

21 July 2026

East Park Energy: questions over technical robustness, evidential gaps and internal inconsistencies in the Application

Submission: Comments on Applicant's Response to Deadline 3 Submissions – Other Interested Parties

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.

Notes

1. SEPE notes that Deadline 4 documents were published three to four working days after the deadline and in two separate tranches:

- Deadline 4: **Friday 10 July**
- Batch 1 Deadline 4 documents notification email: **Wednesday 15 July at 17.13**
- Batch 2 Deadline 4 documents notification email: **Thursday 16 July at 15:29**

Interested Parties and statutory consultees have had between three and four working days to review and formulate responses relating to Deadline 4 documents, including the day of the next deadline itself, **Deadline 5, 21 July**.

In these circumstances, it has not been possible to respond to all issues identified across the new application and submission documents.

2. A number of concerns/Applicant responses set out in the 'Applicant's Response to Deadline 3 Submissions' are covered or developed in SEPE's own Deadline 4 submissions, for example on replacement campaigns and decommissioning funding. SEPE therefore does not repeat those comments in this submission.

Partial response to ‘Applicant’s Response to Deadline 3 Submissions – Other Interested Parties’ (REP4-109)

1. Eaton Socon Substation – uncertainty over connection programme and impact assessment

At page 45, the Applicant states:

“The Applicant is in regular dialogue with National Grid, however National Grid has not yet been able to confirm the scope and exact timeline for the proposed works required to the Eaton Socon Substation.

The date of connection committed in the Connection Offer received by the Applicant is October 2028. Therefore, the expectation is that the upgrade of the existing substation would be completed by this point. However, the Applicant is not in a position to confirm this.”

Significant concern remains regarding the Applicant’s assumptions, uncertainty of connection status and the timing of the works required at the Eaton Socon substation. This uncertainty is directly relevant to the assessment of Scheme impacts, including cumulative effects. The Applicant provides no evidence to support its expectation that the proposed substation works will be completed by October 2028. If the planning and design of these works have not yet commenced, SEPE suggests that this assumption appears highly optimistic.

At page 61, the Applicant states:

“There are no known detailed proposals for the expansion, rebuild or provision of a new Eaton Socon substation that the Applicant is able to meaningfully assess.”

This acknowledgement further undermines the Applicant’s assumption that the necessary works will be completed in time to facilitate the proposed connection date. The Applicant must be aware of the time typically required for National Grid Electricity Transmission (NGET) to develop proposals, obtain the necessary planning and regulatory approvals, and complete construction before the East Park Energy connections can be commissioned. Other factors that will influence the programme during the Eaton Socon substation construction phase include timing of outages.

This highlights a significant inconsistency between the Applicant’s responses and its assessment of the Scheme’s impacts. The Applicant has not considered the worst case scenario for assessment of effects (eg environmental, construction traffic,

cumulative) or included this in its Environmental Statement/assessment, thereby failing to provide the full picture to key statutory and local stakeholders. SEPE contends that the Applicant should make reasonable assumptions in the absence of details from NGET so the cumulative impacts are transparent and can be understood and considered if the construction work overlaps or happens in parallel.

2. East Park Energy battery energy storage system – discrepancy between Application and Scheme under review

2.1 Grid Connection Statement corrected; wider Application remains mismatched to the Scheme under examination, including claimed benefits

In its Deadline 4 submission entitled ‘East Park Energy: implications of Gate 1 BESS connection status for claimed benefits, available evidence, and the Scheme under Examination’ (REP4-085), SEPE set out the material discrepancy between what is described in the Application and the operational reality of the Scheme currently under examination.

SEPE notes that in its updated version of its ‘Grid Connection Statement’ (REP4-031), at paragraph 2.1.9 the Applicant now states:

“The Applicant received notification of a Gate 2 Phase 1 offer for a 400 MW export connection.”

