



EAST PARK ENERGY

East Park Energy

EN010141

Written Summary of Applicant's Oral Submissions at Compulsory Acquisition Hearing 1 (CAH1) and Action Points

Document Reference: EN010141/DR/8.43

Infrastructure Planning (Examination Procedure) Rules 2010

July 2026
Version P01

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Planning Act 2008

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Planning Inspectorate Scheme Reference:	EN010141
Application Document Number:	EN010141/DR/8.43
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Version	Date	Status
P01	July 2026	Deadline 4

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1.0 INTRODUCTION

1.1 Introduction

- 1.1.1 This note summarises the submissions made by BSSL Cambsbed 1 Limited (the “Applicant”) for the East Park Energy project (the “Scheme”) at Compulsory Acquisition Hearing 1 (CAH1) on 10th June 2026.
- 1.1.2 This document does not purport to summarise the oral submissions of parties other than the Applicants; summaries of submissions made by other parties are only included where necessary in order to give context to the Applicants’ submissions.
- 1.1.3 The Applicant has supplemented the written summary below with additional information where relevant to the action points raised in CAH1.

1.2 Compulsory Acquisition Hearing 1 (CAH1)

CAH1 took place on the morning of 10th June 2026 and followed the **Compulsory Acquisition Hearing 1 [EV8-001]** which was published by the ExA in advance of the hearing:

Agenda for Compulsory Acquisition Hearing 1	
1	Welcome, introductions, arrangements for the hearing
2	Purpose of the Issue Specific Hearing
3a	Update on Negotiation with Local Authorities
3b	Update on Negotiation with Statutory Parties
3c	Update on Negotiation with Affected Parties where objections remain unresolved
3d	Any Other Matters
4	Next Steps

Agenda for Compulsory Acquisition Hearing 1

5	Closing
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- 1.2.1 The Applicant did not provide any material comments on Agenda Items 1, 2, 4, and 5 of the Agenda for CAH1.

1.3 Note about National Policy Statements

- 1.3.1 Section 1.6 of the 2026 National Policy Statement (NPS) EN-1 confirms that for schemes accepted for examination before the final publication of the approved 2025 amendments, the 2024 suite of NPSs should have effect. East Park Energy was accepted for examination in October 2025 prior to the final publication of the 2025 amendments. The 2024 NPSs therefore have effect for decision making.
- 1.3.2 All references to the NPSs in this document are to the 2024 NPSs unless stated otherwise.
- 1.3.3 The Applicant has prepared a separate **Note on updated National Policy Statements EN-1, EN-3 and EN-5 [PDA-018]**.

2.0 THE APPLICANTS' SUMMARY OF ORAL SUBMISSIONS MADE AT CAH1

2.1 Agenda item 3a - Update on Negotiation with Local Authorities

- 2.1.1 The Applicant is seeking to acquire rights over a number of plots of land owned by Bedford Borough Council and Cambridgeshire County Council. Detail in relation to this is set out in the **Book of Reference [REP3-017]**, Appendix A of the **Statement of Reasons [REP3-013]**.
- 2.1.2 The Applicant has included the power to compulsorily acquire new rights and/or take temporary possession of various sections of public highway under the **draft DCO [REP3-009]**. The approach that the Applicant has taken is to seek compulsory acquisition of rights below the publicly adopted highway where this necessary for the installation of cabling below the highway strata.
- 2.1.3 This is necessary to the extent that any cabling for the on-road route is laid at a depth beneath the strata of land comprising publicly adopted highway. In certain instances, the Applicant acknowledges that there is uncertainty in the depth of the highway strata for the proposed on-road cabling works.
- 2.1.4 In respect of temporary possession, this is mainly required to create or improve access. While the Applicant would have a general right of access over the publicly adopted highway in any event, there is no guarantee that the full extent of the plots identified within the draft DCO and **Land Plan [REP3-004]** has been adopted, and areas such as the highway verges may still constitute private land owned by the relevant local authorities. Consequently, the power to temporarily possess these plots is sought to ensure that the Applicant has the ability to undertake works, or carry out maintenance, over these plots in the event that the full extent of these plots is not publicly adopted.

