



EAST PARK ENERGY

East Park Energy

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Applicant's Closing Statement

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EAST PARK ENERGY

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CONTENTS

1.0	Introduction	2
1.1	Purpose of this Closing Statement	2
1.2	The Scheme and the Application.....	3
1.3	The Examination Process.....	4
2.0	The Need for and Benefits of the proposed development	7
2.1	Legislative and Policy Context.....	7
2.2	Need for the Scheme	8
2.3	Benefits of the Scheme	11
3.0	Key matters of discussion at examination.....	14
3.1	Site Selection and Alternatives.....	14
3.2	Landscape and Visual	16
3.3	Cultural Heritage and Archaeology.....	20
3.4	Ecology and Nature Conservation	22
3.5	Traffic and Transport	26
3.6	Public Rights of Way	28
3.7	Permissive Access	33
3.8	Land and Soils.....	35
3.9	Climate Change.....	38
3.10	Battery Energy Storage	41
3.11	Replacement Works	43
3.12	Decommissioning	46
4.0	Compulsory Acquisition and Related Matters	50
4.1	Summary Statement.....	50
4.2	Other Land Interests and Ongoing Negotiations	51
4.3	Conclusion on Compulsory Acquisition and other land matters.....	61
5.0	Draft Development Consent Order	63
5.1	Introduction.....	63
5.2	Agreement with third parties.....	64
5.3	Matters not agreed	66
5.4	Protective Provisions.....	69
6.0	Overall Planning Balance and Conclusion.....	79

1.0 INTRODUCTION

1.1 Purpose of this Closing Statement

- 1.1.1 This Closing Statement has been prepared by BSSL Cambsbed 1 Ltd (“the **Applicant**”) to set out the Applicant’s final position on key matters in relation to the application for a Development Consent Order (“**DCO**”) to construct, operate, maintain and decommission the East Park Energy Project (“the **Scheme**”), to aid the Examining Authority (“**ExA**”) and the Secretary of State (“**SoS**”) in their decision making.
- 1.1.2 The purpose of this document is to provide a high-level summary of the Applicant’s position on key matters, as presented during the Examination.
- 1.1.3 The key matters are included because they are either matters of disagreement between the Applicant and the local authorities and/or statutory bodies or matters which have drawn attention from the ExA and/or Interested Parties during the Examination. The document does not introduce new material but provides clarity on the Applicant’s final position on the key matters, by reference to the previous submissions it has made. This document is not intended to set out in full the Applicant’s final position on each of the matters addressed; the references provided are relied upon for this purpose.
- 1.1.4 This document signposts to the Applicant’s submissions which have been made over the course of the Examination to assist the ExA in accessing submissions the Applicant considers relevant to the matter(s) being discussed. The signposting is not intended to represent an exhaustive list of every submission on a given topic but draws attention to those the Applicant considers to be of most direct relevance.
- 1.1.5 This document should be read alongside the DCO Application and all documents and statements submitted by the Applicant during the Examination.

1.2 The Scheme and the Application

The Applicant

- 1.2.1 The Applicant is a wholly owned subsidiary of Brockwell Energy. Brockwell Energy is a leading multi-technology independent power producer, specialising in renewable energy infrastructure. Since 2017, Brockwell Energy has originated and built out more than £1bn of assets in the UK, has over 240MW operating or under construction in the UK, and has a pipeline of more than 3.5 GW across onshore wind, solar energy, and battery storage currently in development.

The Scheme

- 1.2.2 The Scheme comprises a new ground-mounted solar photovoltaic energy generating station and an associated on-site BESS on land to the north-west of St Neots. The Scheme also includes the associated infrastructure for connection to the national grid at the Eaton Socon National Grid Substation.
- 1.2.3 The Scheme would allow for the generation and export of 400 megawatts (“**MW**”) of renewable electricity, as well as the storage of 100 MW of electricity in the BESS.
- 1.2.4 The Scheme is a Nationally Significant Infrastructure Project (“**NSIP**”) under Section 14(1)(a) and Section 15(2) of the Planning Act 2008 (“**PA 2008**”) as an onshore generating station in England with a capacity of more than 50MW. As such, a DCO is required for the Scheme to proceed.
- 1.2.5 The Scheme is located to the north-west of the town of St Neots and is across two administrative areas; Bedford Borough Council (a unitary authority) and Huntingdonshire District Council (a two-tier authority with Cambridgeshire County Council). The **Location Order Limits and Grid Coordinate Plan [APP-007]** shows the Order limits for the Scheme. The Site area extends to approximately 773 hectares (ha).

- 1.2.6 Subject to the Scheme securing development consent order in Winter 2026/27 it is anticipated that works would start on site in early 2028 and be completed by mid-to late 2030 (although initial energisation of the Scheme is likely to commence prior to 2030). The Scheme comprises a temporary development with an operational phase of 40 years; decommissioning activities would therefore likely commence in 2070, 40 years after commissioning.
- 1.2.7 A more detailed description of the Scheme can be found within Chapter 4.0 of the Planning Statement **[REP6-010]**, and in ES Vol 1 Chapter 2: The Scheme **[REP6-018]**.

1.3 The Examination Process

- 1.3.1 The application for a DCO was submitted by the Applicant to the Planning Inspectorate on 3 October 2025 pursuant to section 37(2) of the PA 2008. The Planning Inspectorate accepted the Application on the 30 October 2025 **[PD-001]**. The Secretary of State appointed Graham Sword as the ExA to carry out an examination of the Application. By issue of a Rule 6 letter **[PD-005]**, a preliminary hearing was held on 17 March 2026, and examination started upon the closing of that hearing. With the issue of the Rule 8 letter **[PD-006]** on 01 April 2026, the ExA set out the timetable for examination including confirmation that it was to close on the 21 August 2026.
- 1.3.2 The timetable was subsequently amended by issue of a Rule 8(3) letter **[PD-011]** on 04 August 2026 to extend the examination to the 04 September 2026. The reason given for the extension was the delay by the Planning Inspectorate in uploading submissions to the Examination Library following Deadline 5. The extension was requested by an Interested Party.
- 1.3.3 The timetable was subsequently further amended by issue of a Rule 8(3) and 17 letter **[PD-012]** on 20 August 2026 to extend the examination to 16 September 2026. The reason given for the extension was to provide PS Manor Farm Solar Ltd and their representatives time to participate and conclude before the close of the examination.

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- 1.3.4 Before and during the Examination, the Applicant has worked positively to address and resolve matters raised by statutory consultees, interested parties, and members of the public. The Applicant has sought to respond to submissions from Interested Parties, either individually or through themed responses, whilst being mindful of the need to avoid repetition where multiple Interested Parties have raised the same point.
- 1.3.5 The Applicant has agreed Statements of Common Ground with key stakeholders as requested by the ExA in Section 3 of Annex B of the Rule 8 letter **[PD-006]**, with positions summarised in the Statement of Commonality **[as updated alongside this submission]**.
- 1.3.6 At Procedural Deadline A, the Applicant submitted a final and signed version of the following Statements of Common Ground:
- Statement of Common Ground with Cambridgeshire Fire and Rescue Service **[PDA-019]**.
- 1.3.7 At Deadline 2, the Applicant submitted a final version of the following Statements of Common Ground, which has been signed at Deadline 8 alongside the submission of this Closing Statement:
- Statement of Common Ground with Natural England **[REP2-039]**.
- 1.3.8 At Deadline 4, the Applicant submitted versions of the following Statements of Common Ground with all matters agreed, which have subsequently been finalised and signed at Deadline 8 alongside the submission of this Closing Statement:
- Statement of Common Ground with the Environment Agency **[REP4-104]**;
and
 - Statement of Common Ground with National Highways **[REP4-103]**.
- 1.3.9 At Deadline 4, the Applicant submitted a final and signed version of the following Statements of Common Ground:

- Statement of Common Ground with Historic England **[REP4-105]**; and

1.3.10 At Deadline 8, the Applicant has submitted final and signed versions of the following Statements of Common Ground:

- Statement of Common Ground with Bedford Borough Council;
- Statement of Common Ground with Huntingdonshire District Council;
- Statement of Common Ground with Cambridgeshire County Council; and
- Statement of Common Ground with National Grid Electricity Transmission.

1.3.11 The areas of agreement and disagreement between the Applicant and the above parties are set out in the Statements of Common Ground. While the Applicant has been able to reach an agreement with the parties on the majority of issues raised, there remain some points of disagreement which have not been possible to resolve during the Examination. The Applicant's position on these matters, as well as that of the relevant Interested Party, is set out in the respective Statements of Common Ground, as well as this Closing Statement.