Despite adding paragraphs to its ‘Grid Connection Statement’ to explain some of the NESO Connections Reform background, and now stating explicitly that it has only secured an “export connection”, the Applicant does not make reference to:

- the proposed import connection repeatedly detailed and relied on in the Application;
- its failure to secure Gate 1 status for the BESS; or
- its ramifications for the BESS and Scheme as a whole.

The ‘Statement of Reasons’ (REP4-005) has been updated at Deadline 4, but amendments to reflect the now-acknowledged export-only status have not been implemented across the Application. In REP4-085, SEPE gave examples of Application documents that either stated import functionality or referred to the claimed benefits associated with import functionality. Examples of documents given were as follows:

- Policy Compliance Document
- Environmental Statement Volume 1 – Main Report, Chapter 1: Introduction

- Environmental Statement Volume 1 – Main Report, Chapter 2: The Scheme
- Planning Statement
- Statement of Reasons

None of these documents has been corrected at Deadline 4, despite the ‘Grid Connection Statement’ now confirming that the Scheme has been allocated an export-only connection, and repeated references to “no confirmed import connection” across REP4-109, for example at page 51:

“The Applicant notes that the BESS presently has a Gate 1 offer and no confirmed import connection. It should therefore currently be assumed that the BESS will not import any electricity from the grid.”

The material discrepancy between the Application and the Scheme under examination remains.

2.2 Continued unsupported assertions relating to BESS functionality and its lack of stand-alone grid connection

In REP4-109 the Applicant repeats assertions relating to BESS functionality. Among other references, on page 46 it claims:

“ES Vol 1 Chapter 2 [APP-038] is clear that the Scheme allows the generation and export of 400 MW of electricity from the solar generating station, with the BESS designed to be capable of exporting and importing up to 100 MW.”

SEPE contends that, despite ‘ES Vol 1 Chapter 2’ being “clear” that the BESS is “designed” for both export and import capabilities, the proposed design is contingent on a stand-alone import connection which, following the Connections Reform process, the Applicant failed to secure for the East Park BESS. Put simply, the BESS cannot operate as designed without the requisite import connection it still continues to rely on across the Application.

Repeating its position advanced in previous responses, the Applicant adds on page 46:

“...the absence of a Gate 2 import offer for the BESS at this point in time does not make the BESS or solar development undeliverable. At most, it relates to the timing and extent of the BESS’s ability to provide grid import and balancing services.”

As SEPE detailed in REP4-085, acquiring a Gate 2 import offer is plainly not simply a matter of “timing and extent”, and authoritative sources and sector commentators are explicit about Gate 1 status risks. Gate 1 allocations were made by the National Energy System Operator on the basis of a very substantial “oversupply of batteries” (62GW at 2025), and the national operator stated that:

“outcomes ... [were] underpinned by very robust internal and external assurance processes”

Commentary from sector professionals (REP4-085) also does not support claims that “timing and extent” are predominant factors in determining the likelihood of success in securing a Gate 2 import grid connection for battery or hybrid schemes such as East Park Energy. Significant general overcapacity, oversupply in particular regions, failure of projects to meet Gate 2 criteria or to align with strategic priorities are all evidently significant issues:

“...there has been a move to cut hybrid battery storage alongside proposed solar farms to curtail overcapacity.”

“over 150 GW of battery-energy-storage-system capacity has been deprioritised or removed from the connections queue due to the oversupply in specific regions”

“failing to satisfy the Gate 2 criteria”

“projects failing detailed checks or strategic alignment”

Commentary typically features references to uncertainty and confusion, for example:

“high level of confusion ... frustration in the developer ... and investment community”

Given the broad-ranging evidence available and set out in REP4-085, including Brockwell Energy Group Limited’s own disclosures in its most recent set of audited accounts, SEPE contends that it is difficult to understand how the Applicant can claim in relation to its grid connection arrangements (page 46):

“The Applicant considers there are no uncertainties in its position”

Further undermining this assertion (and in direct contradiction of the extensive evidence set out in REP4-085), SEPE notes that elsewhere in the Applicant’s response, it states (page 14):

“The Applicant remains hopeful that the BESS component will be able to provide additional grid balancing services through an import connection in the future”

