland flow from the development could increase flood hazard to properties along the B645, Hail Weston Road, or the downstream floodplain near Great Staughton. Exceedance behaviour is therefore not understood under failure conditions.

Local Lead Flood Authorities (LLFAs) routinely require site-specific infiltration testing (BRE 365) and seasonal groundwater monitoring for large greenfield schemes; their absence here places the FRA outside normal accepted practice.

This approach conflicts with EN-1 and the EIA Regulations, which require hydrological baselines and assessment of flood-risk significance using locally verified data. EN-1 also requires identification of exceedance pathways; the submitted FRA contains none.

Without exceedance-route mapping, the Examining Authority cannot determine where floodwaters would flow if design capacity is exceeded, nor whether flood risk to third-party land or property would increase.

These matters form part of the wider evidential gap identified as **Procedural Deficiency #6E – Inadequate Flood Risk Assessment and climate-change modelling**, as detailed in Appendix M.

SEPE therefore requests that the Examining Authority directs the Applicant to submit a Revised Flood Risk Assessment incorporating verified infiltration testing, groundwater monitoring, attenuation-volume calculations and exceedance-route mapping, consistent with the requirements identified under **Procedural Deficiency #6E**.

Photographic evidence of existing flood conditions is provided in Appendix T, which demonstrates that flood behaviour within the site and its wider catchment is extensive, interconnected and already affecting infrastructure and receptors. This evidence indicates that the receiving environment is operating at or near capacity and that the Flood Risk Assessment materially understates both the extent and functional connectivity of flood pathways. In these circumstances, the Applicant has not demonstrated, on the basis of robust baseline evidence, that the Proposed Development can be delivered without increasing flood risk either within the site or to downstream receptors.

14.3.2 Pluvial flooding impacts inadequately mitigated and potentially worsened by design

The FRA identifies that parts of the development, including solar panels and access tracks, are affected by pluvial flooding during the 0.1% AEP event and the 0.1% AEP plus climate change scenario. The proposed mitigation relies primarily on elevating panel levels to provide a minimum freeboard of 200 mm above predicted flood depths. This freeboard allowance is materially below commonly applied good practice allowances (typically around 300 mm) for exceedance flows and surface-water flooding and is not supported by any sensitivity analysis, model uncertainty allowance, or allowance for blockage and climate change variability.

The assessment also focuses on the 0.1% AEP event and does not adequately address more frequent and operationally relevant rainfall events, including the 1% AEP (1 in 100 year) and 3.3% AEP (1 in 30 year) scenarios. These events are more likely to occur over the lifetime of the development and are critical to understanding routine exceedance flows, site accessibility, maintenance conditions and the potential for repeated localised flooding effects. The absence of detailed assessment of these scenarios represents a material gap in the evidence base.

Furthermore, illustrative engineering drawings show panels mounted on raised concrete foundations in areas of archaeological constraint. Where such areas coincide with pluvial flood extents, raised foundations would displace floodwater and alter flow paths, potentially increasing flood depths, velocities and hazard elsewhere within and beyond the Order Limits. No assessment of floodplain storage loss, floodwater displacement or flow obstruction has been undertaken, nor has any hydraulic modelling been presented to demonstrate neutrality.

In addition, no assessment is provided of how the introduction of extensive solar arrays, mounting systems, access tracks and associated infrastructure may alter

surface runoff characteristics, infiltration rates or local groundwater conditions. The extent of hard and semi-impermeable surfaces, soil compaction during construction, and changes to drainage pathways have the potential to increase runoff rates, reduce infiltration and affect the local water table, with consequential effects on nearby receptors including agricultural land, watercourses and residential areas. These pathways have not been quantified or assessed.

Similarly, perimeter fencing is shown enclosing panel compounds, yet no detail is provided as to how fencing would be designed to remain permeable to flood flows. In the absence of secured flood-compatible fencing specifications (e.g. mesh size, orientation or raised clearance), the development risks obstructing overland flow routes and exacerbating surface-water flooding. These matters have been deferred to detailed design, contrary to the requirement that flood-risk mitigation be demonstrated at application stage.

This approach is inconsistent with the requirements of the EIA process and the Planning Inspectorate's Scoping Opinion, which emphasises the need for sufficient detail to enable a robust assessment of likely significant effects, including drainage, watercourse interactions and hydraulic behaviour.

14.3.3 Construction-phase flood and pollution controls

Given the scale of earthworks, access tracks and watercourse interfaces, the Outline CEMP and Surface Water Management Plan remain principles-based and do not set measurable construction-phase thresholds for runoff quality or sediment control, nor do they provide defined trigger levels (e.g. turbidity/suspended solids) linked to stop-work and containment measures. In flood-risk areas, the application should also demonstrate how works will be managed during flood alerts (site shutdown procedures, protection of plant/materials, and pollution prevention). Absent quantified controls and responsibilities, the Examining Authority cannot test whether construction-phase effects on watercourses and flood pathways can be effectively controlled.

14.3.4 Unassessed impacts of access tracks, culverting and level raising over watercourses

The development proposes multiple access-track crossings over drainage ditches and watercourses. Illustrative engineering drawings indicate localised raising of ground levels and the use of suspended slabs, bridges and culverts. However, the FRA does not confirm whether fluvial or pluvial modelling has assessed the hydraulic impacts of these interventions.

Raised track formations may displace floodwater, obstruct floodplain connectivity and increase flood risk both on site and downstream. Culverts introduce additional risks of blockage during high-flow events, yet no sensitivity testing has been undertaken to assess blockage scenarios or residual flood risk.

The culverting proposals are described as illustrative and subject to detailed design, yet such infrastructure is central to flood-risk management. Deferring essential design parameters to post-consent approval would materially limit the Examination's ability to verify that flood risk would not be increased. In accordance with the EIA Regulations and established NSIP practice, sufficient design detail and hydraulic assessment are normally required at application stage to enable a reasoned conclusion on flood risk.

14.3.5 Construction dewatering and Water Framework Directive (WFD) compliance – unspecified permits and triggers

No plan sets out whether temporary dewatering/abstracted water will require permits, treatment, and monitored discharge limits, nor how the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 as retained in domestic law following the European Union (Withdrawal) Act 2018 (WFD Regulations) status objectives are protected.

These matters are not matters of construction detail but of regulatory compliance and environmental risk management, and therefore require definition before consent rather than reliance on post-consent contractor discretion.

This constitutes **Procedural Deficiency #14C – Dewatering/Discharge permitting and controls not defined**, as detailed in Appendix M. *Refs: EN-1; the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017; EIA Regulations*

Requested action: provide a Dewatering and Discharge Plan with permit pathways, water-quality limits (turbidity/SS), and stop-works triggers, secured via requirement.

14.4 Ecology and biosecurity

The CEMP specifies only intermittent ecological monitoring. Such an approach is inconsistent with CIEEM Guidelines (2018) for large infrastructure projects, which require continuous supervision during high-risk phases such as topsoil stripping, trenching, and tree/hedgerow removal. This is inconsistent with best practice for projects affecting hedgerows and drainage ditches of ecological importance.

Recommended measures:

- Continuous or near-continuous Ecological Clerk of Works (EcoCoW) supervision during high-risk construction activities, including topsoil stripping, drainage installation, and hedgerow or watercourse works;
- Submission of Pre-construction Ecological Verification Reports to the LPA; and
- Measurable reinstatement performance criteria (for example, minimum vegetation-establishment thresholds within defined post-construction periods), secured through the CEMP and verified by independent ecological inspection.

Socio-economic and community mitigation

The CEMP omits mechanisms to monitor and manage construction-phase disruption to local communities, including effects on Public Rights of Way (PRoW), local businesses, and residential amenity.

SEPE therefore recommends that the CEMP be supplemented by:

- a Construction Workforce and Accommodation Management Plan proportionate to the scale of the scheme, to minimise pressure on local services and housing;
- a Community Impact Monitoring Framework with regular (e.g. quarterly) reporting on disruption indicators; and
- a PRoW management protocol guaranteeing advance public notice (e.g. a minimum notice period) for any temporary closure or diversion.

EN-3 requires applicants to demonstrate that ecological mitigation will avoid harm during construction, including works to hedgerows, watercourses and priority habitats.

EN-1 requires applicants to avoid ecological harm at source wherever feasible, and to provide sufficient information to demonstrate that significant effects can be ruled out. Intermittent ecological supervision does not provide sufficient assurance that harm to hedgerows, watercourses and protected species can be avoided during construction, and therefore does not meet this requirement for a scheme of this scale and sensitivity.

EN-1 requires ecological mitigation measures to be secured through enforceable DCO requirements. The outline CEMP provides none.

14.5 Waste and materials management

The CEMP does not set reuse or recycling targets and leaves compliance undefined.

Recommended actions:

- Adoption of quantified reuse and recycling targets for inert construction waste, aligned with industry best practice and NSIP precedent, and secured through a Materials Management Plan;
- Appointment of a Waste Compliance Officer; and
- Adoption of a waste-tracking and audit system consistent with EA Duty-of-Care standards.

All major solar NSIPs (including Longfield and Sunnica) secured site-wide Materials Management Plans under the CL:AIRE Definition of Waste Code of Practice; the absence of any such plan here is a material omission.

Emergency and flood response

Emergency procedures lack measurable triggers or coordination with local services.

Required strengthening:

- A Multi-Agency Emergency Planning Protocol prepared in consultation with Cambridgeshire Fire and Rescue Service, the Environment Agency and the relevant LPAs, and secured through the CEMP and DCO requirements;
- Periodic emergency-response testing exercises (for example, table-top or site-based drills at defined intervals); and
- A 24-hour public contact line for incidents during construction.

EN-1 requires explicit demonstration of how emergency responders will access the site safely during extreme weather or flood events; this is not addressed.

In summary, the Outline CEMP does not presently provide a sufficiently defined or enforceable framework to secure the mitigation relied upon in the Environmental Statement. The Examining Authority should therefore require a Revised Construction Environmental Management Plan prior to determination, incorporating:

- independent verification of soil, hydrology and ecological protection measures;
- quantified environmental-performance thresholds capable of audit; and
- binding arrangements for community protection, reporting and access management secured through DCO requirements.

Without these revisions, the CEMP cannot be relied upon as effective mitigation under EN-1 and EN-3, and construction-phase environmental risks cannot be shown to be adequately controlled.

The Environment Agency's Waste Framework Directive guidance requires auditable tracking for all waste streams, including inert fractions; no such mechanism is provided.

14.6 Climate-resilience and adaptation deficiency

The ES omits the mandatory assessment required by EN-1 and EIA Regulations of how the proposed infrastructure would perform under credible future climate scenarios. No modelling has been undertaken using UKCP18 future climate projections appropriate to the scheme's 40-year operational life, including the 2080s central and upper percentile ranges for rainfall intensity, flood risk or temperature stress. Given the scheme's 40-year lifespan, this is a serious evidential gap.

UKCP18 guidance anticipates the use of a range of future climate scenarios, including central and upper-bound projections, when assessing long-lived infrastructure, particularly for flood risk and thermal stress. Defra's National Adaptation Programme

(2023) reinforces that infrastructure with lifetimes exceeding 40 years must be designed using UKCP18 future scenarios, not present-day conditions.

EN-1 requires applicants to demonstrate resilience to climate change, while EIA Regulations demand consideration of the project's vulnerability to climatic factors. The omission of adaptive-design evidence therefore constitutes a procedural deficiency.

EN-1 further requires that nationally significant energy infrastructure be resilient to extreme weather events. Footnote 25 confirms that applicants should use UKCP projections. No such assessment has been undertaken.

SEPE requests that the Applicant provides a Climate-Resilience Assessment quantifying 2080s-scenario flood and heat-stress risks and specifying adaptive design measures.

This constitutes **Procedural Deficiency #14D Absence of a climate-resilience and adaptation assessment for key project components (PV arrays, BESS, substations, drainage)**, as detailed in Appendix M.

14.6.1 Scientific overstatement of climate attribution and misrepresentation of IPCC findings

The ES (ES Vol 1 Ch.15 s.15.1.2) materially misrepresents the scientific consensus of the Intergovernmental Panel on Climate Change (IPCC) by asserting that greenhouse-gas emissions are “driving changes in short-term weather events as well as extremes in longer-term climate variability.”

This is not an accurate reflection of the confidence levels assigned within the IPCC's formal assessments.

The IPCC AR6 assigns high confidence primarily to increased frequency and intensity of heatwaves, while confidence levels for other categories of extreme weather (including storms, flooding and drought) remain low to medium, with significant regional uncertainty.

By presenting these effects as a uniform, high-certainty outcome, the ES does not accurately reflect the underlying confidence gradations in the IPCC assessments. In a statutory Environmental Statement, such imprecision risks undermining the reliability of the evidence relied upon for decision-making.

By portraying this as a blanket, high-certainty causal link, the ES:

- does not accurately reflect the differentiated confidence levels assigned within IPCC AR6,
- risks overstating the evidential certainty associated with certain categories of extreme weather into a statutory document that must remain neutral, and
- risks prejudicing the planning balance by implying greater climate justification than is properly evidenced.

An Environmental Statement must not overstate or misstate scientific evidence (Blewett; Holborn Studios).

This section should therefore be treated as unreliable environmental information under the EIA Regulations.

14.6.2 Climate scenario selection UKCP18-recommended scenario range

The ES relies heavily on RCP8.5 as its primary scenario (Table 15.1), describing it as a “high emissions scenario” but failing to note that:

- RCP8.5 is now regarded in the peer-reviewed literature as a low-probability, extreme scenario,
- it is considered inconsistent with UK Net Zero law (CCC 2022), and
- UKCP18 guidance requires use of multiple scenarios, typically SSP2-4.5 (central) and SSP1-2.6 (net-zero-aligned), for resilience testing.

RCP8.5 may appropriately be used as an upper-bound stress-test scenario, but UKCP18 guidance and current best practice require that such testing be undertaken alongside central and net-zero-aligned pathways, in order to assess resilience across a plausible range of futures; using it as the sole modelling basis is methodologically incomplete for resilience assessment purposes.

By relying exclusively on RCP8.5 without parallel modelling under SSP2-4.5 or SSP1-2.6, the ES:

- overstates potential climate impacts,
- provides an unbalanced resilience picture,
- fails to apply UKCP18 methodology, and
- does not meet EN-1 or EIA Regulations.

A robust assessment requires a scenario-range analysis, not a single upper-bound projection.

14.6.3 Internal contradiction in treatment of extreme weather effects

The ES presents contradictory conclusions regarding climate-driven extreme weather:

- In s.15.1.2, storms, heat and cloud-cover changes are described as increasing and as material planning considerations.
- In s.15.4.3, the same categories are described as not significant for construction or operation and requiring no meaningful assessment.

These conclusions cannot be reconciled without further explanation or evidence.

Either (a) extreme-weather trends are material, requiring a full assessment under UKCP18; or (b) they are immaterial, contradicting the ES’ justification narrative.

This inconsistency:

- undermines the internal logic of the assessment,
- contradicts the scoping justification relied upon, and
- prevents a rational evaluation of climate-related vulnerabilities (EIA Regulations).

14.6.4 Uncertainty ranges, probability bands and sensitivity testing

Although the ES cites the IEMA / IISP guidance on climate assessments, it does not provide:

- uncertainty ranges for lifecycle GHG emissions,
- probability bands for future climate projections,
- sensitivity analysis for rainfall intensity, heat stress, wind loading or hydrological exceedance, or
- any quantified measure of confidence in the outputs.

IEMA's *Assessing Greenhouse Gas Emissions in Environmental Impact Assessment* (2022) requires that climate-impact assessments disclose uncertainties and confidence intervals.

The omission of such ranges prevents the Examining Authority from establishing whether:

- the results are robust,
- the scheme remains resilient under mid-range or high-impact conditions, or
- adaptive design measures are required.

This absence constitutes a clear evidential gap that prevents the Examining Authority from testing the robustness of the conclusions reached.

14.6.5 Displacement benefits and future decarbonisation pathways

Although distinct from climate resilience, the treatment of future displacement benefits is closely linked to the reliability of the climate case advanced for the scheme.

The ES implicitly assumes that the scheme will displace natural-gas CCGT generation for its entire 40-year life.

This is inconsistent with every credible UK energy-system forecast, including:

- DESNZ Energy and Emissions Projections (2023–2050, updated 2025),
- Climate Change Committee Sixth Carbon Budget (2020) and subsequent CCC progress assessments,

- Climate Change Committee Seventh Carbon Budget (2025).

These models all show:

- fossil-fuel generation declining substantially as the electricity system decarbonises;
- increasing periods of renewable surplus and curtailment as variable renewable penetration rises; and
- long-run marginal grid carbon intensity declining towards very low levels as unabated fossil generation is displaced.

Therefore, assuming continuous displacement of CCGT generation over a 40-year project life:

- risks overstating the lifetime GHG-reduction benefits,
- fails to reflect declining marginal grid carbon intensity,
- conflicts with national system modelling,
- undermines carbon-payback calculations, and
- fails to provide the reliable evidence base required by EN-1.

The Applicant must provide GHG calculations based on projected marginal grid intensity, not historic averages or present-day conditions.

14.6.6 Procedural Deficiency cross-reference

These deficiencies reinforce and expand:

- **Procedural Deficiency #14D** – Absence of Climate-Resilience and adaptation Assessment for key project components
- **Procedural Deficiency #18A** – Lifecycle carbon assessment incomplete and insufficiently evidenced

The Applicant must supply a Revised Climate-Resilience and GHG Assessment, including:

- a range of UKCP18-consistent future climate scenarios (including net-zero-aligned, central and upper-bound projections),
- uncertainty and probability ranges,
- updated displacement-benefit modelling based on future grid-mix forecasts, and
- consistency between extreme-weather claims and technical conclusions.

14.7 Construction and operational lighting: assessment and controls

Neither the ES nor the Outline CEMP provides a quantified assessment of likely lighting effects, including lux contouring, vertical illuminance at sensitive receptors, or habitat-sensitive curfews, for construction compounds, security fencing or BESS yards. Given bat interest (Appx 7-8) and rural dark-sky baselines, the omission conflicts with EN-1 requirements on biodiversity protection, landscape/amenity, and noise/light disturbance, and with the EIA Regulations.

BS 5489-1:2020 and ILP Guidance Note 01/21 provide industry standards for rural lighting and dark-sky protection; no assessment is provided against either standard.

Requested action: require a Lighting Strategy with:

- a) lux plans at receptors/PRoWs;
- b) curfew and PIR controls;
- c) warm-spectrum, full cut-off fittings; and
- d) ecology-led buffers,

secured through a DCO requirement prior to commencement.

Lux-contour modelling should include vertical illuminance at 1.5 m and 2.0 m above ground level, in accordance with ILP GN01/21 and CIE 150:2017.

This constitutes **Procedural Deficiency #14E – Lighting assessment and dark-sky/ecology controls omitted**, as detailed in Appendix M.

14.8 Construction carbon and materials management

No Construction Carbon Management Plan (CCMP) is provided to identify, quantify or manage embodied and construction-phase emissions (including materials selection, sourcing, and construction logistics). The omission of a Construction Carbon Management Plan also prevents assessment of whether reasonable opportunities to minimise construction-phase emissions, consistent with the Net Zero Strategy (2021), have been identified and secured.

EN-1 expects applicants to demonstrate how a proposal minimises lifecycle greenhouse-gas emissions; without a construction-carbon plan this cannot be assessed.

Requested action: require a Construction Carbon Management Plan, with defined targets, monitoring and reporting, integrated with the CTMP and secured by DCO requirement.

This constitutes **Procedural Deficiency #14F – Construction carbon/materials plan absent**, as detailed in Appendix M. *Refs:* EN-1 (sustainable development principles).

The pattern of unenforceable management measures and reliance on contractor goodwill closely reflects the real-world failings observed at the Cleve Hill Solar NSIP (Kent). Despite a detailed CEMP and DCO-level obligations, Cleve Hill experienced repeated issues with noise, dust, drainage protection, lighting restrictions, and construction traffic on rural routes, with minimal enforcement capability. These outcomes demonstrate the practical enforcement risks associated with reliance on poorly designed CEMP frameworks in large rural NSIPs.

Cross-reference: For national-scale evidence demonstrating issues in a directly comparable solar NSIP, see Appendix H – Cleve Hill Case Study.

The CEMP does not identify any mechanism for cumulative coordination with neighbouring solar/BESS schemes or regional NSIPs, despite shared road networks, watercourses and receptor communities.

15.0 Battery Energy Storage System (BESS) safety and environmental risk

The Battery Energy Storage System (BESS) element of the East Park proposal is functionally separate from the solar array and introduces distinct accident, safety, and pollution pathways. It therefore requires a discrete assessment of major-accident hazards, operational risk pathways, emergency-access feasibility and environmental contamination, rather than treatment as an ancillary solar component. Under EN-1 and the EIA Regulations, the Examining Authority must ensure that such hazards are “identified, quantified and mitigated so far as reasonably practicable.” The following subsections identify evidential gaps in the Applicant’s Environmental Statement relevant to that duty.

15.1 Cambridgeshire Fire and Rescue Service (CFRS) position – scope, status and evidential weight

Cambridgeshire Fire and Rescue Service (CFRS) submitted an initial response in October 2024 and has since engaged with the Applicant, culminating in a signed Statement of Common Ground (SoCG) at Deadline 1. The SoCG records agreement on a number of operational and design principles, including BESS enclosure type, spacing, fire detection and suppression systems, water supply provision, access arrangements and emergency response planning.

In particular, CFRS accepts in principle the Applicant’s Outline Battery Safety Management Plan (oBSMP) approach, including reliance on Large-Scale Fire Testing (LSFT), alignment with NFPA 855 and NFCC guidance, and the provision of static on-site water supplies (two tanks of ≥228,000 litres delivering 1,900 L/min for four hours), which is secured through Requirement 10 of the draft DCO.

However, the SoCG also makes clear that a number of critical elements, including the detailed BESS design, battery specification, emergency response plan and full Battery Safety Management Plan, are not yet fixed and will only be finalised at the detailed design stage and secured post-consent through Requirement 10. CFRS's agreement is therefore conditional and procedural in nature, reflecting acceptance of a framework rather than verification of a finalised design or quantified risk profile.

CFRS is not a statutory consultee under the Planning Act 2008, and its role is to provide operational advice rather than to undertake examination-stage assessment of environmental effects or major-accident risk. The SoCG does not certify safety performance, demonstrate that risks have been reduced to ALARP, or confirm that off-site consequences have been fully assessed.

Accordingly, CFRS's agreement cannot be treated as a substitute for the Applicant's obligation to provide complete and sufficient environmental information at application stage. In particular, the SoCG does not provide a basis for the Examining Authority to verify likely effects and controls in relation to:

- (i) toxic plume dispersion, including adequate off-site plume behaviour, and public health outcomes;
- (ii) containment and disposal of contaminated fire-water;
- (iii) emergency access, responder safety zones and operational feasibility; or
- (iv) off-site consequence modelling for nearby communities and receptors.

The decisive issue for the Examining Authority remains whether the Environmental Statement provides a sufficient evidential basis, prior to recommendation or consent, to support a reasoned conclusion on likely significant effects. The SoCG confirms that key aspects of design and risk control are deferred to post-consent approval and therefore does not resolve the underlying evidential gap identified in Section 15.3, including the interaction with utilities and infrastructure at Site D.

15.2 BESS location and agricultural land impacts

The Environmental Statement (Vol 1 Ch. 3 s. 3.8) acknowledges that relocation of the BESS and substation from Site C to Site D places major infrastructure on higher-grade agricultural land (part 3a), identifying this as a "possible disadvantage." This relocation increases the extent of Best and Most Versatile (BMV) land affected relative to earlier iterations. The absence of quantified comparative data or sequential testing means the choice of Site D has not been supported by a documented comparative or sequential assessment demonstrating that impacts on BMV land have been avoided

or minimised so far as reasonably practicable, as envisaged by EN-3. The Examining Authority should therefore request a short addendum clarifying the rationale for this relocation, supported by mapped land-quality differentials and the decision chronology within the design-evolution chapter.

EN-3 also requires applicants to demonstrate reversibility and avoidance of long-term soil degradation. Locating a 100 MW BESS, with impermeable surfacing, concrete bunds and contamination risk, on BMV land is therefore not demonstrated to accord with EN-3 unless the Applicant demonstrates no reasonable lower-grade alternative exists. No such demonstration is presented within the Environmental Statement or supporting application documents.

15.3 Proximity to buried utility easement – unassessed major-accident interaction

The Applicant's Indicative Crossing Plan (Document EN010141-000218-6.3, ES Vol 3, Figure 2-3) identifies a clearly defined existing buried utility easement running broadly north–south across Site D, the location proposed for the 100 MW BESS compound. This plan is relied upon within the Environmental Statement to identify utilities that constrain construction methods and dictate crossing restrictions.

The buried utility within Site D is a main gas transmission pipeline, as confirmed by the Indicative Crossing Plan and statutory pipeline safeguarding records. High-pressure gas transmission infrastructure constitutes a recognised major-accident hazard source under the Pipeline Safety Regulations 1996, requiring explicit assessment of interaction with nearby hazardous installations, including thermal, over-pressure and escalation effects.

Despite this, the Environmental Statement does not identify the pipeline's operating pressure, hazard classification (e.g. Major Accident Hazard Pipeline), consultation status with the pipeline operator, or any defined separation, exclusion or protection zones in relation to the proposed BESS layout. Nor does it assess two-way interaction risk, namely:

- the effects of BESS thermal-runaway, fire or explosion on pipeline integrity; and
- the potential for pipeline failure to initiate or exacerbate a BESS incident.

Figure 2-3 shows only the utility easement and the red-line boundary. The Environmental Statement does not present the proposed BESS layout, battery-container footprint, fire-breaks, blast-setbacks or exclusion zones in relation to the pipeline corridor. As a result, the application contains no assessment of:

- heat-flux, over-pressure or fragment-projection effects from a BESS incident on the pipeline;
- cascading-risk pathways involving co-located major-hazard sources;
- consultation with, or written confirmation from, the pipeline operator; or

- the implications of the pipeline easement for emergency-access routes, safety cordons or incident management during a BESS event.

The absence of this information is particularly significant because the Indicative Crossing Plan is the only location within the Environmental Statement where the presence of a strategic underground utility at Site D is acknowledged. The failure to integrate a known major-hazard constraint into the BESS safety case is inconsistent with the EIA Regulations, which require assessment of interactions between the project and existing accident or disaster risks.

The co-location of a grid-scale lithium-ion BESS with a high-pressure gas transmission pipeline represents a compound major-accident scenario. In the absence of a joint hazard assessment, the Examining Authority cannot be satisfied that major-accident risks have been identified, quantified and mitigated as required by EN-1, nor can reliance be placed on deferral to post-consent design.

This is a material major-accident interaction omission. In the absence of this information, the Examining Authority cannot be satisfied that major-accident risks arising from co-location have been adequately assessed.

Established hazard engineering practice would ordinarily require joint HAZID/QRA assessment for co-located major-accident sources. No such assessment is evidenced.

This constitutes **Procedural Deficiency #15A – Omitted BESS–utility interaction assessment**, as detailed in Appendix M.

15.4 Construction method, foundation design and community impacts

The Applicant proposes to install BESS container units on concrete plinths or pads, with transformers and switchgear on reinforced foundations (ES Vol 1 Ch. 2 ss. 2.5.35–2.5.40). While the Environmental Statement states that “no piling is anticipated,” it also expressly reserves the option to deploy piled or vibro-stabilised foundations should ground conditions prove unsuitable. No geotechnical investigation, bearing-capacity testing, or settlement analysis has been submitted to demonstrate that piling will not be required.

This omission is material because Site D is underlain by alluvium and glacial till of relatively low bearing strength (ES Vol 3 Ch. 13, Figures 2-3 and 2-5). In the absence of site-specific geotechnical data, the Examining Authority cannot exclude the realistic possibility that driven or vibro-installed piles would be required to support BESS containers, transformers or associated infrastructure.

If piling were required, this would introduce short-duration but high-intensity noise and vibration impacts within approximately 400 m of residential receptors and Public Rights of Way. Such impacts would require assessment against EN-1, the NPPF, and BS 7385-2 vibration guidance. No such assessment is provided. The Outline CEMP

contains only generic good-practice statements and does not establish receptor-specific limits or method selection criteria for vibration-sensitive works.

In addition, the proposed concrete bunding and impermeable surfacing intended to contain firefighting water would materially alter local surface-water behaviour and thermal mass. However, no quantification is provided of:

- changes to runoff rates or volumes;
- attenuation capacity under combined storm and firefighting scenarios; or
- potential effects on adjacent agricultural soils or drainage features.

These matters are relevant to EN-1 and the EIA Regulations, which require assessment of construction effects on water, soils and human receptors.

Topographical mapping, including publicly available Ordnance Survey-derived contour data for Great Staughton and the Environmental Statement's own mapping (ES Vol 3), indicates that Site D rises from the B645 access corridor toward its southern extent, with an elevational difference of approximately 20–25 m. This gradient is relevant to hydraulic behaviour, exceedance routing and containment performance.

In the event of a thermal-runaway incident requiring prolonged suppression, any containment exceedance, bund failure or drainage malfunction would result in gravitational runoff directed downslope toward lower-lying agricultural land and drainage features adjacent to the B645 corridor. Conversely, intense rainfall from the upslope catchment would increase hydraulic loading within the BESS compound, particularly during combined storm-and-suppression scenarios. No site-specific hydraulic modelling has been presented demonstrating that the proposed attenuation and isolation measures remain effective under worst-case combined rainfall and fire-water application conditions, taking account of this gradient.

Where site topography influences flow direction, exceedance pathways and containment integrity, it forms part of the major-accident consequence pathway under the EIA Regulations. The absence of quantified topography-informed modelling means the Examining Authority cannot determine whether contaminated effluent could migrate beyond the compound boundary or compromise adjacent BMV agricultural soils.

These construction uncertainties are not capable of being left to outline plans if they expand the assessed worst-case envelope (piling/vibro-installation; runoff/containment performance). The Examining Authority should require the Applicant to bring forward the minimum decision-stage evidence and secure it through requirements as set out at Section 20.8).

These uncertainties reinforce the unresolved siting and safety concerns identified above. The extent of ground engineering required at Site D may itself be indicative

that this location is not the least-impact or most suitable site for a stand-alone BESS installation.

Foundation type is also relevant to BESS hazard behaviour. NFPA 855 Annex C recognises that ground conditions and foundation design influence heat transfer, drainage pathways and off-gassing behaviour during thermal-runaway events. Piled or vibro-stabilised foundations may introduce preferential heat-transfer or stress pathways, yet no assessment of these interactions is provided.

On the evidence submitted, the Examining Authority cannot assume that the BESS compound would employ least-impact construction methods, nor that construction-phase noise, vibration and runoff risks to nearby communities and environmental receptors have been adequately assessed or controlled.

These uncertainties are further compounded by the presence of an unassessed high-pressure gas pipeline within Site D (Section 15.3), which may impose additional engineering, exclusion-zone or foundation constraints that the Environmental Statement does not evaluate.

15.5 Functional purpose, market-driven operation and community risk of the BESS

The operational purpose of the proposed BESS is central to the weight that can be attributed to the scheme's claimed energy-system benefits and to the proportionality of the risks borne by nearby communities.

Review of the Environmental Statement (Vol 1 Ch. 2 ss. 2.7–2.8; Ch. 3 s. 3.8; Grid Connection Statement) indicates that the proposed BESS is described primarily as enabling the Applicant to “optimise export to the grid.” The application provides no evidence of contractual or operational linkage with National Grid ESO for frequency response, balancing, inertia or resilience services. No state-of-charge modelling, cycling strategy, dispatch logic or data demonstrating integration with solar intermittency is presented.

The Grid Connection Statement also indicates that the proposed BESS includes an import capability of approximately 100 MW. This configuration would allow the facility to charge directly from the transmission network rather than exclusively from the co-located solar generation. In the absence of evidence demonstrating that charging will be constrained to renewable output from the scheme, the storage facility could operate independently of the solar arrays, responding primarily to wholesale electricity price signals. Operational independence from the solar generation would materially affect the policy weight attributed to the scheme. Where storage can operate independently of the generation asset, its status as associated development requires careful scrutiny.

EN-1 makes clear that policy weight is afforded to infrastructure where it demonstrably contributes to energy security, system resilience or decarbonisation. Storage facilities that operate on a merchant basis, charging during low-price periods and discharging during high-price periods, do not necessarily deliver such benefits.

The evidence provided is consistent with a merchant storage model rather than defined grid-service. Recent consultations by National Grid ESO and Ofgem (2022–2024) confirm that price-arbitrage storage does not inherently contribute to frequency response, inertia or resilience unless secured through specific service agreements (e.g. FFR, Dynamic Containment, Black Start). No such evidence is submitted.

This interpretation is reinforced by the expected seasonal operation of co-located solar and storage. Solar generation is concentrated in summer months, whereas electricity price volatility and system stress, and therefore the principal revenue opportunities for battery storage, typically arise in winter periods characterised by lower renewable output and higher demand. In these conditions, battery storage is more likely to charge directly from the grid during periods of lower wholesale prices, rather than from surplus on-site solar generation, and to discharge during periods of higher demand and price. This reflects a merchant trading strategy capturing price spreads, rather than providing services directly linked to the intermittency of co-located solar assets.

This is consistent with wider system modelling of solar deployment in Great Britain. Independent analysis by Professor Tony Day (2025) indicates that increasing solar penetration is expected to result in growing summer periods of surplus generation and curtailment within the GB electricity system (Appendix E), while seeing winter generation collapse to much lower levels. In such circumstances, battery storage may increasingly operate to capture price spreads, rather than providing system-stability services linked to specific renewable assets.

Solar generation supported through the Contracts for Difference mechanism produces output during periods of low wholesale prices, reinforcing the commercial incentive for storage to operate through arbitrage rather than direct integration with on-site generation. In the absence of evidence demonstrating that the proposed BESS is designed to operate exclusively with the solar generation rather than responding to wider market signals, the Examining Authority cannot assume that the storage facility will operate principally to support the renewable output of the scheme.

The existence of substantial import capacity therefore requires explanation of how the BESS will operate in practice in the five to six low output months of each annual cycle (as evidenced in Appendix F) and how its claimed decarbonisation and system-balancing benefits are realised.

In the absence of a defined grid-service function, limited policy weight can therefore be attributed to the claimed operational benefits.

Without a cycling strategy, dispatch model or confirmation of ESO-aligned services, the BESS cannot be shown to operate as an integral component of the solar-generation scheme. It follows that, on the evidence submitted, the BESS cannot automatically be afforded the policy weight applicable to integrated renewable infrastructure. Unless evidenced and secured, the BESS should be assessed as a

separate commercial development requiring its own need and safety case under EN-1.

Where the full operational function of the BESS is not clearly defined, the planning balance cannot assume system benefits sufficient to justify the associated safety risks.

Peer-reviewed research (Simpa et al., 2024) identifies thermal-runaway initiation, propagation, pressure-relief explosions and toxic-gas emissions as dominant failure modes in grid-scale lithium-ion BESS, requiring prolonged and complex emergency response. These risks are independent of market function but must be weighed against evidenced public benefit.

By proposing a large-scale lithium-ion BESS within approximately 480 m of dwellings and 123 m of a Public Right of Way, while relying on limited and assumption-led plume dispersion analysis and deferring detailed deflagration and contaminated-runoff modelling to post-consent stages, the application does not demonstrate that operational risks borne by local communities are proportionate to verified public or system benefits. This is inconsistent with the precautionary and proportionality principles embedded in EN-1 and the EIA Regulations.

The Examining Authority should require the Applicant to particularise the claimed system-service function and to secure the safety and mitigation controls relied upon through requirements (Section 20.8).

In the absence of such evidence, the BESS should be assessed as a separate commercial development, subject to its own need, alternatives and safety evaluation under EN-1, with appropriate community-risk safeguards. Operational purpose must be evidenced where policy weight is claimed.

This constitutes **Procedural Deficiency #15B – BESS operational function and system-benefit case not evidenced**, as detailed in Appendix M.

Requested action:

The Examining Authority should require the Applicant to submit, prior to any recommendation or decision, a BESS Operational Integration and System-Service Statement demonstrating the operational role of the proposed storage facility. This should include:

- the intended operational model and cycling strategy;
- evidence of integration with the co-located solar generation across the full annual cycle;
- identification of grid-service functions (e.g. frequency response, balancing, reserve or inertia services) or confirmation that the facility will operate partially or fully on a merchant basis;

- confirmation of charging sources, including whether grid-charging will occur independently of the solar generation and during which periods;
- explanation of the energy-system benefits relied upon in the planning balance; and
- confirmation that safety and mitigation measures relied upon in the Environmental Statement remain appropriate to the defined operational function.

In the absence of such information, the Examining Authority cannot determine whether the BESS forms an integrated component of the renewable-energy scheme or constitutes a separate commercial storage development requiring independent policy justification under EN-1.

15.6 Emergency response capacity – Site D (South-East of Great Staughton), Fire Service provision and road access constraints

The proposed 100 MW Battery Energy Storage System (BESS) is to be located at Site D, immediately south-east of Great Staughton. This is a rural location accessed principally via the B645, a single-carriageway route running through or close to village receptors. Alternative approaches would necessarily involve narrow rural roads with restricted passing opportunities and limited manoeuvring capacity for multi-appliance deployment.

The nearest fire stations identified in the evidence base are St Neots (wholetime) and Kimbolton (retained/on-call):

- **St Neots Fire Station** is approximately 8–9 km (5–5.5 miles) from Site D, with an estimated response time (subject to routing and availability) of approximately 10–12 minutes.
- **Kimbolton Fire Station** is approximately 7 km (4.3 miles) from Site D and is retained/on-call, such that turnout times can add materially to arrival time and capability may differ from a wholetime station.

Both stations would rely on the B645 or comparable rural roads to reach Site D. The application does not evidence the availability of dedicated high-capacity hydrants proximate to the BESS compound. Although Cambridgeshire Fire and Rescue Service (CFRS) indicates outline acceptance that static onsite water tanks may substitute for hydrants in principle (Section 15.1), response feasibility depends on more than stored volume: it also depends on approach routes, appliance siting, hose deployment, water-relay logistics, traffic management, and the ability to operate safely under plume conditions. None of these operational constraints is assessed in the Environmental Statement.

International and national incident experience (including Moss Landing (2025), Victorian Big Battery (2021), Carnegie Road, Liverpool (2020), and APS McMicken (2019)) demonstrates that grid-scale BESS incidents can escalate rapidly, generate sustained smoke/toxic plumes, and require prolonged defensive tactics with complex hazardous-material logistics. Where access is constrained or turnout resources are delayed, the risk envelope widens in both duration and spatial extent. Peer-reviewed literature similarly emphasises the importance of rapid and well-resourced response to limit off-site public health and environmental impacts; Simpa et al. (2024) identify inadequate access, delayed appliance deployment and insufficient water logistics as factors increasing off-site risk.

Given:

- the distance to the nearest wholetime station;
- the retained/on-call nature of Kimbolton;
- the single-carriageway and village-adjacent character of the B645; and
- the limited suitability of surrounding rural roads for rapid multi-appliance deployment,

there is a reasonably foreseeable risk that emergency response could be delayed or operationally constrained during the critical early stages of a BESS incident at Site D. This has direct implications for public safety and for containment of environmental pathways, including plume dispersion, contaminated runoff and particulate deposition.

No site-specific feasibility modelling suggests that escalation risk is controlled under these access constraints.

15.6.1 Evidential gap: no emergency access feasibility assessment

These route constraints mean emergency access and response feasibility cannot be assumed. EN-1 requires credible demonstration that major-hazard risks have been assessed using worst-case scenarios and that response arrangements are feasible in real conditions (including plume-driven road avoidance/closures, simultaneous appliance deployment and limited sightlines). The application provides no emergency-access modelling, no time-and-motion feasibility assessment, and no operational analysis of how responders would establish cordons, staging areas, or defensive cooling positions while maintaining safe approach routes under varying wind directions.

In the absence of a prescriptive UK siting code equivalent to NFPA 855, the decision-maker is reliant on front-loaded, site-specific evidence to demonstrate that emergency response arrangements are realistic and that residual risk is ALARP in planning terms. That evidence is not provided.

NFCC expects emergency planning to be underpinned by plans that show (among other matters) access/alternative access, hydrants/water supplies, drainage and

pollution controls, separation distances, and sensitive receptors within 1 km, with north and prevailing wind indicated. The Examining Authority should therefore require the Applicant to provide, and to secure through requirements, the determination-stage emergency feasibility evidence in Section 20.8.

15.6.2 Policy and procedural context: core safety work deferred and study area unjustified

EN-1 and the EIA Regulations require likely significant major-accident effects to be identified, described and assessed on an adequate evidential basis at the point of determination. The Applicant's oBSMP is not a completed safety case. It is expressly framed as an outline document identifying information to be provided later, with the final BSMP, detailed Emergency Response Plan, updated standards, detailed design inputs and further technical studies to be prepared prior to construction. Core elements of the safety case remain deferred, including LSFT and UL 9540A interpretation, deflagration analysis, gas ventilation / FDS analysis, heat-flux and flame-tilt analysis, firefighting water analysis, FMEA / LOPA / HAZOP / HAZID / FRA / ERA / DSEAR studies and a further detailed-design plume analysis. The application therefore does not present the completed technical basis on which the claimed effectiveness of mitigation depends.

The same deficiency affects the geographic scope of the assessment. The Applicant has adopted a 1 km study area for plume impacts, not on the basis of a demonstrated site-specific hazard envelope, but by reference to "professional experience" and comparison with another solar scheme. The outline plume study and the future detailed-design plume study are both confined to that same 1 km radius. That approach excludes Great Staughton and Hail Weston, notwithstanding their proximity to Site D and the absence of any evidence-based justification for treating 1 km as a safe outer limit for off-site consequence assessment.

Critically, the Applicant has not provided a quantified off-site consequence assessment demonstrating that effects beyond 1 km can be ruled out. The present modelling is based on a concept design, assumes a single-enclosure event, uses proxy and limited third-party emissions data, and acknowledges methodological limitations. It is therefore not a sufficient basis to exclude established residential communities outside the chosen buffer. In these circumstances, the 1 km study area is not evidence-led but assumption-led, and the Environmental Statement does not provide a robust basis for concluding that off-site effects on Great Staughton, Hail Weston or other receptors beyond 1 km would be insignificant.

15.6.3 Evidential adequacy of major-accident risk

These emergency access and resource constraints arise irrespective of CFRS' outline acceptance of certain high-level oBSMP principles and the CFRS SoCG (Section 15.1), which does not amount to endorsement of the site-specific layout, containment

design or emergency-operational feasibility. The intrinsic hazard profile of lithium-ion systems, and the off-site public health and environmental pathways, are addressed further in Section 15.7.

Relevant appeal precedent – Hawkchurch BESS (Pound Road), 2024

A closely analogous appeal decision is Hawkchurch (Pound Road) Battery Energy Storage System (APP/U1105/W/23/3319803, decision dated 16 February 2024). In that case, the Inspector considered a grid-scale lithium-ion BESS proposal in a rural setting with residential receptors and constrained access, and examined whether the evidential material before the decision-maker was sufficient to demonstrate that major-accident risks had been properly assessed and mitigated.

The Inspector identified evidential gaps in plume behaviour, emergency access feasibility and contaminated run-off assessment:

- uncertainty regarding thermal-runaway behaviour and the potential scale and duration of toxic smoke/plume effects;
- insufficient evidence addressing emergency access, response feasibility and water-supply logistics; and
- lack of robust assessment of contaminated fire-water pathways affecting soils and watercourses.

The Inspector concluded that, in the absence of a project-specific Quantified Risk Assessment (QRA), plume-dispersion and run-off modelling, and clearly secured containment and emergency-response measures, the decision-maker could not be satisfied that the proposal would operate without unacceptable risk to people or the environment. Reliance on generic guidance and post-consent management plans was found to be insufficient to remedy those evidential deficiencies.

The appeal was therefore dismissed, with the Inspector giving material weight to the unresolved safety and environmental risks in the planning balance.

East Park exhibits the same category of evidential omission identified at Hawkchurch. The decision confirms that, for large lithium-ion BESS proposals, front-loaded, site-specific hazard assessment and enforceable mitigation are required at determination stage. Where such evidence is absent or deferred, the Environmental Statement is incomplete for the purposes of EN-1 and the EIA Regulations. In the absence of equivalent pre-determination assessment and secured controls, the Secretary of State may not have sufficient information to conclude with confidence that major-accident risks have been adequately assessed and mitigated, as required by the EIA Regulations and EN-1.

15.6.4 Flood-prone access to the BESS compound and inappropriate reliance on response planning

The FRA confirms that access to the BESS compound would be severely affected by flooding, with routes likely to become impassable during flood events. The Applicant suggests that this risk can be managed operationally by avoiding access during flooding, on the basis that site operations are intermittent.

Managing flood risk through procedural avoidance and response planning should only be considered as a last resort, given the inherent health and safety risks if procedures fail or if emergency access is required during a flood event. The Applicant has not demonstrated that flood-free access and egress options have been sequentially assessed, nor that the BESS compound could not be located in an area at lower flood risk.

Where flood-free access cannot be achieved, a fully detailed Flood Response and Emergency Access Plan is required, setting out trigger thresholds, safe routes, evacuation procedures and responsibilities. No such plan has been provided. The absence of flood-resilient access is incompatible with EN-1 and undermines the safety case for siting critical energy infrastructure in this location.

Flood-impaired access during a thermal-runaway event would materially increase duration, plume spread and contaminated effluent volumes, thereby amplifying off-site consequence risk.

15.7 Safety, public health and regulatory risks from the proposed 100 MW Battery Energy Storage System (BESS)

The inherent risks identified in the Applicant's documentation are corroborated by independent scientific literature and by the documented operational history of grid-scale lithium-ion battery energy storage systems internationally. A comprehensive review by Simpa et al. (2024) of global BESS incidents concludes that thermal-runaway events commonly involve high-temperature fires, hydrogen fluoride (HF) emissions, toxic aerosols, and contaminated fire-suppression effluent. These effects present acute and potentially severe risks to public health and environmental receptors where installations are sited near communities. The review emphasises that such risks cannot be assumed to be negligible and require robust containment design, conservative separation distances, and detailed emergency planning undertaken prior to consent, not deferred to operational management.

At present, the UK lacks a unified statutory code equivalent to NFPA 855 (United States) governing siting, separation distances, gas management and contaminated fire-water control for grid-scale BESS. Existing UK guidance, including National Fire Chiefs Council (NFCC) operational advice and multi-agency responder frameworks, is advisory rather than enforceable. This regulatory gap places a heightened responsibility on decision-makers to apply the precautionary principle and to secure

demonstrably effective design, containment and emergency response measures at the consent stage, in accordance with EN-1 and the EIA Regulations.

International incident evidence

The scale and nature of the risks associated with grid-scale BESS are illustrated by well-documented incidents, a small selection of which are highlighted below:

- Moss Landing, California (January 2025): A major fire at Vistra's Moss Landing Energy Storage Facility triggered evacuation orders, shelter-in-place advisories and prolonged smoke emissions. Subsequent environmental sampling identified orders-of-magnitude increases in manganese, cobalt and nickel in nearby marsh soils (Elkhorn Slough), consistent with mobilisation of battery materials during the fire (CAL FIRE, 2025).
- Victorian Big Battery, Australia (July 2021): A Tesla Megapack fire during commissioning led to prolonged emergency response and subsequent regulatory investigation, highlighting deficiencies in systems integration, emergency planning and containment design.
- Carnegie Road, Liverpool (September 2020): Merseyside Fire & Rescue Service attended a significant BESS fire at Ørsted's facility. The incident report documents extended firefighting operations, access and ventilation constraints, and important learning points relevant to rural and semi-rural UK settings.
- APS McMicken, Arizona (April 2019): A thermal-runaway event in a containerised lithium-ion system resulted in an explosion that seriously injured first responders, with post-incident analysis identifying propagation dynamics and gas accumulation as critical failure mechanisms.

These incidents demonstrate consistent patterns: once thermal runaway initiates, fires can be long-duration and access-limited, may require defensive 'let-burn' tactics due to toxic gas release (including HF), and can generate off-site public-health impacts and environmental contamination through particulate deposition and dissolved metals in fire-water effluent.

Policy and evidential implications

EN-1 requires assessment not only of accident consequences but also of failure likelihood, escalation potential and societal risk. No probabilistic or quantitative risk analysis is provided for the East Park BESS. In the absence of a site-specific Quantified Risk Assessment (QRA), adequate off-site plume-dispersion analysis and contaminated run-off analysis, the Environmental Statement does not allow the Examining Authority to evaluate whether residual risks are as low as reasonably practicable, nor to assess impacts on nearby populations, Public Rights of Way or environmental receptors.

Comparative DCO practice

Recent nationally significant energy infrastructure examinations demonstrate that large BESS proposals are expected to provide front-loaded safety evidence:

- The Longfield Solar Farm DCO (2023) secured a Battery Safety Management Plan by requirement, addressing thermal-runaway mitigation, gas detection and contaminated fire-water containment.
- During examination of Sunnica Energy Farm (2023), the Examining Authority required submission of a Quantified Risk Assessment and Fire-Water Management Plan prior to construction, expressly referencing NFCC guidance.

These examples show that large-scale BESS safety, containment and emergency-planning measures are routinely secured as enforceable DCO requirements rather than deferred to post-consent management documents. East Park should meet the same standard of assurance.

Regulatory context

The European Commission Joint Research Centre (2024) review *Fire and Environmental Safety of Energy Storage Systems* confirms that environmental contamination from BESS fire-suppression run-off remains an unresolved regulatory issue in the absence of harmonised standards. UK Fire and Rescue Service case material, including CFRS' acknowledgement that statutory regulation of BESS sites is presently limited (Section 15.1), reinforces the need for conservative, evidence-led planning control.

UK planning decisions have consistently treated the absence of plume-dispersion and run-off modelling as a material procedural deficiency. In the Carnegie Road BESS Fire – Costs Decision (2021), the Inspector found that the absence of a quantified assessment of environmental risk materially limited the ability to reach a robust conclusion on the likely environmental effects of the proposal.

Implications for East Park

Given the proximity of the proposed 100 MW BESS to multiple villages and Public Rights of Way, and the constrained rural access network, a worst-case battery incident could reasonably require cordons, diversions and temporary evacuation or shelter-in-place measures. SEPE's consolidated action sought is set out at Section 20.8. References below identify the *triggering evidential gap*.

These measures mirror requirements imposed in comparable DCOs and reflect established lessons from international incidents.

These evidential gaps collectively demonstrate that major-accident risks associated with the proposed BESS have not been assessed with the level of specificity required for a development of this scale. Without consequence modelling, the severity and spatial extent of BESS failure impacts remain unknown.

This constitutes **Procedural Deficiency #15C – Absence of site-specific Quantified Risk Assessment and incomplete assessment of major-accident consequences associated with the Battery Energy Storage System**, as detailed in Appendix M.

The Environmental Statement does not provide adequate, quantified plume-dispersion, toxic-gas exposure or contaminated fire-water run-off modelling under credible worst-case conditions. This prevents the Environmental Statement from describing likely significant effects on human health and the environment as required by the EIA Regulations and prevents the Examining Authority reaching a reasoned conclusion.

Procedural implication

Consistent with the approach taken in Sunnica Energy Farm (2023) and Longfield Solar Farm (2023), the absence of a completed site-specific QRA, adequate off-site plume-dispersion analysis and fire-water containment analysis at examination stage indicates that the Environmental Statement does not yet contain sufficient environmental information for the purposes of the EIA Regulations. The Examining Authority should therefore issue a formal Request for Further Information requiring submission of these assessments, independently reviewed, prior to any recommendation on consent.

15.8 Critical review of the Applicant's Outline Battery Safety Management Plan (September 2025)

The Applicant's Outline Battery Safety Management Plan (oBSMP, September 2025) does not provide the quantified, site-specific evidence required to demonstrate that Battery Energy Storage System (BESS) risks have been identified, assessed and mitigated in accordance with EN-1 and the EIA Regulations. Instead, the document relies extensively on deferred "detailed design" commitments and future submissions, preventing effective scrutiny at the determination stage.

Plume modelling scope and receptor coverage

The oBSMP restricts toxic-plume modelling to a 1 km radius. This limitation is not justified by site conditions or meteorology and is inconsistent with documented dispersion distances observed in major BESS incidents, including Moss Landing (2025) and APS McMicken (2019), where HF and metal aerosols were detected beyond 1 km under adverse wind and stability conditions.

The modelling scope does not:

- test prolonged shelter-in-place exposure scenarios;
- assess vulnerability of sensitive populations;
- assess vulnerability of sensitive ecological receptors;

- include sensitivity testing for wind speed, direction, or atmospheric stability classes; or
- evaluate downwind receptors beyond an arbitrary screening distance.

As a result, the oBSMP does not enable assessment of off-site consequences under credible worst-case conditions, contrary to EN-1 and the EIA Regulations. A wider receptor envelope (>1 km), sensitivity testing, and assessment of HF, particulate matter and metal aerosol endpoints against conservative public-health criteria are required prior to determination.

Deferral of core safety evidence

The oBSMP confirms that several critical safety artefacts will be produced only after consent, including:

- the final Emergency Response Plan (ERP);
- interpretation of UL9540A / Large-Scale Fire Testing results;
- deflagration and explosion analysis;
- ventilation and computational fluid dynamic studies;
- adequate, site-specific plume modelling to define off-site consequences; and
- decommissioning safety arrangements.

This deferral prevents determination-stage assessment of likely significant effects and of the effectiveness of mitigation prior to consent. UL9540A is a diagnostic test protocol rather than a design or safety standard; reliance on future test data cannot substitute for a pre-determination, site-specific Quantified Risk Assessment (QRA).

Without these studies, the effectiveness of mitigation cannot be verified. This conflicts with established NSIP practice, including Longfield and Sunnica, where equivalent evidence was required prior to consent.

Fire-water volumes and containment assumptions

While the oBSMP proposes two static fire-water tanks of $\geq 228,000$ litres each (approximately 360 m³ total) and automatic drain-closure valves isolating an attenuation basin, the plan does not demonstrate that this capacity is sufficient for the largest credible incident scenario. The stated capacity is shown only to accommodate:

- a 1 in 10 year storm plus fire-water, or
- a 1 in 100 year storm with climate change allowance alone.

No evidence is provided that the system is designed to accommodate the combined occurrence of extreme rainfall and fire-fighting operations, nor that it can safely contain contaminated fire-water under realistic worst-case conditions. In addition, no assessment is presented of the chemical compatibility of containment structures with

acidic effluent, including HF-bearing suppression water, or that bunding materials would remain effective under prolonged exposure.

NFCC guidance expressly states that suppression water-supply calculations should be completed by a competent person, reflecting risk and fire duration, and that water-based suppression is accompanied by a plan to contain contaminated fire-water run-off. The oBSMP provides neither a competent-person calculation basis nor a secured, decision-stage containment performance case.

No assessment is provided for prolonged or cascading multi-container thermal-runaway events, nor are pass/fail contaminant thresholds defined to determine when effluent must be retained, treated, or removed off-site. There is no agreed sampling protocol, laboratory method or Environment Agency-approved decision framework.

In the absence of such information, the oBSMP cannot demonstrate effective containment of contaminated fire-water as required by EN-1 and the EIA Regulations. International guidance and bunding practice commonly apply a $\geq 110\%$ largest-credible-volume principle; no equivalent quantified containment logic is demonstrated here.

Operational acoustic emissions

The oBSMP does not address operational noise from the BESS compound. In particular, inverter fans, HVAC systems and transformers have not been subject to octave-band or spectral modelling in ES Volume 2 Appendix 10-5. Without such modelling, compliance with BS 4142:2019 cannot be verified, including application of tonal, impulsive or low-frequency penalties.

In the absence of receptor-specific night-time predictions, the Examining Authority cannot determine whether operational noise would exceed background levels at nearby dwellings in Hail Weston, Great Staughton or Little Staughton. EN-1 requires this assessment prior to consent.

This constitutes **Procedural Deficiency #15D – Absence of operational acoustic modelling for BESS**, as detailed in Appendix M.

Reliance on future separation standards

The oBSMP proposes to rely on future interpretation of NFPA 855 (2026) and Large-Scale Fire Testing to justify very short equipment separations (1–3 m). In the absence of a statutory UK code and given the proximity of residential receptors and Public Rights of Way, reliance on future optimisation is insufficient. Conservative stand-off distances to off-site receptors must be justified now through consequence modelling, not deferred to detailed design.

Omission of co-located plant hazards

The scope of the oBSMP excludes environmental and safety risks arising from co-located transformers, inverters and switchgear. These components can materially

influence fire size, plume composition and contaminated run-off pathways. A system-wide hazard assessment integrating battery and non-battery plant is therefore required to meet EN-1.

Unsubstantiated reliance on defensive firefighting tactics

The oBSMP anticipates a predominantly defensive firefighting strategy (boundary cooling) to minimise pollution, but does not quantify:

- water demand under adverse meteorological conditions;
- duration of sustained cooling for worst-case events; or
- whether boundary cooling could itself overwhelm containment systems during prolonged incidents.

These commitments are framed as design intentions rather than demonstrated performance and do not satisfy the evidential standard required by EN-1.

Conclusion and action sought

For the reasons above, the Outline Battery Safety Management Plan cannot be relied upon as effective mitigation. The Examining Authority is requested to treat the oBSMP as incomplete and to direct the Applicant to submit, prior to determination:

- an independently reviewed, site-specific Quantified Risk Assessment (QRA);
- UL9540A / LSFT interpretation integrated into the safety case;
- deflagration, ventilation and FDS analyses;
- expanded plume modelling beyond 1 km with sensitivity testing and public-health endpoints;
- a Fire-Water Containment Plan securing $\geq 110\%$ of the largest credible suppression volume, with defined contaminant thresholds and disposal routes; and
- a BESS Operational Noise Assessment compliant with BS 4142.

All measures must be secured through enforceable DCO requirements. In the absence of this evidence, the Environmental Statement does not meet the requirements of EN-1 or the EIA Regulations.

15.9 Thermal runaway and fire-water contamination risks

Building on the international incident evidence summarised in 15.7, the principal environmental hazard arising from Battery Energy Storage System (BESS) thermal runaway is the combined release of toxic gases and contaminated fire-suppression effluent. Thermal runaway is an uncontrolled exothermic reaction capable of propagating between cells and modules, generating temperatures in excess of 1,000°C and releasing flammable and corrosive gases including carbon monoxide

(CO), hydrogen fluoride (HF), hydrogen chloride (HCl), sulphur dioxide (SO₂) and phosphorus oxides.

Lithium-ion is a collective term encompassing multiple chemistries (including lithium iron phosphate (LFP), nickel manganese cobalt (NMC) and nickel cobalt aluminium (NCA)), each of which utilises fluorinated electrolytes and polymer binders. When these materials are exposed to elevated temperatures or combustion, fluorinated compounds (including PVdF binders and lithium-salt electrolytes) decompose and release hydrogen fluoride (HF) gas. HF is widely recognised in the fire-safety literature as a principal toxic hazard in large-scale lithium-ion battery incidents.

While lithium iron phosphate (LFP) chemistry is sometimes characterised as comparatively more thermally stable than other lithium-ion chemistries, it does not eliminate the risk of thermal runaway, fire propagation or toxic gas release. LFP systems may also require a greater number of units to achieve equivalent capacity, increasing the number of potential failure points and the potential scale and duration of fire events. In addition, LFP incidents may involve prolonged burn durations, re-ignition risk and sustained cooling requirements, with direct implications for fire-water demand, containment capacity and emergency response. Accordingly, reliance on 'safer' battery chemistry does not remove the need for a quantified assessment of credible worst-case scenarios, including plume dispersion, toxic endpoint analysis and contaminated fire-water management.

Where HF gas encounters water vapour, whether from atmospheric humidity or firefighting operations, it readily dissolves to form hydrofluoric acid. Research indicates that although total HF yield may be chemistry-dependent, the application of water mist or spray suppression can increase the short-term production rate of HF during active combustion phases. HF vapour is denser than air and may accumulate at low level or within confined or downwind areas, creating a ground-level exposure hazard that differs materially from conventional smoke plume behaviour.

Hydrofluoric acid is highly corrosive and capable of reacting with calcium-bearing materials, including concrete, potentially degrading bunding and containment structures during prolonged incidents. It is also associated with mobilisation of dissolved metals (including nickel, manganese, cobalt and lithium) into suppression effluent. These chemical pathways are directly relevant to plume modelling, containment design, surface-water protection and responder safety planning under EN-1 and the EIA Regulations.

Where water or foam is used for suppression, the resulting effluent can mobilise dissolved metals and fluorinated compounds, creating a direct pathway for contamination of soils, surface waters and groundwater unless full containment is provided. Suppression water interacting with HF gas may contain hydrofluoric acid in solution, lowering pH, degrading concrete and increasing metal mobilisation.

Empirical fire investigations have documented elevated fluoride concentrations and dissolved metal contaminants in suppression effluent from grid-scale BESS incidents. These findings demonstrate that containment design must account not only for hydraulic volume but also for chemical compatibility, structural durability of bunding materials, and defined contaminant trigger thresholds governing retention and disposal.

Empirical evidence of contaminated fire-water pathways

Peer-reviewed analysis by Simpa et al. (2024) confirms that suppression effluent from BESS fires typically contains elevated concentrations of lithium, nickel, manganese and cobalt, alongside fluorinated compounds and other hazardous constituents. Where impermeable containment systems are not applied, such effluent presents a credible risk of long-term soil and watercourse contamination.

This conclusion is reinforced by multiple independent incident investigations, including:

- APS / DNV GL (2020) – McMicken BESS Fire (Arizona): Suppression water contained fluoride concentrations exceeding hazardous-waste thresholds; impermeable flooring and containment were explicitly recommended.
- Energy Safe Victoria (2022) – Victorian Big Battery: Extensive excavation and removal of contaminated soils was required following fire-water infiltration.
- CAL FIRE (2025) – Moss Landing: Multi-container propagation occurred despite suppression systems, with persistent HF off-gassing and documented soil contamination.
- European Commission JRC (2023): Review of 80 grid-scale BESS incidents concluded that suppression effluent “typically contains Li, Ni, Mn, Co and PFAS-derived organofluoride compounds, necessitating controlled capture and treatment.”

These findings directly contradict reliance on generalised good-practice commitments and demonstrate that engineered containment, monitoring and disposal pathways are essential where BESS facilities are located on or near sensitive land.

Policy conflict: soil protection and controlled waters

In the absence of full containment, any suppression effort at East Park would risk discharging contaminated fire-water onto BMV agricultural soils. Such discharge could cause irreversible degradation and potentially render land within and beyond the Order Limits unsuitable for future agricultural use.

Uncontrolled release of contaminated effluent would engage and potentially breach:

- the Environmental Permitting (England and Wales) Regulations 2016;

- the Water Resources Act 1991 (prohibition on polluting matter entering controlled waters); and
- Water Framework Directive objectives for surface and groundwater bodies.

From a planning perspective, any such release would place the proposal in direct conflict with:

- EN-1 (protection of soils / control of major-accident and pollution risks); and
- EN-3 (reversibility and avoidance of long-term soil degradation).

This engages substantive soil and water protection policy considerations.

Fire-water supply and containment: evidence gap

Although the Commitments Register refers to on-site fire-water storage tanks, and CFRS has indicated outline acceptance in principle, the Outline Battery Safety Management Plan provides no quantified assessment against the largest credible incident scenario, including cascading multi-container events or prolonged suppression durations.

Specifically, the Applicant has not demonstrated:

- the volume of fire-water likely to be generated under worst-case conditions;
- retention of at least 110% of the largest credible suppression volume, as recommended by international guidance and the European Commission JRC; or
- impermeable containment performance under extended duration or adverse weather conditions.

Fire-water containment and flood interaction risk

The Environmental Statement refers to the provision of storage to intercept contaminated fire-water arising from a Battery Energy Storage System (BESS) incident, but provides no assessment of whether such containment would remain functional under concurrent flood conditions. Any fire-water storage system associated with the BESS must be demonstrably protected against ingress during the worst-case design flood event, including climate-change allowances, otherwise available containment volume would be materially reduced at precisely the time it is most critical.

No exceedance modelling, flood-ingress prevention design or capacity-depletion assessment has been provided. This creates a compound failure risk whereby floodwater ingress compromises fire-water containment, increasing the likelihood of uncontrolled discharge to soils, drainage networks and watercourses. In the absence of quantified design evidence, vulnerability to major-accident and disaster scenarios cannot be properly evaluated.

Duration of BESS fire events and water-supply adequacy

Large-scale lithium-ion battery fires are recognised to persist for prolonged periods, potentially extending over several days and requiring very substantial volumes of water to achieve suppression, cooling and re-ignition prevention. The Environmental Statement provides no quantified assessment of total water demand for credible BESS fire scenarios, nor does it demonstrate that an adequate, resilient and timely water supply would be available without adverse impacts on local infrastructure, agriculture or the environment.

In the absence of a quantified water-demand assessment and confirmed supply strategy, the Examining Authority cannot be satisfied that emergency response measures are realistic or deliverable. This omission further undermines reliance on high-level assurances and deferral to post-consent emergency planning, contrary to EN-1 and the evidential adequacy requirements of the EIA Regulations.

Disposal pathways for contaminated fire-water

The Environmental Statement does not identify the method by which contaminated fire-water arising from a BESS incident would be removed, treated or disposed of, nor does it demonstrate that sufficient storage capacity would exist to retain such waste safely until disposal can be effected. No discharge pathway, permit route, treatment specification or haulage contingency is identified, and no recognised calculation method is provided to demonstrate that overspilling or uncontrolled release to land drains or watercourses would be prevented under worst-case conditions.

This omission prevents the Examining Authority from understanding the full pollution pathway and regulatory implications of a foreseeable major-accident scenario. Without evidence that contaminated fire-water can be contained, managed and disposed of without risk to controlled waters, soils or agricultural land, the Environmental Statement does not provide a sufficiently robust basis for the Examining Authority to reach a reasoned conclusion on likely environmental effects for the purposes of the EIA Regulations.

Procedural and planning implications

In the absence of this evidence, the Environmental Statement does not provide a robust assessment of off-site consequences associated with BESS thermal runaway, contrary to the EIA Regulations.

This also supports **Procedural Deficiency #15C – Absence of site-specific Quantified Risk Assessment and incomplete assessment of major-accident consequences associated with the Battery Energy Storage System**, as detailed in Appendix M. The Environmental Statement does not provide adequate, quantified modelling of potential off-site consequences beyond an assumption-led study area arising from credible BESS failure scenarios, including thermal-runaway, gas plume

dispersion, contaminated fire-water runoff or pathways to surface and groundwater receptors.

In the absence of such analysis, the Examination cannot determine the likely effects of a major BESS incident on nearby receptors, agricultural soils or controlled waters, nor be satisfied that credible accident scenarios have been properly assessed and mitigated.

15.10 Inadequate fire separation and expert evidence

Review of the Outline Battery Safety Management Plan (Document 7.10, section 2.4.6) confirms that the Applicant proposes minimum separation distances of approximately 1–3 metres between Battery Energy Storage System (BESS) enclosures. Updated NFCC planning guidance frames spacing around the emergency assumption that a thermal event should be contained to the BESS enclosure/cabinet of origin, supported by either:

- (i) adequate separation to prevent radiant heat triggering propagation, and/or
- (ii) fire-resistant construction to prevent flame impingement / radiated heat affecting adjacent units.

NFCC guidance further cautions that suppression is unlikely to compensate for reduced spacing, and that reduced separation is only credibly justified where propagation is demonstrated (for example via UL 9540A evidence), with any further reductions supported by competent-person technical advice.

The Applicant has provided no independently verified fire-engineering evidence demonstrating that the proposed reduction in separation distance would achieve an equivalent or greater level of safety. Instead, the application relies on future Large-Scale Fire Testing (LSFT) and “confirmation at detailed design stage” to justify reduced spacing. No site-specific Quantified Risk Assessment (QRA), no certified fire-engineering analysis, and no evidence of specialist fire-safety input to the proposed layout have been submitted at application stage.

Planning precedent: Pound Road (Hawkchurch) BESS Appeal

This evidential deficiency directly mirrors the circumstances considered by the Planning Inspectorate in Land North-East of Axminster Substation, Pound Road, Hawkchurch (APP/U1105/W/23/3319803, decision dated 16 February 2024).

In that appeal:

- the Inspector accepted expert evidence that BESS facilities inherently carry fire risk;
- the appellant proposed separation distances below NFCC guidance; and

- no quantified or independently verified evidence was provided to justify deviation from the 6-metre benchmark.

At paragraph 61, the Inspector concluded that “no evidence has been produced here to demonstrate it would be safe to vary even slightly the 6 m separation distance”, and dismissed the appeal in part on that basis. Crucially, the Inspector rejected reliance on post-approval refinement or future confirmation as a substitute for front-loaded evidence.

East Park proposes similarly reduced separation without quantified justification.

Implications for safety and emergency response

Proposed separations of 1–3 metres would materially constrain:

- thermal-runaway isolation between containers;
- fire-service access and boundary-cooling operations; and
- the ability to prevent cascading failure under worst-case conditions.

Without quantified modelling of heat flux, flame impingement, over-pressure and gas dispersion, the Examining Authority cannot be satisfied that the proposed layout would limit escalation or allow safe emergency intervention. Reliance on future LSFT interpretation does not remedy this deficiency, as LSFT is a testing protocol rather than a site-specific safety assessment.

Policy and procedural consequences

The absence of verified fire-engineering evidence means that the Environmental Statement does not demonstrate compliance with:

- EN-1 (major-hazard risk identification and mitigation);
- EN-3 (safety and environmental risk for energy infrastructure); and
- EIA Regulations (description of likely significant effects and mitigation).

Mitigation that depends on post-consent confirmation may attract limited weight at determination stage unless it is secured with sufficient precision and enforceability, consistent with the principles in *Holborn Studios Ltd v London Borough of Hackney* [2020].

SEPE’s consolidated action sought is set out at Section 20.8. References below identify the *triggering evidential gap*. Until such evidence is provided, the proposed BESS layout cannot be shown to achieve an acceptable level of safety. Container separation distance is a fundamental parameter in any credible BESS risk assessment.

This evidential gap forms part of **Procedural Deficiency #15C – Absence of a site-specific Quantified Risk Assessment and incomplete assessment of major-accident risks associated with the BESS**, as detailed in Appendix M.

Requested action:

As part of the Quantified Risk Assessment package identified under **PD #15C**, the Applicant should provide independent fire-engineering evidence demonstrating that the proposed container separation distances achieve an equivalent or greater level of safety to the NFCC benchmark, supported by certified fire-engineering analysis and documented consultation with the relevant Fire and Rescue Service.

Without this evidence the Environmental Statement does not enable evaluation of BESS fire-escalation risk or compliance with EN-1 and the EIA Regulations.

15.11 EMF and low-frequency/tonal noise – absence of compliance evidence

The Environmental Statement provides no Electromagnetic Fields (EMF) compliance statement demonstrating that public exposure from the proposed substation, transformers, inverters and associated switchgear would comply with ICNIRP guidelines, as required by EN-1. No calculation, modelling or compliance confirmation from a competent person is presented.

In parallel, the operational noise assessment does not include any tonal or low-frequency noise analysis in accordance with BS 4142:2019+A1:2020 or ISO 1996-2, despite the presence of plant known to generate tonal and low-frequency components (transformers, inverters, cooling fans). The omission of such analysis prevents any reliable assessment of likely night-time effects on nearby receptors.

Without a compliance statement, the Examining Authority cannot conclude that the proposal meets national policy requirements. Similarly, in the absence of tonal and low-frequency assessment, compliance with EN-1 cannot be demonstrated.

Requested action:

Require submission, prior to determination, of:

- an EMF Compliance Note confirming compliance with ICNIRP public-exposure limits for all relevant plant; and
- a BS 4142 / ISO 1996-2 compliant tonal and low-frequency noise assessment for transformers and inverters, including enforceable operational limits secured through a DCO requirement.

This constitutes **Procedural Deficiency #15E – Absence of EMF compliance statement and tonal/low-frequency noise assessment**, as detailed in Appendix M.

Relevant policy: EN-1; ICNIRP; Public Health England / NHS guidance.

15.12 Operational inverter and transformer noise – incomplete and unrepresentative assessment

Environmental Statement Volume 1 Chapter 10 and Volume 2 Appendices 10-1 to 10-5 largely characterise operational noise from inverters, transformer kiosks and associated cooling systems as negligible, yet provide no source-specific sound power data and no receptor-based predictions for the most affected dwellings near Sites A-D. This approach is inconsistent with established NSIP practice and with evidence from operational UK solar schemes.

Evidence from operating solar developments demonstrates that containerised inverters and transformers can produce a persistent low-frequency and tonal ‘hum’ that is perceptible in otherwise quiet rural environments. Independent community-led research undertaken at Folly Farm Solar Park has documented audible low-frequency noise from inverters and transformers, including recordings published by CPRE Hertfordshire. Similar evidence has been reported by community groups and acoustic consultants in relation to other UK solar installations, where inverter noise has been perceptible within dwellings, particularly at night.

Technical evidence from other UK solar applications indicates that inverter and cooling-fan systems can generate sound pressure levels in the order of 65–73 dB LAeq at close proximity to source (typically measured at around 1 metre), necessitating careful propagation modelling, mitigation and enforceable limits at receptors. NSIP-scale schemes such as Cleve Hill Solar Park and Longfield Solar Farm therefore treated operational solar plant noise as a potentially significant effect, setting night-time receptor limits (typically in the mid-30 dB LAeq range) and securing compliance through detailed modelling, acoustic mitigation and DCO requirements.

By contrast, the East Park Energy application:

- provides no inverter-specific sound power levels or fan spectra;
- presents no worst-case night-time noise predictions at the nearest residential receptors;
- does not assess tonality or low-frequency characteristics and therefore does not apply BS 4142 corrections; and
- does not commit to receptor-specific operational noise limits, post-commissioning verification, or compliance monitoring.

Given the very low rural background noise levels in settlements including Hail Weston, Great Staughton, Little Staughton, Pertenhall, Keysoe, Swineshead and dispersed farmsteads (often in the low 30 dB LA90 at night), even modest tonal or low-frequency emissions from inverters and transformers could give rise to significant adverse effects over the proposed 40-year operational period.

In the absence of source data, tonal analysis and receptor-based predictions, the Applicant's assertion that operational noise would be "negligible" is unsupported by evidence. The Examining Authority therefore cannot conclude that operational noise effects have been adequately assessed or that compliance with EN-1 has been demonstrated.

This also supports **Procedural Deficiency #16A – Operational plant noise evidence incomplete**, as detailed in Appendix M. The Environmental Statement does not present source-specific sound power levels, spectral data or worst-case receptor modelling for distributed solar inverters, transformer kiosks and associated cooling systems across the development envelope.

In particular, the assessment does not demonstrate that operational plant has been modelled at the minimum separation distances permitted by the authorised design envelope, nor does it provide sensitivity testing for tonal or low-frequency characteristics in accordance with BS 4142. Without such analysis, the Examination cannot determine whether operational noise from inverter and transformer infrastructure would comply with appropriate receptor-specific limits at the nearest residential receptors over the lifetime of the development.

