

Our Ref: EN010141/DR/8.67

05 August 2026

Case Manager
Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PM

FAO: eastparkenergyproject@planninginspectorate.gov.uk

Application Reference: EN010141

Applicant Response to Stop East Park Energy's procedural requests dated 28 July 2026 and 04 August 2026

The Applicant acknowledges that in the **Rule 8(3) Letter [PD-011]** issued on the 4th August 2026 the Examining Authority (ExA) has elected to amend the Examination table as follows:

- Deadline 6 has been extended from the 4th August 2026 to the 18th August 2026;
- Deadline 7 has been pushed back from the 18th August 2026 to the 1st September 2026;
and
- The close of Examination has been pushed back from the 21st August 2026 to the 4th September 2026.

The Applicant acknowledges the reason given for this variation is the recent delay in uploading submissions following Deadline 5 to the Examination Library and the consequent impact on the other timetable deadlines notified in the Rule 8 Letter.

As the ExA will be aware, Stop East Park Energy (SEPE) has issued letters on the 28th July 2026 and then on 4th August 2026 (the 'SEPE Letters') seeking an extension of the Examination timetable on the basis of alleged procedural prejudice arising from the Applicant's intention to respond to submissions made at Examination Deadlines 4 and 5 at

Deadline 6. The purpose of this letter is to provide a formal response to SEPE's concerns regarding procedural unfairness.

SEPE identifies four principal concerns in their submission relating to:

- the opportunity for them to respond,
- iterative scrutiny,
- what they describe as “premature rebuttal”, and
- an alleged procedural imbalance.

The Applicant has framed this response under a series of headings, each dealing with a specific matter arising in the SEPE Letters that the Applicant disagrees with. This is then followed with a concise summary of the Applicant's overall position.

The Applicant respectfully submits that in its opinion a further extension for the reasons set out by SEPE is neither necessary nor justified. SEPE's request is founded upon a misunderstanding of the Examination timetable / deadlines and of the precise nature of an examination under the Planning Act 2008 and associated guidance. In particular:

- the Examination timetable provides a specific and meaningful opportunity at Deadline 7 for Interested Parties to provide comment on any additional information or submissions made at Deadline 6;
- an Interested Party does not have an open-ended entitlement to successive rounds of response and counter-response in relation to every submission;
- the Applicant's statements at Deadline 5 were expressly procedural and did not purport to provide, or to substitute for, the substantive response that is to be submitted at Deadline 6;
- the matters identified by SEPE are principally matters of disagreement between the parties, which have already been the subject of substantive evidence and multiple submissions during the Examination. They are not unforeseen matters arising for the first time at a late stage. The process and examination programme have afforded adequate opportunity for the Applicant and Interested Parties to raise their principal concerns with the ExA.

The Applicant recognises that SEPE is a voluntary community organisation and that participation in an Examination can place significant demands on all parties. However, the

sole concern for any allegation of procedural fairness is whether a particular party has been provided with a reasonable opportunity to place its case before the Examining Authority (“ExA”) and to comment on relevant material. It does not require identical resources between participants, nor does it require an open-ended sequence of written replies.

Examination Timetable

The central premise of SEPE’s request is that there is a procedural imbalance in the fact that they will not be able to respond to the Applicant’s Deadline 6 submissions and that the Applicant would essentially be getting the ‘last word’ in the examination process. In the view of the Applicant their position is factually incorrect.

The Rule 8 Examination timetable (as amended on the 4th August 2026) provides for:

- Deadline 6 on 18th August 2026;
- Deadline 7 on 1st September 2026; and
- the close of the Examination on 4th September 2026.

Most importantly in the context of SEPE’s concerns, Deadline 7 expressly provides for the receipt of “*comments on any additional information/submissions received by deadline 6*”. The timetable therefore already contains the procedural stage SEPE says is required / unavailable to them, namely a deadline after Deadline 6 at which Interested Parties can comment on the Applicant’s Deadline 6 material. There is a 14-day interval between Deadline 6 and Deadline 7 and SEPE will therefore have a reasonable and expressly timetabled opportunity to review the Applicant’s responses, identify any matters of disagreement, and place their comments before the ExA.

Ultimately, every finite examination must contain a final deadline. Under the present timetable, SEPE and other Interested Parties have the final scheduled opportunity to comment upon the Applicant’s Deadline 6 submissions. The Applicant has no corresponding automatic right to submit a further response to comments made by SEPE at Deadline 7. The allegation that the timetable gives the Applicant an unfair ‘*last word*’ is therefore, in fact, the opposite of the position established by the current Examination timetable.

