

4 August 2026

East Park Energy: procedural fairness and the Examination timetable

Procedural filing for the attention of the Examining Authority in relation to the Applicant's deferral of substantive responses to Deadline 4 submissions until Deadline 6 and resulting risk of procedural prejudice

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.

Examining Authority's 'Notice of variation to the examination timetable', 4 August 2026

SEPE welcomes the decision to extend the Examination period in recognition of the delayed publication of Examination documents and the consequential impact this had on the Examination timetable.

However, we respectfully note that the revised timetable does not include the additional procedural deadline after Deadline 6 requested by SEPE in its procedural fairness filing of 28 July 2026. Consequently, while the Examination period has been extended, the timetable variation does not remedy the scrutiny and procedural prejudice issues identified in that filing.

The principal effect of the revised timetable and its postponement of Deadline 6 from today's date until 18 August is to afford the Applicant additional time to prepare its deferred substantive responses to Deadline 4 submissions and any consequential amendments to the application documents. That additional time does not provide a corresponding procedural benefit to Interested Parties or statutory stakeholders, who must first await those deferred submissions, now further delayed, before they can prepare any substantive response. They remain limited to a single opportunity to comment before the Examination closes, with no subsequent round of scrutiny. Accordingly, the procedural imbalance identified by SEPE remains unaddressed.

This position is reinforced by the Applicant's own characterisation of its Deadline 5 responses to Deadline 4 submissions as "selective" (Deadline 5 Cover Letter, item 6). In those circumstances, any comments on the Deadline 5 submissions continue to be, of necessity, only preliminary in nature, because Interested Parties and statutory stakeholders have not yet had the opportunity to review the Applicant's substantive responses and any amendments to the Application documents, which it has deferred to Deadline 6, now postponed in the decision published today.

The revised timetable therefore benefits the Applicant by allowing it additional time to prepare its substantive rebuttal and any consequential amendments, without restoring the reciprocal opportunity for Interested Parties and statutory stakeholders to scrutinise, test and respond to those submissions before the Examination concludes. In practical terms, notwithstanding the postponement of today's Deadline 6, one round of iterative scrutiny has still been removed from the Examination process, as set out in SEPE's procedural fairness filing.

SEPE therefore respectfully submits that, while the extension to the Examination timetable is welcomed, it does not address the procedural prejudice arising from the sequencing of submissions, with the result that the procedural advantage now enjoyed by the Applicant is further compounded. SEPE submits that the additional procedural deadline requested in its filing of 28 July remains necessary to restore a meaningful opportunity for Interested Parties and statutory stakeholders to consider, scrutinise, test and respond to the Applicant's substantive Deadline 6 responses in relation to Deadline 4 submissions, and any consequential amendments to the application documents, all now further delayed, before the close of the Examination.