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- 2.1.5 The Applicant is actively engaged in negotiations to voluntarily acquire new rights to provide the easements needed to deliver the authorised development with both local authorities.
- 2.1.6 In respect of Cambridgeshire County Council, the Applicant has shared plans showing the land that is being sought and is currently awaiting feedback from the Council.
- 2.1.7 In terms of Bedford Borough Council, the Applicant has contacted been in contact with the Council with its proposals to put a deed of easement in place.
- 2.1.8 The Applicant continues to engage with the local authorities and expects to make further progress throughout the Examination.
- 2.1.9 However, until agreement is reached, the Applicant seeks compulsory acquisition powers in respect of these plots to ensure the deliverability of the Scheme.

Comments from the local authorities regarding concerns around the scope and breadth of powers sought in relation to highway land, including matters such as temporary closures, alterations and diversions, and how they will be overseen by the host authorities. The host authorities also referred to options under discussion including discussion of protective provisions and a side agreement.

- 2.1.10 The Applicant highlighted that these are two different matters. The acquisition of rights under the public highway are separate to protective provisions and a potential side agreement. The latter relate to the Applicant's interaction with local highway network and go beyond issues relating to compulsory acquisition. The Applicant is attempting to find the most suitable and proportionate solution to the exercise of powers in relation to street and highways. However, this hearing relates solely to the acquisition of subsoil underneath the public highway to run the cables for the Scheme.

2.2 Agenda item 3b - Update on Negotiation with Statutory Parties

- 2.2.1 The Applicant has been engaged with a number of statutory undertakers who have land interests within the Order Limits with the aim of progressing voluntary agreements for the acquisition of rights, and to agree appropriate protection for statutory undertaker's apparatus and interests.
- 2.2.2 The **Land and Rights Negotiation Tracker [REP3-019]** contains a summary of the statutory undertaker's land affected by the compulsory acquisition powers contained in the draft DCO. It also summarises the Applicant's engagement with statutory undertakers up to Deadline 3 in respect of land negotiations and protective provisions.
- 2.2.3 The Applicant provided an update on negotiations with each statutory undertaker in the context of voluntary negotiations and protective provisions, noting that the statutory undertakers were categorised with reference to the nature of their land interests within the Order Limits and the status of any relevant representations made.
- 2.2.4 Firstly, there are three statutory undertakers who have a Category 1 land interest within the Order Limits and have submitted a relevant representation, which has not yet been withdrawn. These statutory undertakers are:
- National Grid Electricity Transmission plc;
 - Anglian Water Services Limited; and
 - Eastern Power Networks plc.
- 2.2.5 In respect of National Grid, the parties are working together to identify the exact point of connection for the Scheme. It is expected that the necessary voluntary agreements will be progressed once the point of connection has been confirmed. In the meantime, the Applicant is seeking to acquire new rights compulsorily under the draft DCO in relation to land surrounding and within National Grid's substation, in order to ensure the deliverability of the Scheme. The **Statement of Reasons [REP3-013]** sets out the Applicant's approach to the proposed acquisition of rights within the National Grid substation area. The parties are also in active discussion regarding bespoke

protective provisions to be included in the draft DCO for the protection of National Grid, which are expected to govern the compulsory acquisition of land in a way that protects National Grid's interests.

- 2.2.6 In respect of Anglian Water, heads of terms for the necessary easements are close to being agreed. What appears to be the final element is that Anglian Water have an assumed subsoil interest. The Applicant understands that Anglian Water is seeking legal advice on whether the interest can be included in the agreement and is awaiting a response. The parties are also in active discussion regarding bespoke protective provisions to be included within the draft DCO. There are only a few matters left to be agreed between the parties and the Applicant is hopeful that the protective provisions can be agreed before the close of Examination.
- 2.2.7 In respect of Eastern Power Networks, the Applicant is in active discussion with Eastern Power Networks regarding a private agreement, which is close to being agreed. It is expected that this private agreement will be completed prior to the close of Examination and would allow Eastern Power Networks to withdraw their objection to the Scheme. The Applicant's land agents have reached out to Eastern Power Networks to confirm that the private agreement under negotiation will resolve all their concerns regarding the Scheme. There is currently a degree of uncertainty about the cable easements that the Applicant will require within Eastern Power Networks lease area, and the Applicant's land agents have committed to confirm these in the near future once known.
- 2.2.8 There are two statutory undertakers who have a Category 2 land interest within the Order Limits and have submitted a relevant representation, which has not yet been withdrawn. These statutory undertakers are:
- National Gas Transmission plc; and
 - RWE Generation UK plc.
- 2.2.9 In respect of National Gas, the Applicant has included its preferred protective provisions at Part 4 of Schedule 13 to the **draft DCO [REP3-009]**; however,

the parties are currently in active discussions to agree an updated set of bespoke protective provisions that is acceptable to both parties. The main issue that is outstanding between the parties is National Gas' request that the Applicant provides security by way of a parent company guarantee, bank bond or letter of credit on top of other financial protections.

