

1 September 2026

East Park Energy: late-stage material changes to the Application, unresolved evidential issues and the robustness of the case for consent

Submission: comments on deadline 6 submissions

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.

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Introduction and key concerns

This Deadline 7 submission addresses a number of significant matters which, in SEPE's view, go directly to the evidential basis on which the East Park Energy Scheme is being examined. Three issues are of particular importance:

- against a backdrop of an evolving, inconsistent position on grid connection status, material changes to the Application made late-Examination arising from the failure to secure a stand-alone BESS grid connection, with consequential implications for the functionality and utility of the Scheme as a whole;
- SEPE's identification of calculation errors and flawed assumptions within the greenhouse gas assessments, acknowledged by the Applicant, raising a fundamental question as to whether the assessments provide a sufficiently accurate and reliable evidential basis on which the legally required "*reasoned conclusion*" on the Scheme's significant environmental effects can properly be reached; and
- significant concerns over the robustness of the site-selection process for a scheme in which around three quarters of the agricultural land is classified as highly productive 'Best and Most Versatile' land.

The submission also addresses a range of other matters, including unresolved construction traffic and transport concerns, BESS safety, decommissioning, and the substantially revised replacement works regime which Interested Parties can now only consider towards the close of the Examination. Across these different issues runs a recurring theme: important elements of the Applicant's case have changed, been corrected or remain inadequately explained or scrutinised as the Examination has progressed, while errors and inconsistencies in the information provided continue to emerge. At this late stage, SEPE submits that these matters bear directly on the confidence that can properly be placed in the evidence before the Examining Authority and, ultimately, on the conclusions that can safely be drawn from it.

SEPE's submission begins by addressing the continuing procedural consequences of the Deadline 5 disruption, including the resulting compression of submissions and responses and the loss of an effective round of iterative scrutiny.

The submission is divided into three principal parts:

- Part 1: Applicant's responses, late-Examination changes to the Application and outstanding issues
- Part 2: BMV agricultural land and site selection
- Part 3: Emerging issues

PART 1: APPLICANT'S RESPONSES, LATE-EXAMINATION CHANGES TO THE APPLICATION AND OUTSTANDING ISSUES

1. Deadline 5 disruption, deferral of Deadline 4 responses until Deadline 6, and materially incomplete responses

SEPE welcomes the Examining Authority's decision to extend the Examination timetable for a second time, on this occasion following an objection from a second solar power scheme operator immediately adjacent to the East Park Energy Scheme (PS Manor Farm Solar Ltd, Eaton Socon Power Limited). However, the extension does not, of itself, fully address the procedural prejudice concerns previously identified by SEPE.

At Deadline 5, in response to the six SEPE submissions made at Deadline 4, including one addressing a new topic and one responding to a new document, the Applicant acknowledged that SEPE had *"developed matters further and supplied additional analysis"*, requiring review *"across the relevant legal and technical disciplines"*, and that as a result of publication delays following Deadline 4 there had been insufficient time for the *"full review and detailed response which those submissions require"*. It expressly stated that those responses would now be provided at Deadline 6, together with any necessary or appropriate *"targeted updates"* to the Application. In its procedural filings (AS-039, AS-031 and 'East Park Energy: procedural fairness and the effect of Deadline 5 disruption on Examination scrutiny', 13 August 2026¹), SEPE respectfully requested an additional deadline to allow those deferred responses to be scrutinised. SEPE's main contention is that the Applicant's deferral, as a result of the Deadline 5 disruption, effectively displaced a scheduled round of full iterative scrutiny.

However, at Deadline 6, originally the penultimate deadline in the Examination, rather than the promised *"full review and detailed response"* the Applicant has instead provided a series of selective and partial responses which, in certain cases, fail to engage with the substance of certain of SEPE's more significant submissions, or seek to misrepresent or mischaracterise SEPE's submissions. In its Applicant's Response to Deadline 4 and 5 Submissions – Other Interested Parties (REP6-052) the Applicant has left key matters inadequately addressed or entirely unanswered. The resulting absence of the anticipated *"detailed"* responses the Applicant had deferred to Deadline 6 means that, even with the new deadline now provided by the Examining Authority for the separate reason outlined above, the opportunity for scrutiny displaced at Deadline 5 has still not been fully and effectively restored, reinforcing SEPE's procedural concerns.

¹ Document reference unconfirmed; a third SEPE submission appears as "AS-040" in the 27 August 2026 Examination Library with an inactive link

SEPE submits that the Applicant's responses are *selective* in two principal ways: it has selected which SEPE submissions to respond to, and which to leave largely unaddressed; and within its more substantive responses, it has been selective with regard to which specific points to respond to and which to leave largely unaddressed.

Notably, the former category of 'sidestepped' submissions includes:

- 'East Park Energy: implications of Gate 1 BESS connection status for claimed benefits, available evidence, and the Scheme under Examination' (REP4-085) focuses on the material discrepancy between the Scheme described in the Application, and that under Examination. It includes detailed and extensive evidence relating to the Applicant's claims with regard to its BESS grid connection. Despite including no more than a single sentence in response to this submission, the Applicant has made material changes to the Application, apparently prompted to some extent by this submission. See Part 1, section 2
- 'East Park Energy: review of the Applicant's carbon assessment – reliability, transparency and alternative lifecycle analysis' (REP4-086)', a submission setting out evidence of issues with, and readily apparent errors within, the Applicant's greenhouse gas emissions avoidance assessment, and presenting to the Examination an alternative analysis of the Scheme's carbon dioxide emissions avoidance, based on the government's established 'Green Book' data. See Part 1, section 3

SEPE also notes that, in many cases, the Applicant relies on its original 'interim' Deadline 5 response, notwithstanding its description in the Applicant's letter to the Case Manager, 5 August 2026 (AS-038), as "*an expressly identified holding position*" with no "*realistic prospect that the ExA would mistake [it] for a fully evidenced substantive response*".

1.1 Deadline disruption and submission and response clustering

As suggested in its three procedural filings, SEPE submits that the disruption at Deadline 5 has resulted in the effective loss of a full round of iterative scrutiny. The consequence of this has been a two-way clustering and compression of submissions and responses.

This is evidenced and illustrated by:

- the restricted number and extent of submissions made by the Applicant at Deadline 5 – for example, its "*selective*", "*holding position*" response to

Deadline 4 submissions, and the deferral of amended documents including those related to the significant changes in the replacement works framework required as a result of Deadline 4 submissions

- the restricted number and extent of submissions made by other parties at Deadlines 5 and 6
- the Applicant's Deadline 6 response submissions, Applicant's Response to Deadline 4 and 5 Submissions – Host Authorities (REP6-051) and Applicant's Response to Deadline 4 and 5 Submissions – Other Interested Parties (REP6-052), where two sets of deadline comments are presented in a single response document.

1.2 Further procedural concerns

See also Part 1, section 2.5 and Appendix A – Wider procedural prejudice to Interested Parties.

2. BESS grid connection status, operational limitations and material changes to the Application

2.1 SEPE's Deadline 4 submission and consequent material changes made to the Application at Deadline 6

The Applicant's failure to secure an import connection for the Scheme's BESS as a consequence of the National Energy System Operator's Connections Reform process, and the resulting release of connection queue outcomes from December 2025, has ultimately resulted in highly significant, late-Examination changes to the East Park Energy Application.

The central contentions in SEPE's 'East Park Energy: implications of Gate 1 BESS connection status for claimed benefits, available evidence, and the Scheme under Examination' (REP4-085) are that there was a material discrepancy between the scheme detailed in the Application, and the scheme under Examination; and that the Applicant's evolving position on its battery energy storage system's grid connection status was problematic, not supported by government or sector evidence, and risked presenting a misleading impression to the Examination. The 40-page submission is detailed and evidence-based, and includes a range of specific, technical questions.

The Applicant's response (REP6-052, page 55) is introduced with a comment mischaracterising SEPE's submission, describing it as questioning the "*deliverability*" of the Scheme.

The response itself comprises a single sentence:

"The Applicant has provided responses to this matter at paragraphs 2.2.45 to 2.2.52 of the Applicant Response to Deadline 4 Submissions [REP5-023], as well as in responses to a number of interested parties within the Applicant Response to Deadline 3 Submissions - Other Interested Parties [REP4-109]."

It consists only of largely otiose references to the responses previously described by the Applicant at Deadline 5 as "*selective*" and a "*holding position*" and Deadline 3 responses now superseded by SEPE's Deadline 4 submission.

However, notwithstanding this response, which does not engage with any of the detailed evidence presented, nor respond to any of the questions asked, the Applicant has now amended a range of Application documents in relation to the absence of a stand-alone BESS grid connection. The Applicant appears to confirm that these changes have been made, at least in part, as a result of SEPE submissions. In its response to SEPE's Deadline 5 submission, 'East Park Energy: questions over technical robustness, evidential gaps and internal inconsistencies in

the Application' (REP5-033), against SEPE's heading 'East Park Energy battery energy storage system – discrepancy between Application and Scheme under review', at page 59 it states:

"The Applicant has reviewed the following application documents to amend the references to a grid connection agreement for 100 MW import in relation to the BESS:

- ES Vol 1 Chapter 1 Introduction [as updated alongside this submission];
- ES Vol 2 Chapter 2 The Scheme [as updated alongside this submission];
- Planning Statement [as updated alongside this submission]; and
- Policy Compliance Document [as updated alongside this submission]."

SEPE notes that two of the four documents changed to correct inaccurate descriptions of the BESS in the Application are not flagged in relation to the import connection changes in the Applicant's Deadline 6 cover letter (REP6-001).

The Applicant has made changes to Application documents as follows:

- **Chapter 1 Introduction** (REP6-018)

Paragraph 1.2.2, the following text deleted:

~~"The precise generating capacity and storage capacity will be subject to detailed design, but it should be noted that the Applicant presently has a grid connection agreement with National Grid for 400 MW export and 100 MW import."~~

- **Chapter 2 The Scheme** (REP6-018)

Paragraph 2.4.42, the following insertions and deletions:

"In addition to the BESS' function as an essential part of the Scheme, it will also be **designed such that it is** available to the National Grid for grid-balancing services, **should the Scheme secure an import connection offer during the operational phase of the Scheme**. By importing excess electricity from the grid and storing it, the BESS ~~can~~ **would be able to** capture electricity that would otherwise be lost or unutilised. During situations when generating stations are interrupted, the BESS ~~can~~ **would be able to** bridge the gap in production, thus avoiding potential blackouts. It should be noted that the UK electricity network is interconnected and issues in one geographic location can have far reaching implications on the network. Accordingly, the BESS **could**

offers additional capacity to deal with system stress and any variations in grid frequency at both a local and national level.”

At paragraph 2.1.3, SEPE notes that the Applicant has retained its reference to import capabilities without qualification:

“The Scheme would allow for the generation and export of 400 MW of electricity to the National Grid from the solar photovoltaic energy generating station, and would be capable of exporting and importing up to 100 MW via the BESS.”

- **Planning Statement (REP6-010)**

Paragraph 1.2.2, the following text deleted:

~~“The precise generating capacity and storage capacity will be subject to detailed design, but it should be noted that the Applicant has a grid connection agreement with National Grid for 400 MW export and 100 MW import.”~~

Paragraph 2.3.26, the following text deleted:

~~“and grid-balancing services”~~

At paragraph 2.4.22, SEPE notes that the Applicant has retained its “*flexible energy hub*” reference:

“In effect, the Scheme will function not just as a generation asset but as a flexible energy hub that helps balance supply and demand locally.”

See section 2.3 on the difficulty in sustaining phrases such as “*flexible energy hub*” in relation to a solar-only generation scheme.

Paragraph 4.1.2, the following text deleted:

~~“The precise generating capacity and storage capacity will be subject to detailed design, but it should be noted that the Applicant has a grid connection agreement with National Grid for 400 MW export and 100 MW 4.1.3 4.1.4 4.2 import.”~~

Appendix B, paragraph 1.1.3, the following text deleted:

~~“The precise generating capacity and storage capacity will be subject to detailed design, but it should be noted that the Applicant has a grid connection agreement with National Grid for 400 MW export and 100 MW import.”~~

- **Policy Compliance (REP6-012)**

Page 10, the following insertions and deletions:

In addition to its function as an essential part of the Scheme, the BESS **would could** also be available for grid-balancing services **should the Scheme secure an import connection offer during the operational phase of the Scheme**. By importing excess electricity from the grid and storing it, the BESS would ~~be able to~~ **be capable of capturing** ~~capture~~ electricity that would otherwise be lost / unutilised during periods when production of renewable energy exceeds demand, which is currently managed through curtailment. During situations when generating stations are interrupted, the BESS can also be used to bridge the gap in production, thus avoiding potential blackouts.

SEPE notes that the Applicant’s Statement of Reasons has not been corrected in line with its other amendments. Last updated at Deadline 5 (REP5-009), it retains the following text:

“battery storage ensures grid stability and reliability” (paragraph 4.3.9)

“East Park will support the UK’s energy security by generating 400MW of clean electricity and providing on-site battery storage to balance supply and demand.” (paragraph 4.3.10)

“[The Scheme] will also enhance energy security by acting as a flexible energy hub that helps balance supply and demand locally through the use of on-site battery storage.” (paragraph 4.4.4)

The changes to four Application documents at Deadline 6, together with the amended Grid Connection Statement at Deadline 4 (see SEPE’s REP5-033, section 2.1) may be limited in textual extent, but they are highly material in substance: they amend the Application to reflect a fundamental feature of the Scheme’s actual secured grid connection position which was not accurately reflected in the Application documents previously on the Examination record, with consequential implications for the operation of the BESS and the benefits claimed for it and the Scheme as a whole.

The Applicant's Deadline 6 changes substantially confirm the concerns raised by SEPE in submissions at Deadlines 3, 4, 5 and 6.

2.2 Conditional capabilities and benefits and the planning balance

Across these amended Application documents, the Applicant now appears to accept that the import capability on which wider functions depend is not secured. Yet, using conditional language, it continues to identify the benefits which *would* flow from that capability, including capturing otherwise *"unutilised"* electricity, addressing curtailment, bridging 'gaps' in production and even *"avoiding potential blackouts"*. It retains references to the Scheme being a *"flexible energy hub"*.