2.2.1 BESS grid balancing benefits claimed across the Application

SEPE further contends that the Applicant’s new assertions seeking to minimise the Scheme benefits associated with the functionality of the BESS are inconsistent with the benefits claimed across the Application, as set out in SEPE’s REP4-085. Those claimed benefits are not confined to the references in the Planning Statement now cited by the Applicant. At page 47, the Applicant states:

“...the public benefits identified at Section 5 of the Planning Statement [APP-031] are not dependent on the BESS providing grid balancing services through an import connection, and therefore not affected by the BESS receiving a ‘Gate 1’ offer. The planning balance set out by the Applicant in Section 8 of the Planning Statement [APP-031] is also not dependent on the BESS providing grid balancing services through an import connection.”

In REP4-085, SEPE identified numerous examples across the Application documents where import functionality of the BESS is explicitly described or presented as delivering grid balancing and related system benefits (see section 2.1 of this submission). Moreover, even within the Planning Statement itself, SEPE contends that the Applicant’s characterisation is unsustainable. Section 5 contains statements which plainly allude to “the BESS providing grid balancing services through an import connection”. For example, paragraph 5.2.3 states:

“...on-site battery storage means the Scheme will function not just as a generation asset but as a flexible energy hub that helps balance supply and demand...”

The description of the Scheme as a “flexible energy hub that helps balance supply and demand”, together with other statements in paragraph 5.6.1 referring to:

- “increasing energy security”; and
- “ensur[ing] the ‘lights stay on’”,

are not naturally interpreted as describing the benefits of a solar-only generation asset, which is inherently constrained by seasonal and diurnal intermittency. Rather, they are consistent with the wider grid balancing and system support benefits that the Applicant now seeks to downplay.

3. Live high-pressure gas pipeline alongside BESS

SEPE raised concerns in REP3-108 relating to the fact that documentation had been provided by the Applicant as evidence that an oil pipeline crossing the target site is now redundant, but SEPE had been unable to locate similar documents to confirm that gas pipelines across the site were also capped and redundant. SEPE is therefore concerned that the Applicant has now confirmed that the high-pressure gas pipeline in close proximity to the BESS compound is indeed one of the ‘live’ pipelines (page 58):

“The gas pipelines which cross East Park Site B, the corridor between Site B and C, and East Park Site D are not redundant. They are operational assets managed by National Gas Transmission (NGT) that the Applicant is aware of and has designed around. The Applicant is in the process of agreeing protective provisions with NGT for inclusion within the draft DCO.”

The Applicant relies on design easements and future protective provisions for this “active pipeline” and others, but does not engage with the implications of locating a 100MW BESS compound in close proximity to nationally significant live gas infrastructure, nor with the potential consequences of a low-probability, high-impact incident affecting both assets simultaneously. While the likelihood of such an event may be low, the consequences of any major fire, explosion or thermal event involving either asset could be very severe, with the potential to endanger public safety, damage nationally significant energy infrastructure and significantly complicate emergency response.

This issue is reinforced by National Gas’s submissions. National Gas (REP4-042) explains that damage to its assets could expose both it and the public to “potentially very significant sums”, describing the risk as “low probability, high impact”, and states that an indemnity without appropriate financial backing is “essentially, worthless”. It therefore seeks security provisions – including a parent company guarantee, bank bond or letter of credit – to underwrite the Applicant’s indemnity, a request the Applicant continues to resist (REP4-115). National Gas also emphasises that the purpose of the security is to protect against uninsured events or insurer insolvency where the consequences could be exceptionally serious. In the context of a 100MW BESS located in close proximity to an operational high-pressure gas transmission pipeline, the Applicant’s continued resistance to these conventional financial safeguards is difficult to reconcile with the potentially severe consequences of a major incident and further undermines confidence that both safety and financial risks have been adequately addressed.