This evidential gap reinforces the wider noise assessment deficiency identified at **PD #16A**, which requests worst-case envelope modelling and DCO-secured operational noise limits supported by post-commissioning verification.

15.13 Non-compliance with NFCC directional access requirements

NFCC planning guidance requires that site plans clearly show main access routes for fire engines and any alternative access, and that access arrangements avoid dead-end constraints that force excessive reversing (consistent with Building Regulations Approved Document B turning expectations). On the current evidence, the Site D arrangement is effectively dependent on a single external approach from the B645, with no evidenced, plume-resilient alternative access strategy.

All responders would rely on a single external approach.

In a thermal-runaway event, lithium-ion BESS incidents are known to generate dense smoke and hydrogen fluoride (HF) plumes capable of extending several hundred metres downwind. If plume travel occurs towards the B645 (or southwards towards the B660), the sole external access route would become untenable, preventing safe Fire and Rescue access to the BESS compound.

As emergency access forms part of the project's design envelope, failure to demonstrate compliant access arrangements also conflicts with EN-1 (good design), which requires that safe operation and emergency access are demonstrably achievable at application stage.

In the absence of two genuinely independent external access points, the proposal fails to demonstrate compliance with EN-1, and the Examining Authority cannot be satisfied that emergency response would be feasible under credible worst-case conditions.

Accordingly, compliance with NFCC access expectations is not demonstrated.

This constitutes **Procedural Deficiency #15F – Non-compliance with NFCC two-directional access requirement**, as detailed in Appendix M.

15.14 Summary of BESS safety, environmental risk and evidential gaps

The Applicant's assessment of the proposed 100 MW Battery Energy Storage System (BESS) does not provide sufficient determination-stage assessment of major-accident risk and off-site consequences to discharge EN-1 and EIA requirements. Across the relevant domains including fire/explosion, toxic products and off-site plume behaviour, contaminated fire-water pathways, emergency response feasibility, operational noise, EMF, flood interaction and climate resilience, the Environmental Statement relies on partial, generic or deferred material rather than quantified, site-specific assessment and secured mitigation.

CFRS' outline comments do not remedy these evidential gaps.

In accordance with *Holborn Studios Ltd v London Borough of Hackney* [2020] EWHC 1509, mitigation should not be relied upon at determination where it is materially undefined such that its likely effectiveness cannot be properly assessed. The Applicant's reliance on deferred safety analysis and post-consent "detailed design" submissions therefore leaves the Examining Authority without a sufficient evidential basis to conclude that likely significant accident effects have been properly identified, assessed and mitigated to an acceptable standard.

(1) Absence of off-site consequence assessment

No robust, determination-stage assessment is provided for toxic-gas and smoke plume behaviour beyond an assumption-led study area, particulate fallout and deposition, or contaminated fire-water migration to drains, watercourses, groundwater and soils. Without quantified scenario analysis and receptor-based consequence assessment, the Examining Authority cannot evaluate risks to residents, Public Rights of Way, sensitive habitats or controlled waters under credible worst-case conditions. This assessment must explicitly address HF gas generation, aqueous hydrofluoric acid formation, downwind transport characteristics and chemical compatibility of containment infrastructure.

(2) Fire safety, container spacing and hazardous event frequencies

The Applicant proposes BESS unit spacing of approximately 1–3 m without demonstrating, on a site-specific evidential basis, that a thermal event would be contained to the enclosure/cabinet of origin or that reduced separation delivers equivalent or greater safety performance in accordance with NFCC planning guidance

assumptions. No independently reviewed Quantified Risk Assessment (QRA), propagation/thermal escalation analysis, or certified fire-engineering justification is provided to support the proposed layout or to define credible responder working zones.

(3) Fire-water containment and environmental protection (design evidence inadequate)

The Outline Battery Safety Management Plan (September 2025) proposes approximately 360 m³ of firefighting-water storage and isolation via drain-closure valves, but does not demonstrate:

- a quantified containment basis for the largest credible suppression volume, including prolonged or multi-container events;
- modelling of worst-case multi-hour application scenarios and combined rainfall/suppression loading;
- defined contaminant thresholds (including HF and relevant metals/organics) governing retention, treatment and disposal decisions; or
- an agreed sampling, decision-tree and disposal pathway capable of preventing uncontrolled release to land or controlled waters.

In the absence of quantified containment performance and secured management arrangements, reliance on high-level commitments is insufficient to demonstrate compliance with EN-1 and the EIA Regulations.

(4) Operational noise and EMF omissions

No determination-stage operational acoustic modelling is provided for inverters, transformers, cooling systems or safety venting, including tonal/low-frequency assessment where applicable, and no EMF compliance statement is supplied to demonstrate compliance with ICNIRP public exposure limits. These omissions prevent a robust conclusion on long-term amenity and health protection effects.

(5) Flood interaction and climate resilience baseline incomplete

The Flood Risk Assessment lacks site-specific infiltration testing, groundwater monitoring, attenuation design and exceedance routing evidence, and no UKCP18-based climate resilience assessment is provided for a development intended to operate for approximately 40 years. Flood-impaired access and flood-compromised containment capacity are materially relevant to major-accident consequence management and cannot be left to procedural avoidance.

(6) System function, market role and public-interest weight

The application provides no evidence that the BESS will exclusively deliver a defined grid-balancing, resilience or system-service function (as opposed to operating

primarily on a merchant/arbitrage basis). In the absence of a particularised operational case, the asserted public-interest benefits of the BESS cannot be assumed and the planning balance must not attribute policy weight that is not evidenced.

Overall conclusion

The BESS element remains materially under-assessed in respect of major-accident risk and off-site consequences. These are not minor technical matters; they are fundamental evidential omissions that go to the statutory duty under EN-1 and the EIA Regulations to assess likely significant effects and to ensure that mitigation relied upon is defined, effective and capable of being secured.

Consolidated action sought

The Examining Authority is invited to treat the BESS assessment as procedurally incomplete unless the Applicant provides, and the DCO secures through clear, enforceable requirements, the following determination-stage controls:

- An independent, site-specific QRA, prepared and independently reviewed by a suitably qualified fire engineer, covering thermal runaway, vapour generation and explosion/deflagration hazards, toxic products, escalation/propagation assumptions and quantified off-site consequences.
- An NFCC-aligned emergency planning package, including plans showing: primary and alternative access; perimeter access points and responder working routes; hydrants/water supplies; separation assumptions; drainage runs, pollution controls and containment features; and all sensitive receptors within at least 1 km, with north and prevailing wind indicated.
- A competent-person water-supply calculation basis reflecting credible fire duration and escalation scenarios, and a secured contaminated fire-water containment/management plan, including sampling protocols, trigger thresholds and a reliable disposal route logic.
- A spacing/layout justification demonstrating the basis on which a thermal event would be contained to the enclosure/cabinet of origin and why any reduced separation is safe to rely on, supported by quantified fire-engineering evidence.
- Flood and environmental interface evidence demonstrating how containment and pollution controls perform under adverse weather and flood conditions, including emergency access interaction.
- Utilities interaction evidence for pipeline/easement interfaces, including operator confirmation and a secured stand-off/protection strategy within the DCO requirements.

- A recovery plan addressing re-ignition management, de-energising, damaged equipment handling, and removal/treatment/disposal of contaminated effluent and residues.

All mitigation and control measures relied upon in the planning balance must be secured through clear, enforceable DCO requirements, not left as aspirational outline commitments. On the evidence currently submitted, the Environmental Statement is incomplete in respect of major-accident and off-site consequence assessment for the purposes of the EIA Regulations.

In the absence of the above evidence, limited weight can be attributed to unparticularised BESS benefits, while unresolved safety and environmental risks remain material considerations.

16.0 Noise and vibration

Noise and vibration effects associated with large-scale solar and battery energy storage developments arise during three distinct phases: construction, operation (including routine maintenance), and decommissioning or replacement. Each phase must be assessed on a worst-case, receptor-specific basis in accordance with EN-1 and the EIA Regulations.

Operational experience from UK solar schemes demonstrates that inverter cooling systems, transformers, auxiliary plant, CCTV/security systems and BESS ventilation infrastructure are capable of generating continuous broadband and tonal noise. In quiet rural soundscapes, such sources may be perceptible at materially lower absolute sound levels than in urban environments. EN-1 recognises the heightened sensitivity of low-background rural areas and requires careful consideration of tonal, impulsive and low-frequency characteristics.

The Environmental Statement does not provide seasonally representative baseline data nor robust night-time measurements at the receptors closest to Sites A–D, the BESS compound, or the satellite compounds accessed via SA10 near Little Staughton/Lodge Farm. Without representative baseline data, compliance with BS 5228 (construction) and BS 4142 (operation) cannot be reliably demonstrated. This engages the adequacy requirement under the EIA Regulations.

16.1 Construction noise and vibration

Construction will involve HGV movements, track formation, trenching, piling, substation works and BESS installation across four spatially separated work fronts. The scale and distribution of activity materially increase the number of receptors potentially affected simultaneously.

(a) Piling and ground-borne vibration

Driven steel piling is commonly used for panel mounting. Such techniques generate impulsive noise and measurable vibration, particularly in cohesive soils. The ES does not demonstrate that lower-noise alternatives (e.g. press-in or screw piling) were systematically assessed and discounted. EN-1 requires adoption of reasonably practicable source mitigation. That exercise is not evidenced.

No BS 5228-1:2019 / BS 5228-2:2009 compliant predictions are presented for the worst-affected dwellings. Nor is there receptor-linked mapping allowing the Examining Authority to verify magnitude and duration of impact.

(b) Construction start times and workforce arrivals

ES Chapter 10 Table 10.8 identifies a construction working period from 07:00 to 19:00. Construction traffic evidence elsewhere indicates workforce arrivals prior to or around 07:00. Noise generation therefore realistically commences at, or shortly before, 07:00.

The ES does not assess early-morning receptor sensitivity at isolated dwellings or equestrian facilities near Lodge Farm accessed via SA10. Equestrian receptors are particularly sensitive to sudden impulsive or heavy-vehicle noise. The absence of receptor-specific early-morning assessment limits confidence in the conclusion of acceptable effects.

The Applicant's own outline Construction Environmental Management Plan states that construction workers would typically arrive in the hour prior to the commencement of works, such that routine project-related traffic would occur before 08:00. The outline Construction Traffic Management Plan also contemplates out-of-hours movements in certain circumstances, including abnormal loads and commissioning activities. However, the Environmental Statement does not assess early-morning traffic movements as a distinct scenario, nor does it provide receptor-specific assessment of traffic noise along the main access routes during this period.

This omission is material. In a rural environment such as the B645 corridor through Hail Weston, the period prior to 08:00 is typically characterised by very low background sound levels and heightened sensitivity to disturbance. Even limited traffic movements, particularly HGVs, may give rise to perceptible and potentially significant effects. The failure to assess construction traffic noise during this period, including at receptors fronting the primary access corridor, gives rise to a risk that likely significant effects have been understated or not assessed.

(c) Satellite compounds and consultation clarity

Application drawings indicate satellite construction compounds, including one proximate to Little Staughton/Lodge Farm (SA10 access). It is unclear whether the acoustic implications of these compounds were transparently represented within consultation materials or assessed as discrete noise sources.

Temporary compounds typically involve plant start-up, generators, staff parking, deliveries and security lighting. The ES does not present compound-specific noise modelling. Given the proximity to rural dwellings and equestrian land uses, this represents an assessment gap.

(d) Decommissioning and replacement noise

The ES addresses end-of-life removal only at high level and does not quantify decommissioning noise envelopes. Removal of panels, inverters, fencing and BESS infrastructure will replicate construction-type activities, potentially over extended periods. No BS 5228-based decommissioning assessment is provided.

Given the proposed 40-year operational period, lifecycle assessment must include foreseeable decommissioning or large-scale replacement campaigns. The omission is material to EIA adequacy.

Cross-Reference: ***Procedural Deficiency #14B – Construction noise baseline and receptor mapping incomplete.***

(e) Construction traffic noise – B645 corridor receptors

The Environmental Statement does not assess construction traffic noise effects on residential receptors located along the proposed access routes, including properties fronting the B645 through Hail Weston. The Noise and Vibration assessment is limited to a small number of “representative” receptors located in proximity to Sites A–D and does not extend to receptors along transport corridors where the principal off-site noise effects will occur.

Construction traffic constitutes the primary off-site noise source associated with the Proposed Development. Notwithstanding the substantial volume of HGV movements identified elsewhere in the application, no baseline monitoring, noise modelling or receptor-specific assessment has been undertaken for dwellings directly exposed to traffic flows along the B645. No justification is provided for the exclusion of these receptors from the assessment.

This approach is inconsistent with the requirements of the EIA Regulations to assess likely significant indirect effects, including those arising along transport routes, and with the Planning Inspectorate’s Scoping Opinion, which requires clear identification of noise-sensitive receptors and sufficient spatial coverage of the study area.

In the absence of receptor-specific assessment along the B645 corridor, it has not been demonstrated that construction traffic noise effects on communities in Hail Weston and along the wider route would be acceptable or capable of effective mitigation. This is further compounded by the absence of a clearly defined and enforceable prohibition on out-of-hours traffic movements within the draft DCO.

16.2 Operational noise (inverters, transformers and BESS)

Operational noise sources include inverter stations, transformers, HVAC units and BESS cooling/ventilation plant. These operate continuously during certain meteorological conditions and may exhibit tonal characteristics.

BS 4142:2014 requires character corrections for tonality, impulsivity and intermittency. EN-1 emphasises the increased sensitivity of rural receptors to tonal and low-frequency noise.

Contemporary peer-reviewed literature (Dastan et al., 2026) confirms that low-frequency and infrasonic acoustic energy is not fully captured by A-weighted descriptors and that spectral content and duration are relevant parameters. While routine inverter emissions are not equated with high-level laboratory exposures, the literature supports the need for octave-band or C-weighted data where low-frequency content is plausible.

The Environmental Statement does not provide:

- manufacturer-specific sound power levels for plant;
- octave-band data;

- cumulative modelling across multiple inverter clusters;
- worst-case night-time receptor predictions; or
- binding operational noise limits secured through DCO requirements.

Without these inputs, BS 4142 compliance cannot be independently verified. The deficiency is particularly acute for receptors near the BESS compound and the satellite areas accessed via SA10.

This constitutes **Procedural Deficiency #16A – Operational plant noise assessment incomplete and not demonstrated against worst-case design envelope**, as detailed in Appendix M.

16.3 Emergency and abnormal operating scenarios

BESS installations may generate noise during abnormal or emergency events (e.g. ventilation surge, fire suppression activation, alarm systems). These scenarios are foreseeable.

The ES contains no quantified assessment of emergency noise magnitude, duration or propagation. EN-1 requires assessment of foreseeable major accident scenarios where relevant. The absence of such assessment limits the ability of the Examining Authority to conclude that all likely significant effects have been considered.

16.4 Policy context and amenity implications

EN-1 requires decision-makers to ensure that likely significant noise effects are identified, assessed and, where necessary, mitigated. The EIA Regulations require that sufficient information is provided to enable the Examining Authority to reach a reasoned conclusion on the likely significant effects of the Proposed Development at the time of determination.

In the present case, the ES does not provide:

- seasonally representative baseline data;
- receptor-specific construction predictions, including for receptors along construction traffic routes and during early-morning periods when project-related traffic (including HGVs) would occur;
- compound-specific noise modelling;
- spectral analysis for operational plant (including octave-band or equivalent data where tonal or low-frequency effects may arise);
- emergency scenario assessment; or
- quantified decommissioning noise envelopes.

This includes the absence of any assessment of construction traffic noise during early-morning periods along the primary access corridor (B645), notwithstanding that such

activity is anticipated within the Applicant's own construction methodology. In a rural context characterised by low background sound levels, this represents a period of heightened sensitivity, and the omission is material to the assessment of likely significant effects.

These omissions mean that construction, operational and lifecycle noise effects cannot presently be verified as acceptable or secured through enforceable DCO controls, and it has not been demonstrated that likely significant effects have been properly identified or assessed.

Summary of required controls and further information

For the Examining Authority to reach a robust and reasoned conclusion in accordance with the EIA Regulations and EN-1, further information and assessment are required. In its current form, the Environmental Statement does not provide a sufficient evidential basis to conclude that likely significant noise and vibration effects have been properly identified or would be acceptable. Accordingly, the Examining Authority should require the following prior to any recommendation or decision:

1. A BS 5228-compliant construction and decommissioning noise assessment with receptor mapping, including coverage of receptors along construction traffic routes (e.g. the B645 corridor) and early-morning periods prior to core construction hours.
2. A Construction Noise and Vibration Management Plan (CNVMP) including:
 - defined working hours;
 - early-morning start controls;
 - piling methodology justification;
 - compound-specific mitigation;
 - controls on construction traffic timing and routing to protect roadside receptors;
 - real-time monitoring and complaints protocol.
3. A BS 4142-compliant operational assessment including octave-band data and cumulative modelling across all operational plant under worst-case conditions.
4. Binding operational noise limits secured via DCO requirement, with defined compliance monitoring and enforcement mechanisms.
5. Emergency-event noise assessment integrated with the BESS safety framework.

East Park Energy is proposed within a predominantly rural environment characterised by low ambient sound levels, dispersed dwellings and limited existing industrial noise sources. In such contexts, the magnitude of change relative to baseline is often determinative of significance. Even moderate increases in continuous or tonal sound

can be perceptible over considerable distances and may alter the established acoustic character of the area. EN-1 recognises the heightened sensitivity of rural receptors and requires a proportionate evidential standard where developments introduce new industrial noise sources into quiet environments.

In the absence of seasonally representative baseline data, receptor-specific modelling (including along construction traffic routes and during early-morning periods prior to core construction hours), spectral analysis of plant, compound-level assessment and lifecycle (including decommissioning) evaluation, the Environmental Statement does not provide a sufficient basis for the Examining Authority to reach a reasoned conclusion on likely significant noise effects.

These deficiencies are material and go to the adequacy of the Environmental Statement as a whole. For a project of this scale and duration, in this specific rural setting, a higher level of evidential precision is both proportionate and necessary.

17.0 Public Rights of Way, recreational amenity and community access

This section addresses effects on public access, recreation and community amenity arising from the Proposed Development, including impacts on the Public Rights of Way network during construction and operation.

The proposed East Park Energy development would introduce extensive, industrial-scale infrastructure into a predominantly open rural landscape characterised by large arable fields, small villages and dispersed farmsteads. The Order Limits are intersected and bounded by a well-used network of Public Rights of Way (PRoW), including footpaths and bridleways linking Eaton Socon, Hail Weston, Great Staughton, Little Staughton, Pertenhall, Keysoe and Swineshead, together with permissive routes and minor rural lanes that function in practice as recreational corridors.

The area forms part of the North Bedfordshire Wolds, recognised within the “Hidden Britain” business and tourism initiative as a rural landscape offering quiet villages, undulating farmland and a sense of remoteness relative to surrounding urban centres. Keysoe Row and Swineshead are focal locations within this area, and the surrounding network of footpaths and bridleways is widely used for walking, cycling, horse riding and nature-based recreation, including wildlife and bird observation. These characteristics contribute not only to local amenity but also to the area’s recreational value and rural tourism appeal.

The existing footpath and bridleway network across Sites C and D was previously amended through the definitive map modification process to provide enhanced circular connectivity for surrounding villages. The introduction of industrial-scale infrastructure across these routes risks undermining the intended recreational and community connectivity benefits secured through that statutory process.

These routes currently afford open views across farmland and contribute materially to landscape character, rural tranquillity and everyday recreational amenity. They are therefore receptors of high sensitivity under EN-1, GLVIA3, and the statutory Public Rights of Way and access framework, including duties under the Highways Act 1980 and the protection of recreational value and user experience.

Scale of receptor exposure

The Environmental Statement characterises the area as lightly populated, but this is not supported by demographic evidence. Census 2021 data shows that approximately 16,500 residents (c. 6,500 households) live within the principal settlements directly or indirectly affected by the development corridor. This population context confirms that effects on landscape, PRoWs and amenity cannot be treated as localised or low-receptor impacts.

The scale of receptor exposure is therefore material to the planning balance and falls squarely within the requirement of EN-1 to assess effects on communities as a whole, not only on individual viewpoints or dwellings.

Independent access-body corroboration of PRow impacts

The concerns identified above are independently corroborated by statutory and national access bodies, including the Bedfordshire & Luton Local Access Forum (BOBLAF), the British Horse Society (BHS), and the Ramblers Association, all of whom submitted representations at the registration stage of the East Park Energy proposals. These bodies do not oppose solar development in principle but conclude that, as drafted, the scheme would cause unacceptable harm to the safety, continuity and amenity value of Public Rights of Way (PRow).

Importantly, these organisations collectively confirm that earlier consultation responses on PRow safety, construction traffic interaction, route severance, and long-term route quality have not been substantively addressed, notwithstanding minor presentational changes to the application. The Ramblers Association, as the principal national charity representing walkers and public-access interests, provides additional independent weight regarding the recreational value, accessibility and user experience of the affected network.

This independent professional and user-group evidence reinforces SEPE's submission that PRow impacts remain materially under-assessed and that reliance on outline mitigation is insufficient to meet the requirements of EN-1, relevant NPPF provisions, and statutory duties relating to the protection and enhancement of public access.

17.1 Landscape and visual effects relating to PRow users

Permanent alteration of landscape character and views

Once operational, PRow users would experience extended sections of perimeter fencing, CCTV columns, inverter and transformer stations, and dense arrays of solar panels in close proximity. These features would replace open agricultural views with infrastructure-dominated corridors, fundamentally altering the experiential quality of routes that currently traverse open countryside.

Such effects go directly to the matters identified in EN-1, which recognise openness, tranquillity, and perceptual qualities as integral to landscape character and public access.

Absence of PRow-based visual assessment

Despite multiple footpaths and bridleways running adjacent to or through the array parcels, the ES provides no verified photomontages or wireframes from PRow

viewpoints. This omission is contrary to GLVIA3, which require representative viewpoints from publicly accessible routes, and to the EIA Regulations, which requires a description of likely significant landscape and visual effects.

Without PRow-specific viewpoints, the Examining Authority cannot evaluate enclosure, loss of openness, skyline change, or sequential visual effects experienced by path users. This defect compounds **Procedural Deficiency #4J** (inadequate LVIA) and **Procedural Deficiency #8A** (omitted cumulative LVIA).

Appendix U provides photographic evidence of open views and limited landscape containment along Public Rights of Way, demonstrating that users would experience the Proposed Development as a continuous and visually prominent feature within the landscape, rather than as a series of isolated or well-screened elements.

Loss of tranquillity and recreational value

PRows in this area currently benefit from low ambient noise, open skies and long views. Operational noise from inverters and transformers, security lighting and the visual uniformity of panel blocks would erode tranquillity and reduce recreational value. Given the importance of these routes for walking, dog-walking and equestrian use, this represents a lasting adverse effect on community amenity not adequately recognised in the ES, contrary to EN-1.

Disproportionate impacts on vulnerable and disabled PRow users

The British Horse Society submission highlights that Bolnhurst & Keysoe Bridleway 37 is used by a disabled young rider as his only accessible route for equestrian recreation and wellbeing. Construction activity extending to 18:00 hours, combined with HGV movements and reduced safety margins, would in practice exclude this user from the countryside for prolonged periods, with no viable alternative route available. This constitutes a disproportionate impact on vulnerable PRow users that is not acknowledged or assessed in the Environmental Statement. Such exclusion engages public-health and equality considerations and cannot be dismissed as a temporary inconvenience. The absence of any targeted mitigation or alternative provision for vulnerable users further demonstrates that the application materials do not clearly assess impacts on “communities as a whole” as required by EN-1.

17.2 Public Rights of Way – construction phase impacts

Although the Applicant states that permanent PRow closures are not proposed, the ES materially understates the scale and duration of construction-phase impacts. The development corridor extends over more than 12 km, and construction would require repeated trenching, fencing, compound access and utility works adjacent to or crossing multiple PRows over a multi-year programme.

The ES provides no route-specific assessment of:

- duration and frequency of works affecting individual paths;

- intensity of construction activity adjacent to PRowS; or
- worst-case sequencing where multiple routes are affected concurrently.

Prolonged use of unsealed footpaths, bridleways and farm-track PRowS by construction traffic is likely to cause compaction, rutting, erosion and drainage damage. Such effects cannot be assumed to be temporary in the absence of defined protection and reinstatement standards. The ES contains no PRow Construction and Restoration Plan, contrary to the EIA Regulations.

Route-specific safety failures on bridleways used as construction corridors

Evidence submitted by the British Horse Society identifies specific bridleways, including Bolnhurst & Keysoe Bridleway 37 and Pertenhall Bridleway 26, that are proposed to be used directly or indirectly as construction access routes for Sites A and D. These routes are narrow, ditched, and historically quiet rural bridleways, yet the Applicant's own transport figures indicate exposure to approximately 1,400 heavy goods vehicle movements associated with construction of Site A alone. The BHS confirms that shared use of these routes by equestrians, walkers and construction traffic cannot be made safe through banksmen or signage due to constrained geometry, limited forward visibility and the unpredictability of livestock and horses. This route-specific evidence demonstrates that the impacts on PRow users are not hypothetical or minor, but foreseeable, quantifiable and incompatible with the continued safe use of the network during construction, contrary to EN-1 and the EIA Regulations.

The bridleway within Site D is proposed to run in close proximity to the Battery Energy Storage System compound. The scale, acoustic profile and industrial character of BESS infrastructure may have a deterrent effect on equestrian users. The Environmental Statement does not assess behavioural response of horses to enclosed infrastructure, tonal noise or operational plant. Nor does it provide separation distances or acoustic screening commitments proportionate to equestrian safety. This omission limits confidence in the assessment of recreational impact.

The Environmental Statement does not identify a clear risk assessment or responsibility framework for ensuring safe passage of pedestrians and equestrians during construction works affecting PRowS. It remains unclear whether responsibility for temporary safety measures lies with the developer, principal contractor, highway authority or landowner. In the absence of a secured PRow Construction Safety Management Plan specifying duty holders, inspection regimes, diversion standards and enforcement mechanisms, the assessment of construction-phase amenity and safety impacts remains incomplete.

This constitutes **Procedural Deficiency #17A – Failure to assess or mitigate construction damage to PRow surfaces, verges and hedgerows**, as detailed in Appendix M, leading to long-term loss of rural character and recreational amenity,

contrary to EN-1 and NPPF provisions to conserve and enhancing the natural environment.

17.3 Local precedent – Manor Farm Solar

The adjoining Manor Farm Solar scheme provides a directly comparable local precedent. Despite approved screening proposals, post-construction field inspection demonstrates that hedgerow planting has failed to provide effective screening after more than a decade, with fencing and panel arrays remaining visually prominent across the same gently undulating landscape. Appendix G includes photographic evidence.

Experience from the nearby Manor Farm solar installation demonstrates that hedgerow mitigation can fail in the absence of sustained and enforceable management. Observed hedge underperformance due to inadequate long-term maintenance underscores the importance of binding, monitored and funded management plans. The Outline Landscape and Ecological Management Plan for the Proposed Development does not yet provide the level of specificity, funding assurance or enforcement mechanism necessary to ensure delivery over a 40-year operational period.

Given the shared topography, soil type and hedgerow structure, this precedent directly undermines the Applicant's assumption that perimeter planting will effectively mitigate visual effects at East Park. Under EN-1, applicants must provide reliable evidence that mitigation will achieve its stated purpose. Local precedent demonstrates that this test is not met.

17.4 Comparative NSIP precedent – PRow and visual amenity

Comparable solar NSIPs have treated PRow protection as a fundamental design parameter secured through DCO requirements:

- Cleve Hill Solar Park (Kent, DCO 2020) secured minimum 25 m setbacks from PRows in sensitive locations, with graduated planting and bunding designed to retain openness and avoid corridor-like enclosure.
- Little Crow Solar Park (DCO 2022) required 10–30 m offsets, height-limited planting near paths, and a PRow Protection Plan covering diversions, reinstatement and long-term management.

These precedents confirm that narrow vegetated corridors or abrupt hedgerow walls are unacceptable where they erode openness and recreational experience. East Park contains no equivalent commitments, rendering its mitigation strategy materially weaker by comparison.

17.5 Missed opportunity for PRow enhancement and long-term landscape change

The Applicant proposes only to maintain baseline access. No provision is made for new bridleways, permissive routes or perimeter paths to offset the permanent occupation and enclosure of large areas of countryside over a 40-year period. Given the scale and duration of effects, this is a missed opportunity relevant to proportionality in the planning balance.

Further, extensive boundary planting proposed as mitigation is unlikely to be removed at decommissioning without additional harm, risking permanent enclosure of routes that are currently open and expansive. This undermines the claimed reversibility of landscape and amenity impacts.

Failure to provide proportionate PRow enhancement despite permanent harm

The Bedfordshire & Luton Local Access Forum confirms that, given the acknowledged permanence of landscape and visual change arising from long-term fencing, planting and enclosure, reliance on permissive paths or temporary diversions is inadequate. Both BOBLAF and the British Horse Society identify clear opportunities for new or upgraded bridleway and footpath links wholly within land controlled by scheme beneficiaries, consistent with the Bedfordshire Rights of Way Improvement Plan 2025–2030 and NPPF provisions for promoting healthy and safe communities. The Applicant's failure to secure any PRow enhancement in its Environmental Statement therefore represents not merely a missed opportunity, but a failure to deliver proportionate mitigation for acknowledged residual harm. In circumstances where recreational amenity is permanently degraded, enhancement of the PRow network is a necessary mitigation measure, not an optional planning gain.

17.6 Required mitigation and procedural remedy

To meet national policy and EIA requirements, the Examining Authority should require, prior to determination, a PRow Construction and Restoration Plan and a PRow and Landscape Amenity Management Plan, secured by DCO requirement, to include:

- precise mapping of all affected PRows and permissive routes;
- route-specific construction phasing, diversion schedules and duration limits;
- surface-protection and reinstatement standards with monitoring;
- enforceable minimum setbacks between arrays and PRows; and
- planting principles that avoid creating enclosed “green corridors” and retain openness.

In the absence of these measures, the Environmental Statement does not provide sufficient information for a legally robust determination under EN-1 and the EIA

Regulations, and significant adverse effects on landscape character and public access cannot be ruled out.

18.0 Lifecycle carbon, recycling obligations and decommissioning funding

Large-scale solar-plus-storage infrastructure generates greenhouse-gas emissions and environmental effects across its full lifecycle, including manufacture, transport, construction, operation, component replacement and end-of-life decommissioning. National policy and the EIA framework therefore require that lifecycle impacts are assessed on a transparent, evidence-based basis so that claimed climate benefits can be weighed against land-use, environmental and resource costs. SEPE has reviewed the Applicant's Greenhouse Gas Assessment (Document EN010141/DR/6.2) and associated materials. That review identifies a consistent reliance on generic assumptions, limited supply-chain transparency and an absence of scenario testing across several core inputs, materially constraining the robustness of the lifecycle emissions conclusions presented. The following sections identify specific evidential gaps that prevent the Examination from reaching a fully reasoned conclusion on lifecycle carbon performance and associated obligations, including in relation to manufacturing geography, product-level embodied-carbon verification, BESS operational mode, and the sensitivity of claimed emissions savings to alternative displacement methodologies.

In addition, the Institute of Environmental Management and Assessment (IEMA) 2022 guidance requires greenhouse-gas assessments to define the lifecycle boundary, study period, baseline assumptions, mitigation measures and significance methodology in a transparent manner. On review, the Applicant's assessment does not clearly demonstrate compliance with those decision-stage tests.

18.1 Overview

SEPE has reviewed the Applicant's Greenhouse Gas Assessment (Document EN010141/DR/6.2). That review identifies a consistent reliance on generic, unverified assumptions across a number of core inputs which materially limits the robustness of the lifecycle emissions conclusions presented.

In particular, the assessment is founded on assumed values for:

- asset lifetimes;
- material quantities;
- transport distances;
- manufacturing carbon intensities;
- energy yield and degradation; and
- end-of-life waste and recycling scenarios.

The Applicant confirms that no final product selection has been undertaken. As a consequence, embodied-carbon calculations and generation forecasts are derived from mid-range literature values rather than from project-specific evidence, manufacturer declarations, Environmental Product Declarations (EPDs), or indicative procurement data.

The use of assumptions at application stage is not inherently inappropriate. However, where assumptions relate to parameters known to vary materially in practice, such as battery duty cycle, inverter lifespan, manufacturing geography or recycling routes, the resulting outputs are necessarily sensitive to those inputs.

The Environmental Statement does not consistently:

- identify whether adopted values represent central, conservative or optimistic scenarios;
- provide sensitivity analysis demonstrating how lifecycle totals change under plausible alternatives; or
- transparently bound uncertainty where procurement detail is unavailable.

The implications of this approach are directly relevant to:

- the Infrastructure Planning (EIA) Regulations 2017, which require environmental information sufficient to enable a reasoned conclusion on likely significant effects;
- EN-1, which requires decisions to be based on evidence that is robust and reliable; and
- the principles recognised in *Plan B Earth v Secretary of State for Transport* [2021], confirming that climate impacts of nationally significant infrastructure must be assessed on an intelligible and evidence-based basis.

The deficiencies identified in the following subsections are therefore not isolated technical disputes. They reflect a wider pattern of assumption-dependent modelling that materially affects:

- lifecycle carbon totals;
- carbon payback;
- mid-life replacement emissions;
- traffic and waste impacts; and
- the weight that can properly be attached to claimed climate benefits in the planning balance.

SEPE has also undertaken a sense-check reconstruction of part of the Applicant's lifecycle carbon case using the Applicant's own published quantities and publicly available emissions factors. That exercise is not advanced as a substitute definitive model; rather, it demonstrates that materially higher lifecycle emissions are plausibly generated by alternative but reasonable parameter choices drawn from the same underlying evidential base. In broad terms, SEPE's reconstruction selected three individual components of the scheme to examine, namely, the battery system, panels and panel supports, and calculated lifecycle emissions of the order of c. 1,261,000 tCO₂e. This compares to the Applicant's reported *total* scheme calculation of approximately 666,000 tCO₂e.

The significance of that divergence is not necessarily the assertion of a rival ‘correct’ number, but that the Applicant’s assessment does not disclose sufficient input data, scenario testing or reconciliation to allow the Examination to understand why the lower figure should be preferred or whether it is robust. The scale of divergence arising from reasonable alternative assumptions indicates that the assessment has not transparently bounded the plausible range of lifecycle outcomes or characterised uncertainty in a manner consistent with recognised good practice for GHG assessment. In those circumstances, the degree of sensitivity materially limits the weight that can safely be attached to the claimed climate benefit.

18.2 Lifecycle and supply-chain transparency – manufacturing origin, replacement assumptions and end-of-life governance

Independent lifecycle assessment (LCA) literature consistently appears to indicate that the embodied-carbon performance of photovoltaic (PV) systems varies materially according to:

- manufacturing geography;
- electricity-grid carbon intensity at point of manufacture;
- process efficiency and energy mix;
- asset lifetime and replacement frequency; and
- end-of-life recovery assumptions.

Where lifecycle greenhouse-gas (GHG) savings are relied upon as a principal justification for extensive and prolonged land-use change, the robustness of those assumptions is directly relevant to the weight that can properly be attached to claimed climate benefits under EN-1 and the Infrastructure Planning (EIA) Regulations 2017.

Manufacturing geography and embodied-carbon variability

Comparative cradle-to-gate assessments reported by Fraunhofer ISE (2022, WCPEC-8) identify substantial variation in embodied emissions for crystalline-silicon glass-backsheet modules depending on manufacturing origin. Reported indicative values include:

- approximately 810 kg CO₂e/kWp for modules manufactured in China;
- approximately 580 kg CO₂e/kWp for manufacture in Germany; and
- approximately 480 kg CO₂e/kWp for an EU-average production context.

When translated into indicative lifecycle electricity intensities over a standard operating period, these ranges broadly equate to:

- c. 23–30 g CO₂e/kWh for Chinese-manufactured modules; and
- c. 13–18 g CO₂e/kWh for EU-manufactured equivalents,

depending on performance and degradation assumptions (Fraunhofer ISE 2022; IEA PVPS Task 12, 2024 update).

These studies do not establish that any particular origin will apply at East Park. However, they demonstrate that embodied emissions may vary by approximately 30–40% or more depending on manufacturing geography and supply-chain electricity mix.

IEA PVPS Task 12 (2024) similarly confirms that embodied emissions per kWp remain sensitive to manufacturing energy intensity and grid carbon intensity, and that geographic origin is a material determinant of lifecycle performance.

The Environmental Statement does not identify likely manufacturing origin for:

- PV modules,
- inverters,
- battery systems,
- transformers,
- mounting systems.

Nor does it provide third-party verified Product Carbon Footprints (PCFs), Environmental Product Declarations (EPDs), or other independently audited embodied-carbon data.

Instead, a single set of mid-range embodied-carbon values is applied without bounding analysis to demonstrate how totals would vary if modules were sourced from:

- higher-carbon grid contexts; or
- lower-carbon European manufacturing contexts.

The Application's own methodology reinforces the need for this scrutiny. Appendix 15-1 states that the exact manufacturer is not yet known and assumes that solar PV modules, batteries, transformers and inverters will be sourced from China, while cabling and mounting structures are assumed to be sourced from Europe. It further applies a generic battery embodied-carbon factor derived from the IVL Swedish Environmental Research Institute paper (2019), using a range of 59–119 kg CO₂e/kWh and adopting a midpoint of 89 kg CO₂e/kWh. The same appendix assumes 20-year life expectancy values for solar PV modules, transformers, inverters, batteries and fencing, with associated replacement emissions modelled on that basis. These assumptions are not supported by manufacturer-specific data, supplier declarations, EPDs, PCFs or indicative procurement evidence, and they are not bounded by sensitivity analysis showing how lifecycle totals change under plausible alternative sourcing, chemistry, performance or replacement assumptions.

SEPE's independent sense-check reinforces this concern. Applying alternative but reasonable assumptions to the Applicant's own quantities indicates that replacement and manufacture are capable of dominating the lifecycle total to a materially greater extent than the Environmental Statement suggests. That is sufficient to demonstrate that the current assessment is not merely uncertain at the margins: it is highly assumption-sensitive in a way that requires explicit disclosure and bounded modelling before substantive weight can safely be attached to the stated carbon case.

Unverified sourcing and absence of bounded scenarios

The Applicant's embodied-carbon factors necessarily imply particular manufacturing contexts and supply-chain characteristics, yet the Environmental Statement provides no procurement evidence, supplier declarations, PCFs/EPDs, or market-based rationale demonstrating that the adopted factors are representative of likely procurement. Nor does it present bounded scenarios testing plausible alternative supply-chain geographies (including higher-carbon and lower-carbon grid contexts), shipping distances, or component mixes. Where procurement is not finalised, the minimum decision-stage requirement is to transparently bound the plausible range, rather than present a single mid-range outcome.

Verified embodied-carbon disclosure frameworks

Emerging procurement frameworks such as EPEAT (2023) define tiered embodied-carbon thresholds for PV modules, including:

- ≤ 630 kg CO₂e/kWp (intermediate tier);
- ≤ 400 kg CO₂e/kWp (leading tier);

with verification through third-party PCFs or EPDs.

These standards are not mandatory in UK planning policy. However, they demonstrate that independently verifiable, product-level embodied-carbon disclosure is technically feasible and commercially available.

The Environmental Statement does not:

- indicate whether procurement will be constrained by any embodied-carbon performance tier;
- commit to third-party PCF/EPD verification; or
- explain whether embodied-carbon factors represent central, conservative or optimistic assumptions relative to available market benchmarks and published ranges.

In the absence of such clarification, the lifecycle carbon assessment remains sensitive to procurement outcomes that have not been bounded or tested.

Replacement cycles, repowering and sensitivity

Published sensitivity analyses (e.g. Maani et al., 2023; Wambach & Schmela, 2024) demonstrate that lifecycle GHG totals can increase materially where:

- module or inverter replacement cycles are shorter than assumed;
- repowering occurs within the project lifetime;
- recycling recovery rates are lower than projected; or
- embodied inputs derive from higher-carbon supply chains.

Reported modelling indicates lifecycle totals may vary by approximately 20–35% under alternative replacement and recycling scenarios.

The Environmental Statement does not provide scenario analysis demonstrating how lifecycle totals change under plausible variations in:

- manufacturing origin;
- replacement frequency;
- recycling recovery rate;
- repowering assumptions.

Where lifecycle benefits are sensitive to such parameters, the absence of bounding analysis constrains the ability of the Examining Authority to understand the plausible range of outcomes.

End-of-life governance and circular-economy assumptions

End-of-life governance is identified in the literature as a determinant of environmental performance. Atasu et al. (2021) note that, absent enforceable producer responsibility and mature recycling infrastructure, decommissioned modules in some jurisdictions have defaulted to landfill pathways. IEA PVPS Task 12 Recycling Status Reports (2022–2025) similarly identify uneven global recycling capacity and stress the importance of verified take-back arrangements.

The Environmental Statement assumes recycling and recovery pathways but does not:

- identify contractual take-back arrangements;
- demonstrate secured downstream recycling routes; or
- model lifecycle sensitivity to lower recovery rates.

Again, the issue is not that landfill outcomes will necessarily arise. Rather, it is that lifecycle carbon totals are presented without demonstrating how they vary under alternative, but plausible, end-of-life scenarios.

Implications for decision-stage weight

The Environmental Statement:

- does not specify likely manufacturing origin;
- does not provide third-party verified PCFs or EPD documentation;
- does not present geographically bounded scenario modelling;
- does not constrain procurement to independently verifiable embodied-carbon standards;
- does not model replacement and recycling sensitivity.

The Applicant is not required to finalise procurement at application stage. However, where climate benefit is relied upon as a principal justification for the long-term use of predominantly agricultural land, the Examining Authority needs to understand the plausible range of embodied-carbon outcomes rather than a single mid-range estimate.

In the absence of:

- supply-chain transparency;
- geographically bounded scenario analysis; or
- commitment to independently verifiable embodied-carbon disclosure,

the lifecycle carbon case remains dependent on untested mid-point assumptions.

Procedural Deficiency 18A – Lifecycle carbon assessment incomplete and insufficiently evidenced

The lifecycle assessment relies on single-point and mid-range assumptions without supply-chain transparency, product-level verification, or bounded scenario analysis (including manufacturing origin, shipping/transport, replacement cycles, operational performance and recycling recovery rates). It therefore does not present the plausible range of embodied-carbon outcomes, limiting the weight that can be attached to claimed lifecycle carbon benefits under EN-1 and the EIA Regulations.

The Environmental Statement does not demonstrate how embodied-carbon totals vary across plausible manufacturing geographies and procurement outcomes, nor does it commit to independently verifiable product-level disclosure (PCFs/EPDs) capable of evidencing procurement-stage delivery of the assumed embodied-carbon performance. It also does not provide bounded high and low-case testing for generation, degradation, replacement or end-of-life assumptions, nor a transparent reconciliation between material quantities, logistics assumptions and associated traffic emissions.

SEPE's independent review of a selected range of the Applicant's own quantities and assumptions further indicates that materially higher lifecycle emissions are plausibly generated by alternative but reasonable parameter selections drawn from the same underlying evidential base. Without disclosing SEPE's detailed workings at this stage, that review indicates lifecycle emissions in the order of c. 1,261,000 tCO₂e for three individual components of the scheme, compared with the Applicant's reported *total* project figure of approximately 666,000 tCO₂e. The significance of that divergence is not that SEPE advances a rival definitive figure, but that the Applicant's assessment is shown to be highly assumption-sensitive and insufficiently transparent to permit confident reliance upon the lower figure.

Given the published evidence demonstrating material variability (Fraunhofer ISE 2022; IEA PVPS Task 12 2024; Maani 2023; Wambach & Schmela 2024), further disclosure, reconciliation and bounded scenario analysis is required to enable the Examining Authority to attach appropriate weight to claimed lifecycle carbon benefits under EN-1 and the EIA Regulations.

18.3 Embodied carbon methodology – supply chain geography not reflected

The lifecycle carbon assessment applies grid-intensity factors that do not demonstrably align with the most likely manufacturing geography of the principal components, including:

- PV modules;
- inverters;
- transformers;
- BESS units; and
- mounting and electrical infrastructure.

The Applicant's documentation recognises that manufacture may occur outside the UK and EU (including East-Asian supply chains). Embodied carbon intensity varies materially by country of manufacture due to differences in grid carbon intensity, industrial energy sources and process efficiency.

However:

- no geographically grounded factors are applied;
- no supply-chain scenario analysis is presented;
- no sensitivity range is provided; and
- no Environmental Product Declarations (EPDs) or manufacturer data are supplied.

Instead, single mid-range values are adopted without bounding analysis.

Where embodied emissions can plausibly vary by a substantial margin depending on manufacturing origin, a robust assessment would ordinarily require either:

1. geographically representative factors based on likely procurement; or

2. scenario modelling demonstrating the effect of plausible alternative origins.

Neither approach has been undertaken.

This introduces a material risk that embodied emissions are understated, directly affecting:

- lifecycle totals;
- carbon payback calculations; and
- the weight given to climate benefits in the planning balance.

The same concern arises in relation to the claimed carbon-saving case. The Applicant's own chapter shows that offset emissions vary materially depending on comparator choice: approximately 6.10 MtCO₂e using a static gas-fired power station comparator, 2.46 MtCO₂e using the 2024–25 grid average, 172,820 tCO₂e using DESNZ long-run marginal factors, and 359,321 tCO₂e using an adjusted DESNZ trajectory. That degree of divergence demonstrates that the climate-benefit case is highly sensitive to methodological choice. It does not of itself establish that the Applicant's preferred comparator is wrong, but it does confirm that the claimed lifecycle benefit is not a single robust outcome and should not be treated as such in the planning balance.

18.4 Generic and unsupported asset lifetime assumptions

The GHG assessment relies upon single-value assumptions for both asset lifetimes and operational parameters across major components, including PV modules, inverters, transformers, BESS units and associated infrastructure. Uniform 20-year lifetimes are assumed for several components without manufacturer-specific evidence, warranty data or sensitivity testing. In addition, key operational parameters, particularly in relation to the Battery Energy Storage System (BESS), are not bounded through scenario modelling.

The uncertainty surrounding component lifetimes also affects the durability of the scheme's claimed public benefits. Where generation performance, reliability and operational continuity depend upon future replacement cycles that are not yet defined, the long-term contribution to energy security and decarbonisation cannot be assumed to remain constant over the project lifetime. EN-1 requires decision-makers to consider whether benefits relied upon in the planning balance are realistic and deliverable. In the absence of quantified replacement scenarios and associated environmental effects, the Examination cannot confidently assess the durability of the benefits claimed over the proposed operational period.

Where lifecycle carbon outcomes are materially influenced by both component replacement frequency and operational mode, the absence of sensitivity testing constrains the Examination's ability to understand the plausible range of lifecycle emissions and carbon payback outcomes. The implications of these lifetime and operational assumptions are examined in Sections 18.4.1 to 18.4.3.

Replacement campaigns involving large battery modules, transformers or inverters would constitute substantial construction activities in their own right and may generate traffic, noise, waste and safety effects comparable to elements of the original build phase. In the absence of such analysis, the environmental effects of reasonably foreseeable replacement activities have not been fully assessed.

18.4.1 Battery energy storage system (BESS): assumed 20-year lifetime

The Environmental Statement assumes a 20-year operational lifetime for the proposed BESS installation. No manufacturer-specific evidence, warranty terms, chemistry specification, degradation modelling or duty-cycle analysis is provided to demonstrate that this assumption reflects the proposed operational profile.

BESS duty-cycle and usable-capacity uncertainty

The assumed 20-year BESS lifetime is not capable of verification at examination stage because the Environmental Statement does not disclose the operational parameters that principally govern lithium-ion degradation, including:

- (i) expected duty cycle (cycles/day and depth of discharge),
- (ii) the intended state-of-charge operating window and any software-reserved “buffer” capacity, and
- (iii) the end-of-life criterion used for replacement planning (for example, replacement at 70–80% remaining capacity).

In practice, utility-scale systems may be configured so that ‘usable’ energy is materially less than installed cell capacity, with the battery management system reserving upper and lower state-of-charge margins to manage degradation; alternatively, merchant operation may seek to maximise throughput through deeper cycling, accelerating degradation and bringing forward replacement. Without disclosure of the intended operating regime, the assumed lifetime and the implied energy-throughput basis for carbon payback are sensitive to procurement and dispatch outcomes and therefore require sensitivity testing rather than a single-value assumption.

Action sought: Require a BESS operational assumptions note (state-of-charge window/buffer, cycles/day, depth of discharge, end-of-life criterion) and sensitivity cases (e.g. 10/12/15/20-year effective life), showing the resulting lifecycle carbon, transport and waste implications.

Published technical literature indicates that utility-scale lithium-ion BESS lifetimes are strongly dependent on depth of discharge, cycling frequency, ambient temperature, state-of-charge management and commercial dispatch strategy. Industry modelling and technical studies commonly identify service lives in the region of 10–15 years for grid-scale lithium-ion systems under typical commercial cycling regimes. Where systems are operated intensively (for example through regular arbitrage, frequency

response participation or multi-cycle daily dispatch), effective service life may reduce further due to accelerated cycle degradation. Published degradation curves for lithium iron phosphate (LFP) and related chemistries commonly indicate cycle lives of approximately 3,000–6,000 cycles; at one full cycle per day, this corresponds broadly to an 8–15-year operational window depending on duty cycle and degradation thresholds.

On the evidence submitted, the Examining Authority cannot test whether the adopted 20-year lifetime reflects light standby operation, moderate grid-balancing duty, or high-frequency arbitrage use. Given:

- (i) the scale of the proposed BESS installation (96 units),
 - (ii) the 40-year scheme duration, and
 - (iii) the economic incentives typically associated with energy storage deployment,
- at least one full replacement cycle is a reasonably foreseeable scenario, and in plausible duty-cycle cases two replacement cycles may arise.

The Environmental Statement does not model:

- embodied carbon associated with replacement battery manufacture;
- transport and heavy-lift requirements for replacement campaigns;
- hazardous waste handling from spent battery packs; or
- associated infrastructure replacement (power electronics, cooling, fire suppression).

The issue is not that a 20-year lifetime is impossible. Rather, the assessment relies on a single-value assumption without sensitivity analysis to demonstrate how lifecycle totals change under plausible alternative duty-cycle scenarios (for example, 10-, 12- or 15-year effective lifetimes). Given the sensitivity of lifecycle carbon totals to battery replacement frequency, this omission materially limits transparency.

18.4.2 PV inverters: industry lifetime assumptions

Inverters are widely recognised as shorter-life components relative to PV modules. Peer-reviewed and industry literature commonly identifies inverter service lives in the region of 10–15 years. For example:

- Technical analysis by the Bern University of Applied Sciences notes that PV inverters are “typically said to have a life expectancy of about 15 years”.
- Industry guidance materials commonly indicate inverter service lives in the region of 10–15 years, with replacement typically required at least once during a 30–40-year solar project life, and in some cases more than once depending on operating conditions and technology type.

The Environmental Statement assumes a 20-year inverter lifetime without manufacturer-specific evidence or sensitivity testing. If inverter life were closer to 10–15 years, then over a 40-year project life two replacement cycles could reasonably arise rather than one. The ES does not model:

- embodied emissions associated with replacement of central and string inverters;
- transport and installation emissions; or
- waste volumes associated with replaced units.

The issue is not whether 20 years is impossible, but that the assessment relies on a single-value assumption without bounding analysis to show how lifecycle totals change under plausible alternative lifetimes.

18.4.3 BESS operational mode, import capability and net decarbonisation uncertainty

The lifecycle climate assessment is sensitive not only to component lifetime and replacement cycles but also to the operational mode of the proposed Battery Energy Storage System (BESS).

The Application confirms that the BESS includes a 100 MW import/export capability, meaning that the facility could charge directly from the transmission network as well as from on-site solar generation.

Where a storage facility charges from the grid and subsequently discharges electricity at a later time, the net emissions outcome depends on the relative carbon intensity of the grid during charging and discharging periods, as well as the round-trip efficiency losses inherent in battery storage systems. Storage therefore does not inherently deliver a decarbonisation benefit unless its operational profile demonstrably results in the displacement of higher-carbon generation.

The Environmental Statement does not provide a quantified, scheme-specific assessment of the likely operational profile of the BESS, including:

- expected annual energy throughput (MWh);
- anticipated charging source mix (solar generation versus grid import);
- duty cycle or dispatch assumptions;
- round-trip efficiency losses; or
- the resulting net greenhouse-gas impact of BESS operation.

In the absence of quantified operational modelling, the Examination cannot determine whether the BESS would deliver a net decarbonisation benefit attributable to the Proposed Development or whether it may operate primarily as a merchant storage asset responding to wholesale electricity price signals.

Where the proposal entails long-duration occupation of Best and Most Versatile agricultural land, it is particularly important that any climate benefit attributed to the BESS is evidenced rather than assumed. If the BESS operates for extended periods through grid-charging or market arbitrage independent of the solar generation, those functions could in principle be delivered without equivalent agricultural land-take.

Operational modelling and the system-benefit case for the BESS are therefore addressed under **Procedural Deficiency #15B**.

Without quantified modelling, claimed climate benefits of the BESS remain evidentially unsubstantiated.

18.5 Mid-life replacement impacts

The Environmental Statement presents what the Applicant describes as a quantified assessment of initial construction impacts, however, SEPE considers this assessment to be incomplete and potentially misleading in its representation of lifecycle impacts. The ES does not provide an equivalent quantified assessment for reasonably foreseeable mid-life replacement of shorter-life components, particularly BESS units and inverters. For a 40-year scheme, mid-life replacement is not speculative: at least one replacement cycle is foreseeable in standard operating scenarios, and in plausible duty-cycle cases more than one cycle may occur.

Mid-life replacement is not merely an accounting adjustment. In practical terms, replacement may constitute a secondary construction phase involving removal and transport of spent units, delivery and installation of replacements, craneage and heavy-lift operations, temporary compounds, and hazardous-waste handling and storage (including damaged or spent battery modules). The Environmental Statement does not quantify the scale of such campaigns (numbers of units, trips, lifting operations), nor reconcile these effects across the GHG Assessment, traffic assessment and waste assumptions. This prevents a reasoned conclusion on lifecycle impacts and undermines the robustness of the carbon payback narrative.

EIA requires reasonably foreseeable lifecycle phases to be assessed so far as can reasonably be done. In the absence of quantified mid-life replacement modelling and logistics/waste reconciliation, the assessment may understate lifecycle carbon, transport effects, waste volumes and disruption impacts, and it constrains the Examining Authority's ability to test whether decommissioning governance and financial security provisions are scaled to foreseeable replacement and end-of-life liabilities.

This further supports **Procedural Deficiency #18A**, as detailed in Appendix M.

The Environmental Statement does not quantify the emissions, traffic, waste and disruption impacts of reasonably foreseeable mid-life replacement campaigns (including the secondary construction phase characteristics of replacement works). Further quantified modelling and reconciliation by reference to a component inventory

and trip-rate assumptions would assist the Examining Authority in reaching a reasoned conclusion on lifecycle effects under the EIA Regulations and EN-1.

18.6 End-of-life recycling framework (40–45-year horizon)

The scheme is proposed to operate for 40 years. Over that timeframe, recycling technology, statutory producer-responsibility regimes and circular-economy requirements are likely to evolve materially. The Environmental Statement does not include an enforceable mechanism to:

- update decommissioning and waste planning in line with best-available recycling and recovery technology at the time of decommissioning;
- restrict landfill disposal to genuinely residual fractions; or
- demonstrate future compliance with evolving WEEE, battery and producer-responsibility regimes.

Elsewhere in the application, statements are made that the majority of materials will be recycled. However, the lifecycle modelling assumes a 50% landfill fraction without evidential justification. No mechanism is proposed to ensure that actual decommissioning practice reflects best-available recovery options at the time.

Deliverability of end-of-life routes and market capacity

The Environmental Statement assumes recycling and recovery outcomes over a 40–45-year horizon but does not provide evidence that downstream routes are secured, nor a mechanism preventing default reliance on least-cost disposal pathways if recycling markets are constrained at the relevant time. Given the scale of the Proposed Development and the prospect of multiple replacement cycles for some components, the Examining Authority is entitled to require either:

- (i) executed take-back and processing arrangements capable of accepting the relevant waste streams (including hazardous battery fractions), or
- (ii) an enforceable adaptive framework that obliges the undertaker to use best-available recovery technology and restrict landfill to truly residual fractions supported by contemporaneous evidence.

These governance controls are secured through the proposed Requirement in Section 20.5.

The issue is not the precise prediction of future recycling markets. Rather, it is the absence of an enforceable adaptive framework within the DCO that would:

- require application of best-available recovery technology;
- prevent default landfill disposal where viable recycling exists; and

- ensure compliance with applicable waste legislation in force at the time of decommissioning.

In a project extending into the 2070s, this omission creates avoidable uncertainty regarding long-term waste outcomes and associated lifecycle carbon implications.

18.7 Material quantities and transport emissions – internal reconciliation failure demonstrated by SEPE sense-check

SEPE's concern is not that construction traffic must be predicted with absolute precision at application stage, but that the Applicant's published material quantities and stated traffic totals do not appear to reconcile. Where lifecycle carbon and transport effects are materially influenced by HGV movements, the Environmental Statement should transparently show how quantities, payload assumptions and total movements align across the GHG Assessment and the Construction Traffic Assessment.

By way of a simple sense-check using the Applicant's own figures:

- The GHG Assessment states that approximately 60,000 m³ of aggregate will be used for internal access roads. Using a standard bulk density assumption of c. 1.6 t/m³, this equates to approximately 96,000 tonnes of aggregate.
- On a conventional c. 20-tonne payload per HGV (order-of-magnitude assumption), this implies c. 4,800 one-way aggregate deliveries, or c. 9,600 two-way HGV movements for aggregate alone.

On the Applicant's figures, aggregate movements therefore constitute a very substantial proportion of the overall construction traffic total. When PV module deliveries and other major components (BESS units, transformers, cabling, fencing, compounds) are added, the implied movements may approach or exceed the stated two-way construction totals reported elsewhere in the application.

This does not demonstrate that the Applicant's transport assessment is incorrect as a matter of fact; it suggests that the application does not transparently reconcile quantities and movements, and therefore that dependent assessments (transport emissions, air quality, noise, PRow disruption and lifecycle carbon) are subject to avoidable uncertainty.

SEPE therefore invites the Examining Authority to require the Applicant to provide a clear reconciliation table showing, as a minimum:

1. the material quantities used in the GHG Assessment (aggregate, PV modules, mounting systems, BESS, transformers, cable drums, fencing, concrete/Type 1);
2. the payload and trip-rate assumptions used for each stream; and

3. the resulting HGV/LGV movements and how they reconcile to the headline totals in the Construction Traffic Assessment.

The reconciliation must cover not only initial construction but also any reasonably foreseeable repowering/replacement campaigns within the 40-year term (including panels, inverters and BESS), using a consistent movements methodology across all assessments and identifying, for replacement phases, the assumed unit numbers, masses, hazardous classifications and disposal destinations. It is also unclear whether the Applicant's assessment fully considers emissions associated with decommissioning.

This further supports **Procedural Deficiency #18A**, as detailed in Appendix M. The Environmental Statement does not provide a transparent reconciliation between the material quantities assumed in the greenhouse-gas assessment and the construction traffic movements assessed elsewhere in the Application.

Without a clear quantity-to-movements reconciliation, including payload assumptions, delivery trip rates and material inventories, the Examination cannot verify the transport-emissions assumptions underpinning the lifecycle carbon assessment or test the reliability of the derived greenhouse-gas estimates.

18.8 Energy yield, degradation and performance assumptions – absence of sensitivity testing

The GHG Assessment adopts assumed generation and degradation parameters, including:

- an initial annual output of 433,200,000 kWh;
- a first-year degradation rate of 2%; and
- subsequent degradation of 0.45% per annum.

The initial annual output forecast is inconsistent with evidence presented in this Written Representation. In addition, the Environmental Statement does not present:

- a site-specific energy yield assessment (e.g. P50/P90 modelling);
- module type or efficiency assumptions;
- inverter loading ratios or clipping analysis;
- shading or row-spacing modelling outputs;
- quantified loss factors (soiling, mismatch, thermal losses, degradation beyond nameplate values);
- weather variability sensitivity;
- performance ratio assumptions.

Over a 40-year operational period, small differences in:

- initial yield,
- degradation trajectory,
- inverter efficiency,

- availability assumptions,

can materially alter cumulative generation totals and therefore lifecycle carbon savings and payback periods.

The issue is not that assumptions are used – that is standard at application stage. Rather, the assessment does not transparently demonstrate:

- the evidential basis for the adopted parameters;
- whether they reflect a P50, P75 or P90 yield scenario; or
- how lifecycle carbon totals vary under plausible alternative degradation or yield assumptions.

In the absence of sensitivity analysis (for example $\pm 5\%$ initial yield, alternative degradation curves, or clipping-adjusted output), the carbon benefit case remains dependent on single-point assumptions that are not stress-tested.

Where climate benefit is relied upon as a principal justification for extensive and prolonged land-use change, the Examining Authority is entitled to understand the robustness of generation assumptions underpinning that case.

This supports **Procedural Deficiency #18A**, as detailed in Appendix M. The Environmental Statement does not disclose sufficient performance data or sensitivity testing to allow the Examination to understand how lifecycle carbon outcomes vary under plausible alternative generation and degradation scenarios.

In the absence of such testing, the Examination cannot determine the full robustness of the claimed carbon savings or reach a reasoned conclusion on greenhouse-gas effects in accordance with EN-1 and the EIA Regulations.

18.9 Ancillary infrastructure – embodied carbon not transparently quantified

The Proposed Development includes substantial enabling and ancillary infrastructure, including:

- approximately 60 km of perimeter fencing;
- tens of thousands of fence posts and associated foundations;
- extensive LV, HV and EHV cabling;
- steel mounting systems and piles supporting PV tables;
- concrete foundations and trench backfill;
- transformers, switchgear and associated copper-intensive components.

While the GHG Assessment presents overall embodied carbon totals, it does not clearly demonstrate how the embodied-carbon contributions of these enabling components have been:

- disaggregated;
- quantified by material type; or
- derived from project-specific material schedules.

In particular, it is not transparent:

- whether copper mass in transformers, inverters and cabling has been explicitly modelled;
- whether steel tonnage for mounting posts and fencing has been quantified from a bill of quantities;
- whether trench backfill and aggregate volumes beyond primary access roads are fully captured;
- whether concrete volumes for foundations and compounds are included on a material-specific basis;
- whether assumptions applied are conservative or central estimates.

Where generic embodied-carbon factors are applied without disclosure of material quantities and compositions, the Examining Authority cannot readily verify whether:

- all significant enabling infrastructure has been included;
- double counting or omission has occurred; or
- the totals materially change under plausible material variations.

The issue is not that ancillary infrastructure is necessarily omitted. Rather, the absence of transparent material schedules and disaggregated embodied-carbon inputs limits confidence that enabling works have been comprehensively captured in the lifecycle total.

Given the scale of fencing, piling, cabling and concrete works across the Order Limits, even modest underestimation in these categories could materially affect embodied-carbon totals and carbon payback calculations.

18.10 Decommissioning, soil restoration and full removal of infrastructure

The uncertainties identified above are compounded by the Applicant's approach to decommissioning: if end-of-life removal and restoration are not specified and secured, the claimed reversibility and lifecycle outcomes cannot be relied upon.

The Applicant's current decommissioning proposals state that only "above-ground" infrastructure would be removed at the end of the operational period. This is stated in the Outline Decommissioning/Restoration commitments within the Application documents, which describe removal of "above-ground infrastructure" at end of operation and do not commit to full extraction of piles, buried cabling/ducts, access road build-ups or drainage interventions. This approach is inadequate for development on BMV agricultural land and inconsistent with recognised soil-restoration standards.

Over a stated operational life of approximately 40 years, the site would be subject to extensive pile-driven foundations, underground cabling, access tracks, drainage interventions and construction traffic compaction. If piles, ducts, cabling and drainage remain in situ, they will impede soil recovery, permanently alter hydrological pathways and materially compromise future agricultural productivity. The land would not, in

practice, be capable of returning to its pre-development condition within any reasonable timescale.

Recent professional guidance by ISEP (2025) further cautions that claims of full soil reversibility following long-duration solar development are not supported by a robust empirical evidence base, and that the long-term effects of compaction, drainage disruption and altered soil structure remain uncertain. The guidance emphasises that such uncertainty should be addressed through precautionary assessment and independent verification, rather than deferred assurances.

Policy and technical standards for soil restoration

National guidance is clear that soil restoration must reinstate soil structure, function and drainage, not merely surface appearance:

- Defra – Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (2009) requires restoration of soil horizons, structure and drainage to pre-development condition, with verification prior to sign-off.
- Natural England TIN049 (2012) emphasises that sub-surface disturbance, compaction and buried infrastructure are critical barriers to soil recovery.
- Environment Agency piling guidance (2004) identifies piling as a potential contamination and preferential flow pathway that must be addressed at decommissioning.

Retention of buried infrastructure is therefore incompatible with recognised soil-restoration standards, particularly on high-grade agricultural land.

Empirical evidence on irreversibility

Peer-reviewed and government-commissioned evidence reinforces this position:

- Moscatelli et al. (2022) and Hernández et al. (2014) demonstrate persistent compaction, altered infiltration and reduced fertility beneath solar arrays, particularly around pile footings.
- Welsh Government (2023) concludes that soil compaction and hydrological alteration from solar development can persist for decades without active remediation.
- International and UK industry guidance (USDA NRCS, 2010; Solar Energy UK, 2022) identifies full removal of piles, ducts and sub-structure as a prerequisite for genuine soil recovery.

Taken together, this evidence establishes that removal of surface elements alone cannot restore BMV land to its former productive capacity.

Required scope of decommissioning on BMV land

For development on BMV land, a credible claim of “temporary use” requires full physical reversibility. At minimum, decommissioning must include:

1. Complete removal of all piles, foundations, cable ducts, drainage and sub-surface infrastructure;
2. Decompaction and sub-soiling of all construction and pile zones;
3. Reinstatement of soil horizons and drainage patterns, verified by independent soil specialists;
4. Post-restoration monitoring and adaptive management to demonstrate recovery of soil structure, organic matter and hydraulic conductivity in accordance with Defra guidance.

Absent these measures, the claimed reversibility of the development would be materially undermined and could result in long-term functional loss of BMV soil capability.

Regulatory and DCO precedent

The Sunnica Energy Farm Examining Authority Report (2023, s.13.2.4) required a fully funded decommissioning and environmental-response bond for its co-located BESS, citing credible risks of contamination and off-site effects. The Secretary of State accepted this recommendation, establishing a clear and recent precedent that financial security is an expected component of NSIP-scale solar and solar and BESS schemes.

East Park raises analogous, and in some respects greater, risks given:

- scale of land-take,
- BMV soil sensitivity,
- proximity to historic waste sites, and
- the inclusion of a high-energy BESS.

Financial security and deliverability

The Environmental Statement does not include a verified, costed Decommissioning and Soil-Restoration Plan covering full sub-surface reinstatement. Current outline commitments would allow piles, ducts and drainage to remain in situ, directly conflicting with EN-1 and the EIA Regulations.

Order of magnitude cost build-ups based on standard contractor rates for pile extraction, trench/cable removal, haulage, waste treatment, reinstatement and post-works agricultural remediation indicate that full removal and restoration liabilities for arable solar schemes can extend into the tens of millions of pounds at 400 MW scale

(before indexation and contingency). These figures are illustrative and are advanced to demonstrate the need for an independently costed, worst-case legally binding financial security mechanism rather than to assert a fixed valuation.

Accordingly, the Examining Authority should require a ring-fenced legally binding and enforceable decommissioning bond, escrow-style financial guarantee or irrevocable letter of credit, secured through a Development Consent Order requirement. This should be:

- sized on an independently verified reasonable worst-case basis (full removal, no salvage-value assumption, hazardous fractions included), and maintained at that level (indexed) for the operational life. By way of illustration only, even a £50,000/MW notional allowance would imply c. £20 million at 400MW before indexation;
- indexed annually to construction cost indices and reviewed every five years;
- held by an independent third party and callable in the event of operator default.

Without such security, there is a material risk that decommissioning obligations become unfunded liabilities, contrary to the polluter-pays principle and the claimed reversibility of the scheme.

Ground contamination and legacy risk

Historic waste activity in proximity to the cable corridor, including:

- Little End closed landfill (c. 407 m), and
- Cobholden Farm waste-exemption sites (c. 109 m),

introduces potential ground-gas and contamination pathways. Any decommissioning strategy must incorporate intrusive investigation and verification to ensure that soil reinstatement within a medium-vulnerability aquifer is not compromised by legacy contamination or gas pathways exacerbated by piling and trenching.

Conclusion and procedural deficiencies

In the absence of a verified, costed and secured Decommissioning and Soil-Restoration Plan, supported by a legally binding and inflation-indexed financial mechanism, the claimed “temporary” nature of the development is not substantiated. Where reversibility is relied upon in the planning balance, EN-1 and the EIA Regulations require deliverable and enforceable mitigation, not aspirational intent. The current Application does not provide that assurance. This gives rise to the following procedural deficiency (detailed in Appendix M):

Procedural Deficiency #18B – Inadequate secured Decommissioning, Restoration and Financial Security Framework

This decommissioning uncertainty interacts directly with the lifecycle assumptions in Sections 18.2–18.9: if replacement cycles, waste routes and restoration methods are not fixed and costed on a worst-case basis, both lifecycle carbon totals and the credibility of “temporary use” assertions remain unbounded.

A recommendation to grant consent without secured financial provision would expose the decision to legal challenge on the basis that mitigation relied upon in the planning balance is not realistically deliverable, contrary to established DCO precedent and the polluter-pays principle.

18.11 Consequences for the planning balance

Taken together, the deficiencies outlined in Sections 18.2–18.10 identify:

- embodied carbon totals are potentially understated;
- carbon payback may be longer than presented;
- mid-life replacement emissions are not quantified;
- BESS operational emissions impacts and charging-source assumptions are not transparently modelled;
- traffic and waste impacts are not fully reconciled; and
- decommissioning and restoration are not demonstrably secured.

The lifecycle carbon case therefore rests on assumption-dependent modelling that has not been transparently bounded or stress-tested, particularly in relation to BESS operational mode and import capability. Where a 100 MW import/export BESS may operate independently of the co-located solar arrays, and its net emissions consequence depends materially on charging source and dispatch regime, the absence of quantified operational modelling limits the degree of confidence that can be attached to asserted decarbonisation and grid-benefit claims.

Where climate benefit is relied upon to justify significant and prolonged use of BMV agricultural land, the carbon case must be robust, transparent and evidence-based. In these circumstances, and pending clarification of the uncertainties identified above (including **Procedural Deficiency 18B**), limited weight should be attached to the Applicant’s stated lifecycle carbon savings, BESS-related decarbonisation benefits and payback period unless and until the identified uncertainties are addressed through further information and secured mitigation.

18.12 Procedural consequence for EIA adequacy

The matters identified in this Section do not establish that the Applicant’s GHG Assessment is incorrect as a matter of fact. Rather, they demonstrate that the lifecycle

assessment is materially dependent on single-value assumptions that have not been transparently bounded or sensitivity-tested.

In combination, uncertainty regarding:

- embodied carbon inputs;
- manufacturing geography;
- asset lifetimes and replacement cycles;
- waste and recycling pathways;
- transport reconciliation; and
- long-term generation and degradation assumptions,

limits the degree of confidence that can be attached to the stated lifecycle carbon totals and payback period.

Where climate benefit is relied upon as a principal justification for significant and prolonged land-use change, the Environmental Statement must enable the Examining Authority to reach a reasoned conclusion on lifecycle greenhouse-gas effects in accordance with the EIA Regulations and EN-1.

The assessment fails to provide any transparent or robust analysis of how lifecycle outcomes vary under credible alternative scenarios. In the absence of such analysis, the claimed carbon benefits are unsubstantiated and cannot be meaningfully interrogated. It is not a matter of refinement but of basic evidential adequacy: without scenario testing, sensitivity analysis or project-specific substantiation, the assessment does not meet the standard required for decision-making under the EIA regime. Accordingly, no material weight can be attached to the asserted carbon benefits in its current form.

18.13 Comparative precedent and governance reinforcement

The issues identified in Sections 18.6 and 20.5 concerning end-of-life governance and financial security are not novel within NSIP practice.

For example, the Cleve Hill Solar Park DCO (2020) secured a Decommissioning and Site Restoration Plan prior to operation, including provision for funding arrangements. The Sunnica Energy Farm Examination Report (2023) recommended the use of a bond or equivalent instrument sufficient to guarantee reinstatement.

These precedents do not mandate identical mechanisms at East Park. However, they demonstrate that where reversibility and long-term waste management are material to the planning balance, it is reasonable for the decision-maker to require enforceable, secured mechanisms rather than rely solely on aspirational assumptions.

The DCO Requirement proposed in Section 20.5 reflects that established practice.

19.0 Cumulative effects with neighbouring solar, BESS and NSIP projects

The Environmental Statement's cumulative chapter (ES Vol 1, Ch. 17) provides a largely qualitative narrative and does not, on its face, include topic-appropriate quantitative or scenario-based cumulative testing for several impact pathways that are likely to be material in this location (notably landscape/visual, ecology, transport, agricultural land take, heritage setting and PRow/amenity).

Methodological limitation of distance-based cumulative scoping

The cumulative assessment presented in ES Chapter 17 relies heavily on the use of fixed distance thresholds (notably a nominal 10 km radius) to screen out other developments from further consideration. While distance-based scoping can form part of an initial screening exercise, it is not, of itself, a reliable proxy for cumulative interaction in respect of effects such as construction traffic routing, shared highway corridors, sequential landscape experience, visibility in open arable landscapes, or overlapping construction programmes.

The Environmental Statement does not demonstrate how the selected distance thresholds were tested against effect pathways, nor does it explain why projects outside the nominal radius but sharing transport routes, grid infrastructure, or visual envelopes were excluded. In the absence of pathway-led justification, reliance on distance alone risks the systematic under-identification of cumulative effects and limits the Examining Authority's ability to reach a reasoned conclusion on combined impacts, contrary to EN-1 and the EIA Regulations.

In addition, the cumulative assessment is undermined by demonstrable factual and methodological errors in the identification and categorisation of other Nationally Significant Infrastructure Projects affecting the same receiving environment. At least one major rail infrastructure project with an active scoping process and publicly available environmental information at the time of submission has been incorrectly categorised as a low-certainty or "Tier 3" scheme, despite having progressed beyond early feasibility. This misclassification materially understates the likelihood, timing and interaction of construction and operational effects on shared transport corridors, communities and landscapes.

Where reasonably foreseeable development has advanced to a defined scoping or consultation stage, it must be treated as part of the cumulative baseline rather than discounted on grounds of uncertainty. Failure to do so results in an assessment that is not precautionary and does not comply with the EIA Regulations.