SEPE submits that the Applicant cannot rationally have the matter both ways: the uncertainty cannot be sufficient to require removal or qualification of the claimed capability, but diminished almost to irrelevance when weight is attributed to the benefits dependent on that same capability. If the import connection is contingent, the benefits dependent on it are necessarily contingent too. The question for the Examination is therefore not whether such benefits might theoretically arise if a future connection offer is obtained, but what weight can properly be attributed now to benefits dependent on an outcome which is not secured and may never occur.

SEPE therefore contends that if the prospect of securing an import connection is sufficiently uncertain that the Applicant has amended the Application to remove or qualify import functionality, on what basis is that same prospect sufficiently certain for its dependent benefits to continue to attract positive weight in the planning balance?

2.2.1 Further ambiguity in the Applicant's characterisation of BESS functionality and connection status

SEPE notes that the Applicant's response to Deadline 4 and 5 submissions (REP6-052) continues to present the Scheme's BESS functionality and grid connection status inconsistently.

As SEPE has already set out in detail (REP4-085), this is not an isolated inconsistency. During the later stages of the Examination, and as the implications of the BESS's Gate 1 status have come under greater scrutiny, the Applicant has progressively reframed and recharacterised the BESS's role, functionality and connection position in response to the issues raised.

Richard Fuller MP comments (REP4-074):

"The applicant's claimed public benefit from this project rests on its contribution to national green energy generation. However, the co-located

BESS features both import and export capabilities without any restrictive framework in the draft DCO

The BESS could autonomously grid-charge using fossil-fuel-generated power during cheap periods and discharge during peak times purely for financial arbitrage, detached from the solar plant's output."

As part of its brief response, the Applicant gives what appears to be a definitive and unqualified statement as to how the BESS would operate (page 22):

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

However, the Applicant reframes its position when responding to comments concerning the Scheme's grid connection status. For example, part of SEPE's oral representation during the BESS Issue Specific Hearing (REP4-084) is set out as follows:

"The Applicant's claimed Gate 2 connection position, noting that when asked by the Examining Authority (ExQ1 Q1.1.20) to provide evidence of that position, the Applicant directed the Examination to the NESO TEC Register, yet the relevant entry does not identify any Gate status. SEPE therefore invites the Examining Authority to require clear evidence and details of the Scheme's actual connection position."

The Applicant's response shifts emphasis, now presenting the absence of a confirmed import connection as a current rather than necessarily enduring position (page 53):

"The BESS currently has a Gate 1 offer in respect of its separate 100 MW import capability and does not presently have a confirmed Gate 2 import connection."

SEPE suggests that this continues the Applicant's inconsistent framing of the Scheme's grid connection status. In one context, when responding to concerns about unrestricted grid charging and energy arbitrage, the Applicant gives what appears to be a definitive statement that the BESS "*would only operate as part of the co-located solar generation*". In another, when responding directly to concerns about connection status, that position is qualified by the temporal terms "*currently*" and "*presently*", leaving open the prospect of a future Gate 2 import connection and the wider functionality that would accompany it.

SEPE contends that the Applicant appears to characterise the BESS and its connection position according to whichever formulation is most expedient in the

particular context: solar-only operation is presented as a definitive answer to concerns about autonomous grid charging and energy arbitrage, while the absence of a Gate 2 import connection is presented as merely the ‘current’ position when the implications of Gate 1 status are raised. The Applicant cannot reasonably rely on the apparent permanence of the former position to answer one concern while relying on the potential impermanence of the latter to answer another.

SEPE suggests that this further instance of expedient reframing reinforces the ambiguity already identified during the Examination as to what operational case for the BESS is actually being advanced, and consequently the basis on which its impacts and claimed benefits for the Scheme as a whole should be assessed.

2.3 Solar-only battery storage charging – seasonal limitations

As set out in its Deadline 4 submission (REP4-085), SEPE contends that it is difficult to sustain descriptions such as the following for a scheme that will, on current terms, operate on a solar-generation-only basis:

- the Scheme is a “flexible energy hub”
- “battery storage ensures grid stability and reliability”
- “East Park will support the UK’s energy security ... providing on-site battery storage to balance supply and demand”
- the Scheme will “balance supply and demand locally through the use of on-site battery storage”

These descriptions, retained in the relevant corrected Application documents submitted at Deadline 6, are difficult to reconcile with the actual pattern of solar generation in the UK climate. Alongside well established diurnal generation constraints, seasonal constraints are highly significant. During autumn and winter months, as SEPE has set out over multiple submissions, solar power generation drops to significantly low levels. Department for Energy Security and Net Zero data shows that during Q1/Q4 for the last six years, an average solar power load factor of only 5.38% was achieved. In other words, the UK’s solar power installations generated less than 6% of their total capacity on average in January, February, March, October, November and December. During Q4 alone for the last six years the average load factor for the UK’s solar installations was just 4.7%.

This is particularly significant because these periods of materially reduced solar generation coincide with the parts of the year in which electricity demand is at its highest. Solar power is not a firm source of generation: it cannot be dispatched on

demand, and its output is necessarily dependent on the availability of sunlight. In those circumstances, SEPE submits that descriptions such as a “flexible energy hub” cannot credibly be sustained for a scheme whose only source of generation is non-firm, cannot be dispatched on demand, and would generate materially less electricity precisely during the periods when electricity demand is at its highest.

SEPE directs the Examination’s attention to the new report from thinktank Onward, ‘Firm Foundations: The case for cheap and reliable power’.² Drawing on National Energy System Operator data, the report observes that:

“British electricity consumption already peaks in the winter months, before the arrival of widespread electrified heating. But solar power delivers most of its output in summer”

Following a reference to the World Bank’s ranking of the UK as the “second worst country in the world for solar potential”, its separate analysis of monthly solar capacity factors similarly concludes that:

“UK winters are very poor for solar generation”.

The practical consequence is obvious: for substantial periods of the year, and particularly during winter, there may be little solar-generated electricity available with which to charge the East Park Energy BESS. A battery that cannot import from the grid cannot compensate for that shortfall. The Scheme, including its storage capability, therefore remains subject to the same fundamental diurnal and seasonal limitations as solar generation itself, with the practical contribution of the BESS likely to be significantly constrained in winter, precisely when electricity demand is at its highest. That reality materially undermines the Applicant’s retained descriptions of the Scheme as a “flexible energy hub”, balancing supply and demand and supporting grid stability and energy security, and necessarily affects the weight those claimed benefits can attract in the planning balance.

2.4 Material changes to the Application

SEPE contends that the alterations made by the Applicant at Deadline 6 represent material changes to the Application. SEPE further notes that these changes have been made at what was, at the time of their submission, the penultimate deadline in

² ‘Firm Foundations: The case for cheap and reliable power’, Onward, 18 August 2026, <https://ukonward.com/reports/firm-foundations/>

the Examination. SEPE's conclusion on materiality is supported by the chronology of the Applicant's amendments and the circumstances in which they were made:

- Up until Deadline 6, notwithstanding its knowledge that the Scheme had received Gate 2 connection status only for its solar array since at least April, but almost certainly before (see REP4-085, Appendix A – Timeline, NESO Connections Reform Gate notifications, Application milestones and Examination submissions³), the Applicant has elected not to make such changes, instead maintaining outdated descriptions across Application documents of a critical component of the Scheme.
- At Deadline 3, SEPE raised concerns over the absence of a stand-alone grid connection for the BESS (REP3-108) and followed its submission with questions at the BESS Issue Specific Hearing in June (REP4-084) and at Deadline 4 with its substantive submission, 'East Park Energy: implications of Gate 1 BESS connection status for claimed benefits, available evidence, and the Scheme under Examination' (REP4-085). This submission set out the discrepancy between the scheme described in the Application and the scheme actually under review in the Examination.
- The Applicant has only now, at Deadline 6, changed its Application in an apparent attempt to remedy the discrepancy. The Applicant appears to confirm (see section 2.1) that these changes may have been prompted to some extent by SEPE's Deadline 4 submission.
- SEPE's detailed, evidence-based Deadline 4 submission contended that the discrepancy between the Application and the scheme under Examination was "material".

³ The Applicant has not yet submitted evidence of its grid connection offer to the Examination. The Examining Authority requested it in Q1.1.20:

"Grid Connection. In response to National Grid's Relevant Representation [RR-903] it is stated in the Applicant's Responses to Relevant Representations submitted at D1 [REP1-055] that "The Applicant can confirm that the Scheme received a 'Gate 2' offer with a connection date of October 2028, with an October 2030 backstop." Please supply evidence of the offer and agreement."

As SEPE set out at the BESS ISH and in REP4-085, the Applicant 'sidestepped' the question, offering instead wording that did not reflect the Scheme's full grid status in a transparent manner, and directing the Examining Authority to the online TEC Register where relevant details were also not available. The first and only evidence of the Scheme's connection offer still remains, therefore, National Grid Electricity Transmission's representation at Deadline 1 (REP1-080). As SEPE established in REP4-085, grid connection offers following the grid connection reform process were released to customers from December 2025.

- It is difficult not to conclude that the Applicant has accepted that the discrepancy was indeed “*material*”. It therefore logically follows that its corrections could be said to constitute a material change to the Application.

SEPE contends that this change is material in two respects:

- Firstly, the Applicant now appears to confirm that the current operational capabilities of the BESS have substantively changed and, moreover, to concede that there is extensive evidence to indicate that these changed circumstances may persist for the foreseeable future. It therefore follows that the deliverable capabilities of the Scheme as a solar/BESS co-located asset have now changed from those originally conceived and designed by the Applicant, and described in the Application to date.
- Secondly, the now acknowledged constraints on the operational capabilities of the BESS materially reduce the Scheme’s value and functionality because the BESS is currently limited to storing solar-only electricity generation.

Put simply, the Scheme entered the Examination as one energy asset and now approaches its conclusion as a materially different one. The Application described a scheme capable not only of generating solar electricity and storing it for short-period export, including to exploit price differentials, but also of importing up to 100MW of electricity directly from the grid, storing and exporting it back to the grid when required, hence extending storage and arbitrage opportunities beyond the Scheme’s own generation. That import capability materially broadened both the function of the BESS and the Scheme’s potential value to the electricity system. Yet, notwithstanding evidence suggesting that the Applicant already knew that this critical import connection was no longer secured, it is only at the originally penultimate deadline in the Examination that the Applicant has amended the Application to acknowledge that the import capability originally presented cannot presently be delivered.

The consequences extend beyond the particular benefits claimed for the BESS. As suggested in section 2.3, they go to the overall nature, functionality and energy-system value of the Scheme itself. Critically, the Examination still does not know the scale of that reduction in value. Despite SEPE raising this issue, and asking relevant questions at Deadlines 1, 3 and 4, the Applicant still has not provided the information necessary for the Examining Authority to understand or quantify the difference between the energy asset originally presented for Examination and the materially more limited asset that can now actually be delivered.

While the Applicant has not presented this important information to the Examination, SEPE submits that an available proxy for the impact on the utility of the Scheme, as it

enters the last weeks of the Examination with the absence of an import connection and its associated claimed benefits now finally confirmed, is set out in some detail in SEPE's REP4-085 submission: the concern expressed by sector professionals and commentators over battery systems being allocated Gate 1 status, and Brockwell Energy Group's disclosures in its most recent set of audited accounts (see also section 2.6). That evidence reflects not merely commercial concern, but the operational consequences of Gate 1: no guaranteed connection, queue position, protected status or reserved capacity, alongside particular uncertainty for battery and hybrid projects. SEPE does not suggest that this introduces an inappropriate commercial or viability consideration into the Examination; rather, the breadth and significance of those sector concerns provide an indication of the material reduction in functionality and energy-system value associated with a BESS unable to participate fully in the range of grid interaction, balancing services and energy arbitrage that an import connection enables.

The point is straightforward: if these two distinct operational modes – import/export and import-only – were genuinely equivalent in functionality and value, the breadth and significance of the concerns expressed across the sector would be difficult to explain.

2.5 Timing and procedural implications of the Applicant's material changes

As SEPE sets out above, the Applicant has sought, at a late stage in the Examination, to make a material change to the Application in order to address a long-standing discrepancy relating to its grid connection offer. SEPE established in its REP4-085 submission that the available evidence indicates that, during the Pre-Examination stage, the Applicant was already aware that it had not secured a stand-alone BESS grid connection. Where an applicant for NSIP development consent wishes to change its application after it has been accepted for examination, an established procedure applies, as set out in the Planning Inspectorate's non-statutory guidance, 'Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination' (last updated 18 August 2026).

The guidance states that:

"In certain circumstances an applicant may decide they need to make a change to an application after it has been accepted for examination ... Changes to an application after it has been accepted should not be routine practice."

"The applicant should notify the Examining Authority of any proposed change requests at the earliest opportunity"

“Pre-examination stage

When the applicant decides they need to make a change to an application they should provide the change notification as soon as possible after the application has been accepted for examination”

In this case, the Applicant appears to be attempting to proceed without following that guidance. The Application was accepted for examination on 30 October 2025, marking the start of the Pre-Examination stage, and that stage concluded when the Examination commenced on 17 March 2026. While the Applicant has not produced evidence of its grid connection offer (see section 2.4), as SEPE establishes in REP4-085, grid connection outcomes were released by NESO from December 2025. However, despite the high probability that the Applicant was already in receipt of information at the Pre-Examination stage to indicate it had not secured a stand-alone BESS grid connection, it nevertheless elected to proceed without addressing the consequent discrepancy in the relevant Application documents. That approach is difficult to reconcile with the Planning Inspectorate’s guidance.

Instead, the Applicant has waited until near the end of the Examination – the originally penultimate Deadline 6 – to seek to remedy the discrepancy between the Scheme described in the Application and the Scheme actually under Examination, by removing or qualifying certain of the relevant references, while retaining others. While the amendments do not involve a physical change to the Scheme as such, they reflect a material change in its nature, functionality and system value, with the operation of the BESS highly likely to be materially constrained during periods of the year when solar generation is very significantly reduced.

The timing of those corrections is of particular importance. Introducing a material change at such a late stage risks depriving Interested Parties of a proper opportunity to understand its significance, consider its implications and make informed representations before the Examination closes. This is difficult to reconcile with the approach set out in the Planning Inspectorate’s guidance, which provides that, “*under the principles of fairness and reasonableness*”, where an applicant is justified in seeking a change during examination, the request should be made sufficiently in advance of the end of the Examination to allow all Interested Parties an opportunity to consider the proposed change and file submissions on it. SEPE therefore submits that the manner and timing in which these amendments have been introduced give rise to a procedural concern.

