STOP EAST PARK ENERGY
SOIL OVER SOLAR

10 July 2026

East Park Energy: decommissioning, restoration and the absence of secured financial assurance

---

Submission: Post-hearing submission relating to Issue-Specific Hearing 3 on Public Rights of Way/Compulsory Acquisition Hearing 1

Stop East Park Energy (SEPE) is an independent, community-led group established in response to concerns over the proposed East Park Energy development. The group operates on an unfunded, voluntary basis and has over 1,000 registered supporters. SEPE includes individuals with professional expertise in agriculture, analysis, civil engineering, construction, ecology and environmental science, energy, finance, law and planning, as well as professional experience with the NSIP process.

• Submission prepared by a former investment banker and founder/CEO of boutique bank focused on renewable energy and clean technology, including solar projects

This submission:

1. Explains why the Applicant has not demonstrated that adequate funds will be available to meet decommissioning and restoration liabilities at the end of the Scheme's proposed 40-year operational life.
2. Identifies the risks arising from reliance on future decommissioning plans and enforcement mechanisms without any secured financial provision to guarantee delivery.
3. Demonstrates, through reference to the Helios Renewable Energy Project and private contractual agreements, that decommissioning security arrangements are practical and capable of being secured for nationally significant infrastructure projects.
4. Highlights that National Gas Transmission plc has, in this Examination, sought financial security protections against insolvency, financial default and SPV-related risks associated with the Scheme, reinforcing the need for equivalent assurance for decommissioning and restoration.
5. Establishes that the absence of quantified decommissioning costs and secured funding creates uncertainty regarding the Scheme's long term

deliverability, restoration of agricultural land and management of end-of-life infrastructure.

6. Concludes that any consent should be conditional on independently secured and periodically reviewed financial security sufficient to cover the full costs of decommissioning and site restoration.

1. Introduction

This submission builds on representations on decommissioning assurance set out in SEPE's Written Representation (REP1-156, sections 7.4, 18.10 and 20.5 specifically) and Deadline 3 submission (REP3-108, section 7), and responds to comments made at Issue-Specific Hearing 3 on Public Rights of Way on 9 June 2026 and the representation made by National Gas Transmission plc at Compulsory Acquisition Hearing 1 on 10 June 2026.

The Applicant is proposing a 40-year project as a "temporary" scheme, after which the solar and battery complex would be decommissioned and the land restored to its *status quo ante*. In its 'Funding Statement' (REP3-015), the Applicant identifies the construction costs and expresses confidence in its ability to attract the investment needed to meet them. It extends that confidence to raising funds for decommissioning, yet does not identify what those costs might be. During discussions associated with Issue-Specific Hearing 3, it was suggested that the Applicant had not identified the likely costs of decommissioning. Whether or not that accurately reflects the Applicant's position, no estimate of those costs appears to have been provided within the Application documents. It is therefore unclear on what basis the Applicant can express confidence in its ability to raise funds for an unspecified future liability.

2. The Applicant's position

The Applicant's position, set out in its 'Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 1 (ISH1) and Action Points' (REP1-058) is that decommissioning arrangements can properly be secured through the standard DCO mechanism adopted for solar NSIPs. The Applicant maintains that detailed decommissioning requirements should be addressed through a future Decommissioning Environmental Management Plan and Decommissioning Traffic Management Plan, to be approved by the relevant local planning authorities before decommissioning commences. The Applicant relies on the fact that compliance with DCO requirements is legally enforceable and that breach of a DCO requirement constitutes a criminal offence under the Planning Act 2008. It contends that these enforcement provisions, together with the approval and implementation requirements attached to the future decommissioning plans, provide sufficient assurance that decommissioning obligations will be fulfilled without the need for additional financial security arrangements.

The Written Summary states:

> "There is no reason to believe that the Applicant would fail to comply with the terms of the order."

2.1 Future compliance and financial assurance

SEPE submits that the Applicant's response addresses only the need for future plans and the existence of enforcement mechanisms, not the separate question of whether sufficient funds will actually be available to meet decommissioning liabilities when they arise. The issue is not the Applicant's present willingness to comply with the DCO, but whether a project expected to operate for at least 40 years can provide assurance that adequate funds will remain available throughout a period during which ownership may change multiple times. The Application is being promoted through a special purpose vehicle (SPV) and it cannot be assumed that the current promoter, or any future owner, will remain financially capable of meeting potentially substantial decommissioning obligations. In those circumstances, the possibility of insolvency, administration or financial failure on the part of the eventual project operator cannot be disregarded. A decommissioning bond, escrow arrangement or equivalent security mechanism would address that risk; reliance on future plans and criminal enforcement provisions alone would not.