Internal inconsistency between identified cumulative effects and overall conclusions

A further concern arises from internal inconsistency within ES Chapter 17 itself. While cumulative assessment tables identify instances where effects are described as "significant" or materially adverse when considered in combination, the chapter

nonetheless concludes that there are no significant cumulative effects overall, without providing a transparent reconciliation or explanation of how those table-level findings were weighed, discounted or reclassified.

This absence of a clear audit trail between identified effects and the final cumulative conclusion undermines confidence in the robustness of the assessment and frustrates the ability of the Examining Authority to understand the reasoning process. Where significant effects are identified at topic or receptor level, EIA best practice requires a clear explanation of how significance has been resolved at scheme level. The lack of such reconciliation calls into question whether the cumulative assessment meets the adequacy standard required by the EIA Regulations.

Treatment of mid-life replacement within cumulative assessment

Chapter 17 further treats foreseeable mid-life replacement of panels, inverters and associated plant as routine “maintenance and replacement” rather than as a construction-scale activity with cumulative implications for traffic, noise, waste, dust and amenity. Given the scale of the Proposed Development, mid-life replacement would reasonably be expected to involve construction-type logistics, including HGV movements, compound activity and material handling over an extended period.

By subsuming this activity within generic maintenance assumptions, the cumulative assessment understates the likelihood and magnitude of combined effects when replacement coincides with other major infrastructure works in the area. This approach does not accord with the requirement under the EIA Regulations to assess likely significant effects across all reasonably foreseeable phases of a project’s lifecycle, and further limits the reliability of the cumulative conclusions presented.

SEPE’s concern is not that every conceivable development must be modelled. Rather, the issue is whether the ES has identified a reasonable cumulative “project list” and a proportionate method for assessing combined and interactive effects within a realistic zone of influence, in line with EN-1 and the EIA Regulations (cumulative/interactive effects).

Planning Inspectorate guidance and established NSIP practice anticipate that applicants should assess consented, under construction, and reasonably foreseeable schemes where there is a plausible pathway for cumulative effects. SEPE’s independent review of proximate developments and likely interaction pathways is set out in Appendix I and summarised below.

Where a cumulative effects chapter does not assess reasonably foreseeable combined impacts for material pathways (e.g. shared transport corridors, overlapping ZTVs affecting heritage settings), there is a risk that the decision-maker is left without the information needed to reach a reasoned conclusion on significance for EIA purposes. The appropriate remedy is a proportionate cumulative addendum, not an assumption that all effects are “minor” by default.

19.1 Regional strategic infrastructure – A14 Cambridge–Huntingdon improvements / Brampton Hut interchange

The completed A14 Cambridge–Huntingdon Improvement Scheme has altered regional traffic patterns and the operation of strategic nodes, including the A1/Brampton Hut interchange. Even where the strategic scheme has improved trunk-road capacity overall, it can still affect local baseline conditions (e.g. HGV flows and routing choices on approach corridors).

The ES does not appear to test whether the East Park construction traffic profile (including HGVs, abnormal loads and workforce traffic) interacts materially with this strategic freight corridor and the associated feeder routes that could influence local routing pressure on rural roads used by communities (e.g. B645/B660 and feeder alignments).

SEPE's point is not that the A14 scheme itself causes unacceptable conditions; it is that a credible baseline and interaction check should be provided for the routes the Applicant relies upon, where those routes connect into a known high-intensity strategic junction system.

Requested clarification: A short cumulative transport note identifying:

- (i) baseline HGV proportions and peak-hour conditions on the Applicant's proposed strategic approach routes, and
- (ii) sensitivity testing for coincident peaks and diversion effects when A1 junction conditions are constrained.

19.2 Proximate solar and energy schemes (0–15 km) – Local cluster context (0 – 15 km)

Within a 0–15 km radius of the Order Limits, SEPE identifies a cluster of operational, consented, and proposed solar/BESS schemes (listed in Appendix I), including (among others):

- Manor Farm Solar
- High Wood Solar Farm
- Cobholden Solar Farm / BESS
- Little Staughton Solar Farm
- Rookery Solar Farm

These schemes are relevant where they plausibly interact with East Park through one or more of the following cumulative pathways:

- Landscape/visual: overlapping ZTVs, sequential views along roads/PRoWs, and combined change in landscape character;

- Ecology: combined take of habitats within the scheme area including wetlands, such as ponds, and periodically or permanently wet ditches and hedgerows;
- Traffic: overlapping construction windows and shared rural routes;
- Land use: combined take of agricultural land, including BMV, within the same landscape and farm-business geography;
- Amenity: combined PRow experience and settlement-edge effects for communities already experiencing proximate solar development.

The ES does not appear to provide:

- a cumulative LVIA / cumulative ZTV incorporating identified solar and storage schemes in the shared ZTV;
- quantified cumulative transport loading on B645/B660/A1 corridors; or
- a cumulative agricultural land-take narrative that explains the relevance of the local cluster to the policy balance (even if treated qualitatively).

Cumulative LVIA and cumulative setting impacts are repeatedly treated as material in solar NSIP examinations because the combined effect can differ substantially from single-scheme effects. Where the ES does not present a proportionate cumulative method or an intelligible project list, there is a risk that the Examining Authority is unable to test the Applicant's "not significant" conclusions against the actual cumulative context.

19.3 Adjacent NSIPs and major infrastructure – A428, East West Rail and Grid Reinforcement

In addition to the local solar cluster, SEPE notes major projects within the broader influence area, including:

- A428 Black Cat to Caxton Gibbet Improvement Scheme (NSIP)
- East West Rail (Bedford–Cambridge section) corridor (NSIP)
- National Grid reinforcement/substation works within the wider catchment

These schemes may plausibly interact cumulatively with East Park Energy through:

- overlapping or sequential construction traffic using shared strategic and rural corridors (A1/A428/B645/B660 and local routes);
- combined landscape change and infrastructure "intensification" across the same rural landscape;
- combined effects on heritage settings and village approaches over time; and
- combined effects on ecology.

The ES does not appear to undertake scenario testing for combined construction traffic peaks at key junctions (e.g. A1/B645 and strategic nodes), nor provide an integrated cumulative narrative for landscape/heritage receptors where multiple infrastructure elements may be experienced together.

Requested action: A proportionate Integrated Cumulative Effects Addendum (ICEA) addressing:

- (i) cumulative traffic sensitivity tests;
- (ii) cumulative LVIA/ZTV and sequential route analysis;
- (iii) a cumulative heritage setting appraisal for the principal designated receptors; and
- (iv) cumulative ecological appraisal.

19.4 Cumulative agricultural land-loss (BMV land across the region)

SEPE estimates that combined solar-related land-take within a 10–15 km radius may reach a regionally significant total when operational/consented schemes are taken together (Appendix I). The key policy relevance is not simply hectares; it is the concentration of BMV land-take within a productive agricultural belt and the compounding effect on farm-business continuity and land-use resilience.

The ES does not appear to present a cumulative agricultural land-use narrative explaining:

- the combined scale of BMV land-take in the local cluster;
- whether cumulative loss alters the weight to be given to BMV impacts in the planning balance; and
- how this interacts with the alternatives/sequential siting logic in EN-3.

SEPE does not contend that a national land-use strategy must be resolved in this examination. However, where the local area already hosts multiple solar and energy schemes, a short cumulative account of the combined BMV context would assist the Examining Authority in applying EN-1/EN-3 proportionately.

19.5 Combined heritage, setting, and landscape effects

Multiple schemes in the area appear capable of falling within overlapping ZTVs for receptors including Grade I churches and conservation areas (examples listed in Appendix I). The ES does not appear to provide a cumulative setting assessment where multiple developments may affect the same heritage receptor over time.

Where cumulative setting effects are plausible but unassessed, the Examining Authority's ability to apply the s.66(1) duty (considerable importance and weight to

conservation of listed buildings and their settings) is weakened, because the duty depends on a defensible understanding of the harm position, including cumulative change. The remedy is a proportionate cumulative setting note for principal designated receptors, rather than reliance on a single-scheme assessment only.

Appendix R presents a series of proximity plans derived from the Applicant's PEIR Illustrative Environmental Masterplan, illustrating the spatial relationship between the Order Limits and nearby residential properties, Grade II listed buildings, and Grade I listed churches. These plans apply commonly referenced distance bands of 300 m, 500 m and 1,000 m to demonstrate the density, distribution and cumulative proximity of sensitive receptors to the proposed development across Sites A–D. Viewed cumulatively, Appendix R illustrates how the dispersal of Sites A–D creates overlapping zones of influence affecting the same settlements, heritage assets and recreational routes. This spatial evidence reinforces SEPE's position that the Environmental Statement fails to assess the cumulative effects in a coherent, receptor-led manner, instead fragmenting impacts by site parcel contrary to the EIA Regulations.

The cumulative effect of multiple large-scale solar and associated energy developments within the same rural district is not confined to incremental visual effects at individual viewpoints. It extends to a broader and more fundamental change in landscape character, arising from the repeated introduction of fencing, security infrastructure, access tracks, substations and engineered landform across wide areas of open countryside.

Where such development becomes concentrated, the cumulative outcome is a perceptible industrialisation of landscapes previously characterised by agricultural openness and rural continuity. This character change affects not only visual receptors but also the experiential qualities of the countryside, including tranquillity, legibility and recreational value.

An assessment that focuses narrowly on isolated viewpoints without addressing this wider cumulative transformation does not provide a complete or policy-compliant evaluation of landscape effects under EN-1 or GLVIA3.

19.6 Conclusion on cumulative effects

Across key topics, including transport, landscape and visual effects, Public Rights of Way amenity, agricultural land use, and heritage setting, the Environmental Statement's cumulative treatment appears insufficiently detailed to allow the Examining Authority to determine whether impacts remain acceptable when considered in combination with the surrounding solar cluster and other reasonably foreseeable projects.

While the ES identifies a number of nearby developments, it does not provide a structured, pathway-specific cumulative assessment demonstrating how these schemes interact spatially or temporally with the Proposed Development. In particular,

no integrated modelling is provided for cumulative landscape visibility, construction traffic flows, agricultural land-use change, or heritage setting effects across the wider study area.

Without such analysis, the Examination cannot determine whether combined effects arising from the local solar cluster, nearby BESS facilities and major infrastructure schemes may give rise to materially greater impacts than those assessed for the scheme in isolation. This evidential gap limits the ability of the Examining Authority to evaluate cumulative significance across multiple environmental topics.

These omissions collectively give rise to **Procedural Deficiency #19A – Cumulative effects assessment deficient**, as detailed in Appendix M.

In the absence of an integrated cumulative assessment framework, the Environmental Statement does not presently provide sufficient information for the Examining Authority to reach a reasoned conclusion on cumulative effects in accordance with EN-1 and the EIA Regulations.

SEPE therefore respectfully requests that the Examining Authority requires the Applicant to submit an Integrated Cumulative Effects Assessment Addendum including:

1. Cumulative project list and screening criteria (consented, under construction and reasonably foreseeable schemes) with a justified study area;
2. Cumulative LVIA and cumulative ZTV mapping, including sequential route analysis along key roads and PRowWs;
3. Cumulative transport modelling, including sensitivity testing for peak construction windows and diversion risk on the B645, B660, B661, A1 and A14 corridors;
4. Cumulative BMV land-use analysis, addressing scale, spatial concentration and policy implications;
5. Cumulative ecological appraisal; and
6. Cumulative heritage setting assessment for principal designated receptors where overlapping ZTVs are plausible.

A consolidated schedule of relevant schemes and mapped cumulative context is provided at Appendix I.

20.0 Draft Development Consent Order (DCO) – procedural and safeguard deficiencies

The draft Development Consent Order (DCO) submitted by the Applicant (Document 3.1, P03, 2026) would confer extensive powers of compulsory acquisition, temporary possession and long-term operational control across a predominantly rural area. Those powers are sought while reliance is placed heavily on outline plans and post-consent approvals to manage environmental and community effects.

Although the draft DCO contains a number of topic-specific requirements, significant deficiencies remain. In several instances the Order secures only the preparation and approval of future plans, rather than the substantive standards, limits or safeguards assumed in the Environmental Statement (ES).

When read alongside the evidential gaps identified elsewhere in this Written Representation, the draft DCO does not presently provide sufficient certainty that the mitigation relied upon in the ES will be delivered in practice, nor that the authorised development will correspond to the scheme assessed. This engages both the policy expectations in EN-1 and EN-3 and the requirement under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 that the decision be based on adequate environmental information.

The subsections that follow identify specific areas in which mitigation assumed in the ES is not yet secured through enforceable provisions of the draft DCO. Proposed requirement wording is provided where appropriate to assist the Examination. These proposals are not advanced as preferred drafting choices, but as mechanisms necessary to ensure that the environmental conclusions presented in the application are legally and practically deliverable.

Legal framework for DCO safeguards

It is a well-established principle that mitigation relied upon to justify consent must be sufficiently defined, secured and enforceable at the decision stage. In *Holborn Studios Ltd v London Borough of Hackney* [2020] EWHC 1509 (Admin), the Court emphasised that decision-makers should not rely on mitigation that is vague, uncertain or deferred in a manner that prevents proper assessment of likely significant effects.

In the context of NSIPs, this principle is reflected in EN-1, which expects mitigation measures to be clearly described and secured, and in the EIA Regulations, which require the decision to be taken on the basis of complete and reliable environmental information.

Where essential controls, for example in relation to soil protection, hydrology, battery safety, decommissioning or socio-economic effects, are absent from the face of the DCO or left to undefined post-consent processes, the decision-maker cannot be confident that the impacts assessed in the ES represent the development that will in fact be constructed and operated.

Draft DCO internal consistency and enforceability

The Planning Inspectorate's s51 Advice identifies a number of internal inconsistencies within the draft DCO, including cross-reference errors, ambiguity as to whether the proposed agri-research facility constitutes principal or associated development, and the need for clearer restrictions on construction hours. These matters affect clarity and enforceability rather than the principle of development, but are nonetheless material to the Examination because the legal effect of a DCO depends on precision of drafting.

In an instrument conferring extensive compulsory acquisition powers and long-term operational rights, ambiguity or internal inconsistency can create uncertainty as to the scope of authorised development, the application of requirements, and the enforceability of mitigation measures. Where environmental conclusions rely on compliance with specific plans, limits or operational controls, any drafting uncertainty risks a mismatch between the development assessed in the Environmental Statement and that ultimately authorised.

This matter is captured as **Procedural Deficiency #20A – Draft DCO internal inconsistencies and ambiguities**, as detailed in Appendix M. Internal consistency is essential to ensure that requirements and mitigation commitments are legally enforceable, capable of implementation without interpretative uncertainty, and aligned with the environmental assumptions underpinning the planning case.

20.1 Adequacy of DCO safeguards and secured mitigation

The draft DCO (Document 3.1 P03) contains material omissions in requirements governing environmental protection, construction controls, operational risk management and decommissioning.

A number of topic assessments – including noise, hydrology, BESS safety, traffic, landscape and Public Rights of Way – proceed on the basis that mitigation measures will be implemented. However, those measures do not consistently appear as enforceable requirements, certified documents or protective provisions within the Order.

In many cases, the requirements secure only the submission and approval of plans, without specifying minimum content, performance thresholds, monitoring obligations or enforcement mechanisms. Such drafting secures a process rather than an outcome and therefore does not provide assurance that the mitigation relied upon in the ES and any subsequent amendments throughout this examination will be delivered.

This creates a material disconnect between:

- (i) the mitigation assumed in the ES and supporting outline documents; and
- (ii) the legal instrument intended to regulate delivery of the authorised development.

That disconnect is not a drafting technicality but a matter going directly to the reliability of the environmental assessment. The Examining Authority should exercise caution in placing weight on mitigation that is not expressly secured through the DCO framework.

In the absence of clear thresholds, approval gateways, monitoring duties and enforceable compliance mechanisms, the draft DCO does not yet provide the level of certainty ordinarily required under EN-1 or the EIA Regulations.

SEPE therefore submits that the adequacy of the DCO safeguards is a substantive issue relevant both to the planning balance and to the lawfulness of reliance on mitigation. Unless amended to secure essential controls through specific requirements and certified documents, the deficiencies identified in this section weigh materially against the grant of consent.

20.2 Compulsory acquisition and temporary possession of land

Relevant to Section 5 – Agricultural Land Use and Food Security

Articles 21–23 and Article 30 of the draft DCO authorise the compulsory acquisition and “temporary” possession of substantial areas of Best and Most Versatile (BMV) agricultural land, in circumstances where the Applicant asserts that a sequential assessment of land quality and alternatives has been undertaken, but the evidence indicates that this assessment was materially constrained by landowner willingness to enter voluntary agreements rather than by an objective appraisal of land suitability.

An assessment limited to land available by agreement does not demonstrate that development on BMV land is necessary; it demonstrates only where landowners were prepared to participate. National policy expects applicants to avoid or minimise use of BMV land wherever practicable, and that expectation cannot be satisfied by excluding potentially suitable lower-grade land solely because it was not voluntarily available. This is inconsistent with EN-3, which expects applicants to avoid or minimise development on BMV land wherever practicable, and with the principles set out in Defra’s *Code of Good Agricultural Practice*.

The Planning Act 2008 expressly provides for compulsory acquisition powers where land is required in the public interest. It follows that, where extensive compulsory acquisition powers are sought, the alternatives assessment should consider whether the development could reasonably be delivered on more suitable land assembled through those powers. No evidence has been provided to demonstrate that lower-quality agricultural land (Sub-Grade 3b, Grade 4 or Grade 5) within the relevant grid-connection hinterland was systematically identified and evaluated irrespective of ownership willingness, nor that alternative configurations closer to the point of grid connection on such land were assessed.

The absence of such analysis creates a circular justification: higher-quality land is selected because it is available voluntarily, compulsory acquisition is then sought to secure that land, yet no assessment demonstrates that compulsory acquisition could

not have been used to assemble land of lower agricultural value instead. Such reasoning does not establish that use of BMV land is unavoidable or proportionate.

Article 30 further permits temporary possession of land for up to one year post-commissioning, yet the DCO contains no obligation for:

- baseline soil-condition surveys,
- independent verification of soil restoration,
- monitoring of soil structure and function, or
- objective criteria defining successful agricultural reinstatement.

As set out in this Representation, the Environmental Statement provides no robust agronomic evidence demonstrating that land subjected to prolonged industrial use over a 40-year period can be restored to its pre-development agricultural condition. In the absence of secured verification mechanisms, “temporary” possession risks operating as an untested assumption rather than a demonstrable outcome.

Furthermore, where land is taken or possessed on a long-term basis for industrial infrastructure, the distinction between “temporary” and permanent effects depends not merely on elapsed time but on the demonstrable restoration of soil structure, drainage and agricultural productivity. No mechanism is presently secured within the DCO to verify that such restoration will in fact be achieved.

Requested amendments

- Insert a binding requirement in Schedule 2 for a Soil Recovery and Verification Plan, including baseline surveys, restoration standards and independent certification prior to first operation.
- Require a transparent sequential assessment of agricultural land quality unconstrained by landowner availability and the self-imposed 15km grid proximity radius, demonstrating that development on lower-quality land or alternative configurations, including land assembled through compulsory acquisition, is not reasonably achievable (cross-refer **Procedural Deficiency #4A**).
- Define “temporary” possession by reference to verified agronomic recovery, not solely by elapsed time.

Compelling case and necessity for compulsory acquisition

The scope of compulsory acquisition and temporary possession must also satisfy the tests under the Planning Act 2008, including the requirement for a compelling case in the public interest. Where the alternatives assessment is materially constrained by landowner willingness rather than objective land suitability, it is not possible to demonstrate that permanent or long-term interference with extensive areas of BMV land is necessary to deliver the project as proposed.

If lower-impact land could reasonably accommodate the development but was not considered because it was not voluntarily available, the necessity and proportionality of acquiring BMV land are not established. The DCLG Guidance on Compulsory Acquisition emphasises that acquiring authorities should demonstrate that reasonable alternatives have been explored; an assessment constrained by landowner willingness does not provide that assurance.

The absence of a transparent and policy-compliant alternatives assessment therefore undermines not only the planning balance but also the statutory justification for granting compulsory acquisition powers over this particular land. Detailed consideration of the compulsory acquisition tests under the Planning Act 2008 is addressed further at Section 20.4.

20.3 Skills, supply chain and employment

Relevant to Section 9 – Socio-Economic Impacts

Requirement 19 requires submission of a “skills, supply chain and employment plan” prior to commencement, but contains no measurable targets, no defined delivery mechanisms, and no monitoring or reporting framework.

As drafted, it does not secure any tangible local socio-economic outcomes and is therefore of limited evidential value.

While national policy does not require energy NSIPs to deliver local employment benefits as a prerequisite to consent, EN-1 makes clear that where socio-economic benefits are claimed or relied upon, they must be credible, proportionate and capable of being delivered. Evidence presented in this Representation appears to indicate that comparable solar NSIPs typically generate very limited long-term employment, with the majority of operational revenue accruing to non-local investors.

In this context, Requirement 19 operates as an aspirational statement rather than an enforceable commitment. The Examining Authority should therefore attach little weight to any asserted local economic benefit unless it is secured through clear, measurable and enforceable obligations within the DCO.

Requested amendment

- Replace Requirement 19 with a Local Economic Participation Plan, to include:
 - quantified local employment and procurement targets within host districts;
 - a mechanism for annual public reporting to the relevant local authorities; and
 - linkage to a Community Benefit Trust or equivalent mechanism, providing transparency and accountability.

Absent such measures, Requirement 19 cannot properly be relied upon to support the planning balance or to offset identified adverse impacts.

20.4 Compulsory acquisition: whether a compelling case in the public interest has been demonstrated

SEPE submits that the Applicant has not discharged the statutory tests governing compulsory acquisition under the Planning Act 2008. The Statement of Reasons (Document 4.1) does not demonstrate, with the degree of clarity and evidential rigour required, that the acquisition of land and rights sought through the draft Development Consent Order is:

1. necessary for the authorised development;
2. proportionate to the public interest pursued; or
3. supported by a clear and compelling case in the public interest, as required by the *DCLG Guidance on Compulsory Acquisition (2013)*.

These are not discretionary considerations: satisfaction of the CA tests is a legal precondition to the grant of compulsory powers.

In particular, the Applicant's case relies heavily on an alternatives assessment that appears to have been materially constrained by landowner willingness to enter voluntary agreements rather than by an objective appraisal of land suitability, environmental effects or agricultural quality. Where extensive compulsory acquisition powers are sought, an assessment limited to voluntarily available land does not demonstrate that acquisition of the identified land is necessary; it demonstrates only where agreement could be secured.

20.4.1 Public interest justification and carbon case

The Statement of Reasons asserts that compulsory acquisition is justified on the basis that the scheme delivers low-carbon energy in support of Net Zero objectives. However, the Environmental Statement does not provide sufficiently robust or complete evidence to demonstrate the scale or certainty of that public benefit when assessed over the full lifecycle of the development.

In particular:

- the Applicant has not demonstrated the net lifecycle carbon performance of the scheme over its stated 40-year operational life once embodied emissions, mid-life replacement cycles, and transport emissions are taken into account;
- geographically appropriate manufacturing grid-intensity factors have not been applied to overseas-manufactured PV modules, inverters and BESS units;
- emissions associated with mid-life replacement of inverters and BESS infrastructure are omitted; and

- no transparent Scope 1, 2 and 3 lifecycle analysis aligned with IEMA (2022) guidance is presented.

These omissions are addressed in detail in Section 18 of this Representation. Taken together, they mean that the magnitude of the scheme's claimed climate benefit is not demonstrated with sufficient certainty to support reliance on that benefit as justification for compulsory acquisition of extensive areas of predominantly BMV agricultural land.

Moreover, where land selection has not demonstrably minimised harm to higher-quality agricultural land or explored alternative configurations on lower-impact sites, the proportionality of relying on climate benefit alone to justify compulsory acquisition is further weakened.

Where the asserted public benefit is uncertain, unquantified or overstated, its weight in the planning balance is correspondingly reduced and it may not provide a sufficient basis to justify the permanent or long-term interference with private property rights required by the Planning Act 2008.

20.4.2 Proportionality – extensive harm to BMV agricultural land and food security

Compulsory acquisition must be proportionate to the public interest relied upon (DCLG Guidance). In this case:

- approximately 74% of the agricultural land within the Order Limits is classified as BMV;
- the scheme would remove around 1,900 acres of productive agricultural land from food production for 40 years or more, a period commonly treated in planning decisions as effectively permanent;
- the Environmental Statement contains no quantified assessment of foregone food production, contrary to the EIA Regulations and EN-1; and
- national policy evidence recognises that cumulative loss of BMV land poses a strategic risk to UK food security (National Food Strategy 2021; EFRA Committee 2024).

Where the Applicant has not demonstrated that development on lower-quality land was not reasonably achievable, including land that could have been assembled through compulsory acquisition, the proportionality of acquiring extensive areas of BMV land is not established.

In the absence of a quantified assessment of agricultural output loss and a clear demonstration that such harm is outweighed by proven public benefits, the proportionality limb of the CA test is not met. Where long-term withdrawal of demonstrably productive land is proposed, food-security considerations carry material weight in the planning and compulsory acquisition balance (see Appendix J).

20.4.3 Adequacy of the assessment of reasonable alternatives

Under the Planning Act 2008, compulsory acquisition may only be authorised where the land is required for the development and where no reasonable alternative exists. The Statement of Reasons does not demonstrate that this test has been satisfied on the basis of an objective, unconstrained alternatives assessment.

In particular, it:

- relies on an assessment that appears to be materially constrained by landowner willingness rather than by land capability or environmental suitability;
- does not explain why lower-grade agricultural land within the relevant grid-connection hinterland could not accommodate equivalent capacity; and
- provides no evidence that brownfield sites, degraded land, or alternative cable corridors were assessed against the scale of BMV land loss proposed.

No evidence has been presented to demonstrate that land of lower agricultural value, closer to the grid connection, or otherwise less environmentally sensitive could not reasonably have been assembled using the compulsory powers now sought. This falls short of the requirement in EN-1 and EN-3 to demonstrate that the specific land subject to compulsory acquisition is required, rather than merely preferred. An alternatives assessment constrained by voluntary availability rather than objective suitability undermines not only the planning balance but also the necessity and proportionality tests required for CA powers.

20.4.4 Adequacy of efforts to secure voluntary acquisition

The Planning Act 2008 and national guidance require that compulsory acquisition be used only as a last resort, following genuine and sustained efforts to acquire land by agreement.

While the Statement of Reasons asserts that all landowners have been approached, the evidence indicates that:

- some landowners, including charitable and trust-owned interests, were not engaged beyond initial ownership enquiries;
- in several instances, compulsory powers were sought before substantive commercial negotiations had occurred; and
- the Applicant's own Land and Rights Tracker identifies unresolved option gaps for key parcels within Sites A and D.

These matters indicate that the threshold of "reasonable efforts" required by national guidance has not been met.

Furthermore, reliance on voluntary agreements as the primary mechanism for site assembly reinforces the concern that land selection was driven by availability rather

than necessity. The statutory framework anticipates that compulsory acquisition may be required where development in the public interest cannot otherwise be delivered; it does not imply that land available by agreement is automatically the most appropriate land.

20.4.5 Prematurity and grid connection uncertainty

The Statement of Reasons relies in part on the need to secure grid-connection rights. However:

- the final grid-connection route has not been confirmed;
- compulsory powers are sought over land potentially belonging to National Grid or other statutory undertakers; and
- CA appears to be relied upon to resolve matters that are ordinarily addressed through contractual negotiation.

Granting compulsory powers in circumstances where grid-connection requirements remain unresolved risks authorising acquisition of land that may not ultimately be required, contrary to the necessity and proportionality principles underpinning PA2008.

20.4.6 Human Rights Act 1998 – fair balance not demonstrated

The Applicant has not demonstrated that interference with rights protected under:

- Article 1 of the First Protocol (A1P1),
- Article 6, and
- Article 8

is necessary and proportionate. The proximity of panels and BESS infrastructure to residential and heritage receptors gives rise to amenity, safety and environmental effects that remain inadequately mitigated or evidenced. In the absence of a clear demonstration that harms have been minimised and justified, the “fair balance” required by A1P1 has not been established.

Where less harmful alternatives may exist but have not been objectively evaluated, the interference with property rights cannot be shown to be proportionate.

20.4.7 Implications for the compulsory acquisition tests

For the reasons set out above, SEPE submits that the Applicant has not demonstrated:

- (i) a compelling case in the public interest;
- (ii) that compulsory acquisition is necessary;
- (iii) that the impacts are proportionate; or

(iv) that reasonable alternatives have been adequately considered.

In particular, the evidence does not demonstrate that the development could not reasonably be delivered on land of lower agricultural value or lower environmental impact, including land that could have been assembled through compulsory acquisition powers rather than voluntary agreement.

Accordingly, the compulsory acquisition powers sought should not be granted, or should be substantially curtailed, unless and until the Applicant provides:

- a transparent alternatives assessment unconstrained by landowner availability;
- a defensible lifecycle carbon analysis;
- evidence of genuine voluntary negotiation; and
- confirmation of grid-connection deliverability.

20.5 Decommissioning and financial security

Relevant to Section 18: Lifecycle carbon, recycling obligations and decommissioning funding deficiencies

The Draft Development Consent Order requires submission of a Decommissioning Environmental Management Plan (DEMP) only when decommissioning is triggered, whether at the end of the operational life or following cessation of generation, and does not secure any interim monitoring, independent verification, or financial mechanism to ensure delivery of decommissioning and land-restoration obligations. Given the proposed operational lifespan of at least 40 years, this approach creates a material risk that decommissioning commitments may be unenforceable, under-specified, or under-funded, particularly in circumstances where ownership, corporate structure, or asset control may change over time. SEPE does not contend that every solar NSIP must adopt a particular financial security mechanism.

The concern in this case is that the draft DCO does not presently secure any mechanism capable of providing reasonable assurance that decommissioning, waste recovery and agricultural restoration will be delivered in practice over a multi-decade project lifetime, particularly in circumstances where project ownership may change. In the absence of such assurance, the mitigation relied upon in the Environmental Statement remains contingent rather than secured.

In its current form, Requirement 18 does not:

- secure the availability of funds to deliver decommissioning and agricultural restoration;
- require periodic verification of soil condition or infrastructure removability during operation; or

- ensure that obligations bind successors in title.

These omissions are material. Where long-term infrastructure is proposed on agricultural land, EN-1 requires decision-makers to be satisfied that decommissioning and restoration will be achievable in practice and not merely in principle.

ISEP (2025) identifies decommissioning and soil restoration as one of the most consistently under-assessed elements of solar Environmental Statements, noting that where impacts may persist beyond the operational life of a scheme, reliance on outline decommissioning plans without secured funding or independent post-restoration audit fails to provide decision-makers with sufficient certainty at determination stage.

The Outline Decommissioning Strategy relies on an uncosted assurance that “financial provision will be made” but does not identify a secured mechanism, quantum, trigger or indexation. In the absence of a legally binding financial bond, escrow or equivalent financial instrument secured through the DCO, there is no legal certainty that the restoration outcomes assumed in the ES would be deliverable.

In addition, the Draft DCO’s general funding provision (Article 48) addresses only liabilities to pay compensation arising from the compulsory acquisition and temporary possession powers listed in that Article. It does not secure the separate and much longer-dated liabilities associated with decommissioning, waste recovery, drainage reinstatement, soil restoration or compliance with Requirement 18. The existence of Article 48 therefore does not provide assurance that restoration obligations, which are central to the Applicant’s reversibility case, will be funded or deliverable.

The generic term “guarantee” in Article 48 should not be treated as sufficient financial assurance for long-term infrastructure liabilities. Unsecured or contingent parent-company support is inherently exposed to deterioration in the guarantor’s financial position, including group-level distress arising from unrelated activities, and may therefore not provide effective protection over a multi-decade project life. If financial security is to be relied upon, the DCO should specify a ring-fenced instrument issued by an independent financial institution and capable of being called on demand, such as a letter of credit, bond or escrow-style mechanism, maintained for the operational life of the development and until completion of approved restoration.

Compensation security and restoration security address different liabilities, beneficiaries and time horizons, and should not be conflated. The present drafting secures only the former.

This omission is identified as **Procedural Deficiency #18B** in Appendix M. It undermines the reliability of mitigation relied upon in the Environmental Statement and engages EN-1 and the EIA Regulation adequacy tests.

Legal certainty of mitigation

The courts have consistently held that essential mitigation relied upon to justify consent must be defined and secured at the decision stage. In *ClientEarth v Drax*

Power Ltd [2021] EWHC 330 and R (Holborn Studios) v Hackney LBC [2020] EWCA Civ 1505, the courts confirmed that it is unlawful to rely on mitigation whose scope, timing, funding or effectiveness is left to future discretion.

In the NSIP context, this principle has been applied through the routine securing of decommissioning bonds and explicit restoration criteria on the face of the DCO, including in comparable solar NSIPs such as Longfield and Sunnica (see Appendix O). The Draft DCO for East Park does not meet that standard of legal certainty.

Proposed replacement requirement – Decommissioning and Restoration

SEPE therefore submits that Requirement 18 should be replaced or materially strengthened through a requirement securing both early-stage assurance and enforceable long-term controls, including a detailed restoration framework and a legally binding financial security mechanism.

Proposed amended Requirement 18 – Decommissioning and Restoration

This amendment is intended to secure, in enforceable form, the decommissioning and restoration outcomes relied upon in the Environmental Statement and to provide assurance that such works will be funded, deliverable and independently verified.

1. Decommissioning plan (pre-commencement)

No part of the authorised development may commence until a Decommissioning Environmental Management Plan (DEMP) for that part of the authorised development has been submitted to and approved by the relevant planning authority, following consultation with the Environment Agency and the local highway authority.

2. Required contents of the DEMP

The DEMP must include, but not be limited to:

(a) Infrastructure inventory

A component-by-component inventory of all major infrastructure, including:

- PV modules
- BESS units and battery packs
- inverters and transformers
- LV, HV and EHV cabling
- mounting systems and steel piles
- fencing and security infrastructure
- concrete and aggregate surfacing
- drainage infrastructure associated with the scheme

(b) Material recovery pathways

Identification of evidence-based recovery, reuse or recycling routes for each material stream, including hazardous fractions.

(c) Waste regulatory compliance

Confirmation of how compliance will be secured with applicable producer responsibility and waste regimes in force at the time of decommissioning, including WEEE and any successor regimes or legislation.

(d) Landfill limitation

A commitment that landfill disposal is permitted only for residual fractions where no technically or economically viable reuse, recycling or recovery route exists at the time of decommissioning, in full compliance with paragraph (c) above, and supported by contemporaneous market evidence independently reviewed and verified.

The undertaker must use reasonable endeavours to secure viable recycling or recovery routes for photovoltaic modules and associated materials both within the United Kingdom and internationally where appropriate, recognising the evolving nature of solar-panel recycling markets at the time of decommissioning.

(e) Agricultural restoration specification

A detailed agricultural restoration specification addressing:

- soil structure remediation
- compaction alleviation
- drainage reinstatement and hydraulic performance
- reinstatement of soil horizons
- aftercare period and verification measures

(f) Monitoring and verification

A monitoring, verification and reporting framework confirming completion of decommissioning and restoration works.

3. Financial security mechanism

The undertaker must establish and maintain a legally binding financial security mechanism fully funded and unconditionally available on demand, sufficient to cover 100% of the reasonably foreseeable worst-case costs of:

- decommissioning and removal of all authorised development infrastructure
- transport
- hazardous waste handling and treatment
- recycling and recovery
- soil remediation
- drainage reinstatement
- full agricultural restoration in accordance with the approved DWRP

The financial security mechanism must:

(a) be independently costed by a suitably qualified and experienced third party;

(b) be calculated on a reasonable worst-case cost basis, including:

- full removal of all infrastructure
- treatment and disposal of hazardous fractions
- transport to licensed facilities
- restoration and aftercare

without reliance on speculative salvage values, anticipated recycling revenues, or other uncertain future market assumptions, unless and to the extent that reduced cost assumptions are demonstrably supported by executed contracts or binding recovery agreements in force at the time of the calculation;

(c) be indexed annually to CPI and/or an appropriate construction cost index such as BCIS or successor;

(d) remain enforceable notwithstanding any transfer of the authorised development, change of ownership, or corporate restructuring of the undertaker; and

(e) remain in force for the operational life of the authorised development and until the relevant planning authority confirms completion of restoration.

4. Trigger for establishment of financial security

The financial security mechanism required by paragraph 3 must be established and evidence of its operation submitted to and approved by the Secretary of State prior to any displacement of ground associated with the authorised development.

For the purposes of this Requirement, “displacement of the ground” includes:

- soil stripping
- excavation
- trenching
- piling
- installation of foundations
- creation of access tracks or hardstanding
- any works that disturb existing soil structure or drainage infrastructure.

No authorised development involving displacement of the ground may commence until the financial security mechanism has been approved and is in force.

This provision is intended to provide assurance to local communities and landowners that sufficient funds exist at the outset of construction to rectify damage and secure full restoration.

5. Periodic review

The approved Decommissioning, Waste and Recycling Plan (DWRP) and the associated financial security estimate must be reviewed at intervals not exceeding five

years, or at such other interval as may be approved by the Secretary of State, to reflect:

- best available recycling, reuse and recovery technologies;
- changes in waste-management and producer-responsibility legislation;
- updated decommissioning, restoration and waste management cost data; and
- the actual installed asset inventory forming part of the authorised development.

Any revised cost estimate must continue to be calculated on a reasonable worst-case cost basis unless and to the extent that reduced cost assumptions are demonstrably supported by executed contracts or binding recovery agreements in force at the time of the calculation.

At intervals not exceeding five years, the undertaker must also submit to the relevant planning authority an independently verified Recycling and Recovery Market Review report demonstrating the availability of viable recycling, reuse or recovery routes for photovoltaic modules, battery units and associated infrastructure materials forming part of the authorised development.

The report must identify available recycling technologies and facilities within the United Kingdom and internationally where appropriate, and confirm how the undertaker intends to utilise those routes at the time of decommissioning in accordance with the approved DWRP.

Where the review identifies new or improved recycling or recovery routes capable of materially reducing landfill disposal, the undertaker must update the approved DWRP accordingly.

6. Implementation

Decommissioning and restoration must be carried out in accordance with the approved DWRP and independently verified and confirmed in writing by the relevant planning authority.

Absent such secured DCO requirement, the Examining Authority cannot be satisfied that the mitigation relied upon to justify long-term occupation of BMV land is deliverable, as required by EN-1 and the EIA Regulations.

The absence of a secured, comprehensive decommissioning, restoration and financial security framework is identified separately as **Procedural Deficiency #18B – Inadequate secured Decommissioning, Restoration and Financial Security Framework** (Appendix M). The present subsection demonstrates that this deficiency arises directly from the drafting of Requirement 18, which does not presently secure either the technical scope of decommissioning or the financial assurance necessary to ensure delivery of the restoration outcomes relied upon in the Environmental Statement.

20.6 Disapplication of environmental and drainage legislation (Article 8)

Relevant to Relevant to Section 6.5 – Hydrological response, drainage function and erosion pathways

Article 8 of the Draft Development Consent Order disapplies provisions of the Land Drainage Act 1991 and the Water Resources Act 1991, thereby removing the statutory oversight ordinarily exercised by the Environment Agency and Internal Drainage Boards (IDBs) over drainage, watercourse works and flood-risk controls.

Given the scale of the Order Limits, the mixed topography of the site, and the acknowledged reliance on surface-water attenuation and infiltration measures, this disapplication represents a significant transfer of environmental risk away from established statutory regimes and onto local communities and downstream receptors.

Disapplication of primary environmental legislation requires the decision-maker to be satisfied that the DCO would provide an equivalent or more stringent regime of protection, clearly articulated and enforceable on the face of the Order. The Draft DCO does not presently identify such a replacement framework. In particular:

- there is no DCO-secured hydrological compliance regime;
- no statutory consultee oversight is retained;
- no binding performance thresholds or exceedance controls are defined.

In the absence of demonstrably equivalent protections, the proposed disapplication is inconsistent with the precautionary approach embedded in EN-1, and undermines confidence in the delivery of hydrological mitigation assumed in the ES.

Requested amendments

SEPE submits that the DCO should be amended to:

- remove, or materially condition, the disapplication so that Environment Agency and IDB consents remain applicable; and
- include a Hydrological Compliance Plan, secured by requirement and subject to statutory consultee approval and monitoring.

Without such amendments, the DCO would authorise development while removing established environmental safeguards, without providing an equivalent level of legal protection.

20.7 Absence of defined design parameters

Relevant to Sections 8, 16 and 17: Landscape, Visual Impact, Noise and Amenity

Schedule 1 of the Draft DCO defines the authorised development only in broad and flexible terms, without fixed limits on key parameters including:

- maximum panel height;

- compound footprint and layout;
- total impermeable surface area; and
- minimum landscape buffer widths.

As a result, the DCO does not provide sufficient control to ensure that the built scheme will remain within the environmental impact envelope assessed in the Environmental Statement. This disconnect between the assessed scheme and the authorised scheme creates legal uncertainty and undermines reliance on the ES conclusions.

EN-1 requires decision-makers to be satisfied that mitigation is not only proposed but secured and effective. Where fundamental design parameters are undefined, that test cannot be met.

Requested amendments

SEPE therefore submits that the DCO should be amended to:

- cap total impermeable surface area, maximum panel height and ancillary building footprint;
- require submission of a Verified Design and Mitigation Parameters Plan as a certified document prior to commencement; and
- cross-reference those parameters to the approved Landscape and Ecological Management Plan (LEMP) and noise mitigation strategy.

Without such fixed parameters, the Examining Authority cannot be satisfied that the authorised development will not give rise to impacts materially greater than those assessed, contrary to EN-1 and the EIA Regulations.

20.8 Draft Requirement – BESS Safety (replace generic BSMP requirement)

Relevant to Section 15 – Battery energy storage system safety and environmental risk

The Draft DCO currently relies on an outline Battery Safety Management Plan (oBSMP) prepared at a preliminary stage and defers completion of core safety analyses to post-consent stages, including contractor appointment and detailed design. This approach raises material questions under EN-1 and the Infrastructure Planning (EIA) Regulations 2017, which require that major-accident hazards and their mitigation be identified, assessed and capable of scrutiny before determination.

Requirement 10 provides that a BSMP must be submitted and approved prior to commencement of Work No. 2, but does not specify the substantive content necessary to demonstrate that the risks associated with the Battery Energy Storage System (BESS) are acceptably controlled. The Requirement permits the undertaker to submit a plan that is merely “in substantial accordance” with the outline BSMP or to propose unspecified changes at submission stage, subject only to consultation with

Cambridgeshire Fire and Rescue Service. No criteria are provided for determining whether such changes would materially alter the safety case or environmental consequences assessed in the Environmental Statement.

Given the scale of the proposed grid-scale lithium-ion BESS, its proximity to residential receptors and PRoWs, and the absence of a statutory UK siting code equivalent to NFPA 855, reliance on outline or deferred safety documentation does not provide the level of decision-stage certainty normally expected for hazardous infrastructure of this scale.

Recent solar DCO practice demonstrates that battery-related safety controls can be secured expressly where they are material to acceptability. For example, the Longfield Solar Farm Order included a requirement for a comprehensive Battery Safety Management Plan, and recent solar examinations such as Sunnica, Mallard Pass and Gate Burton illustrate the level of scrutiny now applied to mitigation, certified documents and operational controls in large solar schemes. In that context, the concern for East Park is not that BESS safety can never be addressed by requirement, but that the present draft DCO does not yet secure a sufficiently defined, evidence-led and enforceable battery-safety regime to support the weight the Applicant asks the Examining Authority to place upon it.

In particular, Requirement 10 does not currently secure:

- a Quantified Risk Assessment of credible failure scenarios;
- analysis of thermal-runaway propagation and explosion risk;
- secured and site-specific modelling of toxic plume dispersion and off-site consequences;
- defined fire-water containment capacity or environmental protection measures;
- independent third-party review of the safety case; or
- confirmation that mitigation measures are implemented prior to operation.

Nor does the Requirement mandate consultation with the Environment Agency despite the potential for contaminated fire-suppression water to affect soils, groundwater or surface waters.

Where mitigation of major-accident risk depends on design-specific parameters that are not fixed within the DCO framework, there is uncertainty as to whether the scheme ultimately constructed will correspond to that assessed. This reduces the confidence with which the Environmental Statement's conclusions can be relied upon for the purposes of EN-1 and the EIA Regulations.

Required replacement Requirement

SEPE therefore submits that the generic BSMP requirement should be replaced or materially strengthened with the following enforceable requirement:

Proposed Requirement 10 – Battery Safety Management Plan

No part of Work No. 2 (including site preparation, enabling works or installation of any Battery Energy Storage System infrastructure) must commence until a Battery Safety Management Plan (BSMP) for that part of the authorised development has been submitted to and approved in writing by the relevant planning authority, in consultation with Cambridgeshire Fire and Rescue Service and the Environment Agency, following independent third-party review.

The BSMP must be approved in writing and no part of the BESS may be constructed or brought into use unless the relevant planning authority is satisfied that the BSMP addresses the BESS as a complete system and not on a phased or partial basis.

The BSMP must include, but is not limited to:

- a) a Quantified Risk Assessment (QRA) addressing thermal-runaway initiation, cell-to-cell and container-to-container propagation, deflagration and blast overpressure, and off-site consequence modelling, including frequency analysis and individual and societal risk metrics in accordance with recognised good practice;
- b) independently verified UL 9540A and/or Large-Scale Fire Test (LSFT) reports and supporting engineering analysis demonstrating that proposed separation distances achieve no cross-propagation beyond a single enclosure;
- c) a toxic-plume assessment with a study area defined by worst-case dispersion modelling and not limited to an arbitrary distance, using conservative meteorological assumptions, defined health-based endpoints and receptor-specific Emergency Response Protocols (ERPs);
- d) a Fire-Water Containment Plan demonstrating retention of not less than 110% of the largest credible single-unit and cascading suppression volume on a fully impermeable BESS platform, secured through physical design measures and verified by engineering drawings, with pre-agreed analytical thresholds (including HF, Li, Ni, Mn, Co and PFAS) determining discharge, treatment or off-site disposal;
- e) publication of the approved BSMP and a requirement for annual multi-agency emergency exercises, the results of which must be reported to the relevant planning authority and made publicly available; and
- f) provision for periodic independent audit of BSMP compliance, with audit reports submitted to the relevant planning authority and made publicly available.

The Battery Energy Storage System must be constructed, operated and maintained in accordance with the approved BSMP for the lifetime of the development, and no material change to the BESS design, layout or operating parameters may be made without prior written approval of the relevant planning authority.

The Battery Energy Storage System must not be brought into commercial operation until the relevant planning authority has confirmed in writing, following consultation with Cambridgeshire Fire and Rescue Service and the Environment Agency, that the measures set out in the approved BSMP have been implemented.

This approach reflects the precautionary principle embedded in EN-1 and is consistent with case law confirming that hazardous infrastructure requires robust assessment of worst-case risks prior to consent (e.g. *R (Frack Free Balcombe Residents Association) v West Sussex CC*).

Absent such a Requirement, the Examining Authority would be unable to conclude, on the basis of secured mitigation, that the Applicant's BESS safety case has been adequately assessed or that the associated risks are acceptably controlled at the point of consent, contrary to EN-1 (in particular, sections 4.2.2 and 4.11) and the requirements of the EIA Regulations.

20.9 Missing requirements for noise, lighting, mid-life replacement and Public Rights of Way

In addition to the deficiencies in BESS safety control, the Draft DCO omits several critical requirements that are assumed within the Environmental Statement but not legally secured. Affected matters include:

- **Operational noise**

No requirement secures enforceable operational noise limits for inverters, transformers or BESS plant, despite the absence of full BS 4142-compliant modelling in the ES (see Section 16). In the absence of defined limits and monitoring obligations, predicted noise impacts cannot be relied upon.

- **Lighting and dark-sky protection**

No Lighting or Dark-Sky Strategy Requirement is included. Security lighting, access-track lighting and compound illumination therefore remain uncontrolled, contrary to EN-1 and the NPPF, exposing nearby residents, PRow users and ecological receptors to unassessed impacts.

- **Mid-life equipment replacement**

The DCO contains no requirement governing mid-life replacement of panels, inverters, BESS units or transformers. This activity is foreseeable, intensive and disruptive, involving HGV movements, cranes, noise and waste, yet is neither assessed in the ES nor controlled through the DCO.

- **Public Rights of Way (PRoW)**

No PRoW management requirement is included, despite acknowledged intersections with construction corridors, fencing and access routes. Closures, diversions, reinstatement standards and timescales are left undefined.

In the absence of these requirements, the mitigation relied upon in the ES is not secured through enforceable DCO controls. The Examining Authority may therefore be unable to place significant weight on assumed mitigation whose delivery is uncertain.

20.10 Construction traffic, workforce logistics and highway remediation

The Environmental Statement and Outline Construction Traffic Management Plan identify a range of mitigation measures intended to control construction traffic, workforce logistics and abnormal-load movements across the local highway network. However, many of these measures are currently expressed as outline commitments or contractor-led management processes rather than enforceable controls secured through the Development Consent Order.

Where the planning balance relies upon effective management of construction traffic and workforce movements across sensitive rural routes, EN-1 and the EIA Regulations require that such mitigation is capable of being secured, monitored and enforced through the DCO framework. The following subsections therefore set out proposed requirements intended to convert the outline commitments relied upon in the Environmental Statement into binding and enforceable controls proportionate to the scale of the authorised development.

Transport effects associated with the authorised development arise at four distinct stages of the project lifecycle:

- (i) construction-phase traffic and workforce logistics;
- (ii) operational and replacement-phase maintenance traffic over the operational life of the scheme;
- (iii) potential deterioration of the rural highway network arising from sustained heavy vehicle movements; and
- (iv) transport associated with decommissioning.

The following subsections therefore propose a structured set of DCO requirements addressing each of these stages in turn, ensuring that construction traffic, lifecycle traffic and highway asset protection are secured through enforceable controls proportionate to the scale and duration of the authorised development.

20.10.1 Proposed DCO Requirement – Construction traffic management, workforce logistics and enforcement framework

Sections 13.0–13.16 of this Written Representation identify significant concerns regarding the scale of construction traffic, the peak construction workforce and the reliance on routing discipline across a constrained rural highway network. While the application includes an Outline Construction Traffic Management Plan (CTMP), the measures described therein are largely indicative and rely heavily on contractor compliance rather than fixed and enforceable controls secured through the Development Consent Order.

Where mitigation measures are relied upon in the Environmental Statement to demonstrate that construction traffic effects will remain acceptable, those measures are not supported by sufficient evidence, are not secured through enforceable mechanisms, and do not demonstrate that significant effects can be avoided in practice. In these circumstances, mitigation cannot be relied upon unless it is clearly defined, evidenced and secured through binding DCO requirements rather than left to discretionary implementation. The following requirement therefore sets out a framework through which construction routing, workforce logistics, monitoring and enforcement mechanisms can be transparently secured and supervised throughout the construction period.

Given the scale of peak workforce (854 personnel), the forecast HGV envelope, and the reliance on routing discipline through sensitive rural settlements, appointment of a dedicated Construction Traffic Compliance and Safety Officer is a proportionate implementation safeguard. SEPE therefore proposes that the DCO includes a requirement in substantially the following form:

Requirement 8 – Construction Traffic Management and Enforcement

8. – (1) No part of the authorised development that would generate construction traffic on the public highway may commence until a Construction Traffic Management Plan (“CTMP”) has been submitted to and approved in writing by the relevant planning authority, following consultation with:

- the relevant highway authority;
- the chief officer of police;
- National Highways (where relevant);
- all parish councils within whose administrative areas construction traffic may reasonably pass; and
- such other persons as the relevant planning authority considers appropriate.

(2) The CTMP must be in substantial accordance with the certified outline construction traffic management plan and must include, as a minimum:

- (a) approved strategic and local construction routes;
- (b) an explicit No-Go / No-Through-Routing schedule identifying roads and settlements that construction HGVs, abnormal loads, LGVs and workforce transport must not use except for local access, emergency purposes or statutory undertaker access;
- (c) a requirement that inter-site construction and workforce movements between Sites A–D shall utilise internal haul roads in preference to the public highway wherever reasonably practicable;
- (d) no-idling / no-queuing restrictions within defined buffer distances of identified residential clusters;
- (e) school-hour and peak-period restrictions, including a prohibition on construction HGV and abnormal load movements between 07:30–09:00 and 15:00–17:00 on weekdays during school term time unless otherwise agreed in writing by the relevant planning authority, and identification of additional locally sensitive peak-hour restrictions where required by the relevant planning authority;
- (f) A detailed Construction Workforce and Logistics Management Strategy including:
 - i. scheduled HGV arrival and departure slotting;
 - ii. workforce arrival and departure management measures;
 - iii. modal split targets and workforce travel measures (including car-sharing or shuttle provision where necessary);
 - iv. Identification of designated off-site holding and lay-over areas of sufficient capacity to prevent queuing on the public highway;
 - v. Provision of driver welfare facilities at any off-site holding areas;
 - vi. A prohibition on construction vehicle parking, queuing or lay-over on the public highway or rural verges except in emergency;
 - vii. A logistics reconciliation demonstrating that predicted peak daily movements can be accommodated within approved holding capacity without overspill to the highway.
- (g) maximum daily and weekly HGV caps, including:
 - i. A maximum daily two-way HGV cap in any rolling 24-hour period;
 - ii. A maximum weekly HGV cap;
 - iii. A mechanism for recording and publicly reporting compliance;
 - iv. The undertaker must ensure that HGV movements do not exceed the approved caps, and construction activities giving rise to HGV movements must cease where caps are exceeded until compliance is restored.

(h) mandatory GPS monitoring of construction HGVs and abnormal loads, including:

- i. Mandatory GPS tracking for all construction HGVs and abnormal loads;
- ii. Real-time routing compliance monitoring;
- iii. Monthly compliance reporting to the relevant planning authority and local highway authority;
- iv. Publication of routing and timing breach summaries on a publicly accessible website.

Compliance monitoring data generated for the purposes of this Requirement, including routing compliance records and breach summaries, must be made available to the relevant planning authority and the local highway authority on request and must not be withheld or redacted on the grounds of commercial confidentiality.

(i) monthly compliance reporting;

(j) an abnormal load management plan, including:

- i. A detailed Abnormal Load Management Plan specifying:
 - o delivery frequency and timing;
 - o traffic management measures;
 - o weight-restriction suspensions;
 - o notice periods to affected communities;
 - o temporary signage and enhanced monitoring;
 - o minimum 14 days' written notification to affected parish councils prior to any AIL movement.
 - o enhanced monitoring during AIL events.

(k) a community liaison and complaints procedure with breach escalation mechanism, including:

- i. Establishment and appointment of a Construction Traffic Compliance and Safety Officer prior to commencement of construction;
- ii. Establishment of a Community Liaison Group prior to commencement;
- iii. Monthly construction traffic compliance reporting to the Community Liaison Group;
- iv. A published complaints procedure;
- v. A breach escalation mechanism whereby more than [X] routing, timing or cap breaches within any rolling 28-day period shall trigger submission of a remedial action plan for approval by the relevant planning authority;

(l) appointment of a Construction Traffic Compliance and Safety Officer, including:

- i. Prior to commencement of construction, the undertaker must appoint a Construction Traffic Compliance and Safety Officer (“CTCSO”), whose appointment shall be approved in writing by the relevant planning authority following consultation with the local highway authority.
- ii. The CTCSO shall be independent of the principal construction contractor’s site management team and shall have authority to require corrective action in the event of routing, timing or safety breaches.
- iii. The CTCSO’s responsibilities shall include:
 - oversight of routing compliance (including GPS monitoring);
 - monitoring adherence to school-hour and peak-period restrictions;
 - liaison with parish councils, schools and the local highway authority;
 - coordination of abnormal-load movements and associated traffic management;
 - investigation of complaints and reporting of corrective actions; and
 - submission of a monthly compliance report to the relevant planning authority.

The CTCSO shall remain appointed for the duration of the construction period and during any replacement phase.

(m) provision for independent compliance audit, including:

- i. appointment of an independent transport compliance auditor, approved by the relevant planning authority;
- ii. quarterly audits of compliance with the CTMP;
- iii. audit reports to be submitted to the relevant planning authority and published.

(3) The authorised development must be carried out in accordance with the approved CTMP at all times during the construction period.

(4) The approved CTMP must not be materially amended without the prior written approval of the Secretary of State.

(5) For the purposes of this Requirement, a “material amendment” includes any amendment affecting:

- (a) approved construction routes;
- (b) No-Go / No-Through-Routing schedules;
- (c) school-hour embargoes;

- (d) workforce management provisions;
 - (e) holding areas or welfare provision;
 - (f) HGV movement caps;
 - (g) GPS monitoring requirements; or
 - (h) abnormal load management provisions.
- (6) Before submitting any proposed material amendment to the CTMP, the undertaker must:
- (a) publish details of the proposed amendment on a publicly accessible website;
 - (b) provide written notice of the proposed amendment to:
 - (i) the relevant planning authority;
 - (ii) the local highway authority;
 - (iii) the chief officer of police; and
 - (iv) all affected parish councils;
 - (c) allow a consultation period of not less than 60 days for representations to be made;
 - (d) submit to the Secretary of State a summary of representations received and the undertaker's response to those representations.
- (7) Where the undertaker is in material breach of the approved CTMP and has failed to implement an approved remedial action plan, construction activities giving rise to the breach must cease until compliance is restored.
- (8) The Secretary of State must not approve any material amendment unless satisfied that:
- (a) the amendment would not materially increase adverse transport, safety or amenity effects; and
 - (b) the mitigation secured by the CTMP would remain effective, proportionate and enforceable.

In the absence of secured routing, workforce logistics controls, peak-hour embargoes, holding provision, monitoring and enforceable sanctions, the Outline CTMP cannot be relied upon as effective mitigation for the purposes of EN-1 or the EIA Regulations.

This Requirement does not introduce new mitigation beyond that described in principle within the application; rather, it converts discretionary contractor commitments into fixed, enforceable controls proportionate to the scale of the peak workforce, HGV movements and sensitivity of the affected rural network.

Securing the CTMP in this manner ensures that likely significant construction traffic and workforce-related effects can be robustly assessed, transparently monitored and effectively mitigated throughout the construction period.

20.10.2 Proposed Amendment – Requirement 11 Public Rights of Way

Requirement 11 is currently confined to routes shown to be temporarily stopped up or diverted and does not secure adequate protection for PRowS and permitted recreational paths that remain open but are materially affected by adjacent construction activity. It should therefore be amended so that the Public Rights of Way Management Plan includes, as a minimum:

(a) No obstruction or encroachment

A requirement that no construction vehicle, plant, material storage, fencing installation works, or laydown area may obstruct or encroach upon the legal width of any PRow or permitted recreational path except where a temporary diversion has been approved in accordance with the DCO.

(b) Minimum usable width

A requirement that, where construction works are undertaken adjacent to a PRow or permitted recreational path, a minimum unobstructed usable width must be maintained at all times unless otherwise agreed in writing by the relevant planning authority in consultation with the relevant highway authority.

(c) Surface protection

Measures to prevent damage to the surface and condition of PRowS and permitted recreational paths, including the use of protective matting, temporary crossing structures or other suitable protection where construction traffic or plant must cross such routes.

(d) Prohibition on verge or margin deployment

A requirement that construction vehicles, plant, materials and fencing installation works must not be stationed on PRow verges or path margins for the purposes of access, loading, unloading, storage or idling, save where otherwise authorised by separate statutory approval.

(e) Temporary diversions

A requirement that any temporary diversion of a PRow must:

- i. be clearly signed in advance of the affected section;
- ii. provide a route of equivalent or better safety and convenience, so far as reasonably practicable; and
- iii. be approved by the relevant planning authority in consultation with the relevant highway authority prior to implementation.

(f) Monitoring and remediation

A requirement that the undertaker must inspect all PRowS and permitted recreational paths materially affected by construction activities at intervals not exceeding three months and must remedy, within 28 days of identification or such longer period as may be agreed in writing, any deterioration reasonably attributable to the authorised development.

Without such provisions, Requirement 11 remains too narrow and procedural to secure the level of protection assumed in the Environmental Statement. In particular, it would not ensure that routes remaining open during construction are safeguarded in practice, nor that deterioration or obstruction affecting users is promptly identified and remedied.

20.10.3 Proposed Amendment – Requirement 13 Fencing and other means of enclosure

Requirement 13 currently governs the approval of fencing details but does not adequately control the manner in which fencing installation is undertaken, particularly where works occur adjacent to the public highway, public rights of way (“PRowS”) or permitted recreational paths. Given the extent of the Order limits and the proximity of boundary fencing to highways and access routes, additional safeguards are necessary to prevent obstruction, safety risks and damage to verges and path margins during construction.

Requirement 13 should therefore be amended so that the approved details of fencing include a Fencing Installation Method Statement addressing works adjacent to highways and access routes.

The Requirement should secure, as a minimum, the following measures:

(a) Working from within the Order limits

All fencing installation works must, so far as reasonably practicable, be undertaken from within the Order limits and without reliance on the public highway, highway verge, PRow or permitted recreational path for access, plant deployment or material storage.

(b) Prohibition on deployment from highways and PRowS

Construction plant, vehicles and materials used in connection with fencing installation must not be stationed on, or operate from:

- the public highway;
- highway verges or margins;
- public rights of way; or
- permitted or recreational paths,

except where such use has been expressly authorised by a temporary traffic regulation order or other statutory approval.

(c) No parking, loading or idling on verges or PRowS

Construction vehicles must not park, load, unload or idle on highway verges, PRowS or path margins for the purpose of fencing installation, save in cases of emergency or where expressly authorised as above.

(d) Temporary access arrangements

Where temporary access from the public highway is required for fencing installation and cannot reasonably be avoided, the undertaker must obtain prior written agreement from the relevant planning authority in consultation with the relevant highway authority, including approval of:

- traffic management arrangements;
- measures to protect highway safety and capacity;
- protection of verge integrity and drainage; and
- reinstatement measures.

(e) Protection and reinstatement of verges and margins

The method statement must include measures to prevent damage to highway verges, drainage features and path margins, and a requirement to reinstate any deterioration reasonably attributable to the authorised development to the satisfaction of the relevant highway authority.

Without such provisions, Requirement 13 would control only the appearance of fencing rather than the impacts arising from its installation. In rural locations where extensive boundary fencing is proposed adjacent to narrow roads and access routes, unmanaged installation activities could give rise to obstruction, safety risks and lasting damage to highway verges and PRowS that are not addressed elsewhere in the Draft DCO.

20.10.4 Proposed DCO Requirement – Operational Traffic Management and Replacement Phase Controls

The Environmental Statement anticipates ongoing operational maintenance traffic and at least one significant mid-life replacement phase involving panel, inverter and battery infrastructure renewal. These activities are foreseeable lifecycle components of the authorised development and have the potential to generate episodic but material traffic movements across the surrounding rural highway network.

In the absence of a secured Operational Traffic Management Plan and defined controls governing replacement-phase logistics, these impacts would arise outside the scope of the construction CTMP and without an enforceable management framework.

The following Requirement therefore provides a proportionate mechanism through which operational traffic and replacement phase transport effects can be assessed, monitored and controlled over the lifetime of the development.

Requirement [Y] – Operational Traffic Management Plan and Replacement Phase Traffic Controls

1. Operational Traffic Management Plan (“OTMP”)

(1) No part of the authorised development may commence operation until an Operational Traffic Management Plan (“OTMP”) has been submitted to and approved in writing by the relevant planning authority, following consultation with:

(a) the local highway authority;

(b) the chief officer of police (where abnormal load movements or traffic management measures are proposed); and

(c) all parish councils within whose administrative area operational traffic may reasonably pass.

(2) The OTMP must include, as a minimum:

(a) Operational traffic forecasts identifying the anticipated frequency, type and routing of routine maintenance traffic and foreseeable replacement activities (including panels, inverters, transformers, BESS components, fencing and other above-ground infrastructure);

(b) Approved operational routes for operational traffic, including abnormal loads and heavy maintenance vehicles;

(c) Time-window restrictions where necessary to protect highway safety and residential amenity, including specific measures to avoid or control movements during identified sensitive peak periods (including school start/finish periods where relevant to affected settlements and routes);

(d) Abnormal Load Operational Protocol, including (i) envelope parameters (weight/dimensions/configuration classes), (ii) escort requirements, (iii) traffic management measures, (iv) notice periods, and (v) linkage to any temporary traffic regulation measures;

(e) Holding, parking and welfare arrangements sufficient to prevent queuing, idling or informal parking on the public highway;

(f) Monitoring and compliance, including (i) routing instructions to contractors, (ii) a complaints and investigation protocol, and (iii) annual compliance reporting to the relevant planning authority and local highway authority; and

(g) Review mechanism, requiring review and update of the OTMP at intervals not exceeding five years, and prior to any Replacement Phase (as defined in paragraph (3)).

2. Replacement Phase Traffic Management Plan (“RPTMP”)

(3) No Replacement Phase may commence until a Replacement Phase Traffic Management Plan (“RPTMP”) has been submitted to and approved in writing by the relevant planning authority, following consultation with the bodies listed in paragraph (1).

For the purposes of this Requirement, a “Replacement Phase” means any period in which the undertaker proposes:

- (a) replacement of more than [X]% of the installed photovoltaic panels within any rolling 12-month period; or
- (b) replacement of more than [X]% of BESS containers/modules or major electrical plant within any rolling 12-month period; or
- (c) any planned repowering/renewal campaign materially comparable in logistics intensity to construction deliveries (to be assessed against criteria set out in the OTMP).

(4) The RPTMP must include:

- (a) quantified peak day/week traffic forecasts by vehicle class (HGV/LGV/ staff/abnormal loads);
- (b) approved routing, including any temporary restrictions and the operational No-Go / No-Through-Routing schedule where necessary to prevent diversion through sensitive settlements;
- (c) timing controls, including restrictions to protect sensitive peak periods;
- (d) holding/welfare, parking and queuing prevention measures;
- (e) waste and recycling logistics (including any hazardous waste controls where applicable); and
- (f) monitoring, audit and community liaison provisions proportionate to the replacement phase intensity.

3. Cumulative transport review for replacement phases

(5) Each RPTMP submission must be accompanied by a Cumulative Transport Review identifying other major schemes or projects within the defined study area that are known to be under construction or generating abnormal-load traffic during the proposed replacement phase, and assessing overlap effects on key corridors with proposed mitigation/coordination measures.

4. Implementation and compliance

(6) The authorised development must be operated in accordance with the approved OTMP and (where applicable) the approved RPTMP.

5. Restriction on material amendments

(7) Neither the OTMP nor any approved RPTMP may be materially amended without the prior written approval of the Secretary of State. For the purposes of this Requirement, a “material amendment” includes any amendment affecting:

- (a) approved routes or any No-Go / No-Through-Routing schedule;
- (b) timing restrictions (including peak/school-period restrictions);
- (c) abnormal-load envelope parameters or management protocols;
- (d) monitoring, audit or reporting provisions; or
- (e) thresholds triggering an RPTMP.

The relevant planning authority shall have no power to approve a material amendment under this Requirement.

6. Public and parish consultation for material amendments

(8) Before submitting any proposed material amendment under paragraph (7), the undertaker must:

- (a) publish details of the proposed amendment on a publicly accessible website;
- (b) provide written notice to the bodies listed in paragraph (1);
- (c) allow a period of not less than 42 days for representations; and
- (d) submit to the Secretary of State a consultation statement summarising representations received and the undertaker’s response.

The scheme description itself anticipates ongoing maintenance logistics and at least one material mid-life replacement phase. These are foreseeable lifecycle events capable of generating episodic but significant traffic effects on constrained rural corridors. In the absence of a secured Operational Traffic Management Plan and replacement phase trigger, those impacts would remain unregulated and unassessed at the point they arise. The proposed Requirement is therefore necessary to ensure that operational and repowering traffic effects are transparently quantified, appropriately controlled and subject to community safeguards over the 40-year consent period, in accordance with EN-1 and the EIA Regulations.

20.10.5 Proposed DCO Requirement – Highway Condition Monitoring and Remediation

The scale and duration of construction traffic associated with the authorised development, together with the potential for episodic high-intensity traffic during replacement phases, creates a foreseeable risk of accelerated deterioration to sections of the rural highway network used by construction and maintenance vehicles.

While such effects can often be mitigated through routing discipline and traffic management, it is established practice on infrastructure projects of comparable scale to secure baseline highway condition surveys and a defined remediation mechanism where deterioration is reasonably attributable to development traffic. The following Requirement therefore provides a structured monitoring and remediation framework to ensure that any development-related highway deterioration is identified and rectified.

Requirement [Z] – Highway Condition Monitoring and Remediation

1. Pre-Commencement Highway Condition Survey

No part of the authorised development may commence until a detailed Highway Condition Survey has been undertaken and approved in writing by the relevant planning authority, following consultation with the local highway authority.

The survey must include:

- Carriageway condition (including cracking, rutting and surface deformation);
- Verge integrity and edge support condition;
- Drainage interface condition;
- Kerbs, footways and traffic-calming features;
- Photographic and video record;
- GPS-referenced mapping of condition defects;

for the following routes (unless otherwise agreed):

- B645 (relevant corridor sections);
- B660 (relevant corridor sections);
- B661 (relevant corridor sections);
- Any other route identified in the approved CTMP/OTMP.

2. Bi-annual monitoring during construction

During the construction period, the undertaker must:

- Undertake Highway Condition Monitoring at intervals not exceeding six months; and
- Submit a condition comparison report to the relevant planning authority and local highway authority.

3. Replacement phase monitoring

Prior to and following any replacement phase (as defined in Requirement [Y]), the undertaker must undertake:

- A pre-phase survey; and
- A post-phase survey within three months of completion.

4. Remediation trigger

Where the local highway authority determines, on the basis of the comparative surveys, that material deterioration of the highway (including pothole formation, verge collapse, edge failure or structural weakening) is reasonably attributable to traffic associated with the authorised development, the undertaker must:

- (a) Undertake such remedial works as are reasonably required by the local highway authority; or
- (b) Provide financial contribution sufficient to enable the local highway authority to undertake such works.

5. Timescale for remediation

Remedial works or financial contribution must be completed within:

- 8 weeks of written notice from the local highway authority; or
- Such longer period as may be agreed in writing

6. Dispute resolution

In the event of dispute regarding attribution, the matter shall be referred to an independent chartered highway engineer jointly appointed by the undertaker and the local highway authority, whose decision shall be final.

7. Survival of obligation

This Requirement shall remain in force for:

- The duration of construction; and
- Any approved replacement phase.

The rural highway corridors relied upon by the authorised development are structurally sensitive to sustained heavy vehicle loading and verge encroachment. Accelerated deterioration attributable to development traffic is a foreseeable effect, even where

routing is compliant. Without a secured baseline survey, periodic monitoring and defined remediation mechanism, any such deterioration would fall to the public purse rather than the undertaker.

The proposed Requirement is a proportionate safeguard ensuring that highway asset condition is protected, that deterioration is objectively assessed against an agreed baseline, and that remedial works are undertaken where reasonably attributable to the development. This aligns with established mitigation principles under EN-1 and the EIA Regulations.

Taken together, the Requirements proposed in Sections 20.10.1–20.10.3 establish a comprehensive framework for managing construction, operational and replacement-phase traffic effects and for safeguarding the integrity of the local highway network throughout the lifecycle of the authorised development.

20.11 Soil protection, restoration and monitoring

Relevant to Sections 5 and 18 – Agricultural land quality, reversibility and long-term land use

This subsection should be read alongside Section 20.5, which addresses decommissioning and financial security. Together, Requirements 7 and 18 form the principal mechanisms by which soil protection, restoration and long-term land use outcomes would be secured; deficiencies in either Requirement materially weaken the overall assurance that agricultural impacts will be reversible.

Requirement 7 of Schedule 2 requires submission of a soil management plan prior to commencement of each phase. While this establishes a procedural approval gateway, it does not presently secure the substantive measures necessary to protect soil resources or to demonstrate that agricultural land, particularly Best and Most Versatile (BMV) land, can be restored to a condition capable of supporting its former productivity.

As drafted, Requirement 7:

- focuses primarily on soil handling during construction;
- relies on an outline plan without specifying measurable performance outcomes;
- contains no obligation for baseline soil condition surveys;
- does not define restoration standards or success criteria;
- contains no monitoring framework or independent verification; and
- provides no mechanism for remedial action where restoration proves unsuccessful.

In the context of a development proposing long-term occupation of extensive areas of predominantly BMV agricultural land, these omissions are material. EN-3 emphasises

the need to avoid or minimise impacts on high-quality agricultural land wherever practicable and to consider the sustainable use of land resources. Where development proceeds on such land, the credibility of the “reversibility” case depends on demonstrable evidence that soil functions can be restored in practice, not merely assumed in principle.

The Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009) similarly emphasises the importance of baseline surveys, careful soil handling, restoration planning and post-construction monitoring to prevent irreversible degradation of soil structure and fertility. Without such measures secured through enforceable requirements, the long-term agricultural capability of affected land cannot be reliably predicted.

The Environmental Statement relies on the assumption that soil resources will be appropriately managed and that agricultural use can resume following decommissioning. However, the Draft DCO does not presently secure the mechanisms necessary to ensure that this outcome will be achieved. In the absence of defined restoration benchmarks and monitoring obligations, the Examination cannot be confident that the land will be returned to its pre-development condition or that any degradation will be identified and rectified.

This issue is particularly important given:

- the proposed operational lifespan of approximately 40 years;
- the scale of soil disturbance associated with construction, cabling and access infrastructure;
- the potential for compaction, structural damage and drainage alteration; and
- the reliance on reversibility as part of the planning balance.

The absence of a robust soil restoration framework therefore engages both EN-1 and EN-3 and is relevant to the adequacy of environmental information under the EIA Regulations.

Need for a Soil Resource Protection, Restoration and Monitoring Plan

SEPE considers that Requirement 7 would be materially strengthened by explicitly requiring a Soil Resource Protection, Restoration and Monitoring Plan covering the full lifecycle of the development. Such a plan would typically include:

- a comprehensive baseline soil resource survey;
- mapping of soil types, depths and profiles;
- indicators of soil structure, compaction and organic matter;
- measures for stripping, storage and reinstatement of soils;
- agricultural restoration specifications;

- measurable recovery criteria and performance indicators;
- a programme of post-restoration monitoring;
- independent agronomic oversight; and
- defined remedial triggers where restoration targets are not met.

Without these elements, the effectiveness of soil mitigation remains qualitative and cannot be objectively assessed.

Implications for decision-stage confidence

Where large areas of high-quality agricultural land are subject to long-term industrial use, decision-makers must be satisfied that restoration is achievable in practice. The current drafting of Requirement 7 does not provide sufficient certainty that soil degradation risks will be avoided or that restoration outcomes will be independently verified.

This deficiency does not necessarily preclude consent but reduces the weight that can be placed on claims of reversibility and sustainable land use unless appropriate safeguards are secured through the Development Consent Order.

Requested amendment

SEPE therefore submits that Requirement 7 should be amended to require a Soil Resource Protection, Restoration and Monitoring Plan incorporating baseline surveys, restoration standards, monitoring and independent verification, as outlined in the proposed drafting provided below.