2.6 Further evidence of uncertainty surrounding BESS connection status

The Applicant has introduced further evidence into the Examination relating to the risks associated with projects allocated Gate 1 grid connection status.

SEPE notes that the Applicant's latest Funding Statement (AS-032) includes the most recent set of audited accounts for its ultimate holding company, Lantern HoldCo Limited. These accounts incorporate a similar reference to connection reform uncertainty relating to projects with a Gate 1 allocation to that identified by SEPE in relation to Brockwell Energy Group's latest set of audited accounts in its REP4-085 submission:

"During the year, Ofgem launched a consultation process proposing new rules to tackle the grid connection backlog, including prioritising projects based on readiness and system need. These proposals evolved into the "first-ready, first-connected" model and the gate-based queue structure which was subsequently approved in April 2025 and became collectively known as the "TMO4+" reforms. Under the revised framework, **projects are awarded Gate 1 status where they remain in the queue but without firm connection rights, while only projects that demonstrate sufficient maturity (such as planning progress and deliverability) are promoted to Gate 2, where they receive confirmed connection dates and capacity.** Subsequent to the balance sheet date, the Group received the initial **results under the TMO4+ review process which confirmed Gate 1 status for several of its projects.** The Group is in the process of analysing the results of the initial application process on its prospective projects and the wider UK energy market, together with potential scope for securing the Gate 2 status in the future application rounds. Nevertheless, as set out in note 12 to the financial statements, **the directors acknowledge that the results of the TMO4+ reforms may impact on the recoverable amounts of the Group's Assets in the course of construction recognised in relation to some of its projects.**"

[emphasis added]

SEPE assumes that the above reference in the audited accounts should be to Notes 12 and 13. Note 13 states:

"Following the initial results under the TMO4+ review which were published subsequent to the year-end, the directors consider that the book value of the assets in the course of construction held in relation to these projects is at risk of future impairment due to the projects not securing the Gate 2 protected status as part of the initial evidence submission process."

3. Greenhouse gas assessment: accepted errors and evidential reliability, “sufficient” information and a “reasoned conclusion”

3.1 SEPE’s evidence of errors in the Applicant’s emissions avoidance assessment remains unaddressed

The Applicant has not engaged in any meaningful way with SEPE’s ‘East Park Energy: review of the Applicant’s carbon assessment – reliability, transparency and alternative lifecycle analysis’ (REP4-086).

That lack of engagement is particularly notable because the Applicant does not dispute the underlying premise of SEPE’s concerns: it has itself conceded that its emissions assessment contains calculation errors and significant assumption flaws. In addition, in its themed Deadline 5 “*holding position*” response, the Applicant expressly “*acknowledges that errors have been identified in some of the assumptions*” underpinning its emissions assessment. Those concessions are not peripheral to SEPE’s critique; they go directly to the reliability of the assessment and provide important context for the inconsistencies, erroneous assumptions and apparent data-selection errors identified in REP4-086.

Against that background, SEPE’s evidence-based critique of the Applicant’s carbon dioxide emissions avoidance assessment sets out inconsistencies, erroneous assumptions and apparent data selection errors. SEPE’s submission also presents an alternative carbon dioxide emissions avoidance analysis based on the government’s Green Book data and employing transparent assumptions that are favourable to the Applicant’s emissions avoidance case. Alongside SEPE’s Deadline 3 emissions analysis, which projects that the Scheme would produce carbon dioxide emissions of at least 1,500,000 tCO_{2e}, SEPE’s Deadline 4 analysis demonstrates that the Scheme would avoid just over 295,000 tCO_{2e} across its lifetime. SEPE therefore contends that the Scheme would generate more carbon dioxide emissions than it would save – a net carbon increase of in excess of 1,200,000 CO_{2e}.

Notwithstanding the significance of those findings, the Applicant’s response (REP6-052, page 56) extends to just two sentences:

“The Applicant has provided an overarching response to this matter at paragraphs 2.2.7 to 2.2.20 of the Applicant Response to Deadline 4 Submissions [REP5-023].

In addition, the Applicant has provided a response to similar comments raised with reference to response SW-D6-01 in Section 3.7 of this document.”

It consists of a reference to the Applicant's "*selective*", "*holding position*" response at Deadline 5, but now described as "*an overarching response*"; and, inappositely, a reference to its response to another Interested Party's submission which addresses entirely unrelated emissions issues.

The Applicant's response to SEPE's REP4-086 submission appears to take the following forms:

- 'Sidestepping' the principal matters set out in the submission altogether, which include:
 - the identification of apparent calculation errors and flawed figures;
 - analysis of 'cherrypicked' assumptions that lack transparency and do not appear compliant with standard 'Rochdale Envelope' practice; and
 - SEPE's alternative carbon dioxide emissions avoidance analysis which is based on established Green Book data for the duration of the Scheme lifetime, rather than the Applicant's blend of different projection options or misleading starting points to deliver an outcome significantly more favourable to the Scheme
- Referring to a submission from another Interested Party which has no direct relevance to the substance of SEPE's submission
- Using that reference to try to apply the same argument, namely that Environmental Impact Assessment does not have to be "*perfect*"

Elsewhere in its response to another Interested Party, the Applicant places reliance on the Scheme's low operational GHG intensity of "*0.246 gCO₂e/kWh*". That reliance is misplaced. Operational intensity excludes the substantial carbon cost of constructing the Scheme and replacing equipment over its lifetime, while saying nothing about how much carbon its electricity would actually avoid. SEPE submits that the relevant measure is the Scheme's net lifetime carbon effect, which is the subject of SEPE's analysis in its Deadlines 3 and 4 submissions (REP3-108, REP4-086).

3.2 The distinction between reasonable uncertainty and material error

The Applicant's defence of its greenhouse gas assessment appears to rest principally on the proposition that methodologies can vary and that (page 72):

"The Environmental Statement is required to contain the information reasonably required, having regard to current knowledge and methods of assessment, to reach a reasoned conclusion on the likely significant effects of the development"

The overarching theme of the Applicant's position appears to be that information should be "*sufficient*" or "*proportionate*" but does not need to be "*perfect*". That proposition misses the point. SEPE does not contend that greenhouse gas assessments must achieve spurious precision where transparent assumptions and corresponding ranges are appropriate. There is, however, a material distinction between reasonable uncertainty and a more straightforward concern: calculations that are erroneous, based on erroneously selected data, or founded on inadequately informed or flawed assumptions, particularly where those assumptions are not transparently explained and appear designed to produce more favourable results. SEPE's Deadlines 3, 4, 5 and 6 submissions provide evidence of precisely these deficiencies. See also SEPE's *Finch* case analysis and previous references to a "*reasoned conclusion*", sections 3.4 and 3.5.

The Applicant's position is particularly difficult to sustain given that it has already acknowledged calculation errors or erroneous assumptions in its emissions assessments.

The following examples of errors in the Applicant's emissions assessments reinforce SEPE's concerns as to the reliability of the assessment as a whole and the evidential basis of the assumptions and accuracy of the data underpinning it:

- **Scheme lifetime worker travel:**

"Table 16 within ES Vol 1 Chapter 15 Climate Change [APP-051] has been reviewed, and an error in the calculation of GHG emissions associated with the travel of workers has been identified."

- **Emissions associated with the battery system:**

"... 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"

- **Battery cell replacement cycles:**

"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”

3.2.1 Misunderstanding of battery lifecycle: an erroneous assumption falling short of a reasonable ‘worst case’

As SEPE points out in REP5-033, this third example indicates either a fundamental misunderstanding of battery lifecycle and expected service life, which are directly relevant to replacement requirements, associated greenhouse gas emissions and, critically, safety considerations given the increased risks associated with ageing cells, or a *post hoc* attempt to rationalise the use of manifestly inappropriate assumptions in the Applicant’s greenhouse gas emissions calculations.

SEPE also notes once more (section 5.3, REP5-033) that despite conceding that its calculations for battery cells were inaccurate, stating that following receipt of SEPE’s alternative emissions analysis it had now “*completed a sensitivity analysis for the batteries having at the lower end of the service life range*”, the Applicant’s Greenhouse Gas Emissions Assessment has not been updated since Deadline 4. The current version (REP4-021) still states, at paragraph 3.1.2:

“the total emissions over the lifetime of the Scheme are ~735,000 tCO₂e”

The Applicant’s current total emissions figure is approximately 9% lower than the ~809,000 tCO₂e that would result from applying what the Applicant now concedes is the appropriate, industry-standard assumption of battery replacement every 10 years over the operational lifetime of the Scheme.

This example of a misunderstanding of battery cell lifecycles undermines the Applicant’s claim, made at paragraph 2.2.8 of its “*holding position*” Deadline 5 submission (REP5-023), that:

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

The Applicant’s calculation for battery cell replacement falls well short of a “*reasonable worst-case assessment scenario*”: it does not even reflect the extensive

body of current academic and technical literature concerning accepted battery cell service life, as set out in section 5.2 of SEPE's Deadline 5 submission (REP5-033).

3.3 Errors in data selection and assumptions underpinning the Applicant's emissions avoidance assessment

In its REP4-086 submission, SEPE identifies further issues with the Applicant's assumptions for carbon dioxide emissions avoidance, including in its four very broad-ranging offset lifetime CO_{2e} scenarios. The Applicant switches between the Department for Energy Security and Net Zero's Fuel Mix Disclosure, the government's Green Book and an adjusted Green Book pathway and bases its calculations on apparently incorrectly selected data. In its presentation of scenarios (REP2-012), which does not include calculation details, the Applicant:

- apparently confuses Green Book consumption-based and generation-based data when attempting to adopt what it describes as a "*current*" long run marginal generator emission number dating from 2010; followed by basing its 40-year lifetime calculations on that now 16-year-old figure
- bases its selected full lifetime offset calculation – a claimed saving of "*1.8 million tonnes of CO₂ across its lifetime*" – on a single DESNZ Fuel Mix Disclosure grid average 2024–25 emissions factor scenario
- attempts to combine "*adjusted GHG emissions trajectory*" data from 2010, but for consumption-based, not generation-based data, up to an apparently outdated 2035 policy target before then switching to Green Book data for the remainder of the Scheme

As also set out in REP4-086 (section 4), SEPE submits that the Applicant's use of long run marginal generation is not appropriate for calculating all lifetime offsets under the operating model of a hybrid Scheme, specifically in relation to solar generation-to-grid and BESS supply-to-grid operations and evening gas peaker emissions.

SEPE notes that in its "*holding position*" response (REP5-023), the Applicant states that it:

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

Despite conceding errors in its assumptions, the Applicant's "*selective*" Deadline 5 response document does not engage with SEPE's specific concerns. The Applicant also does not engage with the clearly presented assumptions underpinning SEPE's

alternative emissions avoidance analysis, which are favourable to the Applicant, referring only, and without further qualification, to SEPE's use of "*DESNZ Green Book long-run marginal generation-based electricity GHG emission factors*".

Against these methodological and evidential deficiencies, SEPE's own analysis of the Scheme's carbon dioxide emissions avoidance, presented in REP4-086, adopts more realistic, transparent assumptions and bases its calculations on Green Book data, the established government forecasts. SEPE projects that the Scheme would avoid 295,418 tCO₂e carbon emissions across its lifetime, more than 83% lower than the Applicant's claim of 1.8 million tCO₂e. SEPE's analysis is closest to the Applicant's scenario 3, which it elected not to take forward as its selected projection. The Green Book demonstrates that, year on year, the long run marginal generation figure is forecast to drop significantly across the Scheme's lifetime. Notwithstanding the Applicant's Climate Change 'Catch 22' argument, the Green Book remains the authoritative source of projected emissions factors and using this data therefore represents a robust and Rochdale-compliant scenario, in fact, the "*reasonable worst-case assessment scenario*" that the Applicant itself says its assessment is intended to reflect.

3.4 *Finch*: errors, sufficiency and the requirement for a "reasoned conclusion"

As SEPE contends earlier in this section, it is difficult to understand the relevance of the Applicant's extensive exposition on methodology choices and the established "*sufficiency*" requirements of environmental impact analysis (pages 72–74), when, as set out above, SEPE and other Interested Parties have identified miscalculations and unsound assumptions based on inaccurately selected data – and the errors have been conceded by the Applicant.

As part of its referenced response to another Interested Party in REP6-052, the Applicant cites the well known *Finch* case [R (Finch) v Surrey County Council -2024-UKSC 20] in its support. The Applicant maintains that what is required of it in providing an assessment is only that it provides sufficient 'evidence' for the decision-maker to draw a reasoned and appropriate finding. It notes that in *Finch* the Court held that "*Conjecture and speculation have no place in the EIA process*".

Finch is a leading authority. It was a judgment of the Supreme Court and so a decision which all other courts must follow unless distinguishable on the facts. What the Applicant does not say about the *Finch* decision, however, is that the ultimate ruling was to quash the planning approval that had been granted because the assessment data provided by the applicant in that case had been incomplete and, thereby, misleading. Therefore, while SEPE would agree when the Applicant claims "*Information must be sufficient but does not need to be perfect*", as set out earlier in this section, SEPE would also submit that there is a material distinction between

reasonable uncertainty and demonstrably erroneous calculations and assumptions underpinned by flawed data.

SEPE would suggest that for the purposes of the instant application the primary teaching from *Finch* comes in paragraph 76 of the Judgment which the Applicant chose not to draw attention to in its submission:

“... the preparation of the environmental statement [is] directed towards the ability to reach a reasoned conclusion on the significant effects of the project on the environment. This is confirmed in article 5(1) [EIA Directive], which provides that the environmental statement shall “include the information that may reasonably be required for reaching a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment.” Similarly, article 5(3)(c) provides that, “where necessary, the competent authority shall seek from the developer supplementary information, in accordance with Annex IV, which is directly relevant to reaching [a] reasoned conclusion on the significant effects of the project on the environment.””

As SEPE has made clear in its Deadlines 3, 4, 5 and 6 submissions, the Applicant’s assessment data in the instant case features both errors and flawed assumptions such as to render it incompatible with the requirements of the EIA Directive as cited by the Supreme Court in *Finch*.