2.0 THE NEED FOR AND BENEFITS OF THE PROPOSED DEVELOPMENT

2.1 Legislative and Policy Context

2.1.1 The legislative framework and planning policy context for the Application and the Scheme are set out in full in the Planning Statement **[REP6-010]**. In particular, section 104 of the PA 2008 sets out what the Secretary of State must have regard to when deciding the DCO application. This includes:

- a) any national policy statement which has effect in relation to the development of the description to which the application relates;
- b) any local impact report (within the meaning given by section 60(3) submitted to the Secretary of State before the deadline specified in a notice under section 60(2));
- c) any matters prescribed in relation to development of the description to which the application relates; and
- d) any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.

2.1.2 It is considered that the Overarching NPS for Energy (EN-1), the NPS for Renewable Energy (EN3) and the NPS for Electricity Networks Infrastructure (EN-5) have effect in relation to the Scheme and are, therefore, relevant NPSs for the purpose of Section 104(2)(a) of the PA 2008. The Applicant has demonstrated the Scheme's accordance with the NPS' in Section 7 of the Planning Statement **[REP6-010]**, which should be read alongside the separate Policy Compliance Document **[REP6-012]** which provides a comprehensive analysis of each relevant paragraph of NPS EN-1, NPS EN-3 and NPS EN-5.

2.1.3 Section 6.4 of the Planning Statement **[REP6-010]** considers other important and relevant matters for the purposes of section 104(2)(d) of the PA 2008, including the National Planning Policy Framework, the local planning policy context and other legislation relevant to the determination of the Application.

The Applicant has demonstrated the Scheme's compliance with these matters in Section 7 of the Planning Statement, which should be read alongside the Policy Compliance Document **[REP6-012]**.

Note about National Policy Statements

- 2.1.4 Section 1.6 of NPS EN-1 (2026 version) confirms that for schemes accepted for examination before the final publication of the approved 2025 amendments, the 2024 suite of NPSs should have effect. East Park Energy was accepted for examination in October 2025 prior to the final publication of the 2025 amendments. The 2024 NPSs, therefore, have effect for decision making.
- 2.1.5 Accordingly, all references made by the Applicant to the NPSs in this Closing Statement and throughout the application and examination documents are to the 2024 NPSs, unless expressly stated otherwise.
- 2.1.6 The Applicant prepared a separate **Note on updated National Policy Statements EN-1, EN-3 and EN-5 [PDA-018]** at Procedural Deadline A of the Examination as these updates could be matters which the Secretary of State considers to be both important and relevant to the Secretary of State's decision.

2.2 Need for the Scheme

- 2.2.1 The need for the Scheme is addressed in detail in Section 2 of the Planning Statement **[REP6-010]**.
- 2.2.2 In summary, as explained at paragraph 2.1.2 of the Planning Statement **[REP6-010]**, paragraphs 3.2.6 and 3.2.7 of NPS EN-1 establish that there is a need for the Scheme, that the need is urgent and that substantial weight should be given to that need:

*"The Secretary of State should assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that **the government has demonstrated that there is a need** for those*

*types of infrastructure **which is urgent**, as described for each of them in this Part. [3.2.6]*

*In addition, the Secretary of State has determined that **substantial weight should be given to this need** when considering applications for development consent under the Planning Act 2008. [3.2.7]" [emphasis added]*

2.2.3 The Planning Statement explains that the need case established by NPS EN-1 sits within a wider national context, including the UK's legally binding commitment to achieve net zero greenhouse gas emissions by 2050 and the suite of Government policy and strategy documents directed towards achieving that objective. In particular, Sections 2.2 to 2.7 of the Planning Statement **[REP6-010]** address:

- National Legislative Requirements;
- Progress to Net Zero;
- Achieving British Energy Security;
- Delivering Green Economic Growth;
- The need to rapidly increase electricity generation; and
- Grid Reform.

2.2.4 As explained throughout those sections, the urgent and substantial need for the Scheme is reinforced by national policy and statutory requirements aimed at achieving net zero emissions by 2050. In particular, Sections 2.2 and 2.3 of the Planning Statement **[REP6-010]** explain and evidence that, despite the notable progress the UK has made in reducing emissions, the need to continue to deliver large scale renewable energy generation is essential.

2.2.5 Continued significant additional deployment of both solar generation and battery energy storage is therefore required if the UK is to meet its legally binding climate obligations, achieve a decarbonised electricity system and maintain energy security. As set out under Sections 2.3 and 2.4 of the Planning Statement **[REP6-010]**, achieving net zero will depend on rapidly scaling up both solar PV generation and battery storage over the coming

decade, to provide abundant low-carbon electricity and the means to flexibly manage it on the grid.

- 2.2.6 The policy importance of delivering projects such as the Scheme is reflected in Section 4.2 of NPS EN-1, which identifies a Critical National Priority ("**CNP**") for the provision of nationally significant low carbon infrastructure. The Scheme plainly falls within the category of infrastructure to which that policy applies, and the significance of that policy designation is substantial.
- 2.2.7 Paragraph 3.3.63 of NPS EN-1 states that *"the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy"*. Similarly, paragraph 4.1.7 of NPS EN-1 builds on this by stating that *"for projects which qualify as CNP infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases"*.
- 2.2.8 The Scheme would contribute directly towards the identified need through the delivery of up to 400 MW of solar generation, together with co-located battery energy storage. As set out throughout Section 2 of the Planning Statement **[REP6-010]**, the Scheme would make an important contribution towards increasing renewable generation capacity, supporting the transition to net zero, strengthening British energy security and helping to close critical gaps in renewable energy capacity. The Scheme is further capable of being delivered ahead of 2030 and is therefore strategically aligned with current grid reform measures intended to prioritise ready-to-build capacity and deliver on the Government's Clean Power 2030 policy to rapidly deploy new clean energy capacity across the whole of the UK by 2030.
- 2.2.9 The need for the Scheme is therefore clearly established through NPS EN-1, NPS EN-3 and the wider policy framework and context addressed in Section 2 of the Planning Statement. As summarised at Section 2.8 of the Planning Statement **[REP6-010]**, the Scheme is essential for closing critical gaps in

renewable energy capacity, meeting statutory climate obligations, strengthening British energy security and delivering economic and environmental benefits at local, regional and national scales. Consistent with the approach mandated by the NPSs, that clear and demonstrable need attracts substantial weight in favour of granting development consent.

2.3 Benefits of the Scheme

- 2.3.1 The benefits of the Scheme are addressed in detail in Section 5 of the Planning Statement **[REP6-010]**. A brief summary of the main benefits is provided below.

Net Zero and Climate Change Benefits

- 2.3.2 Directly contributing to national decarbonisation and meeting net zero targets through the supply of clean renewable energy, replacing existing fossil fuel generation in the grid.
- 2.3.3 Delivering up to 400 MW of solar generation together with 100 MW of co-located battery energy storage, making a significant contribution towards the identified need for low carbon energy infrastructure.
- 2.3.4 Generating sufficient renewable electricity to power approximately 117,000 homes annually and saving approximately 1,800,000 tonnes of CO₂ equivalent over the lifetime of the Scheme.
- 2.3.5 Making a valuable contribution towards decarbonising the energy sector before the Government's critical 2030 deadline for a predominantly clean electricity supply.

Energy Security and Electricity System Benefits

- 2.3.6 Directly contributing to the UK's energy security agenda by reducing dependence on imported fossil fuels for gas-fired power generation.

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- 2.3.7 Providing co-located battery energy storage such that the Scheme would function not only as a generation asset but also as a flexible energy hub that helps balance supply and demand.
 - 2.3.8 Strengthening energy independence and helping to protect consumers and businesses from future energy price shocks through the provision of secure, low-cost renewable power.
 - 2.3.9 Making a meaningful contribution towards meeting the anticipated significant increase in future electricity demand identified by NESO's Future Energy Scenarios.

Green Economic Growth Benefits

- 2.3.10 Helping to drive wider economic gains associated with decarbonisation, in line with the Government's mission to become a "Clean Energy Superpower".
- 2.3.11 Supporting the availability of clean and affordable power as a foundation for competitive economic growth.

Local Climate and Economic Benefits

- 2.3.12 Contributing directly towards the Climate Emergency declarations and net zero ambitions of Bedford Borough Council, Huntingdonshire District Council and Cambridgeshire County Council.
- 2.3.13 Delivering significant local green economic benefits through inward investment, job creation and local supply chain opportunities. The Applicant's outline Skills, Supply Chain and Employment Plan **[APP-163]** provides further commitments in relation to local employment opportunities.

Additional Benefits

- 2.3.14 In addition to the benefits identified above, Sections 5.4.3 to 5.4.23 of the Planning Statement **[REP6-010]** identify further public benefits arising from the Scheme, including enhancements to the historic environment through the outline Heritage Enhancement Strategy **[REP3-066]**, research and innovation

benefits through the Applicant's partnership with Rothamsted Research and the proposed Agrisolar Research Area, natural flood management measures, increased recreational access and educational opportunities, as well as significant benefits for nature conservation and a firm commitment to achieving a Biodiversity Net Gain of 70% in area-based habitat units, 30% in hedgerow units and 5% in watercourse units.

