

4 August 2026

## **East Park Energy: outstanding technical issues, evidential gaps and unresolved Examination matters**

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Submission: Comments on Applicant Response to Deadline 4 Representations and Applicant's Deadline 5 Cover Letter

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.

**Note:** This submission was prepared for uploading to the Planning Inspectorate portal at Deadline 6 on 4 August 2026. The Examining Authority's decision of 4 August 2026 to postpone Deadline 6 until 18 August 2026 does not alter the procedural circumstances and associated issues described in the Background and Introduction to this submission. In particular, SEPE remains unable to extend or develop its submission because the Applicant has already communicated its intention to defer its substantive responses to Deadline 4 submissions and any associated changes to Application documents until Deadline 6.

In short, postponing Deadline 6 is of no practical benefit to Interested Parties or other stakeholders scrutinising the Application, as the Applicant's substantive responses to Deadline 4 submissions remain unavailable until the same deadline by which those parties must submit their own Deadline 6 responses.

SEPE's additional procedural fairness filing of 4 August 2026 sets out its position on the implications of the revised Examination timetable.

## Background

- As established in SEPE's 'East Park Energy: procedural fairness and request for extension of the Examination timetable', dated 28 July 2026, substantive Applicant responses to SEPE Deadline 4 submissions (REP4-081 to REP4-086) have now been deferred until Deadline 6, the penultimate Examination deadline. Consequently, it is not possible for SEPE to review and respond to those submissions at this deadline.
- For similar reasons – namely the clustering of deadlines combined with the delayed publication of Examination documents – SEPE also did not have sufficient time to review and respond to Deadline 4 documents in its necessarily limited Deadline 5 response, 'East Park Energy: questions over technical robustness, evidential gaps and internal inconsistencies in the Application' (REP5-033).
- SEPE therefore submits at this deadline a further partial response to the Applicant's "selective" response (REP5-023). SEPE's submission also comments on the deferred response to the Applicant's Technical Note on Replacement Works (REP3-075).

This submission includes the following sections:

1. Introduction: procedural context, deferred responses and unresolved Examination issues
2. Electricity generation assumptions: reliance on uncaveated capacity factors and underperformance of local solar installations relative to national benchmarks
3. Questions over robustness of Applicant's greenhouse gas assessment
4. Concerns over defined limits and design parameters
5. Construction traffic and transport: completeness, safety and control measures
6. BESS connection status: discrepancy between the Application and the Scheme under Examination
7. Decommissioning and restoration: legal obligations without secured financial assurance
8. BESS operational model: planning relevance and evidential gaps
9. Commercial and financial matters: relevance to the planning assessment
10. School-hour construction traffic restrictions: shortcomings in the Applicant's approach
11. Replacement works: substantive concerns remain unresolved

## **1. Introduction: procedural context, deferred responses and unresolved Examination issues**

At item 6 of its cover letter (REP5-001), after noting the clustered deadlines and the fact that “Deadline 4 fell on 10 July 2026 and that the Deadline 4 documentation was not fully available on the Planning Inspectorate’s project webpage until 16 July 2026”, the Applicant describes the responses in its ‘Applicant Response to Deadline 4 Representations’\* (REP5-023) as follows:

“The responses submitted by the Applicant at Deadline 5 are therefore selective and do not provide a response to every Deadline 4 submission or every point raised within them.”

At item 8 of its cover letter<sup>†</sup>, the Applicant states:

“The Applicant acknowledges the six Deadline 4 submissions [REP4-081 to REP4-086] made by Stop East Park Energy (SEPE). The Applicant notes that a number of the underlying themes have been raised previously by SEPE ... However, the Applicant recognises that the Deadline 4 submissions develop a number of those matters further and contain additional analysis. The Applicant is undertaking a review of the submissions ... However, for the reasons explained above regarding the limited time available between Deadline 4 and Deadline 5, it has not been practicable to complete a full review and detailed response at this deadline. The Applicant intends to provide a response at Deadline 6, together with any targeted updates to the application documents considered necessary or appropriate.”

Responses to specific issues raised by SEPE are included in REP5-023, and the Applicant explicitly refers to particular SEPE submissions.

See SEPE’s ‘Preliminary rebuttal without sufficient supporting evidence’, section 3 of its ‘East Park Energy: procedural fairness and request for extension of the Examination timetable’ filing of 28 July 2026.

SEPE’s Deadline 4 submissions raise an extensive range of detailed, evidence-based issues spanning technical robustness, potential omissions from the Applicant’s assessments, internal inconsistencies, unsupported assumptions, methodological

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\* ‘Applicant Response to Deadline 4 Representations’ (REP5-023) contains incorrectly numbered paragraphs. Throughout this document, SEPE adopts the paragraph numbering as used by the Applicant.