3.5 Basic errors and incorrect calculations cannot constitute “sufficient” information

SEPE again draws attention to the requirements of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and the Planning Inspectorate’s ‘Nationally Significant Infrastructure Projects – Advice Note Seven: Environmental Impact Assessment: process, preliminary environmental information and environmental statements’, set out in section 5 of SEPE’s Deadline 4 submission (REP4-086), specifically in relation to the requirement for the Environmental Statement to contain sufficient information to enable the Secretary of State to reach a legally compliant “*reasoned conclusion*” on the Scheme’s likely significant environmental effects.

SEPE also again refers (section 3.2.1, REP6-065) to the Planning Inspectorate’s advice relating to the Rochdale Envelope, that:

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

SEPE suggests that “*sufficient*” must imply, as a minimum, information that is accurate in its material respects and not affected by straightforward calculation or factual error.

SEPE contends that greenhouse gas assessment is not a peripheral issue for the Examination to consider: the Scheme’s greenhouse gas assessments are fundamental to understanding its claimed climate benefits and weighing those benefits in the planning balance.

4. Construction traffic and transport: unresolved questions over traffic figures and enforceability of controls

4.1 SEPE's sample materials and construction transport reconciliation: a repeatedly avoided evidential test

The Applicant's more substantial response to 'East Park Energy construction traffic evidence submission: construction material and delivery traffic reconciliation, omitted traffic categories and wider transport issues' (REP4-081) still fails to address SEPE's prominent and detailed sample construction materials and transport reconciliation.

Using data provided in the Application itself and designed to test consistency, the reconciliation exercise suggests that stated aggregates deliveries alone would require more than 9,000 two-way 30-tonne tipper movements.

Put simply, SEPE's reconciliation indicates that either the stated aggregates quantity is wrong, further undermining the Applicant's greenhouse gas assessments, which it has already conceded contain a range of calculation errors and flawed assumptions; or the transport assessment is wrong, materially underestimating construction-phase HGV movements and the resulting impacts on the local and strategic road network and junctions, including highway safety and wider community impacts.

SEPE first set out its sample materials and construction traffic reconciliation at Deadline 1. In its response (REP2-045), the Applicant did not respond to the exercise. SEPE therefore repeated the sample reconciliation in its Deadlines 3 and 4 submissions. However, rather than engaging directly with the sample reconciliation, which SEPE suggests is a simple enough exercise, the Applicant has persistently elected to avoid a direct response. At paragraph 2.12.1 (REP6-052), the Applicant states:

"Both Bedford County Council and Cambridgeshire County Council have acknowledged that they are satisfied that the appraisal of trip generation has followed a robust methodology, and that there are no concerns in respect of the volume of traffic during the construction phase"

SEPE submits that the Applicant's response, made at what was the penultimate deadline, once more offers a deflection and fails to engage with or respond to the specific calculations set out across SEPE's submissions. SEPE's question does not relate to "*methodology*"; it is a straightforward test of reconciliation of materials quantities and associated transport movements. SEPE suggests that the Applicant's repeated reluctance to engage with what is, on its face, a basic reconciliation exercise, inevitably raises a question as to whether a direct response might expose

significant inaccuracies and an inconsistency between the construction traffic figures presented in the Application and the underlying materials requirements. Importantly, the figures presented by the Applicant in its DCO submissions have been employed during engagement with the national and local highways authorities.

Reliance on the highway authorities' general satisfaction with the methodology does not answer the specific evidential question, nor does it explain why the Applicant has declined, across successive deadlines, to demonstrate whether SEPE's reconciliation is correct or, if it is said to be incorrect, where the sample analysis fails.

4.2 Construction traffic omissions and the reliability of forecast volumes

The Applicant's response does not go beyond acknowledging SEPE's evidence that certain categories of the Applicant's estimated construction traffic volumes have been omitted or miscalculated and underestimate the total forecast trips, with consequential implications for the construction and environmental impact assessments (and potential significance rating). Neither does it acknowledge that the outcome of engagement with National Highways and local highway authorities and the content of their submissions is based on those figures which SEPE contends are not an accurate representation of the total forecast flows.

SEPE further submits that the construction traffic omissions now conceded by the Applicant result from a lack of clarity and transparency in the Application's underlying assessments and their presentation, reducing confidence in their overall accuracy and completeness.

4.2.1 Applicant's reliance on unenforceable behavioural assumptions

The Applicant misrepresents SEPE REP4-081 submissions, for example, at REP6-052, paragraph 2.12.4:

"The Applicant would note that there is no inconsistency in the way that estimated construction staff trips have been presented within the various assessments."

This is a mischaracterisation of SEPE's comments. SEPE's concern relates to the unrealistic basis of the Applicant's assumptions, encapsulated in the following comment later in the same paragraph:

"...reasonable assumption for the level of car sharing that would be expected to occur"

SEPE's contention is that as the car-sharing and minibus options are entirely optional there is merely an 'expectation' that workers will use them. The inconsistency within the Application is that any value attributed to these optimistic, behaviour-dependent travel assumptions is undermined by the Applicant's provision for car parking for the full peak site workforce. SEPE submits that this demonstrates the Applicant itself lacks confidence in its unenforced car-sharing and minibus arrangements, which rely entirely on worker behaviour. SEPE submits that without enforceable measures to secure those optional arrangements, the Applicant's "*worst-case scenario*" (2.12.6) is not merely theoretical but is likely to be close to representing the real-world scenario. See also section 4.5.1.

A similar example of a dismissed and mischaracterised comment is evident at paragraph 2.12.9, where the Applicant deflects from the point made by SEPE relating to an omission in presented fatality data by referring back to its Deadline 4 response where SEPE's comment was also disregarded without engagement.

SEPE once more repeats the concern that one of the three recorded fatalities occurred at Pigg's Hill on the B645. This fatal injury accident involved a collision between a car and an HGV. This section of the B645 would form the principal construction traffic route to Site D.

4.3 Further potentially omitted construction traffic

Paragraph 4.3.5 of the Outline Construction Traffic Management Plan (oCTMP) confirms that mobile welfare units will be provided at satellite compounds. Their delivery, servicing and eventual removal will generate vehicle movements, but it is unclear whether these trips are included in the Applicant's construction traffic figures. This provides a further potential example of the omitted traffic categories identified by SEPE across its submissions and reinforces the need for a comprehensive reconciliation of construction traffic by the Applicant to inform stakeholder engagement and, in particular, provide a revised, more accurate basis for agreement of Statements of Common Ground.

4.4 Host Authority responses

The Applicant relies on the agreement of National Highways and the local highway authorities on traffic and transport matters. However, that agreement necessarily reflects the evidence provided to those authorities by the Applicant during the course of the Examination. As SEPE has submitted, relevant evidence may be missing, including traffic modelling assessment to understand the impact on the 'U-turn junctions' for the junctions to the north and south of the A1/B645 junction where U-turn manoeuvres are required (including the A1 Buckden Junction or A1 Little Paxton Junction to the north and Black Cat Junction or A428/A1/B1428 Wyboston

Roundabout to the south), while other evidence may rely on incorrect information, calculations or assumptions, including the total HGV movements associated with materials deliveries.

4.5 Reliance on construction traffic assumptions not secured by enforceable controls

SEPE has consistently called for more robust and enforceable controls over construction traffic and transport movements and has also submitted that the Applicant's reliance on anticipated peak HGV movements is not reflected in its control plans. For example, in its REP4-082 submission SEPE stated:

“SEPE also notes that, elsewhere during the Examination, the Applicant has repeatedly relied on an anticipated peak construction traffic level of 30 HGV arrivals and 30 HGV departures per day when responding to concerns regarding construction traffic. However, SEPE has been unable to identify any corresponding enforceable limit within either the draft DCO or the Outline Construction Traffic Management Plan.

If the Applicant considers that this HGV limit forms part of the basis on which the environmental assessment has been undertaken, SEPE submits that it should be secured through the DCO rather than relied on as an operational expectation.”

4.5.1 Local evidence on the likely use of unsuitable roads and the inadequacy of self-regulation and retrospective reporting

SEPE notes that local Parish Councils have articulated specific concerns over traffic and transport impacts.

For example, Dean and Shelton Parish Council (REP1-106) refers to issues relating to *“access points to the site off many minor roads in the whole site area”* and submits that:

“While the applicants intention seems to be to control traffic access the development from one junction on the A1, human nature would indicate that traffic approaching from the west (the A6) is unlikely to travel all the way around the outside of the development site to the A1 and then access from there”

“smaller feeder roads that pass through local villages are unsuitable for any volume of traffic particularly HGV traffic. All of these will likely be used to gain access to the development site”

In a more recent example, in a Deadline 6 submission entitled ‘Objection to construction traffic controls’ (REP6-059), Great Staughton Parish Council set out its own detailed concerns. Along with issues around the *“large volumes of construction traffic [using] a narrow stretch of the Great Staughton Road”* and risks relating to ‘incentivising’ *“worker traffic to take shortcuts through the local villages rather than using the main site entrance”*, the submission states:

“The Parish council wishes to voice its continuing concern that the revised transport documents do not address the feedback that we and many residents have previously provided.”

“Enforcement of HGV Restrictions

The updated Outline Construction Traffic Management Plan relies heavily on self-regulation and retrospective reporting. We remain concerned that there is no robust, real-time enforcement mechanism to stop HGVs from routing directly through our village. Relying on voluntary compliance by third-party hauliers is inadequate to protect our community from the physical impact of heavy vehicles. There should be binding, independently monitored routing enforcement for HGVs.

Worker Traffic

While the developer has proposed a voluntary car-sharing plan, there seems to be no plan to enforce it. Hundreds of private cars and light commercial vans will still be free to use our village and our narrow local lanes as a daily shortcut. To avoid this outcome, the Parish Council requests that the examining authority replaces the applicant’s reliance on voluntary compliance with binding requirements:

- 100% of workforce vehicles must report to the main site D access, with direct private vehicle access to satellite compounds via local roads being prohibited
- windscreen permits for all project-related vehicles, combined with ANPR monitoring on the local roads and independent enforcement”

SEPE reproduces these particular comments in full as they replicate or reflect the many submissions made by SEPE as a community group, and other Interested Parties, across the Examination.

SEPE contends that these clearly articulated concerns demonstrate a consistent and compelling body of locally informed evidence regarding the likely use of unsuitable minor and village roads by construction and workforce traffic. They reinforce SEPE's submission that reliance on voluntary routing, self-regulation and retrospective monitoring provides no adequate or enforceable safeguard against those impacts and does not satisfactorily address the legitimate concerns repeatedly raised by affected communities throughout the Examination.

5. Replacement works – significant changes, environmental effects and controls

5.1 Significant and late-Examination development of the replacement works regime

SEPE notes that the Applicant has made a wide range of substantive changes to its replacement works framework as a result of submissions made at Deadline 4. The Applicant's Deadline 6 submissions on replacement works were deferred from Deadline 5.

SEPE's 'East Park Energy: response to the Applicant's Technical Note on Replacement Works – assessment of key issues' (REP4-082) raises concerns including whether replacement works would remain within the environmental envelope assessed in the Environmental Statement, whether the DCO provides sufficiently robust and enforceable controls over replacement activities, the evidential basis for assumptions on replacement thresholds, campaigns and environmental effects, and the adequacy of regulatory oversight and assessment of traffic, highway safety and soil impacts. SEPE's submission flagged particular concerns over the potential for the stated 20% threshold to allow multiple series of sub-threshold replacement campaigns and, at the other extreme, campaigns at or close to 100%.

SEPE notes that in its Cover Letter (REP6-001), the Applicant states that it has "*substantially revised*" its materials relating to replacement works following its review of Host Authorities' Deadline 4 submissions and subsequent engagement with the Host Authorities. It also considered "*comments submitted by Stop East Park Energy*".

SEPE's procedural filings (AS-039, AS-031 and 'East Park Energy: procedural fairness and the effect of Deadline 5 disruption on Examination scrutiny', 13 August 2026⁴) cautioned that the Deadline 5 disruption had displaced a full scrutiny round. That concern is now borne out by 'substantial revisions' to the replacement works regime emerging only at what was originally the penultimate Examination deadline.

SEPE submits that because of the wide-ranging and substantive changes, the short period between publication of documents and the date of Deadline 7, and the volume and substantive nature of the full range of documents available for Interested Parties to review following publication at Deadline 6, it has not had sufficient time to make a comprehensive assessment of the new replacement works regime set out in new Application documents.

⁴ Document reference unconfirmed; a third SEPE submission appears as "AS-040" in the 27 August 2026 Examination Library with an inactive link

The following comments therefore result from a high level review only of available submissions.

5.2 Observations and concerns following SEPE's high level review

5.2.1

The Applicant has now incorporated the replacement works framework into the Environmental Statement as an appendix. The main changes introduced by the Applicant relate to the 20% replacement criteria in a rolling 12-month period and associated notifications; and the traffic routes and access during replacement works.

SEPE notes that many of the concerns raised by the Host Authorities at Deadline 4 were replicated in SEPE's REP4-082 submission. For example, replacement triggers were a central issue for Bedford Borough Council and Cambridgeshire County Council, with both Bedford Borough Council and SEPE describing the trigger threshold as "*arbitrary*".

Concerns by the Host Authorities culminate in the significant request detailed in Huntingdonshire District Council's Deadline 6 submission (REP6-060) where it states that notwithstanding "*the Applicant's approach as now amended can be progressed*".

"The Host Authorities have reviewed and considered the Applicant's proposed approach to the replacement phase following ongoing discussions since Deadline 5. The Host Authorities consider that, as a matter of principle, the DCO should contain a defined replacement phase which is secured with the DCO itself. Whilst this is not yet common practice within precedent DCOs, the Host Authorities view is that this approach should be taken in light of the potential need for significant replacement works across the lifetime of the project and the known likelihood of technological change and advance over the duration of the Scheme."

5.2.2

SEPE is concerned to note that in its response to SEPE's REP4-082 (REP6-052, page 43), the Applicant acknowledges that successive 'marginally below-threshold' solar panel campaigns are a possibility:

"Even if successive replacement campaigns were undertaken at a level just below the 20% threshold"

“successive campaigns could extend the overall Scheme-wide replacement programme”

In response to SEPE’s comment that a single 20% solar panel replacement campaign would involve around 140,000 panels, effectively larger than a typical LPA-scale solar scheme, it also acknowledges (page 44) that these sub-20% campaigns would be of significant scale:

“The Applicant does not dispute that a planned replacement campaign involving 20% of the solar panels would constitute a major operational activity in its own right, or that the associated works would be capable of generating environmental effects across a range of receptors.”