- 2.3.15 Whilst the Applicant acknowledges that it cannot be considered within the planning balance, it is also relevant to note that the Applicant has committed to providing a Community Benefit Fund of £400 per MW per year. This is expected to amount to an investment of approximately £6.4 million, over the 40 year life of the solar farm.

Summary

- 2.3.16 The Scheme will deliver substantial public benefits through its contribution to achieving statutory net zero targets, increasing energy security, supporting green economic growth, increasing electricity generation capacity, delivering significant biodiversity gains, enhancing the historic environment, supporting research and innovation, and providing recreational and educational benefits.

3.0 KEY MATTERS OF DISCUSSION AT EXAMINATION

3.1 Site Selection and Alternatives

Summary

- 3.1.1 Site selection and the consideration of alternatives have been examined principally by reference to ES Vol 1 Chapter 3: Alternatives and Design Evolution **[APP-039]**, the Site Identification Report **[APP-058]**, the Land Identification Report **[APP-059]**, addendums to the Land Identification Report **[APP-060 and APP-061]**, the Design Approach Document **[APP-034]** and was addressed at the Issue Specific Hearing 2 and documented in the Written Summary of Applicants Oral Submissions at Issue Specific Hearing 2 **[REP1-059]**.
- 3.1.2 The Applicant has set out that the site selection process began with its secured and non-transferable 400MW connection offer to the Eaton Socon Substation. A 15km area of search was adopted having regard to the scale of the Scheme and the technical, environmental and commercial implications of a longer grid connection. Brownfield registers and potential previously developed land were reviewed, including whether land could be assembled in practical and readily connectable clusters, but no suitable land was identified that could accommodate a 400MW scheme. Rooftop solar would not constitute a practicable alternative to the nationally significant generating station proposed. It was therefore necessary to consider agricultural land.
- 3.1.3 Once it was established that agricultural land was necessary, the Applicant then sought to direct development towards areas where lower-quality agricultural land was more likely and best and most versatile (BMV) land less likely, while also considering other environmental and technical constraints.

Residual matters of disagreement at the end of Examination

- 3.1.4 At the close of the Examination, neither the Host Authorities nor the Statutory Environmental Bodies have raised any disagreement over the Applicant's site selection methodology or its consideration of alternative sites.
- 3.1.5 Residual disagreement has been maintained by Stop East Park Energy and other Interested Parties. They contend that beginning a site selection exercise based around the Eaton Socon Substation and the adoption of a 15km area of search unduly constrained the site selection exercise. It was argued that alternative points of connection, including Little Barford Power Station should have been explored, as well as the possibility of locating the Scheme elsewhere to avoid agricultural land or best and most versatile land. In response to this matter, the Applicant refers principally to its response to 'Procedural Deficiency 4A' in Table 3 of the Applicant Response to Stop East Park Energy [REP2-045], which addresses the substance of the points raised.

Applicant's position on residual matters

- 3.1.6 The Applicant's position remains that the Site has been identified through a transparent, proportionate and policy compliant process. Moreover, no realistic and deliverable alternative capable of meeting the Scheme's objectives has been shown during the Examination that would result in materially fewer overall effects. NPS EN-1 confirms that there is no general requirement for an applicant to consider alternatives and that the existence of a potentially less harmful alternative is not, of itself, a reason to refuse an otherwise acceptable development.
- 3.1.7 The secured grid connection offer to Eaton Socon Substation is specific to that location and is not transferable to another point of connection. It was therefore a legitimate and necessary starting point in the identification of land capable of delivering this Scheme. Paragraph 2.10.25 of NPS EN-3 states that *"To maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs, applicants may choose a site based on nearby available grid export capacity."*

- 3.1.8 The Applicant's justification for selecting a 15km area of search is set out in Section 3.3 of the Site Identification Report **[APP-058]**. There is no statutory or policy requirement to set an area of search based on a specific radius, it is a matter of judgement for the Applicant to decide. The Applicant considers that the area of search is reasonable and proportionate.
- 3.1.9 National policy does not impose a strict sequential or "least harmful site" test requiring an applicant to investigate and eliminate every possible alternative location before agricultural or BMV land may be considered. NPS EN-3 pushes applicants toward previously developed and lower quality land where possible, and says that where agricultural land is necessary, poorer quality land should be preferred and the use of best and most versatile land avoided where possible. At the same time, NPS EN-3 also makes clear that ground mounted solar is not prohibited on best and most versatile land.
- 3.1.10 NPS EN-3 states at paragraph 2.10.31 that "*Applicants should explain their choice of site, noting the preference for development to be on suitable brownfield, industrial and low and medium grade agricultural land*". This is what the Applicant has transparently done as part of the Site Identification Report **[APP-058]**. A clear sequential approach was followed to rule out brownfield or previously developed land and demonstrate that agricultural land was necessary to meet the project objectives; and that once it was established that agricultural land was necessary, development was directed towards areas of land where best and most versatile land was less likely to occur – thus, poorer quality land was demonstrably preferred by the Applicant, whilst taking into account the other environmental and technical factors which influence site selection (set out in NPS EN-3).

3.2 Landscape and Visual

Summary

- 3.2.1 Landscape and visual matters have been examined principally by reference to **ES Vol 1 Chapter 5: Landscape and Visual (the "LVIA") [REP4-008]** and its supporting appendices **[APP-069 to APP-073]**, viewpoint photography

and visualisations presented within **[APP-129 to APP-142]** and, the outline Landscape and Ecological Management Plan **[REP6-038]**.

- 3.2.2 The LVIA was undertaken in accordance with the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3) and was supported by 83 representative viewpoints, including 65 located on or adjacent to public rights of way, with 17 viewpoints supported by visualisations.
- 3.2.3 The Scheme has been developed through an iterative, landscape-led design process, with design measures including: setting development back from settlements, residential properties and public rights of way; consolidating development parcels; removing infrastructure from more sensitive areas; retaining almost all existing vegetation; introducing additional buffers; and, providing substantial new native hedgerow, tree and woodland planting. The landscape strategy also sought to retain the legibility and openness of the wider landscape, including views across the Kym Valley and towards church spires. This design approach is summarised within the Design Approach Document **[APP-034]**, with particular reference to Section 5 of that document.
- 3.2.4 The LVIA concludes that significant effects on landscape character would arise during the construction phase, but that no significant residual effects on landscape character would remain by year 10 of operation. Significant visual effects during construction and early operation would affect a limited number of individual residential properties and property groups close to the Site, but no significant effects have been identified within the villages themselves. At year 10, the remaining significant visual effects would be principally confined to sections of the PRoW network within or immediately adjoining Sites A and B and a small number of elevated routes near Pertenhall and Little Staughton.
- 3.2.5 The Host Authorities broadly accepted the assessment of effects on visual receptors as appropriate (paragraph 6.13 **[RR-111]**, paragraph 7.9 **[RR-494]**), whilst maintaining concerns regarding the treatment of enclosed views and the significance attributed to some moderate adverse effects.

- 3.2.6 The Applicant notes the following comment made by both Bedford Borough Council (paragraph 6.15 [RR-111]) and Huntingdonshire District Council (paragraph 7.16 [RR-494]) in their Relevant Representations as the local planning authorities for the area:

“The landscape proposals are tailored to the location and required functions of each part of the Scheme, noting that these change across the Site. The design is well considered and retains the legibility and character of the landscape and reduces the visual effects, where possible, especially for visual receptors, at the edges of settlements, and along routes connecting settlements.”

Residual matters of disagreement at the end of Examination

- 3.2.7 The principal residual disagreement concerns the professional judgements reached within the LVIA. The Host Authorities consider that there may be some under representation of significant effects, particularly where effects assessed as Moderate were concluded to be not significant. The Host Authorities and some Interested Parties maintain that new hedgerows and woodland would enclose existing open views and that this adverse change has not been given sufficient consideration in assessing the effects. In particular, they have identified viewpoints 12, 15, 77 and 78 as being views where the Applicant’s assessment may understate the visual effect.
- 3.2.8 Interested Parties have also raised disagreements and objections over the visual impact of the Scheme on users of the public right of way (PRoW) network.

Applicant’s position on residual matters

- 3.2.9 The Applicant considers that the LVIA is comprehensive, transparent and consistent with the best practice guidance set out in the GLVIA3.
- 3.2.10 GLVIA3 does not prescribe a fixed threshold under which every moderate effect must be significant. Significance depends upon receptor sensitivity, the scale, extent, duration and reversibility of the change, and the exercise of

reasoned professional judgement. The LVIA has applied the methodology consistently and has not sought to minimise adverse effects, identifying significant effects during construction, early operation, and at year 10.