SEPE also notes that, as set out in its REP3-108 submission, it is not clearly apparent from the Application documents that this high-pressure gas pipeline is

operational. The Applicant's confirmation of its status has only emerged during a late stage in the Examination, rather than being clearly disclosed in the original Application. SEPE notes, for example, that in REP4-109 the Applicant does not give a reference to any relevant Application document that explicitly provides this information. Had the status of the gas pipeline been made clear from the outset of the application process, Interested Parties would have been better placed to consider and, where appropriate, raise concerns regarding the implications of locating a 100MW BESS in close proximity to nationally significant live gas infrastructure. This has reduced the opportunity for timely scrutiny of an issue with potentially significant safety and infrastructure resilience implications.

4. Transport assessment and construction traffic management: evidential deficiencies and inadequate controls

See SEPE's Deadline 4 submission, 'East Park Energy construction traffic evidence submission: construction material and delivery traffic reconciliation, omitted traffic categories and wider transport issues' (REP4-081).

4.1 Traffic safety assessment – omission of key accident locations

In response to references SEPE-D3-18, 19 and 26, SEPE notes that the Applicant has only included/assessed accidents that happened on the links in the defined study area for the assessment – as identified in Section 3.3 of the Transport Assessment. As a result, the two fatal accidents at the A1/B645 junction and at/near the B645/Moor Road Junction are ignored for the assessment of potential traffic and transport impacts of the Scheme.

SEPE contends that this approach is flawed and understates important safety implications because, and by the Applicant's own admission (even Moor Road is identified as Link 3), these two locations are used by construction traffic and are therefore relevant to the Scheme assessment at the different stages of the Scheme life. The A1 northbound carriageway and A1/B645 junction are used for all construction traffic to access the site and the B645/Moor Road junction is proposed to be used by construction traffic, including during the Replacement Works.

SEPE submits that the study area needs to be extended to include the A1 U-turn junctions (Buckden Roundabout, Little Paxton Junction, Wyboston Roundabout and Black Cat junction).

4.2 Traffic assessment and assumptions – greater scrutiny required

In response to references SEPE-D3-20, 21 and 25, SEPE notes that the Applicant response claims extremely low traffic volumes during the Operational Phase and that the internal haul roads would be re-provided during decommissioning works (not specified for the replacement works). The SEPE response to the Technical Note on Replacement Works (REP4-082) submits that there will be an increased number of trips generated on local roads. SEPE contends that the wide-ranging replacement works during the operational phase require greater scrutiny of traffic movements, including increased volume of HGVs, LGVs and site commuter vehicles, to ensure that their impacts on the local highway network and affected villages and other properties are properly assessed and mitigated. SEPE is concerned that the construction traffic will be routed through villages including Great Staughton and Pertenhall and need to pass sensitive locations such as Great Staughton Primary School without a clear commitment to reinstate the internal haul road network nor define any restricted routes.

4.3 Insufficiently detailed and enforceable construction traffic controls

SEPE has consistently submitted that key construction traffic controls are not explicitly secured in the draft DCO Requirements or traffic management plans, despite being fundamental to the Applicant's own assessment of construction traffic impacts and community safety. SEPE has sought clarification on what specific enforceable mechanism would prevent HGVs, subcontractors and delivery vehicles from using unsuitable local routes through villages and constrained rural roads during construction, operation and decommissioning if such restrictions are not expressly included in the approved traffic management framework.

At page 61, the Applicant states:

“The requirement to implement the measures set out within the oCTMP is secured in Requirement 8 of the draft DCO [REP3-009]. This Requirement also clearly sets out that the final CTMP must be approved by the local planning authority in consultation with the relevant local highway authority prior to any construction work commencing.”

SEPE continues to maintain that the proposed controls and Requirements are neither sufficiently comprehensive nor sufficiently detailed for a scheme of this scale and complexity, particularly when compared with the approach adopted as best practice on other NSIP projects.