Proposed amendment – Soil management plan

7.-(1) No phase of the authorised development may commence until a soil management plan for that phase has been submitted to and approved by the local planning authority in consultation with Natural England and the Environment Agency (where relevant).

(2) The soil management plan must be in substantial accordance with the outline soil management plan to the extent that it is applicable to that phase *and must include a* Soil Resource Protection, Restoration and Monitoring Plan (“SRPRMP”) covering the construction, operational and decommissioning stages of that phase.

(3) The SRPRMP must be informed by a baseline soil survey undertaken by a suitably qualified soil scientist or agronomist and must include –

- (a) mapping and description of soil types, depths and profiles;
- (b) soil structure, compaction status and drainage characteristics;
- (c) soil organic matter content and relevant productivity indicators;
- (d) identification of agricultural land classification; and

- (e) photographic and GPS-referenced records of baseline condition.
- (4) The SRPRMP must include measures to protect soil resources during construction and operation, including –
 - (a) methods for stripping, handling, storage and replacement of topsoil and subsoil;
 - (b) segregation of soil horizons;
 - (c) limits on trafficking of machinery on exposed soils;
 - (d) measures to prevent compaction, erosion and contamination;
 - (e) soil storage methods including location, dimensions and duration; and
 - (f) procedures to be followed during adverse weather conditions.
- (5) The SRPRMP must include an agricultural restoration strategy for land temporarily disturbed by the authorised development, including –
 - (a) reinstatement of soil profiles in correct sequence;
 - (b) compaction alleviation measures where required;
 - (c) reinstatement of drainage systems and soil hydraulic function;
 - (d) measures to restore soil structure and biological function; and
 - (e) reseeding and aftercare provisions.
- (6) The SRPRMP must establish a soil monitoring and verification programme including –
 - (a) defined performance indicators for soil recovery;
 - (b) monitoring during construction where soils are stored or trafficked;
 - (c) post-restoration monitoring for a period of not less than five years following reinstatement;
 - (d) inspection and reporting by an independent suitably qualified soil specialist or agronomist; and
 - (e) submission of monitoring reports to the relevant planning authority.
- (7) Where monitoring demonstrates that restoration criteria have not been achieved, the undertaker must implement remedial measures approved by the relevant planning authority.
- (8) Following completion of restoration and the monitoring period, the undertaker must obtain independent certification confirming whether the land has been restored to a condition capable of supporting agricultural use consistent with its baseline characteristics and must submit that certification to the relevant planning authority.

(9) Each phase of the authorised development must be carried out in accordance with the approved soil management plan for that phase.

Securing such measures would align the Order with national policy expectations, recognised best practice in soil management, and the level of certainty normally required for developments involving extensive disturbance of BMV agricultural land.

The lack of a secured, lifecycle soil restoration framework is identified as **Procedural Deficiency #18B – Inadequate secured Decommissioning, Restoration and Financial Security Framework** (Appendix M), insofar as the absence of defined restoration standards, monitoring obligations and enforceable funding undermines confidence that the agricultural land will be capable of returning to its pre-development condition. The present subsection demonstrates that Requirement 7, as drafted, does not secure the measures necessary to address that deficiency.

20.12 Protective provisions and third-party agreements – opaque or deferred

The Draft DCO and Explanatory Memorandum do not evidence agreed Protective Provisions, or even heads of terms, with statutory undertakers, Internal Drainage Boards or the highway authority in respect of critical interfaces such as:

- watercourse crossings and drainage works;
- highway access alterations and abnormal-load routing; and
- protection of third-party utilities.

For infrastructure projects of this scale, Protective Provisions are typically used to secure the legal mechanisms through which third-party bodies exercise operational control over sensitive works affecting drainage infrastructure, highways and statutory utilities.

EN-1 requires mitigation and controls to be secured through the DCO.

Undermining of Environmental Statement assumptions

The Environmental Statement repeatedly assumes that relevant statutory bodies will exercise effective control at these interfaces and that construction activities affecting watercourses, highways and utilities will be subject to appropriate oversight and approval.

However, in the absence of agreed Protective Provisions or clearly defined heads of terms, those assumptions are not presently secured within the Draft Order. The Environmental Statement therefore relies upon regulatory safeguards that are not reflected in the DCO framework.

This disconnect between the Environmental Statement and the Draft Order introduces uncertainty as to how drainage controls, highway safety measures and utility protection will be secured in practice. Where mitigation relies upon third-party

oversight, the absence of agreed provisions undermines confidence that the assessed safeguards will in fact be delivered.

These omissions collectively give rise to **Procedural Deficiency #20B – Protective Provisions not evidenced**, as detailed in Appendix M.

Without evidence of agreed provisions or defined terms with the relevant bodies, the Draft Order does not currently demonstrate the level of legal certainty and deliverability expected under EN-1 and the Planning Act 2008.

Requested action

SEPE therefore respectfully submits that the Examining Authority should require the Applicant, prior to the close of Examination, to provide:

- a Protective Provisions status schedule identifying all affected statutory undertakers, Internal Drainage Boards and highway authorities; and
- either agreed Protective Provisions or clearly defined heads of terms for each relevant body.

Provision of this information would enable the Examining Authority to verify that the mitigation and control mechanisms relied upon in the Environmental Statement are capable of being secured through the DCO.

Absent such evidence, the Order would fall below the level of legal certainty normally expected before conferring compulsory powers and development consent.

20.13 Statutory Nuisance Statement and Article 9 Defence – evidential basis and DCO safeguards

The Applicant's Statutory Nuisance Statement concludes that the Proposed Development is unlikely to give rise to statutory nuisance arising from noise, vibration, dust, lighting or emissions. However, that conclusion relies primarily on outline management plans and post-consent controls which remain incomplete at the application stage, including the Outline Construction Environmental Management Plan (CEMP), Construction Traffic Management Plan (CTMP), Battery Safety Management Plan (BSMP) and Operational Environmental Management Plan (OEMP).

As demonstrated elsewhere in this Written Representation, several evidential gaps remain that are directly relevant to statutory nuisance risk, including:

- incomplete construction noise baseline data and receptor mapping;
- absence of operational noise assessment for BESS cooling systems and transformers;
- untested construction traffic intensity and routing assumptions; and

- absence of a lighting or dark-sky assessment for operational infrastructure.

Despite these unresolved uncertainties, Article 9 of the Draft Development Consent Order seeks to confer a statutory defence against nuisance proceedings arising from the authorised development.

Granting such a defence requires confidence that nuisance impacts have been properly assessed and that the mitigation measures relied upon in the Environmental Statement are secured and capable of preventing nuisance effects in practice. At present, however, several of the key controls relied upon in the Statutory Nuisance Statement remain outline or deferred to post-consent approval.

DCO drafting implications for Public Rights of Way users

The Bedfordshire & Luton Local Access Forum has also identified a potential drafting weakness in the Draft DCO. Construction noise controls are framed primarily by reference to audibility at the Order Limits boundary rather than at Public Rights of Way or other receptors located within the site.

This approach creates the potential for intrusive out-of-hours construction noise to affect PRow users within the site while remaining outside the scope of the control mechanism. Where receptor-specific controls are absent, reliance on outline management plans cannot provide assurance that nuisance impacts will be avoided.

Legal and procedural implications

Where the Environmental Statement relies on mitigation measures that are not yet fully defined or secured within the DCO framework, it is difficult for the Examining Authority to conclude with confidence that statutory nuisance will not arise. Granting a statutory nuisance defence in these circumstances would risk transferring nuisance risk from the undertaker to affected communities before the underlying environmental evidence and mitigation controls have been fully established.

This evidential gap therefore engages **Procedural Deficiency #20C – Statutory Nuisance defence not evidenced by complete environmental assessment**, as set out in Appendix M.

20.14 Summary legal position on the DCO

The Draft Development Consent Order, as currently framed, is not capable of delivering the outcomes relied upon in the Environmental Statement. Across multiple environmental and public-interest domains, including but not limited to construction traffic, construction noise, operational noise, lighting and dark-sky protection, BESS major-accident risk management, Public Rights of Way safeguarding, hydrology and drainage, soil recovery, mid-life replacement impacts and financial security for decommissioning, the mitigation assumed in the ES is either:

- not defined with sufficient precision;

- deferred to post-consent plans without binding parameters; or
- absent entirely from the DCO requirements.

Under EN-1, mitigation relied upon in the planning balance should be clearly described, deliverable and secured through enforceable provisions of the Development Consent Order. The EIA Regulations further require that the decision be based on adequate environmental information. Where mitigation remains materially undefined or unsecured, the confidence with which it can be relied upon is correspondingly reduced.

Accordingly, the Examining Authority may attribute limited weight to claimed mitigation that is not secured on the face of the Order or through certified documents expressly required by it. Unless the Draft DCO is revised to embed essential mitigation as specific, enforceable requirements, there would remain material uncertainty as to whether the mitigation assumed in the Environmental Statement would be delivered in practice.

This issue is not merely one of drafting preference but bears directly on the robustness of the mitigation framework and the decision-stage confidence required under the Planning Act 2008.

Table 20-1 demonstrates that each of the principal environmental effects identified in this Written Representation corresponds to a specific safeguard that is either absent from, or inadequately secured by, the Draft Development Consent Order.

20.15 Summary of required DCO safeguards

To assist the Examining Authority in identifying the relationship between the environmental impacts assessed in the Environmental Statement and the safeguards required to secure mitigation in practice, Table 20-1 summarises the principal areas where the Draft Development Consent Order does not presently secure the mitigation relied upon in the Environmental Statement.

The table identifies the corresponding sections of this Written Representation where evidential deficiencies are explained and where proposed requirement wording is provided.

This summary demonstrates that the omissions identified in the Draft DCO are not isolated drafting matters but reflect a broader disconnect between the Environmental Statement and the legal mechanism intended to secure mitigation. In several instances the Environmental Statement assumes the existence of management plans or operational controls that are either absent from the Draft DCO or left to undefined post-consent processes.

Table 20-1: Required DCO safeguards

Environmental topic	Relevant WR section	Draft DCO position	Required DCO control
Agricultural soils and restoration	Sections 5, 20.2	No secured restoration verification	Soil Recovery and Verification Plan Requirement
Hydrology and drainage	Section 6.5, 20.6	Article 8 disapples drainage legislation without replacement regime	Hydrological Compliance Plan Requirement
Socio-economic commitments	Section 9, 20.3	Requirement 19 aspirational only	Local Economic Participation Plan Requirement
Design parameters and mitigation envelope	Sections 10–11, 20.7	No fixed parameters in Schedule 1	Verified Design Parameters Plan Requirement
Public Rights of Way protection	Section 13, 20.9	No PRow management Requirement	PRow Management and Protection Requirement
Construction traffic and routing	Section 20.10	No enforceable CTMP Requirement	Construction Traffic Management Requirement
Operational noise	Section 16, 20.9	No enforceable operational noise limits	Operational Noise Control Requirement (BS4142)
Lighting and dark-sky protection	Section 11, 20.9	No lighting strategy Requirement	Lighting and Dark-Sky Strategy Requirement
Battery Energy Storage safety	Section 15, 20.8	Outline BSMP only	BESS Safety Management Requirement with QRA
Decommissioning and recycling	Section 18, 20.5	Requirement 16 incomplete	Decommissioning, Waste and Financial Security Requirement
Protective provisions	Section 20.10	Not evidenced	Protective Provisions Status Schedule

This alignment confirms that the Draft DCO does not merely require refinement but fails to secure the mitigation necessary to support the conclusions of the Environmental Statement. The Examining Authority is therefore required, as a matter of law, to treat the ES and the Draft DCO together, and to recognise that deficiencies in the Order directly undermine the reliability of the environmental assessment.

20.16 Summary request to the Examining Authority

The Draft Development Consent Order, as currently framed, would authorise the long-term industrialisation of c.773 hectares of predominantly BMV agricultural land without enforceable restoration standards, independent monitoring, secured financial provision, or binding socio-economic obligations. It further disapples key environmental protections, relies on aspirational local-employment wording, and omits any mechanism to ensure that mitigation relied upon in the Environmental Statement is delivered in practice.

Implications for the planning balance

Taken together, the independent objections from national and statutory access bodies, the route-specific safety evidence, and the absence of enforceable PRow mitigation within the Draft DCO demonstrate that impacts on public access are materially greater than presented by the Applicant. These are not residual effects capable of being neutralised through outline plans, but fundamental design and safeguard failures. In accordance with EN-1 and the EIA Regulations, significant weight must therefore be given to unresolved residential and PRow safety and amenity harm in the planning balance.

Legal adequacy of the Draft DCO

As discussed in the Legal Appendix (Appendix B), the courts have emphasised that decision-makers should exercise caution where essential safeguards are left to undefined post-consent processes or expressed only in aspirational terms. The present Draft DCO leaves a number of fundamental matters, including soil protection, hydrology and drainage, BESS safety and major-accident risk, decommissioning and financial security, socio-economic commitments, and protective provisions, either unsecured or only loosely referenced.

In these circumstances, there is material uncertainty as to whether the mitigation and safeguards assumed in the Environmental Statement would in fact be delivered. This bears directly on the degree of confidence with which the Environmental Statement's conclusions can be relied upon, having regard to the expectations in EN-1, the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, and relevant case law including ClientEarth and Holborn Studios.

SEPE therefore respectfully requests that the Examining Authority:

1. Directs the Applicant to amend the Draft DCO to incorporate the specific safeguards and Requirements identified in this Written Representation;
2. Requires that mitigation, restoration, safety and socio-economic commitments relied upon in the ES be secured through binding DCO requirements or certified documents, approved prior to recommendation or decision where necessary to avoid or reduce significant effects; and
3. Confirms that, without such amendments, uncertainty would remain as to whether the Draft DCO provides a sufficiently robust framework to support reliance on the Environmental Statement and the exercise of the powers sought.

This request reflects not a preference for more detailed drafting but a concern that the effectiveness and enforceability of the mitigation framework are central to decision-stage confidence. Without such revisions, it would remain unclear whether the Order would provide a secure basis for the mitigation relied upon and for the long-term operation of the scheme.

20.17 Final observation on the Environmental Statement – DCO disconnect

Cross-review of the Draft Development Consent Order (Doc. 3.1) against the Environmental Statement and its supporting outline plans reveals a persistent and material disconnect between assessed mitigation and legally secured obligations. In particular:

- Noise, dust and construction-traffic controls in the Outline CEMP (Doc. 7.3) are advisory in nature and are not secured through enforceable limits or approval gateways;
- No Requirement mandates the completion, independent review or approval of a Quantified Risk Assessment (QRA) or Fire-Water Containment Plan prior to commencement of the BESS works;
- Decommissioning and soil-restoration provisions (including Requirement 14) lack objective verification criteria, testing methodologies or enforceable timescales; and
- No protective provisions secure aquifer protection, abstraction safeguards or groundwater controls in accordance with Environment Agency LCRM (2025) expectations.

The Environmental Statement repeatedly assumes that these matters will be controlled through future approvals or regulatory oversight. However, without corresponding Requirements on the face of the Order, those assumptions are not

secured in law and cannot be relied upon by the Examining Authority or the Secretary of State.

The Examining Authority is therefore invited to direct that these matters be secured through pre-commencement Requirements with defined approval mechanisms, mirroring the approach taken in comparable solar NSIPs such as Longfield and Sunnica, where mitigation relied upon in the planning balance was embedded directly into the Development Consent Order.

In the absence of such correction, the Draft DCO would fail to provide the legal and environmental certainty required to support a lawful recommendation for consent.

21.0 Planning balance

The planning balance is not a simple aggregation of benefits and harms, but a structured planning judgment informed by the National Policy Statements, the adequacy and reliability of the environmental information, and the extent to which mitigation and safeguards are secured through the draft Development Consent Order. While EN-1 and EN-3 recognise a national need for low-carbon generation, that need does not displace the requirement to demonstrate that a particular scheme is appropriately sited, that significant adverse effects have been avoided or minimised where reasonably practicable, and that residual effects are acceptable in light of the benefits delivered in comparison with other reasonably available locations and configurations.

When assessed in the round, the East Park Energy proposal does not yet demonstrate compliance with the statutory and policy tests governing site selection, evidential adequacy, environmental protection and proportionality. The adverse effects identified in this Written Representation are multiple, overlapping and significant in scale and duration. On the evidence currently before the Examination, the Applicant has not yet demonstrated that the site-specific harms are justified by the claimed public benefits in this location. In particular, the Examination record suggests that the red-line boundary and land-take evolved through an assumption-led grid and capacity-maximisation framework, rather than through a transparent, constraint-led sequential avoidance of Best and Most Versatile (BMV) land. The evidence also indicates that the search geography was materially constrained by an assumed 15 km radius from a single point of connection and by land availability within that area, rather than by a comparative assessment of wider technically feasible options. That context materially affects the weight that can properly be attributed to claimed public benefits in the planning balance.

In undertaking this exercise, the degree of evidential certainty attached to both asserted benefits and proposed mitigation is also relevant to the weight that can reasonably be attributed to them. Where claimed benefits depend on assumptions that remain unverified, or where mitigation measures are relied upon but are not secured through sufficiently precise and enforceable provisions within the draft Development Consent Order, it may be appropriate for reduced weight to be attributed to those matters in the overall balance. Conversely, where environmental or land-use impacts are supported by clear baseline evidence and established assessment methodologies, those impacts can properly be afforded greater weight. This distinction assists the Examination in distinguishing between effects that are evidenced and certain, and benefits or mitigation that remain contingent on further clarification, control or secured delivery.

21.1 Need and proportionality in the national energy context

The Applicant's Planning Statement (5.3) and Policy Compliance Document (5.4) rely primarily on generic statements of national need. They do not provide project-specific

evidence demonstrating that this location and configuration represent an efficient, proportionate and publicly justified response to that need when weighed against the long-term land-use, environmental and community impacts of the scheme. The long-term withdrawal of BMV agricultural land engages considerations beyond local land-use change, as productive farmland forms part of the nation's strategic food-production capacity. Where alternatives exist, long-duration loss of productive land raises legitimate questions of proportionality in the planning balance. In those circumstances, the Examining Authority may reasonably question whether the scheme represents the least harmful means of delivering the claimed benefit or whether comparable capacity could be delivered on lower-conflict land through alternative connection strategies or deployment geographies.

Evidence from comparable solar NSIP examinations appears to indicate that "alternatives assessments" can be rendered ineffective where site selection is driven primarily by land availability and commercial negotiations rather than by the systematic application of environmental and planning constraints. Where an applicant relies on land agents to identify large, contiguous landholdings and then iteratively relaxes constraints to accommodate those holdings, the resulting assessment risks becoming one of post-hoc justification rather than genuine alternatives testing. In such circumstances, the resulting alternatives narrative may carry limited weight in the proportionality assessment. This risk is heightened where the pool of candidate sites has been materially narrowed at the outset by assumptions regarding grid proximity or connection distance that have not been independently justified.

The proportionality assessment must also take account of wider land-use consequences. Where nationally led settlement, housing or infrastructure planning processes are ongoing within the same functional geography, long-duration commitment of high-value land in advance of strategic clarity may prejudice coherent spatial planning and increase opportunity cost. National policy emphasises coordination between infrastructure and land-use planning; proceeding in advance of that clarity reinforces the need for caution where alternatives remain insufficiently evidenced and the long-term opportunity cost of land-take is high.

The Applicant's Statement of Reasons (EN010141-000068) and Planning Statement (EN010141-000100) characterise the scheme as delivering low-cost electricity, reducing exposure to volatile pricing, and enhancing grid stability through battery storage. Independent system-level modelling by Professor Tony Day (February 2026), summarised in Appendix F, indicates that these statements may materially overstate the public-interest benefits of co-located storage in the absence of scheme-specific system-integration evidence. The modelling suggests that:

- (i) solar-plus-storage configurations can increase the levelised cost of delivered electricity relative to solar-only generation; and

- (ii) a substantial proportion of BESS revenues may be derived from trading and ancillary-services markets rather than outcomes that directly reduce consumer exposure to price volatility. In the absence of a site-specific consumer-benefit and system-integration case for East Park Energy, these asserted benefits cannot safely be afforded more than limited weight in the planning balance.

Independent system-level analysis indicates that, in a constrained grid environment, additional large-scale ground-mounted solar capacity may deliver diminishing marginal system benefit due to curtailment, coincidence and grid-constraint effects, particularly where schemes are sited on unconstrained rural land rather than lower-conflict or demand-proximate options (Appendix E: Professor Tony Day, 2025). This evidence is relevant to the proportionality and alternatives tests in EN-1.

In addition, the planning balance must consider whether the claimed need for development in this specific location is driven by genuine system requirements or by project-specific assumptions regarding grid proximity. The Application proceeds on the basis that proximity to the Eaton Socon substation within an assumed 15 km radius represents a critical constraint. However, no comparative evidence has been provided demonstrating that materially longer connection distances or alternative grid interfaces would be infeasible, disproportionate, or incapable of delivering the scheme objectives. Comparable NSIP-scale solar developments have proceeded with longer cable routes, indicating that grid proximity is not an absolute determinant of site suitability. Where a self-imposed search radius has materially constrained the identification of lower-conflict land, the resulting BMV land-take cannot be treated as an unavoidable consequence of national need.

The operational characteristics of ground-mounted solar installations in the UK climate are illustrated in Appendix F (Figures F-1 to F-6), which presents generation profiles based on regional insolation data and observed performance from a nearby installation. The evidence indicates that a 400 MW installation would have achieved an average capacity factor of 9.88% in 2024 and 11.09% in 2025 (c. 346.2 GWh and 388.6 GWh, respectively), with output concentrated in the summer months and falling to very low levels during winter.

The Applicant's stated annual generation of approximately 433.2 GWh corresponds to a higher capacity factor of around 12.4%, which appears to significantly overstate generation assumptions, but as evidenced in this Written Representation this is not supported by regional insolation modelling or local output generation data. However, this generation figure describes aggregated annual output rather than dependable year-round supply. Solar generation at UK latitudes remains inherently intermittent and strongly seasonal, producing limited electricity during winter periods when demand is typically highest.

Accordingly, for the purposes of the proportionality assessment required under EN-1, the relevant consideration is not theoretical installed capacity or headline annual yield but the realistic and reliable contribution to system adequacy relative to land-take and

environmental impact. Where winter adequacy and system resilience are central policy objectives, the seasonal intermittency of solar generation becomes a material planning consideration in the balancing exercise.

Where claimed public benefits rely on projected annual output, those benefits should be assessed by reference to transparently evidenced and realistically deliverable performance rather than theoretical maximum generation.

When this realistic system contribution is weighed against the long-duration occupation of over 500 hectares of BMV agricultural land, the proportionality test in EN-1 becomes a central consideration. Comparable levels of electricity generation could in principle be delivered through a combination of distributed rooftop deployment, brownfield locations and lower-grade agricultural land, which would avoid the long-duration occupation of extensive BMV farmland. Solar generation is not inherently dependent on the use of high-grade agricultural land. The existence of alternative deployment pathways, including rooftop installations, previously developed land and lower-grade agricultural land, indicates that the loss of extensive BMV farmland is not an unavoidable consequence of delivering solar capacity.

In applying the planning balance it is necessary to distinguish between:

- a) the generic policy support afforded to renewable generation and storage, and
- b) the specific evidential basis for attributing weight to the claimed benefits of the BESS component in this case.

Unless the Applicant provides a quantified operational case supported by evidence of charging source mix, annual throughput, cycling assumptions and net system benefit, and secures those parameters through enforceable requirements, the asserted benefits of “grid stability”, “reduced price volatility” and “consumer protection” cannot safely be attributed to the scheme as a site-specific public interest justification for the substantial, long-duration loss of BMV land.

In those circumstances the Examining Authority may reasonably conclude that either:

- (i) the BESS should be treated as neutral or limited weight in the planning balance (as a flexible grid asset whose operation is not defined and whose benefits are not causally attributable to the scheme’s renewable generation); or
- (ii) if the Applicant seeks material positive weight for the BESS as an integral component of the scheme’s low-carbon case, the DCO should secure enforceable operational parameters and monitoring requirements sufficient to demonstrate that the BESS is principally charged from the authorised solar generation (or otherwise delivers a quantified net decarbonisation benefit), and not operated predominantly for import-charge arbitrage, disconnected from the scheme’s renewable generation purpose and evidential low-carbon case, with

a corresponding reduction in the policy weight that can be properly be attributed to in the planning balance.

In circumstances where the claimed system benefits are uncertain or overstated, and where the development would result in the long-duration occupation of extensive BMV agricultural land, the Examining Authority may reasonably conclude that the EN-1 proportionality test has not been satisfied on the evidence presently before the Examination.

21.2 Loss of Best and Most Versatile land and avoidability of harm

SEPE does not contend that the Proposed Development must be located exclusively on non-BMV land or that an exhaustive national search was required. The concern is that the application materials do not presently provide a sufficiently transparent explanation of how alternative locations, configurations and land parcels were considered and why the resulting scheme represents a reasonable balance between energy objectives and environmental constraints. In particular, the absence of a comparative assessment of alternative grid interfaces and wider deployment geographies means that the Examination cannot determine whether the predominance of BMV land is a consequence of unavoidable constraints or of the chosen search parameters.

The principal land-use harm arising from the Proposed Development is the long-duration loss of BMV agricultural land. National policy does not treat such harm as neutral or incidental. EN-1, EN-3 and NPPF provisions for safeguarding BMV agricultural land impose a clear expectation that development will be directed away from BMV land where reasonable lower-conflict alternatives exist, and that any departure from this principle must be transparently justified.

Independent national analysis of UK food-system resilience indicates that the loss of productive agricultural land has cumulative strategic implications beyond local land-use change. Approximately 23.7% of UK land area is currently in agricultural use, and the agricultural land base has already declined by around 4.4% since the early 1980s equating to c. 780,000 hectares (Wilkinson, 2025). The analysis identifies domestic productive capacity as a critical component of national resilience and characterises high-quality farmland as a finite resource whose loss is effectively irreversible within planning timescales, particularly where soil structure and productivity may be degraded over long operational periods. While not determinative of any individual proposal, this evidence indicates that large-scale development on Best and Most Versatile land engages national food-security considerations and reinforces the importance of demonstrating that reasonable lower-conflict alternatives are not available.

As demonstrated elsewhere in this Written Representation, the Applicant has not discharged that burden. No transparent, evidence-based sequential assessment has been provided to demonstrate that the use of predominantly BMV land is necessary,

unavoidable, or proportionate in the context of available alternatives. In the absence of such justification, the loss of BMV land attracts substantial negative weight in the planning balance.

Where the evidence indicates that the scheme footprint was materially shaped by a predetermined connection assumption, a fixed search radius, and voluntary land availability, the resulting BMV land loss cannot properly be characterised as unavoidable. Rather, it represents harm arising from a particular development strategy whose alternatives have not been transparently tested. In those circumstances, EN-3's preference for poorer-quality land remains fully engaged, and the weight to be attributed to BMV loss correspondingly increases.

The Applicant's own site-selection documentation further reduces any weight that might otherwise be attributed to an argument that BMV loss is an unavoidable consequence of meeting national need. The Site Identification and Land Identification reporting indicates that the search geography and preferred envelope were fixed by reference to an assumed Eaton Socon grid interface and corridor logic, rather than by a constraint-led sequential avoidance of higher-grade agricultural land. Within that framework, areas recorded as containing a materially greater proportion of Sub-Grade 3b / Grade 4 land (including Zone C) were downgraded primarily by reference to grid-connection and routing complexity, rather than through a transparent comparative environmental appraisal. As developable area within the preferred envelope was reduced by constraints, additional land was then added to maintain and "maximise" the assumed connection capacity, without any evidence of an iterative re-run of the sequential alternatives test to confirm that the resulting increase in BMV land-take remained necessary or proportionate. This documentary sequence indicates that the quantum of BMV land affected is materially driven by configuration choice and capacity maximisation, not demonstrated necessity, such that the harm cannot properly be treated as unavoidable in the planning balance.

Food security and national interest context

The long-duration withdrawal of a large area of high-yielding BMV land from production has implications for domestic productive capacity and national resilience. SEPE's evidence indicates that the land is not merely high grade in classification terms but is high performing in practice. The ES does not provide a quantified assessment of foregone food production, contribution to supply, or associated agricultural economic output over the operational period. Where long-term loss of BMV land is a principal effect, the absence of quantified food-production and rural-economy evidence reduces the Examining Authority's ability to attribute appropriate weight to this harm in the planning balance.

The evidence on agricultural productivity, food-production opportunity cost and national context is addressed in Section 5 and Appendix J and is expressly relied upon by SEPE in the planning balance as demonstrating material harm arising from the long-duration BMV land withdrawal. The wider national resilience and precautionary

context arising from long-duration BMV land loss is addressed in Section 21.3 and Appendix K, and is likewise relied upon by SEPE in support of that assessment of harm.

In that context, the long-duration conversion of high-grade BMV agricultural land to large-scale infrastructure demands particularly careful scrutiny. Where a proposal involves the effective long-term loss of productive soils for several decades, the proportionality of that land-use decision must be examined with a high degree of caution and evidential rigour.

The planning balance under EN-1 and EN-3 requires not only recognition of the need for renewable energy, but an assessment of whether the specific development represents an efficient, necessary and strategically coherent response to that need. Allowing extensive loss of high-quality agricultural land in circumstances where lower-conflict alternatives exist, and where the net system contribution is limited, risks diminishing the very national resilience objectives that Government policy elsewhere seeks to safeguard. This consideration reinforces the conclusion that the adverse impacts of the Proposed Development are not justified by the scale or nature of the benefits claimed. Accordingly, the long-term withdrawal of high-performing BMV land must be treated as a material and avoidable planning harm, rather than as a background consequence of renewable deployment.

21.3 National resilience and food security considerations

The planning balance must also be informed by wider national resilience considerations where development entails irreversible or long-duration loss of high-value productive land. Recent Government analysis recognises that biodiversity loss, ecosystem degradation and the erosion of natural capital represent material risks to national resilience and long-term security (HM Government, *National Security Assessment: Global Biodiversity Loss, Ecosystem Collapse and National Security*, 2024). These considerations are directly relevant where a proposal involves the long-term conversion of high-quality agricultural land to non-food uses.

The Government's assessment confirms that the UK is already structurally reliant on food imports and that further loss of productive agricultural land increases exposure to geopolitical disruption, climate-driven supply shocks and price volatility. It recognises that land-use change and ecosystem degradation are not abstract environmental concerns but systemic risks with direct implications for long-term national preparedness and resilience.

These resilience considerations reinforce, rather than replace, the statutory requirement to assess reasonable alternatives. Where BMV land loss is long-duration and alternatives remain untested, precaution strengthens the case for refusal or further information rather than consent subject to later mitigation.

In the context of the Proposed Development, the long-term withdrawal of extensive areas of high-performing BMV agricultural land therefore carries a material opportunity

cost that extends beyond local land-use considerations. Where reasonable lower-conflict alternatives exist and have not been adequately assessed, the loss of such land cannot be treated as a neutral or incidental effect in the planning balance.

This context reinforces SEPE's submission that the Proposed Development fails the proportionality and alternatives tests in EN-1, EN-3 and the NPPF provisions for safeguarding BMV agricultural land, and that the absence of quantified food-production, land-use and resilience evidence limits the weight that can properly be attributed to claimed public benefits.

Importantly, the relevance of these considerations does not depend on precise quantification of future risk. Where the direction of impact is clear and the consequences are potentially irreversible, national policy and EIA principles support a precautionary approach. In such circumstances, safeguarding high-value productive land where reasonable alternatives exist represents a lower-risk and more resilient strategy than reliance on future mitigation, technological substitution or post-hoc restoration claims.

Further, this evidence is directly relevant to the decision-stage adequacy test under the EIA Regulations. The implications for decision-stage adequacy are addressed further in Section 21.8.

21.4 Environmental and safety risks – evidence of acceptability in this location

Ecology, soil and hydrological risk

Peer-reviewed and regulator evidence identifies uncertainties regarding ecological and hydrological consequences of large ground-mounted solar developments at landscape scale, including impacts on biodiversity, habitat connectivity and soil/water interactions. The Applicant's ES relies in several areas on incomplete baseline evidence and defers key controls to post-consent plans. Where the baseline is incomplete and the mitigation is not yet demonstrably secured or deliverable, the Examining Authority cannot safely rely on conclusions of "no significant residual effects" or on claimed enhancement outcomes as material benefits.

The Outline Decommissioning Environmental Management Plan indicates that ecological enhancement elements would be retained at the discretion of landowners following decommissioning. In the absence of a binding requirement securing long-term retention of woodland belts, hedgerows and habitat corridors, the asserted permanence of biodiversity gain and screening mitigation is materially weakened. This further supports the need for secured restoration and financial assurance mechanisms.

BESS risk and public safety

The co-located 100 MW BESS introduces distinct hazard and pollution pathways. The Written Representation identifies gaps in quantified risk evidence, off-site consequence assessment, emergency response feasibility, and engineered

containment. In the absence of front-loaded, scheme-specific quantified risk assessment and secured controls, the Examining Authority cannot be satisfied that major-accident risks and pollution pathways have been assessed and mitigated to the standard expected by EN-1.

Heritage significance and decision-stage weight

The cultural heritage impacts identified in Section 12 are of particular significance in the overall planning balance. The Proposed Development would affect a nationally important archaeological landscape centred on the Scheduled Monument at Site C, together with the settings and intervisibility of multiple Grade I listed churches and other designated heritage assets. Historic England confirms that residual harm is likely to remain notwithstanding mitigation and that certain archaeological information remains incomplete. In these circumstances, the Examining Authority must give considerable importance and weight to the conservation of designated heritage assets, and must be satisfied that it has before it sufficient and reliable information to reach a reasoned conclusion on impact.

This reflects the statutory duty under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and established case law (Barnwell Manor; Forge Field), requiring considerable importance and weight to be given to harm to designated heritage assets. Where works are proposed within or adjacent to a Scheduled Monument and key archaeological and setting assessments remain unresolved, heritage harm cannot be treated as minor or neutral in the planning balance. The cultural heritage effects therefore represent a substantial and determinative factor weighing against the Proposed Development in this location.

21.5 Community amenity impacts: traffic, noise, landscape and PRowS

The dispersed, multi-parcel configuration of the Proposed Development materially increases land-take, infrastructure footprint and community exposure compared with a more compact scheme delivering equivalent capacity. In the absence of evidence demonstrating that a spatially efficient configuration was not reasonably achievable, this inefficiency reduces the weight that can properly be attributed to the scheme's benefits in the planning balance, as EN-1 expects nationally significant infrastructure to represent the efficient use of land and a proportionate response to need.

Construction and transport

Construction traffic impacts are central to community experience of the scheme. The Written Representation identifies that the Transport Assessment relies heavily on averaged figures and contains material internal inconsistencies when cross-checked against the Applicant's own materials quantities, with limited peak-period and cumulative scenario testing. The adequacy and enforceability of routing, school-hour protections, and diversion/rat-run prevention measures is not demonstrated on the submitted evidence. These matters affect highway safety, daily commuting, school

transport and village amenity across a network of constrained rural roads, including the B645/B661/B660 corridors.

The Transport Assessment scopes out detailed assessment of decommissioning traffic effects on the basis that impacts would be similar to construction. However, absent quantified modelling of peak HGV movements, abnormal loads and routing constraints at decommissioning stage, this assumption cannot be verified. The EIA Regulations require likely significant effects to be assessed, not inferred.

Noise and vibration

In a quiet rural baseline, even modest operational tonal or low-frequency noise can cause significant adverse effects. The Written Representation identifies incomplete receptor mapping and gaps in operational noise assessment, particularly in relation to inverter/transformer noise and BESS plant. Without robust modelling, enforceable limits, and post-commissioning verification secured through requirements, the Examining Authority cannot safely rely on conclusions of negligible operational noise impact.

Landscape, visual amenity and PRowS

The multi-parcel layout and linear extent of the scheme mean PRow users and residents may experience repeated enclosure, fencing, and altered character over long distances. The Written Representation identifies deficiencies in LVIA visual evidence, PRow viewpoint coverage and cumulative assessment. Where the ES does not provide verified, representative visualisations (including realistic early-year and leaf-off conditions), the Examining Authority cannot properly test the magnitude of effect or the deliverability of claimed mitigation.

21.6 Cumulative effects

The ES does not provide a proportionate, quantified cumulative assessment across key topics (transport, landscape, BMV land-take, ecology and amenity) despite the presence of nearby solar/BESS schemes and major infrastructure programmes affecting the same receptor communities and corridors. Without scenario-based cumulative assessment, the Examining Authority cannot reliably assess whether this scheme is environmentally acceptable in combination with other reasonably foreseeable development.

It is also noted that the cumulative long list identifies a substantial number of existing solar and BESS schemes within the same landscape. Several operational schemes have been excluded from detailed cumulative assessment on the basis that they form part of the baseline. While this approach may be technically defensible in some contexts, it limits consideration of experiential and landscape accumulation, particularly where successive schemes contribute to progressive industrialisation of rural character. The absence of scenario-based cumulative testing across operational

and consented solar development constrains the robustness of the cumulative landscape and amenity conclusions.

21.7 Compulsory acquisition and the compelling case in the public interest

The exercise of compulsory acquisition powers under the Planning Act 2008 requires the Secretary of State to be satisfied that the statutory tests are met and that a compelling case in the public interest is demonstrated on the basis of sufficient, reliable and complete evidence. These statutory tests are separate from, and additional to, the general planning balance and must be satisfied on clear and robust evidence at the point of determination.

In the present case, the ability to conclude that a compelling case exists is materially affected by the unresolved evidential deficiencies identified throughout this Written Representation, including:

- under-assessment of construction and cumulative transport impacts;
- omission of quantified mid-life replacement logistics;
- internal inconsistencies in HGV modelling;
- lack of secured and enforceable traffic controls;
- incomplete lifecycle carbon evidence;
- absence of a transparent GIS-based alternatives assessment;
- lack of demonstrated grid-connection deliverability;
- absence of evidence that the extent of land sought is no more than reasonably required when assessed against alternative connection strategies and deployment geographies;
- limited evidence of meaningful negotiation prior to seeking compulsory powers; and
- absence of quantified and secured funding provision for works required at the Eaton Socon 400 kV Substation, notwithstanding National Grid Electricity Transmission Plc's Relevant Representation confirming that the substation is currently full and may require expansion, rebuild or new infrastructure to accommodate the Project.

The Funding Statement does not clearly identify, quantify or cost the scope of works that may be required within the Eaton Socon Substation to facilitate the proposed connection, nor does it address the programme and cost implications of the ongoing NESO Connection Reform process, which will determine the configuration and scale of any substation expansion. In circumstances where the essential grid interface works remain undefined and potentially substantial in scale, the Examination is not provided with sufficient information to conclude that the full resource implications of

implementing the Project have been transparently identified, costed and secured in accordance with Compulsory Acquisition Guidance.

In addition, evidence placed before the Examination indicates the presence of alternative proximate grid infrastructure at or near the Little Barford Power Station/Substation complex, which appears capable of accommodating large-scale generation connections. The Environmental Statement and Funding Statement do not contain a transparent comparative assessment of connection feasibility, land requirements, programme implications or cost differentials between Eaton Socon and other reasonably proximate transmission nodes.

Where the selected grid strategy requires potential expansion or rebuild of an already full 400 kV substation, but alternative grid nodes have not been transparently assessed at application stage, the Examination cannot be satisfied that the chosen grid interface represents the only or least harmful reasonably available option. This omission is directly relevant to both the EN-1 reasonable alternatives test and the statutory requirement under section 122 of the Planning Act 2008 that land subject to compulsory acquisition be no more than reasonably required.

Where public benefit is relied upon to justify interference with private property rights under A1P1 ECHR, that benefit must be clearly demonstrated, proportionate, and supported by reliable evidence. At present, material uncertainties remain as to environmental impact, deliverability, grid connection feasibility and the necessity of the land sought.

Accordingly, the Examination cannot presently be satisfied that the statutory tests for compulsory acquisition under section 122 of the Planning Act 2008 are met. This evidential gap is identified as **Procedural Deficiency #21A – Compulsory Acquisition: Failure to demonstrate a compelling case in the public interest**, as set out in Appendix M.

21.8 Adequacy of environmental information and decision-stage confidence

The deficiencies identified throughout this Written Representation are not confined to matters of planning weight or professional disagreement. They engage the statutory decision-stage adequacy test. Under the EIA Regulations and EN-1, the Examining Authority must be satisfied that the environmental information before it is sufficient, reliable and complete to enable a reasoned conclusion on likely significant effects and the effectiveness of mitigation.

In this case, the combined deficiencies identified across alternatives assessment, BMV land justification, soils and hydrology, ecology, including incomplete ecological baseline data for licensable protected species and incomplete territory-specific assessment of Schedule 1 raptors and wintering bird functional habitat use, cumulative effects, transport impacts and BESS safety mean that the Environmental Statement cannot presently be relied upon as a complete and reliable decision-making

document. These shortcomings are summarised in Appendix M and addressed in detail in Sections 4–20 of this Written Representation.

Recent NSIP examinations also demonstrate that reliance on future mitigation, landscape screening or long-term vegetation establishment to suppress or reverse significant effects introduces material uncertainty at decision stage. Where conclusions of non-significance depend on assumed permanence of planting, future management regimes, or post-consent refinement, such conclusions cannot safely be relied upon for the purposes of the EIA Regulations. This is particularly so for schemes proposed for 40–60 years, which are functionally permanent in landscape, agricultural and community terms and must be assessed on a precautionary basis rather than on optimistic assumptions of future condition.

In addition, where significant conclusions depend upon outline or post-consent plans, and where the draft DCO does not secure the controls assumed in the ES, the weight that can properly be placed on asserted mitigation and claimed residual outcomes is necessarily reduced.

Taken together, the deficiencies identified across this Written Representation indicate that the Environmental Statement does not presently contain sufficient, reliable and complete environmental information to enable a reasoned conclusion on likely significant effects under the EIA Regulations.

This cumulative inadequacy is identified as **Procedural Deficiency #21B – Cumulative Procedural Deficiencies – Incomplete Environmental Information**, as set out in Appendix M.

In addition, the Examination record suggests that the Application is being promoted on the basis of unresolved fundamental uncertainties, including the location and configuration of the grid connection corridor. The Applicant has retained a wide corridor and is seeking compulsory acquisition powers to accommodate that uncertainty, rather than because the land is demonstrably required.

Where essential infrastructure remains undefined at decision stage, and compulsory powers are sought over a precautionary corridor wider than demonstrably required, the statutory tests under the Planning Act 2008 are engaged. Compulsory acquisition must be limited to land no more than reasonably required and supported by evidence that reasonable alternatives have been properly examined and exhausted.

This issue is identified as **Procedural Deficiency #21C – Prematurity of the application and reliance on compulsory acquisition powers in the presence of unresolved project uncertainties**, as set out in Appendix M.

Taken together, these deficiencies prevent the Examination from reaching a reasoned conclusion on environmental effects, project deliverability, and the justification for compulsory acquisition powers.

21.9 Durability and enforceability of mitigation relied upon

The planning balance is ultimately an exercise in judgment, not a mechanistic tally. However, where asserted benefits depend on assumptions that remain unverified, or where mitigation is relied upon but not secured through sufficiently precise and enforceable mechanisms, the appropriate consequence is that such benefits and mitigation attract reduced weight. Conversely, harms to BMV land, rural amenity, heritage setting, traffic conditions and safety-related receptors are matters to which the Examining Authority can attach greater weight where their occurrence is evidenced more clearly than the means said to mitigate them.

The planning balance in this case relies materially upon mitigation secured (or proposed to be secured) through Development Consent Order Requirements. Across transport, environmental protection, BESS safety, drainage, restoration and landscape management, the Applicant contends that adverse effects are rendered acceptable through compliance with long-term control measures.

It is well established that mitigation secured through enforceable conditions or requirements may properly be given weight in the planning balance. However, the weight that can be attributed to such mitigation depends upon its clarity, precision, and enforceability. EN-1 requires that mitigation measures relied upon in the assessment of effects be secured and deliverable. The EIA Regulations similarly require that the decision-maker be satisfied that environmental information is adequate to enable a reasoned conclusion on likely significant effects.

In the context of a development proposed to operate for approximately 40 years, enforceability must be understood in practical as well as legal terms. The Planning Act 2008 provides that a breach of a Requirement constitutes an offence and may be enforced by the relevant planning authority. However, legal enforceability in principle does not, of itself, guarantee sustained and effective monitoring over a multi-decade operational period. Where mitigation is relied upon to offset long-term impacts on agricultural land, landscape character, traffic flows, drainage systems and public safety, the durability of monitoring arrangements is integral to the credibility of that mitigation.

National evidence, including the Planning Inspectorate's Post-Implementation Review of the Planning Act 2008 (2023) and the National Audit Office's 2022 Infrastructure Report, identifies structural pressures on local planning authority resources in monitoring Development Consent Orders. This is not a criticism of any individual authority; rather, it reflects the inherent challenge of overseeing technically complex, long-duration Nationally Significant Infrastructure Projects within constrained local government capacity.

In these circumstances, the absence of a secured compliance-monitoring architecture may diminish the weight that can properly be attributed to mitigation in the planning balance. Where the acceptability of the Proposed Development depends upon

continued adherence to traffic caps, routing controls, safety protocols, drainage performance, restoration standards and environmental management measures, the effectiveness of those controls over time is not incidental but central.

This issue also bears upon the statutory tests for compulsory acquisition under the Planning Act 2008. The compelling case in the public interest must demonstrate that interference with private property rights is proportionate and justified by long-term public benefit. Where that justification rests upon the premise that impacts are mitigated and land use is ultimately reversible, the durability and enforceability of mitigation safeguards form part of the proportionality assessment.

For these reasons, a proportionate Community and Compliance Monitoring Requirement, supported by appropriate financial assurance (for example, an irrevocable on-demand letter of credit or equivalent mechanism), is not a discretionary add-on but a governance safeguard necessary to give practical effect to the mitigation framework relied upon in this case. Interference with property rights under Article 1 of the First Protocol to the ECHR must be proportionate and justified by demonstrable long-term public benefit; durable enforceability of mitigation is integral to that assessment. Such a Requirement would not introduce new mitigation beyond that assessed; rather, it would secure the operational integrity of mitigation already advanced by the Applicant.

In the absence of a secured compliance-monitoring and financial-assurance mechanism, the Examining Authority must exercise caution in attributing full weight to mitigation-dependent conclusions. Conversely, where such safeguards are secured through clear and enforceable DCO Requirements, greater confidence may properly be attached to the durability of mitigation over the lifetime of the development.

In addition, public representations highlight previous instances in the locality where community benefit commitments were not honoured following change of project ownership. In the absence of a secured DCO Requirement governing quantum, indexation, governance and enforceability of any Community or Compliance Fund, reliance on voluntary undertakings would carry material delivery risk. A legally binding mechanism, supported by financial security, would provide transparency and continuity over the operational lifespan of the scheme.

Taken together, the matters considered above indicate that the acceptability of the Proposed Development depends upon assumptions regarding impacts, mitigation and public benefit that are not yet supported by sufficiently certain evidence or secured through enforceable provisions. Where substantial and long-duration effects are identified, and where the necessity of those effects has not been demonstrated through a transparent assessment of reasonable alternatives, national policy requires particular care in the planning balance. On the information presently before the Examination, the extent to which the identified harms are unavoidable, or the claimed benefits are deliverable to the degree asserted, remains uncertain.

21.10 Consultation record, scheme evolution and confidence in the evidence base

In determining an application under the Planning Act 2008, the decision-maker must be satisfied that the environmental information, consultation evidence and scheme description together provide a reliable basis for assessing impacts and weighing benefits against harm. Acceptance of an application for examination confirms that statutory submission requirements have been met, but it does not determine the adequacy, completeness or evidential weight of that material for the purposes of the final decision.

Where a proposal has evolved materially between consultation and submission, or where consultation evidence does not clearly demonstrate how responses informed the final scheme, uncertainty may arise as to whether the development assessed in the Environmental Statement corresponds fully to the development that would be authorised. In a project of this scale and duration, affecting extensive rural land and multiple communities, such uncertainty is capable of influencing the degree of confidence that can properly be placed in the Applicant's case.

The following subsections therefore consider whether the consultation record and documentation of scheme evolution provide a sufficiently transparent and reliable evidential foundation for the planning balance, without asserting that consultation duties were unlawful or that acceptance of the application was inappropriate.

21.10.1 Scheme evolution, boundary changes and confidence in the assessed development

The Secretary of State must be satisfied that the environmental information relates to the development that would in fact be authorised and constructed.

Application documents confirm that the scheme evolved materially between consultation and submission. The Design Approach Document (ES Volume 2 Appendix 3-1) records relocation of the Battery Energy Storage System (BESS) and on-site substation from Site C to Site D following consultation feedback and archaeological investigations. The Order Limits were widened between Sites B and C “at the request of the landowner”, and further land parcels were added in January 2024 as described in the Land Identification Report – Further Addendum (ES Volume 2 Appendix 3-4). ES Volume 1 Chapter 3 also notes that the grid-connection corridor was refined primarily in consultation with landowners.

In addition, changes and alterations to site entrance arrangements appear to have occurred after statutory consultation; the detailed location and function of satellite compounds were not clearly presented during consultation, notwithstanding their potential relevance to nearby residential receptors, including noise and activity effects; off-site workforce parking arrangements discussed at statutory consultation do not appear to have been carried through transparently into the application documents; and the possibility that construction traffic may need to use sections of the local highway

network while internal site roads are being established was not clearly explained in the consultation material.

Taken together, these matters indicate that important operational and construction-stage features of the scheme now under examination were either altered, refined or insufficiently defined after consultation, limiting the extent to which affected parties can be said to have been consulted on the scheme in the form ultimately submitted.

Iterative design is not unusual in NSIP practice. However, where changes affect land-take, infrastructure locations or impact pathways, it is important that the decision-maker can clearly understand the relationship between the scheme consulted upon, the scheme assessed, and the scheme now proposed for consent.

The submitted material does not consistently provide a transparent comparative audit trail showing consultation-stage boundaries against the final Order Limits, nor a quantified schedule identifying newly included land parcels, receptors or access points. Narrative descriptions are provided, but these do not enable independent verification of who was consulted on the scheme as ultimately submitted.

This matter is identified in the Procedural Deficiencies schedule as **Procedural Deficiency #21D – Unconsulted or unquantified post-consultation boundary amendments**. While it may be capable of clarification during examination, the absence of a clear comparative record introduces uncertainty as to whether all affected interests were identified and assessed on a consistent basis.

Such uncertainty is relevant to the planning balance because EN-1 requires the decision to be taken on the basis of adequate environmental information. Where confidence that the assessed scheme corresponds fully to the authorised development is reduced, the weight that can properly be given to the Applicant's case correspondingly diminishes.

21.10.2 Consultation evidence, stakeholder engagement and weight to be given to the Applicant's case

Consultation outcomes do not determine the acceptability of an NSIP, and opposition does not confer a veto. However, national policy expects decision-makers to have regard to consultation responses as part of the evidential context for assessing impacts, alternatives and mitigation.

Representations from host and neighbouring authorities indicate that certain technical information was incomplete, provided late, or insufficiently detailed to enable full assessment prior to submission. Concerns were raised regarding baseline data, transport routing information, cross-boundary effects and cumulative impacts. Several technical consultees, including highways authorities, flood risk teams and environmental advisers, reported that material was partial or not available within statutory consultation timeframes.

Public consultation outcomes similarly record substantial concern regarding landscape impacts, agricultural land loss, traffic and community effects, with the Consultation Report noting very high levels of opposition to certain components of the scheme. While the Report categorises much of this as general opposition, it does not consistently demonstrate how these concerns translated into material design changes, layout revisions or mitigation measures.

The consultation documentation relies heavily on narrative summaries and does not always provide a clear audit trail linking specific responses to scheme evolution. This issue is recorded in the Procedural Deficiencies schedule as **Procedural Deficiency #21E – Inadequate consultation evidence and failure to demonstrate regard to consultation responses**.

The issue for the planning balance is not whether consultation duties were legally fulfilled, but whether the consultation record provides a sufficiently reliable foundation for the environmental assessment and the Applicant's case as presented. Where there is limited transparency regarding how consultation influenced design, layout or mitigation, confidence in those conclusions is correspondingly reduced.

In a project of this scale affecting multiple rural communities and extensive Best and Most Versatile agricultural land, the robustness of the consultation evidence is relevant to the public interest judgement. Reduced confidence in the completeness or responsiveness of the consultation process is therefore a factor weighing against the proposal in the overall planning balance, particularly where significant adverse effects are already identified.

These matters do not preclude consent if satisfactorily clarified. However, unless and until such clarification is provided, uncertainty regarding stakeholder engagement and evidential traceability further limits the weight that can properly be attached to the asserted benefits of the scheme.

21.11 Overall planning balance and recommended outcome

Against that background, the central question for the Examination is whether the demonstrated benefits of the Proposed Development in this location outweigh the identified harms and uncertainties on the evidence presently before it.

While each application must be determined on its own merits, the Examination may also take into account the wider policy context, including the role of national safeguards intended to avoid unnecessary loss of high-quality agricultural land where reasonable alternatives exist.

Taking these matters together, the evidence presently before the Examination does not demonstrate that the site-specific harms of the Proposed Development are clearly outweighed by the benefits claimed for this location. In particular, the information submitted does not yet establish that the scale, duration and avoidability of the identified harms, including the long-term loss of Best and Most Versatile agricultural

land, are proportionate to the benefits delivered, or that those harms are justified by a sufficiently transparent assessment of alternatives and robust environmental evidence. Nor has it been demonstrated that the chosen site represents the least harmful reasonably available option when alternative grid interfaces, wider search areas, or lower-conflict land parcels are taken into account.

This conclusion arises not solely from the magnitude of individual impacts, but from the cumulative effect of unresolved evidential uncertainties across multiple topic areas.

As summarised in Appendix M, these include deficiencies relating to alternatives, land-use justification, environmental baseline evidence, safety assessment, cumulative effects and the secured delivery of mitigation. In combination, these matters limit the weight that can reasonably be attributed to claimed benefits at this stage and reduce decision-stage confidence in the acceptability of the proposal.

When Sections 10, 18 and 21 are read together, the proposal's claimed public benefits cannot be regarded as clearly or decisively outweighing its harms. The evidence indicates that the scheme would result in the long-term withdrawal of a nationally significant area of Best and Most Versatile agricultural land through a site-selection process that has not been demonstrated to be sequential, least-harmful or land-efficient, while delivering a comparatively modest and potentially overstated contribution to national electricity supply. At the same time, the durability of those benefits is uncertain, as generation performance and operational continuity depend upon future replacement cycles, technology assumptions and operational regimes that have not been fully specified or assessed. In these circumstances, the project combines high, effectively irreversible land-use harm with benefits whose scale, longevity and system value remain only partially evidenced.

EN-1 requires decision-makers to attribute substantial weight to renewable generation need, but not to treat it as determinative where site-specific impacts are significant and reasonable alternatives have not been convincingly addressed. Absent a transparent demonstration that the chosen location represents the least harmful practicable option and that the claimed benefits are realistic and enduring over the project lifetime, the planning balance cannot be discharged with the confidence required for a lawful determination.

Until these matters are resolved, the Examination cannot be satisfied that the proposal represents a proportionate and policy-compliant response to the identified need in this particular location. Granting consent on the basis of the current evidence would therefore carry a material risk that the decision would rest on assumptions regarding alternatives, impacts and mitigation that have not been robustly demonstrated.

Accordingly, SEPE invites the Examining Authority to:

1. **recommend refusal of the Development Consent Order** on grounds of mis-siting, policy conflict and evidential inadequacy; or

2. **issue a Request for Further Information** requiring the Applicant to provide the missing evidence, including but not limited to alternatives, BMV land justification, soils and hydrology baselines, construction traffic and cumulative impacts, operational noise, ecology, lifecycle carbon, and the BESS safety and operational case (including quantified risk, adequate off-site plume dispersion, containment, and operational/arbitrage function), prior to determination.

In the absence of such further information and secured controls, SEPE submits that refusal would be the only outcome consistent with the statutory and policy framework on the evidence currently before the Examination.

21.12 Policy compliance matrix

For clarity and to assist the Examining Authority in applying the statutory and policy tests engaged by this application, SEPE has prepared a consolidated Policy Compliance Matrix (Appendix Q).

The Matrix identifies:

- the principal national policy frameworks engaged (EN-1, EN-3, EN-5, the National Planning Policy Framework and the EIA Regulations);
- the relevant decision-making requirements arising from those frameworks;
- SEPE's evidence-based assessment of whether compliance has been demonstrated on the information before the Examination; and
- cross-references to the sections of this Written Representation and the Procedural Deficiencies identified in Appendix M.

The Matrix is not intended as advocacy shorthand. It is structured in a manner analogous to Examination and Secretary of State decision letters, identifying where compliance has not been demonstrated on the current evidence rather than asserting breach in absolute terms.

Section 21 should therefore be read alongside Appendix M. The deficiencies summarised in that Appendix are not matters of planning weight alone; they bear directly on evidential adequacy, proportionality and the decision-maker's ability to apply the relevant national policy tests in a robust and informed manner.

On the evidence currently before the Examination, the proposal is not demonstrated to be appropriately sited, least harmful, or no more than reasonably required. The asserted public benefits, each requiring further evidence and scrutiny as set out in this Written Representation, therefore cannot be afforded decisive weight against the identified and long-duration harms, particularly the unnecessary occupation of predominantly BMV land. In SEPE's submission, the Application does not provide a sufficiently robust or reliable evidential basis for a positive recommendation.

22.0 Community benefits

As set out in Section 17, the Proposed Development sits within a rural catchment of multiple parishes and settlements, with an affected population distributed across a wide area. Any community-benefit arrangement, if offered, should therefore be proportionate to the scale, duration and dispersed nature of the scheme's impacts. In summary, any community benefit arrangement should reflect actual scheme performance, endure for the full operational life of the development, and operate independently of the developer.

Status in the planning balance

SEPE recognises that community benefit funds are generally voluntary and are not a substitute for policy compliance, impact avoidance, or enforceable mitigation secured through the DCO. This section is therefore provided without prejudice to SEPE's primary case on policy conflict and evidential inadequacy. It is intended as a fallback framework: if the Examining Authority is nonetheless minded to recommend consent, SEPE considers that any community benefit package should be transparent, generation-linked, and future-proofed so that local communities share proportionately in the scheme's revenue-generating activity over time, including repowering, technology upgrades, or any consented life extension.

Given that the Order Limits extend over approximately 12.5 km and the scheme would be experienced across multiple communities (including Hail Weston, Great Staughton, Little Staughton, Pertenhall, Keysoe and Swineshead, with additional effects likely to be experienced in Perry, Stonely, Kimbolton, Catworth, Buckden and St Neots), any community fund should reflect the long operational life of the project and the continuing nature of effects on amenity, access and rural character. Given the dispersed and long-duration nature of these impacts, one-off or fixed-term payments would not provide a proportionate or equitable response.

22.1 Generation-linked Community Benefit Fund

SEPE recommends a generation-linked Community Benefit Fund, calculated by reference to actual exported electricity (MWh), rather than nameplate capacity (£/MW). This structure better reflects the reality that:

- project revenues depend on actual energy exported, not installed MW alone; and
- repowering, higher-efficiency modules, inverter upgrades, or operational life extensions can materially change annual output without necessarily changing the consented red-line footprint or the duration of local effects.

Illustrative rate and indexation

As an initial benchmark for discussion, SEPE suggests a contribution rate of £1/MWh applied to metered electricity exported to the grid, index-linked from the

commencement year using CPI (or an equivalent inflation index agreed in the securing document). The rate is advanced as an illustrative starting point, capable of refinement by reference to actual export volumes (including any export attributable to co-located BESS operation), realised revenue streams (including, where applicable, Contracts for Difference indexation or merchant pricing).

Duration and successor obligations

The contribution should apply for:

- the full operational life of the authorised development; and
- any extension, repowering, or technology upgrade that results in continued export of electricity from the Order Limits, whether by the original undertaker or any successor operator.

22.2 Governance, transparency and distribution

To ensure legitimacy and avoid conflicts of interest, SEPE recommends that the fund be administered through an independently chaired local trust or equivalent vehicle, legally distinct from the developer, with governance arrangements agreed prior to commencement.

A proportionate governance model would include:

- an independent Chair, appointed jointly by the host local authority/authorities in consultation with parish representatives;
- representation from affected parish/town councils (at minimum those most directly affected by the Order Limits and construction routing), with scope for a tiered/voting structure to avoid undue dilution;
- a small number of local resident representatives selected through an open process; and
- a non-voting developer liaison role limited to provision of verified export/generation data and administrative coordination.

Eligible uses could include (non-exhaustively): community facilities, education, heritage conservation, ecological enhancement (additional to secured mitigation), PRow improvements, local energy efficiency measures, and rural access/tranquillity initiatives, subject to transparent criteria and annual reporting.

Verification

Annual fund payments should be calculated by reference to metered electricity exported to the grid, using data capable of independent verification (including export metering, settlement data and any associated BESS export where applicable, or equivalent industry-standard evidence). The calculation and underlying data should be published in an annual report and subject to independent audit.

22.3 Securing mechanism and enforceability

SEPE recognises that community benefit arrangements are typically secured outside the DCO planning balance and should not be presented as mitigation for identified harms. If offered, the mechanism would most appropriately be secured through an enforceable arrangement (for example, a binding voluntary undertaking or legally enforceable agreement with defined obligations, reporting, audit and step-in remedies). The securing instrument should also ensure that the obligation binds successors in title / successor operators, reflecting the likelihood of asset transfer over a multi-decade operational period.

Given the likelihood of refinancing, partial divestment or asset transfer over a multi-decade operational period, successor obligations are essential to ensure continuity of benefit.

22.4 Relationship to DCO mitigation and local socio-economic measures

The above proposal is not a substitute for securing required mitigation and safeguards through the DCO Requirements (including traffic controls, PRow protection, ecological safeguards, soil management, and BESS safety measures). Nor does it remedy the absence of enforceable socio-economic delivery mechanisms identified elsewhere (including the limitations of the Outline Skills, Supply Chain and Employment Plan). For the avoidance of doubt, the existence or scale of any community benefit arrangement should not influence the assessment of policy compliance or the acceptability of impacts.

If consent were contemplated, SEPE submits that the Examining Authority should separately seek:

- measurable local training and procurement commitments (to the extent capable of being secured through the Development Consent Order); and
- proportionate measures addressing the consequences of long-duration BMV land withdrawal, consistent with EN-1.

In the absence of a binding and enforceable mechanism, any claimed community benefit fund must be treated as voluntary and should not be afforded material weight as mitigation or as an offset for identified harms.

Comparable energy infrastructure projects have included voluntary community benefit arrangements administered through independent trusts and indexed annual contributions. These examples do not create a policy requirement, but they demonstrate that governance and indexation mechanisms are practical and deliverable where an applicant elects to offer them.

To ensure transparency and accountability, the above mechanisms should be secured outside the planning balance, for example through a legally binding community benefit agreement or equivalent enforceable undertaking associated with the DCO (for

example, a voluntary unilateral undertaking or other enforceable agreement linked to the Order). This would enable the relevant local planning authorities to monitor compliance and, where necessary, enforce the agreed arrangements using their existing powers.

23.0 Conclusion

The evidence before the Examination indicates that the East Park Energy proposal raises substantial concerns regarding policy compliance, environmental proportionality and evidential adequacy. In its present form, the Application does not provide the level of environmental information or policy justification necessary for the Examining Authority to reach a fully informed and policy-compliant recommendation.

The Environmental Statement omits or defers key technical assessments; the Draft Development Consent Order does not presently secure several critical safeguards; and the Applicant has not demonstrated necessity, proportionality or compliance with EN-1, EN-3 or the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations). In these circumstances, the Examining Authority cannot safely conclude that the proposal satisfies the requirements of the National Policy Statements or the statutory environmental assessment framework.

Policy conflict and legal inadequacy

The project raises a question as to whether the proposal demonstrates compliance with the core siting principles of EN-1, EN-3 and NPPF provisions for safeguarding Best and Most Versatile (BMV) agricultural land, which collectively require applicants to avoid development on high-grade agricultural land where reasonable alternatives exist. The application materials do not presently demonstrate, on a transparent and comparative basis, how reasonable alternatives were identified, assessed and discounted. The Applicant's own site-selection and land-identification reporting further appears to indicate that the red-line boundary and resulting BMV land-take evolved through an assumption-led grid and capacity-maximisation framework, rather than through a transparent, constraint-led sequential avoidance of higher-grade agricultural land. In those circumstances, the harm cannot be characterised as unavoidable, and the Examination is not equipped with the evidence necessary to conclude that this location represents the least harmful or proportionate means of delivering the claimed benefits. In the absence of a transparent, comparative assessment of reasonable alternatives unconstrained by a fixed grid-connection assumption, a limited search radius, or land availability through voluntary agreement, the Examining Authority cannot conclude that the use of BMV land is necessary, unavoidable or proportionate, as required by EN-1 and EN-3.

Absence of a transparent and policy-compliant alternatives framework

Taken as a whole, the evidence presented in Sections 4, 10, 20 and 21 indicates that the Application does not yet demonstrate, on a transparent and comparative basis, that the chosen grid interface, site location, scheme footprint and configuration represent the least harmful reasonable means of delivering the stated project objectives. The Environmental Statement explains the selected scheme but does not present a structured, constraints-led appraisal showing how alternative grid-connection strategies, land parcels, non-BMV opportunities, developed land options

or reduced-scale configurations were identified, compared and discounted before arriving at the current proposal.

In particular, the Application does not demonstrate that alternative deployment geographies beyond the Applicant's self-imposed 15 km search radius, or connection strategies involving longer cable routes or alternative transmission nodes, were examined on a comparable basis, notwithstanding evidence from other solar NSIP projects that materially longer connection distances are technically feasible.

In the absence of such analysis, it is not possible to determine whether the substantial long-duration loss of Best and Most Versatile agricultural land is unavoidable or instead reflects particular assumptions about connection point, capacity utilisation or land assembly. This evidential gap directly affects the application of EN-1, EN-3 and the EIA Regulations, all of which require decision-makers to understand the reasonable alternatives and the reasons for the option chosen. Until that comparison is transparently demonstrated, the Examination cannot be satisfied that the proposal represents a proportionate or policy-compliant use of high-quality agricultural land or that the claimed benefits justify the site-specific harms identified.

This absence of a transparent alternatives framework also limits the confidence with which the environmental effects of the chosen scheme can be assessed.

Under the EIA Regulations, an application cannot be determined unless the environmental information is adequate for the decision to be taken. The cumulative procedural deficiencies identified in this Representation, spanning alternatives, consultation, baseline data, hydrology, ecology, landscape, noise and BESS safety, mean that the Examining Authority has not been supplied with the minimum environmental information required to discharge its statutory duties.

Taken together, these omissions do not represent isolated evidential gaps but a systemic failure of the Environmental Statement to provide the environmental information required for decision-making.

Environmental and technical deficiencies

The ES omits full ALC mapping, erosion and water-balance modelling, soil-restoration verification and evidence of reversibility, contrary to EN-3's requirement to avoid permanent loss of soil function. These findings directly contradict the Applicant's unverified assumption that soils can be restored to their pre-development BMV condition after 40 years.

On the Applicant's own ALC evidence, approximately 74% of the c. 773 ha site is BMV (Grades 2 and 3a). This engages the protection hierarchy in EN-3 and EN-1 and has direct implications for national food security, none of which has been assessed.

Natural England guidance (NEER012) warns that large solar arrays can create ecological traps and fragmentation corridors; yet the ES provides no precautionary pathway analysis or long-term monitoring. The relocation of the BESS compound onto

higher-grade land further increases BMV loss while exposing nearby dwellings and PRowS to unassessed thermal-runaway, over-pressure and toxic-plume risks. No Quantified Risk Assessment, UL9540A-informed modelling or adequate, site-specific plume dispersion analysis of off-site consequences has been produced.

Archaeological and cultural heritage

Where the archaeological baseline remains incomplete and the significance of buried remains has not yet been properly characterised, the Environmental Statement cannot provide a reliable assessment of likely significant effects on the historic environment. The EIA Regulations require the Examining Authority and Secretary of State to reach a reasoned conclusion on the likely significant effects of the development on the environment based on the environmental information before them. If key aspects of archaeological significance, extent and impact remain unresolved and are instead deferred to post-consent investigation, the decision-maker is placed in the position of determining the application without the information necessary to discharge that statutory duty. In such circumstances, there is a material risk that the environmental information available at the point of decision is insufficient to satisfy the EIA Regulations adequacy test.

Amenity, noise, landscape and PRow impacts

Construction and operational noise, lighting, traffic and fencing would fundamentally alter the rural soundscape and character of multiple villages. No receptor mapping or verified photomontages have been provided to substantiate the Applicant's residual-impact claims. Public Rights of Way traversing or bordering the array fields would experience material loss of openness, tranquillity and recreational value, contrary to EN-1 and the NPPF provisions for conserving and enhancing the natural environment).

Consultation and procedural fairness

All host authorities recorded inadequacies in pre-application consultation, including the absence of baseline technical evidence and inconsistency between consultation material and the submitted ES. These deficiencies go beyond engagement failures: they undermine the legality of the consultation process itself by preventing affected parties from providing informed responses (Appendix B).

Governance and oversight requirements (if consent is considered)

Given the Applicant's procedural record and the breadth of evidential deficiencies documented throughout this Representation, the Examining Authority should not rely solely on the developer's voluntary adherence to best practice.

The following measures are identified without prejudice and do not remedy the fundamental policy conflict arising from the mis-siting of the Scheme on extensive BMV agricultural land. Any consent would require:

- **Independent environmental verification** by a suitably qualified third party for all monitoring and compliance reporting.
- **A compliance and governance framework**, secured through a Development Consent Order requirement, setting out independent oversight, reporting obligations and enforcement triggers.
- **Financial security mechanism** – a legally binding financial guarantee mechanism (for example an on-demand Letter of Credit, escrow arrangement or equivalent instrument), secured through a Development Consent Order requirement and in force prior to any ground disturbance or commencement of development, to ensure delivery of decommissioning, waste recovery, soil restoration and BESS safety obligations at the end of the operational life of the Scheme. The guarantee must remain enforceable for the lifetime of the development and continue in force notwithstanding any transfer of ownership, leasehold interest, or operational control, binding any successor owner or operator.

Without such financial security, the Examining Authority cannot be satisfied that the mitigation relied upon in the planning balance is realistically deliverable over the lifetime of the Scheme.

In addition, if consent were nevertheless contemplated, the following minimum safeguards should be secured as Development Consent Order requirements and approved as certified pre-commencement documents prior to any ground disturbance:

- **Soil protection and restoration** – a Defra-compliant Soil Management Plan with quantified productivity-recovery targets, moisture-threshold trafficking controls and independent agronomic verification.
- **Hydrological and thermal monitoring** – baseline and post-construction monitoring (infiltration, temperature, run-off, water-balance) with adaptive-management triggers agreed with the Environment Agency.
- **Decommissioning and waste** – a comprehensive end-of-life strategy covering PV modules, BESS units, transformers, cabling, fencing, piles and foundations, including verified recycling and material recovery pathways, annual recovery-rate reporting, and full agricultural land restoration.

This strategy should be secured through the financial guarantee mechanism described above, ensuring that the costs of decommissioning, waste recovery and soil restoration cannot be externalised to the public, local planning authority or landowners.

- **Technology transparency** – full disclosure of module materials, hazard profiles, degradation behaviour, PFAS content (where relevant) and storm-damage protocols.
- **BESS safety** – an independently reviewed Quantified Risk Assessment, including adequate site-specific off-site plume-dispersion analysis, fire-water containment modelling, UL9540A/LSFT interpretation, and an NFCC-approved pre-incident emergency plan.
- **Construction impacts and traffic management** – a binding Construction Traffic Management Plan and Construction Environmental Management Plan secured by DCO requirement, including defined routing, delivery-hour restrictions, workforce travel controls, GPS tracking, real-time monitoring, enforcement mechanisms and a community reporting protocol.
- **Community benefit mechanism** – a CPI-indexed £/MWh contribution for the lifetime of the scheme (including extensions), secured through a legally binding agreement, as set out in Section 22.

These measures are identified solely to demonstrate the minimum safeguards that would be required if consent were nevertheless contemplated.

These measures are consistent with EN-1, the EIA Regulations and precedent in Cleve Hill (2020) and Sunnica (2023). Even with these safeguards, the fundamental mis-siting on extensive BMV land would remain, meaning the project would still conflict with EN-1, EN-3, the EIA Regulations and the NPPF.

SEPE notes that recent professional guidance from ISEP (2025) independently corroborates the types of evidential and methodological deficiencies identified in this Written Representation, reinforcing the conclusion that the Environmental Statement does not presently meet the adequacy threshold required for a legally robust determination.

Taken together, the environmental, agricultural, technical and procedural deficiencies identified throughout this Written Representation give rise not only to substantial planning harm but also to material issues of evidential adequacy and decision-stage confidence, as set out in the Legal Appendix (Appendix B). Where, as here, essential baseline information is incomplete, alternatives have not been transparently assessed, consultation may not have enabled fully informed participation, mitigation remains uncertain or reliant on future definition, and claimed benefits remain subject to further scrutiny, the Examination may be unable to reach a robust and fully evidenced conclusion consistent with the requirements of EN-1, EN-3, the EIA Regulations and established public-law principles.

Accordingly, in light of these matters, SEPE respectfully submits that the Examining Authority should either:

1. Recommend refusal on the grounds of mis-siting, procedural inadequacy, and non-compliance with national policy, including the absence of a robust, policy-compliant alternatives assessment demonstrating that the proposed BMV-intensive scheme is necessary, least harmful, and no more than reasonably required (including proper consideration of lower quality land and alternative configurations irrespective of voluntary land availability or predetermined grid assumptions). The proposal is further undermined by an incomplete and inaccurate environmental baseline, the lack of a completed and evidence-based BESS safety and risk assessment (including QRA and off-site consequence analysis), and the absence of clearly defined and enforceable DCO-level safeguards. In these circumstances, the claimed benefits attract limited weight and are insufficient to outweigh the identified and unassessed harms; or
2. Require the Applicant to address the substantive evidential deficiencies identified in this Written Representation, as summarised in Appendix M, including – without limitation – the provision of outstanding information and supporting evidence relating to environmental impacts, safety considerations, funding arrangements, the proposed operational model, risk assessments, and a robust alternatives analysis, together with the Development Consent Order controls necessary to enable the Examining Authority to properly evaluate the proposal.

The number and significance of these outstanding matters mean that the current Application does not provide a sufficiently complete evidential basis for the Examining Authority to conclude that the development complies with EN-1, EN-3 or the EIA Regulations. Until those matters are addressed through further information and, where necessary, redesign, the proposal cannot be confidently assessed against the statutory planning balance.

For the avoidance of doubt, taken cumulatively, these omissions mean that the Environmental Statement does not contain sufficient environmental information to meet the adequacy threshold required by the Infrastructure Planning (EIA) Regulations 2017.

A consolidated table of identified procedural and evidential deficiencies is provided at Appendix M.

A consolidated schedule identifying determinative environmental information deferred by the Applicant to post-consent plans, and the resulting evidential risks, is provided at Appendix O.