The Examination is led by the Examining Authority (ExA) and is Inquisitorial

SEPE's argument treats the Examination as though it were an adversarial exchange of views in which each party must be given a successive opportunity to answer every submission made by another, which is neither the nature nor intent of the process.

It is ultimately for the ExA to determine how the DCO application is examined. As explained by the ExA at the start of the Examination process and at the preliminary meeting (which SEPE attended), the Examination is principally a written process and led by the ExA. The ExA identifies the matters requiring further examination, asks questions and requests additional information where necessary. Current government guidance¹ describes the process as inquisitorial and states that participants should assist the ExA in testing and understanding relevant issues, rather than repeatedly restating their respective positions.

The Government guidance on the examination stage of an application requires opportunities to comment on other parties' submissions to be provided "*as far as practicable*". It does not establish an entitlement to an unrestricted series of responses. The same guidance also confirms that applicants may respond to submissions but are not required to answer every representation individually, particularly where issues can be dealt with through general or thematic responses.

Where the ExA considers that further information or written comments are genuinely necessary, Rule 17² enables the ExA to request them at any time before completion of the Examination. The statutory framework therefore already provides a proportionate mechanism for addressing any specific matter which, following review of the Deadline 6 and Deadline 7 submissions, the ExA considers requires further clarification.

The purpose of the Examination is to enable the ExA to reach reasoned conclusions on the evidence, whether or not the parties agree. Government guidance recognises that not all issues will be capable of agreement by the close of an examination and that achieving consensus between parties is not the principal purpose of the process.

¹ Planning Act 2008: Guidance on the examination stage of an application

² of the Infrastructure Planning (Examination Procedure) Rules 2010

Absence of Evidence from SEPE that Material Issues Remain Unexamined

Within their submission SEPE list a series of topics it considers ‘material’, including the BESS grid connection, construction traffic, replacement works, BESS safety, carbon balance and decommissioning funding. Merely listing out a number of disputed topics does not demonstrate that those matters have not been examined, that the ExA lacks sufficient evidence, or that SEPE will be unable to comment on the Applicant’s Deadline 6 responses at Deadline 7. Moreover, those matters are not unforeseen issues arising for the first time; on the contrary, the Examination already benefits from:

- the Applicant Responses to Relevant Representations - Host Authorities, Statutory Environmental Bodies, and Other Interested Parties [REP1-055];
- the Written Summary of the Applicant’s Oral Submissions at Issue Specific Hearing 1 (ISH1) and Action Points P01 [REP1-058];
- the Written Summary of the Applicant’s Oral Submissions at Issue Specific Hearing 2 (ISH2) and Action Points P01 [REP1-059];
- the Applicant’s detailed Response to Stop East Park Energy [REP2-045];
- subsequent Applicant responses to SEPE’s written representations;
- SEPE’s responses to those documents;
- written questions from the ExA and responses to those questions;
- The Written Summary of the Applicant’s Oral Submissions at Issue Specific Hearing 3 [REP-110]; and
- The Written Summary of the Applicant’s Oral Submissions at Issue Specific Hearing 4 [REP4-111].

Regarding replacement works, SEPE’s suggestion that this remains “*entirely unaddressed*” by the Applicant is wholly incorrect. The Examination already contains the **Applicant’s Technical Note on Replacement Works [REP3-075]** (noting SEPE’s own Deadline 4 submission describes itself as a response to that Technical Note). Replacement works were also the subject of the ExA’s Second Written Questions and the Applicant’s subsequent response. What remains outstanding is, therefore, the Applicant’s response to SEPE’s latest analysis, not the examination of replacement works as a topic. Similarly, the Applicant has previously submitted a substantial, dedicated response to SEPE [REP2-045], followed by further responses addressing matters raised in later submissions. The existence of

continuing disagreement does not erase that examination history or render the matters procedurally unaddressed.

The Applicant's Deadline 6 submission will respond to the additional material advanced by SEPE and will clearly identify any consequential updates made to application documents. The possibility that documents may be updated does not, without consideration of the nature and effect of those updates, establish that new material is being introduced or that an extension is required.

If, having considered the Deadline 6 material and any comments made at Deadline 7, the ExA identifies a discrete matter on which further clarification is required, it can address that matter through a targeted Rule 17 request or, if genuinely necessary, a proportionate revision to the timetable. That is a materially different proposition from extending the Examination in advance on the assumption that unspecified procedural prejudice may arise.