- 3.2.11 Neither the Host Authorities nor Interested Parties have provided a transparent alternative assessment of the visual impact from any of the Applicant's identified viewpoints in accordance with a recognised assessment methodology; instead, it is only identified that they believe the Applicant's assessment to understate the effects from some viewpoints.
- 3.2.12 The impact of mitigation planting has been accounted for in the Applicant's LVIA, with the viewpoint assessment recognising that planting may filter, truncate or restrict views and increase enclosure from some locations. On this matter, the Applicant makes specific reference to its responses at Appendix B and Appendix C of the Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 3 (ISH3) and Action Points **[REP4-110]**.
- 3.2.13 The difference between the Applicant and the Host Authorities is one of professional judgement as to the significance of an acknowledged change, rather than an omission from the LVIA.
- 3.2.14 The Applicant considers that reasonable opportunities to avoid and reduce visual effects have been incorporated into the Scheme, and the Applicant considers this to be acknowledged in the statements by the local planning authorities repeated above at paragraph 3.2.6.
- 3.2.15 The Site is not within a designated landscape or other valued landscape, and the residual significant effects are localised principally to receptors close to the Scheme. The Applicant acknowledges these adverse effects should be weighed in the planning balance, but that they do not either individually or in combination with other relevant planning matters, demonstrate that the Scheme is unacceptable. Paragraph 5.10.13 of NPS EN-1 notes that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites, with paragraph 5.10.35 directing the SoS to

judge whether any adverse impact would be so damaging that it is not offset by the benefits (including need) of the project.

3.3 Cultural Heritage and Archaeology

Summary

- 3.3.1 Cultural Heritage and Archaeology have been examined principally by reference to ES Vol 1 Chapter 6: Cultural Heritage and Archaeology **[APP-042]**, the Settings Impact Assessment **[REP1-022]**, the archaeological geophysical and trial-trenching reports **[APP-084 to APP-086]**, and **REP2-015 to REP2-018]**, the outline Archaeological Mitigation Strategy **[REP4-028]** and the outline Heritage Enhancement Strategy **[REP3-066]**.
- 3.3.2 The historic environment informed the Scheme's iterative design, as set out in the Design Approach Document **[APP-034]** with particular reference to paragraphs 5.6.18 to 5.6.55 of that document in relation to local church spires. The Applicant's archaeological geophysical survey resulted in the designation of a new scheduled monument during the pre-application phase, located within East Park Site C, as described at paragraph 7.5.40 of the Planning Statement **[REP6-010]**.
- 3.3.3 The Scheme would deliver significant heritage-specific benefits. The scheduled monument would be taken out of arable cultivation and maintained under grass, arresting the continuing erosion caused by ploughing. A circular heritage trail, interpretation and further funded archaeological research would improve public access, understanding and appreciation of the nationally significant remains. The outline Heritage Enhancement Strategy **[REP3-066]** is secured through Requirement 16 of the draft DCO, and Historic England acknowledge in paragraphs 2.4, 4.51, 6.5 of their Written Representation **[REP1-079]** that the Scheme will deliver significant / considerable, heritage-focused, public benefit.

Residual matters of disagreement at the end of Examination

- 3.3.4 The principal substantive residual disagreement in relation to cultural heritage or archaeology concerns the operational phase effect on the setting of the Grade I listed All Saints Church at Little Staughton, which has been raised by Bedford Borough Council and Historic England. The final position with Bedford Borough Council is recorded with reference to Item 33 in the Statement of Common Ground with Bedford Borough Council **[REP5-019]**. The position with Historic England is recorded with reference to Item 09¹ in the Statement of Common Ground with Historic England **[REP4-105]**.
- 3.3.5 In addition, there is a disagreement with Historic England on the level of effect to the Two bowl barrows 900m and 1000m east of Old Manor Farm scheduled monument, with the position again recorded with reference to Item 09 in the Statement of Common Ground with Historic England **[REP4-105]**.
- 3.3.6 In relation to both of the assets above there is agreement that there would be 'less than substantial harm'.
- 3.3.7 The Applicant notes there is agreement with Bedford Borough Council, Huntingdonshire District Council, Cambridgeshire County Council, and Historic England across all other matters relating to cultural heritage and archaeology.

Applicant's position on residual matters

- 3.3.8 The Applicant's position in relation to the All Saints Church at Little Staughton is set out with reference to BBC-RR-39 of the Applicant Responses to Relevant Representations **[REP1-055]**, and with reference to HE-WR-02 in the Applicant Response to Written Representations **[REP2-044]**.

¹ The Applicant notes that Historic England preferred to state this as 'Matter Agreed', rather than 'Matter Not Agreed'.

- 3.3.9 The Applicant's position in relation to the Two bowl barrows 900m and 1000m east of Old Manor Farm scheduled monument is set out with reference to HE-WR-05 in the Applicant Response to Written Representations **[REP2- 044]**.
- 3.3.10 The Applicant notes that Historic England does not object to the development (paragraph 6.1, **[REP1-079]**).
- 3.3.11 The Applicant's planning appraisal of the historic environment is set out at paragraphs 7.5.49 to 7.5.57 of the Planning Statement **[REP6-010]**.
- 3.3.12 The less than substantial harm arising from the Scheme should be weighed against the public benefits in accordance with paragraph 5.9.32 and 5.9.36 of NPS EN-1. The Scheme is CNP infrastructure and has followed the mitigation hierarchy through the design and EIA process; therefore, in accordance with paragraph 4.2.16 of NPS EN-1 the Scheme should be treated as meeting the requirements of paragraphs 5.9.32, 5.9.33, 5.9.36 and any other relevant local planning policy.
- 3.3.13 Further, in relation to the heritage balancing exercise, the Applicant highlights not only the public benefits arising from the Scheme (summarised in Section 2 above) and its status as critical national priority infrastructure, but also the heritage-specific public benefits secured by Requirement 16 of the draft DCO **[as updated alongside this submission]** which have been acknowledged by Historic England with reference to paragraph 3.3.3 above.

3.4 Ecology and Nature Conservation

Summary

- 3.4.1 Ecology and nature conservation has been examined principally by reference to ES Vol 1 Chapter 7: Ecology and Nature Conservation **[APP-043]** along with its associated appendices, the Biodiversity Net Gain Report **[REP3-068]**, and the outline Landscape and Ecological Management Plan (oLEMP) **[REP6-038]**. The assessment has been informed by field surveys, and where access to third party land has been unavailable, a precautionary approach was adopted.

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- 3.4.2 The Scheme has been designed to retain and protect the more valuable existing ecological features whilst replacing predominantly intensively managed arable land with a more diverse habitat mosaic.
- 3.4.3 The ES concludes that there would be no significant residual adverse effects on ecological receptors. During operation there would be significant beneficial effects for priority habitats, the wider breeding bird assemblage and foraging and commuting bats, together with not significant beneficial effects for a range of other ecological receptors.
- 3.4.4 There would be not significant minor adverse effects on ground nesting birds (due to the displacement of skylark) through the operational phase, but there would also be significant moderate beneficial effects on the wider breeding bird assemblage. The Applicant recognises that the solar arrays would displace skylark and other species which require open ground for nesting. The ES therefore does not assume that skylark will simply continue nesting beneath the arrays, concluding that there would be a minor adverse effect on ground-nesting birds of county value, which is not significant.
- 3.4.5 Biodiversity net gain (BNG) is not mandatory for the Scheme. The oLEMP **[REP6-038]** does however commit to minimum biodiversity net gain (BNG) outcomes of 70% for area-based habitat units, 30% for hedgerow units and 5% for watercourse units, with opportunities for further gains to be pursued through detailed design. Only 5% increase is secured for watercourses due to a nuance of the biodiversity metric, as set out at paragraph 7.8.8 of the Planning Statement **[REP-010]**.
- 3.4.6 It is agreed between the Applicant, Natural England, and the Host Authorities that the Scheme will not adversely affect the integrity of an internationally designated site for nature conservation.
- 3.4.7 Ecological mitigation measures are set out principally in the oLEMP **[REP6-038]**, which includes an outline Farmland Bird Mitigation Strategy at Appendix C. In relation to skylark, the Applicant is not proposing 'skylark plots' as it does not consider them to be necessary. The approach is to provide

approximately 125ha of open grassland specifically suitable for breeding skylark, managed to remain suitable for repeated nesting attempts throughout the breeding season so as to increase skylark productivity. The grassland would be complemented by extensive grassland within the solar arrays, available for foraging and nursery use. The Applicant refers to the following responses on this matter during the course of examination:

- CCC-D2-62 to CCC-D2-65 in the Applicant Response to Deadline 2 Submissions - Host Authorities and Statutory Environmental Bodies **[REP3-073]**;
- CCC-D5-52 to CCC-D5-54 and CCC-D5-78 in the Applicant Response to Deadline 4 and 5 Submissions – Host Authorities **[REP6-051]**; and
- Technical Note on Skylark Metric **[REP6-055]**.