† SEPE assumes that the later reference in item 8 of the Applicant’s cover letter to “any particular point raised by SEPE at Deadline 5” is a typographical error.

concerns, evidential deficiencies, questions over the adequacy of mitigation and control measures, and broader issues relating to the implementation and performance of the Scheme. As a consequence of the procedural issues outlined above, many of these detailed matters remain unanswered at this late stage of the Examination. Following the deferral of the Applicant's substantive responses to Deadline 4 submissions until Deadline 6, any consequential issues identified by Interested Parties can only be raised at the final Examination deadline, leaving no meaningful opportunity for the Applicant's responses to be addressed or tested by Interested Parties or statutory consultees before the close of the Examination.

## **2. Electricity generation assumptions: reliance on uncaveated capacity factors and underperformance of local solar installations relative to national benchmarks**

SEPE notes that the Applicant once again relies largely on generic policy support rather than providing regional or local data modelling to support its assertions relating to Scheme performance.

SEPE set out its response on overplanting, the Scheme's "indicative installed capacity of approximately 485 MWp" and inappropriate reliance on DESNZ's 'Renewable Energy Generation Cost and Technical Assumptions – Onshore Wind and Solar PV' in its REP5-033 submission ('East Park Energy: questions over technical robustness, evidential gaps and internal inconsistencies in the Application', section 6). Once more the Applicant selectively cites the study (2.2.3) and refers to "a range of 11.5% to 14.5% [as] the typical capacity factor" without including the report's critical qualifications around installation age, degradation and site specificity.

In response to the Applicant's claims at paragraph 2.2.3, SEPE reiterates that its references to local generation data are not related to the age of the infrastructure. Instead, SEPE benchmarked actual local generation data against contemporaneous national averages (see REP1-156 and REP4-085). Generation data is taken from a solar power site directly adjacent to, and surrounded by, the East Park Energy target site, and relates to newly installed panel arrays during their first two full years of operation. As these datasets are benchmarked against national averages for the same period, underperforming the national average by 10–15%, the Applicant's references to "more efficient panels now available" are largely irrelevant.

SEPE submits that the Applicant's concession that it "has not undertaken any specific sensitivity testing using lower irradiance or alternative long-term meteorological assumptions" (2.2.5) demonstrates a further weakness in both its assessment and the Application.

### **3. Questions over robustness of Applicant's greenhouse gas assessment**

SEPE notes that the Applicant refers to having followed Institute of Sustainability and Environmental Practitioners (ISEP) guidance on GHG assessment (2.2.7), stating that ISEP does not prescribe a specific method. However, SEPE contends that the issue at hand is not one of selected methodology. The Applicant's responses to both individual Interested Parties and SEPE acknowledging flawed assumptions and potential errors in its calculations suggest that the Applicant's assessments undertaken for the Scheme's greenhouse gas evaluation are not robust.

At paragraph 2.2.8, discussing limitations and assumptions relating to its assessment of greenhouse gas emissions, the Applicant suggests:

"Where assumptions were made within the Applicant's assessment these were conservative estimates to align with a reasonable worst-case assessment scenario."

SEPE submits that it is difficult to characterise the Applicant's assessment as "conservative" and refers to SEPE's REP3-108 (section 4.1 and Appendix A) and REP5-033 (section 5.1). SEPE's alternative analysis of the Scheme's greenhouse gas emissions was conducted on a selection of Scheme components, presenting a partial calculation, and is therefore an underestimate of overall Scheme emissions. SEPE analysis of the Scheme's BESS cells, PV panels and PV framework suggests that lifetime emissions of these components alone would total well in excess of 1,000,000 tonnes of CO<sub>2</sub>e. Moreover, 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 300,000tCO<sub>2</sub>. This is in sharp contrast to the Applicant's current claim that total Scheme emissions are 735,000 tCO<sub>2</sub>e. Even SEPE's lower-bound estimate puts Scheme emissions over 60% higher than the total suggested by the Applicant. The Applicant has not substantively contested SEPE's initial alternative analysis set out in REP3-108 and, further, has acknowledged that its own assessment contains errors and materially flawed assumptions, as set out below.

At paragraph 2.2.9, the Applicant concedes its assessment is flawed:

"The applicant acknowledges that errors have been identified in some of the assumptions made within ES Vol 2 Appendix 15-1 [REP4-014]."

Significantly, in its response (REP4-109) to SEPE's alternative calculations for a partial set of the Scheme's greenhouse gas emissions (REP3-108), the Applicant stated:

“The largest difference between the Applicant’s calculations and SEPE’s calculations appears to be the production emissions and replacement emissions associated with the batteries.”