2.2.10 In respect of RWE, the Applicant is not proposing to offer bespoke protective provisions to RWE, who would be protected by the generic protective provisions for electricity statutory undertakers included at Part 1 of Schedule 13 to the draft DCO. However, the Applicant has reached out to RWE for completeness.

2.2.11 Additionally, there are four statutory undertakers who have a Category 2 land interest within the Order Limits but have not submitted a relevant representation. These statutory undertakers are:

- Vodafone Limited;
- EUNetworks Fiber UK Limited;
- Gigaclear Limited; and
- UK Power Networks (Operations) Limited.

2.2.12 The Applicant has included generic protective provisions at Parts 1 & 2 of Schedule 13 to the draft DCO, which benefit electricity, gas, water, sewerage and telecommunications undertakers. It is the Applicant's position that these generic protective provisions will adequately protect the statutory undertakers in this category.

2.2.13 The Applicant is also engaged with two statutory bodies with land interests within the Order Limits who have submitted a relevant representation (which has not yet been withdrawn). These bodies are National Highways Limited and the Environment Agency.

2.2.14 In respect of National Highways, the Applicant had originally issued Heads of Terms to National Highways but were later informed that they would not need to be involved if the interests identified were within the operation highway of the local highway network. The Applicant understands this to be the case due

to the de-trunking of Bushmead Road, and as such the Applicant is seeking to voluntarily acquire the relevant rights from Bedford Borough Council instead.

- 2.2.15 In respect of the Environment Agency, the parties are in discussion regarding a voluntary agreement for the freehold acquisition of the Environment Agencies' land, which was specifically requested by the Environment Agency. The Applicant has issued Heads of Terms to the Environment Agency and is awaiting feedback.
- 2.2.16 Neither of these statutory bodies are currently requesting bespoke protective provisions from the Applicant.
- 2.2.17 Finally, the Applicant has included protective provisions for the protection of the drainage authorities at Part 3 of Schedule 13 to the draft DCO. The Applicant remains in discussion with the local authorities regarding the draft DCO and hopes that these protective provisions can be agreed with the relevant lead local flood authorities before the close of Examination.

Comments raised by [Mrs] Rebecca Clutton on behalf of National Gas in relation to the need for both security and insurance within the protective provisions

- 2.2.18 The Applicant confirmed that they will respond in writing to the submissions made in writing by National Gas. The Applicant understands National Gas' position regarding security; however, in respect of this specific Scheme the Applicant's position is that the protective provisions sought are excessive and disproportionate because there is limited interaction between the Scheme and National Gas' assets.
- 2.2.19 In panel areas where National Gas pipes run the Applicant has allowed an almost 25m wide corridor around National Gas' pipes so that no infrastructure will sit on top of the pipes. There will be instances where the Scheme crosses underneath public highway which happens in almost every single scheme,

and those works would be carried out entirely in accordance with National Gas' requirements. The Applicant maintains that the request for both insurance and security is disproportionate and notes that there are a number of recent DCOs that have proceeded without the exact form of protective provisions sought by NGT. Moreover, a number of these DCOs have not included provision for acceptable security on the face of the DCO including Heckington Fen Solar Park Order 2025; A122 (Lower Thames Crossing) Development Consent Order 2025, Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, A66 Northern Trans-Pennine Development Consent Order 2024, and Net Zero Teesside Order 2024.

2.2.20 The Applicant is not trying to cut corners and would be happy to discuss the terms of any insurance with National Gas and is willing to provide this insurance in addition to the indemnity. The Applicant notes that Government guidance provides that "*Examining Authorities are expected to ensure that the final form of a recommended DCO contains protective provisions which are bespoke to the application under consideration*" and considers that adding security to the protective provisions would not be proportionate to this specific Scheme.

2.2.21 Further information is provided in the Applicant's response to Hearing Action Point (HAP) 1 below.

HAP No.	Action Point	Applicant's Response
1	Applicant to respond in writing to submissions made by National Gas at Deadline 3 [REP3-081]	A separate response will be provided within the Deadline 4 submissions made by the Applicant.