3. National Gas and financial security

SEPE notes that National Gas Transmission plc has, through its representations in this Examination, including an oral representation at Compulsory Acquisition Hearing 1, sought protective provisions requiring both insurance and financial security, including a parent company guarantee, bank bond or letter of credit, to protect against insolvency, financial default and unrecoverable future liabilities. National Gas expressly identifies the additional risks arising where a development is promoted through an SPV, as is the case for East Park Energy.

The relevance of this position is that it reflects recognition by a major statutory undertaker that legal obligations alone may not provide adequate protection against future financial failure. If additional financial security is considered necessary to protect National Gas infrastructure against future liabilities, SEPE submits that the Applicant has not explained why potentially substantial decommissioning and restoration liabilities should remain entirely unsecured, or why a lower standard of financial assurance should apply to those liabilities than National Gas considers necessary for the protection of its own infrastructure.

4. The Helios DCO precedent

The Applicant accepts that the Helios Renewable Energy Project Order 2025, referred to in REP1-058, includes a specific requirement for decommissioning security. While a single example does not establish a mandatory precedent, it nevertheless demonstrates that financial security for decommissioning is capable of being secured through a DCO and has been accepted by the Secretary of State within the NSIP regime. Accordingly, the issue for this Examination is not whether such mechanisms can lawfully be included within a DCO, but whether there is any compelling reason why equivalent safeguards would be inappropriate in the present case.

SEPE recognises that comparable provisions have not been included in every previous solar NSIP. However, each application must be determined on its own merits, and the absence of such requirements elsewhere does not prevent the Examining Authority from recommending equivalent safeguards where the circumstances of the present case justify them.

5. Financial security for decommissioning and restoration – private contractual agreements

SEPE recognises that arrangements for decommissioning bonds, guarantees, letters of credit and escrow accounts are established through private contractual agreements rather than through DCOs themselves and therefore do not create a binding precedent for this Examination.

However, such arrangements demonstrate that financial security mechanisms to guarantee restoration and decommissioning obligations are both practical and capable of implementation for large-scale renewable energy developments, including nationally significant infrastructure projects.

Examples within the solar energy NSIP sector show that developers have accepted legally enforceable mechanisms requiring the provision of financial security, including bonds, guarantees, letters of credit or escrow arrangements, to secure the reinstatement of land and the removal of infrastructure at the end of a project's operational life. In some cases, such arrangements provide for periodic review to ensure that the level of security remains sufficient throughout the lifetime of the development.

The existence of these mechanisms undermines any suggestion that financial security arrangements are impractical, unprecedented or incapable of being secured for projects of this nature.

The issue for this Examination is therefore not whether such mechanisms are available or practicable, but whether sufficient assurance exists that the Scheme will be fully decommissioned and restored in all reasonably foreseeable circumstances over its 40-year operational life.

Given its scale and duration, and the fact that it is being promoted through an SPV whose ownership and financial standing may change significantly over time, SEPE considers that an independently secured financial mechanism for decommissioning and restoration is warranted.

The Applicant has not demonstrated why financial safeguards would be inappropriate or unnecessary in this case, nor why local communities and landowners should bear the risk that restoration obligations remain dependent on the financial position of future operators several decades hence.

6. The importance of secured decommissioning funding

The costs of decommissioning are an intrinsic and critical component of the Scheme and should be considered as part of its full lifecycle impacts. They are directly relevant to its long term deliverability, sustainability and credibility of the Applicant's assertion that the Scheme is temporary and fully reversible.

While the Applicant relies on future plans, planning controls and statutory obligations, those mechanisms do not address the separate question of whether sufficient funds will be available to undertake decommissioning and restoration when required. The existence of a legal obligation to restore the site does not, of itself, guarantee that the responsible party will possess the financial resources necessary to discharge that obligation several decades into the future.

Given the proposed 40-year operational life, the likelihood of changes in ownership and the use of an SPV, it cannot be assumed that the entity responsible for decommissioning at the end of the project's operational life will necessarily possess the resources required to meet those obligations.

A proper assessment of the Application should therefore consider the full lifecycle costs and obligations of the Scheme, including the costs of decommissioning, restoration and associated environmental impacts.

SEPE considers that the identification, security and periodic review of decommissioning funding are matters of central importance for the following reasons:

1. **Avoiding future liabilities:** The full costs of decommissioning, dismantling, waste disposal and site restoration should be identified and quantified at the outset. Without independently secured funding, there can be no assurance

that local authorities, landowners or ultimately taxpayers will not be exposed to substantial costs should the operator become insolvent, cease trading or otherwise fail to meet its obligations.