The Applicant acknowledged an error in its calculation for the Scheme’s batteries:

“The Applicant has amended the calculations in ES Vol 2 Appendix 15-1”

Acknowledging the flawed assumptions identified by SEPE relating to its overall Scheme greenhouse gas assessment, the Applicant additionally conceded an error in its assumptions for batteries:

“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 tCO<sub>2</sub>e”

SEPE has already raised concerns over this particular acknowledgement (REP5-033, section 5.2), suggesting it appears to demonstrate a lack of understanding of a fundamental aspect of battery safety.

Despite the Applicant’s acknowledgement in REP4-109 that its unsound assumptions “would increase the total GHG emissions to 809,000 tCO<sub>2</sub>e”, at paragraph 2.2.19 the Applicant nonetheless repeats its claim:

“The total emissions over the lifetime of the Scheme are estimated to be approximately 735,000 tCO<sub>2</sub>e”

Its current Greenhouse Gas Emissions Assessment (REP4-021) still states:

“As shown, using the conservative assumptions the total emissions over the lifetime of the Scheme are ~735,000 tCO<sub>2</sub>e.”

In addition to acknowledging further errors and flawed assumptions in its own assessment, as noted above, the Applicant has made no substantive attempt to challenge SEPE’s alternative analysis, relying instead on reference to generic national policy, and its claim that the Scheme would “still have a net carbon benefit over its lifetime” (REP4-109, page 67).

SEPE’s alternative analysis of greenhouse gas emissions avoidance suggests that this is not the case. SEPE’s analysis, presented in ‘East Park Energy: review of the

Applicant's carbon assessment – reliability, transparency and alternative lifecycle analysis' (REP4-086) suggests that the Scheme would instead generate well over a million more tonnes of carbon dioxide than it would avoid:

“Over its lifetime, SEPE calculates that the Scheme would generate at least 1,524,206 tonnes of CO<sub>2</sub>e while avoiding only 295,418 tonnes of CO<sub>2</sub>e. This represents a minimum net carbon increase of 1,228,788 tonnes of CO<sub>2</sub>e over the lifetime of the Scheme.”

REP4-086 sets out SEPE's alternative analysis of carbon dioxide emissions avoidance and questions a number of apparent inconsistencies in the Applicant's greenhouse gas assessment.

### **3.1 Greenhouse gas emissions and full operational intensity of the Scheme**

SEPE submits that the Applicant has materially understated the Scheme's operational greenhouse gas intensity. While the Applicant continues to claim an operational intensity of 0.246 gCO<sub>2</sub>e/kWh based on “total operational GHG emissions”, SEPE contends that this figure excludes the majority of operational emissions identified in the Applicant's own assessment, as demonstrated in this section. When those emissions are included, SEPE calculated an operational intensity of approximately 18.6 gCO<sub>2</sub>e/kWh<sup>‡</sup> (REP4-086), suggesting that the Applicant's published figure does not accurately represent the Scheme's operational greenhouse gas intensity and consequently understates its operational emissions while overstating its environmental performance.

However, the Applicant implies (2.2.10) that Deadline 4 submissions suggesting that the “Applicant has materially understated the Scheme's lifecycle carbon emissions and materially overstated its claimed carbon savings”:

“...appear[] to be due to a misunderstanding of the approach used to determine GHG intensity and the lifetime GHG savings.”

Firstly, SEPE notes, as set out earlier in this submission, that the Applicant has not yet responded to its alternative assessment of the Scheme's lifetime carbon avoidance, alongside identification of apparent inconsistencies in, and issues with, the Applicant's own assessments.

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<sup>‡</sup> Based on the Applicant's current, increased – but as yet uncorrected – figures (REP4-021), SEPE updates its previous calculation of operational intensity to 20.34gCO<sub>2</sub>e/kWh.

In its specific response to SEPE's suggestion that a miscalculation or misrepresentation was apparent in the Applicant's operational greenhouse gas intensity figure, at paragraph 2.2.12, the Applicant states:

"Stop East Park Energy has calculated the operational GHG intensity using the total operational emissions presented in ES Vol 2 Appendix 15-1 [REP4-021]."