Comments from Mr Jeremy Bloom confirming that National Highways have no interest in the plots identified in the Book of Reference

2.2.22 The Applicant confirmed that they hadn't received the de-trunking order from the local authorities and so is in the process of considering whether the Book

of Reference can be updated while the land is shown at being owned by National Highways at the Land Registry.

2.2.23 Further information is provided in the Applicant's response to Hearing Action Point (HAP) 2 below.

HAP No.	Action Point	Applicant's Response
2	Applicant: to update/look into updating the Book of Reference regarding plots owned by National Highways	The Applicant has updated the Book of Reference accordingly and proposes to submit this together with further amended land documents at Deadline 5.

2.3 Agenda item 3c - Update on Negotiation with Affected Parties where objections remain unresolved

2.3.1 The Applicant confirmed that there are two landowners with a category 1 interest in the Order Limits with outstanding objections. These parties are:

- James Duberly; and
- Patricia Ann Price and Timothy George Price.

2.3.2 The Applicant is in contact with all of these parties who have subsoil interests within the Order Limits, which the Applicant is seeking to allow flexibility to run cables (or in the case of 10-16 a water connection) underneath the highway strata if required.

2.3.3 In terms of James Duberly, the Applicant has issued a deed of easement for the subsoil interest to the landowner's land agents and the parties have been actively involved in technical discussions within the last week.

2.3.4 In terms of Patricia Ann Price and Timothy George Price, the Applicant is looking to enter into a conveyance to transfer the landowner's subsoil interest and there has been active dialogue between the parties.

Comments from Mr Timothy Price (on behalf of himself and Patricia Ann Price) expressing dissatisfaction at the offer made and extent of negotiations

- 2.3.5 The Applicant noted that an offer has been issued to both parties and the Applicant is seeking voluntary acquisition of their interests.

Comments from Mr James Duberly relating to extent of temporary possession, concerns around farm accesses, drainage, verge biodiversity and the maintenance of hedges, whether the land at Plot 10-16 is required for a water pipe or cable, and whether this is a material change to the project and whether the argument for compulsory purchase can be maintained in light of the reference to an electrical cable.

- 2.3.6 The Applicant explained that the green land shown on the Land Plan is where the Applicant is seeking temporary possession but is not acquiring land or rights compulsorily, which would be shown as blue land on the Land Plan. In these cases, the articles within draft DCO contain provisions for compensation. The extent of temporary possession shown in the Land Plan is an estimate of what is required and what is actually taken may be less, but never more. Schedule 11 to the draft DCO contains a list of the plots to be temporarily acquired and the works proposed over them. The Applicant appreciates that as the design evolves there will be more clarity on what is to be agreed. However, the Applicant is willing to discuss this in more detail and provide commitments to the extent that they can at this stage that these works would not obstruct farm accesses.
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Question from ExA regarding Mr James Duberly's request that temporary possession is not exercised over plot 10-18 and the request for a legal undertaking

- 2.3.7 The Applicant confirmed that they cannot make such a commitment at this stage but would take the point away and consider the plots referenced.
- 2.3.8 Further information is provided in the Applicant's response to Hearing Action Point (HAP) 3 below.

HAP No.	Action Point	Applicant's Response
3	Applicant: to respond in writing regarding Mr Duberly's comments relating to plot 10-16 and 10-18	The Applicant would firstly like to clarify that Mr Duberly is understood to have an interest in plot 10-16 only. He is not understood to have a legal interest in any other plots that could be subject to compulsory acquisition or temporary possession under the terms of the Order. The Applicant would refer to the Book of Reference [REP3-017] which shows this to be the case. The Applicant will therefore address Mr Duberly's interest in plot 10-16 only in this response. The Applicant understands that Mr Duberly's interest in this plot is an unregistered subsoil interest up to the half width of the highway under the legal presumption of <i>ad medium filum</i>. The Applicant has been engaging with Mr Duberly's land agent to progress the voluntary acquisition of this interest and has issued a deed of easement for review. The Applicant has since answered a number of technical queries from Mr Duberly's land agent and continues to seek voluntary agreement. In respect of plot 10-16, the Applicant is seeking the power to compulsorily acquire new access rights (as defined in the draft DCO [REP3-009]). These rights are required to carry out Work No. 6 (primarily involving the installation of a water pipe to connect the Scheme to the Anglian Water pumping station in plot 10-15) and Work No. 9 (works to facilitate access including the creation of visibility splays). As mentioned at CAH1, the