3.4.8 Ecological Reasonable Avoidance Measures (RAMs) are provided at Appendix B of the outline Construction Environmental Management Plan **[REP6-030]**.

Residual matters of disagreement at the end of Examination

3.4.9 The principal remaining ecological disagreement is the effect of the Scheme on skylarks, with Cambridgeshire County Council maintaining that adverse effects on skylark should effectively be compensated on a 1:1 territory basis to ensure no adverse effect.

Applicant's position on residual matters

3.4.10 The Applicant considers the assessment and mitigation of ground-nesting birds including skylark to be robust, precautionary and proportionate. ES Vol 1 Chapter 7 **[APP-043]** recognises that the arrays will reduce skylark nesting opportunities and records a residual adverse effect, taking a precautionary approach.

3.4.11 The Applicant considers there is no ecological or policy basis to ensure displaced territory must be replaced numerically on a 1:1 territory basis. The correct approach is to maintain the conservation status and productivity of the

affected population, having regard to both the quantity and quality of replacement habitat and the wider ecological benefits of the Scheme.

- 3.4.12 The Applicant's approach to mitigation, secured by the oLEMP **[REP6-038]**, adopts a habitat-based approach rather than the creation of artificial skylark plots. The 125ha of dedicated open grassland will be managed for nesting over the full breeding season and without the agricultural inputs and crop growth that presently constrain repeated breeding attempts. The remaining grasslands within the Scheme will also provide extensive foraging resources, while skylark nesting on adjoining agricultural land will also benefit from the increased invertebrate resource associated with the solar farm.
- 3.4.13 The Applicant's position is reinforced by the Technical Note on Skylark Metric **[REP6-055]** that demonstrates when applying an emerging metric (which does not capture the Scheme's key productivity benefit), the proposed grassland is predicted to support 70 territories directly, with a further 17 accounted for through adjacent-land effects. The remaining difference can reasonably be addressed through the increased nesting opportunities (productivity) which the habitat will be designed and managed to provide. The Applicant therefore does not consider additional off-site land or 1:1 territory compensation necessary or proportionate.
- 3.4.14 The residual disagreement on skylark should be viewed in the context of the overall assessed ecological outcome of the Scheme, in which there is a localised, not significant adverse effect from displacement of ground-nesting birds (for which substantial mitigation is provided on an appropriate basis to maintain the conservation status and productivity of the local population), alongside large-scale habitat creation, substantial BNG, significant beneficial effects for the wider breeding bird assemblage, priority habitats and foraging and commuting bats, and no significant residual adverse ecological effects overall.
- 3.4.15 The Applicant considers that the ecological effects have been appropriately assessed, mitigated and secured through the DCO, and that no further

ecological mitigation or compensation is necessary to make the Scheme acceptable.

3.5 Traffic and Transport

Summary

- 3.5.1 Traffic and transport matters have been examined principally by reference to ES Vol 1 Chapter 9: Traffic and Transport **[REP6-020]**, the Transport Assessment **[REP4-019]** and the outline Construction Traffic Management Plan (oCTMP) **[REP6-032]**.
- 3.5.2 The principal matters examined have been the scale and distribution of construction traffic, the suitability of the B645 main Site access, effects upon the A1/B645 junction and wider highway network, construction routing through the rural road network, effects upon local communities, highway safety and condition, and the interaction between Scheme vehicles and PRow.
- 3.5.3 ES Vol 1 Chapter 9 **[REP6-020]** concludes that construction effects on driver delay, accidents and safety, pedestrian delay, severance, non-motorised-user amenity and fear and intimidation would be negligible or minor, with a neutral effect on public transport. The overall conclusion is that the Scheme would have no significant residual traffic and transport effects, either alone or taking cumulative background growth into account.
- 3.5.4 The Applicant has prepared an oCTMP **[REP6-032]** which is secured by Requirement 8 of the draft DCO **[as updated alongside this submission]** and sets out how traffic will be managed through the construction phase.
- 3.5.5 There is agreement with the Host Authorities and National Highways on the study areas, methodology, baseline data and assessment conclusions in respect of the traffic and transport impacts and effects, which is reflected in the Statements of Common Ground with Bedford Borough Council and Cambridgeshire County Council **[REP5-019, REP5-021]**.

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- 3.5.6 The Applicant also has a Statement of Common Ground with National Highways [REP4-103] with all matters agreed.

Residual matters of disagreement at the end of Examination

- 3.5.7 The principal residual disagreements are with Stop East Park Energy and other Interested Parties, rather than with the highway authorities or National Highways. It is contended that the construction phase trip generation assumptions are inadequate, workforce vehicle occupancy is unrealistic, the accident analysis uses incorrect data, and alternative access arrangements should be considered. It is also questioned whether routing controls would be sufficiently enforceable.
- 3.5.8 The residual disagreements with the Host Authorities relate to the approval process for highway works, which the Applicant is looking to resolve through a separate highways side agreement. In addition, there are concerns with Bedford Borough Council around the interface between vehicles and public rights of way, which are considered separately under Section 3.6 below.

Applicant's position on residual matters

- 3.5.9 The Applicant considers that the traffic assessment is robust, precautionary and more than adequate to enable a reasoned conclusion on the Scheme's likely significant effects and demonstrate that there would not be unacceptable impact on highway safety or that residual cumulative impacts on the road network would be severe. The assessment considers the peak HGV and workforce scenarios, has been supplemented by sensitivity testing and A1/B645 junction modelling at the request of National Highways, and has been independently scrutinised by both local highway authorities and National Highways. The fact that Interested Parties would prefer different modelling assumptions or alternative access arrangements does not demonstrate any deficiency in the assessment, the methodology and conclusions of which are accepted by the highway authorities. The Applicant refers to its response under the heading of '*Assessment and management of construction traffic*,

local congestion and highway capacity’ at paragraphs 2.2.39 to 2.2.42 of the Applicant Response to Deadline 4 Submissions **[REP5-023]**.

- 3.5.10 The construction phase routing strategy is also secured and enforceable, rather than dependent upon voluntary driver behaviour, with Requirement 8 of the draft DCO **[as updated alongside this submission]** requiring the approval of a final Construction Traffic Management Plan (CTMP) in substantial accordance with the oCTMP prior to construction. The oCTMP **[REP6-032]** identifies the permitted HGV routes and treats every other route as restricted; deliveries must be pre-booked into allocated time slots; drivers must be inducted into the approved access strategy; and compliance will be monitored using ANPR or GPS-based geofencing, with records available to investigate routes, timings and speeds. Pre- and post-construction highway condition surveys will also ensure that Scheme attributable damage to the highway is identified and remediated.

3.6 Public Rights of Way

Summary

- 3.6.1 The Scheme interacts with a network of existing public rights of way (PRoW), comprising 23 footpaths and five bridleways within the Order limits. The Scheme has been designed to retain the statutory PRoW network, and no permanent closure or diversion of any existing PRoW is required. During construction there will be a number of temporary interactions, including crossing points, short sections where construction vehicles travel along an existing PRoW, and localised diversions associated with construction access or cable installation. ES Vol 1 Chapter 9 Traffic and Transport **[REP6-020]** concludes that, in terms of physical access and interaction with Scheme traffic, the effect upon PRoW users would be negligible and not significant in EIA terms.
- 3.6.2 The Applicant has prepared an outline Public Rights of Way Management Plan (oPROWMP) **[REP6-040]** which has been amended through the Examination to strengthen the protection for public rights of way users

following consultation with the Host Authorities, and feedback from other Interested Parties. The oPROWMP sets a clear hierarchy whereby PRoWs are to remain open with appropriate controls wherever it is safe to do so; short managed closures may be used where necessary for particular activities; and a temporary full closure and diversion is only to be used where lesser controls cannot maintain user safety.

- 3.6.3 The oPROWMP **[REP6-040]** provides controls for each affected route, including minimum diversion widths, pre- and post-work condition surveys, approval of any necessary surfacing or strengthening, reinstatement of Scheme attributable damage, daily inspection of affected routes and temporary controls signage at every vehicle crossing requiring drivers to give way to PRoW users, and immediate 'make safe' actions where a defect or safety issue is identified. Particular provision is made for equestrian users who will have priority wherever Scheme vehicles use, cross or operate immediately adjacent to a bridleway, with drivers and banksmen required to stop and hold vehicle movements until the rider has safely cleared the interface. Route specific controls include defined separation distances of at least 50m, or 100m where visibility allows.
- 3.6.4 In response to the particular concerns raised by the British Horse Society regarding Bridleways 26 and 37 in Site A, the Applicant has also secured (at Examination Deadline 6) an agreement with the relevant landowner for a temporary construction phase diversion, to be available for the period during which construction works affect those routes. This is set out in the oPROWMP **[REP6-040]**.
- 3.6.5 Requirement 11 of the draft DCO **[as updated alongside this submission]** secures the oPROWMP **[REP6-040]**. Article 15 and Schedule 6 of the draft DCO provide the statutory powers required to implement the route-specific arrangements. Schedule 6 Part 1 identifies the sections where temporary alteration, prohibition, restriction, closure or diversion may be required, while Part 2 identifies the limited lengths along or across which authorised Scheme vehicles may pass for the purposes of constructing or maintaining the

authorised development. The Article 15 powers do not alter the status of any PRow or create a public vehicular right. Article 15 requires prior consultation with the street authority before the scheduled powers are exercised, while the use of any route not identified in Schedule 6 requires the street authority's consent, which may be subject to reasonable conditions. Detailed implementation remains controlled through the final PROWMP and CTMP approved under Requirements 11 and 8 respectively.