Community Benefit Fund (without prejudice)

Without prejudice to the foregoing conclusion, if the Examining Authority is minded not to refuse the application, it should also seek to secure the generation-linked Community Benefit Fund described in Section 22. Although not part of the planning balance, this mechanism would provide a modest transparent long-term return to affected communities proportionate to the geographic extent and duration of impacts.

24.0 Representation Statement – East Park Energy Solar NSIP

On behalf of Stop East Park Energy (SEPE), this Written Representation is submitted in formal opposition to the proposed East Park Energy Solar and Battery Energy Storage System (BESS) development.

SEPE is a directly affected community group acting in the public interest. SEPE is not opposed to renewable energy nor to national decarbonisation objectives. Its position is based on a simple principle: that nationally significant infrastructure should be appropriately sited, supported by robust evidence, environmentally proportionate, and advanced through a procedurally sound process. On the evidence currently before the Examination, SEPE considers that the East Park Energy application has not yet demonstrated that these standards are met. The proposal seeks to industrialise approximately 74% Best and Most Versatile (BMV) farmland within a site extending to approximately 773 hectares, representing a substantial concentration of high-grade agricultural land within one of the region's most productive agricultural zones. National policy in EN-3, read alongside EN-1, the EIA Regulations, and the NPPF provisions for conserving and enhancing the natural environment, requires applicants to avoid development on high-quality agricultural land wherever reasonably possible and to demonstrate that the use of such land is necessary after reasonable alternatives have been examined and discounted.

Evidence before the Examination indicates that lower-conflict land, including sub-grade 3b, degraded and previously developed land, exists within viable grid-connection distance of the Eaton Socon substation. However, the Application does not demonstrate through a transparent, comparative assessment of reasonable alternatives, unconstrained by predetermined assumptions such as a fixed search radius, a single preferred grid-connection node, or land availability through voluntary agreement, why such alternatives were not reasonably available. In the absence of a clear and policy-compliant comparative assessment of reasonable alternatives explaining why lower-conflict options were not pursued, the Examination may have limited confidence that the relevant policy tests in EN-1 and EN-3 have been fully addressed.

The Application documents also reveal a pattern in which scheme configuration and land selection have been driven primarily by grid-connection optimisation and land availability, rather than by a structured sequential assessment designed to minimise environmental harm and avoid BMV land. Evidence presented during the Examination indicates that the search geography was materially constrained by a self-imposed proximity criterion to the Eaton Socon connection point and by the availability of land through voluntary agreement, rather than by an objective appraisal of the least harmful reasonably available locations, including those that could potentially be assembled using compulsory acquisition powers. The relocation of the BESS compound onto higher-grade land illustrates this pattern, with the Applicant acknowledging that the

revised location places infrastructure on Sub-grade 3a land, increasing rather than reducing BMV land loss.

In addition, the Examination has identified important evidential gaps. Consultation deficiencies have been raised by host authorities and consultees, baseline environmental information remains incomplete in several topic areas, and the environmental and operational implications of the proposed 100 MW BESS installation have not been fully evidenced. In particular, the Environmental Statement does not provide a quantified assessment of likely BESS operating regimes, charging sources, annual throughput or dispatch behaviour.

This issue is material because the proposed BESS has 100 MW import/export capability, meaning that it can charge electricity from the grid as well as from the co-located solar arrays. In practice, grid-connected storage assets commonly operate as merchant market participants, charging when wholesale prices are low and discharging when prices are higher. Such operation can deliver commercial value but does not necessarily depend upon, or directly relate to, the renewable generation of the host solar scheme.

SEPE does not object to battery storage in principle. However, where the public-interest case for a development relies in part on claimed benefits from co-located storage, including assertions regarding grid stability, consumer protection from price volatility, or enhanced renewable integration, those benefits must be supported by clear evidence of how the storage asset will operate in practice. At present, the Application does not demonstrate whether the BESS is expected to operate primarily as a solar-balancing asset linked to on-site generation, or as a merchant grid storage facility capable of charging from imported electricity during periods of low or zero solar output.

In the absence of quantified operational evidence or enforceable operational parameters within the draft Development Consent Order, the Examining Authority cannot safely assume that the BESS will principally function to time-shift electricity generated by the proposed solar arrays. Without such evidence, the claimed system and consumer benefits associated with the storage element cannot be attributed with confidence to this specific development.

This uncertainty is particularly relevant in the present case because the scheme would result in the long-duration occupation of extensive areas of BMV agricultural land. Where nationally significant soil resources are affected, it is essential that the public benefits relied upon in the planning balance are clearly demonstrated and proportionate to the scale and duration of the environmental impact, and that the Examination is satisfied that the location and land-take represent the least harmful reasonably available means of delivering those claimed benefits.

The Examining Authority therefore carries not only a statutory obligation to ensure compliance with national policy and the EIA Regulations, but also a responsibility,

reflected in EN-1, EN-3 and the NPPF, to safeguard productive agricultural land, protect long-term soil function, and ensure that nationally significant infrastructure is located in a manner consistent with sustainable land stewardship and the wider public interest.

Accordingly, SEPE respectfully invites the Examining Authority to:

- **Recommend refusal of the Development Consent Order** on the grounds of mis-siting, policy conflict and evidential inadequacy; or
- **Require fundamental redesign**, by relocating the scheme away from BMV agricultural land and residential receptors, due to the absence of both a transparent, comparative assessment of reasonable alternatives unconstrained by voluntary land agreements and predetermined grid-connection assumptions, and the provision of an accurate and complete environmental assessment.

SEPE recognises that renewable energy generation and food security are both important national priorities. They are not mutually exclusive. However, they must be pursued in balance and in accordance with national policy, with proper regard to the protection of productive soil resources, long-term land stewardship and the rural environment.

For the avoidance of doubt, SEPE reserves the right to submit further evidence at Deadline 2 and subsequent stages of the Examination, particularly should additional material be provided by the Applicant in response to requests for further information. SEPE will continue to assist the Examining Authority by identifying evidential gaps, testing the Applicant's submissions, and helping to ensure that the Examination proceeds on a complete, transparent and robust evidential basis.

25.0 REFERENCES

The following references are grouped by topic to support the evidence and arguments presented in this Written Representation, including agricultural land protection, soil and environmental impacts, planning and policy context, Battery Energy Storage System (BESS) safety, and community benefit mechanisms.

25.1 Policy, planning and Ministerial sources

- HM Government (2026) National Security Assessment. Global Biodiversity Loss, Ecosystem collapse and National Security. UK Government.
- Department for Environment, Food and Rural Affairs (Defra) (various years). *Land Use Change Statistics for England*. Defra, London.
- Institute of Sustainability and Environmental Professionals (ISEP) (2025). *Solar PV on Agricultural Land: Essential Components of Environmental Assessments and Reports*.
- Climate Change Committee (2024). *Delivering a Net Zero Land System: Sixth Carbon Budget Pathway Technical Report*. London: CCC.
- House of Commons Library (2024). *Planning for Solar Farms*. Research Briefing CBP-7434, UK Parliament.
- Department for Levelling Up, Housing and Communities (DLUHC) (2024). *National Planning Policy Framework (NPPF)*. London.
- Department for Levelling Up, Housing and Communities (DLUHC) (2023). *National Planning Policy Framework (NPPF)*. London.
- Department for Energy Security and Net Zero (DESNZ) (2023). *Overarching National Policy Statement for Energy (EN-1)*, s. 4.2.2. London.
- Department for Energy Security and Net Zero (DESNZ) (2023). *National Policy Statement for Renewable Energy Infrastructure (EN-3)*. London.
- Friends of the Earth (2023). *How England Can Produce More Onshore Renewable Energy Fast*. Friends of the Earth, London.
- Helm, D. (2025). British energy policy – not cheap, not home-grown and not secure. Oxford Martin School, University of Oxford.
- Royal Agricultural Society of England (2023). *Solar, Soil and the Future of Farmland*. RASE Policy Paper, Stratford-upon-Avon.
- Planning Inspectorate (2023). *Mallard Pass Solar Farm – Examining Authority Questions Q2.5.6–Q2.5.8*.
- Planning Inspectorate (2023). *Longfield Solar Farm – Report to the Secretary of State*, ss. 6.3.10–6.3.18.

- Planning Inspectorate (2022). *Land at East Marsh, South of Gunthorpe Road, Walpole St Andrew, Norfolk*. Appeal Decision APP/V2635/W/22/3295141.
- Department for Levelling Up, Housing and Communities (DLUHC) (2021). *Nationally Significant Infrastructure Projects – Guidance for Local Authorities*.
- Dimbleby, H. (2021). *National Food Strategy: The Plan*. HM Government.
- UK Parliament (2021). *Parliamentary Debate on Solar Farms – Eddie Hughes MP, 7 September 2021*. *Hansard*, HC Deb, Vol. 700.
- Planning Inspectorate (2014). *Valley Farm, Wherstead*. Appeal Decision APP/X3540/A/13/2196046.
- Planning Inspectorate (2020). *Cleve Hill Solar Park Order 2020 (EN010085)*.
- Planning Inspectorate (2023). *Longfield Solar Farm Order 2023 (EN010118)*.
- Natural England (2017). *Predictive Best and Most Versatile (BMV) Land Assessment – East Region*. Map Ref. NE170809-1016-779e. Produced by L. Edwards, GIS and Analysis Services. Data sources: National Soil Map (Cranfield University), Defra ALC 1:250k, Met Office climatic indices.
- Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, Regulation 18 (3).
- UK Parliament (2015). *Written Ministerial Statement by Eric Pickles, Secretary of State for Communities and Local Government, 25 March 2015 (HCWS488)*.
- Natural England (2012). *Technical Information Note TIN049: Agricultural Land Classification – Protecting Best and Most Versatile Land*.
- Department for Environment, Food and Rural Affairs (Defra) (2009). *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*. Defra, London.
- Department for Business, Energy and Industrial Strategy (2022). *British Energy Security Strategy*, London.

25.2 Agricultural land, soils and hydrology

- Alzahrani, A. et al. (2025). *A Review of the Potential Impact of Large-Scale Solar Farms (LSSFs) on the Water Cycle*. *Renewable Energy Reviews*, 235, 113086.
- Wilkinson, D. (2025) *UK Food Security – Outlook to 2050*. London: Science for Sustainable Agriculture.
- Török, P., et al. (2024). Soil degradation beneath photovoltaic panels: meta-analysis of hydrological and biological responses. *Science of the Total Environment*, 932: 173921.
- Natural England (2024). *Soil Functionality Indicators Pilot Study*.

- Welsh Government (2023). *The Impact of Solar PV Sites on Agricultural Soils and Land*. Welsh Government, Cardiff.
- Lal, R. (2023). Carbon and food security trade-offs on agricultural land. *Frontiers in Environmental Science*, 11: 1190345.
- Moscatelli, M.C. et al. (2022). *Soil Properties Changes After Seven Years of Ground Coverage*. *Science of the Total Environment*, S2352009422000207.
- Defra / ADAS (2022). *Soil Recovery Following Construction: Work Package 3 – Post-Development Monitoring*.
- Environment Agency (2022). *Flood Risk Assessment Guidance for Infrastructure Projects (Version 3)*.
- Cook, L.M. & McCuen, R.H. (2013). *Hydrologic Response of Solar Farms*. *Journal of Hydrologic Engineering*, 18, 536–541.
- USDA NRCS (2010). *Technical Note 430-13: Soil Restoration Following Construction*. U.S. Department of Agriculture, Natural Resources Conservation Service.

25.3 Solar deployment – environmental and technical evidence

- Dastan, M., Ribeiro, E.D.P., Bellut-Staeck, U., Zhou, J. and Lehmann, C. (2026) 'Infrasound and Human Health: Mechanisms, Effects, and Applications', *Applied Sciences*, 16(3), 1553.
- Lancaster University (2025). *UK Field Study of Ground-Mounted Solar Farms*.
- Xu, Z. et al. (2024). *A Global Assessment of the Effects of Solar Farms on Albedo, Vegetation and Land-Surface Temperature*. *Solar Energy*, S0038092X23008320.
- Yavari Bajehbaj, R. et al. (2024). *Quantifying Soil Moisture and Evapotranspiration Heterogeneity Within a Solar Farm*. *Journal of Hydrology*, 638, 131474.
- Liu, H. et al. (2023). *Effect of Solar Farms on Soil Erosion in Hilly Environments*. *Earth and Space Science Open Archive*.
- Tawalbeh, M. et al. (2021). *Environmental Impacts of Solar Photovoltaic Systems: A Critical Review*. *Science of the Total Environment*, S0048969720370595.
- Lancaster University (2021). *First Evidence Shows Solar Parks Can Cool Surrounding Land*. Lancaster University Press Release.
- World Bank / ESMAP (2020). *Global Photovoltaic Power Potential by Country*. Washington DC: Energy Sector Management Assistance Program (ESMAP), World Bank.
- Barron-Gafford, G.A. et al. (2016). *The Photovoltaic Heat Island Effect: Larger Solar Power Plants Increase Local Temperatures*. *Scientific Reports*, 6:35070.

- Hernández, R.R. et al. (2014). *Environmental Impacts of Utility-Scale Solar Energy. Renewable & Sustainable Energy Reviews*, 29, 766–779.

25.4 Ecology and biodiversity

- Fleming, P.A. (2025). *All That Glitters – Review of Solar Facility Impacts on Fauna. Renewable & Sustainable Energy Reviews*, 224:115995.
- Takács, P. et al. (2024). *Polarized Light Pollution of Fixed-Tilt Photovoltaic Solar Panels Measured by Drone Polarimetry. Remote Sensing*, 16(7), 1177.
- Scurlock, J.M.O. et al. (2024). *Biodiversity outcomes of solar farms on arable land in the UK: context and management dependency. Journal of Applied Ecology*, 61(3): 526–540.
- Natural England (2023). *Green Infrastructure Framework – Connectivity Metrics Toolkit*.
- Walston, L.J. et al. (2023). *Ecological consequences of utility-scale solar development in temperate agricultural landscapes. Renewable Energy*, 217: 119303.
- Fritz, B. et al. (2020). *Bioreplicated Coatings for Photovoltaic Solar Panels Nearly Eliminate Light Pollution That Harms Polarotactic Insects. PLOS ONE*, 15(12), e0243296.
- Walston, L.J. et al. (2018). *Biodiversity Impacts of Utility-Scale Solar Energy Development in the United States and Europe. Environmental Management*, 61, 725–739.
- Natural England (2016). *NEER012: Evidence Review of the Impact of Solar Farms on Birds, Bats and General Ecology. Natural England Evidence Information Note NEER012*, Peterborough.
- Montag, H., Parker, G. & Clarkson, T. (2016). *The Impact of Solar Farms on Local Biodiversity: A Comparative Study*. University of York.
- Horváth, G. et al. (2010). *Reducing the Maladaptive Attractiveness of Solar Panels to Polarotactic Insects. Conservation Biology*, 24(6), 1644–1653.

25.5 Landscape, land use and carbon accounting

- Smith, P. et al. (2023). *Carbon Opportunity Costs of Land for Solar Energy in the UK. Environmental Research Letters*, 18(9), 094004.
- Lovett, A., Sünnerberg, G., Dockerty, T. et al. (2021). *Land Use Implications of Meeting Net Zero Targets: Spatial Modelling for England and Wales. Land Use Policy*, 108, 105582.
- The Problem with Solar Farms (2021). *Campaign to Protect Rural England (CPRE) and Solar Campaign Alliance*.

- Defra (2009) and Natural England (2012) – establish the policy context for soil and land-use protection.

25.6 Economic and strategic site selection evidence

- Hughes, G. (2024). *Net Zero and the Economics of Solar Power in Britain*. Renewable Energy Forum, London.
- Hughes, G. (2023). *Solar Economics*. Lecture Notes and Presentation. University of Edinburgh / Renewable Energy Economics Programme.

25.7 Construction, decommissioning and technical guidance

- iScience (2025). *Lifecycle Assessment of High-Efficiency Mono-Si PV Modules*. *I-Science Journal*, May 2025 Edition.
- IEA PVPS Task 12 (2025). *Recycling Status Report*. International Energy Agency Photovoltaic Power Systems Programme, Paris.
- Wambach, K. & Schmela, M. (2024). *Circularity of PV systems: European recycling readiness assessment*. *Solar Energy Materials and Solar Cells*, 263: 112649.
- IEA PVPS Task 12 (2024). *Life Cycle Assessment Fact Sheet Update*. International Energy Agency Photovoltaic Power Systems Programme, Paris.
- ETH Zurich (2024). *China PV LCA Database*. Swiss Federal Institute of Technology Zurich, Sustainability Assessment Lab.
- BRE (2023). *Agrivoltaic Design Guide*. Building Research Establishment, Watford.
- EPEAT (2023). *Photovoltaic Modules Criteria v1.0*. Global Electronics Council, Portland, OR.
- Maani, M. et al. (2023). *Comparative life cycle assessment of crystalline and thin-film PV: implications of early repowering*. *Journal of Cleaner Production*, 423: 138756.
- Fraunhofer ISE (2022). *Environmental Impact of PV Module Manufacture – A Regional Comparison*. WCPEC-8 Conference Paper, Milan.
- Solar Energy UK (2022). *Best Practice Guidelines for Solar Farm Decommissioning*. Solar Energy UK, London.
- Tawalbeh, M. et al. (2021). *Environmental Impacts of Solar PV Technology Life Cycle Assessment*. *Energy Reports*, 7, 1412–1427.
- Atasu, A., Duran, S. & Van Wassenhove, L. N. (2021). *The Dark Side of Solar Power*. *Harvard Business Review*, 18 June 2021.
- Environment Agency (2004). *Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention*. Environment Agency, Bristol.

- IRENA & IEA-PVPS (2016). *End-of-Life Management: Solar Photovoltaic Panels*. International Renewable Energy Agency, Abu Dhabi.

25.8 Battery Energy Storage System (BESS) safety

The following references provide empirical evidence, technical investigation findings, and authoritative guidance on fire incidents, environmental impacts, and regulatory responses associated with grid-scale lithium-ion battery energy storage systems (BESS). These sources support the risk assessment and policy arguments set out in Section 15 of this Written Representation.

- California Department of Forestry and Fire Protection (CAL FIRE) (2025). *Moss Landing BESS Fire Incident Report*. Monterey County, CA.
- Elkhorn Slough National Estuarine Research Reserve (2025). *Post-Fire Environmental Sampling Report: Moss Landing Energy Storage Facility*. State of California / NOAA.
- European Commission Joint Research Centre (JRC) (2024). *Fire and Environmental Safety of Energy Storage Systems: Technical Review 2024*. JRC Science for Policy Report, EUR 31612 EN.
- Planning Inspectorate (2024). *Appeal Decision: Land north-east of Axminster National Grid Substation, Pound Road, Hawkchurch* (Battery Energy Storage System). Ref APP/U1105/W/23/3319803, Decision 16 February 2024.
- Simpa, P., Solomon, N.O., Adenekan, O.A., & Obasi, S.C. (2024). *The safety and environmental impacts of battery storage systems in renewable energy*. *World Journal of Advanced Research and Reviews*, 22(02), 564–580.
- European Commission Joint Research Centre (JRC) (2023). *Battery Energy Storage Safety: Review of Incidents and Regulatory Gaps*. Publications Office of the European Union.
- Xu, Y. et al. (2023). *Review of BESS Fire Incidents and Regulatory Responses Worldwide*. *Journal of Energy Storage*, 66, 107424.
- Golriz, M. et al. (2023). *Safety challenges and mitigation strategies for large-scale lithium-ion battery energy storage systems*. *Renewable and Sustainable Energy Reviews*, 187: 113841.
- Energy Safe Victoria (2022). *Investigation Report: Victorian Big Battery Fire*. Melbourne, Australia.
- National Fire Chiefs Council (NFCC) (2022). *Battery Energy Storage Systems: Guidance for Fire and Rescue Services*. NFCC Operations Directorate, UK.
- National Fire Chiefs Council (NFCC) (2026). *Battery Energy Storage Systems: Guidance for Fire and Rescue Services*. NFCC Operations Directorate, UK.

- Atkinson, J. et al. (2021). *Carnegie Road BESS Fire Investigation Report*. Merseyside Fire & Rescue Service, Liverpool, UK.
- International Association of Fire Chiefs (IAFC) (2021). *Best Practices for Emergency Response to Lithium-Ion Battery Energy Storage System Incidents*. IAFC Energy Storage Committee.
- NFPA (2020). *NFPA 855: Standard for the Installation of Stationary Energy Storage Systems*. National Fire Protection Association, Quincy, MA.
- Wang, Q. et al. (2020). *Thermal Runaway Mechanisms of Lithium-Ion Batteries: Recent Advances and Perspectives*. *Energy Storage Materials*, 24, 85–112.
- APS (2019). *McMicken Battery Energy Storage System Event Technical Analysis and Recommendations*. Arizona Public Service / DNV GL Final Report, July 2020.

25.9 Community benefit

- Planning Inspectorate (2019–2023). *Community Benefit Protocols and Voluntary Contributions in Renewable NSIPs*. Examples include *Hornsea Three Offshore Wind Farm (EN010080)* and *East Anglia ONE North Offshore Wind Farm (EN010077)*, which secured indexed, long-term community benefit mechanisms tied to generation capacity.
- Planning Inspectorate (2022). *Little Crow Solar Park Order 2022 – Community Benefit Fund Commitments*. Planning Inspectorate Reference EN010101.
- Secretary of State Decision (2020). *Cleve Hill Solar Park Development Consent Order*. Planning Inspectorate Ref: EN010085.

25.10 Lifecycle carbon and supply chain evidence

- Department for Energy Security and Net Zero (DESNZ) (2024) *Valuation of energy use and greenhouse gas emissions for appraisal*. London: DESNZ.
- Fraunhofer Institute for Solar Energy Systems (ISE) (2023) *Photovoltaics Report*. Freiburg: Fraunhofer ISE.
- Reichelstein, S., Yorston, M. and McVeigh, J. (2023) *The carbon footprint of photovoltaic modules: global supply chain implications*, in Proceedings of the 8th World Conference on Photovoltaic Energy Conversion (WCPEC-8). Freiburg: Fraunhofer ISE.
- International Energy Agency Photovoltaic Power Systems Programme (IEA PVPS) Task 12 (2024) *Life Cycle Assessment of Photovoltaic Systems – Fact Sheet*. Paris: IEA PVPS.

- IVL Swedish Environmental Research Institute (2019) Lithium-ion vehicle battery production: Status 2019 on energy use, CO₂ emissions, use of metals, products environmental footprint, and recycling. Stockholm: IVL.

Appendix A – Summary of key evidence themes supporting the Representation

Theme	Principal sources	Key findings	Procedural / policy relevance
Soil degradation and reversibility	Moscatelli 2022; Welsh Gov 2023; Török 2024; Batey 2009	Long-term compaction and loss of soil structure beneath PV arrays; recovery of deeper horizons may take decades (20–40+ years).	Supports WR ss.5, 14.2, 21; demonstrates inconsistency with EN-3 and EN-1.
Hydrological alteration	Alzahrani 2025; Cook & McCuen 2013	Modified infiltration, altered runoff pathways and increased soil erosion risk at panel drip-lines.	Supports WR ss.6, 14.3; triggers need for verified hydrology/erosion assessment (Procedural Deficiency #4).
Thermal and microclimate impacts	Barron-Gafford 2016; Xu 2024; Yavari 2024	Photovoltaic Heat Island (PVHI) and albedo effects alter local temperature regimes, affecting adjacent farmland and soil moisture.	Supports WR ss.4.3, 14.6; requires precautionary monitoring under EN-1.
Ecological disruption and habitat fragmentation	Fleming 2025; NEER012 (2016); Montag 2016; Takács 2024	Evidence of barrier effects, faunal displacement and polarised-light “Lake effect” traps.	Supports WR ss.7, 12 and PD #9 ; demonstrates need for avoidance hierarchy under EN-1.
Lifecycle and supply-chain emissions	Fraunhofer 2022; IEA PVPS 2024–25; Atasu 2021	Overseas manufacturing grid intensities and mid-life replacement cycles materially increase embodied carbon (30–50%+).	Supports WR s.8; Procedural Deficiency #18A under EN-1.
BESS fire and contamination risk	CAL FIRE 2025; Energy Safe Victoria 2022; JRC 2023	Thermal-runaway events release hydrogen fluoride (HF), heavy metals and contaminated fire-water; documented off-site deposition.	Supports WR s.15; Procedural Deficiencies #11 and #15C (EIA Regulations).
Visual impact & screening failure (local precedent)	Manor Farm Solar (2013–24 field evidence)	Field-verified persistence of visibility after 10 years; hedgerow growth failed or insufficient to screen arrays given local topography.	Supports WR s.11; Procedural Deficiency #7C (unproven mitigation).
Site-selection drivers and alternatives	Hughes 2024; RASE 2023; Friends of the Earth 2023	Evidence that early commercial land agreements and fiscal incentives commonly shape solar siting before environmental constraints are assessed.	Supports WR ss.4, 21; Procedural Deficiency #1A ; demonstrates inconsistency with EN-1 and EN-3 (alternatives requirement).

Note: All sources cited above are fully listed in the consolidated References section. This summary highlights the principal evidence themes underpinning the Written Representation

Appendix B – Legal appendix to the SEPE Written Representation

Key case law authorities relevant to environmental information, consultation, alternatives, agricultural land and mitigation

Introduction

This Appendix summarises leading domestic case law relevant to the legal and procedural matters raised in the SEPE Written Representation (WR) concerning the East Park Energy Development Consent Order.

Its purpose is to assist the Examining Authority (ExA) by identifying the established public-law principles that inform:

- adequacy of environmental information;
- assessment of reasonable alternatives;
- consultation fairness;
- protection of high-quality agricultural land;
- risk assessment for hazardous infrastructure;
- enforceability of mitigation; and
- proportionality in the planning balance.

For each authority, this Appendix provides:

1. A brief neutral summary;
2. The legal principle;
3. Its relevance to the Proposed Development, including how it informs the ExA's application of national policy (including EN-1 and EN-3); and
4. Cross-references to the WR.

1. Adequacy of the Environmental Statement (EIA Regulations)

1.1 Sufficiency of environmental information

R (Blewett) v Derbyshire CC [2003] Env LR 29

Summary

The Court held that an Environmental Statement should be assessed from the perspective of a “reasonable reader” and should not be subjected to excessively technical or hypercritical analysis. The purpose of EIA is practical – to inform decision-makers and the public of the likely environmental effects of a proposal. However, the Court also emphasised that an ES must contain sufficient information to enable the decision-maker to reach an informed conclusion on those effects and cannot rely on missing material or matters left to post-consent determination.

Legal principle

An ES must be sufficiently complete, intelligible and robust at the point of decision to allow a reasoned conclusion on likely significant effects. Essential environmental information cannot be deferred.

Relevance to the Proposed Development

The WR identifies areas where baseline data, risk analysis or mitigation detail is incomplete or reliant on future surveys or outline plans. These matters are relevant to whether the ExA can confidently assess environmental effects and the effectiveness of mitigation. EN-1 requires decisions to be based on adequate environmental information and to demonstrate that impacts have been avoided or minimised where reasonably practicable. Where conclusions depend on unresolved matters, the confidence that can be placed in those conclusions may be reduced.

WR cross-references

ss. 2, 3, 4, 5, 14, **PD #13A**

While Blewett is expressly cited in the sections identified above, its principles are applied more broadly throughout the Written Representation in assessing the adequacy, coherence and completeness of the Environmental Statement.

1.2 Omission of significant effects

R (Lebus) v South Cambridgeshire DC [2002] EWHC 2009 (Admin)

Summary

The Court held that environmental information must identify and assess the likely significant effects of the proposal so that consultees and decision-makers can understand its impacts. Failure to assess a relevant impact, or omission of material information necessary to appreciate those impacts, may undermine the integrity of consultation and the decision-making process.

Legal principle

Consultation must be based on sufficient environmental information to permit intelligent and informed responses. Omission of a significant effect or relevant data may render the environmental information inadequate.

Relevance to the Proposed Development

The WR identifies concerns regarding the completeness of baseline data available during consultation, including matters relating to soils, hydrology and safety risk. These issues are relevant to whether affected parties were able to understand the likely impacts of the proposal and respond meaningfully. EN-1 emphasises transparent decision-making and proper consideration of environmental effects; consultation

conducted without adequate information may weaken confidence in the evidential basis of the application.

WR cross-references

ss. 2, 3, 4, **PD #4A, PD #13A**

While *R (Lebus) v South Cambridgeshire District Council* is expressly cited in the sections above, the principles established in that judgment are applied more broadly throughout this Written Representation in assessing the adequacy and lawfulness of the Environmental Statement.

1.3 Duty to seek further information

R (Mellor) v Secretary of State for Communities and Local Government [2009] UKHL 2

Summary

The House of Lords clarified that environmental information relied upon in decision-making must be available to consultees and the public, and that reliance on undisclosed or unspecified background material is inconsistent with the purpose of EIA. Where information is necessary for an informed assessment of environmental effects, it must be provided.

Legal principle

If essential information required to understand environmental impacts is missing, the authority should obtain further information before determining the application.

Relevance to the Proposed Development

The WR identifies several areas where additional technical information may be necessary to assess environmental effects, including safety risk, cumulative impacts and long-term environmental performance. This authority is relevant to the ExA's discretion to request further information where required to enable a lawful and informed recommendation under the EIA Regulations and EN-1.

WR cross-references

PD #13A

While *R (Mellor) v Secretary of State* is expressly cited in **PD #13A**, the principles established in that judgment are applied more broadly throughout this Written Representation in assessing whether the Environmental Statement provides sufficient information to enable a reasoned conclusion on likely significant effects.

1.4 Climate impacts and lifecycle considerations

R (Plan B Earth) v Secretary of State for BEIS [2021] EWCA Civ 90

Summary

The Court considered whether the Secretary of State had lawfully taken account of climate impacts when designating a national policy statement. It emphasised that climate considerations must be addressed transparently and rationally where they are material to the decision.

Legal principle

Where climate effects are a material consideration, decision-makers must demonstrate that they have been properly assessed and taken into account.

Relevance to the Proposed Development

The WR raises issues relating to lifecycle emissions, material sourcing and end-of-life impacts. These matters are relevant to assessing the net environmental benefit of the scheme and the weight to be attributed to its contribution to decarbonisation. EN-1 requires consideration of both benefits and adverse impacts; transparent assessment of climate effects supports that balancing exercise.

WR cross-references

ss. 18, **PD #18A**

While R (Plan B Earth) v Secretary of State for BEIS is expressly cited in Section 18 and **PD #18A**, the principles established in that judgment are applied more broadly throughout this Written Representation in assessing the adequacy, transparency and policy alignment of climate and carbon assessment.

1.5 Adequacy of environmental information and reliance on supporting material

R (Burridge) v Breckland District Council [2013] EWHC 4064 (Admin)

Summary

The Court held that environmental information relied upon in decision-making must be sufficiently clear, accessible and available to consultees and the public. Reliance on material that is unclear, incomplete or not properly presented may undermine the effectiveness of consultation and the decision-making process.

Legal principle

Environmental information must be presented in a manner that enables consultees and decision-makers to understand the likely significant effects of the development; reliance on unclear or inadequately presented material may render the assessment unlawful.

Relevance to the Proposed Development

The WR identifies instances where technical material, supporting documents or underlying assumptions are not presented in a clear or accessible manner, including in relation to environmental baselines, risk assessment and mitigation. These issues are relevant to whether consultees and the ExA can properly understand and evaluate the likely environmental effects of the Proposed Development, consistent with EN-1 and the EIA Regulations.

WR cross-references

Appendix I

While *R (Burridge) v Breckland District Council* is expressly cited in Appendix I, the principles established in that judgment inform the assessment of environmental information clarity and accessibility throughout this Written Representation.

2. Reasonable alternatives

2.1 Alternatives as a main issue

R (Samuel Smith) v North Yorkshire CC [2020] UKSC 3

Summary

The Supreme Court confirmed that alternatives must be considered where planning policy or the nature of the proposal makes them a central issue. Decision-makers must engage with relevant policies and cannot treat harmful impacts as inevitable without considering whether they could be avoided or reduced.

Legal principle

Where policy requires consideration of alternatives, the decision-maker must address that requirement in substance, not merely in form.

Relevance to the Proposed Development

EN-1 and EN-3 emphasise the importance of considering reasonable alternatives, particularly where significant land-use impacts arise. The WR examines whether the application provides a transparent explanation of site selection and alternatives in relation to BMV land and deployment options. This authority underscores the relevance of that analysis to the planning balance.

WR cross-references

ss. 4, **PD #4A**

While *R (Samuel Smith) v North Yorkshire CC* is expressly cited in Section 4 and **PD #4A**, the principles established in that judgment are applied more broadly throughout this Written Representation in assessing alternatives, policy application and planning judgment.

2.2 Failure to consider realistic alternatives

R (Hayes) v Wychavon DC [2014] EWHC 221 (Admin)

Summary

The Court held that failure to consider a realistic alternative may be unlawful where policy requires such consideration and where alternatives could materially reduce harm.

Legal principle

Available alternatives capable of avoiding or reducing harm must be examined where they are relevant to the planning decision.

Relevance to the Proposed Development

The WR discusses potential alternative land configurations and deployment pathways that may reduce impacts on high-quality agricultural land. EN-3 encourages directing development away from BMV land where reasonable alternatives exist. This authority highlights the importance of demonstrating why the chosen scheme represents a reasonable option in light of those alternatives.

WR cross-references

s. 4

While R (Hayes) v Wychavon District Council is expressly cited in Section 4, the principles established in that judgment are applied more broadly throughout this Written Representation in assessing the adequacy of environmental information and planning judgment.

2.3 A flawed or incomplete alternatives review undermines lawfulness

R (Mount Cook Land) v Westminster CC [2003] EWCA Civ 1346

Summary

The Court held that alternatives assessment must be meaningful where environmental harm is significant and that superficial consideration is insufficient.

Legal principle

An incomplete or perfunctory alternatives assessment may undermine the lawfulness of the decision.

Relevance to the Proposed Development

Where substantial land-use change and environmental effects are proposed, EN-1 expects decision-makers to understand whether impacts could be avoided or reduced. The WR's analysis of site selection is relevant to determining whether the proposal reflects a constraint-led approach consistent with national policy.

WR cross-references

None (not expressly cited in the main body of the WR)

While *R (Mount Cook Land) v Westminster City Council* is not expressly cited in the main body of this Written Representation, the principles established in that judgment are relied upon in assessing alternatives, the adequacy of environmental information and planning judgment.

3. Consultation fairness

3.1 Statutory consultation must be fair, evidence-based and transparent

***R (Moseley) v Haringey LBC* [2014] UKSC 56**

Summary

The Supreme Court confirmed that consultation must be fair, transparent and conducted at a formative stage, with sufficient information provided to allow consultees to understand the proposal and its impacts.

Legal principle

Consultees must be able to make informed representations; consultation based on incomplete or misleading information may be unlawful.

Relevance to the Proposed Development

The WR identifies concerns regarding consultation materials and the availability of technical information. This authority is relevant to whether the consultation process enabled meaningful engagement, an issue the ExA may consider when assessing procedural adequacy.

WR cross-references

ss. 2, 3, 4

While *R (Moseley) v London Borough of Haringey* is expressly cited in the sections above, the principles established in that judgment are applied more broadly throughout this Written Representation in assessing fairness, transparency and the adequacy of consultation.

3.2 Reconsultation following material change

***R (Plantagenet Alliance) v Secretary of State* [2014] EWHC 1662 (Admin)**

Summary

The Court emphasised that consultation must be genuine and meaningful, and that consultees must have sufficient information to participate effectively.

Legal principle

Material changes to a proposal may require further consultation where they alter the nature or impacts of the scheme.

Relevance to the Proposed Development

The WR discusses changes to Order Limits and project components during the pre-application process. This authority highlights the importance of ensuring that affected parties had adequate opportunity to comment on the proposal as ultimately submitted, consistent with the principles of procedural fairness underpinning EN-1.

WR cross-references

s. 4

While *R (Plantagenet Alliance) v Secretary of State for Justice* is expressly cited in Section 4, the principles established in that judgment are applied more broadly throughout this Written Representation in assessing procedural fairness and the lawfulness of decision-making.

4. Agricultural land and long-term use

4.1 Weight of BMV land

Caring for the Environment v Secretary of State for the Environment & Test Valley BC (1997) JPL 917

Summary

The Court recognised that agricultural land quality, including Best and Most Versatile (BMV) land, is a material planning consideration requiring evidence-based assessment. Decision-makers must evaluate the significance of agricultural land loss and cannot treat it as a neutral or incidental consequence of development.

Legal principle

Loss of high-quality agricultural land is a potentially significant planning harm and must be explicitly assessed and justified, particularly where alternatives exist.

Relevance to the Proposed Development

The WR identifies that a substantial proportion of the Order Limits comprises BMV agricultural land and examines whether the application demonstrates that this loss is necessary and proportionate. EN-3 establishes a preference for directing solar development away from BMV land where reasonable alternatives exist. This authority underscores the importance of treating agricultural land loss as a substantive planning issue requiring transparent justification.

WR cross-references

s. 5

While *Caring for the Environment v Secretary of State for the Environment & Test Valley BC* is expressly cited in Section 5, the principles established in that judgment are applied more broadly throughout this Written Representation in assessing agricultural land quality, BMV loss and planning judgment.

4.2 Cumulative land loss

Hallam Land Management Ltd v Secretary of State for Communities and Local Government [2015] EWHC 2475 (Admin)

Summary

The Court held that decision-makers must consider the cumulative loss of productive agricultural land and the broader implications for land resources. Agricultural impacts cannot be assessed in isolation where wider regional losses are occurring.

Legal principle

Cumulative loss of productive agricultural land is a relevant planning consideration requiring explicit assessment and justification.

Relevance to the Proposed Development

The WR addresses cumulative land-use change and the implications of long-duration withdrawal of productive farmland. EN-1 requires consideration of cumulative effects and efficient use of land resources. This authority supports the relevance of evaluating agricultural impacts beyond the immediate site.

WR cross-references

ss. 5, 8

While *Hallam Land Management Ltd v Secretary of State for Communities and Local Government* is expressly cited in Sections 5 and 8, the principles established in that judgment are applied more broadly throughout this Written Representation in assessing planning judgment, policy application and the balancing of harms and benefits.

4.3 Long duration “temporary” impacts

R (Save Britain’s Heritage) v Secretary of State for Communities and Local Government [2011] EWCA Civ 334

Summary

The Court held that the characterisation of development impacts as “temporary” does not negate their significance where effects are long-lasting or effectively irreversible. A development lasting several decades may constitute a permanent change in planning terms.

Legal principle

Long-duration impacts cannot be discounted merely because they are described as ‘temporary’; their real environmental consequences must be assessed.

Relevance to the Proposed Development

The WR considers the implications of long-term land-use change over the operational life of the scheme. EN-1 requires assessment of effects over the lifetime of the development, including decommissioning. This authority highlights the importance of evaluating whether long-duration occupation of land should be treated as a significant effect rather than a reversible one.

WR cross-references

s. 5

While *R (Save Britain’s Heritage) v Secretary of State for Communities and Local Government* is expressly cited in Section 5, the principles established in that judgment are applied more broadly throughout this Written Representation in assessing the adequacy of environmental information, heritage impacts and planning judgment.

5. Risk and the precautionary principle

5.1 Assessment of hazardous infrastructure

R (Frack Free Balcombe) v West Sussex CC [2014] EWHC 4108 (Admin)

Summary

The Court confirmed that where development involves potentially hazardous activities, decision-makers must understand the credible risks and their consequences before granting consent. Reliance on unspecified future mitigation may be insufficient where risks are significant.

Legal principle

For hazardous or high-risk development, decision-makers must be satisfied that risks have been adequately assessed and are acceptable.

Relevance to the Proposed Development

The WR discusses safety considerations associated with battery energy storage systems and the adequacy of risk assessment evidence. EN-1 requires applicants to demonstrate that risks to health and safety have been assessed and managed. This authority supports the importance of robust pre-determination analysis of major accident risk pathways.

WR cross-references

ss. 2, 3, 4, 20

While R (Frack Free Balcombe Residents Association) v West Sussex County Council is expressly cited in the sections above, the principles established in that judgment are applied more broadly throughout this Written Representation in assessing the precautionary approach, risk assessment and the adequacy of environmental information for hazardous development.

5.2 Where scientific uncertainty exists, the precautionary principle must apply

R (Buglife – The Invertebrate Conservation Trust) v Thurrock Thames Gateway Development Corporation [2019] EWHC 1997 (Admin)

Summary

The Court emphasised that ecological impacts must be assessed rigorously where significant uncertainty exists, particularly where habitats or species may be affected. Decision-makers should adopt a precautionary approach where evidence is incomplete.

Legal principle

Where environmental effects are uncertain but potentially significant, robust assessment and precautionary decision-making are required.

Relevance to the Proposed Development

The WR identifies areas of ecological uncertainty and baseline limitations. EN-1 and the EIA Regulations require decision-makers to reach a reasoned conclusion on environmental effects. This authority highlights the importance of ensuring that ecological impacts are adequately understood before consent is granted.

WR cross-references

s. 4

While R (Buglife – The Invertebrate Conservation Trust) v Thurrock Thames Gateway Development Corporation is expressly cited in Section 4, the principles established in that judgment are applied more broadly throughout this Written Representation in assessing ecological impacts, mitigation and the adequacy of environmental assessment.

6. Mitigation and DCO requirements

6.1 Mitigation must be “specific, certain and enforceable”

R (ClientEarth) v Secretary of State for Business, Energy and Industrial Strategy (Drax Power Ltd) [2021] EWHC 330 (Admin)

Summary

The Court held that reliance on mitigation measures requires those measures to be specific, certain and enforceable. Decisions based on aspirational or uncertain controls may be vulnerable if mitigation is not secured.

Legal principle

Mitigation relied upon in the planning balance must be clearly defined and capable of effective enforcement.

Relevance to the Proposed Development

The WR reviews whether the draft Development Consent Order secures the mitigation measures assumed in the ES. EN-1 emphasises that mitigation must be deliverable and effective. This authority highlights the relationship between enforceability and the weight that can be attributed to mitigation in the planning balance.

WR cross-references

ss. 2, 4, 5, 20

While *R (ClientEarth) v Secretary of State for Business, Energy and Industrial Strategy (Drax Power Ltd)* is expressly cited in the sections above, the principles established in that judgment are applied more broadly throughout this Written Representation in assessing the adequacy of environmental assessment, compliance with legal obligations and the need for effective and enforceable mitigation.

6.2 Reliance on future mitigation

R (Holborn Studios) v Hackney LBC [2020] EWCA Civ 1505

Summary

The Court held that planning conditions must be precise, enforceable and unambiguous. Reliance on vague or discretionary controls may undermine the lawfulness of the decision.

Legal principle

Conditions and requirements must provide sufficient certainty to ensure that mitigation will be implemented as assessed.

Relevance to the Proposed Development

The WR examines the extent to which key environmental controls are deferred to outline plans or future approvals. EN-1 requires decision-makers to have confidence that mitigation will be effective. This authority reinforces the importance of clarity in DCO requirements.

WR cross-references

ss. 2, 3, 4, 14, 15, 20, Appendix I, **PD #4A**

While *R (Holborn Studios) v Hackney LBC* is expressly cited in the sections noted above, the principles established in that judgment are applied more broadly throughout this Written Representation in assessing the certainty of conditions and requirements, mitigation enforceability and the lawfulness of decision-making.

7. Need and proportionality

7.1 National “need” does not override the requirement for proper planning judgment

R (Boot) v Elmbridge BC [1988] AC 357

Summary

The House of Lords confirmed that planning decisions must involve a balanced judgment, taking into account both need and environmental impact. Demonstration of need does not automatically justify development.

Legal principle

Need is one factor in the planning balance and must be weighed against harm and policy considerations.

Relevance to the Proposed Development

The WR considers whether the scheme’s benefits outweigh identified impacts in this location. EN-1 recognises national need for energy infrastructure but requires assessment of site-specific impacts. This authority emphasises that need does not displace the requirement for planning judgment.

WR cross-references

None (not expressly cited in the main body of the WR)

While *R (Boot) v Elmbridge BC* is not expressly cited in the main body of this Written Representation, the principles established in that judgment are relied upon in assessing the lawfulness of planning judgment and the balancing of harms and benefits.

7.2 Proportionality in planning decisions

R (Jones) v Mansfield DC [2004] EWCA Civ 1206

Summary

The Court reinforced that proportionality and the scale of development relative to its benefits are key components of planning judgment. Decisions must be based on a full understanding of impacts.

Legal principle

The planning balance must evaluate whether the scale and siting of development are justified by its benefits.

Relevance to the Proposed Development

The WR addresses proportionality in relation to land use, environmental effects and energy contribution. EN-1 requires decision-makers to assess whether adverse effects are outweighed by benefits. This authority supports the relevance of proportionality analysis.

WR cross-references

ss. 8, **PD #8B**

While *R (Jones) v Mansfield DC* is expressly cited in the sections above, the principles established in that judgment are applied more broadly throughout this Written Representation in assessing planning judgment and the adequacy of reasoning.

8.0 Summary table of case law cross-references

Issue	Key authorities	WR cross-reference
ES inadequacy	Blewett; Lebus; Mellor; Burrridge	ss. 2–5; 14; PD #13A ; Appendix I
Missing alternatives	Samuel Smith; Hayes; Mount Cook	ss. 4; PD #4A
Consultation fairness	Moseley; Plantagenet Alliance	ss. 2–4
BMV land loss	Caring for the Environment; Hallam Land	ss. 5; 8
“Temporary” impacts	Save Britain’s Heritage	s. 5
Hazardous infrastructure	Frack Free Balcombe; Buglife	ss. 2-4; 20
Draft DCO defects	ClientEarth; Holborn Studios	ss. 2; 4; 5; 14; 15; 20; Appendix I; PD #4A
Need and proportionality	Jones	s. 8; PD #8B

This table identifies sections where authorities are expressly cited. Wider application of these principles throughout the Written Representation is set out in the Legal Appendix.

9. Closing Note

The authorities cited in this Appendix demonstrate that the procedural and evidential deficiencies identified by SEPE are not matters of planning judgment alone, but engage established legal principles relevant to the lawfulness of granting a Development Consent Order.

Taken cumulatively, the case law supports SEPE's submission that, on the evidence currently before the Examination, the application:

- does not clearly demonstrate compliance with the requirements of the EIA Regulations;
- raises issues as to whether consultation has enabled fully informed participation;
- does not yet appear to provide a sufficiently transparent and policy-compliant assessment of reasonable alternatives for the purposes of EN-1 and EN-3;
- leaves material risks relating to land use, soils, ecology and BESS safety insufficiently evidenced; and
- relies on mitigation and control mechanisms that may lack the certainty required to support a reasoned decision.

Accordingly, this Appendix is provided to assist the Examining Authority in determining whether the environmental information, alternatives analysis, consultation record and secured mitigation are sufficient to enable a reasoned and lawful recommendation under the Planning Act 2008 and the relevant National Policy Statements.

Appendix C – Use of Artificial Intelligence

This Written Representation has been prepared by Stop East Park Energy (SEPE), a voluntary, community-led group comprising more than 1,000 supporters drawn from communities likely to be directly or indirectly affected by the Proposed Development.

SEPE operates entirely on an unfunded basis. Its submissions are informed by the collective expertise of its members, including individuals with professional and practical expertise in agriculture, civil engineering, community engagement, construction, ecology, energy, energy and infrastructure development, engineering, environmental science, finance, land management, law, planning, and technical analysis. Additionally, SEPE brings together professionals with experience in the planning, development, financing, construction and operation of major energy and utility infrastructure, both nationally and internationally, including expertise in the NSIP/DCO process, working collaboratively to review the East Park Energy proposal.

SEPE has made very limited use of AI tools, and solely in a minor capacity. Any such use has been restricted to basic editorial support, to help manage the substantive inputs, evidence, analysis and professional judgement of SEPE members. All analysis, conclusions and opinions expressed are those of SEPE. AI has not been relied upon as a source of evidence and has not substituted for expert judgement.

Appendix D – Carbon lifecycle evidence

This Appendix provides the evidential foundation for the lifecycle-carbon critique in Section 18 of the Written Representation. It appears to indicate that the Applicant's submission lacks the minimum transparency, geographic specificity and verification required under EN-1 and the EIA Regulations. It benchmarks the Applicant's incomplete lifecycle-carbon assessment against independent, peer-reviewed data.

The Environmental Statement (ES Vol 1 Ch. 12 – Climate Change and Appendix 12-1 – Lifecycle Carbon Assessment) omits key parameters required under EN-1, EN-3 and the EIA Regulations, including:

- manufacturing origin and energy mix of photovoltaic (PV) modules;
- embodied-carbon intensity by production region;
- shipping and logistics emissions;
- module-replacement and end-of-life assumptions; and
- embodied emissions associated with the Battery Energy Storage System (BESS).

Independent evidence is therefore essential to enable a lawful and transparent assessment of whether the proposed development contributes to national net-zero objectives. The datasets, benchmarks and thresholds presented in this Appendix represent the minimum evidential standard expected for decision-making under the EIA Regulations and National Policy Statements.

1. Introduction

This Appendix summarises recent independent research on the full carbon footprint and lifecycle greenhouse-gas (GHG) impacts of photovoltaic (PV) modules, with particular reference to modules manufactured in China and imported into Europe. It provides a benchmark against which any developer-supplied carbon or sustainability claims should be tested.

All values are expressed as cradle-to-gate or cradle-to-grave emissions, consistent with ISO 14067 and EN 15804 methodology.

This evidence underpins the lifecycle-carbon critique in Section 18 of the Written Representation and demonstrates why the Applicant's assessment fails to meet the transparency, geographic specificity and independent-verification requirements of EN-1 and the adequacy threshold under the EIA Regulations. This Appendix therefore provides the benchmark evidence needed to assess the credibility of the Applicant's carbon-payback claims and to determine whether the proposal delivers a genuine net reduction in greenhouse-gas emissions.

2. Global baseline for PV electricity

Independent lifecycle assessments (LCA) show that current mono-crystalline silicon (mono-Si) PV delivers electricity at approximately 36 g CO₂-equivalent per kWh, down from around 120 g CO₂e/kWh in 1996 (IEA PVPS Task 12, Life Cycle Assessment Fact Sheet Update 2024).

This represents a c. 70% reduction in embodied carbon over three decades, but still places PV far above zero-carbon at the point of construction. The embodied component is therefore material to true net-zero accounting.

3. Manufacturing location and energy-mix effects

A comparative Fraunhofer ISE study presented at WCPEC-8 (2022) found that identical glass-backsheet modules had a cradle-to-gate footprint of approximately:

- 810 kg CO₂e/kWp when produced in China;
- 580 kg CO₂e/kWp in Germany; and
- 480 kg CO₂e/kWp for the EU average.

(Fraunhofer ISE, *Environmental Impact of PV Module Manufacture – A Regional Comparison*, WCPEC-8 Conference Paper 2022.)

Converted to lifecycle electricity output, this equates to roughly 23–30 g CO₂e/kWh for Chinese manufacture and 13–18 g CO₂e/kWh for EU manufacture. The difference arises mainly from the electricity mix used in the polysilicon, ingot and wafer stages, which account for up to 63% of total embodied GWP in Chinese production. Shipping emissions are comparatively minor but should still be included in total carbon accounting.

For many grid-scale projects, the lithium-ion BESS represents 25–40% of total embodied emissions. As BESS units typically represent one of the largest single contributors to embodied carbon in hybrid solar-storage projects, the absence of manufacturer data, chemistry identification or EPDs in the Applicant's submission constitutes a material evidential gap under EN-1.

4. Key drivers and mitigation levers

Key determinants of PV lifecycle carbon include:

- Manufacturing energy source – decarbonising grid electricity for polysilicon refining and cell production yields the largest reduction.
- Module efficiency and material use – higher conversion efficiency and thinner wafers reduce silicon consumption and hence energy demand.
- Module design – glass-glass encapsulation reduces polymer content and improves recyclability.

- Transport and logistics – local or regional assembly further reduces emissions.

(Fraunhofer ISE 2022; IEA PVPS Task 12 2024.)

5. Product-level thresholds and certification

International procurement frameworks now define embodied-carbon thresholds for PV modules. The EPEAT Photovoltaic Module Criteria (2023) set two tiers:

- Tier 1: ≤ 630 kg CO₂e/kWp
- Tier 2: ≤ 400 kg CO₂e/kWp

verified through third-party Product Carbon Footprints (PCFs) or Environmental Product Declarations (EPDs) (EPEAT 2023; Energy Reports 2024).

Requiring compliance with the ≤ 400 kg CO₂e/kWp tier would align the development with best-practice low-carbon procurement and materially reduce project-level embodied emissions.

6. Recent Chinese manufacturing trends

Updated LCAs from 2021–2024 report cradle-to-gate footprints of approximately 0.34–0.42 kg CO₂e/Wp for best-in-class Chinese mono-Si production lines adopting renewable electricity (ETH Zurich 2024 PV LCA database; iScience 2025 mono-Si study).

Values remain highly variable across provinces and manufacturers. Independent verification through published PCFs/EPDs is therefore essential in any planning submission.

7. Transport and installation impacts

Transport typically contributes $< 5\%$ of total GWP, but where sea freight from East Asia and long-distance road transport are combined, this can rise to 30–50 kg CO₂e/kWp. Installation activities (pile-driving, cabling, inverter housing) add a further 10–20 kg CO₂e/kWp.

These values should be included in all cradle-to-site assessments.

8. End-of-life and circularity

IEA PVPS Task 12 (2022–2025) emphasises that end-of-life management materially influences the net carbon and resource outcome. Robust Extended Producer Responsibility (EPR) schemes and closed-loop recycling can reduce lifecycle GWP by 10–15%, whereas landfill disposal or low-value recycling increases total emissions (IEA PVPS Task 12 Recycling Status Report 2025).

Planning conditions should therefore require:

- a certified EPR/take-back scheme for all modules;

- a recycling plan identifying an approved UK or EU facility; and
- evidence that recycle recovery achieves $\geq 80\%$ by mass.

Recent studies (IEA PVPS Task 12, 2024) note that repowering at 20–25 years is increasingly common, potentially doubling embodied emissions unless explicitly accounted for. The Applicant has not modelled repowering scenarios, materially understating cradle-to-grave carbon impact.

9. Comparative context

Energy source	Mean g CO ₂ e/kWh (lifecycle)	Notes
Coal	820–1,050	Combustion + upstream
Natural gas CCGT	400–500	Varies with methane leakage
Solar PV (EU manufacture)	13–18	480 kg CO ₂ e/kWp modules
Solar PV (China manufacture)	23–30	810 kg CO ₂ e/kWp modules
Wind (onshore)	11–12	Mature supply chain

(Compiled from IEA PVPS 2024 and Fraunhofer ISE 2022 datasets.)

10. Policy implications

1. Information sufficiency: applicants should disclose manufacturing origin, plant energy mix and shipping mode to ensure realistic carbon accounting.
2. Procurement conditions: modules should be certified ≤ 400 kg CO₂e/kWp with third-party PCF/EPD verification.
3. Lifecycle governance: a full cradle-to-grave carbon statement, including transport, repowering and decommissioning, should accompany any planning application.
4. End-of-life assurance: a funded EPR/recycling obligation should form a condition of consent.

These findings indicate that the Applicant's lifecycle-carbon evidence does not presently provide complete lifecycle accounting and therefore does not clearly demonstrate compliance with EN-1 or the adequacy expectations of the EIA Regulations. The Examining Authority should therefore require a Revised Lifecycle Carbon Assessment disclosing the origin, embodied-carbon intensity, shipping emissions and end-of-life treatment of all PV modules and BESS components, verified through independent Environmental Product Declarations (EPDs) or Product Carbon Footprints (PCFs).

Absent this disclosure, the Examination record does not presently provide a sufficient evidential basis to evaluate the scheme's claimed carbon benefits against the assessment principles in EN-1.

11. Summary

Modern solar PV provides substantial operational GHG savings, but manufacturing origin and lifecycle management remain decisive determinants of true net benefit. Embodied carbon for modules produced in coal-dominated energy systems can exceed EU production by a factor of two, and poor end-of-life practices can further inflate total emissions.

Accordingly, any carbon-neutrality claims by the Applicant must be supported by transparent, third-party-verified lifecycle evidence meeting internationally recognised benchmarks. Until a revised, independently verified lifecycle-carbon assessment is submitted, the Applicant's claimed carbon benefits cannot be relied upon in the planning balance under EN-1, nor can they support a "compelling case in the public interest" for compulsory acquisition.

12. References

- IEA PVPS Task 12. *Life Cycle Assessment Fact Sheet Update 2024*.
- Fraunhofer ISE. *Environmental Impact of PV Module Manufacture – A Regional Comparison*. WCPEC-8 Conference Paper (2022).
- EPEAT (2023). *Photovoltaic Modules Criteria v1.0*.
- ETH Zurich (2024). *China PV LCA Database*.
- iScience (2025). *Lifecycle Assessment of High-Efficiency Mono-Si PV Modules*.
- IEA PVPS Task 12. *Recycling Status Report 2025*.

APPENDIX E – Independent evidence – Professor Tony Day

System value, land efficiency and solar-plus-storage public-interest outcomes (2025–2026)

1.0 Introduction and author credentials

This Appendix consolidates independent system-level evidence prepared by Professor Tony Day, an independent energy research consultant and Visiting Professor at London South Bank University, where he previously held the position of Professor of Energy in the Built Environment.

From 2012 to 2020 he served as Director of the International Energy Research Centre at the Tyndall National Institute, University College Cork. He is a Chartered Engineer and Fellow of the Chartered Institution of Building Services Engineers and the Energy Institute.

The evidence summarised herein comprises:

- Day (2025) – *Modelling of GB Grid-Scale Solar PV Generation: Impacts of the New Category of Solar Power Plant on the National Energy System*; and
- Day (2026) – *Battery Energy Storage Trading: Who Pays the Price?*

Together, these analyses provide system-level modelling and economic evidence directly relevant to:

- EN-1 (need, proportionality and decision-making on adequate evidence);
- EN-3 (avoidance and minimisation of Best and Most Versatile (BMV) agricultural land take);
- The requirement that nationally significant infrastructure delivers genuine system benefit proportionate to environmental cost; and
- The planning balance under the Infrastructure Planning Act 2008 and the EIA Regulations.

This Appendix is cross-referenced in Written Representation Sections 10, 21 and 23.

PART 1

2.0 National system modelling of grid-scale solar PV (Day, 2025)

2.1 Purpose of the modelling

Professor Day's 2025 modelling evaluates the national system contribution, curtailment dynamics, and land implications of large-scale ground-mounted solar deployment in Great Britain under multiple deployment scenarios (c. 45 GW to c. 131 GW).

The modelling is system-wide in scope and not project-specific. Its relevance lies in contextualising claims regarding national benefit and proportionality where large areas of agricultural land are proposed for long-duration occupation.

2.2 Key findings

2.2.1 Capacity factors remain structurally low (c. 9.5–11%)

Across all modelled deployment scenarios, national average solar capacity factors remain within approximately 9.5–11%.

This reflects:

- UK latitude and seasonal irradiance patterns;
- Winter generation constraints; and
- Climatic limits rather than site optimisation factors.

Implication: Scaling deployment does not materially increase system productivity per installed MW. Gains are limited by physical resource constraints, not scale.

2.2.2 Diminishing marginal system benefit beyond c. 45 GW

The modelling identifies rapidly diminishing system benefit beyond 45 GW of installed solar capacity due to:

- Grid congestion;
- Increasing curtailment;
- Temporal mismatch between peak output and peak demand;
- Reduced delivered system value per additional GW.

Implication: Beyond moderate penetration levels, incremental grid-scale solar capacity delivers declining national benefit relative to land requirement.

2.2.3 Even very high deployment delivers a minority share of demand

At the Government's 2035 solar target of 75 GW of installed solar capacity, and against rising demand, solar PV is modelled to supply 12.9% of annual UK electricity demand, increasing to 16.4% with battery storage.

Winter contribution remains materially lower due to seasonal irradiance. At an installed capacity of 75 GW by 2035, winter grid-scale solar PV contribution to national demand is projected at 2–3%.

Implication: Large-scale ground-mounted solar does not materially resolve winter security-of-supply risks and cannot be characterised as a firm capacity solution.

2.2.4 Land-use requirements escalate substantially

The modelling indicates that:

- c. 75 GW of solar would require c. 375,000 acres of land;
- Equivalent to roughly 2.5% of UK cropland.

Implication: National solar expansion at scale entails significant agricultural opportunity cost. Where BMV land is utilised, that cost is heightened.

3.0 Relevance to East Park Energy

The modelling provides contextual evidence for proportionality under EN-1 and EN-3.

3.1 Limited national contribution relative to land-take

Using Department for Energy Security and Net Zero electricity demand data (c. 300–330 TWh/year), The Applicant’s forecast annual output (c. 0.433 TWh) would represent approximately 0.13% of total UK electricity demand. However, this forecast appears materially optimistic when tested against typical UK solar capacity factors, which are generally in the order of 9.5–11% and constrained by prevailing climatic conditions. The implied level of generation is at, or beyond, the upper bound of established operational performance for comparable schemes. In the absence of clear, scheme-specific evidence demonstrating how such output would be reliably achieved, the forecast risks overstating the scheme’s contribution to national electricity supply. A more conservative estimate aligned with typical UK performance would reduce the claimed benefits, while the associated land-take (c. 773 hectares of predominantly Best and Most Versatile (BMV) agricultural land) would remain unchanged.

Within the national modelling context, schemes such as East Park represent marginal contributions relative to long-duration agricultural displacement.

3.2 Reinforces the sequential alternatives requirement

Because system-wide capacity factors are structurally constrained and national benefit does not materially depend upon use of high-grade farmland, there is no technical necessity to prioritise BMV land.

This strengthens the requirement to assess:

- Brownfield land;
- Sub-grade 3b or poorer land;
- Rooftop and co-location opportunities;
- Alternative grid geographies.

3.3 Supports proportionality assessment in the planning balance

The modelling demonstrates:

- High environmental opportunity cost (BMV loss);
- Low marginal grid benefit at scale;

- Diminishing returns under saturation conditions.

Under EN-1, benefits must be proportionate to environmental and land-use harm. The modelling informs that proportionality test.

3.4 Contextualises carbon-benefit claims

Seasonal mismatch and curtailment limit effective displacement of winter fossil generation.

Accordingly, large land-intensive schemes cannot be assumed to deliver transformative carbon impact absent lifecycle and integration evidence.

4.0 Conclusion – Part 1

Professor Day's 2025 system modelling demonstrates that large-scale ground-mounted solar:

- Delivers structurally limited national contribution;
- Experiences diminishing marginal benefit at higher penetration;
- Requires substantial agricultural land at scale.

For East Park Energy, this evidence means that:

- The public-interest case for extensive BMV land conversion requires rigorous justification;
- Proportionality under EN-1 cannot be assumed;
- Sequential land hierarchy under EN-3 is central, not peripheral.

PART 2

5.0 Solar-plus-storage economics and public-interest claims (Day, 2026)

5.1 Purpose

Professor Day's 2026 analysis examines the operational behaviour, revenue structure and public-interest implications of large solar projects co-located with Battery Energy Storage Systems (BESS).

It assesses whether commonly asserted benefits, including:

- "Low-cost electricity";
- "Protection from volatile pricing"; and
- "Enhanced grid stability"

are supported by observed UK market dynamics.

6. Modelling approach

The analysis draws upon:

- Historic UK wholesale price data;
- Balancing mechanism and ancillary services revenues;
- Representative cost and performance assumptions for solar-plus-storage;
- Realistic dispatch strategies under current market rules.

Crucially, the modelling distinguishes between:

- Revenue from on-site solar electricity generation; and
- Revenue from battery energy trading and ancillary services.

Key findings

7.1 Solar-only delivers lower levelised cost than solar-plus-storage

Solar-plus-storage configurations increase delivered electricity cost relative to solar-only generation. The modelling suggests an indicative solar-plus-storage-delivered electricity cost of over 130/MWh on average.

Implication: Claims that co-located storage inherently supports “low-cost electricity” require careful qualification.

7.2 BESS revenue is predominantly trading-based

A substantial proportion of project revenue may derive from:

- Wholesale arbitrage;
- Balancing mechanism participation;
- Ancillary services markets.

Battery revenues of approximately £50,000–£90,000 per MW per year are modelled as achievable independently of solar output.

Implication: Storage operates primarily as a market-responsive trading asset, not necessarily as a consumer-protection mechanism.

7.3 Storage monetises price volatility rather than reducing it

Battery trading economics depend upon price spreads. Storage assets generate revenue by buying low and selling high.

Implication: The existence of storage does not automatically reduce volatility exposure; rather, it monetises volatility within prevailing market structures.

7.4 Grid stability benefits are conditional

While batteries can provide short-duration balancing services, they:

- Do not provide firm winter capacity;
- Do not eliminate need for dispatchable backup;
- Do not remove network reinforcement requirements.

Any stability benefit is highly system-context dependent.

7.5 Solar remains a modest contributor in winter

Even under high deployment scenarios:

- Solar would supply approximately 13% of annual electricity demand;
- Only approximately 2–3% during winter months.

Implication: Land-intensive solar does not materially address the period of highest system stress.

8.0 Relevance to East Park Energy

This evidence is directly relevant to claims made in the Applicant's Planning Statement and Statement of Reasons.

Where the scheme is promoted as:

- Delivering low-cost electricity;
- Protecting consumers from volatile pricing; and
- Enhancing grid reliability through storage,

the evidence indicates that such claims:

- Require quantified, site-specific integration analysis;
- Cannot be assumed from generic policy support;
- May reflect investor revenue optimisation rather than consumer benefit.

Absent operational constraints linking BESS charging predominantly to on-site solar generation, asserted benefits may not be causally attributable to the proposed BMV land-take.

APPENDIX F – Solar generation performance and indicative system contribution evidence

1.0 Purpose of this Appendix

This Appendix provides illustrative analytical evidence regarding the expected operational performance of large ground-mounted solar installations in eastern England, based on observed regional insolation data and comparative operational data from nearby installations.

The purpose of this Appendix is to assist the Examining Authority in understanding:

- the seasonal variability of solar generation in the UK climate;
- the relationship between headline installed capacity and realistic delivered output;
- the local performance characteristics of solar installations in the vicinity of the Proposed Development; and
- the scale of national electricity contribution associated with a development of the size proposed.

This material supports the discussion of system contribution, proportionality and planning balance presented in Section 21 of this Written Representation.

The underlying data used for the illustrative charts in this Appendix is derived from publicly available regional insolation and generation datasets and published UK solar performance and annual national electricity demand statistics. These datasets are used solely to illustrate typical seasonal generation behaviour and do not attempt to model the specific configuration of the Proposed Development.

2.0 Seasonal solar generation profile – typical year

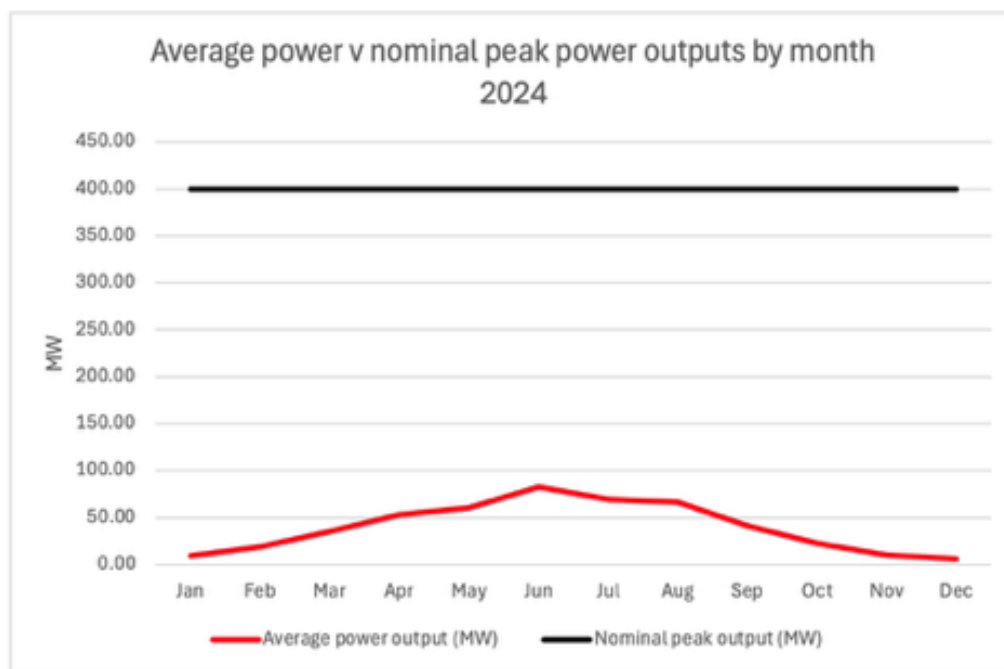
This figure illustrates the indicative monthly average power output of a 400 MW ground-mounted solar installation based on regional insolation data representative of eastern England during 2024.

This seasonal pattern is a structural characteristic of solar generation in northern latitudes and is relevant when assessing the realistic system contribution of large-scale solar developments in the UK.

Analysis of regional insolation data indicates that a 400 MW solar installation in eastern England would typically achieve average monthly output broadly within the range of approximately 70–80 MW during peak summer months, falling to very low levels during winter periods. This generation profile corresponds to an annualised capacity factor of approximately 9.5–11%, consistent with observed performance across large ground-mounted solar installations in Great Britain.

The figures presented in this Appendix illustrate this seasonal generation profile using representative regional data for 2024 and 2025, a year characterised by unusually favourable solar conditions. Even under those circumstances, the majority of electricity generation remains concentrated in the summer half of the year, with significantly limited output during winter months by comparison.

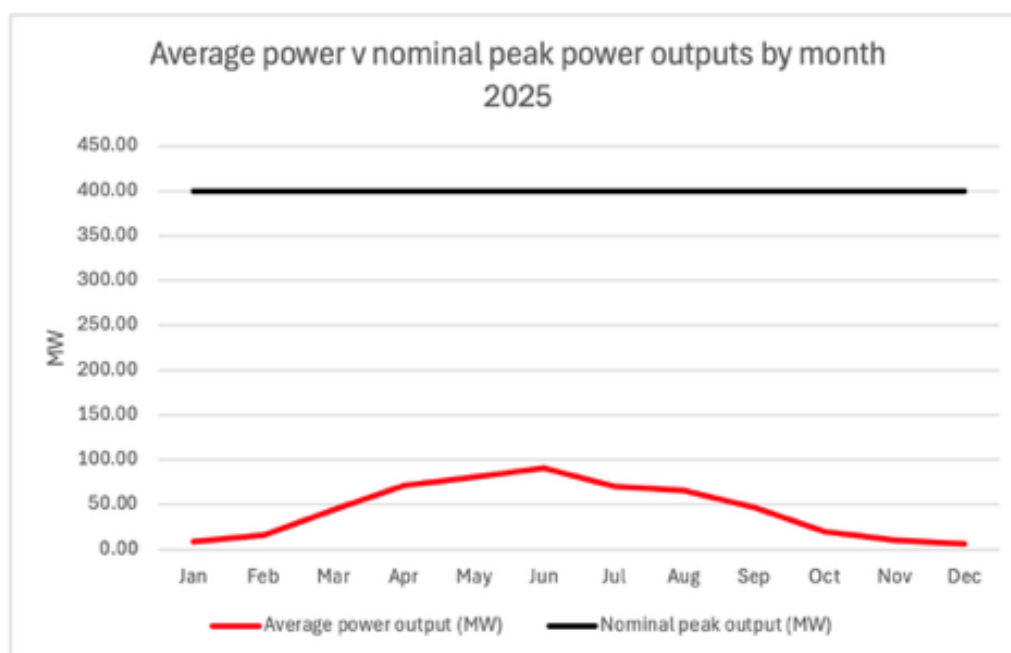
Figure F-1: Seasonal output profile of a 400 MW capacity solar installation based on regional insolation data (2024)



Illustrative monthly generation profile for a 400 MW solar installation based on regional insolation data representative of eastern England in 2024

3.0 Seasonal solar generation profile – high insolation year

Figure F-2: Seasonal output profile of a 400 MW capacity solar installation based on regional insolation data (2025)



Illustrative monthly generation profile for a 400 MW solar installation using 2025 regional insolation data, representing a high-insolation year

This figure presents the same analysis as Figure F-1 but using insolation data for 2025, which is the sunniest year on record.

The chart again demonstrates the strong seasonal concentration of generation, with peak output occurring during late spring and summer months and substantially reduced output during winter months. During periods of low solar irradiance (typically October to February), generation falls to a small fraction of installed capacity.

Even under the favourable conditions in 2025, generation remains highly seasonal, with the majority of electricity production concentrated in the summer half of the year and minimal output during winter months.

This demonstrates that even in unusually sunny years, the contribution of solar generation to winter electricity supply remains inherently limited. The charts therefore illustrate that installed capacity should not be interpreted as a proxy for year-round electricity availability.

4.0 Monthly solar generation as % deviation from annual average

The accompanying bar charts illustrate the percentage deviation of monthly generation from the annual average output of the installation, highlighting the extent to which seasonal production varies around the annual mean. Months above the annual

average are shown as positive deviations, while months below the annual average are shown as negative deviations.