These acknowledgements reinforce SEPE’s concern that the proposed 20% threshold does not provide a meaningful safeguard against the impacts of substantial replacement activity. Successive campaigns falling just below the threshold could each constitute major operational activities with potentially significant environmental effects, while cumulatively extending such activity over a prolonged period, without triggering the wider controls that would apply if the threshold were exceeded.

5.2.3

SEPE contends that traffic and transport issues and effects are frequently downplayed in the Outline Operational Environmental Management Plan (oOEMP) (REP6-034) and other plans, with statements such as “...resulting in a negligible number of traffic movements on the road network at any one point in time” used for several different components. While this may be the case for some individual component replacements, concern remains regarding the total number of movements, the routes used (particularly without reinstatement of the access tracks), and the cumulative effects.

5.2.4

Access is covered in Section 2.4, which contains significant amendments. It confirms that Site C will be accessed from the B645 and Moor Road for routine maintenance works and replacement of inverters and transformers. This reinforces SEPE’s previously raised safety concerns regarding this junction and is another example of the Applicant appearing to present or disregard evidence selectively to suit its case. Potentially more significantly, the Applicant confirms that access SA12 on Great Staughton Road will be used for panel replacement works.

All traffic for Sites A and B will travel through Great Staughton. Site A will be accessed via public roads as far as accesses SA01 and SA02 on the B660. This

appears to conflict with one of the key principles established for the construction stage and, SEPE understands, was also raised as a concern by at least one of the Host Authorities. SEPE considers this departure from the previously assessed approach in the Environmental Statement for the construction stage traffic movements (using the internal haul roads) is a significant and unacceptable change, given the resulting increase in construction traffic volumes travelling through Great Staughton and Pertenhall.

SEPE submits that the Applicant could address some of these concerns by retaining appropriate sections of the access tracks following completion of the construction phase, or by reinstating them when required for replacement works.

5.2.5

Traffic and transport is covered in Section 3.6, which introduces a Sensitivity Scenario to consider the impact on the local highway network. This assesses *“the replacement of 100% of the panels within a single major replacement campaign”* to provide what the Applicant describes as *“a robust worst-case assessment”*. The Applicant’s conclusions include:

“3.6.43 Assuming that each member of the work crews for replacement activities would travel in individual vehicles to the main site compound in Site D, a 100% panel replacement campaign would therefore result in a total maximum daily trip generation of approximately 61 two-way vehicle movements per day along the B645. This level of traffic generation is significantly lower than the maximum level of construction traffic assessed in the ES and TA.”

“3.6.46 The sensitivity scenario would increase the total number of replacement movements and the period over which they could occur but would not increase the peak daily number of replacement crews or panel-distribution movements above the five-crew scenario assessed above. The increase in total traffic on the affected routes would remain low, and the works would be temporary, sequential and subject to the routing, timing, public-rights-of-way and traffic-management controls in the OEMP. The resulting traffic and transport effects would remain negligible or minor adverse and would not be significant in EIA terms.”

The Applicant attempts to present the increase in traffic as virtually ‘imperceptible’ in relation to overall traffic flows. However, SEPE notes that Table 4 identifies 575 vehicle movements to replace 20% of the solar panels across Sites A, B and C (assumed to be double for two-way journeys). All of these vehicles would pass through Great Staughton. This is therefore not comparable with the Environmental

Statement assessment, which proceeds on the basis that construction traffic would be routed so as not to pass through the village (irrespective of whether that routing would in fact be adhered to in practice).

5.2.6

A Cumulative and In-Combination Effects section has been added and now forms part of the Environmental Statement. It is unclear whether any robust assessment has been undertaken, with the Applicant concluding that:

“3.13.3 Subject to the OEMP controls and any additional measures identified through the Environmental Review, no likely significant cumulative or in-combination effects would arise.”

SEPE submits that, following numerous changes to the different project phases and late amendments relating to the significant replacement works regime, it is difficult for Interested Parties to understand fully the different access arrangements proposed for the construction, operation (including replacement works) and decommissioning phases, and to assess properly the implications and effects arising from these differing arrangements.

5.3 Traffic and access matters requiring resolution before the close of the Examination

SEPE requests that three significant matters are resolved before the close of the Examination to provide clarity, secure more robust control measures and reduce adverse effects on local communities:

- The need for a definitive plan of restricted routes for all construction-related vehicles (including construction workers) for each phase of works, providing clarity and transparency as to where vehicle movements are permitted.
- The retention of appropriate sections of the access tracks to keep replacement works construction traffic away from villages, including Great Staughton and Pertenhall; accident-prone junctions, including the B645/Moor Road junction; and sensitive locations such as Great Staughton Primary School and school bus stops.
- A more robust assessment of the effects on Great Staughton and Pertenhall, as the traffic and transport effects on these local communities are materially different from the construction-stage scenarios assessed in the Environmental Statement.

6. BESS safety: deferred evidence, technology flexibility and post-consent controls

6.1 The safety case for a BESS that has yet to be selected

In its post-hearing submission relating to Issue-Specific Hearing 4 on BESS, ‘East Park Energy BESS: safety, technology flexibility and Examination confidence’ (REP4-084), SEPE submitted concerns over whether the BESS safety case adequately addresses the considerable flexibility retained over technology, chemistry and supplier, including worst case fire and thermal runaway risks, and whether sufficient scrutiny is secured where key safety evidence is deferred until after the Examination.

6.1.1 The single-enclosure fire assumption and independent verification of the final BESS design

SEPE notes the changes the Applicant has made to the oBSMP, including the additional requirements for equipment-specific testing and independent Fire Protection Engineer review. However, these changes do not resolve the central concern: important parts of the safety case will only be demonstrated *after* the Examination, once the final BESS technology, chemistry, supplier and system design have been selected.

This is particularly important because the Applicant’s fire modelling is based on a fire being contained to a single BESS enclosure. The Applicant says this is appropriate because the equipment ultimately selected will be required to demonstrate through large-scale fire testing that fire will not propagate beyond the enclosure of origin. Yet the final equipment has not yet been selected and the evidence relied on to demonstrate non-propagation will therefore only become available after the Examination.

The Examining Authority must therefore satisfy itself as to what evidence presently demonstrates either that propagation beyond one enclosure can reasonably be excluded or that the environmental and public safety consequences of a fire involving more than one enclosure would remain within acceptable limits. If neither has been demonstrated, the question is what provision of the DCO would prevent approval and energisation of the BESS unless this has been independently verified.

The Applicant relies on Requirements 3 and 10, together with the future detailed design and final BSMP, to address these matters. Requirement 10 requires LPA approval of the final BSMP following consultation with Cambridgeshire Fire and Rescue Service and the Environment Agency. The Applicant also states that this future process will be supported by *“specialist independent technical verification”*.

However, Requirement 10 does not appear to require independent verification and sign-off of the complete 100MW BESS design before approval.

This is significant because the approving LPA has acknowledged that it does not have the relevant specialist BESS expertise. Where important system-specific safety evidence has not been available to the Examination, the Examining Authority must satisfy itself that the post-consent controls provide sufficiently robust and independent scrutiny to address that gap. The question therefore arises whether Requirement 10 should secure independent verification of the final BESS design by an appropriately qualified and independent specialist with direct experience of utility-scale BESS developments of comparable scale and complexity.

By way of illustration, Requirement 10 could provide simply that:

‘The final battery safety management plan must not be approved unless the final design of Work No. 2 has been independently verified by a suitably qualified and independent specialist with demonstrable experience of utility-scale battery energy storage systems of comparable scale and complexity to the 100MW BESS.’

The detailed technical scope and methodology of that verification could remain within the oBSMP and final BSMP.

6.1.2 BESS flexibility must be matched by sufficient evidence and enforceable controls

SEPE recognises that final technology selection and detailed design may appropriately take place after consent. The concern is the balance between flexibility and control. The Applicant seeks considerable flexibility over the BESS ultimately installed, while important evidence demonstrating the safety of that final system will only be produced later. If that flexibility is granted, it must be matched by clear and enforceable controls over how it is exercised.

The central question for the Examining Authority is therefore not simply whether these matters can be assessed later, but whether it has sufficient evidence to reach the necessary conclusions now and, where evidence is necessarily deferred, whether the DCO secures sufficiently robust and independent scrutiny before the 100MW BESS can be approved and energised.

6.2 Recent BESS fires: real-world context for the assessment of fire risk

SEPE wishes to draw the Examination's attention to a series of recent BESS fires in the UK, including three incidents occurring within a matter of weeks in early 2025 and further incidents reported during 2026. SEPE does not suggest that the occurrence of fires at other BESS facilities demonstrates that a fire will occur at East Park Energy. Rather, these incidents provide important real world context for the Examination's consideration of BESS fire risk and reinforce the need for a robust, evidence-based safety case, particularly where the final technology and system design have not yet been selected and important equipment-specific safety evidence will not be available until after the Examination.

Three fires at battery facilities in the UK occurred in the first quarter of 2025. The first two were at sites still under construction:

- In February, a fire broke out at Statera Energy's 300MW/600MWh battery storage site at East Tilbury, Essex
- Two days later, a fire erupted at Anesco's 49MW/49MWh BESS site near the village of Rothienorman, Aberdeenshire
- In March, a fire started at the Cirencester Hybrid Solar Farm in Gloucestershire, a small renewable energy site owned by Warrington Borough Council that combines 23MW capacity solar panels with a 10MW/51MWh battery energy storage system. The incident required 40 firefighters

Incidents recorded so far in 2026 include:

- In May, a fire broke out at a modest 7MW/9MWh BESS project at the former Rufford Colliery in Nottinghamshire. It was thought to be caused by a short circuit of the nickel manganese cobalt technology used at the site
- In June, a fire was reported at a small 0.2 MW/0.8 MWh BESS, recently installed in a residential area of Exeter, Devon

The relevance of these recent BESS incidents should also be considered alongside the recent fires associated with solar sites and electrical infrastructure discussed in Part 3 of this submission, which demonstrate the potential for ignition and fire spread within the wider environment in which the East Park Energy BESS would operate.

7. Decommissioning and restoration: costs and financial security

7.1 New and substantive financial security evidence remains unaddressed

SEPE's 'East Park Energy: decommissioning, restoration and the absence of secured financial assurance' (REP4-083) draws together and supplements issues identified across previous SEPE submissions but also includes important new points, including the concerns raised by National Gas Transmission plc as an Interested Party, and the associated protection package the owner and operator of Britain's national transmission system for gas has called for.

The Applicant's response to SEPE's REP4-083 (REP6-052, page 50) comprises a single sentence, consisting only of a reference to the response previously described by the Applicant at Deadline 5 as "*selective*" and a "*holding position*".

"The Applicant has provided a response to this matter at paragraphs 2.2.43 to 2.2.47 of the Applicant Response to Deadline 4 Submissions [REP5-023]."

7.2 Financial protection for infrastructure risks but not scheduled decommissioning and restoration

SEPE draws the Examination's particular attention to SEPE's submissions relating to National Gas and financial security, detailed in section 3 of REP4-083.

SEPE notes that in relation to its live gas pipelines across the site, National Gas Transmission plc has sought protective provisions requiring insurance and financial security, including a parent company guarantee, bank bond or letter of credit, against insolvency and unrecoverable future liabilities, expressly highlighting the additional risks of Special Purpose Vehicle-promoted developments such as East Park Energy.

This demonstrates recognition by a major statutory undertaker that legal obligations alone may be insufficient. SEPE submits that the Applicant has not explained why substantial decommissioning and restoration liabilities, an important and scheduled phase in the Scheme, should remain unsecured, or attract a lower standard of financial assurance than National Gas requires for its own infrastructure relating to the risk of accidents, damage or other physical failure events.

SEPE contends that the National Gas position set out at Compulsory Acquisition Hearing 1 illustrates why financial backing matters. Responding to the Applicant's reluctance to agree to the full financial provisions requested, its planning barrister, Rebecca Clutton, described the Applicant's approach as "*unconventional*" and explained:

“I could say to you, I’ll indemnify you to the tune of £100m – if you don’t have £100m that indemnity is worthless.”

She further warned that: *“there is always a risk of uninsured events arising”* with failure affecting critical gas infrastructure representing *“a low risk, but highly damaging outcome if it arises.”* Questioning the Applicant’s resistance to financial safeguards, Ms Clutton added: *“It’s really difficult to see why the party won’t just agree to this.”* SEPE submits that the same reasoning applies to decommissioning and restoration liabilities, which, by contrast, under the terms of the Development Consent Order (DCO) will more certainly *“be called upon”* and supports the need for demonstrable financial security rather than reliance on legal obligations alone.

7.3 The Helios precedent

SEPE also once more draws the Examination’s attention to the Helios Renewable Energy Project Order 2025, as identified in REP1-058.

The Applicant accepts that the Helios DCO includes a specific requirement for decommissioning security. While this does not establish a mandatory precedent, it demonstrates that such security can be secured through a DCO and has been accepted by the Secretary of State within the NSIP regime. The relevant question is therefore not whether such a safeguard can be included, but whether there is any compelling reason why equivalent protection would be inappropriate for East Park Energy.

SEPE accepts that comparable provisions have not been included in every solar NSIP. However, each application must be determined on its own merits. In the present case, the justification is particularly strong given the high proportion of Best and Most Versatile agricultural land affected by the Scheme and the importance of effective restoration to agricultural use in underpinning its claimed temporary nature. SEPE submits that an absence of equivalent provisions in other DCOs therefore provides no reason not to secure appropriate financial safeguards here.

7.4 Applicant’s projected decommissioning costs and the absence of secured funding

The Applicant submitted a revised Funding Statement (AS-032) after Deadline 5, updating its Deadline 5 version (REP5-011).

Paragraph 3.1.1 of REP5-011 states:

“The current estimated cost to construct the Scheme is approximately £370 million.”

Paragraph 3.1.1 of AS-032 states:

“The current estimated cost to deliver the Scheme is approximately between £370 and £380 million.”

Paragraph 3.1.4 states:

“The Applicant has provided what it considers to be a realistic cost estimate for decommissioning, based on estimates from qualified specialists and European comparison studies, in order to provide comfort that this has been considered and that the Applicant is confident that funding will be available.”