- 3.6.6 An Issue Specific Hearing was held in relation to public rights of way, with the Applicant's summary provided in the Written Summary of Applicants Oral Submissions at Issue Specific Hearing 3 (ISH3) and Action Points **[REP4-110]**.

Residual matters of disagreement at the end of Examination

- 3.6.7 The final Statement of Common Ground with Bedford Borough Council records agreement in relation to Schedule 6 Part 1 of the draft DCO insofar as it authorises the temporary management of PRowS affected by cable installation, at Item 04c. The remaining disagreement with BBC is principally its in-principle objection to Scheme vehicles travelling along or crossing PRowS under Article 15 and Schedule 6, as recorded at Items 04d, 04e, 50 and 50a. BBC also records related drafting disagreements in respect of Schedules 5, 7 and 8, arising principally from its interpretation of the terms 'permanent' and 'temporary'. The Applicant's position on these matters is set out below.
- 3.6.8 The British Horse Society (BHS) and Borough of Bedford Local Access Forum (BOBLAF) have maintained concerns about equestrian safety during construction, particularly around Bridleways 26, 37 and 40, including the proximity of HGVs, visibility, construction noise and the ability of riders to use the routes confidently during works. However, BHS has also expressly acknowledged that amendments to the oPROWMP had largely addressed its concerns in respect of HGV traffic, and it did not object to the much lower levels of traffic in the operational phase (refer to BHSB-D5-02 of the

Applicant's Response to Deadline 4 and 5 Submissions – Other Interested Parties **[REP6-052]**). The Applicant's provision of the temporary diversion for Bridleways 26 and 37 at Deadline 6 provides a response to the concerns raised in relation to Bridleways 26, 37 and 40.

Applicant's position on residual matters

- 3.6.9 The Applicant does not accept that the use of an existing PRow by a Scheme vehicle is unacceptable as a matter of principle. Paragraphs 2.10.40 - 2.10.45 of NPS EN-3 recognise that solar development may affect PRows and that routes may need to be temporarily closed or diverted to enable construction, but expresses a clear preference towards keeping PRow open during construction, as far as is practicable and safe, in accordance with a public rights of way management plan. Article 15 provides the flexibility required to apply that route-specific hierarchy.
- 3.6.10 The approach set out in NPS EN-3 is the approach the Applicant has taken, ensuring that PRow remain open and safe where practicable, with temporary diversions where necessary. The use of PRow by motor vehicles on this Scheme has been shown to be necessary, and is limited to PRow which are made tracks already used by agricultural vehicles, including as construction access for an existing solar development (at Site A). An in-principle position against the use of motor vehicles on PRow is neither reasonable, proportionate or supported by national policy.
- 3.6.11 Article 15 and Schedule 6 of the draft DCO **[as updated alongside this submission]** do not create an unrestricted or permanent right of motor vehicle use. Schedule 6 Part 2 was amended at Deadline 6 to remove the word "permanent" and authorises only vehicles approved by the undertaker for the purposes of constructing or maintaining the Scheme to pass along or cross the identified lengths. The powers are constrained by their purpose, route and extent and by the street authority and management plan controls described at paragraph 3.6.5. Materially equivalent powers have been included in the Beacon Fen Energy Park Order 2026, the Gate Burton Energy

Park Order 2024 and the Fenwick Solar Farm Order 2026. The drafting is therefore well-precedented and is not novel.

- 3.6.12 The Applicant also does not agree that the use of the terms ‘permanent’ and ‘temporary’ in Schedules 5 and 7 of the draft DCO [as updated alongside this submission] creates ambiguity. ‘Permanent’ distinguishes an alteration or access retained following construction for the operational lifetime of the Scheme from one restored when the relevant temporary works end. It does not mean in perpetuity. Requirement 18 and paragraph 2.4.2 of the oDEMP **[REP6-036]** require Scheme access tracks and new highway junctions to be removed and the affected highway boundaries reinstated at decommissioning. Schedule 8 authorises temporary traffic regulation measures only.
- 3.6.13 The Applicant therefore considers that Article 15 and the associated schedules are necessary and proportionate. They provide the legal framework for identified Scheme-related interactions while preserving appropriate local authority oversight and securing the detailed safety measures through Requirements 8 and 11.
- 3.6.14 The position in relation to the bridleways in Site A has been strengthened by the temporary construction phase diversion of Bridleways 26 and 37. The Applicant maintains that its underlying safety measures were already sufficient before agreeing the diversion. Nevertheless, providing the diversion does respond directly to the principal concern advanced by BHS by providing additional physical separation for equestrian users while construction activity affects those routes.
- 3.6.15 There will be no permanent closure or diversion of the existing PRow network during operation. The effects upon access and user safety have been adequately assessed and are subject to a detailed, enforceable and precautionary management framework which satisfies the relevant policy requirements.

3.6.16 On this matter, the Applicant also refers to responses provided on PRow safety during the course of Examination at:

- BHSB-D2-03 to BHSB-D2-06 within Applicant Response to Deadline 2 Submissions – Other Interested Parties **[REP3-074]**;
- Section 2.3 of the Written Summary of Applicant's Oral Submissions at ISH3 **[REP4-110]**;
- BBC-D5-97 to BBC-D5-100 within Applicant's Response to Deadline 4 and 5 Submissions – Host Authorities **[REP6-051]**; and
- BHSB-D5-02 to BHSB-D5-05 within Applicant's Response to Deadline 4 and 5 Submissions – Other Interested Parties **[REP6-052]**.

3.7 Permissive Access

Summary

- 3.7.1 The Scheme will provide approximately 5.3km of additional permissive access for the operational lifetime of the Scheme. This comprises a 2.35km, 4m wide equestrian access between the B660 Kimbolton Road and Green End in Little Staughton, together with approximately 3km of new pedestrian paths in Sites B and C, including a circular recreational route within Site C that will be developed into a heritage trail in accordance with the outline Heritage Enhancement Strategy **[REP3-066]**.
- 3.7.2 The permissive paths are secured through Work No. 8 of the draft DCO **[as updated alongside this submission]** and Requirement 4, with their detailed alignment and associated landscape works to be approved through the final LEMP, with the outline Landscape and Ecological Management Plan **[REP6-038]** securing the alignment of the permissive paths. The oPROWMP **[REP6-040]** provides the access management, inspection and corrective action controls.

Residual matters of disagreement at the end of Examination

- 3.7.3 The principal residual disagreement concerns whether the Scheme should be providing more, and more permanent, public access. The Host Authorities consider that the Scheme provides an opportunity to contribute more substantially towards a wider local and sub-regional PRow and active travel network. The BHS and BOBLAF have suggested additional connections including routes around Site A, further equestrian links and upgrading the Site C recreational route to include equestrian access.
- 3.7.4 The Host Authorities and BHS consider that permissive access is materially less valuable than additional permanent dedicated PRow because it does not survive beyond the operational lifetime of the Scheme. Bedford Borough Council has additionally sought more engineered specifications and wider provision for active travel, including multi-user routes and improved surfacing. The Applicant does not dispute that permanent PRow would provide a more enduring benefit but does not accept that this means the secured permissive routes provide no or negligible benefit.

Applicant's position on residual matters

- 3.7.5 The Applicant considers that the Scheme has properly considered the deliverable opportunities for additional access. Paragraph 2.10.44 of NPS EN-3 requires opportunities for enhancement to be considered and maximised, taking account where appropriate the views of landowners. It does not require every suggested route by an Interested Party to be delivered irrespective of land ownership, environmental constraints or deliverability. This is particularly important on this Scheme because the Applicant is not seeking compulsory acquisition powers over the landowners of Sites A to D and therefore cannot unilaterally impose new permanent or permissive access rights over those holdings. On this matter, the Applicant refers to its responses at BBC-D5-82 - BBC-D5-85 of the Applicant Response to D4 and D5 Submissions – Host Authorities **[REP6-051]**.