*[original emphasis]*

Nonetheless, despite this assertion relating to "total operational emissions", SEPE notes that in its Climate Change document (version at time of SEPE submission: REP2-012), the Applicant employs almost identical language at paragraph 15.8.25, followed by significant caveats, to present its operational GHG intensity figure:

"the average operational GHG intensity of the Scheme has been calculated by dividing the **total operational GHG emissions** by the total energy generation of the Scheme. The operational GHG intensity of the Scheme is 0.246 gCO<sub>2</sub>e/kWh"

*[emphasis added]*

However, it appears that the Applicant's given figure of 0.246gCO<sub>2</sub>e/kWh does not, in fact, represent "average operational GHG intensity ... [from] ... total operational GHG emissions", as presented in REP2-012. The "Total Operational Phase" emissions are set out in Table 16 of its Environmental Statement Volume 2 – Technical Appendices Appendix 15-1: Greenhouse Gas Emissions Assessment (version at time of SEPE submission: REP2-021). It is on this more comprehensive set of emissions figures that SEPE had based its calculation of 18.6gCO<sub>2</sub>/kWh, and it appears that the Applicant has now confirmed that this is indeed the appropriate figure for overall operational intensity.

The Applicant appears to be advancing two inconsistent positions: referring to total operational emissions figures, while simultaneously asserting that its calculation is not based on total operational emissions.

On SEPE's further analysis, the only calculation that would achieve the Applicant's figure of 0.246gCO<sub>2</sub>e/kWh is effectively achieved by excluding the majority of what the Applicant describes as "total operational GHG emissions" (Climate Change document) or "Total Operational Phase" emissions (Greenhouse Gas Emissions document). Following analysis of the line-by-line emissions set out at Table 16 (REP2-021), the only emissions the Applicant appears to incorporate in its "average operational GHG intensity" are:

“Provision of clean water and treatment of wastewater”

“Travel of workers to site”

SEPE suggests that it is difficult to justify the omission of almost the entire range of additional emissions associated with the operational phase of the Scheme, including as it does:

“leakage of GHGs ... replacement of equipment [including] embodied GHG emissions associated within the replacement of equipment, transportation of replacement equipment to Scheme, transportation of replaced equipment to recycling and disposal, and disposal and recycling of replaced equipment.”

The performance of photovoltaic panels begins to deteriorate from the point of installation, which is why extensive equipment replacement programmes are an inherent and necessary aspect of the long term operation of grid-scale solar schemes such as East Park Energy. The associated emissions are therefore an integral component of the Scheme’s operational lifecycle, making the apparent decision to exclude them from the Applicant’s calculation of operational GHG intensity all the more difficult to sustain.

### **3.2 Internal inconsistency in the Applicant’s methodology for assessing lifetime greenhouse gas savings**

The Applicant’s position appears internally inconsistent. It accepts avoided emissions as the basis for calculating lifetime GHG savings, but rejects the DESNZ Green Book methodology when it produces a lower estimate of those savings.

Paragraph 2.2.13 states that the Scheme’s lifetime GHG savings comprise the emissions associated with constructing and operating the Scheme offset against the emissions avoided by displacing other electricity generation. SEPE notes that the Applicant does not refer to the emissions associated with decommissioning and disposal of Scheme infrastructure.

However, paragraph 2.2.15 rejects the use of the DESNZ Green Book long-run marginal generation emission factors on the basis that they show the avoided emissions falling over time as the electricity grid decarbonises. If lifetime GHG savings are to be calculated using the emissions actually avoided over the Scheme’s operational life, then the progressive decarbonisation of the grid is an inherent part of that calculation. Rejecting those emissions factors because they reduce the claimed carbon benefit is therefore difficult to reconcile with the methodology described in paragraph 2.2.13.

### **3.2.1 Rochdale Envelope**

Planning Inspectorate advice relating to the Rochdale Envelope<sup>§</sup> states:

“information should be sufficient to enable the main, or the likely significant effects on the environment to be assessed”

Where the Applicant relies on greenhouse gas savings as a significant beneficial environmental effect, those savings must be assessed on the basis of clearly defined parameters. If the range of scenarios is so broad that the likely GHG savings cannot be robustly quantified across the assessed envelope, SEPE suggests that the environmental assessment cannot properly demonstrate the likely significant effects in accordance with the Rochdale principles. In those circumstances, the assessment should adopt the reasonable worst case for the claimed environmental benefit. The Applicant itself acknowledges that the DESNZ Green Book long-run marginal emission factors reflect the expected decline in grid carbon intensity over the Scheme’s operational life. As these are the only established government forecasts of the emissions likely to be displaced, they provide the most robust basis for assessing likely lifetime GHG savings. Assuming greater savings than those indicated by the Green Book would risk overstating the Scheme’s likely significant beneficial effects.

### **3.3 Transparency and assumptions in the Applicant’s emissions scenarios**

At paragraph 2.2.18, the Applicant repeats two of the scenarios it set out in REP2-012. SEPE’s REP4-086 provides a reasoned critique of those scenarios, questioning both their underlying assumptions and the transparency of the methodologies adopted.