It therefore appears that the Applicant has estimated decommissioning costs at up to £10 million. However, it provides no accompanying cost breakdown or parameters for the decommissioning phase, nor does it specify whether restoration is included within that estimate. Nor does the Applicant explain how its estimate would be reviewed over the 40-year operational period, including to account for inflation and changes in decommissioning and restoration costs.

The Applicant is seeking development consent for a 40-year project as a ‘temporary’ scheme, after which the solar and battery storage infrastructure should be decommissioned and the land restored to the *status quo ante*. As SEPE contended in its REP4-083 submission, securing not only provision for eventual decommissioning and restoration, but an executable means of delivering it, is a central part of the development application.

The Applicant does not give any sources for its figures. In the absence of supporting sources, assumptions or evidence, it is not possible to test those figures or assess their reliability. SEPE has therefore considered the available UK government evidence on decommissioning costs as a point of comparison. The Department of Energy Security and Net Zero’s Arup study⁵ includes a brief reference to decommissioning costs. Its findings are based on a very small sample of schemes. None of these schemes is at NSIP-scale (only one NSIP-scale solar complex has so far been constructed, Cleve Hill in Kent).

⁵ ‘Renewable energy generation cost and technical assumptions – Onshore wind and solar PV cost of electricity report update 2024’, DESNZ, Arup, July 2025, <https://assets.publishing.service.gov.uk/media/68ba91f411b4ded2da19fe92/onshore-wind-and-solar-pv-cost-electricity-report-update-2024.pdf>

At paragraph 6.8.4, the Arup study states:

“Decommissioning costs involve the expenses related to safely dismantling and removing the infrastructure of a solar farm at the end of its operational life. Arup received five responses regarding these costs, and after evaluating the information received based on the criteria outlined in Chapter 3, four data points were used to calculate an average decommissioning cost of £15k/MW, with a low cost of £4k/MW and a high cost of £25k/MW.”

At paragraph 3.8, Arup states:

“Decommissioning cost: This cost pertains to dismantling and removing infrastructure at the end of the farm’s operational life. It includes disposal and recycling expenses, net of earnings from the sale of scrap.”

The Arup study does not provide further information about the basis or scope of these decommissioning cost estimates. In particular, it does not identify whether the limited responses on decommissioning costs relate to projects on greenfield or brownfield land, whether the estimates include the decommissioning of any associated battery energy storage systems, or whether they include the full restoration of the site following removal of the solar farm infrastructure. The responses should also be distinguished from the wider solar dataset, which comprised 18 project responses, of which only a subset was used for particular elements of the cost analysis.

The Arup figures therefore provide, at most, a broad benchmark for solar infrastructure removal; they do not establish the likely cost of decommissioning and fully restoring this particular scheme.

Based on its nameplate capacity of 400MW, and according to these very broadbrush figures, East Park Energy’s decommissioning costs would therefore be between £1.6 million and £10 million.

Given that the Applicant itself appears to consider a figure of up to £10 million to be a “*realistic cost estimate*” of its decommissioning liability, the issue is therefore not whether such a liability exists, but how the necessary funds will be secured and remain available when required. As SEPE has repeatedly submitted, expectation that funding will be available is not equivalent to securing that funding for the purpose for which it will ultimately be required.

SEPE suggests that, as the upper end of this range broadly accords with the upper end of the Applicant’s own projection – notwithstanding the significant limitations and

uncertainties attaching to both figures, and the resulting likelihood that they materially underestimate the full cost of decommissioning and restoring a scheme of this scale – the Applicant should reasonably be able to ringfence less than 3% of the Scheme’s estimated capital cost to secure its eventual decommissioning and restoration. SEPE therefore respectfully invites the Examining Authority to consider whether appropriate financial security should be secured as part of the DCO. As suggested in REP4-083, such security could be provided through an appropriate financial mechanism, such as a bond or other ringfenced financial guarantee, ensuring that sufficient funds remain available for decommissioning and restoration irrespective of the Applicant’s financial position at the end of the Scheme’s operational life.

7.5 The case for securing foreseeable decommissioning and restoration liabilities

Such financial security is particularly important given that effective decommissioning and restoration underpin the Scheme’s claimed temporary nature and the eventual return of the land to productive agricultural use, particularly where such a high proportion of the Scheme comprises Best and Most Versatile agricultural land. It is also consistent with National Gas’s position in this Examination, which seeks a parent company guarantee, bank bond or letter of credit to protect against potential future events such as insolvency and financial default. By contrast, decommissioning and restoration are not merely contingent risks: they are an integral and foreseeable part of the Scheme itself. SEPE contends therefore that there is a compelling case for ensuring that sufficient funds are secured and remain available to meet those obligations when they arise.

For completeness, SEPE also submits that the financial position or corporate status of other companies within the Applicant’s group is irrelevant in the absence of any legally enforceable intra-group guarantee requiring those companies to meet the Applicant’s liabilities.

PART 2: BMV AGRICULTURAL LAND AND SITE SELECTION

1. The importance of project-level decision-making in protecting productive farmland

SEPE submits that the proposed use of approximately 1,900 acres of predominantly Best and Most Versatile (BMV) agricultural land requires particularly careful scrutiny. The East Park Energy Scheme lies within one of England's most important food-producing regions, against a wider background of food insecurity and pressure on domestic food production identified in, among other sources, Defra, House of Commons Library/DWP data, evidence from Science for Sustainable Agriculture and recent evidence concerning declining crop yields and national food self-sufficiency.

That wider context is reinforced by CPRE research, which identifies the increasing development of BMV farmland by large-scale solar schemes and underlines why the policy preference for poorer quality land must operate meaningfully at project level. National and local policies require proper consideration of agricultural land quality, with a preference for poorer quality land and the avoidance of BMV land where possible.

Against that policy and evidential background, Part 2 of this submission examines the exceptionally high BMV land-take of the Scheme, the adequacy and robustness of the Applicant's site-selection and alternatives process, and whether that process provides a credible justification for choosing such an agriculturally valuable site. It also considers the technical and academic evidence concerning the potential for long term damage to soils and whether, particularly given the prospect of national policy-supported "*re-powering*" beyond the initial operational period, the loss of the land's agricultural quality and productive use may in reality become permanent.

2. BMV land-take and BMV presentation in the Scheme Policy Compliance document

The Applicant states at paragraph 2.1.10 of its Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 2 (ISH2) and Action Points (REP1-059) that:

"...early indication from a desk study in 2022 and the reconnaissance survey in July 2023 was that most (c75%) of the site was best and most versatile (BMV) land in Grades 2 and 3a, broadly comparable to the provision agricultural land classification published by Natural England"

In paragraph 13.6.6 of its Environmental Statement Volume 1 – Main Report Chapter 13: Land and Soils (APP-049), Table 13.8, the Applicant states that:

“Table 13.8 presents a slightly updated scenario from the data presented within ES Vol 2 Appendix 13-1: Agricultural Land Classification and Soil Resources [EN010141/DR/6.2]. This is due to changes in the Order Limits since EIA Scoping, and a detailed cross-reference against aerial imagery to remove areas that are non-agricultural such as woodlands, roads and established tracks.”

The “*slightly updated scenario*” presented in Table 13.8 (reproduced below) assesses the total BMV land of the development site to be 71.8% (including a conservative estimate of 41.6ha of ungraded land). However, once the non-agricultural land is removed (35.4ha), and the BMV calculation is made on agricultural land only, the total proportion of BMV farmland proposed for the Scheme is 75.27%.

Table 13.8 – Agricultural Land Classification

ALC Grade	Description	Total Area (ha)	Percentage of Site
Grade 2	Very good quality	164.0	21.2 %
Subgrade 3a	Good quality	349.5	45.2 %
Subgrade 3b	Moderate quality	182.4	23.6 %
Ungraded	<i>[Assumed very good quality]</i>	41.6	5.4 %
Non-agricultural	Woodland, roads, tracks or other non-agricultural land uses	35.4	4.6 %
Total		772.9	100 %

SEPE notes that the Applicant appears to have misrepresented the Scheme’s BMV percentage in its Policy Compliance document (REP6-012). On page 81 the total proportion of BMV land is effectively presented as 66.4%. It omits the quantified area of ungraded land assumed to be Grade 2, and does not factor in the area of non-agricultural land set out in APP-049, meaning that it does not express the BMV land as a proportion of the agricultural land available:

“The ALC distribution across the Site is reported in Table 13.8 of ES Chapter 13: Land and Soils [EN010141/DR/6.1] which confirms that the Site is made up of:

- i. Grade 2 - 164.0 ha (21.2%);
- ii. Grade 3a - 349.5 ha (45.2%); and
- iii. Grade 3b - 182.4 ha (23.6%).

There are also small areas of the Site classed as ungraded and non-agricultural, with ungraded land treated as Grade 2 for environmental assessment purposes.”

In summary:

- the Applicant originally stated that its 2022 desk study and 2023 reconnaissance survey suggested that *“most (c75%) of the site was best and most versatile (BMV) land”*
- its *“slightly updated scenario”* suggests a BMV total of 71.8% of the development site – the scenario slightly understates the proportion of BMV land within the Scheme because it includes non-agricultural land in its calculation
- the Applicant’s Policy Compliance document misrepresents the proportion of BMV land within the Scheme by presenting only the land formally classified as Grade 2 and 3a as the constituent BMV figures, omitting the numerical value of ungraded land assumed to be Grade 2, and failing to distinguish non-agricultural land within the Scheme
- according to the Applicant’s Land and Soils document, 75.27% of the total agricultural land within the Scheme is identified as, or assumed to comprise, Best and Most Versatile agricultural land

Approximately 42% of agricultural land in England is estimated to be BMV land.⁶ The Scheme therefore contains a substantially higher proportion of BMV agricultural land than the national average. It has one of the highest levels of BMV agricultural land-take among solar power NSIPs.

⁶ Agriculture: Land – Question for Department for Environment, Food and Rural Affairs, 28 January 2025, <https://questions-statements.parliament.uk/written-questions/detail/2025-01-15/24140/>

3. The *Lullington* judgment and the requirement for a robust alternatives assessment

In its Applicant's Response to Deadline 4 and 5 Submissions – Other Interested Parties (REP6-052) pages 61–63, the Applicant addresses the key case authority that SEPE has drawn attention to, namely the *Lullington* case (*Lullington Solar Park Ltd* [2024] EWHC 295).

The Applicant accepts, as noted already by SEPE, that the Honourable Mr Justice Jarman KC stated the following in his judgment:

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

However, the Applicant criticises SEPE for not prefacing this quote from the judgment with the learned judge's additional words:

“It is not necessarily inconsistent to conclude that”

The Applicant advances the questionable contention that this ‘longer quote’ from the judgment effectively produces a meaning which is the exact opposite of that which SEPE had drawn from the ‘shorter quote’.

The Applicant goes further and argues that in light of the ‘longer quote’, Mr Justice Jarman's judgment in fact supports its case that off-site soil surveys are not a prerequisite to lodging an application to build a grid-scale solar power site on largely BMV agricultural land.

Accordingly, SEPE and the Applicant have drawn diametrically opposed conclusions from the teaching in *Lullington*. SEPE contends *Lullington* supports the submission that where a putative developer decides to apply to site a solar power facility on BMV land it should justify that selection by producing evidence of reasonable and proportionate efforts to first find an alternative site not consisting largely of BMV land. The Applicant says this is wrong and that there is no such need and that *Lullington* supports that position.

However, only one of those contrasting positions is consistent with government policy. As has been cited on many occasions throughout this Examination the National Planning Policy Framework states in clear terms that where significant development of agricultural land is demonstrated to be necessary “*areas of poorer quality land should be preferred to those of a higher quality*”. See section 4.1.

Establishing that the preference for a site on BMV land is not feasible in a given circumstance must inevitably involve some degree of reasonable and proportionate efforts to find an alternative site. Accordingly, SEPE submits that its interpretation of the *Lullington* authority is the correct one, and the one that accords most closely with government policy, in contrast to the more convoluted interpretation advanced by the Applicant before the Examining Authority.

4. The clear policy preference for poorer quality agricultural land over BMV land

4.1 The National Planning Policy Framework

The Applicant is seeking consent to develop a 1,900-acre site with a high proportion of BMV land. As set out in section 2, more than 75% of the total agricultural land within the Scheme is assessed at Grade 2 or Grade 3a land, both classified as Best and Most Versatile land.

The protection of higher quality agricultural land is directly relevant to the site selection undertaken for the Scheme. The 2024 National Planning Policy Framework (NPPF)⁷ required planning decisions to contribute to and enhance the natural and local environment by:

“recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land”.

It further provided that, where significant development of agricultural land was demonstrated to be necessary:

“areas of poorer quality land should be preferred to those of a higher quality.”

The 2026 NPPF⁸ retains and develops this policy approach, requiring development to be steered towards land of least environmental value, including by:

⁷ ‘National Planning Policy Framework’, Ministry of Housing, Communities and Local Government, December 2024,
<https://webarchive.nationalarchives.gov.uk/ukgwa/20250225172715/https://www.gov.uk/government/publications/national-planning-policy-framework--2>

⁸ ‘National Planning Policy Framework, Plan-making and national decision-making policies’, Ministry of Housing, Communities and Local Government, August 2026,
https://assets.publishing.service.gov.uk/media/6a8334c03bd75b81e2329ac4/National_Planning_Policy_Framework.pdf

“avoiding the use of higher quality agricultural land where land of poorer quality is available”,

and requiring proposals, where significant development of agricultural land is necessary, to:

“use areas of poorer quality land where possible.”

Against this clear and continuing policy preference for the conservation of more productive land and use of lower quality agricultural land in preference to higher quality land, the adequacy of the Applicant’s site selection process, its justification for the proposed use of BMV land, and its consideration of available lower quality alternatives require careful scrutiny.