- 3.7.6 The Examination demonstrates that opportunities have not unilaterally been dismissed, and where a deliverable route could be agreed it has been incorporated into the oLEMP **[REP6-038]**. The clearest example is the 2.35km equestrian connection between the B660 and Green End which the Applicant managed to secure between the publication of relevant representations and the Preliminary Meeting. Other suggestions have had identifiable constraints including land ownership, archaeology, security or the nature of the adjoining statutory PRow network – providing cycle or equestrian rights over an isolated permissive section which connects only to footpaths on which those users have no corresponding legal right would not create a coherent multi-user network.
- 3.7.7 The Applicant considers the approximately 5.3km of additional access to be a genuine, secured recreational benefit, albeit one to which the Applicant has attributed only limited positive weight, rather than presenting it as permanent mitigation for the Scheme's other effects.

3.8 Land and Soils

Summary

- 3.8.1 Impacts upon agricultural land and soil resources have been examined principally by reference to ES Vol 1 Chapter 13: Land and Soils **[APP-049]**, supported by Appendix 13-1 Agricultural Land Classification and Soil Resources **[APP-115]**, and an outline Soil Management Plan **[REP6-042]**.
- 3.8.2 The Applicant's ALC survey, which has not been disputed, identified approximately 74% of the Site to be BMV land, comprising grade 2 and grade 3a land. Natural England's position on the Applicant's approach to the ALC survey is recorded at Item 011 of the Statement of Common Ground with Natural England **[REP2-039]**.
- 3.8.3 The assessment in ES Vol 1 Chapter 13 **[APP-049]** distinguishes the temporary and reversible change in land use across the principal solar areas from the much smaller areas affected by permanent built infrastructure or

hardstanding. In total, the Scheme would result in permanent adverse impact to approximately 5.86 hectares of BMV land. The remainder of the BMV land within the Site would not be permanently adversely impacted by the Scheme and could be easily reverted to its existing agricultural condition upon completion, with benefits in relation to soil structure and resources.

- 3.8.4 The Applicant has updated the outline Soil Management Plan **[REP6-042]** during the examination, following consultation with the Host Authorities, to strengthen the commitments to soil protection and restoration, including a commitment that the land must be restored to its pre-construction agricultural grade upon decommissioning.

Residual matters of disagreement at the end of Examination

- 3.8.5 The principal residual disagreement in relation to land and soils is with Stop East Park Energy and other Interested Parties, concerning the scale, necessity and duration of the use of BMV land. They contend that the Scheme would remove a substantial area of productive arable land for 40 years, with consequential effects upon agricultural production and food security, and that the Applicant has not demonstrated that lower-grade agricultural land or non-agricultural alternatives have been sufficiently assessed.
- 3.8.6 In addition, there has been some disagreement with the Host Authorities around whether approximately 19ha of proposed woodland, together with new hedgerows and trees, should be treated as a permanent and irreversible loss of agricultural land and soil resource. The Host Authorities considered that woodland planting should be considered a permanent impact because the planting is expected to be retained at decommissioning. The Applicant does not consider woodland planting to be a permanent and irreversible loss of agricultural land and soil volume, but does accept it is unlikely to be returned to agricultural use. On this matter, the Applicant refers specifically to its response to ExA Q2.7.1 of the Applicant Response to ExA Second Written Questions **[REP4-113]**.

- 3.8.7 Finally, there has been a difference of professional judgement between the Applicant and Host Authorities over the operational benefits to the soil resource. The Applicant assessed a significant beneficial effect arising from the conversion of substantial areas of intensively cultivated arable land to long-term vegetated cover. The Host Authorities accepted that soil benefits could arise but considered their significance to be overstated. The Applicant stands by its assessment but notes that, as set out in paragraph 8.3.45 of the Planning Statement **[REP6-010]**, this beneficial effect should only be afforded limited positive weight in the planning balance, which appears to be consistent with the Council's view on this matter.
- 3.8.8 The Applicant notes that in the final Statements of Common Ground with the Host Authorities submitted at Deadline 8, there is no residual disagreement between the Applicant or the Host Authorities in relation to land and soils.
- 3.8.9 Huntingdonshire District Council (HDC) identified limited negative weight and a degree of conflict with Policy LP10 in relation to the localised permanent loss of BMV land (paragraph 6.18, HDC Local Impact Report **[REP1-078]**).

Applicant's position on residual matters

- 3.8.10 NPS EN-3 does not prohibit ground-mounted solar development on BMV land or make agricultural land quality a predominant site selection factor. The Applicant has addressed the consideration of site selection in relation to BMV land in Section 3.1 of this Closing Statement.
- 3.8.11 The Applicant does not consider that the Scheme would have a significant effect upon national food security or agricultural production, as recorded in Section 2.2 of the Written Summary of Applicant's Oral Submissions at Issue Specific Hearing 2 (ISH2) and Action Points **[REP1-059]**.
- 3.8.12 On this matter, the Applicant also refers to paragraphs 7.15.26 to 7.15.30 along with Table 2 of the Planning Statement **[REP6-010]** which provides an appraisal of the Scheme in relation to BMV land.

- 3.8.13 The residual adverse effects are matters for the planning balance but are not in the Applicant's opinion of a scale or overall degree of impact, to provide a basis for refusal, particularly in light of the critical national priority need, substantial renewable energy benefits of the Scheme, protection and restoration of soils secured by Requirement 7 of the draft DCO **[as updated alongside this submission]** and the outline Soil Management Plan **[REP6-042]**, and the commitment to restore land to its pre-construction agricultural grade upon decommissioning.

3.9 Climate Change

Summary

- 3.9.1 Climate change has been examined principally with reference to ES Vol 1 Chapter 15: Climate Change **[REP4-014]** and its supporting appendices including ES Vol 2 Appendix 15-1 Greenhouse Gas Assessment **[REP4-021]**.
- 3.9.2 ES Vol 1 Chapter 15 **[REP4-014]** concludes that the Scheme would have a significant beneficial effect upon climate change through the generation of low-carbon electricity and displacement of more carbon intensive generation within the National Grid. The Scheme is also assessed to be resilient to the future effects of climate change.
- 3.9.3 At the end of the Examination, the Host Authorities have not raised any concern with the adequacy or conclusions of the climate change assessment. The Host Authorities are in agreement with the Applicant on the methodology used, the baseline, and the assessment conclusions.
- 3.9.4 By contrast, Stop East Park Energy and other Interested Parties have returned to the climate change case through successive submissions from the relevant representations onwards throughout the examination. These submissions challenge a wide range of individual inputs and assumptions to the Applicant's greenhouse gas assessment, including generation and capacity factor, embodied carbon, component-manufacturing locations, replacement cycles, construction fuel, worker travel, water consumption,

traffic, waste transportation and future recycling arrangements. The Applicant has responded to the matters raised through the Examination and has provided a consolidated overarching position within paragraphs 2.2.1 to 2.2.20 of the Applicant Response to Deadline 4 Submissions **[REP5-023]**, and with reference to SW-D6-01 in Section 3.7 of the Applicant Response to Deadline 4 and Deadline 5 Submissions – Other Interested Parties **[REP6-052]**.

Residual matters of disagreement at the end of Examination

- 3.9.5 The residual disagreement is not with the Host Authorities, but with Stop East Park Energy and a small number of other Interested Parties who maintain the Scheme's lifecycle emissions have been understated and its carbon savings overstated, and that the Scheme may never offset the carbon emissions it generates.
- 3.9.6 There is no substantive residual disagreement with any Interested Parties regarding the Scheme's resilience to climate change or the ICCI assessment.

Applicant's position on residual matters

- 3.9.7 The Applicant considers that the greenhouse gas assessment is proportionate, transparent and adequate for the purposes of the EIA Regulations. The relevant EIA requirement is to provide the information reasonably required, having regard to current knowledge and assessment methods, so that a reasoned conclusion may be reached on the likely significant effects. It is not to model every conceivable permutation of future events or produce an exact forecast of future outcomes. The Applicant refers again to its position which is set out within paragraphs 2.2.1 to 2.2.20 of the Applicant Response to Deadline 4 Submissions **[REP5-023]**, and with reference to SW-D6-01 in Section 3.7 of the Applicant Response to Deadline 4 and Deadline 5 Submissions – Other Interested Parties **[REP6-052]**.
- 3.9.8 The Applicant's assessment addresses the principal physical components and all relevant Scheme lifecycle stages. It includes the mounting structures,

panels, BESS, transformers, inverters and fencing; construction and operational energy use; worker travel; water supply and treatment; maintenance and equipment replacement; waste transportation, recycling and disposal; and decommissioning. Where future details cannot be known, recognised emission factors and transparent proxies have been applied.