Lack of Justification for a Variation to the Examination Timetable

The fact that the present timetable does not anticipate a six-month Examination is not, itself, sufficient evidence that the timetable is unfair or improperly compressed. Current government guidance³ states that Examining Authorities should, where possible, aim to complete examinations within around five months, with the full six-month statutory period available for more complex applications.

The ExA retains the ability to vary the Rule 8 timetable within the statutory period where that is shown to be necessary and that has been deemed the case here with the ExA extending the timetable by a further two weeks to address a separate procedural matter. However, SEPE has not identified any specific document, new assessment, proposed change or unforeseen late-arising matter which cannot reasonably be addressed through Deadline 7 submissions. Its request is instead based on an assumption about the content and significance of material which is yet to be submitted.

³ Planning Act 2008: Guidance on the examination stage of an application

Premature Rebuttal

SEPE's allegation that the Applicant provided a "*preliminary rebuttal without sufficient supporting evidence*" is contradicted by the wording which SEPE itself reproduces. The Applicant's Deadline 5 Cover Letter:

- acknowledged SEPE's six Deadline 4 submissions;
- explained that a multidisciplinary review was continuing;
- stated clearly that a detailed response would be provided at Deadline 6; and
- expressly stated that no inference should be drawn from the absence of a response at Deadline 5.

The Applicant did not state that SEPE's submissions had been conclusively answered or that all matters raised were resolved. The Applicant was seeking to provide sufficient awareness to all parties of how and when it will respond to matters raised. To provide the most useful and meaningful response, the Applicant advised that more details will follow at Deadline 6. This is entirely reasonable and appropriate and does not prejudice any party, given the presence of Deadline 7.

The statement that earlier responses and positions continued to apply was not a substantive rebuttal requiring new technical evidence, it was a necessary procedural clarification intended to prevent the Applicant's silence at Deadline 5 from being incorrectly interpreted as agreement with the matters raised. It would have been unreasonable for the Applicant to leave that issue unaddressed, particularly given that SEPE's submissions sought to challenge positions previously advanced by the Applicant. Nor is there any realistic prospect that the ExA would mistake an expressly identified holding position for a fully evidenced substantive response.

The fact that the Applicant was able to respond at Deadline 5 to some submissions, while requiring additional time to respond to others, does not establish unfairness. Different submissions vary materially in their length, complexity and the number of legal and technical disciplines engaged. There is no procedural rule requiring every submission received at a deadline to be answered simultaneously, irrespective of its nature or complexity.

Summary

Based upon the foregoing, the Applicant, therefore, respectfully requests that the ExA decline SEPE's request to extend or further vary the Examination timetable.

It is important to reiterate that the outstanding responses SEPE have cited in their letter do not relate to new matters. Each of the issues they have cited within their letter have been or are being addressed by the Applicant, regardless of whether SEPE necessarily accepts / agrees with their responses. Ultimately, the Applicant is comfortable relying on the responses provided and does not consider the absence of additional responses on the same matters is in any way prejudicial to the Examination process. Importantly, Deadline 7 clearly provides SEPE and all other Interested Parties with an opportunity to comment upon the Applicant's Deadline 6 submissions.

The Applicant fundamentally disagrees with SEPE's position in its letter of 4th August 2026 that the **Rule 8(3) Letter [PD-011]** issued on 4th August 2026 provides the Applicant with a '*further compounded*' procedural advantage. The Applicant has not requested any variation to the Examination timetable set out in the first **Rule 8 letter [PD-006]**, and does not consider the amendment to the timetable that has now been made provides any procedural advantage to the Applicant. The Applicant acknowledges however, as set out in the **Rule 8(3) Letter [PD-011]**, that the variation in the timetable allows additional time for all Interested Parties to respond to Deadline 5 following the recent delays in uploading Deadline 5 submissions to the Examination Library, which is the cited basis for the variation made by the ExA in order to provide fairness to all parties.

SEPE has not been able to clearly or evidentially demonstrate any material procedural prejudice in the context of the Applicants submissions. As such, the proportionate course is to retain the existing timetable.

Please do not hesitate to contact the undersigned representative of the Applicant if you have any questions or require any further information regarding this submission.

Yours sincerely,

[Redacted]

DCO Project Manager on behalf of BSSL Cambsbed 1 Limited

[Redacted]