At 2.2.19, the Applicant refers to its Scheme emissions figure of “735,000 tCO<sub>2</sub>e” (yet to be amended), linking it into these two purported scenarios. As set out earlier in this section, by contrast, SEPE estimates that, at a minimum, there would be a net carbon increase of 1,228,788 tonnes of CO<sub>2</sub>e over the lifetime of the Scheme.

## **4. Concerns over defined limits and design parameters**

SEPE continues to contend that the Applicant has not accurately defined the limits of the Scheme (paragraph 2.2.23). For example, SEPE has provided evidence suggesting that the Applicant has not used “maximum traffic movements” and has not taken a sufficiently comprehensive approach to defining the Scheme’s extent, for example, by considering U-turn junction impacts.

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<sup>§</sup> ‘Nationally Significant Infrastructure Projects: Pre-Application Advice on Environmental Impact Assessment’, Planning Inspectorate, <https://www.gov.uk/guidance/nationally-significant-infrastructure-projects-pre-application-advice-on-environmental-impact-assessment>

Similarly, SEPE contends that design parameters (2.2.24) are limited in detail. For example, for access tracks, Table 6 of the Applicant's Design Parameters and Principles Statement (REP4-023) states for Work No 6, 'Scale':

"The access tracks will have a width of up to 4m, and a depth of up to 0.25m below ground level."

SEPE is concerned that the 0.25m depth is insufficient for HGVs and could damage the subsoil. The Applicant should provide pavement calculations to demonstrate that its track design is adequate.

By comparison, the Scheme component 'BESS Internal Access' (Work No 2) for 'Design' has the following applicable design parameter:

"The BESS compound internal access roads will be up to 6m wide and up to 0.5m depth below ground level."

The same applies for 'Substation Internal Access' (Work No 3), under 'Design'. It has not been made clear why the pavement thickness is double at these locations compared to the remaining sections of access tracks.

Similarly, SEPE suggests that it is not clear what type of "open-span crossing" (Work No 6) is proposed at water crossings (Table 6, 'Design') that will not cause flooding issues. The Applicant does not provide details.

As a further example, SEPE notes that the Applicant suggests that temporary access tracks will use "heavy duty construction matting" (Work No 6 and 7) (Table 6). Once more SEPE suggests that a lack of detail about the "matting" type raises concerns over potential compaction damage to the topsoil/subsoil.

## **5. Construction traffic and transport: completeness, safety and control measures**

Firstly, SEPE notes that the Applicant has still not engaged with the specific and detailed concerns set out across SEPE submissions, including, at Deadline 4, its 'East Park Energy construction traffic evidence submission: construction material and delivery traffic reconciliation, omitted traffic categories and wider transport issues'. Key concerns presented in REP4-081 include:

- SEPE's technical transport analysis identifying categories of construction traffic that appear to have been omitted from the Applicant's assessment, including delivery of construction plant, car park surfacing materials,

landscaping deliveries, fuel tankers, haul road removal activities and associated plant movements.

- A sample reconciliation analysis undertaken by SEPE suggesting that the Applicant's published construction material quantities have not been accurately reconciled with its published construction traffic calculations. On the information currently presented in the Application, aggregates deliveries alone would account for in excess of 9,000 two-way HGV movements, indicating that the published material quantities and traffic assumptions cannot presently be independently reconciled.
- An apparent internal inconsistency in the Applicant's construction worker travel assumptions, whereby the assessment relies on voluntary car sharing and extensive minibus use to reduce vehicle trips, while simultaneously providing parking for up to 500 vehicles and identifying overspill capacity for the full peak workforce, with no enforceable mechanism to secure the assumed reductions in private car use.
- Concerns regarding the Applicant's assumptions relating to replacement and decommissioning traffic, impacts relating to the removal and reinstatement of sections of the internal haul road network, and the potential for additional, unassessed impacts arising from late-stage amendments to the plans during the Examination.
- A failure to justify apparent inconsistencies in the road safety evidence, including the omission of fatal collisions from the collision tables despite their inclusion elsewhere in the Applicant's own Transport Assessment.
- The Applicant's acknowledgement that the current Site D construction access was influenced by the failure to agree commercial terms for the original Sharps Barn access, without adequately addressing whether this resulted in a less favourable outcome from a highway safety perspective.

SEPE notes the Applicant's emphasis on "congestion" (2.2.39–2.2.42) and reiterates its position across submissions that its concerns regarding construction traffic and transport are, in substance, broader concerns relating to safety risks.

Irrespective of the Applicant's assertions at paragraphs 2.2.39 and 2.2.41, SEPE contends that the Applicant has been selective in the routes and junctions modelled, specifically the omission of modelling of the impact on the four potential U-turn junctions.