HAP No.	Action Point	Applicant's Response
		Applicant is seeking to acquire these rights under the highway strata in case there is a need to install the water pipe at a depth that falls outside of the highway. The Applicant notes that, as explained by Mr Duberly at CAH1, the draft deed of easement originally issued by the Applicant incorrectly referred to the installation of a cable in plot 10-16. The Applicant would like to clarify that this was a typographical error in the original deed and in this instance the easement will be for the water pipe between the Anglian Water pumping station and the generational areas of the Scheme. The connection to the Anglian Water pumping station is an established element of the Scheme and is detailed in the ES (see for example paragraph 2.4.148 of ES Vol 1 Chapter 2 The Scheme P03 [REP3-023]). On this basis there has been no amendment to the Scheme and the Applicant's case for compulsory acquisition as set out in the Statement of Reasons [REP3-013] continues to apply. Turning to Mr Duberly's other comments, the Applicant understands that Mr Duberly's concerns, as expressed at CAH1, relate to concerns around farm accesses, drainage, verge biodiversity and the maintenance of hedges. At this stage the Applicant cannot offer Mr Duberly a legal undertaking, or similar, in relation to the works to be carried out given that the detailed design of the Scheme will be refined and finalised post consent. In every instance where new rights are proposed to be acquired compulsorily, Mr Duberly will be compensated. In those instances where temporary possession powers are sought, Mr Duberly will be able to rely on the DCO as a statutory instrument to seek compensation where applicable. The Applicant would welcome continued engagement with Mr Duberly around these concerns as the Scheme progresses.

2.4 Any Other Matters

Comments raised by Mr Christopher Lacey regarding request for an independent carbon assessment and lack of compelling case in the public interest

- 2.4.1 The Applicant notes that Mr Lacey is not affected landowner, but the Applicant welcomes his comments. The compelling case in the public interest is the test that is relevant to the land for which the Applicant is seeking compulsory acquisition powers. For context, the total area of land within the Order Limits comprises 772.97 acres, the Applicant only seeks the compulsory acquisition of new rights in respect of 58.99 acres (equivalent to just over 7.5% of the land within the Site) and 2.66 acres for temporary possession (equivalent to 0.35% of the land within the Site). The Applicant considers that a large proportion of the remaining land take is within the National Grid substation.
- 2.4.2 Further information is provided in the Applicant's response to Hearing Action Point (HAP) 4 below.

HAP No.	Action Point	Applicant's Response
4	Applicant: to respond in writing to comments raised by Mr Lacey	The Applicant's case for compulsory acquisition is set out in the Statement of Reasons [REP3-013]. To demonstrate a compelling case in the public interest for compulsory acquisition powers in respect of a development consent order falling under the Planning Act 2008 regime, an applicant must satisfy the Secretary of State that clear evidence shows the public benefit from the compulsory acquisition will outweigh the private loss to affected landowners. As a form of low carbon energy, the Scheme constitutes critical national priority infrastructure under NPS EN-1, in which there is an urgent need is expected to outweigh most residual adverse effects. There is subsequently an established national need for the Scheme. In addition to meeting national need for renewable energy,

HAP No.	Action Point	Applicant's Response
		the Scheme would provide further benefits which contribute to the compelling case in the public interest, such as the benefits described in the Applicant's Statement of Reasons. As noted in its oral submissions, the Applicant has demonstrated that compulsory acquisition powers are sought in respect an extent of land within the Order limits reasonably required to implement the Scheme and proportionate to the purpose for which is required. The majority of the land over which the Applicant seeks to acquire new rights compulsorily relates to land within National Grid's substation and is necessary in order to connect the Scheme to the grid.

APPENDIX A: LIST OF ACTION POINTS

The following Hearing Action Points were taken by the Applicant at CAH1. The Applicant's responses to each point are set out in the relevant tables in Section 2 of this document.

HAP No.	Action Point
1	Applicant: to respond in writing to submissions made by National Gas at Deadline 3 [REP3-081].
2	Applicant to update/look into updating the Book of Reference regarding plots owned by National Highways.
3	Applicant to respond in writing regarding Mr Duberly's comments on plot 10-16 and 10-18
4	Applicant to respond in writing to comments raised by Mr Lacey
5	Host authorities to produce and submit response document to matters raised at hearings