5. Further errors acknowledged in Applicant's carbon dioxide emissions calculations

The Applicant acknowledges that there is an error in its calculations of the emissions associated with its battery system (page 66):

“... the production emissions associated the batteries should be calculated by multiplying the storage capacity (400 MWh) by the emissions factor from Forbes of 89 kgCO₂e / kWh battery = 35,359 tCO₂e. This is four times higher than the value currently stated in ES Vol 2 Appendix 15-1 Greenhouse Gas Emissions Assessment [REP2-021] and ES Vol 1 Chapter 15 Climate Change [REP2-012] as the Applicant had multiplied the peak output (rather than the storage capacity) by the emissions factor from Forbes. The Applicant has amended the calculations...”

This is in addition to existing errors previously identified by an Interested Party and accepted by the Applicant, and the concerns over potential errors and inappropriate assumptions set out by SEPE in REP4-086.

5.1 Battery production emissions and SEPE's assessment

For its alternative analysis of production emissions associated with the batteries, SEPE did not, as the Applicant suggests, “use[] the installed capacity of the solar farm, rather than the storage capacity of the batteries” (page 67). SEPE based part of its BESS emissions calculation on calculations set out by an environmental consultancy that specialises in renewable energy assessments, Envams, in its work for the Great North Road solar NSIP¹.

SEPE is reviewing the calculations made during that project with a view to reassessing the calculation made for BESS emissions. SEPE notes that even a recalculation resulting in a significantly lower figure would not materially change the scale of its overall emissions projection, and further restates that SEPE's alternative emissions analysis (presented in REP3-108) was on a partial basis, focusing on three principal elements of the Scheme and not calculating a large number of other material/infrastructure production emissions. Calculating emissions associated with further products and materials, including for example, concrete, thermal sand and cabling, SEPE estimates that the Scheme would generate additional emissions in the region of between 200,000 and 300,000tCO₂. SEPE reiterates that as set out in

¹ EN010162: Great North Road Solar and Biodiversity Park Environmental Statement Volume 4 – Technical Appendices Technical Appendix A15.1 – Lifecycle Greenhouse Gas Evaluation (February 2026)

REP4-086, the Scheme would generate substantially more greenhouse gas emissions than it would avoid over its lifetime.

5.2 Scheme emissions – concerns over Applicant’s acknowledgement of flawed assumptions

The Applicant has acknowledged that it used inappropriate assumptions in its calculations relating to the battery cells planned for use in the Scheme (page 67):

“SEPE has assumed three battery replacements over the operational lifetime of the Scheme, equating to one replacement every 10 years. Alternatively, the Applicant has assumed one battery replacement over the operational lifetime of the Scheme, equating to one replacement at 20 years. The Applicant has reviewed the literature and has concluded the batteries generally have a service life of 10-20 years and has completed a sensitivity analysis for the batteries having at the lower end of the service life range (i.e. a 10-years). The sensitivity would increase the total GHG emissions to 809,000 tCO₂e”

SEPE suggests that this response lacks credibility, particularly the Applicant’s assertion that it has now “reviewed the literature”, when battery replacement cycles and associated performance and safety considerations are fundamental and well understood within the sector. These are established matters that would not ordinarily require further literature review to verify.

SEPE suggests that this gives rise to some concern regarding the Applicant’s understanding of a safety-critical aspect of the Scheme. Battery storage is a specialist field, and the assumption in question relates to a basic technical aspect of battery lifetime and associated safety considerations that has long been recognised within the battery storage sector and is supported by a substantial body of academic and technical research.

This established understanding is reflected in both industry standards and the academic literature. For example, the Institute of Electrical and Electronics Engineers (IEEE) has published standards and recommended practices covering the installation, operation, maintenance, testing and replacement of stationary lithium-ion batteries, recognising the importance of managing battery ageing throughout the operational life of battery energy storage systems. The academic literature has examined the effects of lithium-ion battery ageing extensively. For example, Preger *et al.*² (2022) review the safety implications of ageing lithium-ion cells, while Collath

² Perspective – On the safety of aged lithium-ion batteries, Journal of The Electrochemical Society, 2022, <https://iopscience.iop.org/article/10.1149/1945-7111/ac53cc>

*et al.*³ (2022) and Palacín⁴ (2018) discuss the mechanisms of battery ageing, performance degradation and the associated operational implications for battery energy storage systems.