4.2 National Policy Statement EN-3

Reflecting the 2026 NPPF, paragraph 2.10.21 of the National Policy Statement for renewable energy infrastructure (EN-3), 2025, published 6 January 2026, states:

“While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of “Best and Most Versatile” agricultural land where possible. ‘Best and Most Versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC)”

4.3 Local policies

SEPE notes that the ‘Huntingdonshire's Local Plan to 2036’, Policy LP10, The Countryside, requires:

“All development in the countryside must seek to use land of lower agricultural value in preference to land of higher agricultural value ... avoiding the irreversible loss of the best and most versatile agricultural land (Grade 1 to 3a) where possible”

Bedford Borough Council’s ‘Local Plan 2030 Planning for the future’, Policy 46S states:

“The Council will seek to maximise the delivery of development through the reuse of suitably located previously developed land provided that it is not of high environmental or biodiversity value.

Where significant development is demonstrated to be necessary on agricultural land, poorer quality land should be used in preference to the best and most versatile agricultural land (grades 1-3a). Where the site is located on agricultural land outside of existing settlements, applicants will be required to provide evidence of the grade of agricultural land and, where that land is likely to be grade 3 or higher, undertake a detailed survey of land quality.”

5. Long term or permanent damage to soil and the implications of future “re-powering”

SEPE contends that the following claim by the Applicant is not supported by the evidence (REP6-012, page 81). It states that the majority of the site:

“...would not be permanently adversely impacted by the Scheme and could be easily reverted to its existing agricultural condition upon completion, with anticipated benefits in relation to soil structure is and resources.”

By contrast, a 2023 ADAS report⁹ found that solar sites cause soil compaction which results in structural damage; compaction leads to reduced permeability to water and air as well as increased surface water runoff and erosion. The study concludes that reversing soil compaction could take years and in some cases may prove permanent. ADAS also calls for more research into the impacts of corroded galvanised metal piles and beams used in foundations for the panels, and associated soil contamination.

Numerous other technical and academic studies highlight issues with soil post development. For example, Moscatelli *et al.*¹⁰ recorded measurable changes in soil organic matter, microbial biomass and hydraulic conductivity beneath solar arrays after seven years, indicating that shading, traffic and compaction can alter soil structure and biological function. Hernandez *et al.*,¹¹ in a review of the environmental impacts of utility-scale solar development, identified potential impacts on soils and hydrological processes arising from land-cover change and site preparation,

⁹ ‘2020/21 Soil Policy Evidence Programme: The impact of solar photovoltaic (PV) sites on agricultural soils and land’, ADAS, March 2023, <https://www.gov.wales/sites/default/files/publications/2023-08/impact-solar-photovoltaic-sites-agricultural-soils-land-spep21-22-03-work-package-4.pdf>

¹⁰ ‘Soil properties changes after seven years of ground mounted photovoltaic panels in Central Italy coastal area’, *Geoderma Regional*, Volume 29, June 2022, <https://www.sciencedirect.com/science/article/abs/pii/S2352009422000207>

¹¹ ‘Environmental impacts of utility-scale solar energy’, *Renewable and Sustainable Energy Reviews*, 2014, <https://pubs.usgs.gov/publication/70048499>

including vegetation removal, grading and soil compaction, with consequential implications for soil moisture and nutrient dynamics.

SEPE also submits that longer term studies of solar developments are not yet available, either internationally or in the UK. SEPE notes that NSIP-scale schemes do not generally allow for any form of genuine associated agrivoltaics undertakings.

In addition, the NPPF encourages “*future re-powering and life extension*” of renewable installations, facilitating more or less permanent loss of farmland to solar power developments. Two of the existing solar power sites in the immediate local area have already successfully applied for extensions to their project lifetimes.

6. Concerns regarding the Applicant’s assessment of reasonable alternative sites

SEPE remains concerned that the Applicant has not demonstrated that its assessment of reasonable alternative sites was sufficiently robust, objective or comprehensive to justify the selection of Zone B.

SEPE firstly submits that the Applicant’s interpretation of the factors influencing site selection and assessment (as set out in the Environmental Statement - Vol 2 Appendix 3-1 Site Identification Report (APP-058) and confirmed at the BMV ISH) failed to include pertinent considerations specific to the Scheme as an individual project. This does not meet the requirement under the ‘Factors influencing site selection and design’ section of EN-3, where paragraph 2.10.18 states:

“The key considerations involved in the siting of a solar farm are likely to be influenced by factors set out in the following paragraphs, **in addition to considerations specific to individual projects.**”

[emphasis added]

The Applicant’s Site Identification Report compares the three Search Zones using only six factors:

- irradiance and topography;
- proximity to dwellings;
- capacity;
- grid connection;
- agricultural land classification and land type; and
- accessibility.

The methodology comprises a “*qualitative comparison*” and gives determinative weight in practice to grid connection. It excludes from the comparative appraisal a

range of considerations capable of materially affecting relative site suitability, including:

- archaeology and cultural heritage;
- landscape and visual effects;
- ecology and nature conservation;
- hydrology and flood risk;
- traffic and transport; and
- legacy.

More extensive environmental considerations were used when comparing the Applicant's BESS options, highlighting an unexplained inconsistency in the methodology.

The Applicant's subsequent response that environmental matters were considered as initial spatial constraints does not resolve this concern. As previously identified, those constraints did not form part of the actual comparative appraisal of the three Zones and were not considered at a level of detail capable of distinguishing their relative effects; traffic and transport, for example, was not considered in that appraisal at all.

The Applicant's claim that technical engineering constraints relating to the distance from the connection point is also in question. At paragraph 3.3.1 of the Site Identification Report the Applicant states:

"schemes must be located close to the identified substation or transmission network to remain viable both in terms of cable deployment for the grid connection, and to ensure that minimum transmission losses occur."

At 3.3.2 it introduces "*costs*" into the consideration:

"RNA Energy Ltd has determined that for a 400 MW connection into the Eaton Socon Substation in this region and local geography, the maximum distance a project can be from the PoC before a scheme is no longer likely to be viable is 15km, with costs and transmission losses increasing as distance from the point of connection increases within this 15km."

However, at paragraph 2.1.37 of REP1-059, in response to a question from an Interested Party on the stated 15km search area for the site, the Applicant refers only to "*technical engineering*" considerations:

"The Applicant set out that it was determined from the outset by the Applicant's technical engineering team that a 400MW connection into Eaton Socon substation could be around 15km at most, beyond which the Scheme

would likely no longer be viable. This is understood to be consistent with other NSIPs of comparative scale across the country.”

The implication that viability is on a “*technical engineering*” basis only is not accurate yet was not corrected at the time, despite a further Interested Party citing a specific scheme as an example of one at a greater distance from the grid, the Lime Down solar NSIP proposal. Lime Down’s cable route corridor is approximately 22 km long. As further examples, SEPE cites Cottam’s cable route corridor, which will be approximately 27.5km in length and the Green Hill applicant, which considered 20km a viable solar-to-grid connection distance. It appears that either the Applicant’s technical engineering team is not correct in calculating that a further distance than 15km was not possible due to a “*technical engineering*” constraint, or the Applicant was attempting a *post hoc* attempt to justify its search area.

SEPE is additionally concerned that the process appears to have been materially shaped by the availability of land offered by interested landowners, rather than by a fully open and objective search for the most appropriate site. The Applicant’s own description of the second stage of site identification as a review of land offered to it reinforces that concern.

There are also material questions concerning the agricultural evidence underpinning the exercise. Evidence at the Issue Specific Hearing indicated that BMV classifications were informed by a desk study in 2022 and reconnaissance survey in 2023, whereas the Site Identification Report is dated January 2022. This raises an obvious question as to the agricultural evidence actually available when the Zones were compared. Moreover, Zone B has the highest BMV percentage of the three alternatives, notwithstanding national policy preference for suitable brownfield, industrial and lower grade agricultural land.

The RAG appraisal itself reinforces SEPE’s concern. Zone C performs better than Zone B for proximity to dwellings, Agricultural Land Classification and land type, and accessibility. Its only lower rating is Grid Connection. Zone C is identified as containing a mix of Grade 3 and Grade 4 land and is also closer to previously developed sites PDL-4 and PDL-5. If Little Barford were considered as the Point of Connection, applying the Applicant’s own methodology would remove Zone C’s sole Red rating and leave it Green across every appraisal category.

That issue assumes greater significance in light of the Applicant’s response at Deadline 3. The Applicant expressly states that its connection offer has “*always been for the Eaton Socon Substation*” and that this “*has therefore dictated the site selection process and consideration of alternatives*”. SEPE submits that this crystallises rather than answers the concern. The reasonable alternative Points of Connection and associated Search Zones should have been robustly assessed

before a connection application was allowed to determine the geographical scope and outcome of the subsequent alternatives exercise.

Little Barford is particularly relevant because it is materially closer to Zone C. The Applicant's own Figure 6 (APP-058) also indicates that the cable distance from Eaton Socon to Zone B is approximately 1.7 times that of a route to Zone C. The comparative assessment does not appear to contain a quantitative assessment of connection costs capable of testing the significance attributed to grid connection.

There is also direct evidence that the physical constraints relied on to discount Zone C are capable of being overcome. The £35 million UK Power Networks project completed in 2024 installed a 2.5km 132kV underground cable between Little Barford and Eaton Socon substations. The works included directional drilling beneath roads, the River Great Ouse and Wyboston golf course. Particularly significantly, evidence subsequently relied on by the Applicant (REP2-044) describes that project as involving a river, flood plains, two national trunk roads and a large industrial estate, and records that it had once been labelled a project that "*could not be built*". Those are strikingly similar in character to the physical constraints relied on by the Applicant to justify the Red grid-connection rating which eliminated Zone C.

SEPE therefore submits that the issue is not whether every conceivable alternative was required to be assessed. SEPE instead contends that:

- The alternatives exercise was not sufficiently objective and robust when the principal factor determining the preferred Zone was itself fixed in advance.
- Potentially material environmental considerations were omitted from the comparative appraisal.
- The claimed 15km "*technical engineering*" grid-connection constraint is contradicted by comparable solar NSIPs with viable connection distances of 20–27.5km, calling into question a key justification for the defined search area.
- The site-selection process appears to have been materially shaped by land offered by interested landowners.
- The agricultural evidence underpinning the alternatives exercise raises questions of chronology.
- Zone B contains the highest proportion of BMV land of the alternatives.
- An apparently credible combination of Zone C and Little Barford was never comparatively assessed.

On the evidence before the Examination, SEPE submits that the Applicant has not satisfactorily demonstrated that Zone B represents the preferable alternative.

7. The Applicant's reliance on Brownfield Registers in assessing alternative sites

SEPE submits that the Applicant's treatment of brownfield and previously developed land requires particular scrutiny.

At paragraph 7.1.2 of the Site Identification Report, the Applicant states that the target site was:

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

The reliance placed on that exercise needs to be considered with care. In its REP5-033 submission, SEPE noted that Brownfield Land Registers have themselves been criticised as an inadequate evidential basis for wider land-use decision-making. The independent planning consultancy Lichfields concluded:¹²

“Our research ... finds brownfield land data to be lacking in the comprehensiveness, accuracy and detail required to make effective policy decisions. The data in the Brownfield Registers is often out of date and suffers from the apparent inclusion of a large number of duplicates and/or overlapping entries.”

That evidence is directly relevant to the Applicant's claim that brownfield or previously developed alternatives were adequately considered and ruled out.

A “*desk-based review*” of registers which may lack comprehensiveness, accuracy and detail does not demonstrate that all reasonable previously developed opportunities were identified, still less that their potential was adequately investigated.

The point is particularly significant when read together with *Lullington* (see section 3). The wider site-selection exercise combined no soil surveys outside the target site with a desk-based review of Brownfield Land Registers whose completeness and accuracy have been independently questioned.

That is a weak evidential foundation on which to conclude that the development of approximately 1,900 acres of predominantly BMV agricultural land was necessary.

¹² ‘Banking on Brownfield’, Lichfields, June 2022, https://lichfields.uk/media/7062/banking-on-brownfield_jun-22.pdf

The Applicant's own material also identifies previously developed land at PDL-4 and PDL-5 closer to Zone C, the same Zone which contained lower grade agricultural land.

Accordingly, SEPE does not accept that the mere fact that Brownfield Land Registers were reviewed establishes that previously developed alternatives were robustly assessed or exhausted.

8. The regional context of the site-selection exercise

The location of the proposed development makes scrutiny especially important. East Park Energy would occupy approximately 1,900 acres, with 75% of the farmland assessed as BMV land.

That land lies within one of the country's most important agricultural regions. Defra's 'Agricultural facts: East of England region'¹³ records farming income in the region of £881 million and the East of England's substantial contribution to national agricultural production, including approximately 33% of UK potatoes, 21% of oilseed rape and 24% of barley.

That agricultural importance sits within a wider national food-security context. According to a House of Commons Library briefing,¹⁴ drawing on Department for Work and Pensions data, 7.5 million people (11% of the UK population) lived in food-insecure households in 2023/24, including 18% of children. The government's Food Security Report¹⁵ recorded that the UK imports approximately 40% of the food it consumes.

According to Science for Sustainable Agriculture, domestic food production could fall by up to 32% by 2050.¹⁶ The 'UK food security outlook to 2050' report shows that over the past 25 years we have lost 771,000ha or 4.4% of farmland. The report suggests that there has been a *"12% decline in self-sufficiency in primary agricultural products over the period"*.

¹³ 'Agricultural facts: East of England region', Department for Environment, Food & Rural Affairs, October 2025, <https://www.gov.uk/government/statistics/agricultural-facts-england-regional-profiles/agricultural-facts-east-of-england-region>

¹⁴ 'Food poverty: Households, food banks and free school meals', House of Commons Library, July 2025, <https://commonslibrary.parliament.uk/research-briefings/cbp-9209>

¹⁵ 'United Kingdom Food Security Report 2024', Department for Environment, Food & Rural Affairs, December 2024, <https://www.gov.uk/government/statistics/united-kingdom-food-security-report-2024>

¹⁶ 'UK food security outlook to 2050', Science for Sustainable Agriculture, September 2025, https://www.scienceforsustainableagriculture.com/_files/ugd/f77b24_768efc488c9e441aa763bb088575230a.pdf

The Applicant's suggestion to counter the loss of farmland by claiming that within a year land currently in environmental schemes could be made available for cropping (EV3-003, 1.05.22) entirely misses the point:

"The latest figures on the Sustainable Farming Initiative shows that there are 340,000 hectares of land within that scheme, which the government notes that in extremis, almost all of this land could be brought back into production within one growing season"

Many environmental schemes are established on land that is unsuitable or uneconomic for productive cropping. More fundamentally, it is difficult to regard as credible an argument which seeks to justify the development of solar and battery infrastructure on BMV land on the basis that farmers could instead be required to bring marginal land back into agricultural production. That proposition appears to invert the proper approach to land-use planning: rather than safeguarding the better quality agricultural land in the first place, it treats the loss of that land as acceptable because less suitable land might subsequently be pressed back into production to compensate for it.