At paragraph 2.2.40 the Applicant sets out monitoring of construction traffic, delivery bookings, route compliance and worker vehicle occupancy and states:

“Where monitoring identifies that traffic levels, vehicle occupancy or routing are not in accordance with the approved arrangements, corrective measures can be introduced. These may include changes to delivery slots, increased use of car sharing or minibuses, revised workforce travel arrangements and action against contractors or drivers who fail to comply.”

SEPE remains concerned that the Applicant has still not produced a single comprehensive “restricted routes” plan, which is normal and accepted practice for NSIP schemes.

At 2.2.42, the Applicant states:

“The host highway authorities have accepted the assessment methodology as robust. Both BBC and CCC have confirmed that they have no significant concern regarding the construction traffic volumes, and National Highways has not objected to the junction-modelling methodology or identified a requirement for capacity mitigation. The Applicant therefore maintains that, with the secured CTMP and travel-plan measures in place, the Scheme would not result in major or unacceptable traffic congestion in the local area.”

However, SEPE contends that the local highway authorities and National Highways have not had the opportunity to comment on wider traffic impacts because neither modelling nor a report has been produced for specific junctions, including the A1 Buckden Junction, A1 Little Paxton Junction, A428 Black Cat Junction and A1/A428/B1428 Wyboston Roundabout.

SEPE notes that the Applicant relies heavily on the absence of objection from the host highway authorities (for example, 2.2.42 and 2.2.54), but does not engage with the specific evidence and concerns raised by SEPE (REP4-081 and earlier submissions) regarding the reconciliation of construction traffic assumptions, potential omissions from the traffic assessment, worker travel, replacement and decommissioning traffic, highway safety and the completeness and transparency of the transport evidence. Those concerns remain outstanding irrespective of the authorities’ acceptance of the Applicant’s assessment methodology.

## **6. BESS connection status: discrepancy between the Application and the Scheme under Examination**

At paragraphs 2.2.45– 2.2.52, the Applicant repeats its previous assertions, once more employing language that implies that the lack of a stand-alone grid connection for the Scheme’s battery energy storage system is simply a matter of timing:

“Gate 1 applies where the full Gate 2 criteria are not yet met. It does not provide a confirmed grid connection date or queue position, although the project may seek to progress through a later connection window once readiness is demonstrated.”

“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.”

The Applicant does not engage with the central issues set out in SEPE’s submission, ‘East Park Energy: implications of Gate 1 BESS connection status for claimed benefits, available evidence, and the Scheme under Examination’ (REP4-085), namely:

- the extensive project-specific, regulatory and industry evidence (including from NGET, NESO, DESNZ/Ofgem and Brockwell Energy Group) demonstrating that the BESS’s Gate 1 status creates material uncertainty and that progression to Gate 2 cannot be assumed
- that, without a secured Gate 2 import connection, the BESS cannot deliver the import-dependent benefits claimed in the Application
- the Application’s continuing reliance on BESS capabilities and policy benefits which have not been evidenced as secured under the connection agreement
- the Applicant’s progressive recharacterisation of the role of the BESS during the Examination without corresponding adjustment of the Application itself, creating a material discrepancy between the Application and the Scheme now under examination, and
- the continuing evidential gap arising from the absence of key connection and operational information needed to verify the deliverability of the claimed BESS benefits and assess the appropriate planning weight to be attributed to them.

See SEPE submissions REP4-085 and REP5-033. The latter highlights the fact that the Applicant has now updated its 'Grid Connection Statement' (REP4-031), to state:

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

However, the remainder of the Application has not been revised accordingly and continues to rely on references to an 'import' connection and the associated capabilities and claimed benefits, despite National Grid having presented evidence at Deadline 1 on 7 April to the Examination that the Scheme has not been offered an import connection, a position that the Applicant only came to acknowledge during the later stages of the Examination in response to questions raised by Interested Parties.

### **6.1 Concerns relating to programme to complete the required upgrade of the Eaton Socon Substation**

For completeness, SEPE also restates a further issue relating to the programme for the Eaton Socon Substation upgrade.

The Applicant's position on the Eaton Socon Substation relies on the assumption that the necessary upgrade works will be completed by October 2028, despite acknowledging uncertainty over both the scope and programme of those works. As noted in SEPE's submission, 'East Park Energy: questions over technical robustness, evidential gaps and internal inconsistencies in the Application' (REP5-033, section 1), the Applicant provides no evidence to support this assumption or to demonstrate that the planning, consenting and construction processes required for those works can be completed within the necessary timescale. SEPE contends that the resulting uncertainty has not been adequately reflected in the assessment of the Scheme's deliverability or its cumulative and construction impacts.