The Applicant's response indicates either a fundamental misunderstanding of battery lifecycle and expected service life, which are directly relevant to replacement requirements, associated greenhouse gas emissions, and safety considerations given the increased risks associated with ageing cells, or a *post hoc* attempt to rationalise the use of manifestly inappropriate assumptions in its greenhouse gas emissions calculations.

5.3 Carbon balance, calculation corrections and Applicant claims of net carbon benefit

After conceding that its carbon calculations would be 809,000 tCO_{2e} following revised calculations to reflect the correct assumptions relating to battery replacement cycles – representing an increase of more than 21% from its original 666,000 tCO_{2e} – the Applicant claims that its Scheme would still deliver a net carbon benefit (page 67):

“...would increase the total GHG emissions to 809,000 tCO_{2e}, but this would still not affect the conclusions of the assessment as the Scheme would still have a net carbon benefit over its lifetime”

SEPE notes that notwithstanding the Applicant's acknowledgement of flawed assumptions relating to battery replacement cycles, it has not yet updated its 'Greenhouse Gas Emissions Assessment' (REP4-022), which still states “735,000 tCO_{2e}” for total Scheme lifetime emissions (3.1.2).

The Applicant goes on to state (page 67):

“Although the Applicant disagrees with the production emission calculations within SEPE's alternative analysis, even if SEPE's calculations were taken forward (which are 4 times higher than the Applicant's), the conclusions of ES Vol 1 Chapter 15 Climate Change [REP2-012], would not change as the Scheme would still have a net carbon benefit over its lifetime”

³ Aging aware operation of lithium-ion battery energy storage systems: a review, Journal of Energy Storage, 2022, <https://www.sciencedirect.com/science/article/pii/S2352152X2201622X>

⁴ Understanding ageing in Li-ion batteries: a chemical issue, Chem Soc Rev, 2018, <https://pubs.rsc.org/cs/article-abstract/47/13/4924/562495/Understanding-ageing-in-Li-ion-batteries>

As set out in section 5.1, SEPE reiterates that the alternative analysis of production emissions it presented in its REP3-108 submission is on a partial basis, and that an extension of that analysis is likely to suggest that total Scheme carbon emissions would be significantly higher still. SEPE further contends that the Scheme would generate substantially more greenhouse gas emissions than it would avoid over its lifetime. SEPE set out its carbon avoidance calculations for the Scheme in REP4-086 and concluded:

“Over its lifetime, SEPE calculates that the Scheme would generate at least 1,524,206 tonnes of CO₂e while avoiding only 295,418 tonnes of CO₂e. This represents a minimum net carbon increase of 1,228,788 tonnes of CO₂e over the lifetime of the Scheme.”

SEPE notes that the Applicant appears to concede that its emissions calculations are not sufficiently precise or robust, stating (pages 68–70):

“GHG accounting practices, emissions factors and underlying datasets continue to evolve... At the current stage of development, prior to design freeze, where key equipment has not yet been selected, it is difficult to calculate the GHG emissions associated with the Scheme with precision. However, reasonable assumptions have been used which are in line with literature and other projects. ... the Applicant acknowledges that there will always be some limitations”

SEPE suggests that while it is understandable that precise procurement specifications have not yet been drawn up and that those decisions will be made by the Scheme operator closer to the construction stage, it is difficult to understand why decisions have not yet been made with regard, for example, to panel type (bifacial vs monofacial), as such fundamental specification decisions influence a range of matters assessed throughout the Application, including carbon emissions, land take and operational performance. See also section 5.2 on battery replacement cycles, which similarly concerns the absence of a settled position on a fundamental design parameter with material implications for the greenhouse gas assessment and other aspects of the Scheme. SEPE further contends that, notwithstanding the Applicant’s assertion that “reasonable assumptions” have been used, by the Applicant’s own admission, not all the assumptions underpinning its calculations are reasonable or adequately justified.