Figure F-3: 400 MW capacity solar power facility showing actual output based on regional insolation data for 2024, monthly generation as a percentage deviation from annual average output (39 MW)

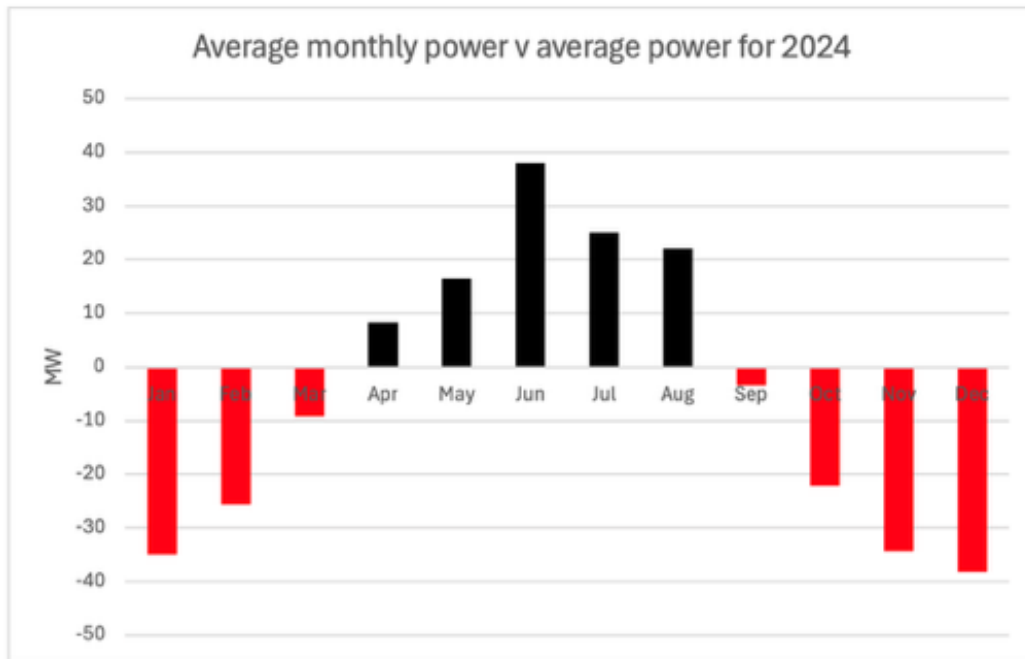
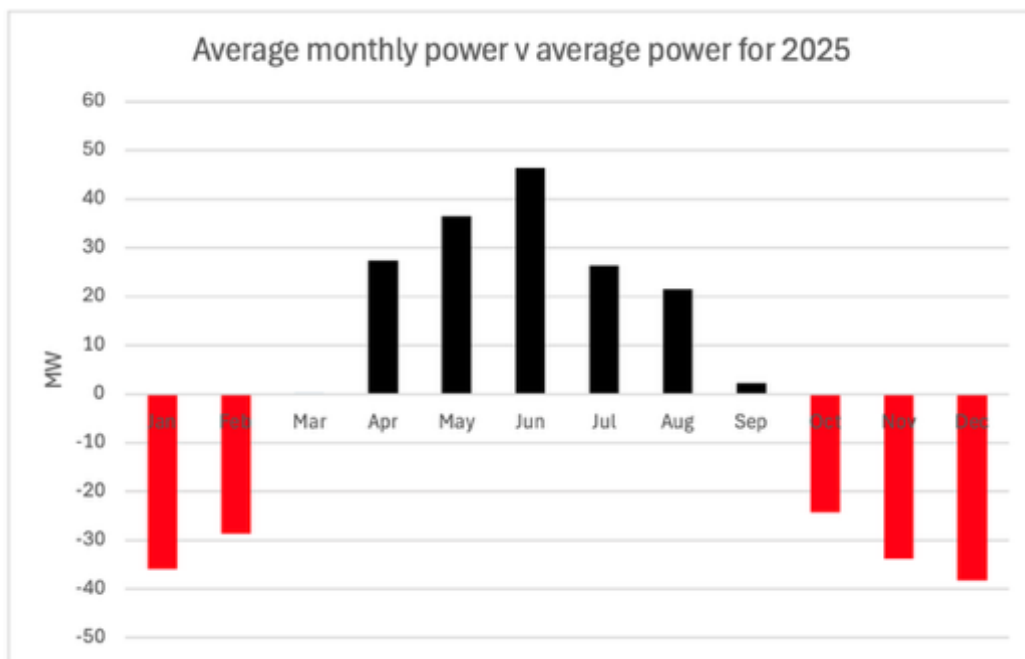


Figure F-4: 400 MW capacity solar facility showing actual output based on regional insolation data for 2025, monthly generation as a percentage deviation from annual average output (44 MW)



Monthly solar generation relative to the annual average illustrates the structural seasonality of UK solar output, with the majority of electricity produced in a small number of summer months and extended periods of materially below-average generation during the remainder of the year.

The figures demonstrate a pronounced asymmetry in the annual generation profile. In both years, electricity production exceeds the annual average for only a limited portion of the year. By contrast, generation falls materially below the annual average for approximately seven months of the year, with the largest deficits occurring during the winter period.

This pattern reflects the structural characteristics of solar generation at UK latitudes, where seasonal variation in daylight duration and solar elevation results in a strong concentration of electricity production during the summer half of the year and comparatively very limited output during autumn and winter months.

Even in 2025, a year characterised by particularly favourable solar conditions, the same pattern remains evident: a small number of months contribute disproportionately to annual generation, while extended periods of the year deliver output significantly below the annual average.

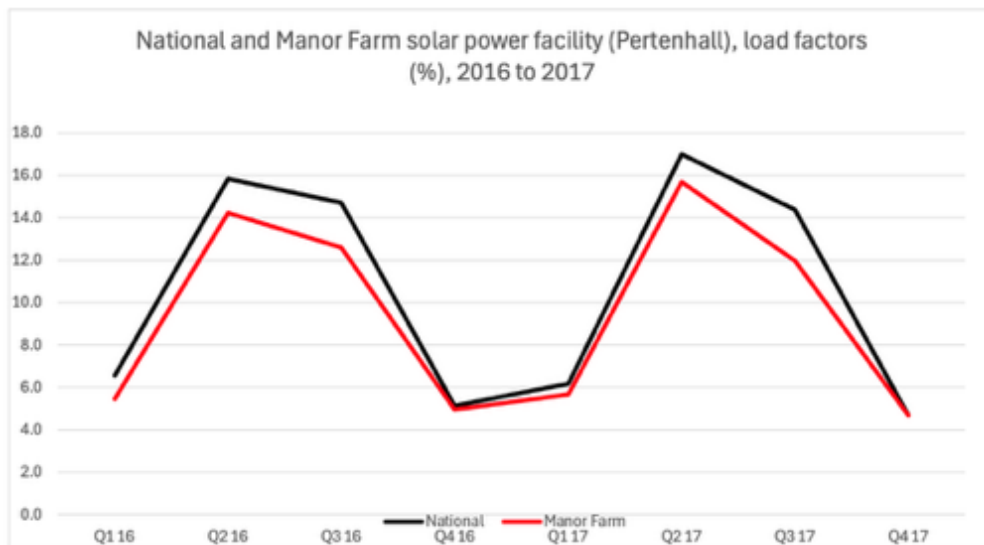
The charts therefore illustrate an important operational characteristic of large ground-mounted solar installations in the UK: annual average performance masks substantial intra-annual variability. For much of the year, output remains materially below the annual average level implied by installed capacity.

This seasonal imbalance is relevant to the planning balance because headline capacity figures (e.g. 400 MW) do not represent the level of generation available throughout the year, or even for the peak season. In practice, the majority of electricity generation occurs during a relatively short summer period, while output during winter months, when electricity demand in Great Britain is typically highest, remains comparatively very limited.

This seasonal concentration of output is relevant to the proportionality considerations discussed in Section 21 of this Written Representation, where the realistic system contribution of the development is weighed against its long-duration land-use impacts.

5.0 Local solar performance comparison

Figure F-5: Load factors recorded at the Manor Farm solar installation, Pertenhall, compared with national averages



The figure illustrates recorded load-factor performance for the Manor Farm solar installation at Pertenhall (directly adjacent to and part-surrounded by East Park Energy Site A), for 2016 and 2017 (first two full operational years) compared to national load factors for 2016 and 2017.

The comparison uses publicly available data from:

- Department for Energy Security and Net Zero – *Energy Trends: UK Renewables*
- energymap.co.uk generation data.

The chart illustrates that local performance can vary from national averages, reflecting site-specific factors such as orientation, shading, weather patterns and system configuration.

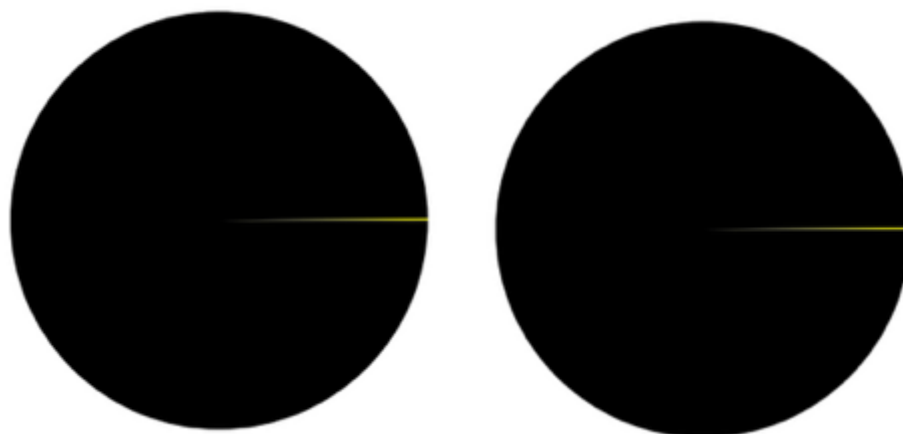
This comparison provides a local operational context for understanding the likely performance characteristics of solar installations within the wider area.

6.0 Indicative contribution to national electricity demand

The figure illustrates the indicative annual contribution of a 400 MW solar installation to total UK electricity demand.

The analysis demonstrates that while such a development represents a substantial installation at the local scale, its annual contribution to total national electricity demand remains relatively modest when viewed within the context of overall UK electricity consumption.

Figure F-6: Estimated contribution from a 400 MW solar installation to UK electricity demand



400 MW solar power facility contribution (yellow) to national electricity demand (black) for 2024 (0.144%, left) and 2025 (0.16%, right)

These characteristics are relevant to the EN-1 proportionality assessment, which requires that the environmental and land-use consequences of nationally significant infrastructure be considered alongside the scale and reliability of the public energy benefit delivered.

7.0 Relevance to the planning balance

The evidence presented in this Appendix illustrates three important characteristics of large ground-mounted solar developments in the UK context:

a) Seasonal concentration of output

Solar generation is inherently concentrated in the summer months, with limited output during winter periods when electricity demand is typically highest.

b) Difference between installed capacity and delivered power

Headline installed capacity figures (e.g. 400 MW) do not represent continuous generation and should be understood in the context of realistic annual load factors.

c) Scale of national contribution relative to land-take

Even large solar installations make a relatively small contribution to overall national electricity demand when considered individually.

Taken together, these factors indicate that the contribution of the Proposed Development to national electricity supply must be understood in context, including its temporal variability and realistic annual output. This is material to the planning balance, as it informs the weight to be attributed to the scheme's benefits when set against its environmental and land-use effects.

8.0 Relationship to independent system modelling

The illustrative figures presented in this Appendix should be read alongside the independent system-level modelling summarised in Appendix E (Professor Tony Day). Professor Day's analysis examines the aggregate performance of large-scale solar deployment across Great Britain and identifies structural characteristics of solar generation at UK latitudes, including relatively low capacity factors, strong seasonal concentration of output, and diminishing marginal system benefits as solar penetration increases. The illustrative charts in this Appendix therefore provide empirical visual context for the broader system-level conclusions identified in Professor Day's modelling.

The charts in this Appendix do not seek to replicate that modelling but instead provide visual illustrations of the same operational characteristics using regional insolation data and observed local performance evidence. Taken together, the independent modelling and the empirical illustrations in this Appendix help contextualise the realistic contribution that a single large ground-mounted solar installation can make to national electricity supply, which is relevant when considering proportionality and land-use impacts in the planning balance under national policy.

9.0 System contribution reality and interpretation of annual generation claims

The Applicant estimates annual generation of approximately 433.2 GWh in its first operational year from its 400 MW installed capacity, equivalent to a capacity factor of approximately 12.4%. This is above national annual solar capacity factors. It is also above regional solar capacity factors for 2024 and 2025 of 9.88% and 11.09%, respectively, or 346.2 GWh and 388.6 GWh. This suggests that the Applicant's estimate may be inherently unrealistic. Notwithstanding this, annual generation expressed as a single figure does not convey the reliability, temporal alignment with demand, or deliverable system value of that electricity. For the purposes of planning balance under EN-1, it is necessary to distinguish between installed capacity, theoretical annual generation, and dependable contribution to the electricity system.

First, the application does not clearly state whether the quoted figure represents gross generation or net exportable electricity after accounting for curtailment, outages, auxiliary consumption, maintenance downtime, degradation and network constraints. In practice, utility-scale solar output may be reduced by grid limitations, particularly during periods of high solar production when system demand is comparatively low. Without a transparent statement of modelling assumptions, the Examination cannot determine whether the quoted output reflects electricity actually available to the grid.

Second, the annual figure masks extreme seasonal variability inherent to UK solar generation. As demonstrated in Sections 2–4 of this Appendix, output is strongly concentrated in late spring and summer, with comparatively limited generation during winter months when electricity demand in Great Britain is typically highest. A facility capable of producing substantial power in June may contribute very little during

periods of peak winter demand. Consequently, annual energy production should not be interpreted as equivalent to year-round supply capability or capacity adequacy.

Third, solar generation provides very limited firm capacity in system-planning terms because output cannot be dispatched on demand and depends on meteorological conditions. While battery storage can improve temporal flexibility, the application does not demonstrate that storage capacity is sufficient to transform highly seasonal daytime generation into dependable year-round supply. The presence of co-located storage therefore does not, in itself, resolve the mismatch between production patterns and demand profiles.

Fourth, the Environmental Statement does not present sensitivity analysis showing the effect of plausible lower-generation scenarios, such as less favourable weather years, accelerated degradation, curtailment, or operational constraints over a forty-year lifetime. In the absence of P50/P90 output ranges or equivalent uncertainty analysis, the Examination cannot assess the robustness of the projected energy benefit or the confidence that should properly be attached to associated carbon-saving claims.

Fifth, the scale of contribution to national electricity supply remains modest even when the central estimate is accepted. As shown in this Appendix, a 400 MW solar installation would typically account for only a small fraction of total UK electricity demand on an annual basis, and a substantially smaller proportion during winter months. This does not negate the project's contribution but places it in context when weighed against the scale, duration and likely permanence of land-use impacts as well as the other important planning balance considerations set out in this Written Representation.

Taken together, these factors demonstrate that installed capacity and annual generation figures alone are insufficient indicators of real system benefit. For planning purposes, the relevant question is not simply how much electricity may be produced over a year, but how reliably that electricity contributes to security of supply, demand matching and decarbonisation objectives.

Accordingly, while the Applicant's central generation estimate appears plausible in isolation, the absence of transparent assumptions, export modelling, seasonal adequacy assessment and uncertainty analysis limits the weight that can properly be attributed to the claimed energy benefit in the overall planning balance. This is particularly relevant where long-term occupation of predominantly Best and Most Versatile agricultural land is justified on the basis of public energy benefit.

Appendix G – Manor Farm Solar development case study

1.0 Introduction and relevance

This Appendix provides empirical evidence from the Manor Farm Solar Project, located immediately adjacent to the proposed East Park Energy site and sharing the same landscape character area, topography, and transport corridors. The scheme is on a site of approximately 74 acres, making East Park Energy more than 25 times larger.

This case study supports:

- Section 8 – Landscape, visual and heritage effects, and
- **Procedural Deficiency #8D** – Unrealistic landscape mitigation assumptions and reliance on unverified vegetation screening

of this Written Representation.

The purpose of this case study is to demonstrate, using direct real-world observation, that the landscape-screening assumptions commonly relied upon in solar LVIA submissions:

- do not achieve the claimed mitigation performance within the advertised 10–15-year timeframe,
- do not screen fencing or panels across undulating terrain, and
- cannot restore rural character even with full implementation of the approved Landscape and Ecological Management Plan (LEMP).

Because Manor Farm was approved in 2014 and has now been operational for 10+ years, it provides an unusually robust analogue for evaluating whether East Park Energy's LVIA claims are credible.

Under EN-1, EN-3, and the EIA Regulations, mitigation must be evidenced, not assumed. Manor Farm demonstrates that the Applicant's LVIA methodology and visual-mitigation claims are unsupported by empirical precedent.

2.0 Summary of Manor Farm planning conditions and developer assurances

The Manor Farm planning permission (Bedford Borough Council Ref 14 00986 MAF) contained conditions typical of pre-NSIP solar consents:

- A Landscape and Ecological Management Plan (LEMP) requiring hedgerow planting and ten-year maintenance;
- A Generic Construction Method Statement referencing good-practice under BS 5228 but lacking enforceable traffic or welfare controls; and
- A developer commitment that *“hedgerow planting will achieve full visual screening within ten years of commissioning.”*

However:

- No Construction Traffic Management Plan (CTMP) was required;
- No driver-welfare provision, no-parking controls, or monitoring framework was secured;
- No winter-condition photomontages or topographic screening assessments were submitted.

These same omissions appear in the East Park Energy submission.

3.0 Observed visual outcomes (2024–2025)

Field inspection and publicly available imagery (2024–2025) confirm that after ten years of operation, the Manor Farm array remains prominent and visually intrusive from multiple public vantage points, including:

3.1 The site remains clearly visible after 10 years

Visibility persists from:

- Elevated sections of the B660 between Pertenhall and Kimbolton;
- Public Rights of Way (GW11/8 and GW11/9) to the south; and
- Minor lanes near Pertenhall and Keysoe.

Figures G1–G2: Manor Farm Solar – visibility after 10 years





Views from Public Rights of Way (FP18/35) showing the Manor Farm Solar development remaining clearly visible after approximately 10 years of operation. Planting provides limited visual containment, with panels, fencing and associated infrastructure clearly evident within the landscape.

These views confirm that, even after a full establishment period, the development remains visually prominent and insufficiently screened from publicly accessible viewpoints.

3.2 Hedgerow planting failed to screen the installation

Observed issues:

- Patchy growth, inconsistent height, and long-term gaps;
- Security fencing, frames and panel faces visible above the hedge line;
- Rolling topography invalidates low-height planting as a screening tool;
- Winter visibility is markedly worse, contrary to the Applicant's LVIA assumptions.

Further examples of failed and inconsistent hedgerow screening at Manor Farm Solar, including winter conditions, are demonstrated below.

Figures G3–G4: Manor Farm Solar – ineffective screening and hedgerow failure



Vegetation remains patchy and insufficient in height and density, allowing clear and sustained visibility of panels, fencing and supporting structures. Notably, these outcomes arise despite the passage of time exceeding the typical LVIA assessment horizon of 10–15 years.

This demonstrates that the type of mitigation relied upon in the Application does not perform as assumed in practice, particularly across undulating terrain and during winter months when visual effects are greatest.

3.3 Landscape character has not been restored

The skyline remains industrialised, with strong linear features incongruent with the historic field pattern.

This directly contradicts the East Park Energy LVIA claim that similar planting will “restore rural character by Year 10”.

Taken together, the photographic evidence above demonstrates that the Applicant’s reliance on vegetation-based mitigation is not supported by real-world outcomes in the same landscape context and cannot be relied upon to deliver the claimed level of visual containment.

This issue is examined in further detail in **Procedural Deficiency #8D – Landscape Mitigation Effectiveness and Layout Review**, which provides a systematic and evidence-based assessment of why such mitigation strategies are inherently unreliable in this landscape.

Policy implication

Under EN-1, mitigation that is not credible or not effective cannot be afforded weight in the planning balance.

4.0 Observed construction and community impacts

Community records (parish minutes, resident correspondence) document a consistent pattern of disruption during construction:

- HGV overnight parking on verges and lay-bys along the B660;
- Convoy queuing and congestion through Keysoe and Pertenhall;
- HGVs queuing/idling outside Manor Farm site from 6am awaiting access at 7am, causing issues along the B660;
- Violations of working hours;
- Multiple access routes to site utilised;
- Reported noise and dust nuisance;
- Utility cabling damaged; and
- Littering and absence of workforce welfare facilities.

Because no CTMP or enforcement mechanism existed, mitigation relied entirely on goodwill, not regulation.

Relevance to East Park Energy

East Park Energy would generate >10,566 HGV movements plus workforce traffic. Without enforceable DCO Requirements (CWLMP, driver welfare, GPS-tracked routing), identical or worse impacts are foreseeable and avoidable harm under EN-1 and the EIA Regulations.

5.0 Lessons for East Park Energy (comparative table)

Issue	Manor Farm outcome	Implication for East Park Energy
Landscape screening	Hedgerows failed to screen arrays after 10 years	Planting alone cannot conceal the Proposed Development within the Order Limits across undulating terrain. LVIA mitigation claims lack evidential basis.
Traffic management	No CTMP; HGV parking, congestion, and amenity harm	CWLMP must be a binding DCO Requirement with enforcement, GPS monitoring, and welfare provision.
Working hours	Violation of working hours	Demonstrates that construction activity is likely to occur outside stated hours; requires clear, enforceable DCO controls and assessment of early-morning impacts.
Nuisance impacts	Noise and dust nuisance	Confirms that noise and dust effects can give rise to sustained nuisance where mitigation is generic; requires receptor-specific and route-based assessment with enforceable controls.
Damage to existing utility infrastructure	Utility cabling damaged	Demonstrates risk to existing utilities from large-scale, multi-site works; requires verified asset mapping, coordinated methodology and DCO-secured protection measures.
Community engagement	Complaints handled informally with no escalation route	Require Community Liaison Group (CLG) with incident-reporting powers.
Amenity impact	Long-term visual intrusion and loss of tranquillity	Confirms predicted “minor adverse” effects are underestimated.

The significantly larger scale and multi-site nature of the Proposed Development give rise to risks of damage to existing utility infrastructure, alongside wider construction effects including out-of-hours activity and nuisance impacts from noise and dust. Experience from comparable schemes demonstrates that, where controls are not clearly defined and enforced, construction activity can extend beyond stated hours, give rise to sustained nuisance at nearby receptors, and result in disruption to buried services such as cabling, pipes and drainage. The Environmental Statement does not provide a verified utilities constraints plan, coordinated construction methodology or receptor-specific assessment of these effects, nor does it demonstrate how risks will be managed across concurrent work fronts. In the absence of clearly defined and enforceable DCO-level controls, it has not been demonstrated that these risks can be effectively avoided, mitigated or controlled.

6.0 Policy context and recommendations

Observed failures at Manor Farm demonstrate potential non-compliance with:

- EN-1 (protection of valued landscapes; credible mitigation),
- EN-1 (construction traffic and community safety),
- NPPF (avoid significant adverse effects on amenity),
- EIA Regulations (adequate assessment of landscape and traffic impacts).

Recommended DCO Requirements

1. **Construction Workforce and Logistics Management Plan (CWLMP)**
 - HGV scheduling, GPS route-tracking, welfare facilities, no-parking controls, penalty regime.
2. **Community Liaison Group (CLG)**
 - Parish representation, escalation powers, monthly reporting.
3. **Landscape Screening and Monitoring Plan**
 - Independent five-yearly audits; adaptive re-planting or design modification where screening fails.

These are fully aligned with recent NSIP precedents (e.g. Sunnica 2023 Req. 25, Longfield 2023 Req. 10).

7.0 Conclusion

The Manor Farm case provides direct empirical evidence that:

1. Vegetation-based screening does not reliably mitigate visual effects of large solar farms on open, rolling farmland; and

2. Construction impacts are significant and predictable where no enforceable traffic and welfare controls exist.

Given East Park Energy's vastly greater scale and identical landscape constraints, these outcomes are not speculative; they are reasonably foreseeable under EN-1.

The Examining Authority is therefore invited to treat this Appendix as demonstrative evidence that:

- the Applicant's LVIA mitigation claims should be given negligible weight, and
- robust, enforceable DCO Requirements are essential to prevent repeat harm.

APPENDIX H – Cleve Hill NSIP case study (2023–2025)

Introduction

This Appendix summarises key findings from SEPE’s September 2025 investigation into construction-phase impacts and DCO compliance at the Cleve Hill Solar Park. The evidence comes from resident testimonies, photographic documentation, and site-specific observations collected during and after construction by the local community. Cleve Hill is the UK’s largest operational solar NSIP (373 MW + 150 MW / 700 MWh BESS, on a c. 900–1,000-acre site), providing a highly relevant comparator for East Park Energy.

The case study demonstrates widespread and repeated issues with traffic management design controls, environmental mitigation, drainage protection, noise control, and community safeguards, despite detailed DCO Requirements and approved management plans.

Summary of key findings

1.0 Systemic CTMP failures

- HGV obstructions on narrow rural lanes causing severe verge damage and access blockages.
- HGV convoys caused issues despite “golden hours” construction traffic prohibitions during peak school-transport periods.
- Lack of effective monitoring or enforcement by the developer or council.

2.0 Contractor non-compliance

- No functioning mechanism for fines or sanctions, allowing repeat breaches.
- HGV movements were higher than levels set out in the DCO.
- Inadequate traffic-marshalling and lack of off-site holding areas (unplanned marshalling area constructed during build phase as result of issues).
- Site worker car share was encouraged but not obviously adopted; issues with speeding, mobile phone use while driving.

3.0 Environmental management failures

- Piling method changed during construction phase.
- Soil and verge damage with inconsistent reinstatement.
- Drainage damage.

4.0 CEMP enforcement failures

- Local authority enforcement capacity too limited to address breaches.
- Complaints logged but largely unresolved.

- Mitigation commitments treated as ‘working assumptions’, not enforceable duties.

Direct relevance to East Park Energy

Cleve Hill demonstrates that:

1. Approved CTMPs may not be sufficiently well designed to prevent reasonably foreseeable ‘on the ground’ issues.
2. Approved CTMPs do not guarantee compliance without real-time tracking, penalties and active monitoring.
3. Large, dispersed solar NSIPs in rural areas pose structurally unmanageable traffic and environmental risks when construction relies on narrow, village-fronted roads.
4. Impacts are foreseeable and replicable at East Park due to nearly identical conditions:
 - rural lanes,
 - school-route proximity,
 - HGV-sensitive villages,
 - limited LHA enforcement capability.

Policy and Examination relevance

The Cleve Hill evidence provides real-world support for SEPE’s position that:

- EN-1 transport impacts require detailed, well-designed and enforceable controls;
- EN-1 requires adequate environmental information at examination stage;
- EIA Regulations prohibit reliance on unverified mitigation;
- CEMP-based mitigation is inadequate in the absence of well-designed and drafted DCO requirements, independent monitoring and sanction mechanisms.

Requested actions for East Park Energy

Based on national-scale Cleve Hill evidence, SEPE requests that the Examining Authority requires:

- Mandatory HGV GPS tracking with audit logs;
- Prohibition of sensitive routes (including but not limited to Kimbolton, Perry, Hail Weston, B660);
- School-hour embargoes;

- Off-site HGV holding areas;
- Independent CEMP auditor(s) with stop-work authority;
- Weekly compliance reporting;
- Financial penalties for routing or environmental breaches;
- Binding DCO requirements rather than discretionary CEMP measures.

Photographic evidence (**H1–3**) from the Cleve Hill NSIP demonstrates construction traffic issues and an example of an unlawful obstruction of a Public Right of Way.

H1 Convoys of Cleve Hill site construction vehicles queuing on a narrow rural road



H2 Narrow carriageway causing issues for passing vehicles



H3 Unlawful obstruction of a Public Right of Way at the Cleve Hill site



Conclusion

Cleve Hill provides the clearest available evidence that the Applicant's reliance on CTMP/CEMP mitigation at East Park Energy is insufficient and unenforceable in practice. Without detailed binding requirements and real-time monitoring, the Examining Authority should expect impacts similar to those documented at Cleve Hill: HGV traffic levels in breach of those anticipated in the DCO, foreseeable impacts not mitigated by construction traffic management programme, unmanaged environmental harm, and significant community disruption.

APPENDIX I – Cumulative development context: solar, BESS and NSIP cluster within 0–10 km of East Park Energy

1. Purpose of this Appendix

This Appendix collates cumulative development receptors and schemes identified to date within a core 0–7 km cluster of the East Park Energy (EPE) Order Limits, and up to 10 km where strategic transport routes, construction workforce markets, and NSIP interactions are relevant. It supplements Section 18 of the Written Representation and supports **Procedural Deficiency #19A** (Cumulative Effects Assessment Deficient – Solar/BESS Cluster and Major NSIPs Omitted). The purpose is to demonstrate that a number of reasonably foreseeable schemes have not been assessed cumulatively within the Applicant's Environmental Statement (ES), contrary to the cumulative-assessment requirements of the EIA Regulations and national policy.

For the avoidance of doubt, this Appendix is expressly directed to the Infrastructure Planning (EIA) Regulations 2017, which requires assessment of the likely significant effects of the Proposed Development “taking into account cumulative effects with other existing and/or approved projects, and reasonably foreseeable future developments.” The schemes identified herein meet the legal test of reasonable foreseeability as established in *R (Burridge) v Breckland District Council* [2013] and *R (Holborn Studios Ltd) v London Borough of Hackney* [2017], yet have not been assessed cumulatively within the Applicant's Environmental Statement.

The Planning Inspectorate's Advice Note Seventeen on cumulative effects also confirms that developments which are operational, consented, submitted for determination, or known to be in active pre-application discussion should normally be considered within cumulative assessments where they fall within the relevant zone of influence.

The analysis demonstrates the presence of a regional cluster of energy and infrastructure developments, whose combined effects have not been assessed in the Applicant's Environmental Statement (ES). These schemes constitute reasonably foreseeable development for cumulative assessment purposes and should be addressed within a proportionate and policy-compliant cumulative assessment framework in accordance with the EIA Regulations.

2. Overview of the cumulative development cluster

Within the local study area there are multiple operational, consented, and emerging solar and BESS schemes, alongside major strategic infrastructure projects. In combination, these introduce the potential for cumulative effects on landscape character, tranquillity, soils and hydrology (through repeated land stripping, haul routes and drainage interventions), construction traffic and road safety, ecological connectivity, PRoW amenity, and the capacity of rural settlements to absorb prolonged construction disturbance. The ES does not provide an integrated cumulative assessment across these topics. Projects include:

- 5 solar farms (permitted, operational, or under construction),
- BESS facilities, and
- multiple nationally significant infrastructure projects, including the A428 Black Cat–Caxton Gibbet scheme and the East West Rail (Bedford–Cambridge) section, alongside the completed A14 Cambridge–Huntingdon Improvement Scheme.

Together these constitute a densely developed energy-and-infrastructure corridor, affecting:

- landscape character,
- rural tranquillity,
- soil and hydrology (multiple sites stripping large agricultural areas),
- road safety and construction traffic,
- biodiversity connectivity,
- the PRoW network,
- the capacity of rural villages to absorb long periods of construction impact.

None of these combined effects are quantified in the ES.

The cumulative study area is intentionally tiered. A 0–7 km radius reflects the primary zone of significant cumulative effects for landscape, visual, ecology and PRoW amenity, consistent with GLVIA3 and Natural England guidance. The extended 0–10 km radius is applied where effects are mediated via strategic transport corridors, construction labour markets, and NSIP interactions, including trunk-road junctions and diversionary routing. This dual-radius approach is consistent with established EIA practice and does not dilute the requirement for cumulative assessment.

The cumulative concentration of solar and energy-storage development in the vicinity of the Eaton Socon grid node reflects the availability of grid connection capacity rather than a spatially distributed planning strategy.

3. Catalogue of identified cumulative schemes (0–10 km)

Within approximately 10 km of the East Park Energy Order Limits, a distinct cluster of solar schemes already exists, including Manor Farm and the Little Staughton Solar Farm. Collectively these schemes have already converted substantial areas of arable land to solar use and altered baseline views and rural character, particularly around Great Staughton, Little Staughton, Bushmead and the Ouse valley fringe. Any further large-scale solar development must therefore be assessed in this cumulative context.

Taken together, these schemes represent a substantial additional concentration of solar development within approximately 7 km of the East

Park Energy Order Limits, excluding the Proposed Development itself. The Environmental Statement does not provide any cumulative landscape, ecological or transport modelling to assess the combined effects of this concentrated pattern of development.

3.1 Solar farms (operational, under construction, or consented)

(1) High Wood / Staploe Solar Farm (c. 50 MW) – c. 1.1 km

- Large consented solar project (approved).
- Contributes materially to cumulative landscape industrialisation on the B645 corridor and forms a continuous visual corridor with East Park Energy's southern boundary.
- No combined ZTV/photomontage with EPE has been provided.
- No cumulative landscape or ecological analysis provided.

(2) Little Staughton Airfield & Top Farm Solar Arrays – 1.5 km

- Existing dispersed arrays around the former airfield.
- Significant contribution to cumulative 'solar block' effect along long-distance PRow views.

(3) Manor Farm Solar (Pertenhall) – c. 0.1 km

- Operational solar facility located Pertenhall (immediately adjacent to East Park Energy Site A)
- Demonstrates existing solar development within the immediate visual envelope of the East Park Energy cluster.
- Relevant to cumulative landscape and PRow experience.

(4) Cobholden Solar Farm (49.9 MW) – c. 2km

- Large solar farm permitted by Bedford Borough Council (2025).
- Immediately adjacent to the Eaton Socon sub-station and located south-east of the East Park Energy cluster.
- Contributes directly to cumulative landscape, agricultural land loss and ecological fragmentation.
- Not assessed cumulatively within the ES.

(5) Stow Longa solar project (pipeline) – 5–7 km

- Rookery Solar Farm (24/00883/FUL) received planning consent from Huntingdonshire District Council July 2025.

Each of the schemes listed at items (1) – (5) is either operational, consented or under construction. Collectively, they therefore constitute reasonably foreseeable development for the purposes of the EIA Regulations. The Applicant's cumulative screening represents a methodological failure rather than a matter of professional

judgement, as the Environmental Statement does not evidence a cumulative screening exercise that applies the EIA Regulations' foreseeability test.

3.2 Battery Energy Storage Systems (stand-alone BESS facilities)

(6) Cobholden Farm BESS (adjacent to East Park Energy boundary)

- Proposed/consented BESS development directly abutting the East Park Energy site.
- Shares grid-connection corridors and haul routes.
- No combined operational noise/EMF or cumulative risk modelling is provided.

3.3 Regional NSIPs (Nationally Significant Infrastructure Projects)

(7) A428 Black Cat to Caxton Gibbet Improvement Scheme – 6.5 km

- DCO granted; construction well advanced.
- Heavy HGV flows, plant movements, and material compounds share logical approach routes to the East Park Energy site.
- No cumulative traffic, noise or workforce-compression analysis included in the ES.

(8) East West Rail (Bedford–Cambridge Section) – 7 km

- Major linear NSIP with a construction programme overlapping East Park Energy's likely build period.
- Significant interaction with PRow's, local roads, labour market pressure, and construction accommodation.
- No cross-referenced cumulative modelling is included in the ES.

3.4 Major regional NSIP: A14 / Brampton Hut Interchange (operational NSIP, 6–9 km SE)

- The A14 Cambridge–Huntingdon Improvement Scheme is a completed NSIP that materially shapes the current baseline transport environment and the strategic access context relevant to the Applicant's proposed construction routes (including connections to the A1 corridor). While the scheme improves trunk-road capacity, it also changes routing and junction dynamics at key interfaces (including Brampton Hut / A1 approaches) that should be reflected in any transport baseline and cumulative assessment. The ES does not set out any cumulative appraisal of how East Park Energy construction traffic would interact with the strategic network conditions and other concurrent major works.

Key cumulative factors

1. Higher baseline HGV flows at the A1/B645 junction, which is already identified by the Applicant as the primary construction access point.

2. Increased sensitivity of local rural roads (B645, Kimbolton approaches, Perry corridor) to additional construction traffic due to intensified freight movements.
3. No cumulative modelling undertaken by the Applicant despite EN-1 requiring assessment of interaction with major regional infrastructure.
4. Potential for diversionary conflict (e.g. A14 closures/incidents), increasing risk of 'rat-running' through Kimbolton, Perry and Hail Weston; none assessed in the ES.

Conclusion

The A14 Cambridge–Huntingdon Improvement Scheme materially alters the baseline transport environment and sensitivity of the strategic road network. While beneficial in isolation, it increases the complexity and risk profile of cumulative interactions with concurrent construction traffic from East Park Energy and other schemes.

The ES fails to acknowledge or assess this cumulative context, contrary to:

- EN-1 (adequate cumulative assessment)
- EN-1 (requirement to consider indirect, foreseeable highway impacts)
- EIA Regulations (cumulative effects)

4. Summary mapping of cumulative Zones of Influence

The cumulative effects fall across several overlapping zones:

Effect type	Approx. Zone of Influence	Projects contributing
Landscape & visual	0–5 km	All solar developments within study area
Traffic & transport	0–10 km (strategic network)	Solar developments, BESS, A428, EWR
Soil & hydrology	Catchment-based	All solar developments and BESS
Ecology (bats, raptors, hedgerows)	0–7 km	All solar developments and BESS
Noise & EMF	0–1.5 km	EPE and proximate BESS sites
PRoWs & amenity	0–4 km	EPE and nearby solar developments
Socio-economic & settlement impacts	Multi-parish	All developments and NSIPs

Effect type	Approx. Zone of Influence	Projects contributing
Agricultural land loss	Parish level	EPE and surrounding solar developments

The ES contains no integrated cumulative model for any of these categories.

5. Cumulative landscape and visual effects (LVIA)

The combined visual envelope of a series of solar schemes within reasonable proximity of the Order Limits creates an extensive, near-contiguous block of utility-scale infrastructure. Key cumulative issues:

(a) Sequential views along PRowS

Walkers travelling the Ouse Valley Way, Hail Weston loops and Great Staughton circuits encounter solar infrastructure at multiple sequential intervals.

(b) Combined massing

Manor Farm – Little Staughton Airfield – East Park Energy – Cobholden – High Wood creates a linear solar corridor >12.5 km long, resulting in repeated or overlapping visibility across a large proportion of the rural skyline.

(c) Night-time visual impacts

Multiple construction compounds emit operational lighting; none assessed cumulatively.

(d) Policy relevance

EN-1 and GLVIA3 require cumulative LVIA; this is absent.

6. Cumulative transport and road-safety impacts

Several of the schemes identified above have construction programmes that are either overlapping or reasonably foreseeable within the same decade as East Park Energy. The Environmental Statement does not present any construction-phase overlap analysis, despite this being standard practice in cumulative transport assessments.

Key highway interactions

- All schemes are expected to utilise a shared construction and operational routing corridor, including the B645, B660, B661, A1 and local lanes around Kimbolton, Perry and Hail Weston, giving rise to overlapping and cumulative traffic effects on the local highway network.
- A428 construction adds significant background heavy traffic.

- No ES modelling accounts for ‘dynamic diversion’ or ‘overspill routing’ between schemes.
- Overlapping construction phases intensify congestion, delay and safety risks.

NSIP interaction: A428 + East Park Energy construction may result in compounded queuing at A1/B645 junction.

Unassessed impacts

- Combined peak HGV/day across all local schemes.
- Fatigue-related incidents from multi-project construction.
- Risk amplification for school routes (Kimbolton; St Neots).

This deficiency is compounded by the fact that the Applicant’s ES provides no quantified transport assessment for mid-life replacement campaigns (c. 20 years) or for the 40-year decommissioning phase, instead assuming without evidence that such traffic would be no worse than construction. When combined with overlapping construction phases from other solar, BESS and NSIP schemes, the foreseeable cumulative scale of HGV, workforce and abnormal-load movements is suppressed. The result is that likely significant cumulative transport impacts are not identified or assessed.

7. Cumulative hydrology, runoff and water-quality effects

Multiple solar farms within the same clay-loam catchments produce:

- Increased peak runoff due to panel cover, access tracks and compounds.
- Multiple attenuation basins operating simultaneously.
- Elevated sediment loads affecting streams crossing multiple Order Limits.

The Applicant’s ES treats East Park Energy in isolation, contrary to EN-1.

8. Cumulative ecological effects

Across the 0–7 km area, cumulative effects include:

- Hedgerow severance across multiple fenced solar blocks.
- Raptor displacement, particularly red kite and buzzard territories around Little Staughton and Bushmead.
- Bat corridor fragmentation between woodland nodes (Swineshead Wood, Staughton Moor, Bassmead belt).
- Polarised light traps at multiple solar arrays (NEER012), not cumulatively assessed.

9. Cumulative BESS risk environment

Two discrete energy-storage compounds (East Park Energy BESS + Cobholden BESS) sit within 4.5 km, creating:

- Amplified emergency-response burdens on a single rural fire-service area.

No combined fire response risk assessment is provided.

10. Combined amenity and PRow impacts

Residents will experience a decade-long period of repeated construction, due to staggered but overlapping build cycles across different schemes. Impacts include:

- Loss of tranquillity.
- Recurrent PRow diversions.
- Increased HGV and workforce traffic through villages.
- Long-term enclosure of formerly open countryside.

This cumulative amenity degradation is unassessed in the ES.

11. Cumulative agricultural land-loss and food-production impact

Across East Park Energy and neighbouring schemes, a conservative review of available planning application red-line boundary data indicates that approximately 2,800 acres of agricultural land within the local cluster may be affected by solar development, with a proportion understood to comprise Best and Most Versatile (BMV) land. This estimate is derived from a high-level aggregation of publicly available red-line boundaries and Environmental Statement land-take figures for East Park Energy and nearby schemes, excluding temporary construction land. The Applicant has undertaken no equivalent cumulative assessment.

- The resulting combined agricultural GVA impact is likely to be material but remains unquantified.
- No assessment is provided of cumulative soil-function effects, including compaction risk, drainage disruption or recovery potential across the affected area.

This represents a significant EIA omission and a breach of EN-3.

12. Necessary cumulative assessment (required by EIA Regulations)

SEPE emphasises that these matters cannot be deferred to outline management plans or post-consent requirements. In the absence of the following assessments, the ES fails to meet the minimum information requirements of the EIA Regulations, and the deficiency is therefore procedural rather than mitigable.

SEPE submits that the following minimum deliverables are required to cure **Procedural Deficiency #19A**. A proportionate and policy-compliant cumulative assessment must include:

1. Cumulative LVIA with verified ZTVs and photomontages.
2. Cumulative transport and HGV modelling across all local solar/BESS schemes and NSIPs.

3. Cumulative hydrology/runoff model across the catchment.
4. Cumulative ecological connectivity analysis (bats, raptors, hedgerows, NEER012).
5. Combined noise/EMF contours for all energy compounds.
6. Agricultural land loss and soil degradation model.
7. Cumulative PRow/amenity timeline for the next 7–10 years.
8. Inter-Project Construction Coordination Framework, secured via DCO requirement.

Until provided, the ES remains procedurally inadequate under EN-1 and the EIA Regulations.

13. Conclusion

The evidence in this Appendix indicates that East Park Energy lies within a highly concentrated cluster of solar and energy-storage development in a narrow corridor. The application materials do not presently provide a proportionate or integrated cumulative assessment of this wider development context, as contemplated by national policy and the EIA Regulations. As a result, the Examination record does not yet provide a reliable basis for evaluating the combined effects on:

- landscape and rural character,
- road safety and congestion,
- ecology and hydrology,
- agricultural land and soils,
- local communities, and
- regional emergency-service capacity.

SEPE therefore submits that a Revised Integrated Cumulative Effects Assessment would be necessary to enable a full understanding of these interactions.

In the absence of such analysis, it is not currently possible to reach a confident conclusion that the likely significant cumulative effects of the Proposed Development have been fully identified, described and assessed.

Accordingly, on the information presently available, the Environmental Statement does not appear to provide a sufficiently complete evidential basis for assessing cumulative effects in accordance with the EIA Regulations.

Appendix J – Agronomic evidence on local crop performance, national production trends, and food-security context

1. Purpose of this Appendix

This Appendix provides independent agronomic evidence to support SEPE's position that the land within the East Park Energy Order Limits is both Best and Most Versatile (BMV) in classification and demonstrably high-performing in practice, rather than marginal or low-output BMV land, and that its long-term withdrawal for solar development carries material food-security implications at a national scale.

The material below supplements, but does not duplicate, the assessment of BMV policy issues in the Written Representation.

2. Evidence of high agricultural performance on the East Park land

2.1 Historical cropping patterns

Review by SEPE's agricultural specialists confirms that the land within the Order Limits has been under continuous arable cultivation for several decades.

Typical rotation patterns include:

- Winter wheat
- Winter and spring barley
- Oilseed rape
- Linseed
- Field beans

Earlier rotations on similar soils in the locality also included sugar beet, potatoes and field vegetables, demonstrating the versatility of these soils and their capacity to support both combinable and root crops.

Such rotations are indicative of soils with good structure, drainage and workability, attributes that are particularly vulnerable to long-term compaction and disturbance.

2.2 Yield evidence and soil class correlation

The best available agronomic guidance indicates:

- Grade 3a agricultural land (BMV) typically supports 7–9 t/ha wheat yields in average East of England seasons.
- Historical yields recorded on farms surrounding the East Park site are consistently at the upper end of this range, with some seasons exceeding 9 t/ha on comparable soil associations.

This confirms that the land is not only BMV in classification but high-performing in real-world agricultural output.

2.3 Comparison against national averages

The Farm Business Survey and Defra datasets show long-term average UK winter wheat yields at 7.8–8.4 t/ha.

The observed local performance is therefore equal to or above national benchmarks.

3. National food-production trends relevant to planning weight

Recent Defra national statistics show a persistent decline in UK cereal output during the last five years and a corresponding increase in imports.

Table J-1: UK cereal production and imports (five-year averages)

Metric	2015–2019	2020–2024	Change
UK cereal production (tonnes)	23,262,000	21,416,000	-8%
UK cereal imports (tonnes)	20,596,000	24,188,000	+17%

Source: Defra Agriculture in the UK (AIUK) datasets 2015–2024; HMRC trade statistics.

These figures show that the UK is already compensating for reduced domestic output through increased imports.

These trends are directly relevant to the planning balance where nationally significant development would remove productive agricultural capacity for multiple decades.

4. Market sensitivity and food-price volatility

- Agricultural commodity markets are highly sensitive to supply shocks.
- Modest reductions in domestic production can lead to disproportionately large price swings.
- This sensitivity was demonstrated during 2022–2023, when UK food inflation peaked at 19.2%, driven largely by external shocks (Ukraine conflict, global weather events, supply-chain disruption).

This volatility underscores the strategic value of maintaining productive domestic farmland.

5. Implications for the East Park planning balance

The evidence presented here demonstrates that:

1. The land within the Order Limits is genuinely high-performing BMV land, with a proven capacity to deliver high cereal yields and support diverse crop rotations.
2. The UK’s domestic cereal output has declined, while reliance on imports has grown materially over the last five years.

3. Global supply shocks translate rapidly into UK food-price inflation, highlighting the importance of domestic resilience.
4. The removal of c. 773 ha of predominantly productive BMV land for 40+ years would make a non-trivial contribution to an already deteriorating national production baseline at a time of increasing vulnerability.

These facts materially reinforce the conclusion in Section 21 of the Written Representation that:

- The loss of this land is not only environmentally harmful but
- strategically significant,
- avoidable, and
- in direct conflict with national objectives for food security and protection of BMV soils under NPPF, EN-1 and EN-3.

6. Sources

- Defra, *Agriculture in the United Kingdom* (annual datasets 2015–2024).
- HMRC Overseas Trade Statistics (Agri-food imports 2015–2024).
- AHDB, *Recommended Lists and Cereal Yield Trends* (2022–2024).
- Farm Business Survey (East of England regional data).
- Natural England, *Agricultural Land Classification Technical Guidance* (2021).
- ONS, *UK Food Price Inflation* (2022–2023).

APPENDIX K – National security, biodiversity loss and food-system resilience evidence

Contextual evidence informing proportionality and precaution in relation to BMV land use.

1 Purpose of this Appendix

This Appendix summarises relevant findings from HM Government's cross-government National Security Assessment addressing global biodiversity loss and ecosystem degradation, with particular reference to food-system resilience, land-use change and long-term national risk.

The evidence is provided to assist the Examining Authority in understanding the wider national context within which the Proposed Development's long-duration withdrawal of Best and Most Versatile (BMV) agricultural land should be assessed. It does not introduce new policy tests, but informs the proportionality, alternatives and adequacy considerations required under:

- EN-1;
- EN-3;
- NPPF provisions for safeguarding BMV agricultural land; and
- Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

This Appendix supports the planning-balance assessment in Section 21 of this Written Representation. This evidence is not relied upon as a separate policy test but as contextual evidence informing the proportionality and precautionary judgement required under existing planning policy.

2 Source document

The evidence summarised in this Appendix is drawn from:

HM Government – National Security Assessment: Global Biodiversity Loss, Ecosystem Collapse and National Security (hereafter “the National Security Assessment”).

This is a cross-government analytical document examining the implications of environmental degradation for national resilience, economic stability, food security and long-term strategic risk across multiple policy domains including land use, supply chains and ecosystem services.

3 Key findings relevant to land use and food security

The National Security Assessment identifies biodiversity loss, soil degradation and land-use change as systemic risks rather than isolated environmental issues. Of direct relevance to the Proposed Development, the Assessment concludes that:

- The UK is already structurally dependent on food imports and global supply chains, increasing exposure to geopolitical instability, climate shocks and price volatility.
- Productive land and ecosystem services are critical national assets underpinning food security, economic resilience and societal stability.
- Incremental loss of productive agricultural land, even where not immediately catastrophic, contributes cumulatively to long-term vulnerability.
- Once productive ecosystems are degraded or displaced, recovery is uncertain, slow and in some cases not realistically achievable within relevant planning or generational timescales.
- Environmental degradation interacts with climate change, geopolitical instability and supply-chain disruption, creating compound risks for national food systems.

The Assessment explicitly recognises that land-use decisions taken today can have long-tail consequences for national resilience that are not easily reversed through mitigation or future technological intervention.

4 Risk, uncertainty and the precautionary dimension

A central conclusion of the National Security Assessment is that uncertainty over the precise timing, scale or manifestation of impacts does not justify deferring protective action where:

- the direction of risk is well-established;
- impacts may be cumulative and irreversible; and
- alternative, lower-risk options exist.

The Assessment cautions against reliance on optimistic assumptions about future substitution, import resilience or technological offsetting where irreversible losses of productive land are concerned. Instead, it identifies precautionary safeguarding of high-value productive land as a rational risk-management response in the face of systemic uncertainty.

This framing is directly relevant to planning decisions involving long-duration land-use change, where harm may not be immediately visible but becomes significant over time through cumulative effects.

In land-use planning contexts, this approach supports precautionary safeguarding of finite resources where the consequences of loss are long-lasting or irreversible.

The Assessment therefore recognises that decisions involving the long-term removal of productive land from food production must be considered not only in isolation but also in terms of their cumulative contribution to national vulnerability.

5 Relevance to the East Park Energy proposal

The Proposed Development would remove extensive areas of high-performing BMV agricultural land from food production for at least forty years within a region that forms part of the productive arable belt of eastern England. As set out in Section 5 and Appendix J of this Written Representation, the affected land is not merely high-grade in classification terms but demonstrably productive in practice.

The National Security Assessment provides context confirming that such land represents a strategic national resource rather than a fungible local commodity. Where reasonable lower-conflict alternatives appear to exist but have not been transparently or robustly assessed, the long-term opportunity cost of land withdrawal becomes a material consideration in the planning balance.

In this context, the Assessment reinforces the importance of:

- robust sequential site selection;
- avoidance of unnecessary land-take; and
- proportionate evidence demonstrating why potentially irreversible loss of productive land is justified in preference to lower-risk alternatives.

6 Interaction with policy tests and legal adequacy

The evidence summarised in this Appendix does not displace existing policy but strengthens the rationale underlying established safeguards in:

- EN-1 (efficient use of land and proportionality);
- EN-3 (avoidance of BMV land where feasible); and
- NPPF provisions concerning protection of high-quality agricultural land

It is also relevant to the adequacy test under the EIA Regulations. Where an Environmental Statement does not provide proportionate assessment of:

- food-production opportunity cost and land-use displacement;
- cumulative land-use effects; or
- reasonable alternatives that would reduce irreversible land loss,

the decision-maker cannot be satisfied that it has sufficient information to reach a reasoned conclusion on likely significant effects.

The National Security Assessment confirms that such omissions are not merely academic but go to the heart of long-term national risk management.

7 Conclusion

The Government's National Security Assessment demonstrates that biodiversity loss, ecosystem degradation and productive land withdrawal are recognised at the highest level as material risks to national resilience and food security.

In the context of the Proposed Development, this evidence reinforces SEPE's submission that:

- the long-term loss of high-performing BMV land is a matter of national as well as local significance;
- precautionary decision-making is justified where potentially irreversible land-use change is proposed; and
- the absence of robust alternatives assessment and quantified food-system impacts materially limits the weight that can be afforded to claimed public benefits.

This wider national context does not create a new policy test, but it informs the proportionality and precautionary judgement that the Examining Authority must apply when weighing public benefits against feasibly irreversible land-use change.

This Appendix therefore provides contextual national evidence supporting the conclusions reached in Section 21 of this Written Representation regarding proportionality, avoidability of harm and the legal adequacy of the Environmental Statement.

APPENDIX L – Cross reference table of supporting insertions

Purpose of this Appendix

This Appendix provides a structured cross-reference between:

- the supporting evidential insertions made throughout the Written Representation (WR),
- the corresponding Procedural Deficiencies (PDs) identified in Appendix M, and
- the relevant legal and policy provisions engaged.

Its purpose is to demonstrate:

1. Internal consistency across the WR;
2. Traceability between evidential additions and the regulatory obligations they reinforce; and
3. Transparency in how each evidential enhancement contributes to the Examination's assessment of compliance with:
 - EN-1 (environmental information must be "sufficient, reliable and adequate"),
 - EN-3 (Solar PV – assessment principles and siting), and
 - EIA Regulations (requiring environmental information to be sufficiently complete to enable a reasoned conclusion on likely significant effects).

This table therefore operates as a documentary audit trail, allowing the Examining Authority to understand how each insertion strengthens the evidential basis for SEPE's submissions.

Insertion / evidential enhancement	Summary of added content	Linked Procedural Deficiency (PD #)	Purpose / effect
Local Development Plan policy context (Huntingdonshire LP 2036 & Bedford LP 2030)	Identifies local development plan policies protecting countryside, rural character and BMV agricultural land, reinforcing conflict with EN-3, the NPPF and the Applicant's site-selection case.	PD #4A; #5A; #10A	Adds statutory development plan weight under PCPA 2004 s.38(6); strengthens siting-policy conflict at both national and local levels.
Policy integration – soils, hydrology and decommissioning baseline	Clarifies that missing soil, hydrology, restoration and reversibility baselines engage EN-1, EN-3 and EIA adequacy requirements.	PD #6A; #6B; #6C; #6D; #6E; #18B	Converts technical omissions into policy and decision-stage adequacy failures; supports need for further information and

Insertion / evidential enhancement	Summary of added content	Linked Procedural Deficiency (PD #)	Purpose / effect
			challenges reversibility claims.
Pre-determination assessment requirement – BESS safety and major accident risk	Establishes that major-accident risk, off-site consequences and emergency response capability must be assessed on a robust and complete evidential basis prior to determination and cannot be deferred.	PD #15C; #21B	Reinforces that BESS safety evidence must be complete at examination stage; rebuts reliance on post-consent mitigation.
National food security and agricultural land protection context	Introduces national-level context on safeguarding productive agricultural land and food system resilience.	PD #5A; #5B; #10A	Elevates BMV land loss from a local impact to a strategic planning consideration in the overall balance.
Lifecycle carbon and BESS operational model and emissions clarification	Links absence of lifecycle carbon assessment, supply-chain transparency and BESS operational model clarification and emissions modelling to EN-1 requirements for transparent, consistent and verifiable carbon accounting.	PD #18A; #15B	Demonstrates that climate benefits are not evidenced on a robust or comparable basis; weakens weight attributed to decarbonisation benefits.
BESS safety evidence consolidation (QRA, plume behaviour, emergency response)	Consolidates absence of QRA, off-site consequence assessment, plume behaviour modelling, container spacing justification and emergency response planning into a single structured evidential deficiency.	PD #15C; #15F; #21B	Establishes that major-accident risk cannot be assessed at determination stage; supports Request for Further Information and refusal in absence of evidence.
Cumulative effects clarification (multi-scheme interaction and clustering)	Identifies absence of cumulative assessment across landscape, traffic, agriculture and amenity arising from multiple solar and BESS schemes within reasonable proximity of the Order Limits.	PD #21A; #21B	Demonstrates that cumulative effects are not assessed at the appropriate spatial scale; undermines ability to reach a reasoned conclusion.
Construction traffic and routing evidence (shared corridor impacts)	Demonstrates reliance on a shared rural road network (B645, B660, B661, A1 and local lanes) and absence of cumulative construction traffic modelling across interacting schemes.	PD #13A; #21A	Strengthens case that transport impacts are understated and not assessed cumulatively; supports requirement for secured routing and mitigation.

Insertion / evidential enhancement	Summary of added content	Linked Procedural Deficiency (PD #)	Purpose / effect
Agricultural land aggregation and soil function effects (cluster-scale impact)	Provides aggregated estimate (approximately 2,800 acres) of land affected and identifies absence of cumulative assessment of soil function, compaction, drainage and recovery.	PD #5A; #6A–6C; #21A	Elevates agricultural impact from site-specific loss to cluster-scale resource effect; strengthens EN-3 and NPPF conflict and planning balance.
DCO Requirement deficiencies (mitigation certainty and enforceability)	Identifies that key mitigation measures (BESS safety, traffic controls, soil restoration and decommissioning) are not secured through enforceable DCO requirements and rely on post-consent approval or discharge mechanisms.	PD #20A; #20B; #21B	Links evidential gaps to legal enforceability; reinforces ClientEarth / Holborn principles and weakens reliance on mitigation in the planning balance.
Procedural adequacy and decision-stage sufficiency clarification	Establishes that cumulative evidential gaps may prevent the Examination from reaching a reasoned conclusion on likely significant effects.	PD #21B (cross-cutting)	Converts evidential deficiencies into a formal EIA adequacy issue; supports request for further information or refusal.

Conclusion on evidential adequacy

The cross-referenced insertions set out above demonstrate that the Applicant's Environmental Statement contains unresolved evidential gaps when assessed against:

- EN-1 – requirement for sufficient, reliable and adequate environmental information;
- EN-3 – justification for use of BMV land and assessment of lower-impact alternatives;
- EIA Regulations – requirement that environmental information be sufficiently complete to enable a reasoned conclusion on likely significant effects.

Each Procedural Deficiency identified in Appendix M remains outstanding at the point of this submission.

The cumulative absence of:

- verified environmental baselines, including soils, hydrology, ecology, noise and ground conditions;
- a transparent, policy-compliant and evidence-based assessment of reasonable alternatives;
- a justified approach to the use of Best and Most Versatile agricultural land, including cumulative land-take effects;
- robust assessment of construction impacts, including traffic routing, cumulative effects and construction-phase controls;
- adequate assessment of operational impacts, including noise, landscape, visual and amenity effects;
- a complete and site-specific assessment of Battery Energy Storage System safety, including quantified risk, thermal-runaway behaviour, plume dispersion, fire-water containment and emergency response capability;
- a clear and evidenced description of the BESS operating model, including the extent to which charging is derived from co-located solar generation as opposed to grid import for arbitrage, and the implications of that operating profile for carbon performance, system benefit and policy compliance;
- a comprehensive cumulative-effects assessment across all relevant environmental receptors and interacting developments within reasonable proximity of the Order Limits;
- a transparent and verifiable lifecycle carbon assessment, including supply chain, replacement cycles and operational emissions;
- a secured and enforceable framework for decommissioning, restoration, waste management and financial provision; and
- Development Consent Order provisions that secure mitigation measures with sufficient certainty, precision and enforceability

may prevent the Examining Authority from reaching the informed, evidence-based judgment required by the EIA Regulations.

Accordingly, SEPE respectfully invites the Examining Authority to:

1. Treat these deficiencies as unresolved, and
2. Issue a Request for Further Information prior to Issue-Specific Hearings, ensuring that the Examination proceeds on a complete, transparent, and legally robust evidential base.

This Appendix should be read alongside Appendix M, which sets out the detailed Procedural Deficiencies in full. Taken together, these Appendices demonstrate that the identified evidential gaps are not isolated or technical in nature, but systematic and material to the Examination's ability to reach a reasoned conclusion on likely significant effects. In these circumstances, and consistent with the requirements of EN-1 and the EIA Regulations, it is appropriate for the Examining Authority to seek further information, and to consider whether the current Environmental Statement is sufficient for the purposes of the EIA Regulations, prior to progressing to recommendation or decision.

APPENDIX M – Procedural Deficiency and evidence gap table

This appendix consolidates procedural and evidential deficiencies identified within the Applicant's Environmental Statement (ES) and supporting documentation. Each deficiency is framed as an evidential or procedural failure relevant to the adequacy of environmental information under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) and the requirements of EN-1 and EN-3.

The deficiencies should be read both individually and cumulatively, as several operate together to prevent the Examining Authority from reaching a fully reasoned conclusion on likely significant environmental effects.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
4A	Failure to assess integrated grid and site alternatives. The Environmental Statement does not present a structured, comparative assessment of reasonable alternatives capable of materially influencing the location, scale or configuration of the Proposed Development. In particular, it does not demonstrate how the selection of the Eaton Socon 400 kV point of connection and the resulting site-search geography were evaluated against other technically feasible grid-interface options and land-use alternatives. The Application proceeds on the basis of a single preferred connection to the Eaton Socon substation despite evidence that the substation is at or near capacity, may require uncertain reinforcement works, and is not the only proximate transmission asset. No comparative assessment is provided of alternative connection strategies, including longer corridors, alternative	EN-1 (requirement to identify, describe and assess reasonable alternatives; adequacy of environmental information); EN-3 (solar PV siting principles and avoidance of Best and Most Versatile agricultural land); NPPF provisions for safeguarding BMV agricultural land; EIA Regulations (description of reasonable alternatives studied and reasons for selection); Planning Act 2008 s.122 (compulsory acquisition – land no more than reasonably required);	The Examining Authority should request the Applicant to provide an Integrated Grid and Site Alternatives Assessment, supported by a unified GIS-based constraints mapping package, enabling the Examination to determine whether the proposed development represents the least environmentally harmful option and to reach a reasoned conclusion on the adequacy of the Environmental Statement in respect of site selection and alternatives. The assessment should explicitly address whether alternative configurations on lower-quality land, including land assembled through compulsory acquisition or requiring grid reinforcement, could reasonably deliver the scheme objectives. The assessment should be provided as a single consolidated technical document rather than by cross-reference to multiple Environmental

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	routing, reinforcement scenarios, or land assembly through compulsory acquisition. Nor does the Environmental Statement demonstrate that site selection was undertaken through a transparent sequential process prioritising avoidance of Best and Most Versatile (BMV) agricultural land. The chosen land envelope is presented without a unified constraints analysis, comparative mapping of candidate sites, or quantitative appraisal of lower-impact locations within the relevant transmission geography. An assessment confined to land available by voluntary agreement cannot demonstrate that the selected site represents the least harmful reasonable option. The Application also provides no consolidated constraints mapping showing how agricultural quality, ecology, heritage, hydrology, landscape sensitivity and other environmental factors influenced site selection. In the absence of such analysis, the Examination cannot determine whether lower-grade agricultural land, previously developed land, or less sensitive areas were reasonably available. Evidence within the Applicant's own documentation indicates that the search area was constrained primarily by connection practicability assumptions rather than tested as part of a sequential alternatives framework. Areas	Lebus v South Cambridgeshire DC [2002]; Holborn Studios v Hackney LBC [2020]; Samuel Smith v North Yorkshire CC [2020].	Statement chapters or appendices, and should include: • identification of plausible transmission nodes and grid-connection strategies within the relevant transmission geography; • mapping of grid-proximate land parcels under each grid-connection scenario, showing the corresponding site-search areas that would arise from each connection strategy; • reinforcement and programme-risk analysis associated with each grid-connection option, including reliance on third-party infrastructure or network upgrades; • GIS-based constraints mapping including agricultural land classification (BMV), ecology, heritage assets, hydrology and flood risk, public rights of way, landscape sensitivity, slope/aspect and cumulative development; • comparison of environmental sensitivity and agricultural land classification between candidate locations; • evaluation of partial, composite and phased site configurations within the relevant grid catchment; • quantification of rooftop, brownfield and lower-grade land opportunities within the relevant substation catchment and explanation of why such

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	containing a higher proportion of non-BMV land were discounted on delivery grounds without comparative environmental appraisal. The relocation of the BESS from Site C to Site D onto Grade 3a BMV land further illustrates the absence of a transparent alternatives analysis for key infrastructure siting. Taken cumulatively, the Application does not identify, describe and assess the main reasonable alternatives as required by EN-1 and the EIA Regulations, nor does it demonstrate that the BMV-intensive land take is unavoidable. This evidential gap prevents the Examining Authority from reaching a reasoned conclusion on site selection, land use and proportionality (please also refer to Deficiency 10A).		alternatives cannot reasonably deliver the project objectives; • explanation of the BESS siting decision and infrastructure layout optimisation; and • provision of the underlying GIS constraint layers used in the site-selection process together with a clear explanation of how those constraints informed the identification of the proposed development envelope. Absent such information, the Examining Authority cannot be satisfied that reasonable alternatives have been properly considered, that the BMV-intensive land take is unavoidable, or that the Environmental Statement contains sufficient information to enable a robust and reasoned conclusion on likely significant environmental effects under EN-1, EN-3 and the EIA Regulations.
4B	Inadequate Topography and Solar-Resource Assessment – use of north-facing slopes unjustified. The ES does not provide any quantified assessment of solar resource or energy yield by slope aspect, nor any GIS-based mapping of field orientation. Despite recorded consultation concerns about the inefficiency of using north-facing slopes, the final layout continues to blanket BMV fields on predominantly north- and north-east-facing land within Sites A, B and D. No evidence is presented that alternative,	EN-1 (adequate information and reasonable alternatives); EN-3 (Solar PV – solar siting and efficient use of land); NPPF provisions for conserving and enhancing the natural environment.	The Examining Authority should require, prior to any recommendation or decision, the Applicant to submit a Topography and Solar-Resource Assessment including: • GIS-based mapping of slope aspect across all Sites A–D; • comparative energy-yield modelling for north-facing vs optimally orientated parcels;

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	better-orientated non-BMV land was considered or that the layout has been optimised to maximise yield per hectare. This undermines the Applicant's case that the chosen site and design represent an efficient, proportionate means of meeting national need. In the absence of quantified yield-by-aspect evidence, the Examining Authority cannot verify whether the scheme represents an efficient or proportionate use of land		• an alternatives/options analysis showing why north-facing BMV land has been selected over better-orientated, lower-grade land, including such land that could have potentially been acquired by compulsory acquisition rather than voluntary agreement; and • a revised layout that demonstrably minimises use of north-facing BMV slopes. Absent such evidence, the Examining Authority cannot conclude that the scheme represents an efficient or proportionate use of land under EN-1 and EN-3.
4C	Non-Technical Summary (NTS) misrepresentation and understatement of key environmental effects. The Non-Technical Summary (NTS), which is intended to provide an accessible and accurate overview of likely significant effects, materially understates several impacts and fails to reflect the omissions, uncertainties and deferred mitigation present within the Environmental Statement (ES). Significant topics including construction traffic, PRoW disruption, ecological corridor fragmentation, BESS accident/fire-water risks, operational noise, cumulative landscape effects, and hydrological uncertainties are described as "minor", "negligible" or "fully mitigated" despite incomplete assessment or reliance on post-	EIA Regulations; EN-1 (requirement for full and reliable environmental information); EIA Directive Article 5(1)(e) – NTS purpose Aarhus Convention Art. 6 – informed public participation	The Examining Authority should require the Applicant to submit a Revised Non-Technical Summary that: 1. Accurately reflects the significance of effects, including incomplete or uncertain assessments; 2. Identifies all topics where mitigation is deferred or dependent on outline plans; 3. Signposts uncertainties, assumptions and data gaps; 4. Ensures consistency with the technical ES chapters.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	consent plans. The NTS does not alert readers to areas where environmental information is incomplete, where mitigation is undefined, or where parameters remain unresolved. This contradicts the statutory purpose of the NTS under the EIA Regulations and misleads non-technical stakeholders.		Until a corrected NTS is submitted, the environmental information remains procedurally deficient under EIA Regulations and cannot be afforded full weight.
5A	Omission of comparative agricultural land appraisal. The Environmental Statement identifies extensive areas of Best and Most Versatile (BMV) agricultural land within the Order Limits but provides no structured comparative appraisal of soil quality, productivity, drainage capability or agricultural function relative to lower-grade land within the surrounding grid-connection catchment. No like-for-like comparison is presented of soil characteristics, yield potential, drainage performance, or long-term agricultural capability between the proposed development area and alternative land parcels that could plausibly accommodate the scheme. The Application therefore does not demonstrate why land of this quality must be utilised in preference to lower-grade land. National policy emphasises avoidance of BMV land where reasonably possible. In the absence of comparative evidence, the Examination cannot	EN-3 (Solar PV siting principles and consideration of agricultural land quality); Defra Agricultural Land Classification and BMV Guidance (2010)	The Examining Authority should require the Applicant to submit, prior to any recommendation or decision, a Comparative Soil and Agricultural Productivity Study, including: • like-for-like comparison of soil characteristics, drainage and productivity between the Order Limits and lower-grade land within a reasonable grid-connection catchment (e.g. 5 km); • mapping of BMV and non-BMV land parcels capable of accommodating the development footprint; • assessment of soil function, yield potential and long-term agricultural capability; • consideration of practical constraints on deploying the scheme on lower quality land; and • independent verification by a Chartered Soil Scientist or agronomist. Absent such evidence, the Examination cannot be satisfied that the proposal accords with policy

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	determine whether the proposed site represents the least agriculturally harmful option or whether materially lower-quality land could reasonably deliver the development.		expectations regarding avoidance of high-quality agricultural land.
5B	Incomplete assessment of food-production and land-use implications. The Environmental Statement does not quantify the implications of removing over 500 hectares of predominantly Best and Most Versatile (BMV) agricultural land from food production for approximately forty years. No estimates are provided of crop yields, annual production, economic value, or the contribution of this land to regional agricultural output. Nor is there assessment of the cumulative effect of removing a large contiguous area of productive farmland from the agricultural land base or rural economy. National planning policy emphasises the importance of safeguarding high-quality agricultural land and ensuring that land-use decisions are informed by proportionate evidence of environmental and economic impacts. The UK Food Strategy identifies domestic agricultural production capacity as a strategic national asset underpinning food-system resilience. Contextual evidence summarised in Appendix K further demonstrates that incremental loss of productive	EN-1 (land-use efficiency and environmental protection); EN-3 (solar PV siting principles and agricultural land considerations); NPPF provisions concerning the protection of high-quality agricultural land; UK Food Strategy (2022); Infrastructure Planning (EIA) Regulations 2017.	The Examining Authority should require the Applicant to submit an Agricultural Land-Use and Food Production Impact Statement including: • estimation of typical crop yields and annualised food production from the land affected; • calculation of cumulative production loss over the operational life of the scheme; • analysis of the contribution of the land to regional agricultural output and rural economic activity; • consideration of wider food-system resilience implications; • assessment of whether equivalent production could reasonably be maintained elsewhere; and. • explanation of how the proposal aligns with national policy expectations regarding the safeguarding of BMV agricultural land. Absent such analysis, the Examination cannot evaluate the scale of agricultural impact or apply the planning balance on an informed basis.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	agricultural land contributes cumulatively to systemic risks affecting national food security and land-use resilience. Without quantitative evidence on productivity and economic contribution, the Examination cannot determine the scale of agricultural production foregone or assess the land-use trade-offs associated with the proposal.		
6A	Inadequate hazard assessment and omission of Human Health & Environmental Risk Analysis. The Environmental Statement does not provide an adequate assessment of risks to human health, soil, water receptors or the wider environment arising from major accidents or abnormal events, contrary to EIA Regulations Schedule 4 paragraph 4. No quantitative analysis is presented of credible accident pathways, including construction pollution incidents, fuel or hydraulic fluid spills, concrete leachate, fire-water runoff, or storm-related contamination events. Nor is there assessment of cumulative effects associated with extensive panel coverage across low-permeability soils, or residual risks following extreme weather, equipment failure or fire. Core risk evaluation is deferred to a post-consent CEMP, preventing the Examining Authority from understanding hazard magnitude, receptor	EIA Regulations (major accident/disaster risk assessment); EN-1 (requirement for complete environmental information and pollution & hazard risk); NPPF provisions concerning protection of the natural environment).	The Examining Authority should require the Applicant to submit a Hazard & Environmental Risk Assessment Addendum providing: - quantification of accident pathways (spill, run-off, flood exceedance, extreme weather); - receptor mapping (watercourses, aquifers, soils, ecological assets); - mitigation hierarchy and residual risk evaluation; - binding DCO Requirements securing controls through the CEMP.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	vulnerability or residual risk at determination stage. Qualitative narrative is relied upon in place of quantified worst-case scenario analysis.		
6B	Outline Soil Management and Restoration Framework lacks measurable, decision-stage performance standards. The Outline Soil Management Plan provides general handling principles but does not establish measurable soil functionality indicators, acceptance criteria, monitoring requirements or remedial triggers sufficient to verify restoration of Best and Most Versatile (BMV) land. No defined thresholds are provided for compaction, infiltration capacity, soil organic matter, productivity proxies, or drainage performance, nor is there a secured framework for independent verification beyond construction. Restoration success is therefore asserted rather than demonstrable. Given that the planning case relies materially on reversibility of impacts to BMV land, the absence of quantified performance standards limits the certainty available to the Examining Authority under EN-1 and the EIA Regulations. Reliance on future method statements cannot substitute for decision-stage criteria.	EN-1 (decision-making principles; environmental protection; requirement for robust and reliable evidence to inform the planning balance); EN-3 (solar PV and land use; sustainable use of land and reversibility considerations); EIA Regulations (requirement for sufficient environmental information to enable a reasoned conclusion on likely significant effects) Defra Code of Practice for the Sustainable Use of Soils on Construction Sites (2009) BS 3882 / ISO 25177 (soil quality classification and measurement standards)	The Examining Authority is invited to require the Applicant to provide, prior to determination (or by way of secured Requirement), a Soil Restoration and Monitoring Schedule proportionate to the scale and BMV sensitivity of the site, including: • a defined baseline soil resource dataset for verification purposes; • measurable soil performance indicators (e.g. compaction, structure, infiltration, soil organic matter); • clear acceptance thresholds and remedial trigger criteria; • a specified duration and frequency of post-restoration monitoring; and • independent agronomic oversight with reporting to the relevant planning authority. This would not require full detailed construction methodology at this stage, but would materially improve decision-stage certainty regarding reversibility and long-term soil function.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
6C	Lack of soil-hydrology interaction assessment. The Environmental Statement does not provide quantitative analysis of how panel coverage, altered drainage patterns, hardstanding and repeated array rows would affect soil structure, infiltration capacity, surface runoff or catchment hydrology. No soil–water balance modelling, infiltration testing, runoff modelling, erosion risk mapping or assessment of rainfall redistribution effects is presented, despite the scale of development on predominantly clay-loam soils. Consequently, the ES cannot demonstrate that existing drainage regimes would be maintained or that flood risk, erosion or soil degradation would not increase. This omission prevents the Examining Authority from determining whether the development would materially alter hydrological behaviour or soil functionality, contrary to the requirement for robust environmental evidence and worst-case assessment of the development envelope.	EN-1 (assessment of environmental impacts and land/soil protection); EN-3 (renewable energy infrastructure and environmental effects); Infrastructure Planning (EIA) Regulations 2017; CIRIA SuDS Manual C753	The Examining Authority should, prior to any recommendation or decision, require the Applicant to submit a Soil–Water Balance and Drainage Audit including: • quantitative soil–water balance modelling across the site • infiltration and runoff modelling (QBAR, 1:30, 1:100 + climate change) • assessment of panel rainfall redistribution and cumulative row effects • erosion and compaction risk mapping for BMV soils • integrated SuDS and drainage design demonstrating no net increase in runoff • mitigation measures verified by an independent hydrologist.
6D	Flood Risk Assessment and climate-change modelling. The Flood Risk Assessment does not demonstrate that flood risk has been assessed using climate projections appropriate to the full operational life of the development. Modelling appears aligned to mid-century allowances despite the scheme extending into the	EN-1 (requirements relating to flood risk assessment and climate change resilience); EIA Regulations (requirement to provide sufficient environmental information to	The Examining Authority should require the Applicant, prior to any Issue Specific Hearing on Flood Risk and Drainage, to submit a Revised Flood Risk Assessment addressing the deficiencies identified above, including:

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	2070s. The assessment does not clearly incorporate late-century UKCP18 projections, updated rainfall allowances, current surface-water datasets, site-specific infiltration data, or exceedance routing for worst-case layouts including compounds and infrastructure. Without late-epoch modelling and sensitivity testing, flood risk may be under-estimated and long-term resilience cannot be confirmed. The Examining Authority therefore lacks sufficient information to reach a reasoned conclusion on lifetime flood risk.	enable a reasoned conclusion on likely significant effects); Planning Act 2008 (advice and adequacy of application information); Environment Agency climate change guidance and UKCP18 climate projections.	• hydrological modelling using UKCP18 projections aligned with the 2070s climate epoch; • incorporation of updated rainfall-intensity allowances and RoFSW datasets; • field-verified infiltration and groundwater data; • exceedance-route mapping and safe access/egress analysis; • attenuation calculations reflecting compounds, tracks and BESS infrastructure; and • sensitivity testing demonstrating drainage performance under late-century rainfall scenarios. Provision of this updated modelling would enable the Examining Authority to evaluate flood risk using climate projections and baseline data appropriate to the lifetime and scale of the proposed development and to reach a reasoned conclusion under EN-1 and the EIA Regulations.
6E	Ground-condition baseline and contamination risk assessment incomplete. The Environmental Statement relies primarily on desk-based information and does not present intrusive ground investigation, groundwater monitoring or laboratory testing sufficient to verify baseline conditions.	EN-1 (protection of land, soils and the water environment; requirement for robust environmental evidence); EN-3 (environmental assessment requirements for energy infrastructure development);	The Examining Authority should require, prior to any recommendation or decision, submission of a Stage 2 Geo-Environmental Investigation and Risk Assessment including: • intrusive borehole and core sampling across representative site locations;

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	Consequently, soil stratigraphy, groundwater behaviour, contaminant presence and migration pathways are not adequately characterised despite extensive piling, trenching and drainage works. Potential mobilisation of legacy contaminants or creation of new pollutant pathways cannot be assessed. In the absence of site-specific data, the Examining Authority cannot determine risks to soils, groundwater or controlled waters, contrary to the Environment Agency's Land Contamination Risk Management framework and the EIA requirement for a robust baseline.	EIA Regulations (requirement to provide sufficient environmental information to enable a reasoned conclusion on likely significant effects); Environment Agency Land Contamination Risk Management (LCRM) Framework (2023); NSIP Examination Practice: Previous DCO examinations, including Sunnica Energy Farm (2023), Sizewell C (2022) and the A14 Cambridge–Huntingdon Improvement Scheme (2016), have emphasised that reliance on post-consent investigation cannot substitute for a sufficiently robust environmental baseline where this would constrain the Examining Authority's ability to reach a reasoned conclusion under the EIA Regulations.	• laboratory chemical analysis of soils and groundwater; • groundwater monitoring and vulnerability mapping; • contaminant-pathway modelling for piling, trenching and drainage works; • conceptual site model and quantitative risk assessment; and • independent certification by a Suitably Qualified Environmental Professional (SQEP).
7A	Inadequate funding evidence and absence of committed finance. The Funding Statement (Doc 4.2, vP01, Sept 2025) provides only narrative assertions of financial capability without binding commitments, facility agreements, mandate letters, investor confirmations or secured funding arrangements. The promoting SPV (BSSL Cambsbed 1 Ltd) appears to have no balance-sheet strength, assets or trading history capable	Planning Act 2008; APFP Regulations 2009; DCLG CA Guidance (2013); EN-1 (decision-making principles and deliverability).	The Examining Authority should require the Applicant to submit evidence sufficient to demonstrate funding credibility, including as appropriate: a) confirmation of financial backing by a creditworthy parent or sponsoring entity; b) an indicative funding structure (debt/equity proportions) and anticipated timetable to financial close;

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	of underwriting construction costs, compulsory acquisition liabilities or long-term obligations. No credible evidence-based pathway is provided demonstrating that funds will be available when liabilities arise. The Statement identifies no committed lenders or investors, no indicative funding structure or timetable to financial close, and no mechanism by which compensation would be funded at the point compulsory acquisition powers are exercised. This falls short of Regulation 5(2)(h) of the APFP Regulations 2009 and DCLG Guidance on Compulsory Acquisition (2013), which require a reasonable prospect that funding will be available for project delivery and compensation liabilities. Article 48 of the draft DCO requires a guarantee or alternative security for compensation but does not evidence funding availability, address construction or restoration liabilities, or specify independence or robustness of the security. Reliance on contingent parent-company support would not provide reliable assurance over a multi-decade project life, particularly where liabilities are vested in an asset-light SPV. In a compulsory acquisition case, the absence of credible funding evidence materially limits the		c) evidence of engagement with potential lenders or investors (e.g. mandate letters, heads of terms or equivalent); d) a clear explanation of how compulsory acquisition compensation will be funded when powers are exercised; and e) where security instruments are proposed, confirmation that such instruments will be legally enforceable, ring-fenced and capable of meeting liabilities as they fall due.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	ability of the decision-maker to conclude that there is a compelling case in the public interest. This deficiency is distinct from, but related to, Procedural Deficiency #18B concerning secured funding for decommissioning and restoration.		
8A	Inadequate Landscape and Visual Impact Assessment (LVIA). While the Environmental Statement includes an LVIA supported by ZTV mapping, viewpoint photography and photomontages, the material submitted does not provide a sufficiently comprehensive, representative or robust basis to support a reasoned conclusion on landscape and visual effects. Concerns arise as to the representativeness of viewpoint selection, the extent of receptor coverage, and the degree to which sequential and cumulative visual experience has been tested, particularly for public rights of way and settlement-edge receptors. In particular, the submitted material does not clearly demonstrate proportionate and representative coverage of viewpoints associated with public rights of way and local receptors in the vicinity of: • Hail Weston	EN-1 (requirement for robust environmental evidence to inform decision-making and assessment of landscape and visual effects.); EN-3 (solar PV siting principles and consideration of landscape effects); NPPF (provisions relating to the protection and enhancement of the natural environment and landscape character); GLVIA3 (<i>Guidelines for Landscape and Visual Impact Assessment</i> (3rd Edition)); EIA Regulations (requirement to assess likely significant effects including cumulative effects).	The Examining Authority should require the Applicant, prior to any recommendation or decision, to submit a Supplementary Landscape and Visual Impact Assessment Addendum addressing the deficiencies identified, including: • verified photomontages from additional representative viewpoints including settlements and public rights of way in Hail Weston, Great Staughton and Little Staughton, together with appropriate long-distance viewpoints; • expanded PRow receptor coverage across the study area; • supplementary cumulative LVIA material, including cumulative ZTV mapping covering an appropriate study area; • cross-scheme photomontages and viewpoint analysis assessing interaction with nearby solar farms, BESS schemes and relevant NSIPs;

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	• Great Staughton • Little Staughton • Pertenhall • Keysoe This reduces confidence that the LVIA fully captures the likely experience of sensitive receptors. Night-time effects arising from operational lighting associated with BESS compounds, substations and related infrastructure are not clearly or comprehensively integrated into the LVIA's landscape and visual conclusions. Similarly, glint-and-glare effects may be addressed in separate technical material, but their implications for landscape receptors, visual amenity and heritage setting are not clearly brought together within the LVIA assessment. The cumulative assessment presented does not clearly demonstrate that the likely combined effects of multiple solar, BESS and major infrastructure schemes within the wider study area and shared visual envelope have been fully tested. In particular, it is not clear that cumulative interactions have been adequately assessed in		• combined landscape-character assessment addressing cumulative change across the wider landscape; • assessment of sequential and combined visual effects experienced by receptors travelling through the landscape; • a supplementary night-time landscape and visual assessment addressing operational lighting; and • clear integration of glint-and-glare findings, including potential effects on heritage assets and heritage settings, into the landscape and visual assessment. Provision of this information would enable the Examining Authority to properly evaluate both stand-alone and cumulative landscape and visual effects associated with the Proposed Development and to reach a reasoned conclusion in accordance with the EIA Regulations.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	relation to nearby or regionally significant developments including: • High Wood Solar • Cobholden Solar and BESS • Little Staughton Airfield solar and energy proposals • Manor Farm Solar • strategic infrastructure projects including A428 Black Cat to Caxton Gibbet improvements and East West Rail (EWR). The submitted material does not clearly evidence cumulative ZTV-led analysis, cross-scheme visualisations, combined landscape-character assessment or sufficient sequential visual analysis to allow the Examination to understand the full combined effect of development in the wider landscape. Taken together, these limitations in viewpoint representation, cumulative analysis, and integration of night-time and glint-and-glare considerations mean that the Environmental Statement should be treated as providing only a partial basis for assessment and cannot safely be relied upon, without further clarification, as		

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	supporting a fully robust conclusion on likely significant landscape and visual effects.		
8B	Inadequate assessment of heritage setting and intervisibility effects. The Environmental Statement does not provide a sufficiently robust, spatially explicit or visually evidenced assessment of the potential effects of the Proposed Development on the setting and significance of designated heritage assets within the study area. Effects on the setting of designated assets, including Grade I listed buildings, are not adequately evidenced. The Environmental Statement lacks: - a heritage constraints plan illustrating the spatial relationship between the Order Limits and the settings of designated heritage assets, including Grade I listed buildings; - modelled intervisibility analysis, such as Zone of Theoretical Visibility (ZTV) mapping, showing where the Proposed Development may be visible from heritage receptors; - verified viewpoints or photomontages assessing views to and from heritage assets; and	Planning (Listed Buildings and Conservation Areas) Act 1990 s.66(1) duty to have special regard to the preservation of listed buildings and their settings.; Barnwell Manor Wind Energy Ltd v East Northamptonshire DC [2014] EWCA Civ 137; Jones v Mordue [2015] EWCA Civ 1243; EN-1 (heritage and cultural assessment principles); NPPF provisions concerning the conservation of heritage assets and the protection of their settings.; EIA Regulations requirement for sufficient environmental information to enable a reasoned conclusion on likely significant effects, including effects on cultural heritage..	The Examining Authority should require the Applicant, prior to any recommendation or decision, to submit a Heritage-Setting Impact Addendum addressing the deficiencies identified above. This assessment should include: - a composite heritage constraints plan illustrating the spatial relationship between the Order Limits and the settings of Grade I listed buildings and other designated heritage assets; - ZTV-led intervisibility analysis assessing where the development may be visible from heritage receptors across the wider study area; - verified viewpoints and photomontages illustrating views to and from heritage assets, including Grade I listed buildings and conservation areas; - receptor-specific setting assessments evaluating how the Proposed Development would be experienced in the landscape context of each asset;

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	a clear explanation of how layout, scale and mitigation have been tested against setting sensitivity. The assessment relies primarily on desk-based narrative and distance-based assumptions, without spatial modelling or visual evidence demonstrating how the development would be experienced in the landscape from the perspective of heritage receptors. Experience from comparable NSIP examinations confirms that reliance on proximity alone is insufficient to assess harm to setting where large-scale infrastructure is introduced into open rural landscapes. The Environmental Statement does not clearly provide heritage-specific verified photomontages, ZTV-led intervisibility analysis and receptor-specific setting assessments for designated heritage assets within the wider visual envelope of the scheme. Desk-based assessment alone cannot demonstrate the magnitude of change to setting where long-distance views, openness and landmark relationships contribute to significance. The absence of spatially explicit intervisibility analysis, verified viewpoints and setting-sensitivity testing prevents confident evaluation of harm and		- assessment of views both toward and from heritage assets, including long-distance landscape views where these contribute to heritage significance; and - a clear explanation of how the layout, scale and mitigation strategy of the Proposed Development have been tested against heritage setting sensitivity, supported by visual evidence. Without this information, the Examining Authority cannot confidently discharge its statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, nor reach a fully reasoned conclusion on likely significant effects on heritage assets in accordance with the EIA Regulations.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	undermines conclusions of limited or less-than-substantial harm. In the absence of this information the Examining Authority cannot confidently discharge its statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.		
8C	Absence of Quantitative Population and Receptor Assessment. The ES provides no quantitative assessment of affected population or receptor groups across nearby villages (Hail Weston, Great Staughton, Little Staughton, Perry, Kimbolton) or dispersed rural dwellings. No receptor-counting, distance-band analysis, or demographic profiling is provided for landscape, noise, traffic, PRoW, air-quality, hydrology, or amenity effects. Impacts are described qualitatively (“limited”, “minor”, “not significant”) without identifying how many households, PRoW users, road users, or sensitive community receptors are affected. This prevents proper evaluation of distributional effects, cumulative amenity loss and the scale of harm across rural communities, and limits the Examination’s ability to assess effects on population and human receptors as required by the EIA Regulations.	EN-1; NPPF provisions safeguarding the natural environment, landscape character and environmental quality; EIA Regulations.	The Examining Authority should require the Applicant to submit a Quantitative Population and Receptor Impact Assessment, including: • mapping and enumeration of residential, community, and PRoW receptors within defined distance bands; • receptor-specific impact tables for noise, traffic, LVIA, air quality, and amenity; • distributional analysis and identification of disproportionately affected communities; • integration of results into the relevant ES chapters and the planning balance.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
8D	Unrealistic landscape mitigation assumptions and reliance on unverified vegetation screening. The Environmental Statement relies extensively on proposed hedgerow and woodland planting to mitigate landscape, visual and amenity impacts arising from the development. The LVIA assumes effective screening within relatively short timescales (typically 5–10 years) without robust site-specific evidence that such mitigation is achievable under local conditions. Photomontages do not represent early operational conditions (Years 1–3) and therefore do not illustrate the period of maximum visual exposure. No empirical evidence from comparable operational solar schemes is presented demonstrating that the assumed screening performance can be achieved, nor are failure rates or establishment risks quantified. In addition, the site layout appears to rely on extensive perimeter planting as the primary means of mitigation rather than demonstrating how impacts have been minimised through design optimisation. The Environmental Statement also does not define measurable performance criteria, monitoring requirements or contingency measures	EN-1 (requirement for realistic, evidence-based mitigation and good design); EN-3 (solar PV layout, design quality and mitigation realism); GLVIA3 (assessment of mitigation effectiveness and visualisation standards); NPPF provisions concerning good design and protection of countryside character; EIA Regulations (assessment of mitigation effectiveness).	The Examining Authority should require the Applicant to submit, prior to any recommendation or decision, a Landscape Mitigation Effectiveness and Layout Review, including: • time-sequenced photomontages illustrating Year 1, Year 3, Year 5 and Year 10 conditions, including leaf-on and leaf-off scenarios; • realistic planting growth trajectories based on local soil conditions, exposure and drainage constraints; • evidence from comparable operational UK solar schemes (≥5–10 years old) demonstrating actual hedgerow and woodland screening performance; • a layout-optimisation review demonstrating how visual impacts have been minimised through design measures (setbacks, reduced boundary length, avoidance of sensitive receptors) rather than reliance on planting alone; • quantified assumptions regarding planting establishment rates, failure risk and replacement cycles; and • enforceable DCO Requirements securing long-term planting success, monitoring, re-planting triggers and adaptive landscape management.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	in the event that planting fails to establish or does not achieve the screening performance assumed in the LVIA. Accordingly, the Examination cannot reliably determine whether the proposed mitigation will achieve the screening performance assumed in the LVIA or whether residual effects on landscape character, PRoWs and residential amenity may be materially greater, and persist for longer, than reported.		In the absence of verified evidence demonstrating that the proposed mitigation will perform as assumed, the Environmental Statement cannot reliably present the likely significant landscape and visual effects of the development over its operational life. Absent such evidence, the Examining Authority should afford limited weight to the assumed effectiveness of landscape mitigation and treat residual landscape and visual effects as potentially understated.
9A	Absence of quantified socio-economic impact assessment, including agricultural economic displacement. The Environmental Statement does not provide a quantified assessment of the socio-economic effects arising from the long-term withdrawal of productive agricultural land and associated rural economic activity. National policy within EN-1 requires that socio-economic impacts, including effects on employment, rural enterprise and economic output, are properly identified and assessed. The EIA Regulations likewise require a description of likely significant effects on population and economic factors supported by sufficient information to understand their magnitude, duration and distribution. The Application does not quantify the economic consequences of removing approximately 773	EN-1 (assessment of socio-economic impacts including effects on land-based industries); NPPF provisions relating to building a strong, competitive rural economy; EIA Regulations (assessment of population and economic effects; sufficient environmental information for decision-making).	The Examining Authority should require the Applicant to submit a quantified Socio-Economic Impact Assessment prior to the close of Examination. This assessment should: • provide verifiable estimates of direct, indirect and induced employment during construction and operation, including local labour and supply-chain proportions; • quantify the loss of agricultural economic output arising from removal of productive farmland, including agricultural GVA, tenancy income and associated contractor activity; • assess displacement effects on rural enterprises, tourism, community services and local supply chains over the proposed operational life;

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	hectares (c.1,900 acres) of predominantly Grade 2 and 3a agricultural land from production for up to 40 years. No assessment is provided of agricultural gross value added (GVA) foregone, farm-business impacts, supply-chain effects or wider implications for the rural economy. The Environmental Statement does not provide quantified baseline data on agricultural employment, tenancy income, contractor activity or downstream rural services associated with the affected land. Without such information the Examination cannot assess the magnitude of socio-economic displacement or evaluate whether the claimed project benefits outweigh the long-term economic effects of land-use change. Construction employment claims and generic community-benefit narratives are not substitutes for a quantified socio-economic assessment where extensive productive agricultural land is withdrawn from use. In the absence of transparent baseline data, quantified economic loss estimates and sensitivity analysis, the Environmental Statement does not provide sufficient information to enable the Examining Authority to reach a reasoned conclusion on socio-economic effects or to apply the planning balance required by EN-1.		• evaluate cumulative effects on local infrastructure, housing demand and public services arising from construction workforce presence; • include a distributional analysis showing how socio-economic harms and benefits are apportioned across settlements, businesses and affected groups; and • be underpinned by transparent baseline data and regional multipliers consistent with HM Treasury Green Book appraisal methodology. The results should be incorporated into the Environmental Statement or submitted as a certified technical appendix to enable the Examination to reach a reasoned conclusion on socio-economic effects.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
9B	Absence of assessment of amenity-related market-stigma effects and their relevance to population and human health. The ES omits any assessment of potential generalised blight, market-stigma effects, long-term amenity depreciation, or socio-economic impacts on nearby residential properties, despite evidence from previous DCOs (Sunnica, Longfield, Mallard Pass) that large solar/BESS infrastructure can generate perceived or actual value suppression within the zone of visual and traffic influence. This omission limits assessment of population, amenity and wellbeing effects under the EIA Regulations. It is not advanced as a claim for compensation, but as an indicator of wider human and socio-economic effects.	EN-1 (community amenity and quality of life); NPPF provisions concerning achieving well-designed places; EIA Regulations (human health & socio-economic effects).	The Examining Authority should require the Applicant to submit a Property-Value and Blight Impact Note, including: • review of comparable NSIPs and RICS/Land Registry data; • assessment of potential stigma effects; • identification of mitigation or community-benefit mechanisms.
9C	Absence of Health Impact Assessment (HIA) and inadequate assessment of population and human health effects. The Application does not include a stand-alone Health Impact Assessment (HIA) or an equivalent structured assessment of population health effects. The Environmental Statement therefore does not enable the Examining Authority to evaluate human health impacts with appropriate rigour for a nationally significant infrastructure projects. The Environmental Statement contains no stand-alone health chapter and no integrated health	Equality Act 2010; EN-1 (consideration of population and human health impacts); EIA Regulations (requirement to assess likely significant effects on population and human health and to provide sufficient environmental information to enable a reasoned conclusion).	The Examining Authority should require the Applicant, prior to any recommendation or decision, to submit a combined Health Impact Assessment and Public Sector Equality Duty Compliance Statement addressing the deficiencies identified above. The assessment should include: • demographic and vulnerability mapping identifying communities and groups potentially affected by the Proposed Development;

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	assessment framework, and instead relies on fragmented discussion across individual topic chapters. In particular, the ES does not provide a structured assessment of: • construction-phase health impacts, including traffic movements, noise exposure, dust and air quality effects, community severance, and disruption to local access routes and public rights of way; • operational health effects, including noise exposure from BESS compounds, transformers and inverters, including potential tonal or low-frequency components; • mental health and wellbeing effects, including changes to amenity, rural character and perceived environmental quality; • cumulative health impacts arising from interaction between multiple environmental stressors; or • distributional health effects experienced by specific communities or sensitive groups.		• evaluation of distributional impacts across different population groups, including those with protected characteristics under the Equality Act 2010; • assessment of construction-phase health impacts, including traffic movements, noise, air quality, dust and disruption to access routes and public rights of way; • assessment of operational health impacts, including noise exposure and potential tonal or low-frequency effects; • assessment of mental health and wellbeing effects, including changes to amenity and environmental quality; • assessment of cumulative health impacts arising from interaction between environmental pathways; and • identification of specific mitigation measures, supported by monitoring and reporting arrangements. Where mitigation measures are required, these should be secured through enforceable DCO Requirements. In the absence of this information the Examining Authority cannot reach a fully reasoned conclusion on likely significant effects on population and

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	The Environmental Statement also does not identify or analyse vulnerable groups or protected characteristics, nor does it evaluate the potential distributional impacts of environmental effects across different population groups. In particular, the Application contains no evidence demonstrating compliance with the Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010. The Environmental Statement does not therefore provide: • demographic analysis identifying vulnerable or sensitive population groups; • evaluation of how environmental impacts may disproportionately affect individuals with protected characteristics; • analysis of the distribution of impacts across communities; or • consideration of whether mitigation measures are sufficient to address such distributional effects. Instead, reliance is placed on assumptions of limited impact and outline mitigation rather than a structured worst-case assessment of health effects.		human health, nor demonstrate compliance with the PSED under section 149 of the Equality Act 2010.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	The absence of a structured human health assessment also means that potential interactions between multiple environmental pathways, including noise, traffic, air quality, access disruption and amenity change, have not been evaluated in a combined or cumulative way. Taken together, the absence of a Health Impact Assessment, the lack of population vulnerability analysis, and the absence of PSED compliance evidence prevent the Examining Authority from evaluating population and human health effects in accordance with the requirements of the EIA Regulations.		
9D	Omitted aviation-glare safeguarding. The ES provides no assessment of glint/glare impacts on aviation receptors, including Cambridge Airport, Cranfield Airport, RAF Wyton/RIS, farm airstrips, and emergency helicopter corridors. No consultation evidence from CAA, NATS, the MoD or local airfields is provided. Absence of aviation-glare modelling does not clearly demonstrate compliance with EN-1 evidential adequacy requirements.	EN-1; EIA Regulations; CAA CAP 764 & CAP 393; MoD / NATS safeguarding protocols.	The Examining Authority should require the Applicant to submit an Aviation Glint & Glare Assessment with receptor-specific modelling and confirmation from NATS/MoD/CAA or secure controls by DCO Requirement.
9E	Omission of crime-risk, theft, and hostile-reconnaissance assessment for solar/BESS infrastructure. The ES provides no assessment of crime risk, theft, or hostile reconnaissance despite published national police intelligence	EN-1; NPPF provisions safeguarding the natural environment, landscape character and environmental quality;	The Examining Authority should require the Applicant to submit a full Security and Crime-Risk Assessment, including:

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	summaries and industry evidence indicating an increasing risk profile that large solar farms and BESS sites are now systematically targeted by organised criminal gangs. Opal police intelligence confirms cable-theft incidents at solar farms have more than doubled since 2022, with combined cable and panel thefts projected to rise by 32% (2024), and multiple incidents of hostile surveillance and attempted perimeter breaches at comparable UK sites. The omission prevents evaluation of: • security impacts on rural communities; • need for 24/7 lighting, CCTV towers and fencing (landscape, dark-sky and ecology effects); • construction-phase vulnerability and unplanned emergency/police traffic; and • BESS-specific risks from deliberate damage or intrusion.	EIA Regulations; ICNIRP/PHE guidance (lighting & security equipment)	• construction and operational theft-risk modelling using Opal data; • hostile-reconnaissance and intrusion scenarios for PV and BESS areas; • assessment of required security lighting/CCTV and dark-sky impacts; • community-safety and crime-displacement analysis; and • a Police-endorsed Security Mitigation Plan (DOCO-approved) with enforceable DCO Requirements.
10A	Absence of a quantified, scheme-specific need and proportionality case. The Application relies on generic national policy support for renewable energy but does not provide a quantified, scheme-specific explanation of why the proposed development, at this location and scale, represents a proportionate or efficient contribution to national energy policy objectives. The Environmental Statement does not demonstrate the system value, locational justification or land-use efficiency of the proposed	EN-1 (need, assessment and planning balance); EN-3 (solar PV siting hierarchy and efficient use of land); NPPF provisions relating to protection of high-quality agricultural land and efficient use of resources; EIA Regulations (assessment of significant	The Examining Authority should require the Applicant to submit a Need and Proportionality Assessment which: • quantifies expected annual and seasonal electricity generation and explains the scheme's system value at the proposed connection node, including constraint context, curtailment exposure and reinforcement dependencies;

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	scheme in a manner that enables meaningful comparison between the claimed public benefits and the environmental costs associated with long-term occupation of predominantly Best and Most Versatile (BMV) agricultural land. In particular, the Application does not evidence: • the system or network value associated with the chosen grid-connection point (including constraint context, curtailment exposure, reinforcement dependencies or locational advantages relative to other feasible nodes); • the land-efficiency of the scheme (including generation, carbon abatement and energy yield per hectare) compared with alternative deployment models; • the relationship between the stated objective of maximising grid utilisation and the requirement in EN-3 to avoid BMV land where reasonable alternatives exist; or • the comparative performance of the scheme against lower-conflict deployment options such as rooftop solar, previously developed land or non-BMV agricultural land within the relevant grid catchment. As a result, the claimed public benefits of the scheme are asserted rather than demonstrated, and the Examination is not provided with sufficient	effects including socio-economic and land-use impacts).	• reports generation efficiency and carbon abatement per hectare and explains how land-use impacts have been minimised; • evaluates coincidence with demand and system resilience benefits relative to other feasible deployment models; • compares the scheme's land-use efficiency and environmental impacts with lower-conflict alternatives including rooftop solar, previously developed land and non-BMV sites within the relevant grid catchment; and • demonstrates, with transparent evidence, that the public benefits of the proposed development at this location outweigh the long-term loss of BMV agricultural land. Absent such evidence, the Examining Authority should afford limited weight to the Applicant's claimed need case when applying the planning balance under EN-1.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	evidence to evaluate whether the proposed development represents a proportionate or efficient contribution to national decarbonisation objectives. Without a quantified need and proportionality case, the Examining Authority cannot meaningfully weigh the claimed benefits of the proposal against the long-duration loss of a nationally significant soil resource. This deficiency should be read alongside Deficiency #4A, which concerns the adequacy of the site-selection and alternatives process. Even if the location were assumed to be acceptable, the Examination must still determine whether the scale and configuration of the scheme deliver proportionate public benefits.		
10B	Absence of a cost-benefit and carbon-efficiency justification. The application does not provide a transparent, quantified assessment demonstrating that the claimed public benefits of the East Park Energy proposal are proportionate to the scale, duration and reversibility of harm arising from the permanent or long-term loss of BMV agricultural land and associated environmental impacts. In particular, the Environmental Statement and	EN-1 (requirement for proportionality between benefits and impacts / efficiency and land-use considerations); EN-3 (solar siting principles); NPPF provisions safeguarding the natural environment, landscape character and environmental quality;	The Examining Authority should require the Applicant to submit a Cost–Benefit and Carbon-Efficiency Statement prior to determination, including: • quantified assessment of system-level benefit relative to land-take and environmental impact; • carbon-efficiency metrics (e.g. tCO₂e displaced per hectare over project life); • comparison with reasonable lower-conflict alternatives; and

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	Planning Statement lack: • a cost–benefit analysis testing system-level efficiency rather than headline installed capacity; • a carbon-efficiency-per-hectare or per-unit-impact assessment; • quantified comparison with reasonable lower-conflict alternatives; and • any integrated assessment of whether land-take and environmental harm are justified by the scheme’s contribution to electricity supply. As a result, asserted public benefits are assumed rather than demonstrated. Where developments involve extensive land take, applicants are expected to demonstrate carbon efficiency, system contribution and benefit per unit of land, rather than relying on gross generation figures. In the absence of such evidence, limited weight can properly be attributed to the claimed public benefits when weighed against long-term environmental and land-use harm.	EIA Regulations (adequacy of environmental information).	• explanation of how proportionality has been tested in accordance with EN-1. Without such evidence, the planning balance cannot be properly undertaken on a fully informed basis. and any reliance on assumed public benefits would risk non-compliance with national policy and EIA Regulations.
11A	Ecology: Incomplete baseline and omission of protected species, habitats, connectivity and ecosystem functioning data. The ES omits detailed survey results for Red Kite foraging patterns, Water Vole presence within drainage ditches, and bat-corridor connectivity near access routes and hedgerow gaps. Several surveys fall outside optimal seasonal windows. No multi-	EN-1; NERC Act 2006; Habitats Regulations; EIA Regulations.	The Examining Authority should require the Applicant to submit an Updated Ecological Baseline & Mitigation Strategy, including: • protected-species surveys to CIEEM standards; • bat-corridor connectivity modelling; • watercourse-crossing designs;

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	species crossing mitigation is provided for construction compounds and haul routes. Taken together, the baseline is incomplete and does not allow robust assessment of protected species presence, movement corridors, habitat connectivity or ecosystem functioning.		seasonal-restriction commitments.
11B	Understatement of farmland bird importance and omission of quantitative territory mapping. The Environmental Statement materially understates the functional importance of the site for farmland birds by omitting quantitative breeding-territory mapping and density analysis. The assessment relies on presence/absence and limited qualitative descriptors rather than field-verified territory counts, breeding density estimates, or spatial mapping of nesting, foraging, displaying and movement corridors. This prevents robust assessment of displacement, fragmentation and cumulative effects, particularly for species of conservation concern associated with open farmland. The omission is especially material given the scale of habitat loss (c. 773 ha), the linear extent of fencing and infrastructure, and Natural England's NEER012 guidance, which emphasises that impacts on birds in agricultural landscapes	EN-1 (land-use compatibility and avoidance of adverse ecological interactions); EN-3 (Solar Photovoltaic generation); EIA Regulations (Environmental impact assessment impacts) Natural England Evidence Review NEER012 (2016) – precautionary assessment of solar PV impacts on fauna NPPF provisions safeguarding the natural environment, landscape character and environmental quality	The Examining Authority should require the Applicant to submit a Farmland Bird Impact Addendum including: - quantitative breeding-territory mapping (minimum two survey seasons) for key farmland species; - density and population estimates benchmarked against county and regional datasets; - spatial analysis of displacement, barrier effects and habitat fragmentation caused by arrays, fencing and access routes; - cumulative assessment alongside nearby solar and infrastructure schemes; and - species-specific mitigation and avoidance measures secured through enforceable DCO Requirements.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	are poorly understood and require a precautionary, evidence-led approach. Without quantitative territory data, the Examining Authority cannot evaluate ecological significance, magnitude of effect, mitigation effectiveness or cumulative impact. In the absence of this information, the Environmental Statement does not contain sufficient environmental information for the purposes of the EIA Regulations.		
11C	Unassessed red kite collision and disturbance risk. The Environmental Statement fails to assess collision, disturbance and displacement risks to red kite (<i>Milvus milvus</i>) associated with the proposed development's access routes, construction traffic, and operational vehicle movements. Despite red kite being a Schedule 1 species and a known low-altitude forager with established presence in Bedfordshire and north Cambridgeshire, no flight-line analysis, vantage-point survey interpretation, or access-crossing risk assessment is provided. In particular, the ES omits assessment of repeated vehicle movements at access crossings where birds are likely to forage or commute across open arable land, creating a foreseeable risk of collision, disturbance and functional habitat severance.	EN-1 (avoidance of significant harm to biodiversity) EN-3 (land-use compatibility and avoidance of adverse ecological interactions) EIA Regulations (description and assessment of effects on biodiversity, methods and assumptions) Wildlife and Countryside Act 1981 (as amended) – Schedule 1 species protection Natural England NEER012 (2016) – precautionary assessment of solar PV impacts on birds NPPF provisions safeguarding the natural environment, landscape character and environmental quality	The Examining Authority should require the Applicant to submit a Red Kite Risk Assessment Addendum including: - analysis of vantage-point data to identify flight lines and foraging behaviour in relation to proposed developments access routes; - assessment of collision and disturbance risk from construction and operational traffic at access crossings; - cumulative assessment with nearby infrastructure and solar schemes; and - species-specific mitigation (e.g. access re-routing, traffic controls, timing restrictions), secured through enforceable DCO Requirements.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	Without species-specific assessment of collision and disturbance risk across Sites A–D, including at access crossings and along construction routes, the Examination does not presently have a sufficient evidential basis to conclude that effects on red kite can be avoided or adequately mitigated. The omission prevents application of the precautionary principle and undermines the adequacy of the ecological assessment under EIA Regulations.		
11D	Absence of precautionary assessment under NEER012 framework. The Applicant's Ecological Impact Assessment (ES Vol 1 Ch. 7 and Vol 2 App. 7-1) fails to assess the ecological risk pathways identified in Natural England's Evidence Review NEER012 (2017) (<i>Evidence review of the impact of solar farms on birds, bats and general ecology</i>). NEER012 identifies several key mechanisms of ecological impact, including: • polarised-light pollution from photovoltaic (PV) surfaces; • attraction and ecological-trap effects for insects, bats, and waterfowl; • habitat fragmentation and barrier/displacement effects along linear habitats;	EN-1 – requires robust assessment of all likely ecological effects, including behavioural displacement and indirect effects. EN-3 – requires assessment of site-specific ecological risks arising from solar reflective surfaces, layout, and habitat fragmentation. EIA Regulations – requires identification of indirect, secondary, and cumulative ecological effects. NEER012 (Natural England, 2017): identifies insufficient evidence bases for solar ecological impact and recommends a precautionary approach and targeted risk-pathway assessment.	The Examining Authority should require the Applicant to submit a Precautionary Ecological Impact Assessment Addendum, including: 1. NEER012-aligned risk-pathway evaluation, quantifying potential polarised-light attraction and associated ecological-trap risks for insects, bats, and waterfowl. 2. Species-specific behavioural assessment for riparian mammals and farmland birds. 3. Updated multi-season ecological surveys addressing identified data gaps. 4. Revised HRA screening incorporating indirect and behavioural effects pathways. Mitigation proposals verified by an independent Ecological Clerk of Works.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	altered foraging behaviour in riparian and wetland species. Given the large reflective footprint of the proposed scheme (c. 773 ha), its proximity to watercourses supporting Water Vole and riparian bird fauna, and the presence of multiple bat species, the omission of a NEER012-aligned precautionary assessment represents a material gap in the ES. By omitting assessment of polarised-light attraction, barrier effects, and altered movement/foraging patterns identified in NEER012, the Applicant's ES does not identify several foreseeable ecological risks. This prevents the Examining Authority from determining whether significant effects have been adequately assessed, contrary to EN-1, EN-3 and the EIA Regulations.		
11E	Grid-connection corridor omissions. The Environmental Statement provides only schematic mapping of the grid-connection corridor linking the generating site to the National Grid substation east of St Neots and does not present a corridor-specific environmental assessment. The cable route constitutes integral infrastructure, not ancillary works. No baseline surveys, alignment appraisal or topic-specific assessment is provided for ecology, soils, landscape, heritage, hydrology, traffic or construction effects, notwithstanding that	EN-1 (adequacy of environmental information and assessment of all environmental effects); EIA Regulations (requirement to assess likely significant effects of the project as a whole and provide sufficient information for a reasoned conclusion).	The Examining Authority should require the Applicant to submit a Grid-Connection Corridor Environmental Assessment Addendum, including: - corridor-specific baseline surveys covering ecology, soils, hydrology, landscape and heritage receptors; - mapping and appraisal of the corridor alignment and sensitive environmental features along the route;

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	the cable route will cross drainage features, hedgerows, agricultural land and Public Rights of Way and will require trenching, haulage access, temporary compounds and reinstatement works. The grid connection forms an integral component of the authorised development. In the absence of a corridor-level baseline and impact assessment the Environmental Statement does not enable the Examining Authority to determine the likely significant environmental effects of the development as a whole, including cumulative and construction-phase effects associated with the cable route. This omission represents a material adequacy deficiency under the EIA Regulations, preventing the decision-maker from reaching a reasoned conclusion on environmental effects.		• a defined construction methodology (including trenching, temporary compounds, haulage access and reinstatement works); • an assessment of construction noise, vibration, dust and traffic effects affecting receptors along the corridor; and • an integrated cumulative assessment addressing interaction with other grid-connection or reinforcement works. Until such information is provided, the Examination cannot be satisfied that the Environmental Statement contains sufficient information to assess the environmental effects of the proposed development in accordance with EN-1 and the EIA Regulations.
11F	Omitted Biosecurity / Invasive Non-Native Species (INNS) Plan. The Environmental Statement and Outline CEMP do not include a site-specific INNS Plan. No method statements are provided for plant/vehicle wash-down, soil/materials quarantine, bio secure working near watercourses, or INNS monitoring and eradication triggers. Given the scale of earthworks, hedgerow translocation, ditch management and watercourse crossings, the absence of a Biosecurity/INNS Plan represents a foreseeable and unmanaged environmental risk. The omission prevents the	EN-1 – requires avoidance of significant harm and prevention of spread of invasive species. EIA Regulations – ES must include information on secondary, cumulative and indirect effects, including risks of INNS spread. CIEEM EcIA Guidelines (2018): require assessment and mitigation of INNS risks during construction and operation.	The Examining Authority should require the Applicant to submit a site-specific Biosecurity and INNS Management Plan, secured by a new DCO Requirement, including: • vehicle/plant wash-down procedures; • topsoil and materials quarantine; • invasive species identification and mapping;

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	Examining Authority from determining whether the Applicant has adequately assessed or mitigated INNS-related risks, contrary to EN-1 and the EIA Regulations. INNS spread is a well-recognised construction risk on NSIPs, especially where drainage works, ditch reprofiling and hedgerow translocation occur.	Wildlife and Countryside Act 1981 (s.14): prohibits release or spread of listed invasive species.	- pre-construction surveys; - monitoring and eradication protocols; annual reporting to the LPA.
11G	Hedgerow Regulations consent strategy absent. The Application proposes removal or breach of multiple hedgerow sections (V01–V14) but provides no Hedgerow Regulations 1997 compliance strategy. No Schedule 1 “important hedgerow” assessment is presented; no Hedgerow Removal Notice information is supplied; and no alternatives appraisal is provided to demonstrate that operational and construction access could not reasonably be achieved without long-term breaks in hedgerows. ES Vol 1 Ch. 2 confirms that 84 m of hedgerow will be removed, with 42 m not reinstated until after decommissioning, yet this long-term loss is not reconciled with the Hedgerow Plan (Doc 2.9), the BNG Metric, or any DCO Requirement on reinstatement timing. This omission prevents the Examining Authority from understanding whether hedgerows affected by the scheme qualify as “important” under the 1997 Regulations or whether their proposed removal can be properly assessed against the applicable policy and regulatory tests, contrary to EN-1’s requirement	Hedgerow Regulations 1997 (Reg. 7 and Schedule 1); EN-1 (protection of priority habitats and ecological networks); EN-3 (Solar PV – siting and landscape/ecology principles); EIA Regulations (adequate environmental information).	The Examining Authority should require the Applicant to submit a Hedgerow Regulations Compliance Package comprising: - a Schedule 1 “important hedgerow” assessment for each section V01–V14; - a Hedgerow Removal and Consent Schedule setting out length, importance status, consent route and reinstatement proposals; - a net change table (m) distinguishing temporary vs 40-year hedgerow loss; - an access alternatives assessment demonstrating that hedgerow removal is a last resort; and - draft DCO Requirement wording securing hedgerow reinstatement timing (during operation, not merely “following decommissioning”), minimum planting

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	for complete and reliable environmental information.		specifications and 10-year establishment monitoring.
11H	Biodiversity Net Gain not legally secured or monitored. The Application does not legally secure Biodiversity Net Gain (BNG) delivery, monitoring, funding or long-term management. The BNG Report and Policy Compliance Document rely on illustrative designs and non-binding commitments (“elects to claim”, “endeavour”) and defer delivery to post-consent iterations of the LEMP. No 30-year Habitat Management & Monitoring Plan (HMMP) is provided; no monitoring frequency, metric recalculation, remedial triggers, or independent audit are specified; and no legal securing mechanism (e.g. conservation covenant or s.106 agreement) is proposed. Long-term hedgerow breaks (42 m) are not reflected in BNG accounting. As a result, BNG outcomes are unenforceable and the ES does not contain sufficient environmental information to demonstrate delivery.	EN-1 (biodiversity enhancement must be secured and deliverable); EN-3 (Solar PV – siting/ecology requirements); Statutory BNG Metric (NE, 2024) – 30-year maintenance & monitoring; EIA Regulations (adequate environmental information).	The Examining Authority should require the Applicant to submit a legally binding BNG securing package, including: • a 30-year HMMP with funding, monitoring intervals, independent audit, and metric recalculation; • a legal mechanism (DCO Requirement + covenant/S106) securing delivery of habitat, hedgerow and watercourse units; • a fixed minimum BNG unit schedule; and • updated BNG Metrics reflecting long-term hedgerow loss.
11I	Habitats Regulations Assessment screening and in-combination analysis inadequate. HRA screening relies on incomplete ecological baseline data and a narrow, qualitative in-combination analysis. It omits several relevant solar/BESS schemes and major NSIPs within ecological connectivity range. No evidence is provided of	Habitats Regulations 2017 reg. 63; EN-1; Waddenzee (C-127/02).	The Examining Authority should require the Applicant to submit, prior to any recommendation or decision, a Revised HRA screening and in-combination Assessment based on complete baseline data and full project cluster analysis, with Natural England consultation.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	Natural England agreement. Screening conclusions lack sufficient scientific certainty. The competent authority cannot conclude no likely significant effect in the absence of complete baseline and in-combination analysis.		
11J	Inadequate public-facing ecological constraints information. Confidential ecological reports (including badger and Schedule 1 bird material) have been submitted without any redacted, buffered or generalised public-facing constraints plan. This prevents affected communities, landowners and PRow users from understanding how sensitive ecological zones interact with access tracks, compounds, hedgerow breaches and working corridors. The omission compounds consultation deficiencies and prevents informed participation.	Planning Act 2008; EIA Regulations; EN-1 (adequate environmental information); Natural England confidentiality protocols; NSIP precedent (Longfield 2023; Sunnica 2023).	The Examining Authority should require the Applicant to submit a Redacted or buffered Ecological Constraints Map showing indicative protection zones for badger, Schedule 1 birds, GCN, and bat corridors, sufficient to enable public understanding while protecting sensitive data. Require updated ES and DCO documents where necessary.
12A	Incomplete archaeological evaluation and insufficient heritage baseline evidence. The Environmental Statement does not provide a sufficiently complete or reliable baseline to assess likely effects on archaeological remains, designated heritage assets and the wider historic landscape. Local authority archaeological advisers representing Bedford Borough Council, Cambridgeshire County Council and Huntingdonshire District Council have confirmed	EN-1 (historic environment assessment and requirement for sufficient environmental information to enable decision-making); EN-3 (consideration of impacts on known and potential heritage assets); EIA Regulations (requirement for sufficient environmental information to enable the decision-maker to reach a reasoned conclusion on likely significant effects).	The Examining Authority should require the Applicant, prior to any recommendation or decision, to submit a comprehensive pre-determination Archaeological Evaluation and Heritage Baseline Package addressing the deficiencies identified above. This should include: completion of trial-trench evaluation and reporting across Sites A, B and D and

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	that the archaeological and heritage assessment remains incomplete and insufficiently evidenced at examination stage. Outstanding matters identified by the relevant authorities include: • incomplete trial-trench evaluation across Sites A, B and D; • absence of intrusive evaluation across cable routes and the grid-connection corridor; • artefacts not yet processed or analysed by specialist finds experts; • potential misclassification of asset sensitivity; • incomplete assessment of heritage setting effects; • omission or limited consideration of glint and glare effects on heritage receptors; • lack of assessment of decommissioning impacts on buried archaeology; and • incomplete evaluation of the relationship between the Scheduled Roman Small Town south of Great Staughton and the surrounding archaeological landscape.		other areas where ground disturbance is proposed; • intrusive archaeological evaluation of cable routes, construction compounds, access routes and the grid-connection corridor, designed in consultation with the relevant local authority archaeological advisers; • completion of artefact processing, specialist finds analysis and reporting for material recovered during evaluation; • preparation of a revised Statement of Archaeological Significance identifying the presence, extent and importance of buried archaeological remains across the Order Limits; • an updated assessment of likely significant effects on designated and non-designated heritage assets and their settings, informed by the completed archaeological evidence base; • consideration of glint and glare effects on heritage receptors where relevant; and • submission of a fully evidenced Archaeological Mitigation Strategy informed by the completed baseline evidence.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	Substantial areas of the Order Limits therefore remain unevaluated, and recovered artefacts have not undergone full specialist analysis, meaning the presence, extent and significance of buried archaeology have not been established. The assessment also fails to consider the wider archaeological landscape associated with the Scheduled Roman settlement at a spatially coherent level. The Environmental Statement relies heavily on post-consent investigation through a Written Scheme of Investigation (WSI). Where archaeological significance has not been characterised prior to determination, the Examination cannot reliably assess impact magnitude or mitigation adequacy, and this approach risks reversing the proper assessment sequence of significance, impact and mitigation. The absence of a completed archaeological baseline also undermines confidence that heritage constraints have been appropriately considered in site layout and design. Taken together, incomplete evaluation, unanalysed artefacts, unresolved questions regarding asset sensitivity and setting, and reliance on post-consent investigation mean that the Environmental Statement does not presently provide sufficient environmental information for the Examining Authority to reach a reasoned		In the absence of this information the Environmental Statement may not contain sufficient environmental information for the purposes of the EIA Regulations to enable the decision-maker to reach a reasoned conclusion on the likely significant effects of the development on the historic environment. The absence of a completed archaeological baseline is also relevant to the alternatives and site-selection assessment, because where the presence and significance of archaeological remains are not properly characterised prior to determination, it cannot be demonstrated that the chosen site layout represents the least harmful option or that heritage constraints have been appropriately addressed through design.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	conclusion on likely significant effects on the historic environment.		
13A	Construction traffic impacts inadequately assessed due to unreliable logistics envelope, arithmetic inconsistencies and absence of peak-tested cumulative modelling. The Environmental Statement does not provide a sufficiently robust assessment of construction traffic impacts arising from the Proposed Development. The Transport Assessment relies on arithmetic inconsistencies in construction logistics estimates and the use of programme-wide averaging methodologies which obscure peak-period effects. Taken together, these issues undermine the reliability of the assessed construction traffic envelope and prevent the Examining Authority from reaching a reasoned conclusion on likely significant transport effects. The Transport Assessment does not provide an assessment of cumulative construction traffic impacts arising from interaction with other major infrastructure projects affecting the same rural road network and the Strategic Road Network (SRN), including: the A428 Black Cat to Caxton Gibbet improvement scheme; and	EN-1 (assessment of traffic and transport impacts and requirement for robust and reliable environmental evidence); DfT Circular 02/2013 (requirement for transport modelling to be based on sound evidence) EIA Regulations (requirement to assess cumulative effects and provide sufficient environmental information to enable a reasoned conclusion); Relevant case law concerning Environmental Statement adequacy including <i>Blewett v Derbyshire CC</i>, <i>Lebus v South Cambridgeshire DC</i>, and <i>R (Mellor) v Secretary of State for Communities and Local Government</i>.	The Examining Authority should require the Applicant, prior to any recommendation or decision, to submit a reconciled and peak-tested Construction Traffic Assessment package addressing the deficiencies identified above. This should include: - a reconciled construction logistics schedule demonstrating consistency between material quantities, delivery assumptions and total HGV movement forecasts; - updated construction traffic modelling reflecting the reconciled logistics envelope; - modelling of peak-day and peak-hour traffic flows derived from worst-case workforce levels, clustered delivery phases and abnormal-load events; - junction modelling for the A1/B645 junction and other relevant locations in accordance with National Highways requirements; - a cumulative construction traffic assessment addressing overlapping construction scenarios with other major infrastructure projects including the A428

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	- East West Rail. The application lacks: - modelling of overlapping construction programmes with these schemes; - sensitivity testing of workforce occupancy assumptions; - robust modelling of A1/B645 junction performance, despite National Highways indicating further assessment may be required; - assessment of shared diversion routes affecting the B645, B660 and B661 corridors; - quantified worst-case HGV and workforce movements during concurrent construction phases; and - secured mechanisms ensuring that routing, phasing, traffic caps and monitoring are enforceable through the DCO. In addition, the construction traffic envelope contains material arithmetic inconsistencies. The Applicant's own estimates indicate approximately 60,000 m³ of aggregate will be required, equating to around 9,600 two-way HGV		Black Cat–Caxton Gibbet scheme and East West Rail; - assessment of potential impacts along shared diversion corridors including the B645, B660 and B661; and - confirmation that routing requirements, traffic caps, phasing controls and monitoring arrangements are secured through enforceable provisions within the Construction Traffic Management Plan Requirement at Section 20.10 of the draft DCO. Without this information the Environmental Statement may not provide sufficient environmental information for the purposes of the EIA Regulations to enable the Examining Authority to reach a reasoned conclusion on likely significant transport effects associated with construction of the Proposed Development.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	movements for aggregate deliveries alone. When combined with the stated 2,800 two-way HGV movements for panel deliveries, this total already approaches or exceeds the forecast for all construction HGV movements combined, without accounting for other logistics streams such as mounting frames, cabling, BESS equipment, concrete deliveries, waste removal or abnormal loads. As a result, the assessed traffic envelope does not appear to accommodate the full logistics demand of the development, undermining confidence in junction modelling, routing conclusions and related environmental assessments. A further deficiency arises from reliance on programme-wide average traffic flows rather than peak construction scenarios. Average flows derived from long periods do not reflect peak workforce levels, clustered deliveries or abnormal load movements and therefore risk masking short-duration but significant impacts on the SRN and local road network, including congestion, safety risks and noise and air-quality effects. The Environmental Statement therefore relies on averaged parameters and outline mitigation rather than peak-tested assumptions secured within the DCO, meaning the Examining Authority is not provided with sufficiently reliable environmental		

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	information to evaluate likely significant construction transport effects.		
13B	Unassessed diversion risk via B660/B661 corridor. The Transport Assessment omits the B660 and B661 corridors from baseline modelling and construction-traffic analysis despite its direct function as a logical diversionary route between Kimbolton, Pertenhall, Riseley and Bedford. No assessment has been undertaken of: • overspill risk; • congestion effects; • school-zone conflict (Kimbolton School); • pedestrian and vulnerable user impacts; or • enforceable routing safeguards. This omission fails to assess a reasonably foreseeable diversion corridor, contrary to EN-1 and EIA requirements to consider indirect and displaced transport effects.	EN-1; EIA Regulations; DfT Circular 02/2013 s. 31	The Examining Authority should secure explicit inclusion of the B660 / B661 within the No-Go / No-Through-Routing Schedule under the CTMP Requirement at Section 20.10, including monitoring and enforcement provisions.
13C	Outline Construction Traffic Management Plan (CTMP) not fixed, peak-tested or enforceable. The Outline CTMP does not secure the mitigation relied upon in the Transport Assessment. In particular, it lacks: • binding daily or weekly HGV caps; • enforceable school-hour embargoes;	EN-1 (adequate, reliable environmental information; transport impacts); EIA Regulations (sufficient information to enable a reasoned conclusion)	The Examining Authority should, prior to any recommendation or decision, secure the Construction Traffic Management Requirement set out at Section 20.10 in enforceable form..

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	• mandatory GPS based route compliance and monitoring; • secured workforce routing controls and occupancy sensitivity testing; and • defined breach, escalation or sanction mechanisms; and • clear consultation and approval controls affecting the Strategic Road Network, as identified by National Highways. The routing commitment at paragraph 7.3.2 of the Transport Assessment, that construction vehicles will avoid passing through Great Staughton village, is not secured by enforceable DCO controls. Nor is the Construction Workforce Travel Plan fixed or supported by enforceable monitoring, as highlighted by National Highways. Accordingly, key mitigation measures forming part of the assessed traffic envelope remain discretionary and capable of alteration post-consent. Mitigation relied upon to support conclusions of non-significant effect must be secured and enforceable at decision stage. In the absence of fixed parameters, the CTMP cannot be relied upon as effective mitigation for the purposes of EN-1 or the EIA Regulations.		

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
13D	Operational Transport impacts not quantified. Operational traffic effects are described as “negligible” without: - quantified maintenance trip rates; - abnormal load event modelling; - replacement-phase logistics; - peak-event analysis; or - cumulative operational interaction. No operational logistics envelope is presented capable of being tested at decision stage.	EN-1; EIA Regulations	The Examining Authority should secure the Operational Traffic Management and Replacement Phase Requirement at Section 20.10
13E	Workforce and logistics safeguards not secured. The Outline CTMP and CEMP do not secure: - off-site holding areas; - driver welfare facilities; - prohibition on verge parking or queuing; - workforce routing controls; or - enforceable logistics capacity reconciliation demonstrating no highway overspill. Given peak workforce levels (854 stated), unmanaged clustering risk is foreseeable.	EN-1 (protection from transport impacts); EIA Regulations (requirement to identify and mitigate transport and amenity effects); NPPF provisions to avoid significant adverse impacts on health and quality of life.	The Examining Authority should secure workforce and logistics controls through the CTMP Requirement at Section 20.10.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
13F	PRoW effects not defined or secured. The ES acknowledges PRoW interaction but does not specify: • affected routes by number; • closure duration; • mapped diversion routes; • operational amenity impacts; • reinstatement measures. Matters are deferred to post-consent liaison. Experience from comparable solar NSIP examinations demonstrates that where Public Rights of Way are affected by long-duration construction or operational infrastructure, their treatment as a deferred construction-management matter is inadequate. In the absence of a PRoW Management Plan, mapped closure schedules, defined diversion routes and reinstatement commitments, the Examining Authority cannot assess the duration, severity or distribution of effects on users. Such omissions prevent a reasoned conclusion on effects to population, amenity and community.	EN-1; EIA Regulations; NPPF provisions safeguarding the natural environment, landscape character and environmental quality	The Examining Authority should require the Applicant to submit, prior to any recommendation or decision, a Public Rights of Way (PRoW) Management and Safeguards Plan, secured under the CTMP and operational Requirements at Section 20.10, which must include: Route Identification and Mapping – A definitive schedule and GIS mapping of all PRoWs within, crossing or adjoining the Order Limits, identifying: • routes subject to temporary closure, restriction or diversion; • routes subject to permanent realignment or loss; and • routes used by construction traffic or affected by access works. Closure and Diversion Details – A time-bound closure and diversion programme specifying: • duration of each closure or restriction; • diversion routes (mapped, signed and accessible); and • measures to maintain continuity of access wherever practicable. Amenity and Safety Safeguards • Standards for temporary surfaces, barriers, lighting, sightlines and safety separation

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
			where PRowS run adjacent to construction activity or operational infrastructure; • Advance notice arrangements, on-site signage and public information
13G	Failure to address known NSIP compliance risks. Evidence from comparable NSIPs (e.g. Cleve Hill) demonstrates routing non-compliance, verge damage and enforcement limitations during rural solar construction phases. The application does not explain: • how comparable risks will be prevented; • How monitoring differs; • How enforcement capacity will be assured; or • How repeat breach scenarios would be controlled. Failure to address known NSIP implementation risk patterns undermines reliance on CTMP mitigation.	EN-1 (adequate environmental information / traffic impacts); EIA Regulations (sufficient environmental information); DfT Circular 02/2013 s. 31 (assessment of foreseeable routing impacts);	The Examining Authority should require the Applicant to Demonstrate that enforcement, monitoring and compliance safeguards secured through Section 20.10 are proportionate to known implementation risks.
13H	Unsupported and potentially unrealistic construction programme. The Applicant asserts a 30-month construction period which is unsupported by: • critical-path analysis; • sequencing logic; • delay-risk assessment;	EN-1 (adequate information and construction traffic impacts); EIA Regulations (realistic assessment of likely significant effects).	The Examining Authority should require the Applicant to submit an Evidence-based Construction Programme and, where necessary, update peak traffic modelling to be secured under the proposed CTMP DCO Requirement in Section 20.10.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	sensitivity testing to demonstrate that such a compressed programme is deliverable for a multi-site, fragmented NSIP. East Park Energy involves four dispersed construction zones, extensive internal track construction, multiple compounds, hedgerow and ditch crossings, and a c. 12 km grid-connection corridor. Comparator DCO-scale solar projects with fewer work fronts and simpler logistics (e.g. Longfield, Sunnica) required 24–30 months. In the absence of evidence, the 30-month figure appears optimistic, and the ES construction-phase assessments (traffic, noise, dust, workforce, PRoW, cumulative effects) are likely understated.		
131	Omission of mid-life replacement scenario assessment. The ES assumes a single end-of-life decommissioning event and omits quantified or foreseeable mid-life replacement of: - PV modules; - BESS units; - inverters and transformers; - fencing and infrastructure; - ancillary plant. No traffic, noise, waste, dust, or compound activity associated with replacement cycles is assessed. This omission also undermines the reliability of	EN-1 (traffic and transport / noise and vibration / biodiversity and geological conservation); EIA Regulations	The Examining Authority should require the Applicant to provide quantified lifecycle replacement logistics and secure through the OTMP and Replacement Phase controls at Section 20.10.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	construction traffic, noise, waste and carbon assessments, all of which assume a single, front-loaded construction event.		
13J	Abnormal load impacts under-assessed and not reconciled. The Environmental Statement and Outline Construction Traffic Management Plan do not provide clear or consistent evidence that abnormal indivisible load (AIL) movements associated with transformers and other oversized components are feasible or deliverable along the B645 and associated access routes. In particular, no evidence is provided that: • bridges, culverts or highway structures on the B645 have been assessed for Special Order loading; • swept-path analysis and worst-case bend/gradient modelling have been undertaken and reported at application stage; or • the stated abnormal load assumptions are reconciled with the Wynns Special Order assessment in terms of load weights, dimensions, frequency and routing. Given that AIL movements are plainly foreseeable and may require temporary road closures, police escort or traffic management, these effects fall within EIA Regulations and should be assessed transparently rather than treated as incidental logistics.	EN-1 (adequacy and reliability of environmental information / socio-economic impacts / traffic and transport impacts); EIA Regulations (likely significant effects / adequacy of information before determination).	The Examining Authority should require the Applicant to submit: • a reconciled abnormal-load schedule consistent with the Wynns Special Order evidence (weights, dimensions and frequency); • swept-path analysis and route-geometry assessment for critical sections of the B645 and site access points; • a structure-assessment summary for affected bridges, culverts and parapets; and • an Abnormal Load Management Plan quantifying anticipated traffic management measures (including closures or stop-go working), timings, notice periods and resident mitigation.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
14A	Construction Environmental Management Plan (CEMP) defers critical controls and lacks quantified thresholds. The Outline Construction Environmental Management Plan (CEMP) defers substantive environmental controls to post-consent rather than securing defined parameters at application stage. Core topics including soil protection, hydrology and drainage management, ecology safeguards, construction traffic controls, waste handling, noise mitigation and pollution prevention are framed as principles without quantified thresholds, measurable performance standards, or enforceable trigger levels. In particular, the CEMP does not: • define binding quantitative limits (e.g. noise, dust, runoff, vibration, pollution response times); • provide receptor-specific environmental criteria; • secure monitoring frequency, reporting protocols or independent verification; • define breach-response or escalation mechanisms; or • clearly distinguish between outline principles and enforceable controls secured through DCO Requirements.	EN-1 (assessment of environmental impacts; mitigation and management); EIA Regulations (sufficient information and description of mitigation measures)	The Examining Authority should require, prior to any recommendation or decision: 1. Submission of a Revised CEMP in final (not outline) form; 2. Inclusion of quantified environmental thresholds and receptor-specific criteria across all construction topics; 3. Defined monitoring frequencies, reporting requirements and breach-response protocols; 4. Independent verification or audit provisions where mitigation effectiveness is relied upon in the planning balance; and 5. Clear cross-reference to binding DCO Requirements securing those controls.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	As drafted, the CEMP operates as a high-level framework rather than a fixed environmental control instrument. This approach risks transferring substantive mitigation design to post-consent approval stages, thereby limiting the Examination's ability to determine whether likely significant construction effects have been fully identified, assessed and capable of effective control at the time of decision. EN-1 requires that environmental information relied upon in decision-making be sufficiently detailed and robust to enable a reasoned conclusion on likely significant effects. The EIA Regulations require that mitigation measures forming part of the assessment are described with sufficient precision to be understood, evaluated and secured. Given the scale and duration of the Proposed Development across multiple rural receptors, reliance on outline principles without fixed environmental thresholds is not proportionate.		
14B	Construction noise baseline and receptor mapping incomplete; source-control assessment not demonstrated. The construction noise baseline is derived solely from monitoring undertaken between March and May 2024 and does not include weekend conditions, harvest periods, or other high agricultural activity	EN-1 (noise impacts; minimisation at source; adequacy of environmental information); EIA Regulations (sufficient information to enable a reasoned conclusion); BS 5228-1:2019	The Examining Authority should require, prior to any recommendation or decision: 1. Seasonally representative and weekend baseline monitoring;

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	scenarios typical of rural environments. The Environmental Statement does not demonstrate that this dataset is representative of the lowest ambient background conditions against which BS 5228 significance is to be assessed. The ES also does not provide a transparent receptor schedule linking the 22 Noise Monitoring Points to identified dwellings and community receptors within Hail Weston, Great Staughton, Perry or Kimbolton. This prevents independent verification of receptor distribution and assessment of impacts on population and human health. In addition, although impact piling and ground-mounted installation works are a foreseeable noise and vibration pathway for solar NSIPs, the ES does not evidence a proportionate best-available-techniques (BAT) assessment of lower-noise installation methods (e.g. hydraulic press-in, vibro-push-in or screw/helical piling) to demonstrate minimisation of noise at source as required by EN-1. Taken together, these omissions mean that the construction noise assessment cannot presently be independently verified as representative, receptor-specific, or demonstrably minimised at source. This engages EN-1 and the adequacy requirements of the EIA Regulations.		2. A receptor-specific construction noise schedule with mapped dwellings and community receptors; 3. Cumulative construction noise assessment (including grid-connection works where relevant); 4. A best-available-techniques appraisal for piling/installation methods supported by comparative modelling; and 5. A DCO Requirement securing a Construction Noise and Vibration Management Plan with defined trigger levels, monitoring protocols and source-control measures within agreed stand-off distances of sensitive receptors and PRowS.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
14C	Dewatering/discharge permitting & controls not defined. The ES does not specify whether construction dewatering will require environmental permits, nor how water will be treated, monitored, or discharged. No turbidity/SS thresholds, hydrocarbon limits, PFAS screening, or emergency shut-off triggers are included. No coordination with EA, IDB or Anglian Water is evidenced. Risk of contaminated run-off entering Ouse/tributaries is not assessed.	EN-1; Water Framework Directive; EA GP3; EIA Regulations.	The Examining Authority should require the Applicant to submit a Dewatering & Discharge Plan , including: • permit pathway (EA/IDB); • pollution-prevention hierarchy; • monitored discharge thresholds (SS, turbidity, hydrocarbons, metals); • automatic isolation valves and stop-work triggers; • DCO Requirement securing compliance.
14D	Absence of a climate-resilience and adaptation assessment for key project components (PV arrays, BESS, substations, drainage). The ES does not model performance under UKCP18 mid-/late-century scenarios for extreme rainfall, temperature, or drought, nor does it identify adaptive design measures. This prevents the Examining Authority from testing the scheme against future climate risk.	EN-1; EIA Regulations	The Examining Authority should require the Applicant to submit a Climate-Resilience Assessment quantifying 2050s/2080s scenario impacts (rainfall intensity, flood depth, heat stress) and specifying adaptive measures (e.g. drainage oversizing, heat-rated plant, wildfire margins), to be secured through DCO Requirements.
14E	Lighting assessment and dark-sky/ecology controls omitted. The ES provides no lighting strategy, lux contouring, receptor evaluation, or dark-sky assessment for compounds, fencing, PRoWs, or the BESS. Impacts on bats and nocturnal species are unquantified. No curfews,	EN-1; NPPF provisions conserving and protecting the natural environment; ILP GN01/21; EIA Regulations	The Examining Authority should require the Applicant to submit a Lighting & Dark-Sky Strategy with: • lux-level plots; • ecological mitigation zones; • timed curfews/PIR control;

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	warm-spectrum specifications or full cut-off luminaires are committed.		• warm-spectrum fittings; • secured by DCO Requirement.
14F	Construction carbon and materials management plan absent. The ES and Outline CEMP provide no quantification of embodied carbon, no construction-phase carbon budget, and no measures to minimise emissions from materials, logistics or plant.	EN-1	The Examining Authority should require the Applicant to submit a Construction Carbon and Materials Management Plan (CCMP) prior to commencement, including: • Whole-life and embodied-carbon quantification for materials, plant and logistics; • Defined carbon-reduction measures (low-carbon material specifications, consolidated deliveries, local sourcing targets); • A construction-phase carbon budget with measurable reduction targets; • Monitoring and annual reporting to the LPA; and • Integration with the CTMP and CEMP to ensure carbon minimisation across construction activities.
15A	Omitted BESS–utility interaction assessment. A strategic buried utility easement is shown running through Site D, yet the ES provides no assessment of interaction between the 100 MW BESS and this utility. No QRA, heat-flux, blast, or cascading-risk modelling is provided; no operator consultation is evidenced.	EN-1; EN-3; EIA Regulations.	The Examining Authority should, prior to any recommendation or decision, require the Applicant to submit a utilities-interaction QRA, utility-operator confirmation, and revised siting/mitigation before determination.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
15B	BESS operational function, system-benefits and decarbonisation contribution not evidenced. The Environmental Statement does not provide sufficient operational or contractual evidence to demonstrate that the proposed Battery Energy Storage System (BESS) will function as an integrated component of the renewable-energy scheme rather than as a merchant storage asset operating independently of the co-located solar generation. The Applicant asserts that the BESS will contribute to grid balancing and renewable integration but provides no supporting operational evidence, such as: • an operational model, dispatch logic or cycling strategy; • state-of-charge modelling demonstrating integration with solar generation; • identification of specific system-service roles (e.g. frequency response, balancing reserve, inertia or resilience services); • evidence of contractual or operational linkage with National Grid ESO or equivalent system operators; or • confirmation of charging sources and whether grid-charging will occur independently of the solar generation. The Grid Connection Statement indicates that the BESS includes a 100 MW import capability, which	EN-1 (assessment of system benefits and planning balance); EN-3 (efficient integration of solar generation with storage); NPPF provisions safeguarding environmental quality and public safety; EIA Regulations (adequacy of environmental information for decision-making).	The Examining Authority should require the Applicant to submit, prior to any recommendation or decision, a BESS Operational Integration and Carbon Impact Statement demonstrating the operational role and climate contribution of the proposed storage facility. This should include: • the intended operational model, dispatch logic and cycling regime; • anticipated annual import and export energy throughput (MWh); • evidence of operational integration with the co-located solar generation; • confirmation of charging source and whether grid charging will occur independently of the solar generation; • round-trip efficiency losses and operational duty cycle; • identification of grid-service function / system-service roles (e.g. frequency response, balancing reserve or inertia services) or confirmation that the facility will operate on a merchant basis; • quantified net greenhouse-gas impact scenarios associated with BESS operation;

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	would allow the facility to charge directly from the transmission network rather than exclusively from the co-located solar generation. In the absence of evidence demonstrating that charging will be constrained to renewable output from the scheme, the storage facility could operate independently of the solar arrays and respond primarily to wholesale electricity price signals. The Environmental Statement also does not quantify the resulting net decarbonisation contribution of the BESS, including: • annual energy throughput; • proportion of charging derived from solar generation versus grid import; • round-trip efficiency losses; or • net greenhouse-gas impacts associated with BESS operation. EN-1 requires that policy weight be attributed to infrastructure on the basis of demonstrable contributions to energy security, system resilience or decarbonisation. Where the operational function and carbon implications of the BESS are not evidenced, the claimed system benefits cannot be relied upon in the planning balance. In the absence of a defined operational model, the Environmental Statement does not provide sufficient information to enable the Examining Authority to determine whether the BESS forms		• confirmation of whether BESS charging will be operationally constrained or linked to the scheme's renewable generation; and • explanation of the energy system benefits relied upon in the planning balance. In the absence of such information, the Examining Authority cannot determine whether the BESS forms an integrated component of the renewable-energy scheme or constitutes a separate commercial storage development requiring independent policy justification under EN-1.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	an integrated part of the renewable-energy scheme, or whether its claimed system and decarbonisation benefits are attributable to the Proposed Development.		
15C	Absence of site-specific Quantified Risk Assessment and incomplete assessment of major-accident consequences associated with the Battery Energy Storage System, preventing a reasoned conclusion on likely significant effects. The Environmental Statement does not provide a site-specific Quantified Risk Assessment (QRA) for the proposed Battery Energy Storage System (BESS) and does not present sufficient analysis of credible accident scenarios and their potential off-site consequences for human health, public safety and the environment. The BESS installations proposed as part of the development represent major accident hazards, including thermal-runaway events, fire escalation and explosion risks associated with lithium-ion battery systems. However, the Environmental Statement relies primarily on qualitative design descriptions and generic safety assurances, rather than providing a quantified, evidence-based assessment of accident risk. The Environmental Statement does not include:	EN-1 (assessment of major accident hazards and requirement for robust environmental evidence); EN-3 (assessment principles for energy infrastructure including battery storage); Environment Agency and National Fire Chiefs Council Fire Safety Guidance for Battery Energy Storage Systems (2023–2024); NFCC Grid-Scale Battery Energy Storage System Planning Guidance (2023) EIA Regulations (requirement to assess risks of major accidents and disasters).	The Examining Authority should require the Applicant, prior to any recommendation or decision, to submit a site-specific BESS Quantified Risk Assessment and Emergency Response Assessment Package addressing the deficiencies identified above. This should include: • a full Quantified Risk Assessment identifying credible accident scenarios, failure modes and event frequencies associated with the BESS installation; • modelling of individual and societal risk contours for receptors surrounding the BESS site; • thermal-runaway and fire escalation modelling for credible worst-case scenarios; • modelling of gas and smoke plume behaviour, including dispersion and associated off-site consequences for identified receptors;

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	- failure-mode analysis identifying credible BESS incident scenarios; - quantified estimates of event frequencies for thermal-runaway or fire escalation events; - risk matrices or quantified risk modelling evaluating the likelihood and severity of potential accident scenarios; - mapped individual or societal risk contours for receptors surrounding the BESS installation; - a site-specific emergency response plan developed in collaboration with the relevant Fire and Rescue Service. Comparable NSIP examinations have demonstrated that large-scale battery energy storage systems cannot be assessed on the basis of generic design assumptions alone. Where BESS infrastructure introduces credible major-accident pathways, the Environmental Statement must provide a site-specific, front-loaded quantified risk assessment addressing accident scenarios, off-site consequences and emergency response capability. The Environmental Statement does not include any adequate or evidence-based off-site consequence assessment capable of defining the		- assessment of fire-water runoff and contaminated-water pathways to surface water and groundwater receptors; - mapping of downwind receptors, including residential properties, workplaces, Public Rights of Way and ecological receptors; - an emergency response and firefighting strategy developed in consultation with and co-signed by the relevant Fire and Rescue Service; - confirmation of BESS container spacing and layout design supported by independent fire-engineering certification demonstrating compliance with NFCC guidance or an equivalent verified safety standard; and - identification of design and operational risk-reduction measures, including container segregation, fire detection and suppression systems, and containment of contaminated fire-water runoff. Any agreed risk-reduction measures and emergency response provisions should be secured through enforceable DCO Requirements. Without this information the Environmental Statement may not contain sufficient environmental information for the purposes of the EIA Regulations

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	spatial extent of risk beyond an assumption-led 1 km study area. The ES provides no modelling of: • thermal-runaway fire scenarios; • toxic and flammable gas plume behaviour and dispersion resulting from battery fire events, including downwind exposure and concentration profiles; • smoke and– fire-gas dispersion affecting downwind receptors under representative and worst-case meteorological conditions; or • fire-water runoff and contaminated water pathways affecting surface water, groundwater and soils. The limited plume modelling presented is confined to an assumed 1 km study area, derived from ‘professional judgement’ and comparator schemes rather than a site-specific hazard envelope. It is based on a concept design, assumes a single-enclosure event, and relies on proxy and limited emissions data. It does not provide a sufficient evidential basis to exclude effects on receptors beyond 1 km, including nearby settlements.		to enable the Examining Authority to reach a reasoned conclusion on the major-accident risks associated with the proposed BESS infrastructure.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	The Environmental Statement also does not provide mapping of potential receptors that could be affected by BESS failure scenarios, including: • nearby residential properties; • workplaces and farmsteads; • Public Rights of Way; • ecological receptors; or • surface watercourses and groundwater bodies. A further deficiency arises in relation to container spacing and fire-engineering design assumptions. The Application proposes separation distances between BESS containers in the order of 1–3 metres, notwithstanding guidance published by the National Fire Chiefs Council (NFCC) in 2023 indicating a typical recommended separation distance of 6 metres between containerised lithium-ion battery systems unless an equivalent safety level can be demonstrated. The Application does not provide: • a QRA demonstrating that the proposed spacing achieves an equivalent level of safety to the NFCC standard;		

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	- independent fire-engineering certification verifying the adequacy of the proposed design; - modelling demonstrating that fire escalation between containers is prevented under credible accident scenarios. Instead, the Applicant indicates that design confirmation and testing may occur at a later stage, potentially following consent. Core elements of the safety case, including large-scale fire testing, detailed consequence modelling and emergency response planning, are explicitly deferred to post-consent stages. The application therefore relies on future validation of safety-critical assumptions rather than demonstrating them at the point of determination. Taken together, the absence of a site-specific QRA, the absence of off-site consequence modelling, including plume behaviour, dispersion and exposure assessment, and the absence of verified fire-engineering design evidence mean that the Environmental Statement does not presently provide sufficient information for the Examining Authority to reach a reasoned conclusion regarding the major-accident risks associated with the BESS infrastructure.		