### **7. Decommissioning and restoration: legal obligations without secured financial assurance**

SEPE notes that the Applicant repeats its case for not providing a bond or other secured financial mechanism to guarantee decommissioning and restoration. However, the Applicant does not engage with the central issue identified by SEPE in its 'East Park Energy: decommissioning, restoration and the absence of secured financial assurance' (REP4-083): that legal obligations to restore the site, remove and dispose of all solar, BESS and associated infrastructure are of limited value if there is no independently secured funding available to discharge those obligations at the end of the Scheme's operational life. This concern is particularly acute given the Scheme's proposed 40-year lifespan, the high likelihood of changes in ownership,

and the fact that the Applicant is a special purpose vehicle (SPV), meaning future financial capacity cannot be assumed.

SEPE contends that this is especially important where a development targets such a significant percentage of high-grade agricultural land, as is the case with East Park Energy.

SEPE notes that at paragraph 2.2.47, the Applicant states:

“Ultimately the Applicant and Scheme would be subject to the requirements of the DCO irrespective of circumstance and this places a legal obligation on whoever is operating the Scheme to carry out decommissioning in accordance with the approved details.”

SEPE suggests that the phrase “this places a legal obligation on whoever is operating the Scheme” reinforces SEPE’s concerns over the uncertainty of future ownership and the lack of certainty that future operators will possess the financial capacity to fulfil those obligations. The existence of a legal obligation is not, in itself, equivalent to a secured financial mechanism capable of ensuring that decommissioning and restoration will be carried out in the event of insolvency or other financial failure.

## **8. BESS operational model: planning relevance and evidential gaps**

At paragraph 2.2.48, the Applicant states:

“The BESS has no confirmed import connection, and it would only operate as part of the co-located solar generation.”

SEPE contends that this suggests a further instance of internal inconsistency. It is a particularly emphatic acknowledgement that the Scheme has not secured an import connection. Elsewhere in REP5-023 (2.2.45– 2.2.52), as SEPE discusses in section 6 of this submission, the Applicant implies that obtaining an import connection is simply a matter of timing. As SEPE set out in its ‘East Park Energy: implications of Gate 1 BESS connection status for claimed benefits, available evidence, and the Scheme under Examination’ (REP4-085), industry evidence overwhelmingly demonstrates that this is not the case.

SEPE notes that this is an additional example of the material discrepancy between the Scheme described in the Application, and the Scheme currently undergoing Examination.

The Applicant goes on to repeat:

“The intended operational model, dispatch logic and cycling regime is not a matter that needs to be considered as part of the planning merits of the approach taken, nor is it something that the Applicant could accurately quantify or define in any meaningful way at this stage.”

SEPE has consistently questioned this position (REP1-156, REP3-108), however, the Applicant has not engaged with the substance of those concerns. The Applicant’s suggestion that the intended operational model is not a planning matter is difficult to sustain. While it is clear that the precise timing and frequency of operation over the lifetime of the Scheme cannot be predicted in detail at this stage, evidence-based assumptions on likely charging patterns, cycling intensity and seasonal operation are plainly material to the assessment of environmental effects, safety, replacement cycles, carbon performance and, ultimately, the overall planning balance. Given that the BESS represents a £73 million investment – nearly 20% of the Scheme’s estimated capital cost – SEPE suggests that it is not plausible to suggest that the Applicant is unable to meaningfully define or quantify its intended operational model. While operational parameters may evolve over time, an investment of this scale would necessarily have been supported by assumptions regarding its expected operation, utilisation and commercial performance. SEPE therefore contends that it is reasonable to expect the Applicant to provide those evidence-based assumptions to inform the Examination.

## **9. Commercial and financial matters: relevance to the planning assessment**

SEPE’s concerns relating to financial/commercial aspects of the Application (2.2.49, 2.2.50) are based on:

- the potential for stranded asset risk arising from the suspension or premature cessation of the solar power station and/or BESS during construction or operation
- risks around the availability of funding for the extensive decommissioning and restoration work across the 1,900-acre site required at the eventual close of the project, exacerbated by the Scheme’s status as an SPV. This concern is particularly acute for a site consisting of 74% Best and Most Versatile land
- wider concerns around funding as a result of the Applicant’s strong resistance to National Gas’s request for a bond or similar financial security mechanism relating to the protection of its gas infrastructure, including a live pipeline in close proximity to the BESS compound

- the BESS charge/discharge cycles depending on commercial operation plans and consequent impacts on safety risks and cell replacement cycles

SEPE therefore contends that the range of issues it has raised pertaining to these aspects are directly relevant to the DCO Application and community safeguarding.