SEPE also notes that its REP4-086 submission indicates potential further errors and flawed assumptions in the Applicant’s carbon calculations, notwithstanding the Applicant’s response to SEPE’s reference to at least one set of acknowledged errors (page 70):

“The Applicant can confirm that the errors are isolated incidents which do not change the conclusions of the assessments.”

6. Scheme generation assumptions and overplanting

While overplanting is an accepted feature of solar developments under current planning policy, it is notable that the Applicant did not rely on it in responding to concerns over its projected electricity generation until questioned by SEPE. Although paragraph 5.6.6 of the ‘Design Approach Document’ (APP-034) refers to “an installed capacity of circa 485 MW”, this important design feature is not made explicit in the Application’s discussion of the Scheme’s projected generation or capacity factor, which is otherwise presented by reference to the Scheme’s 400MW export capacity, thereby creating the impression that the projected generation is being achieved from a 400MW scheme and implying a correspondingly higher apparent capacity factor. SEPE has so far identified only a single reference to overplanting within the Application documents. In REP4-086, SEPE’s assessment of the Scheme’s likely generation assumed the use of bifacial panels and adopted a 12% capacity factor, an assumption favourable to the Applicant. This is notwithstanding the fact that the Applicant has not yet confirmed whether the Scheme would utilise bifacial or monofacial panels.

The Applicant relies on the Department for Energy Security and Net Zero (DESNZ) ‘Renewable energy generation cost and technical assumptions’ report (page 72) to support its projected generation, suggesting that a typical solar net load factor of 11.5–14.5% demonstrates that its modelling is realistic. However, the Applicant appears to overlook the report’s important qualifications. DESNZ states that the quoted load factor:

“...is assumed to represent the first-year load factor” and that it is “before degradation is applied”.

The report cautions that:

“...the net load factor is highly site-specific, and these results reflect only the sample of projects we analysed”.

The Applicant’s reliance on this generic benchmark therefore does not demonstrate that East Park Energy’s project-specific generation forecasts, or the associated lifetime carbon and public benefit claims, are robust. While 21.3% overplanting may improve utilisation of the 400MW export connection, it does not increase the available solar resource or prevent degradation of the 485MWp installed array.

Without disclosure of Scheme-specific assumption details regarding degradation, long-term yield and replacement strategy, the Applicant's confidence in sustained generation over the Scheme lifetime remains insufficiently evidenced.

7. Interpretation of case law and the High Court judgment in Lullington Solar Park Ltd [2024] EWHC 295

SEPE stands by the interpretation of case law presented in REP3-108, and reiterates that the counter analysis it presented was by way of a sample rebuttal.

In REP3-108, SEPE drew attention to the highly pertinent High Court judgment in 'Lullington Solar Park Ltd [2024] EWHC 295'. At page 96, the Applicant seeks to diminish or at least downplay the relevance of 'Lullington' to the present application. The Applicant states that the judgment of Mr Justice Jarman records that the:

“relevance of alternative sites depends on the circumstances and that an applicant is not required to investigate every possible location”.

Neither SEPE nor, it is understood, any other Interested Party has suggested that the Applicant should “investigate every possible location”. However, what SEPE does contend and, in doing so, quotes directly from the judgement of Mr Justice Jarman in 'Lullington', is that:

“an assessment which involves no soil surveys outside the [appeal] site is not sufficiently robust”.

In this matter the Applicant has conducted, so far as SEPE is aware, no soil sampling outside the target site and therefore outside an area of primarily Best and Most Versatile land. At paragraph 7.1.2 of 'ES Vol 2' (appx 3-1) the Applicant states that the target site was:

“identified following a desk-bound review” of Brownfield Land Registers.

As has been noted in other submissions (eg REP1-127), Brownfield Land Registers are generally considered as 'unfit for purpose'. The findings in the independent Planning Report from the consultancy, Lichfields, was that:

“Our research finds brownfield land data to be lacking in the comprehensiveness, accuracy and detail required to facilitate effective policy and decision-making”