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
15D	Absence of operational acoustic modelling for the Battery Energy Storage System (BESS). The Environmental Statement (ES Vol 1 Ch. 9 Noise and Vibration) and the Outline Construction Environmental Management Plan (CEMP 7.3) provide limited data for construction noise but omit any <i>operational-phase</i> assessment of continuous or intermittent sound from BESS cooling systems, HVAC units, inverters, or safety-venting equipment. No receptor-specific predictions, tonal/low-frequency analysis, or cumulative assessment with inverter compounds are presented. This omission prevents evaluation of compliance with EN-1, which requires quantified assessment of “the likely significant effects of operational noise,” and contravenes EIA Regulations (description and magnitude of likely effects).	EN-1; NPPF provisions safeguarding the natural environment, landscape character and environmental quality; EIA Regulations; BS 4142:2014 +A1:2019	The Examining Authority should require the Applicant to submit a full Operational Noise Impact Assessment (ONIA) covering all BESS acoustic sources, demonstrating compliance with BS 4142 at the nearest residential and ecological receptors; include cumulative interaction with inverter compounds, transformer fans, and auxiliary plant; and secure enforceable operational noise limits through a DCO Requirement and periodic monitoring.
15E	Absence of an EMF compliance statement and tonal/low-frequency noise assessment for the grid-connection compound, transformers, and associated switchgear. The ES does not demonstrate compliance with ICNIRP public-exposure guidelines, nor does it assess potential low-frequency hum or tonal characteristics at nearby receptors.	EN-1 (Noise and Vibration); Public Health England/UKHSA EMF guidance; ICNIRP Guidelines; EIA Regulations	The Examining Authority should require the Applicant to submit submission of an EMF and Low-Frequency Noise Compliance Note demonstrating: • predicted EMF levels at the site boundary and nearest dwellings relative to ICNIRP limits; • low-frequency and tonal noise assessment for transformers and switchgear; and

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
			any mitigation (setbacks, screening, acoustic design) secured by DCO Requirement.
15F	Non-compliance with NFCC two-directional access requirement. The BESS layout provides only a single external access route from the B645 which splits internally, contrary to NFCC BESS Fire Safety Guidance requiring two independent directional access points. This creates an unacceptable operational risk: smoke or HF plume propagation could block all access routes simultaneously, preventing Fire & Rescue from reaching the BESS compound.	EN-1; NFCC BESS Guidance (2022–2023); EIA Regulations.	The Examining Authority should require the Applicant to submit a Revised Site Layout providing two independent, plume-resilient emergency access routes approaching from different external directions.
16A	Operational plant noise assessment incomplete and not demonstrated against worst-case design envelope. The Environmental Statement does not provide sufficient evidence to demonstrate that operational noise from plant associated with the Proposed Development can be controlled so as to avoid significant effects at nearby residential receptors. The operational noise assessment presented in ES Volume 1 Chapter 10 and ES Volume 2 Appendices 10-1 to 10-5 establishes indicative noise limits at identified noise-sensitive receptors (NSRs) and indicates that compliance will be achieved through mitigation secured in the Outline Operational Environmental Management Plan (OEMP) and associated draft DCO Requirement.	EN-1 (assessment of noise impacts and requirement for robust environmental evidence); Environmental Protection Act 1990 (statutory noise provisions); EIA Regulations (requirement for sufficient environmental information to enable a reasoned conclusion on likely significant effects); BS 4142:2014+A1:2019 (methods for rating and assessing industrial and commercial sound).	The Examining Authority should require the Applicant, prior to any recommendation or decision, to submit an Operational Plant Noise Assessment Addendum addressing the deficiencies identified above. This assessment should include: - sound power levels and spectral data for all operational plant including solar inverters, transformers, BESS equipment and associated cooling systems; - BS 4142-compliant noise predictions for all nearest residential receptors to the development, including application of

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	However, the assessment does not provide sufficient technical evidence to demonstrate that the authorised design envelope will necessarily comply with these limits throughout the operational life of the development. The Environmental Statement does not provide source-specific sound power levels or spectral data for key operational plant, including: - distributed solar inverters; - transformer kiosks and substations; - associated cooling fans; and - BESS cooling and auxiliary systems. The Environmental Statement also does not demonstrate that operational plant noise has been assessed under worst-case layout scenarios permitted by the authorised development envelope. In particular, the assessment does not confirm that plant has been modelled at the minimum separation distances between operational equipment and nearby residential receptors that could occur within the Order Limits. No sensitivity testing is presented applying BS 4142:2014+A1:2019 character corrections, including: - tonality corrections;		tonal, intermittent and low-frequency character corrections where relevant; - worst-case envelope modelling assuming plant located at the minimum separation distances permitted by the authorised development envelope; - prediction of worst-case night-time operational noise levels at all relevant noise-sensitive receptors; - identification of receptor-specific operational noise limits ensuring rating levels do not exceed background levels by more than 0–3 dB unless otherwise justified; - identification of acoustic mitigation measures including layout optimisation, increased separation distances, acoustic barriers or enclosure of plant where necessary; and - a DCO Requirement securing post-commissioning noise verification and ongoing compliance monitoring, including enforceable remedial measures in the event of exceedance. Without this information the Examination cannot be satisfied that likely significant operational noise effects have been fully assessed or that mitigation

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	• intermittency or impulsivity adjustments; or • potential low-frequency noise components associated with transformers or cooling systems. In addition, the Environmental Statement does not predict worst-case night-time operational noise levels at the nearest residential receptors to the solar arrays and associated infrastructure. Manufacturer-specific sound power data for the final plant has not been fixed and the assessment instead relies on indicative assumptions. Compliance with noise limits is therefore dependent on future design decisions and post-consent implementation of the OEMP, rather than being demonstrated through envelope-based modelling at examination stage. No receptor-specific operational noise limits are secured directly within the DCO, and the assessment does not demonstrate that any layout permitted by the Order would necessarily comply with acceptable noise limits. In the absence of worst-case modelling, plant-specific acoustic data and enforceable receptor-based limits, the Environmental Statement does not provide sufficient environmental information for the Examination to determine whether		measures will ensure compliance with acceptable noise limits throughout the operational life of the development.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	operational plant noise could give rise to significant effects at nearby receptors.		
17A	Failure to assess or mitigate construction damage to PRow surfaces, verges and hedgerows. The ES and Outline CEMP/CTMP do not provide a PRow surface-condition baseline, verge/hedgerow protection methodology, or a quantified assessment of likely construction-phase damage from HGV/plant movements, temporary accesses, turning, laydown, and repeated crossings. No schedule identifies which PRowS will be used/affected by construction traffic, where temporary widening or passing places may be required, or how verge overruns, rutting, compaction, and hedgerow breach damage will be prevented, monitored, and remedied. Mitigation is deferred to post-consent “good practice” commitments without enforceable triggers, inspection frequency, reinstatement specifications, or financial security. This prevents the Examining Authority from testing the realism and deliverability of amenity mitigation and understates likely significant effects on recreational users and rural character.	EN-1 (protect PRow amenity/tranquillity and countryside character; require effective mitigation); NPPF provisions safeguarding the natural environment, landscape character and environmental quality; EIA Regulations (population/ health/amenity effects; mitigation)	The Examining Authority should require the Applicant to submit a pre-determination PRow and Rural Lanes Protection & Reinstatement Plan secured by DCO Requirement, including: • PRow condition survey (surface, drainage, furniture) with photo-log baseline; • mapped construction interfaces/crossings and any temporary diversions; • verge and hedgerow protection method statements (tracking mats, exclusion zones, no-go buffers); • monitoring/inspection regime with repair triggers and standards; • reinstatement specifications and programme (including hedgerow gap reinstatement timing); and • a bond/road–PRow condition fund to guarantee reinstatement of PRowS, verges and hedgerows post-construction.
18A	Lifecycle carbon assessment incomplete and insufficiently evidenced. Lifecycle carbon assessment incomplete and not supported by transparent inputs, scenario testing or full lifecycle modelling. The lifecycle greenhouse gas (GHG)	EN-1 (climate change assessment and requirement for robust, evidence-based decision-making);	The Examining Authority should require the Applicant, prior to any recommendation or decision, to submit a revised Lifecycle Carbon

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	assessment does not provide a sufficiently robust or transparent basis for evaluating the carbon performance of the Proposed Development. The assessment relies on single-point assumptions for key lifecycle parameters and does not examine plausible variation arising from manufacturing origin, supply-chain characteristics, operational performance or replacement cycles. The Environmental Statement does not disclose: • product-level carbon data (e.g. PCFs or EPDs); • geographic origin of major components; • embodied carbon factors or underlying data sources. No bounded scenario analysis is provided addressing alternative manufacturing geographies, transport assumptions, replacement cycles or recycling outcomes. Mid-life replacement of major components over the proposed 40-year operational period is reasonably foreseeable, yet the assessment does not quantify associated emissions, logistics or waste impacts. In particular, it omits modelling of replacement manufacture, transport movements, heavy-lift operations and hazardous waste generation. The lifecycle assessment also lacks reconciliation between material quantities used in the GHG	EIA Regulations (requirement to assess likely significant effects and provide sufficient environmental information to enable a reasoned conclusion); Plan B Earth v Secretary of State for Transport [2021] (requirement for transparent climate evidence in infrastructure decision-making); Institute of Environmental Management and Assessment (IEMA) (2022) – <i>Assessing Greenhouse Gas Emissions and Evaluating their Significance</i>.	Assessment addressing the deficiencies identified above. This assessment should include: • geographically bounded scenario analysis examining plausible variations in embodied emissions associated with different manufacturing locations and supply chains; • disclosure of embodied carbon factors and data sources, including product-level carbon data where available (such as PCFs or EPDs); • sensitivity testing for component replacement cycles and recycling assumptions, including modelling of mid-life replacement of battery systems and inverters; • quantified modelling of mid-life replacement impacts, including component inventories, logistics movements, hazardous waste volumes and associated embodied emissions; • a reconciliation table linking material quantities, payload assumptions, trip rates and total traffic movements used within the

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	analysis and construction traffic assumptions, preventing independent verification of transport emissions inputs. Operational performance assumptions are presented without sensitivity testing. The assessment does not disclose P50/P90 generation scenarios, performance ratio assumptions or degradation sensitivity, all of which materially affect cumulative generation and carbon payback over the project life. Independent review of the Applicant's own quantities and assumptions also indicates that materially higher lifecycle emissions are plausibly generated by alternative but reasonable parameter selections drawn from the same underlying evidential base. SEPE's review indicates lifecycle emissions in the order of c. 1,261,000 tCO₂e for a selection of <i>three principal components</i> of the scheme, compared with the Applicant's reported <i>scheme total</i> of approximately 666,000 tCO₂e. The significance of that divergence is not that SEPE advances a rival definitive figure, but that it demonstrates the degree to which the Applicant's stated result depends on unverified assumptions rather than fixed project characteristics. Taken together, the absence of supply-chain transparency, scenario testing, quantified replacement impacts, logistics reconciliation,		lifecycle carbon assessment and the Construction Traffic Assessment; • a clear statement of lifecycle boundary, study period, baseline/comparator and significance methodology consistent with IEMA 2022 guidance; • disclosure of energy yield modelling assumptions, including performance ratio, system loss factors and degradation assumptions; and • sensitivity analysis of lifecycle carbon outcomes under alternative energy yield and degradation scenarios. Without this information, and without a clear explanation of why the Applicant's reported lifecycle total should be preferred to materially higher but plausible alternative outcomes for a range of scheme components generated from the same evidential base, the Environmental Statement may not provide sufficient environmental information for the purposes of the EIA Regulations to enable the decision-maker to reach a reasoned conclusion on the lifecycle greenhouse gas impacts of the development.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	performance sensitivity analysis and clear explanation of the basis for the Applicant's lower reported total mean that the Environmental Statement does not provide a sufficiently robust lifecycle carbon assessment. Without a transparent and bounded analysis, the Examining Authority cannot reliably evaluate the development's climate impacts or the credibility of the claimed carbon benefits.		
18B	Inadequate secured Decommissioning, Restoration and Financial Security Framework. The Application does not provide a complete, enforceable framework guaranteeing full decommissioning, removal of infrastructure (including sub-surface works), hazardous-waste management, drainage reinstatement and restoration of agricultural land to pre-development condition at end of life. The proposed approach relies on narrative assurances and removal of "above-ground" infrastructure only, with no commitment to extract piles, foundations, buried cabling, ducting, drainage structures, geotextiles or road build-ups. No below-ground inventory, removal methodology, soil-function restoration standard or agronomic justification for retention is provided.	EN-1 (restoration and environmental protection principles); EN-3; EIA Regulations; Defra Construction Code of Practice for Sustainable Use of Soils (2009); Relevant DCO precedent (e.g. Cleve Hill Solar Park; Sunnica Energy Farm)	The Examining Authority should secure by DCO Requirement, prior to any ground disturbance: A certified Decommissioning, Waste, Recycling and Agricultural Restoration Plan, including: 1. Complete inventory of all above- and below-ground infrastructure with as-built drawings 2. Presumption of full removal of infrastructure unless independent agronomic evidence demonstrates retention will not impair soil function 3. Method statements for extraction of piles, ducts, cables and foundations suitable for BMV soils 4. Drainage reinstatement strategy restoring equivalent hydraulic capacity and performance

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	No legally binding financial mechanism is secured to guarantee delivery over the operational lifetime. The absence of ring-fenced funding creates a material risk that restoration liabilities could become unfunded in circumstances such as SPV insolvency, ownership transfer or corporate restructuring. The draft DCO provisions do not remedy this deficiency: • Requirement 18 requires submission of a plan only when decommissioning is triggered • Requirement 7 does not secure soil restoration outcomes • Article 48 applies solely to compensation liabilities arising from acquisition powers • No provision secures funding for restoration, waste recovery or environmental remediation Compensation security and restoration security address fundamentally different risks, beneficiaries and time horizons. The present drafting secures only the former. Where reversibility of Best and Most Versatile agricultural land loss is relied upon in the planning		5. Soil-function recovery criteria (e.g. bulk density, penetration resistance, SOM, infiltration, yield proxy) 6. Minimum five-year post-restoration monitoring with independent agronomist verification 7. Hazardous-waste handling, recycling and disposal strategy AND A legally binding financial security mechanism: • calculated on a reasonable worst-case decommissioning cost basis • ring-fenced and independently enforceable • inflation-indexed • subject to periodic review (e.g. every five years) • with clear trigger and call provisions in the event of default or non-performance • established prior to commencement and maintained for the operational life and until restoration complete • capable of being called in the event of non-performance

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	balance, restoration must be demonstrably deliverable rather than contingent on future intentions. This deficiency should be read alongside Procedural Deficiency #7A concerning the absence of credible project funding and security for statutory liabilities.		Consent should not be recommended unless both the technical restoration framework and secured financial mechanism are in place.
19A	Cumulative Effects Assessment deficient. The Environmental Statement (ES Vol 1 Ch.17 and ES Vol 2 App. 4–5) identifies numerous proximate solar developments, together with major regional NSIPs including the A14 Cambridge–Huntingdon Improvement Scheme (Brampton Hut), the A428 Black Cat–Caxton Gibbet Improvement Scheme, and the East West Rail Bedford–Cambridge section. All fall within a realistic Zone of Influence of approximately 0–10 km around the East Park Energy Order Limits. Despite identifying these schemes, the ES fails to provide any quantitative cumulative assessment of: • landscape and visual impacts, including cumulative LVIA and ZTV mapping; • construction HGV and workforce flows, or combined traffic loading on the A1/B645/B660/A428 corridors; • operational noise or EMF contours across the shared receptor field; • hydrology, drainage or flood-risk interactions	EN-1 (need for full and reliable environmental information); EN-1 (combined landscape and visual effects); EN-1 (cumulative transport and traffic impacts); EN-3 (cumulative effects for solar development); EIA Regulations (cumulative, transboundary and interactive effects).	The Examining Authority should, prior to any recommendation or decision, require the Applicant to submit a Revised Integrated Cumulative Effects Assessment (ICEA) for all solar, BESS and strategic infrastructure projects within a minimum 10–15 km study radius, including: • cumulative LVIA and ZTV mapping; • cumulative construction traffic modelling (HGV + workforce); • cumulative noise and EMF modelling; • cumulative hydrology/flood-risk assessment; • cumulative BMV loss/agricultural impact analysis; • cumulative ecology/connectivity assessment; • cumulative heritage/setting analysis; • PRoW, amenity and socio-economic cumulative effects;

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	across the 12.5 km development corridor; • soil/BMV loss or region-wide agricultural land-use change; • ecological connectivity or habitat fragmentation; • heritage setting impacts, including to Grade I churches and Conservation Areas within overlapping ZTVs; • amenity and PRow effects on communities already surrounded by solar/BESS development. No multi-project scenario testing is provided and no Integrated Cumulative Effects Assessment (ICEA) has been carried out. The absence of integrated cumulative modelling prevents a reasoned conclusion on combined effects as required by EIA Regulations.		• identification of required mitigation and proposed DCO Requirements.
20A	Draft DCO internal inconsistencies affecting clarity of environmental controls. The draft Development Consent Order contains a number of internal inconsistencies and ambiguities across the Articles, Schedules and Requirements. These include conflicting definitions, missing or inconsistent development parameters, ambiguous controls on construction working hours, and uncertainty regarding the status of the proposed “agri-research” activity as either principal or associated development. While it is recognised that the draft DCO will be refined during the Examination, these	EN-1 (clarity and enforceability of consent); EIA Regulations	The Examining Authority should request the Applicant to provide an updated and consolidated draft DCO and Requirements Schedule during the Examination, supported by an Errata or Change Log identifying: • corrected definitions • confirmed development parameters • clarified working hours and operational controls • confirmation of the planning status of “agri-research” activities.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	inconsistencies make it difficult to determine how key mitigation measures relied upon within the Environmental Statement would be secured and enforced. Clear drafting is necessary to enable the Examining Authority to test the development envelope and confirm that environmental mitigation relied upon in the ES is effectively secured.		
20B	Protective provisions not evidenced. The Draft DCO and Explanatory Memorandum do not evidence agreed Protective Provisions, or even heads of terms, with statutory undertakers, Internal Drainage Boards or the highway authority in respect of critical interfaces, including watercourse crossings and drainage works, highway access alterations and abnormal-load routing, and protection of third-party utilities. The Environmental Statement assumes effective third-party control at these interfaces, but those assumptions are not secured in law, creating a disconnect between assessed impacts and the DCO.	Planning Act 2008; EN-1 (clarity, certainty and deliverability of mitigation).	The Examining Authority should require the Applicant to submit, prior to the close of Examination: • a Protective Provisions status schedule identifying all affected third-party interests; and • either agreed Protective Provisions or clearly defined heads of terms for each relevant body, to ensure legal certainty and alignment with the Environmental Statement assumptions.
20C	Statutory nuisance defence unsupported by complete environmental evidence. The Statutory Nuisance Statement (Document 7.19) concludes that the Proposed Development is unlikely to give rise to statutory nuisance from noise, vibration, dust, lighting or emissions. However, those conclusions rely primarily on	EN-1 (requirement for robust environmental assessment and secured mitigation); Environmental Protection Act 1990 (statutory nuisance framework);	The Examining Authority should require the Applicant, prior to any recommendation or decision, to: • remove Article 9 from the Draft DCO, or • amend Article 9 so that any statutory nuisance defence applies only where the relevant mitigation

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	outline management plans and mitigation measures that remain incomplete or subject to post-consent approval, including the Outline CEMP, CTMP, BSMP and OEMP. Key nuisance pathways remain insufficiently evidenced, including construction noise baseline and receptor mapping, operational noise from BESS and transformers, construction traffic intensity and routing, and operational lighting impacts. Despite these uncertainties, Article 9 of the Draft DCO seeks to confer a statutory defence against nuisance proceedings arising from the authorised development. In the absence of complete environmental evidence and secured mitigation controls, the Environmental Statement does not demonstrate that nuisance risks have been fully assessed or that effective mitigation will be enforceable. This creates a disconnect between the assessment assumptions and the legal protections proposed in the Draft DCO, preventing the Examining Authority from verifying that statutory nuisance will be avoided in practice.	EIA Regulations (requirement for sufficient environmental information for decision-making)	measures and monitoring regimes have been fully defined and secured through enforceable DCO Requirements. In the absence of complete environmental evidence and secured mitigation controls, the statutory nuisance defence is premature and should not be relied upon.
21A	Compulsory acquisition: Failure to demonstrate a compelling case in the public interest. The Applicant has not demonstrated that the statutory tests for compulsory acquisition	PA2008; <i>DCLG Compulsory Acquisition Guidance</i> (2013);	The Examining Authority is invited to require the Applicant to provide:

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	under section 122 of the Planning Act 2008 are met. In particular, the Statement of Reasons does not evidence that compulsory acquisition is necessary and proportionate, that reasonable alternatives have been properly assessed, that meaningful negotiations have progressed, that the relied-upon public benefits (including carbon reduction) are supported by robust evidence, or that grid-connection deliverability and scheme viability are sufficiently secured to justify interference with private property rights. These matters must be considered cumulatively in light of unresolved evidential deficiencies identified elsewhere in this Written Representation. Where public benefit is relied upon to justify interference with A1P1 rights, that benefit must be clearly evidenced and proportionate. Material uncertainties remain as to necessity, deliverability and environmental effects. Accordingly, a compelling case in the public interest has not been demonstrated on the evidence currently before the Examining Authority.	EN-1; EN-3; EIA Regulations; A1P1 / Arts 6 & 8 ECHR.	• a transparent and GIS-based alternatives assessment; • evidence of meaningful and ongoing negotiations with affected land interests; • a completed and internally consistent lifecycle carbon assessment; • confirmation of grid-connection deliverability; and • clarification of how the identified environmental and transport uncertainties affect the necessity and proportionality of compulsory acquisition powers. In the absence of such evidence, the statutory compelling case test cannot presently be concluded to be met.
21B	Cumulative Procedural Deficiencies – incomplete environmental information. Combined omissions across multiple topics, including soils, hydrology, noise, landscape, grid connection, traffic, ecology, BESS safety and	EN-1; EIA Regulations	The Examining Authority should, prior to any recommendation or decision, Issue a Formal Request for Further Information under the EIA

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	socio-economics, indicate that the Environmental Statement does not presently meet the adequacy requirements of the EIA Regulations. While individual gaps may appear limited in isolation, their cumulative effect deprives the decision-maker of the reliable information necessary to reach a reasoned conclusion. Comparable NSIP examinations demonstrate that widespread reliance on outline mitigation, post-consent plans and unresolved assessments engages issues of legal adequacy rather than planning judgment. Until these deficiencies are addressed, the application is not supported by sufficient environmental information to enable a robust determination.		Regulations and refrain from recommendation until adequacy is achieved.
21C	Prematurity of the application and reliance on compulsory acquisition powers in the presence of unresolved project uncertainties. The Application is premature because a defined grid-connection solution has not been identified. Instead, the Applicant seeks Development Consent Order powers, including compulsory acquisition, across a broad precautionary corridor to preserve design and commercial optionality. In the absence of a defined route, it cannot be demonstrated that the land is required, that the extent sought is no more than reasonably	Planning Act 2008; EN-1	The Examining Authority should, prior to any recommendation or decision: • require the Applicant to identify a defined and justified grid connection solution, including a demonstrably minimised land-take; • require a revised assessment of reasonable alternatives demonstrating that compulsory acquisition is genuinely a last resort; and • decline to recommend consent unless and until it is satisfied that the statutory tests

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	necessary, or that a compelling public interest case exists. The Environmental Statement therefore relies on envelope assumptions across land that may never be used, preventing a reasoned conclusion on likely significant effects and engaging the adequacy test under EIA Regulation 18. Compulsory acquisition powers should not be granted to preserve optionality rather than to deliver a clearly defined scheme. Where essential infrastructure remains uncertain, the statutory tests in section 122 of the Planning Act 2008 may not be satisfied.		under Planning Act 2008 s.122 and the decision-stage adequacy test under EIA Regulation 18 are fully met.
21D	Unconsulted or unquantified post-consultation boundary amendments. The Applicant acknowledges material post-consultation changes to Order Limits and infrastructure locations (including BESS relocation, widened land parcels, and additional land added), but provides no comparative plan set, quantified schedule, or clear record of whether newly affected parties were subject to targeted engagement. The consultation record does not allow verification of who was consulted on the final submitted scheme.	Planning Act 2008; PINS Advice Note 16 (v2, 2022); EIA Regulations; EN-1 (requirement for complete environmental information).	The Examining Authority should require the Applicant to submit: (1) a comparative GIS plan showing the consultation-stage and submitted Order Limits; (2) a tabulated schedule of boundary changes identifying new parcels, receptors, and access points; and (3) confirmation of targeted re-consultation or notification of newly affected parties. Examination to be paused pending disclosure if newly included land materially alters the environmental baseline.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
21E	Inadequate consultation evidence and failure to demonstrate regard to consultation responses. Consultation evidence indicates that engagement with statutory consultees and the public was incomplete or insufficiently evidenced. Several host and neighbouring authorities report that key baseline data, routing information or technical material was incomplete, provided late, or insufficient to enable meaningful review. Technical consultees, including highways, flood risk, archaeology and ecology specialists, similarly report that submissions were partial or inadequate for informed assessment. Public consultation responses recorded substantial opposition to elements of the scheme, yet the Environmental Statement does not demonstrate that this feedback materially influenced scheme design, Order Limits, layout or mitigation. Much of the response is characterised as “general opposition” without clear evidence of how concerns were addressed. These issues raise doubts as to whether statutory consultation duties, including provision of adequate information and proper regard to responses, have been satisfied. In the absence of a transparent record showing how consultation influenced the scheme, the Examination cannot	Planning Act 2008 (consultation with prescribed bodies, consultation with local communities, and duty to have regard to consultation responses); EIA Regulations (requirement to provide sufficient environmental information to enable effective consultation and reasoned decision-making); EN-1 (importance of meaningful consultation and transparent engagement in NSIP development); PINS Advice Note 16 (Consultation and engagement expectations for nationally significant infrastructure projects).	The Examining Authority should require the Applicant to submit, prior to any recommendation or decision: • a Consultation-Response Matrix demonstrating how each statutory consultee and local authority comment has been addressed within the Environmental Statement and scheme design • a public consultation response schedule identifying how major themes of public feedback (including BMV land loss, landscape impact, traffic and scale of development) were considered and what design or mitigation changes resulted; and • clarification of any instances where consultees report incomplete or late information and explanation of how those issues have been remedied Where the Examination is satisfied that consultation material did not provide sufficient information for consultees to respond on an informed basis, or that responses were not properly considered, targeted re-consultation may be required to ensure compliance with Planning Act 2008 duties.

Deficiency No.	Procedural Deficiency / Evidence gap	Relevant policy or legal reference	Action requested of the Examining Authority
	be satisfied that consultation obligations under the Planning Act 2008 have been properly fulfilled.		

In SEPE's opinion, the combined effect of the evidential and procedural deficiencies identified above is that the Environmental Statement and accompanying application documents do not currently provide the Examining Authority with sufficient clarity or evidence to determine the likely significant environmental effects of the Proposed Development or to confirm that the development envelope assessed is fully secured by the draft Development Consent Order.

These omissions, spanning alternatives analysis, baseline environmental data, cumulative effects and the mechanisms intended to secure mitigation and community safeguards, materially limit the ability of the Examination to assess the proposal against the requirements of the EIA Regulations.

The Examining Authority may therefore consider whether further information or clarification from the Applicant is required during the Examination in order to enable it to reach a reasoned conclusion on the likely significant environmental effects of the Proposed Development.

Appendix N – DCO precedent summary table

The following Nationally Significant Infrastructure Project (NSIP) decisions provide relevant precedents on environmental assessment and site selection, agricultural land protection, design mitigation, decommissioning security, and BESS safety.

Several of the precedents below relate specifically to large-scale solar developments determined under the Planning Act 2008 since 2020, reflecting the rapidly evolving practice of Examining Authorities in assessing agricultural land impacts, landscape mitigation and solar–battery hybrid schemes.

The precedents below are relied upon for three limited purposes only:

- (i) to illustrate the kinds of safeguards and certified documents that have been secured in comparable solar NSIPs;
- (ii) to show the level of scrutiny recent Examining Authorities and Secretaries of State have applied to issues such as agricultural land, decommissioning, BESS safety and compulsory acquisition; and
- (iii) to demonstrate that the additional information and DCO controls sought by SEPE are proportionate and consistent with recent NSIP practice.

These precedents are not said to determine the outcome of the present application, which must be assessed on its own facts, but they illustrate the types of safeguards and evidential material that Examining Authorities and the Secretary of State have considered appropriate in comparable NSIP examinations.

This contextual evidence is relevant to the Examination because, under the Planning Act 2008 decision framework, the Secretary of State must determine applications having regard to the National Policy Statements and other material considerations, which may include established examination practice in comparable infrastructure projects.

In addition to Development Consent Order decisions, a small number of planning appeal decisions and judicial authorities are included where they provide relevant guidance on alternatives assessment or properly informed decision-making under the Planning Act 2008 and EIA Regulations.

DCO / year	Authority / reference	Relevant issue	Key precedent finding	Application to East Park Energy
Longfield Solar Farm (2023)	ExA Report ss.5.4.8–5.4.14; Requirement 17	<i>Alternatives assessment / BMV land / battery safety</i>	Examination material included GIS-based sequential analysis comparing BMV and lower-grade land within grid-proximity zones, requiring justification where higher-grade soils were proposed. The DCO also secured a certified Battery Safety Management Plan addressing thermal-runaway mitigation and containment of contaminated firewater.	Demonstrates both the level of spatial analysis expected for BMV land justification and the use of certified BESS safety documentation secured through DCO requirements (WR Sections 4 and 15).
Mallard Pass Solar Farm (2024)	ExA Report; DCO Requirements	<i>Site selection / sequential test / BESS safety governance</i>	Examination scrutiny focused on transparent mapping of lower-grade agricultural land within feasible grid-connection zones to explain site selection choices. Examination considered detailed fire-risk assessment, emergency response arrangements and operational safety documentation for the proposed battery storage system, with safety controls secured through the DCO framework.	Supports Procedural Deficiency #4A regarding East Park's incomplete alternatives narrative. Illustrates the level of scrutiny applied to BESS safety in recent solar NSIPs and supports the need for clearly defined safety documentation and management plans within the East Park DCO.
Gate Burton Energy Park (2024)	SoS Decision Letter (18 July 2024)	<i>Site selection / agricultural land / planning balance</i>	Examination considered the scale of agricultural land loss and the justification for site selection, emphasising the need for clear explanation of site choice and mitigation within the planning balance for large solar NSIPs. Secretary of State considered the need to weigh agricultural land impacts alongside renewable energy benefits and confirmed that large solar schemes must justify land-take and mitigation clearly in the planning balance.	Reinforces the need for transparent explanation of site selection and justification for the scale and distribution of land-take across the East Park scheme.

DCO / year	Authority / reference	Relevant issue	Key precedent finding	Application to East Park Energy
Cottam Solar Project (2024)	ExA Report & SoS Decision	<i>Landscape / scheme scale</i>	Examination considered landscape character, scheme scale and cumulative solar development when assessing overall acceptability.	Relevant to the scale and spatial distribution of the East Park scheme across the rural landscape.
Valley Farm, Wherstead (2014)	Appeal Decision APP/X3540/A/13/2196046	<i>Sequential site-selection precedent</i>	Inspector held that limiting alternatives to a single landholding fails policy requirements for transparent comparison of lower-impact sites.	Confirms East Park must assess alternatives beyond developer-controlled landholdings.
Cleve Hill Solar Park (2020)	DCO 2020 / ExA Report ss.7.3.74–7.3.81; Requirements 7 & 15	<i>PRoW setbacks & decommissioning bond</i>	Required ≥ 25m PRoW setbacks, “filtered” planting only (not high screening), and a detailed Decommissioning & Restoration Plan backed by a funding mechanism.	Establishes precedent for enforceable PRoW buffers and financially secured decommissioning (WR Sections 11, 19).
Little Crow Solar Park (2022)	DCO 2022 / Requirement 6	<i>PRoW protection & community benefit</i>	Required 10–30 m offsets, planting height limits near PRoW, and a certified Community Liaison Strategy.	Precedent for enforceable setbacks and community engagement mechanisms (WR Sections 11 & 22).
Sunnica Energy Farm (2024)	SoS Decision Letter (12 July 2024); ExA Report	<i>Decommissioning finance / BESS safety / agricultural land</i>	Examination and Secretary of State decision considered the need for appropriate decommissioning security and detailed safety assessment for BESS installations, while confirming that agricultural land impacts remain a material consideration in the planning balance for solar NSIPs.	Reinforces need for robust BESS safety assessment, secured restoration funding and clear justification of agricultural land impacts within the planning balance.
Longfield Solar Farm (2023)	Requirement 17	<i>Battery safety</i>	Required a certified Battery Safety Management Plan covering thermal-runaway mitigation and containment of contaminated firewater.	Confirms need for BESS safety documentation secured within the DCO (WR Section 15)

DCO / year	Authority / reference	Relevant issue	Key precedent finding	Application to East Park Energy
Awel y Môr Offshore Wind Farm (2024)	SoS Decision Letter (11 June 2024); ExA Report	<i>Site selection / alternatives transparency</i>	The Examination and Secretary of State considered the explanation of site selection and environmental constraints within the Environmental Statement, emphasising the importance of clearly documenting how environmental considerations and technical constraints informed the chosen project configuration.	Reinforces the importance of transparent explanation of site selection and alternatives analysis so that the Examining Authority can understand the reasoning behind the chosen scheme layout and location.
Norfolk Vanguard Offshore Wind Farm (2021)	High Court judgment [R (Pearce & Others) v Secretary of State for BEIS]	<i>Alternatives / adequacy of environmental assessment</i>	The High Court quashed the DCO decision in part because the environmental assessment failed adequately to assess reasonable alternatives and their environmental effects. The judgment emphasised that transparent explanation of alternatives is a core requirement of the EIA Regulations and an important component of properly informed decision-making under the Planning Act 2008.	Reinforces the importance of transparent alternatives analysis to enable the Examining Authority and Secretary of State to understand the reasons for the chosen site and configuration.

Summary interpretation

The precedents summarised above provide contextual evidence of how similar issues have been examined and addressed in recent solar and solar–storage NSIPs. Considered collectively, they indicate several recurring themes relevant to the present application. Across these solar and hybrid solar–storage NSIPs, examination and decision practice indicates several consistent principles.

1. Sequential site selection

Applicants are expected to provide transparent spatial analysis explaining how alternative land parcels were considered and why particular locations were selected.

Application: the current application does not yet provide equivalent spatial comparison evidence.

2. PRow and landscape amenity

Solar NSIPs typically include defined buffers between arrays and public rights of way, alongside planting strategies intended to maintain openness and avoid unrealistic visual screening assumptions.

Application: the scale and proximity of the East Park arrays to PRow corridors requires careful scrutiny.

3. Decommissioning security

Recent solar DCOs have included detailed restoration plans and, in some cases, financial mechanisms intended to ensure effective site restoration at the end of the operational period.

Application: the Examination may wish to consider whether equivalent restoration safeguards are required.

4. Battery Energy Storage System (BESS) safety

Solar-storage NSIPs increasingly include detailed safety documentation, including fire-risk analysis and operational management plans secured through DCO requirements.

Recent solar-plus-storage NSIPs such as Mallard Pass and Longfield demonstrate the increasing use of certified safety documentation and operational management plans secured through DCO requirements to manage BESS-related risks.

Application: the level of detail provided for East Park's BESS facilities should be assessed against this emerging practice.

5. Community benefit and governance

Some solar DCOs incorporate formal community liaison mechanisms and community benefit arrangements within the project governance structure.

Application: similar mechanisms may assist in managing long-term community interaction for a development of this scale.

Conclusion

Taken together, these precedents illustrate the types of safeguards, evidential material and certified documentation that have been considered appropriate in recent solar and solar–storage NSIP examinations.

They indicate that the additional information and DCO controls sought by SEPE fall within the range of measures that have previously been considered reasonable and proportionate for developments of comparable scale.

Appendix O – Deferred information summary

Deferred or unresolved technical information in the Applicant's submission

(Cross-referenced to main text sections and Procedural Deficiencies)

Deferred item / commitment	Applicant's reference	Policy conflict	Procedural Deficiency	Implication / evidential risk
Soil Management Plan deferred to post-consent	Outline CEMP (Doc 7.3 s.3.4.1–3.4.8): "A Soil Management Plan will be prepared by the Principal Contractor prior to commencement."	EN-3 (siting/land-use principles on BMV protection); EN-1; EIA Regulations	#6C	No pre-determination evidence on stripping depths, wet-weather limits, stockpile protocols, reinstatement standards, or verification criteria. For BMV land, these are impact-defining controls and cannot be assumed effective without a draft SMP and success criteria.
Detailed Drainage and Hydraulic Modelling deferred to "developed post-consent"	FRA & Drainage Strategy (Doc 7.4 s.4.3): "Detailed design to be undertaken at detailed design stage."	EN-1 (environmental principles / flood risk and water environment); EIA Regulations	#6D	Attenuation sizing, exceedance routing, infiltration performance and receptor protections are unverified. Without hydraulic calculations and parameters, flood/runoff effects and mitigation deliverability cannot be robustly assessed.
Species-specific Mitigation Method Statements deferred	ES Vol 2 App 7-1 s.6.5.4 and Outline CEMP s.3.5.2	EN-3; EN-1 (biodiversity / environmental principles); EIA Regulations	#11A	Mitigation for water vole, GCN, breeding birds and corridor connectivity is not secured in a form that allows significance testing. Deferral converts assessed effects into assumptions and risks underestimating residual impacts.
Socio-Economic Baseline and Employment Impact not quantified	ES Vol 1 Ch 15 s.15.8: "Detailed employment plans to be prepared by contractor post-consent."	EN-1 (socio-economic principles); EIA Regulations	#9A	Without quantified baseline and distributional assessment, claimed benefits cannot be weighed against long-term agricultural displacement and amenity effects. "Plans to follow" is not evidence of significance or net benefit.

Deferred item / commitment	Applicant's reference	Policy conflict	Procedural Deficiency	Implication / evidential risk
Decommissioning and Restoration Plan deferred to end of life	Draft DCO Req 19: "Plan to be submitted prior to cessation."	EN-1; EN-3 decommissioning / reversibility principles	#18B	The scheme's claimed reversibility relies on a plan not available for examination and with no secured funding mechanism. This makes restoration deliverability uncertain and increases decision risk (including landowner/public liability).
Battery Energy Storage System (BESS) Safety & Risk Assessment deferred or absent	ES text (hazards) and Outline CEMP: "Detailed Safety Plan to be prepared prior to construction."	EN-1; EIA Regulations; NFCC guidance	#15C	Without a QRA/off-site consequence assessment, the ExA cannot assess credible thermal-runaway/fire-water pathways, emergency access resilience, or receptor risk contours. Safety is being treated as a post-consent design matter rather than an assessed effect.
Construction Traffic Routing and Workforce Logistics Plan to be agreed post consent	Outline CTMP (App 13-1 s.4.2): "Detailed routing to be agreed post-consent."	EN-1; EIA Regulations	#13C	Routing, caps, enforcement mechanisms and receptor protections are impact-defining. Without these, traffic significance, school-route exposure, and amenity impacts cannot be robustly assessed; enforceability risk remains unresolved at determination.

Taken together, these deferrals demonstrate a pattern of substituting outline commitments for assessed environmental parameters, with the result that the ES does not provide complete environmental information for the purposes of the EIA Regulations.

APPENDIX P – Biodiversity Net Gain (BNG) deficiency table

This Appendix sets out a consolidated Biodiversity Net Gain (BNG) deficiency table identifying all gaps, inconsistencies and securing failures across the Applicant's BNG Report, Policy Compliance Document, outline LEMP, Commitments Register and supporting ES chapters, together with the suggested actions required for the Examining Authority to ensure that BNG outcomes are deliverable, secured and capable of effective implementation.

Ref.	Deficiency identified	Evidence / citation	Why this is a problem	Required action
BNG-01	No legally binding 30-year management or monitoring commitment	BNG Report relies on oLEMP but contains no 30-year guarantee (only "management" statements); Commitments Register C12 only states "monitoring in accordance with the LEMP" with no duration specified	Statutory BNG requires minimum 30-year monitoring, funding and management; EN-1 requires delivery to be secured, not aspirational	Secure a legally binding 30-year Habitat Management & Monitoring Plan (HMMP) and funding mechanism via DCO Requirement + covenant/S106
BNG-02	BNG commitments expressed only as "claims" or "endeavours"	Policy Compliance Document: Applicant "elects to claim and commit to" 70%/30%/5% BNG; "endeavour... where possible"	Non-binding, unenforceable language; fails EN-1 requirement that mitigation/enhancements be certain and secured	Replace aspiration wording with binding DCO Requirement specifying minimum BNG unit gains and monitoring
BNG-03	No BNG securing mechanism (no S106, no covenant, no BNG Implementation Plan)	Applicant explicitly states "no planning obligations will be required" for habitat measures	Without a securing mechanism, BNG delivery is unenforceable, failing statutory requirements for BNG	Provide a legally binding BNG securing instrument (S106 or conservation covenant)
BNG-04	No defined monitoring programme (frequency, metric updates, reporting, corrective action)	Commitments Register and oLEMP contain no monitoring frequency, no metric re-calculation, no audit, no triggers	BNG delivery cannot be evaluated or enforced without a monitoring schedule; fails Natural England Statutory Metric requirements	Include an HMMP specifying monitoring intervals, independent ecologist audit, metric updates, corrective actions
BNG-05	BNG calculation based on "illustrative design" not fixed in the DCO	BNG Report states results based on "illustrative Landscape Proposals" and may change at detailed design	If design changes, BNG delivery may fall or fail; BNG must be calculated on a worst-case, assessed design	Fix minimum habitat creation areas, hedgerow lengths, and

Ref.	Deficiency identified	Evidence / citation	Why this is a problem	Required action
				watercourse enhancements in a DCO Requirement
BNG-06	No evidence that 100% on-site delivery is viable over 30 years	Applicant states “no off-site BNG” and all BNG delivered within Order Limits; but watercourse baseline assessments failed due to drying and poor condition, affecting viability	On-site-only strategy may be undeliverable, especially for watercourses, undermining BNG claims	Provide habitat viability assessment + contingency for off-site BNG delivery
BNG-07	Watercourse BNG target below 10% without justification	Scheme achieves only 5.95% watercourse units – below standard 10% expectation	Under-delivery on watercourse BNG undermines “measurably better state” requirement in EN-1	Provide justification, or deliver watercourse BNG off-site
BNG-08	BNG does not account for long-term hedgerow losses (42 m lost for 40 years)	ES Chapter 2 identifies 42 m of hedgerow removed for operational access and only reinstated after decommissioning	Long-term hedgerow breaks undermine ecological connectivity; should reduce hedgerow units in BNG metric but is not reflected	Update BNG Metric to include long-term hedgerow breaks and secure reinstatement timing
BNG-09	No evidence of funding for 30-year habitat management	No funding mechanism specified in oLEMP or Commitments Register; Applicant confirms no obligations or agreements proposed	BNG cannot be afforded material weight in the planning balance unless long-term management funding and delivery mechanisms are demonstrably secured for the required 30-year period.	Provide ring-fenced funding mechanism and demonstrate financial security
BNG-10	No requirement for independent ecological oversight	No requirement for independent auditor or ecologist in Requirements, oLEMP or BNG documents	Independent audit is a recognised good practice, helps the SoS gain confidence in delivery	Insert Requirement mandating independent ecologist audit and reporting to LPAs/Natural England
BNG-11	No measurable performance indicators (MPIs) for new habitats	BNG Report and oLEMP lack measurable condition indicators for grassland, hedgerows, woodland to track success	Without MPIs, the 30-year delivery cannot be evaluated	Provide MPIs for each habitat type in HMMP

Ref.	Deficiency identified	Evidence / citation	Why this is a problem	Required action
BNG-12	ES and BNG Report conflict on actual gains vs reduced claim	BNG Report shows 79.51% habitat gain, but Applicant only “commits to” 70%, reducing environmental benefits to allow “future flexibility”	Reducing claimed gains to increase design flexibility undermines confidence in BNG delivery	DCO must lock in minimum BNG unit delivery numbers

APPENDIX Q – National policy and statutory compliance matrix

This Appendix identifies the principal national policy requirements and statutory decision tests engaged by the Proposed Development and assesses whether compliance has been demonstrated on the basis of the evidence currently before the Examination.

The Matrix cross-references the relevant sections of this Written Representation and the Procedural Deficiencies identified in Appendix M, indicating where evidential gaps prevent the Examining Authority from verifying compliance with the applicable policy or statutory requirement.

The Matrix should be read as an evidence-mapping tool rather than a planning balance, assisting the Examining Authority in determining whether the information provided is sufficient to demonstrate compliance with the National Policy Statements, the Planning Act 2008 and the EIA Regulations.

Policy and statutory compliance assessment matrix

Policy framework	Key requirement	East Park Energy status	Evidence reference
EN-1 – Assessment Principles and Alternatives	Applicants must demonstrate that reasonable alternatives have been properly considered and that the selected site represents a justified and proportionate response to identified need, taking account of environmental and land-use constraints.	On the evidence submitted, a transparent, constraint-led comparison of reasonable alternatives has not been demonstrated. No structured GIS-based sequential assessment of lower-conflict land parcels is provided. The Examination is therefore not supplied with sufficient information to conclude that site selection has been adequately justified in accordance with EN-1.	Section 4 (Site Selection & Alternatives); Section 21.2; Appendix M – PD #4B; PD #4A
EN-3- Solar PV Siting and Agricultural Land	Development should avoid the use of Best and Most Versatile (BMV) agricultural land where feasible, and any departure from that principle must be clearly justified by reference to reasonable alternatives.	The Proposed Development would involve long-duration use of predominantly BMV land. In the absence of a transparent, policy-compliant sequential assessment demonstrating that lower-grade or lower-conflict alternatives are not reasonably available, compliance with EN-3 siting principles is not established on the current evidence.	Section 5 (ALC & BMV Evidence); Section 21.2; Appendix M – PD #4B

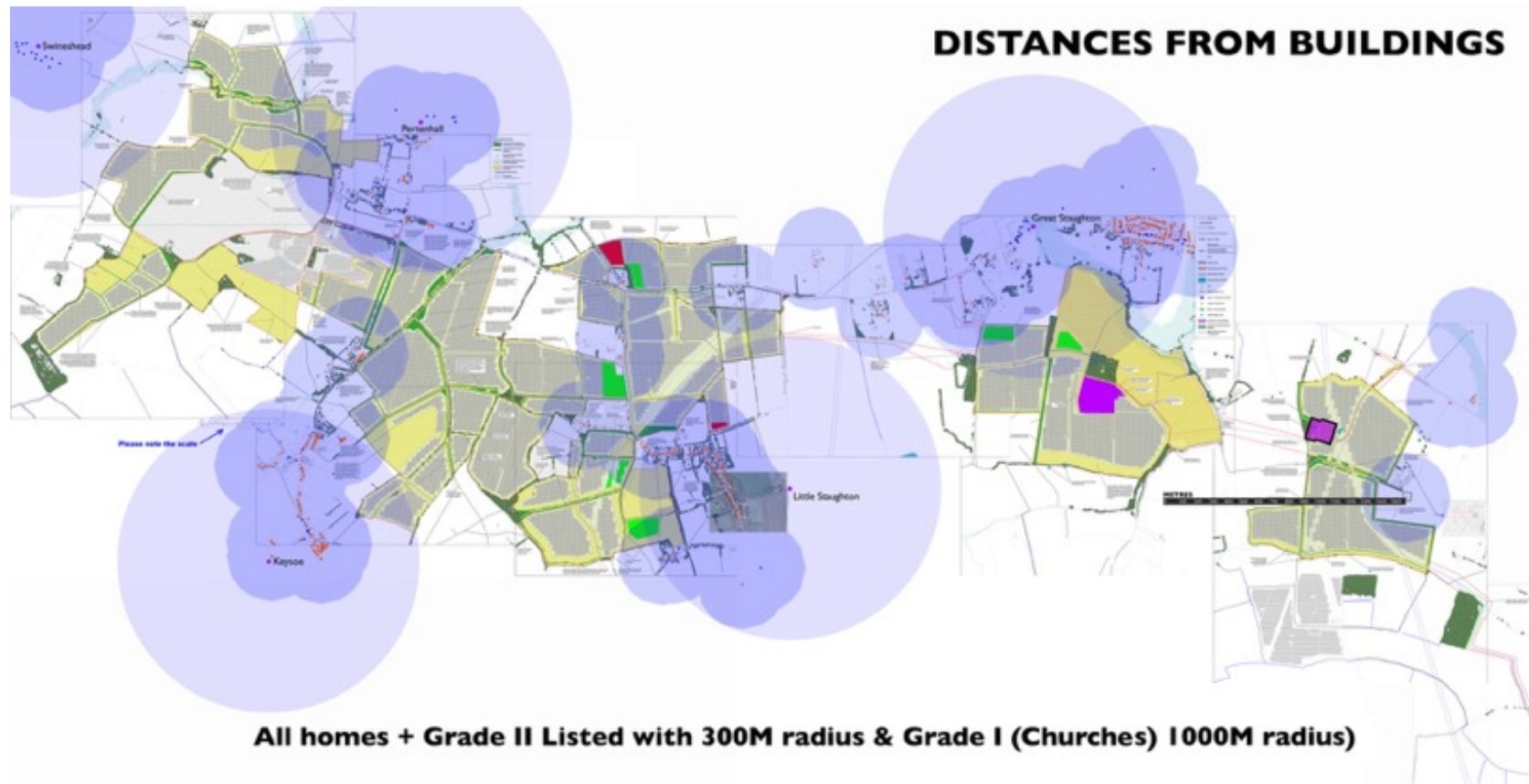
Policy framework	Key requirement	East Park Energy status	Evidence reference
NPPF – Protection of BMV agricultural land	Planning decisions should recognise the economic and food-production value of BMV land and prefer poorer quality land where development of agricultural land is necessary.	No quantified food-production opportunity cost or comparative land-quality analysis is provided. Without a transparent demonstration that poorer quality land is not reasonably available, compliance with this policy expectation is not demonstrated.	Section 5; Appendix J (Agronomic Productivity); Section 21.2; Appendix M – PD #4B
EN-1 – Adequacy and Reliability of Environmental Information	Environmental information must be sufficient, reliable and complete to enable a reasoned conclusion on likely significant effects and the effectiveness of mitigation.	Across alternatives, BMV justification, cumulative transport modelling, mid-life replacement logistics, BESS quantified risk, and certain ecological baselines, material evidential gaps remain. The adequacy threshold under the EIA Regulations is therefore in serious doubt.	Sections 4–20; Section 21.8; Appendix M – PD #21B; PD #21C
EN-1 – Adequacy and Reliability of Environmental Information	Applicants must minimise adverse landscape and visual effects and provide robust evidence of magnitude, cumulative impact and mitigation deliverability.	LVIA evidence and PRoW visualisations do not provide fully representative coverage of cumulative and leaf-off conditions. Mitigation outcomes depend on long-term planting assumptions. Compliance cannot be confidently established at decision stage.	Section 8; Section 17; Appendix M – PD #8A;
EN-1 / EIA Regulations – Major Accident and Safety Risk (BESS)	Major-accident risks and pollution pathways must be identified, assessed and mitigated using front-loaded, scheme-specific evidence.	The Environmental Statement does not provide a site-specific quantified risk assessment demonstrating off-site consequence modelling or secured engineered containment. Compliance with EN-1 safety expectations is therefore not established on the evidence provided.	Section 15; Section 21.4; Appendix M – PD #15C
EN-1 – Transport and Traffic Impacts	Likely significant transport effects must be assessed on a worst-case basis and supported by enforceable mitigation.	Internal inconsistencies in HGV modelling, reliance on averaged flows rather than peak scenarios, omission of mid-life replacement logistics and limited cumulative modelling mean that worst-case impacts are not transparently demonstrated. Compliance is therefore not established on the current evidence.	Section 13; Section 21.5; Appendix M – PD #13A; PD #13J
EN-1 / EIA Regulations – Cumulative Effects	Applicants must assess cumulative effects with other reasonably foreseeable development.	Scenario-based cumulative assessment across transport, landscape, agricultural land loss and amenity is limited. The	Sections 19 & 21.6; Appendix M – PD #19A

Policy framework	Key requirement	East Park Energy status	Evidence reference
		Examination is not provided with a proportionate cumulative impact envelope capable of testing combined effects.	
Planning Act 2008 – Compulsory Acquisition (s122)	A compelling case in the public interest must be demonstrated; land acquired must be no more than reasonably required; interference must be proportionate.	Given unresolved alternatives assessment, incomplete grid-connection definition, BESS operational model, under-statement of lifecycle carbon calculations, and evidential uncertainties affecting proportionality, it cannot be concluded that the statutory compelling case test is satisfied on the current record.	Section 21.7; Appendix M – PD #21A; PD #21C
NPPF – Restoration and Long-Term Safeguards	Mitigation, restoration and long-term management relied upon in decision-making must be secured through clear, enforceable mechanisms.	No secured, indexed financial assurance mechanism is provided to guarantee full decommissioning and soil restoration. In the absence of binding financial security, reliance on reversibility and restoration claims is materially weakened.	Section 18; Section 21.9; Appendix M – PD #18B
EIA Regulations (Decision-Stage Duty)	The decision-maker must be satisfied that sufficient information is available to reach a reasoned conclusion on likely significant effects.	The combined deficiencies identified across alternatives, agricultural land justification, safety, transport, cumulative effects and enforceability give rise to serious doubt as to whether the statutory adequacy threshold is met.	Sections 20–21; Appendix M – PD #21B; PD #21C

The Policy Compliance Matrix above should be read cumulatively rather than in isolation. It appears to indicate that, across multiple independent policy and statutory tests, compliance has not been established on the evidence currently before the Examination. In several instances, the issue is not simply one of planning weight but of evidential adequacy and proper application of national policy requirements. The Matrix therefore informs both the planning balance in Section 21 and the decision-stage duty under the EIA Regulations, and assists the Examining Authority in determining whether it can be satisfied that the statutory and policy framework has been properly engaged.

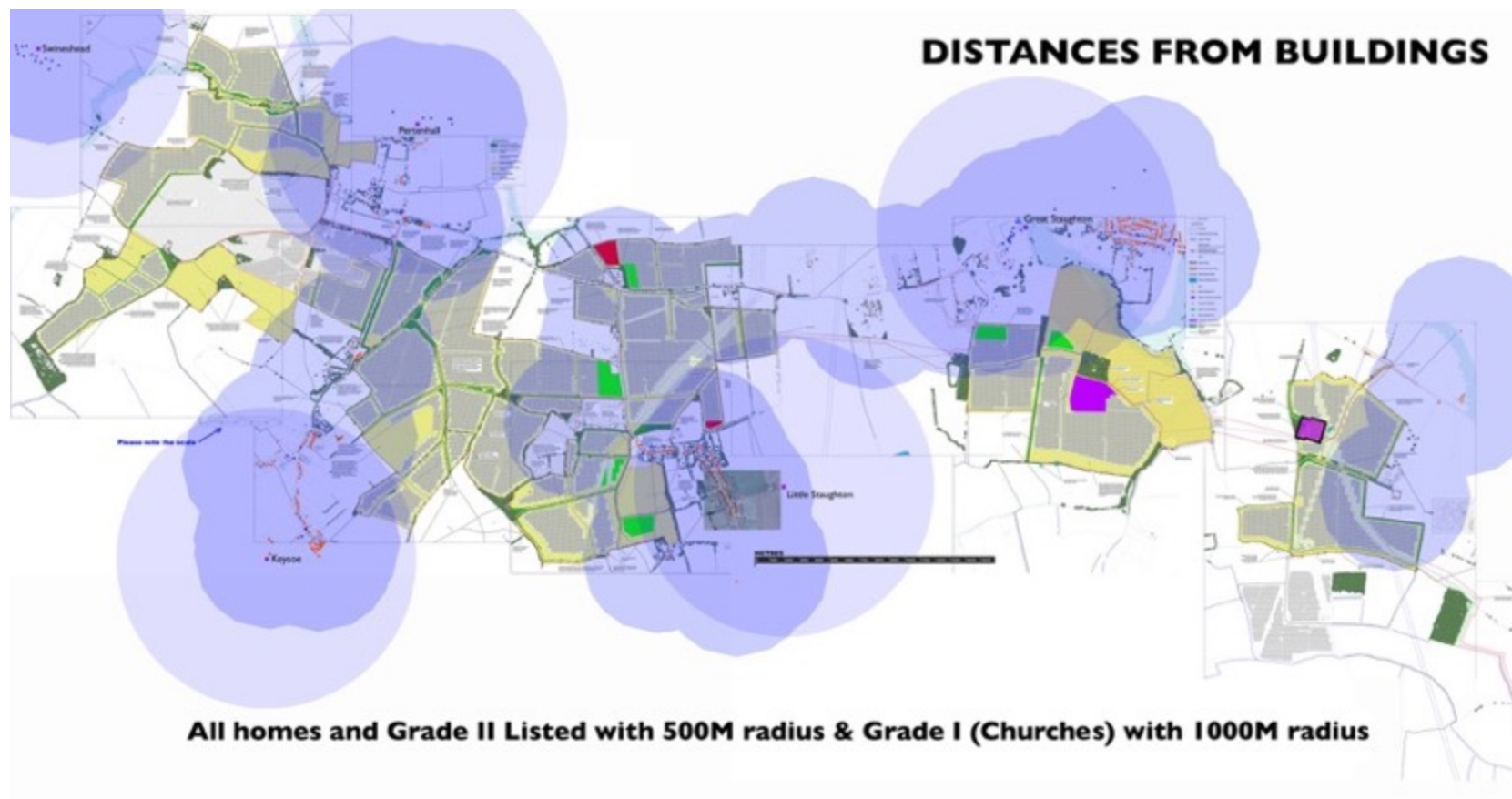
APPENDIX R – Proximity of the proposed development to residential and designated heritage receptors

Figure R-1 Residential properties and Grade II listed buildings within 300 m of the Order Limits; Grade I listed churches within 1,000 m.



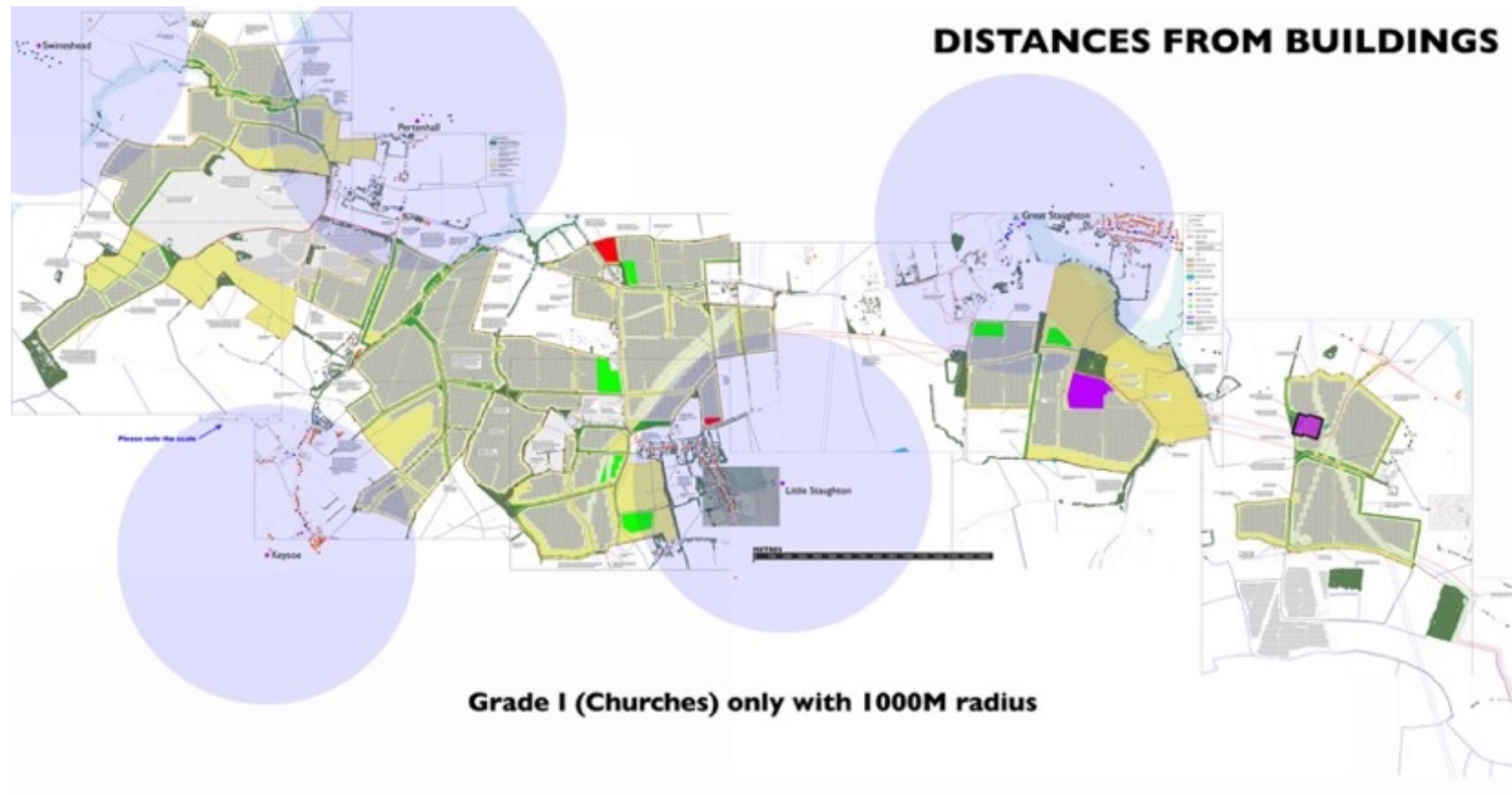
This figure illustrates the proximity of residential properties and Grade II listed buildings located within an indicative 300 m radius of the East Park Energy Order Limits, together with Grade I listed churches within an indicative 1,000 m radius. The mapping is derived from the Applicant's PEIR Illustrative Environmental Masterplan (Figure 2-2) and publicly available heritage and address data. The distance bands shown are illustrative and are provided to demonstrate receptor density and spatial context only; they do not represent impact thresholds or significance criteria.

Figure R-2 Residential properties and Grade II listed buildings within 500 m of the Order Limits; Grade I listed churches within 1,000 m.



This figure illustrates the spatial relationship between the East Park Energy Order Limits and residential properties and Grade II listed buildings within an indicative 500 m radius, together with Grade I listed churches within an indicative 1,000 m radius. The figure is intended to contextualise the scale and cumulative proximity of sensitive receptors across Sites A–D. Distance bands are indicative and do not define the extent of environmental effects or substitute for topic-specific assessments.

Figure-AK3 Grade I listed churches within 1,000 m of the Order Limits.



This figure illustrates the spatial relationship between the East Park Energy Order Limits and Grade I listed churches within an indicative 1,000 m radius. The figure is intended to contextualise the scale and cumulative proximity of sensitive heritage receptors across Sites A–D. Distance bands are indicative and do not define the extent of environmental effects or substitute for topic-specific assessments.

APPENDIX S – Traffic and highways evidence

This Appendix provides photographic evidence of the local highway network proposed to accommodate construction and operational traffic associated with the Proposed Development.

It supports:

- Section 13 Construction traffic and routing impacts, and
- Relevant procedural deficiencies concerning highway safety, routing and construction traffic management.

The purpose of this Appendix is to demonstrate that the Applicant's assessment of construction routing and highway suitability is not supported by the physical characteristics of the local road network.

The photographic evidence demonstrates that:

- The primary construction route (B645) exhibits substandard horizontal and vertical alignment;
- Forward visibility is constrained by bends, gradients and localised topography;
- Carriageway width and verge conditions are not suitable for sustained HGV use;
- The proposed site access is located on a section of road with poor geometry and limited safe stopping opportunity;
- Internal routing proposals require unsafe interactions with the public highway at locations with restricted visibility.

These characteristics demonstrate that the route is inherently unsuitable for the scale and nature of traffic proposed.

Figures S1–S3: B645 approach to Piggs Hill – sequential alignment constraints

Approach to Piggs Hill illustrating sequential blind bends, changes in gradient and roadside constraints, including private accesses and soft verges.

Figure S1: Section of B645, travelling west on approach to Piggs Hill



Figure S2: Downhill approach to blind left-hand bend with private access directly onto the highway.



Figure S3: Eastbound uphill approach towards the same bend, demonstrating restricted forward visibility from both directions and limited carriageway width for passing vehicles.



Taken together, these views demonstrate constrained horizontal alignment, limited forward visibility and steep gradients along this section of the B645.

This section forms part of the primary construction route and would be required to accommodate frequent HGV movements and abnormal indivisible loads.

The sequence of bends and gradients illustrates that these constraints are continuous rather than isolated features.

Figure S4: Proposed site access location on B645

This image shows the section of the B645 identified for the proposed main site access, illustrating constrained alignment, limited opportunity for safe vehicle manoeuvres and conditions unsuitable for large vehicles entering or exiting the carriageway.



Figure S5: B660 crossing – internal routing and visibility constraints

Location of proposed construction routing between Sites A and B across the B660, showing a blind dip and restricted visibility at a point where construction vehicles would be required to enter, exit and cross the public highway.



Figure S6: View approaching the crossroads on the B660 at its junction with Green End and Great Staughton Road

Illustrates the rural road character, limited carriageway width and constrained visibility at the junction close to a construction routing point and site A and B access points.



These images demonstrate a design-specific conflict between construction traffic and existing road users that is not resolved within the Application.

The photographic evidence demonstrates that the local highway network is not suitable for the scale and nature of construction traffic proposed.

In particular, the combination of constrained geometry, limited visibility, unsuitable access conditions and unsafe internal routing requirements demonstrates that the Applicant's assessment materially understates the safety risks associated with the Proposed Development.

Accordingly, reliance on the B645 and associated local roads as a primary construction route is not supported by the available evidence and cannot be considered acceptable without substantial redesign and enforceable mitigation secured through the Development Consent Order.

APPENDIX T – Flood risk and drainage evidence

This Appendix provides photographic evidence of existing flood conditions within and surrounding the Proposed Development.

It supports:

- Section 6.5 (Flood risk and drainage),
- Section 14.3 (Hydrology and surface water control), and
- **Procedural Deficiencies #6C** (Soil–water balance and drainage audit) and **6E** (Flood Risk Assessment).

The purpose of this Appendix is to demonstrate that baseline hydrological conditions within the site and its receiving environment are more extensive, interconnected and sensitive than presented in the Application.

The photographic evidence demonstrates that:

- Flooding is widespread and recurrent across land within and surrounding the Order Limits;
- Surface water, groundwater and watercourses interact dynamically across the catchment;
- Roads, infrastructure and agricultural land are already subject to periodic inundation;
- Flooding affects both upstream and downstream receptors, indicating limited system capacity;
- The receiving environment is therefore highly sensitive to changes in runoff and drainage behaviour.

These characteristics indicate that the baseline flood environment is constrained and that the Applicant's Flood Risk Assessment materially understates both the extent and connectivity of flood pathways.

Figures T1–T2: Site-wide inundation and hydrological connectivity within the Order Limits

These images demonstrate extensive flood conditions affecting land within and adjacent to the proposed development area, including areas identified as Site A and Site B. The images illustrate the interaction between topography, soils and local drainage features, with large areas of land subject to standing water during flood events.

Figure T1: View south from Hoo Farm illustrating flooded agricultural land in Site B



Figure T2: View south east from Hoo Farm demonstrating flood extent across Site B illustrating standing water and drainage interaction



The photographic evidence demonstrates that parts of the Order Limits are functionally connected to wider flood pathways and are susceptible to prolonged inundation.

Figures T3–T6: Flooding of highway infrastructure and adjacent receptors (Keysoe Brook / Pertenhall corridor)

Flooding affecting local roads and adjacent land associated with Keysoe Brook and surrounding drainage systems, including overtopping, pooling of water on the highway and impacts on nearby receptors.

Figure T3: Flooding on Chadwell End, Pertenhall



Figure T4: Overtopping the footbridge looking southwards towards St Peter's Church, Pertenhall



Figure T5: Adjacent land inundation demonstrating lateral spread from drainage channels, Chadwell End



Figure T6: Flooding affecting nearby receptors and roadside environment (Chadwell End / Poors Charity field)



These images demonstrate that flooding within this corridor affects both infrastructure and adjacent receptors, indicating limited drainage capacity and strong connectivity between surface water and local watercourses.

Figures T7–T10: Floodplain inundation and settlement interaction (River Kym / Great Staughton corridor)

Flooding associated with the River Kym affecting both open floodplain land at the entrance to Great Staughton and areas within the village, including locations in proximity to heritage assets. The images show extensive lateral spread of water beyond channel limits and interaction with surrounding infrastructure and built form.

Figure T7: Flooding within Great Staughton village near heritage assets



Figure T8: Inundation affecting built environment within settlement, view south west from Causeway towards Grade I listed St Andrew's church



Flooding associated with the River Kym and adjacent low-lying land, showing the extent of floodplain inundation and interaction with surrounding settlements and infrastructure.

Figure T9: Floodplain inundation at entrance to Great Staughton (B645 corridor), view north from Highway bridge across local agricultural land



Figure T10: Lateral spread of floodwater across adjacent agricultural land, entrance to Great Staughton (B645 corridor), view north from Highway bridge along River Kym bisecting Sites C and D



Views showing extensive floodwater extending beyond defined channel boundaries into adjacent agricultural land, demonstrating active floodplain inundation and the interaction between watercourses and surrounding terrain.

These images demonstrate that floodwater is not confined to discrete channels but spreads across the wider landscape, confirming strong hydrological connectivity and limited containment within the existing drainage system.

Taken together, the photographic evidence demonstrates that flood behaviour within the site and its wider catchment is:

- Extensive, affecting large areas of land rather than isolated points;
- Interconnected, with multiple pathways between surface water, soils and watercourses; and
- Sensitive, with existing receptors already experiencing flooding impacts.

This indicates that the receiving environment is operating at or near capacity during peak rainfall events.

Accordingly:

- The assumption that runoff from the Proposed Development can be attenuated without materially affecting downstream conditions is not supported by observed baseline conditions;
- The Flood Risk Assessment does not adequately characterise the functional connectivity of flood pathways; and
- The absence of a detailed soil–water balance and drainage audit (**Deficiency 6C**) materially limits the reliability of the assessment.

The photographic evidence demonstrates that the baseline flood environment is more constrained and sensitive than presented in the Application.

In particular, the combination of widespread inundation, interaction between hydrological systems and existing impacts on infrastructure and receptors indicates that the Applicant's assessment materially understates flood risk.

Accordingly, the Proposed Development cannot be considered acceptable in flood risk terms without further assessment and mitigation, including:

- a revised Flood Risk Assessment based on robust baseline evidence; and
- enforceable drainage and monitoring measures secured through the Development Consent Order.

APPENDIX U – Landscape, visual and heritage evidence

This Appendix provides photographic evidence of landscape character, visual openness, screening limitations and heritage context within and surrounding the Proposed Development.

It supports:

- Section 8 (Landscape, Visual and Heritage Effects), and
- **Procedural Deficiencies:**
 - **#8A** (LVIA addendum)
 - **#8B** (Heritage setting impact)
 - **#8C** (Receptor and population effects)
 - **#8D** (Landscape mitigation effectiveness)

The purpose of this Appendix is to demonstrate that the site is visually exposed, insufficiently contained by existing landscape features, and functionally connected to surrounding receptors and heritage assets, contrary to the conclusions of the Application.

The photographic evidence demonstrates that:

- The site lies within an open and visually permeable landscape, with long-distance and elevated views;
- Existing hedgerows and vegetation are inconsistent, seasonally transparent and insufficient to provide effective screening;
- Public Rights of Way (PRoWs) and local roads experience direct and sustained visual exposure;
- The development would be experienced as a continuous corridor of engineered infrastructure, not isolated elements;
- There is clear visual connectivity between the site and heritage assets, including elevated viewpoints.

These characteristics demonstrate that the Applicant's LVIA materially understates both visual effects and the effectiveness of proposed mitigation.

Figures U1–U2: Open landscape and long-distance visibility across Site C (PRoW FP1)

Views from Footpath FP1 along the southern boundary of Site C illustrating the open rural landscape, absence of enclosure and clear visibility across the proposed development area.

Figure U1: View north towards Great Staughton across Site C from Footpath FP1



Figure U2: Extended view along southern boundary demonstrating continuous openness towards Great Staughton from footpath FP1



Figure U3: Panoramic view of site extent and surrounding landscape (FP20 viewpoint)



Panoramic view showing the full extent of the proposed development area and its relationship to surrounding topography, receptors and landscape features.

This view illustrates the scale of the Proposed Development and confirms that visual effects extend across a broad and interconnected landscape of undulating topography.

Figure U4: PRow corridor impact and sequential visual effects

View from a Public Right of Way within the site demonstrating how users would experience the development as a continuous corridor of panels, fencing and engineered landscape features. Footpath FP47, looking east from its junction with FP13 within Site B, forming a route between Keysoe Brook and Little Staughton.



This demonstrates that visual effects are sequential and cumulative, rather than isolated or intermittent as presented in the LVIA.

Figures U5–U6: Hedgerow transparency and limited screening effectiveness

Typical hedgerow conditions across the site and surrounding roads, showing seasonal transparency, gaps and insufficient height to screen development.

Figure U5: Winter view demonstrating hedgerow transparency



Figure U6: Close-range view showing limited density and screening capability



These images confirm that existing vegetation does not provide effective visual containment, particularly during winter months when visual effects are greatest.

Figures U7–U10: Heritage setting – Little Staughton Church and surrounding landscape

Views from and towards the Grade I listed Little Staughton Church and surrounding PRowS, illustrating visual connectivity between heritage assets and the proposed development area.

Figure U7: View from Little Staughton churchyard showing relationship to Site B



Figure U8: Views from Little Staughton churchyard towards Site B



Figure U9: View from Little Staughton churchyard towards Site B



Figure U10: View from adjacent ridge and Footpath FP13



These images demonstrate that the setting of designated heritage assets is visually connected to the site and would be materially affected by the Proposed Development.

Evidence of ineffective landscape mitigation in a comparable local development is provided in Appendix G (Manor Farm Solar Case Study) and should be read alongside this Appendix.

Together, these images demonstrate that:

- The landscape is visually open and exposed; and
- The proposed mitigation strategy is not supported by empirical evidence.

Taken together, the photographic evidence demonstrates that:

- The site is not visually contained and is highly exposed to surrounding receptors;
- Existing landscape features do not provide effective screening;
- Visual effects would be continuous, cumulative and experienced across multiple receptors; and
- Heritage assets are functionally connected to the site through shared views and landscape context.

This indicates that:

- The Applicant's LVIA underestimates both magnitude of change and extent of visual effects;
- The reliance on vegetation-based mitigation is not credible (**Deficiency 8D**); and
- The assessment does not adequately consider sequential and cumulative visual effects.

The photographic evidence demonstrates that the landscape is open, visually connected and insufficiently contained to accommodate development of the scale proposed.

In particular:

- Visual effects would be more extensive and pronounced than assessed;
- Mitigation measures are unlikely to achieve the claimed outcomes; and
- The setting of heritage assets would be materially affected.

Accordingly, the Applicant's assessment of landscape, visual and heritage effects cannot be relied upon without further assessment and mitigation, including:

- a revised and evidence-based LVIA; and
- a robust and deliverable mitigation strategy secured through the Development Consent Order.