

East Park Energy ENO10141

Deadline 6 Submission

Virtual Site Inspection Material and Procedural Fairness

Ref: [REDACTED]

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Deadline 6 Submission

This submission should be read alongside my previous 2 submissions (S67BE35AA and S3C6E6EAC) on the VSI inspection digital site material and the difficulties experienced in accessing and assessing that evidence. The matters set out below are a continuation of those concerns, which have not been reconciled, and are not new issues and the very late addition of video material yesterday has compounded the difficulties already raised.

Virtual Site Inspection Material and Procedural Fairness

I remain concerned that the way in which the Virtual Site Inspection (VSI) material has made it difficult for me, as an Interested Party, to properly assess and comment upon evidence which may be important to the ExA's consideration of landscape, visual effects and Public Rights of Way. I recognise that the ExA has already extended the Examination timetable following delays in the publication of Examination documents. However, significant difficulties have continued.

Virtual Site Inspection material

The Applicant's Virtual Site Inspection Plan was produced following the decision not to undertake an Accompanied Site Inspection. The digital material has therefore assumed considerable importance in enabling the ExA and Interested Parties to understand the site. The Applicant itself acknowledged that the file-size restrictions and resulting division of the material into numerous files could make the videos more difficult to watch. Full-length versions were subsequently placed on the Applicant's own website on 13 July 2026, three days after Deadline 4.

I have made considerable efforts to view the material. In practice, some files have been difficult to access through the Examination Library, some have buffered when viewed on a laptop, are inaccessible on an i-phone and some of the footage uses a wide-angle/fish-eye presentation which can distort the normal perception of distance, scale and landscape relationships. I have also identified an apparent discrepancy between the 103 video clips referred to by the Applicant and the 98 clips initially identifiable in the Examination Library. I have recorded the material and I have been able to identify this, including screenshots of the Examination Library. I have retained screen shots and records of the material available through the Examination Library, including the dates on which the files appeared, together with records of the difficulties experienced I have encountered in accessing and viewing the videos.

Further video material submitted yesterday

A further concern arose on 17 August 2026, when additional video material was submitted immediately before today's final Deadline 6. This is particularly concerning because it has left me with effectively only one day in which to identify, access, watch and assess potentially relevant new evidence before the deadline. I have also experienced further difficulties accessing some of the material through the PINs in usable quality, including buffering and footage which appears distorted or compromised. However, I appreciate that material submitted before the formal deadline is technically within the Examination timetable. There is an important distinction however between evidence being technically available and an Interested Party having a realistic opportunity to engage with it.

As a local individual participating without professional resources, it is simply not realistic to review a substantial quantity of newly submitted digital evidence overnight and determine whether it changes or affects my previous representations.

Procedural fairness

My concern is therefore cumulative. The ExA did not undertake an Accompanied Site Inspection and the digital material has consequently become particularly important. That material has then:

- been divided into a very large number of files;
- been affected by file-size and hosting limitations;
- been difficult to access and view in some instances;
- included footage presented in a distorted/wide-angle format;
- had full-length versions made available only after Deadline 4; and
- now been supplemented by further video material submitted on 17 August, immediately before the final 18 August deadline.

The Applicant itself recognised that the method of providing the material in its virtual visit plan back in May 2026 could make it difficult to watch. I respectfully ask the ExA to consider whether, in these circumstances, Interested Parties have had a reasonable and effective opportunity to engage with the evidence.

Request to the ExA

I respectfully ask that the timing and practical accessibility of this material are taken into account when assessing the evidential weight that can fairly be given to it. In particular, where material has been submitted so late that I have not had a reasonable opportunity to review and assess it, I ask that the absence of detailed comments from me should not be interpreted as indicating that I have no concerns about the material. I also ask that appropriate caution is exercised when relying upon footage where buffering, fragmentation or visual distortion may affect the ability to appreciate the landscape, scale and experience of Public Rights of Way.

I am not seeking to prevent the ExA from considering the additional evidence. My concern is that the circumstances and timing of its provision should be recognised when determining the weight that can fairly be attached to it.

Conclusion

I have made every reasonable effort throughout the Examination to engage with the VSI material and to raise concerns where I have encountered difficulties. My concern is that the combination of the absence of an Accompanied Site Inspection, the difficulties accessing and viewing the digital material, its fragmented and sometimes distorted presentation, and the submission of further video material yesterday, immediately before today's deadline, has made meaningful engagement unusually difficult.

I respectfully ask the ExA to take these matters into account in the interests of a fair and properly informed Examination.