## **10. School-hour construction traffic restrictions: shortcomings in the Applicant's approach**

SEPE is concerned that the Applicant does not appear to have a detailed understanding of school bus routes, the locations of bus stops, and bus timetables (2.2.51– 2.2.56). For example, school buses from Little Staughton depart before 08:00. Therefore, if “construction deliveries would be coordinated to avoid the conventional highway peak periods of 08:00–09:00...”, this particular school bus service would still be affected. SEPE also notes that school buses and other local traffic are likely to be impacted by traffic management measures, such as temporary traffic signals associated with roadworks.

## **11. Replacement works: substantive concerns remain unresolved**

In its cover letter (REP5-001), the Applicant states at item 7, ‘Response to Host Authorities’:

“The Applicant notes that the Deadline 4 submissions from the Host Authorities contain extensive and detailed comments on a number of the outline management plans, as well as the approach to replacement works. Given the nature and level of detail of the comments, the Applicant is undertaking a careful review alongside relevant technical discipline leads and, where appropriate, is drafting amendments to the management plans. It would not assist the ExA or the parties for the Applicant to provide a necessarily abbreviated or insufficiently considered response within the very limited time available between Deadline 4 and Deadline 5.”

Firstly, SEPE notes the Applicant's acknowledgement of the Host Authorities' “extensive and detailed comments on a number of the outline management plans”, while deferring its substantive response until after Deadline 5, as a consequence of the “very limited time available between Deadline 4 and Deadline 5”, further demonstrating that important matters remain outstanding at this advanced stage of the Examination.

SEPE particularly notes that in their Deadline 4 submissions, local authorities raise wide-ranging concerns about the Applicant's Technical Note on Replacement Works,

questioning whether it adequately assesses, controls and secures the impacts of large-scale replacement campaigns.

Local authorities identify significant deficiencies in the Applicant's Technical Note on Replacement Works. Their comments go well beyond drafting matters, challenging the underlying assumptions, impact assessment, enforceability and management of replacement activities. For example, Bedford Borough Council expresses concern that:

“the durational impact(s) of any major replacement campaign(s) could be significant, and that these are not addressed by the Applicant.”

Significantly, a dedicated Replacement Phase Management Plan is called for. The authorities also criticise the lack of enforceable commitments. Bedford Borough Council states, in relation to ensuring that “such works do not give rise to any materially new or materially different environmental effects compared to those identified in the environmental statement”, the Technical Note:

“does not address how the Council will be able to monitor and enforce such commitments (with potential financial and/or stop-work penalties). This remains a concern for the Council.”

Referring to a worst case solar panel replacement scenario, Bedford states:

“this should be acknowledged by the Applicant as a prolonged industrial activity with related disturbance and harm to the local community.”

The significant concerns raised by local authorities demonstrate that the issues relating to repeated replacement works activities across the target site are substantive, extensive and remain unresolved at a late stage in the Examination.

SEPE's submission, 'East Park Energy: response to the Applicant's Technical Note on Replacement Works – assessment of key issues' (REP4-082) mirrors many of the concerns set out by the local authorities, independently identifying the same deficiencies in the Applicant's Technical Note and questioning whether replacement works have been properly assessed or secured through the draft DCO. Key issues identified by SEPE include:

- Failure to demonstrate that replacement works would remain within the assessed environmental envelope throughout the Scheme's 40-year operational life.

- An arbitrary and unjustified 20% notification threshold, which could be circumvented by successive sub-threshold campaigns and does not appear to place an upper limit on the scale of replacement campaigns.
- Reliance on assumptions rather than enforceable DCO controls, including future management plans and a notification process lacking clear regulatory powers.
- Failure to properly assess the implications of future technological change, despite acknowledging replacement equipment may differ from that originally installed.
- Inadequate assessment of replacement traffic, highway safety and soil impacts, including routing HGVs through villages, cumulative traffic effects and the absence of secured soil protection measures.

Replacement works are a significant component of the Scheme, with the potential to generate substantial environmental effects throughout its 40-year operational life. Yet the Applicant's proposed approach has only emerged at the closing stages of the Examination, leaving very limited time or scope for the evident deficiencies – identified independently by both the Host Authorities and SEPE – to be properly scrutinised, tested or resolved before the Examination concludes.

SEPE additionally notes that REP5-023 paragraph 2.2.9 omits references to damage caused during the operation of the Scheme, and associated replacement works, and the decommissioning phase:

“The Applicant will be responsible for ensuring that any damage to the highway network attributable to construction of the Scheme is repaired, rather than the cost falling to the relevant highway authority.”