These issues are even more salient in 2026. The loss of BMV land for non-agricultural purposes has been particularly highlighted by the drought across the country. This year's harvest is due to be the lowest on record, with key crop production falling to 18.5 million tonnes, according to the Energy and Climate Intelligence Unit.¹⁷ Yields are down by 25–30% in many areas and food self-sufficiency has become a higher priority national issue, reinforcing the importance of protecting the country's most productive agricultural land. Against this backdrop, every hectare of good quality land lost to non-agricultural use is significant.

Ultimately, these matters do not create an absolute prohibition on the development of BMV land. They do, however, reinforce the importance of the policy framework set out above. A proposal to occupy approximately 1,900 acres of predominantly BMV farmland in a major food-producing region requires a convincing demonstration that reasonable opportunities to use land of lower agricultural quality were properly identified and investigated.

¹⁷ 'UK harvest even worse than previously thought – new data', Energy and Climate Intelligence Unit, 14 August 2026, <https://eciu.net/media/press-releases/uk-harvest-even-worse-than-previously-thought-new-data>

9. The national land-use context reinforces the need for rigorous site selection

There is also an important national land-use context, although SEPE does not rely on national evidence as a substitute for scrutinising the particular defects in the site selection process the Applicant has undertaken for the East Park Energy scheme.

According to CPRE's 2025 report, 'Getting solar off the ground':¹⁸

“...meeting national solar energy targets through ground-mounted schemes alone could require between 0.9-1.4% of the land in England, covering as much as 1,800 square kilometres/180,000 hectares of our countryside – an area larger than the size of Greater London (157,000ha).”

The same report identifies that as at June 2025, for solar developments of more than 30MW:

“the 31% of BMV land used and the 28% of Grade 3b ‘moderately productive’ land used means that nearly two thirds (59%) of all the land used currently used for large scale solar development is productive farmland.”

The relevance is straightforward. No individual solar development accounts for that national total. It is the cumulative consequence of individual decisions to develop agricultural land. That is why the policy requirement to prefer lower quality land needs to operate effectively at project level.

9.1 Solar deployment does not inherently require agricultural land

UCL research commissioned by CPRE demonstrates that solar deployment at national scale is not inherently dependent on agricultural land.

Using conservative assumptions concerning roof type, roof pitch, shading, panel layout and planning constraints, UCL estimated a technical solar potential of:¹⁹

“up to 117GW of low carbon electricity to be generated from roofs and other developed spaces”

SEPE does not suggest that East Park Energy's proposed capacity can simply be transferred to a specified set of roofs elsewhere. The relevance of this evidence is that the national need for renewable generation cannot be equated with a national

¹⁸ 'Getting solar off the ground: the problem of mega solar in the countryside' CPRE, July 2025, <https://www.cpre.org.uk/resources/getting-solar-off-the-ground/>

¹⁹ 'Shout from the rooftops: delivering a common sense solar revolution', CPRE, May 2023, <https://www.cpre.org.uk/wp-content/uploads/2023/05/Rooftop-Revolution-Report.pdf>

need to develop BMV agricultural land. The CPRE/UCL analysis demonstrates that there is substantial technical potential on existing built and developed surfaces.

SEPE submits that this reinforces the need for an applicant proposing a 1,900-acre scheme on predominantly BMV farmland to demonstrate a robust search for less harmful alternatives.

10. Overall assessment of BMV land use and site selection

SEPE submits that the Applicant cannot answer SEPE's objection simply by suggesting that national policy does not require it to identify a wholly BMV-free solar site or that *Lullington* does not require an applicant to examine "*every possible location*". SEPE accepts both propositions.

Indeed, the Applicant's own August 2026 formulation (AS-035) – that national policy does not require it to "*identify, or compulsorily assemble, a wholly best and most versatile (BMV) agricultural land-free solar site*" – is not in dispute.

The issue is whether the Applicant made a genuine and sufficiently robust effort to establish whether reasonable alternatives existed which would avoid, or materially reduce reliance on, BMV agricultural land.

The evidence does not demonstrate that it did:

- The detailed agricultural investigations followed rather than informed the initial site-identification exercise.
- No soil sampling was undertaken outside the target site.
- The Applicant relied on a desk-bound review of Brownfield Land Registers which have been independently criticised as lacking the comprehensiveness, accuracy and detail required for effective decision-making.
- The three Search Zones were compared using a limited qualitative assessment which omitted important environmental matters.
- Zone C performed better than Zone B for agricultural land classification, proximity to dwellings and accessibility and contained lower quality agricultural land, but was rejected principally because of a grid assessment centred on Eaton Socon.
- Little Barford was not assessed as an alternative Point of Connection.

- The Applicant itself confirms that the Eaton Socon connection dictated its consideration of alternatives.
- The process appears to have been influenced by opportunity land made available by participating landowners.

Most strikingly, the process ultimately selected the Search Zone with the highest proportion of BMV land of the three alternatives, notwithstanding the clear national policy preference for poorer quality agricultural land where it is available.

The High Court's observation in *Lullington* is therefore particularly apposite:

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

That is essentially the evidential problem here. The Applicant asks the Examining Authority and Secretary of State to accept that the extensive use of BMV land is justified, but the alternatives exercise set out in APP-058 did not contain the comparative soil investigation capable of robustly establishing whether lower quality agricultural alternatives were available.

In that sense, *Lullington* and government policy are entirely *ad idem*. Neither requires a perfect or wholly BMV-free site. Both require the question of lower quality alternatives to be addressed on a sufficiently robust evidential basis.

SEPE therefore submits that the Applicant has not demonstrated compliance with the policy approach set out above. It has demonstrated that, within a search process constrained by Eaton Socon, land availability and high level desk-based information, Zone B was selected. That is materially different from demonstrating that higher quality agricultural land was avoided where poorer quality land was available.

In circumstances where approximately 1,900 acres of farmland are proposed for development, around 75% of the total agricultural land is classed as Best and Most Versatile, and where the Applicant's own appraisal identified an alternative with better agricultural-land characteristics, that deficiency should carry substantial weight in the planning balance.

PART 3: EMERGING ISSUES

3.1 Solar power site clustering and submissions from local solar schemes

NPS-EN3 states (paragraph 2.10.26) that where applicants “choose a site based on nearby available grid export capacity”, they:

“should consider the cumulative impacts of situating a solar farm in proximity to other energy generating stations and infrastructure.”

The Applicant has sought to downplay any suggestion that solar developments already operational or planned in the immediate area will, when combined with the Scheme, create a cumulative development impact.

SEPE suggests that the decision to scope out from its assessments two existing solar power sites, Manor Farm, Pertenhall, and the Little Staughton Airfield solar array, on the grounds that the schemes are “operational and ... therefore already accounted for within the EIA baseline”, is difficult to justify.

Three operational/planned LPA solar developments in the immediate area have submitted objections to the Examination, one of which is one of the two operational schemes scoped out by the Applicant:

- High Wood – NEXTPOWER SPV 16 LIMITED (RR-915)
- Cobholden – Eaton Socon Power Limited (REP6-072)
- Manor Farm – PS Manor Solar Farm Ltd (REP6-088)

SEPE contends that the fact that these scheme developers/operators have themselves submitted concerns, including in relation to land rights and risks to the conditions on which existing planning permissions were granted, provides compelling evidence that solar development clustering is already occurring adjacent or in close proximity to the East Park Energy Scheme. These are not hypothetical cumulative effects: they are real-world evidence of an increasing concentration of solar power infrastructure within the same locality, with consequential effects on the landscape, neighbouring communities, agricultural land use and existing developments. This directly undermines the Applicant’s attempt to minimise the extent and significance of solar development clustering in the area.

Further, SEPE contends that the Applicant has overlooked two additional planned power proposals.

In its Written Representation (REP1-080), Addleshaw Goddard for National Grid Electricity Transmission plc (NGET) stated at paragraph 2.4:

“The Eaton Socon Substation Project is critical infrastructure to enable the connection of multiple projects at this location, with the East Park Project being only one of a number of projects referred to on the National Energy System Operator Transmission Entry Capacity (TEC) register as requiring a future connection to the Eaton Socon substation, including for Clearstone Energy Limited’s and Telis Energy’s projects.”

Despite this evidence from NGET, neither of these projects appear to have been included or even referenced by the Applicant in its assessments of cumulative impact.

Both projects remain at the pre-application stage. However, they are sufficiently advanced and established to be specifically identified by NGET in its Written Representation as projects requiring a future connection to the Eaton Socon substation. This indicates that they cannot reasonably be regarded as merely hypothetical or speculative proposals.

SEPE further notes that Clearstone Energy states that its proposed 50MW Eaton Socon Solar project has secured a Gate 2/Phase 1 connection:²⁰

“Clearstone is developing a colocated solar and storage project that will connect to the National Grid substation at Eaton Socon, near to St Neots in Bedfordshire.

The project has secured a Gate 2 connection for Phase 1 of the Government’s Clean Power Action Plan so will contribute to achieving the UK’s target of generating 100% low carbon electricity by 2030.”

Telis Energy Group’s 1,000MW Eaton Socon power project is listed in NESO’s TEC Register under Project ID a0l8e0000010wWNAAY, Project number PRO-002656.

The graphic at Figure 1 shows the clearly emerging ‘solar corridor’ from Swineshead to Eaton Socon. It spans around 12km. Recent estimates by SEPE suggest that the overall land-take in this corridor is more than 2,800 acres, largely consisting of agricultural land. It does not include the power project proposals from Clearstone Energy or Telis Energy Group.

²⁰ Clearstone Energy Eaton Socon Solar plan: <https://www.clearstoneenergy.com/project/eaton-socon-solar/>



Figure 1: Black shaded areas denote existing and consented solar power and battery facilities in the immediate area, alongside the proposed East Park Energy Scheme, also shaded black. Scheme cable corridor is shown in red. Figure does not show Clearstone Energy or Telis Energy Group sites (scheme detail not yet publicly available). Further planned or consented power schemes outside the immediate area are not included; the 56-acre ‘private wire’ Grafham Water solar array north-east of the immediate area is shown for scale comparison only. *Figure is for illustrative purposes only and is not intended to provide a precise or to-scale representation of site boundaries, locations or dimensions*

3.2 Recent fires involving electrical equipment on agricultural land

Recent field fires have been associated with solar sites or power transformers, for example, in Devon and Norfolk.

On 24 August a fire occurred at a solar development in Devon:²¹

“It is believed flames started from beneath an inverter – solar equipment used to export the energy to the grid. ... A Devon and Somerset Fire and Rescue Service spokesperson said: “Fire control received multiple calls for a fire rapidly spreading underneath solar panels.”

²¹ <https://eastdevonnews.co.uk/2026/08/26/east-devon-farmers-rally-to-stop-solar-panel-blaze-spreading-to-home-broadclyst>

On 9 August a fire was reported on fields in Norfolk. According to a BBC news report,²² it was:

“...caused by a fault on a power transformer in a field, which caused sparks to land on dry ground before spreading”

On 20 August, a fire occurred in fields forming part of the proposed East Park Energy development site, attended by Bedfordshire Fire and Rescue Service.²³

SEPE therefore asks the Applicant to identify precisely where within the Application documents the preventative, protective and mitigation measures addressing this specific type of fire incident are set out, and to explain how those measures would operate in practice to prevent such a fire, contain or limit its consequences should prevention fail, and protect people, property, surrounding infrastructure and the environment. This should include specific consideration of the potential presence of dry or combustible vegetation beneath and around the solar panels, the risk that such vegetation could facilitate the ignition or spread of fire across the solar array or battery energy storage compound, and the measures relied on to prevent, manage and mitigate that risk.

In particular, SEPE requests that the Applicant demonstrates that the identified measures are specific to the fire risks and circumstances in question, rather than relying on generalised safety provisions or controls to be developed at a later stage.

²² <https://www.bbc.co.uk/news/articles/c5y6zklje1wo>

²³ <https://www.bedsfire.gov.uk/incidents/2026-08-20-00-01>

Appendix A – Wider procedural prejudice to Interested Parties

SEPE is an Interested Party in respect of the Application, but it is important to recognise that it is one among well over 1,000 Interested Parties, the majority of whom are local residents and therefore among those liable to be most directly affected should development consent be granted.

Against the wider background of procedural prejudice set out in its procedural filings (see Part 1, section 1), SEPE also notes certain administrative difficulties which, while secondary to the substantive matters addressed in the filings and earlier in this submission, may have further affected the ability of other Interested Parties to follow, understand and participate effectively in the Examination.

By way of recent example, on 5 August 2026 the Planning Inspectorate emailed Interested Parties advising that it had exercised its discretion to accept further submissions from an individual Interested Party, SEPE and the Applicant, and provided links by which those submissions could be accessed. While the links relating to the individual Interested Party and the Applicant provided access to the relevant submissions, the link identified as SEPE's submission instead led to a further copy of the individual Interested Party's submission. Interested Parties were therefore unable, through the notification provided to them, to access and consider SEPE's submission.

A further and potentially more significant difficulty arose on 19 August 2026. The Planning Inspectorate emailed Interested Parties to notify them that Deadline 6 submissions were available to view. However, a link provided did not take Interested Parties to the Deadline 6 submissions for East Park Energy, but instead to material relating to another proposed development, National Grid Electricity Transmission's Sea Link application. At a point when substantial new material had been submitted by various parties and Interested Parties were required to understand and respond to a fast-moving Examination, the notification intended to facilitate access to that material directed them away from the Examination altogether.

These matters are relevant to the procedural context in which the Examination has progressed and to the practical ability of Interested Parties to participate effectively in it. Taken together with the matters set out in Part 1, section 1, they have compounded the procedural difficulties already experienced and have operated particularly to the disadvantage of the large number of Interested Parties – predominantly local residents – whose interests are most directly engaged by the proposed development.

SEPE respectfully invites the Examining Authority to take these matters into account when considering whether the remaining Examination timetable affords Interested

Parties a fair and effective opportunity to scrutinise and respond to the material now before it.