2. **Ensuring genuine reversibility:** The Applicant relies on the 'temporary' nature of the development as part of its justification for the Scheme. That proposition is only credible if there is a clear and adequately funded mechanism to remove all infrastructure and restore the land at the end of the operational period. At present, no independently secured funding mechanism has been identified.

3. **Protecting agricultural land and environmental interests:** Given the extent of productive agricultural land affected, including Best and Most Versatile land, secured restoration funding is necessary to ensure that agricultural capability, landscape character, soils, drainage and environmental interests can be properly reinstated following decommissioning. Decommissioning provisions should provide for the removal of all above-ground and below-ground infrastructure that could otherwise continue to affect landscape character, biodiversity, drainage, soil quality or agricultural productivity. The Applicant has not identified the likely costs of such restoration, nor the funding arrangements that would be available to meet those costs over the full lifetime of the project.

4. **Reflecting inflation, future costs and changing circumstances:** Any financial security arrangements should be index-linked and subject to periodic review to reflect inflation, technological change, evolving waste management obligations and the likely costs of restoration over a 40-year operational period.

5. **Managing ownership change and corporate risk over a 40-year lifespan:** Utility-scale renewable energy projects are frequently subject to refinancing, restructuring and changes in ownership throughout their operational lives. It cannot be assumed that the entity promoting the Application today will remain responsible for the project in 40 years' time. Independently secured financial arrangements would ensure that restoration obligations survive future changes in ownership and are not dependent on the financial standing of a future operator.

6. **Providing certainty to local communities:** Residents, stakeholders and the Examining Authority should be able to have confidence that the site will be fully decommissioned and restored, and will not become a long term industrial legacy, whether the project reaches the end of its operational life, ceases

operation earlier than anticipated, or encounters financial or other difficulties during construction or operation. That confidence can only be provided through clear and independently secured funding arrangements for decommissioning and restoration. Such arrangements would also provide the relevant planning authority with a practical mechanism for securing compliance with restoration requirements in the event that an operator fails, or is unable, to fulfil its obligations voluntarily, thereby strengthening the effectiveness of long term planning enforcement.

7. **Upholding the polluter-pays principle:** Those who derive financial benefit from the development should bear the full costs of its eventual removal and restoration, rather than transferring risks and liabilities to future generations or public authorities. Decommissioning and restoration should therefore be treated as integral components of the project from the outset.

8. **Reflecting the full lifecycle cost of the project:** The Examining Authority should consider not only the construction and operational impacts of the Scheme, but also its end-of-life obligations. A development whose decommissioning and restoration liabilities remain unidentified, unsecured or unreviewed cannot be regarded as fully addressing its lifecycle impacts.

9. **Requiring robust and periodically reviewed financial security:** SEPE submits that any consent granted should require an independently secured financial mechanism – whether by restoration bond, escrow account, parent company guarantee or equivalent instrument – sufficient to meet independently verified decommissioning and restoration costs. Such arrangements should be subject to regular review throughout the operational life of the project to reflect changes in costs, regulation and restoration requirements.

7. Conclusion

The Applicant has identified neither the likely costs of decommissioning and restoration nor any mechanism by which those costs would be independently secured throughout the operational life of the Scheme. Instead, the Applicant invites the Examining Authority to rely on future plans, future regulatory controls and future compliance by future owners. SEPE respectfully submits that this provides insufficient assurance for a development with a proposed operational life of 40 years. The Examining Authority should therefore consider whether an independently secured and periodically reviewed financial mechanism, sufficient to meet independently verified decommissioning and restoration costs, is necessary to ensure that the Scheme can be fully restored in all reasonably foreseeable circumstances.

7.1 Issue-specific hearing request

Given the significance of decommissioning and restoration to the full lifecycle assessment of the Scheme, SEPE respectfully submits that a further Issue-Specific Hearing on this matter would assist the Examination.

In particular, such a hearing would provide an opportunity to explore in greater detail the likely costs of decommissioning and restoration, the basis on which those costs have been assessed, the funding arrangements proposed by the Applicant, and the mechanisms by which those obligations would be secured and periodically reviewed over the 40-year operational life of the project.

SEPE considers that a clearer understanding of these matters would assist the Examining Authority in determining whether sufficient assurance exists that the Scheme can be fully decommissioned and restored in all reasonably foreseeable circumstances, including the assumptions regarding inflation, changes in ownership and the long term adequacy of any proposed funding arrangements.