- 3.9.9 Where errors in the greenhouse gas assessment have been identified during the Examination, they have been acknowledged and the assessment has been updated. Those changes have altered individual numerical results but have not changed the conclusion that the Scheme would have a significant beneficial GHG effect.
- 3.9.10 The materiality of the further refinements sought by Interested Parties must be kept in perspective; the Scheme's estimated lifetime emissions of approximately 735,000 tCO₂e represent approximately 12% of the emissions avoided using the current long-run marginal generator and approximately 30% using the current grid average comparator. On the latter, lower comparison, the total assessed greenhouse gas emissions from the Scheme would need to more than triple before exceeding the quantity offset. Minor variations in vehicle movements, one-off activities or individual assumptions will not realistically alter the assessment conclusion.
- 3.9.11 The Applicant's position is also that it is not appropriate to assess the Scheme as though it were competing with a future electricity system that has already been decarbonised, something that is only possible through the delivery of schemes such as East Park, which are required to deliver the Government's policy to decarbonise the grid through increased generation from renewable energy sources.. The declining Green Book factors reflect the projected deployment of renewables, but projects such as the Scheme are required to achieve that trajectory. Assuming the future decarbonised grid as the counterfactual can therefore understate the contribution of the very infrastructure necessary to deliver it.

- 3.9.12 The Applicant does not dispute that alternative calculations can be produced or that different assumptions may alter the precise numerical estimate of total carbon to be offset. The alternatives put forward by Stop East Park Energy and other Interested Parties are however often conjectural or speculative based on unknown future scenarios, not necessarily accurate, and would not materially alter the scale of the Scheme's net greenhouse gas savings, the assessment of significance in the ES, or the substantial weight to be afforded to its renewable energy and climate change benefits.
- 3.9.13 The ES provides sufficient information for the ExA and the Secretary of State to reach a reasoned conclusion on the likely significant greenhouse gas effects of the Scheme.

3.10 Battery Energy Storage

Summary

- 3.10.1 The principal matters examined in relation to the battery energy storage system (“**BESS**”) have been the need for and operational role of the 100 MW BESS, its status following grid reform, fire safety, firefighting water provision, containment of contaminated runoff, and the extent to which detailed design should be undertaken post consent.
- 3.10.2 An Issue Specific Hearing was held in relation to battery energy storage, with the Applicant's summary provided in the Written Summary of Applicants Oral Submissions at Issue Specific Hearing 4 (ISH4) and Action Points **[REP4-111]**.
- 3.10.3 The function of the proposed BESS is to store electricity generated by the solar PV modules when generation is abundant or demand is lower and release that electricity when demand is higher. This provides flexibility in the timing of export, reduces the potential for renewable electricity to be constrained and supports energy security. NPS EN-1 recognises that solar schemes may include energy storage as associated development and supports the co-location of generation and storage.

- 3.10.4 The Applicant has a 'Gate 2' offer for the Scheme's 400 MW generation export connection and a 'Gate 1' offer for the BESS's separate 100 MW import connection. The BESS should therefore presently be assumed not to import electricity from the transmission network, although this does not prevent it from being constructed, charged from the Scheme's solar generation or exporting stored solar electricity. The Applicant has not relied upon quantified carbon or grid arbitrage benefits associated with a future import connection, and the need case and planning balance are not dependent upon such a connection being secured.
- 3.10.5 The Applicant has updated the outline Battery Safety Management Plan (oBSMP) **[REP6-044]** during the examination, following consultation with the Host Authorities and Environment Agency.
- 3.10.6 The Applicant had consulted with Cambridgeshire Fire and Rescue Service (CFRS) through the pre-application period and was therefore in a position to submit a signed **Statement of Common Ground with CFRS [PDA-019]** ahead of the Preliminary Meeting at Procedural Deadline A.

Residual matters of disagreement at the end of Examination

- 3.10.7 The principal residual disagreements are with Stop East Park Energy and other Interested Parties, with those parties contending that the Gate 1 status of the BESS import connection undermined its deliverability and the weight to be attached to the claimed benefits of the Scheme. It has also been argued that the BESS might operate as an independent merchant storage facility rather than as an associated element of the solar generating station. On safety, concerns have been raised regarding the amount and source of firefighting water, the capacity and detailed dimensions of the drainage, the potential interaction with the nearby National Gas pipeline, the adequacy of emergency access, and the use of a 1km plume assessment study area. The Applicant has responded to each of these matters in detail across the Examination.

- 3.10.8 The Host Authorities agree with the Applicant's assessment of major accidents and disasters and human health in ES Vol 1 Chapter 16 **[APP-052]**.
- 3.10.9 The Environment Agency requested minor amendments to the oBSMP **[REP6-044]** which the Applicant made at Deadline 4 following Issue Specific Hearing 4.

Applicant's position on residual matters

- 3.10.10 The Gate 1 status of the BESS does not undermine either its need or deliverability – the Gate 1 offer relates only to the BESS's separate 100 MW import capability. The BESS's core function as a co-located storage facility therefore remains deliverable; any future import and wider grid-balancing capability would be supplementary, and neither the quantified carbon benefits nor the Applicant's planning balance rely upon that supplementary capability. The Applicant's position is set out most fully at paragraphs 2.2.45 to 2.2.52 of the Applicant's Response to Deadline 4 Submissions **[REP5-023]**.
- 3.10.11 The Applicant has prepared a detailed oBSMP **[REP6-044]** that has been agreed by the Host Authorities, Environment Agency, and Cambridgeshire Fire and Rescue Service (as set out in the respective Statements of Common Ground).
- 3.10.12 The Applicant's position is that the BESS has a clear policy and operational justification, is deliverable, and is subject to a comprehensive and enforceable safety regime that is secured by Requirement 10 of the draft DCO **[as updated alongside this submission]**.

3.11 Replacement Works

Summary

- 3.11.1 The matter of replacement works has been considered as part of the operational phase from the outset, however, the Host Authorities raised concerns during Examination that the assessment and control over any replacement works were not sufficiently set out across the application

documents. The Applicant therefore prepared a Technical Note on Replacement Works **[REP3-075]** at Deadline 3 to set out the approach that would be taken to replacement works, and the controls that would be in place to manage environmental impacts. In response to subsequent submissions from the Host Authorities and Interested Parties, the Technical Note was revised and incorporated into the Environmental Statement as ES Vol 2 Appendix 2-4: Replacement Works **[REP6-028]**. The outline Operational Environmental Management Plan (oOEMP) **[REP6-034]** and the other relevant operational phase management plans were also updated at Deadline 6 to cover replacement works.

- 3.11.2 The updated assessment and approach to managing replacement works are principally set out by the Applicant with reference to ES Vol 2 Appendix 2-4: Replacement Works **[REP6-028]**, as well as with reference to BBC-D5-64 to BBC-D5-81 in the Applicant Response to Deadline 4 and 5 Submissions – Host Authorities **[REP6-051]**, and with reference to SEPE-D5-01 to SEPE-D5-09, and SW-D5-01 to SW-D5-09 in the Applicant Response to Deadline 4 and 5 Submissions – Other Interested Parties **[REP6-051]**.

Residual matters of disagreement at the end of Examination

- 3.11.3 The updates made by the Applicant to the ES and the oOEMP at Deadline 6 resolved the concerns of the Host Authorities, who are now in agreement with the approach taken to the assessment of the operational phase, and the control measures in the oOEMP **[REP6-034]**.
- 3.11.4 Stop East Park Energy and other Interested Parties have contended that wholesale panel replacement should be treated as equivalent to a second construction phase. They contend that commercial considerations could lead the operator to compress the programme, that successive campaigns might be divided to avoid the 20% threshold, and that replacement traffic should be subject to the same controls as initial construction.

Applicant's position on residual matters

- 3.11.5 The ES now includes ES Vol 2 Appendix 2-4 **[REP6-028]** which provides a sensitivity assessment of a Major Replacement Campaign involving the replacement of 100% of the solar panels within a single campaign. The Applicant remains of the view that the most likely scenario would comprise a series of smaller replacement campaigns involving no more than 20% of the panels in any rolling 12-month period. Nevertheless, the 100% replacement scenario has been assessed to provide a robust and reasonable worst-case assessment. The assessment concludes that the environmental effects associated with such a campaign would remain less than those assessed for the construction phase and would not give rise to significant effects.
- 3.11.6 The Applicant revised the oOEMP **[REP6-034]** to provide greater detail and certainty regarding the parameters and controls applicable to replacement campaigns involving no more than 20% of the panels in any rolling 12-month period.
- 3.11.7 The oOEMP sets out an approval process for any Major Replacement Campaign involving the replacement of more than 20% of the panels in any 12-month period. Before such a campaign could commence, a Major Replacement Campaign Method Statement and Environmental Review would be required to be submitted to and approved by the relevant local planning authority. The oOEMP includes an Operational Access Strategy Plan to ensure that the access and traffic arrangements applicable to replacement works form part of the management framework secured through the draft DCO.
- 3.11.8 The Host Authorities are in agreement with the approach taken by the Applicant and the control measures secured by the oOEMP, although as recorded in the respective Statements of Common Ground, would prefer 'Replacement Works' to be defined on the face of the DCO and set out against Requirements accordingly. The Applicant does not consider that this is necessary and the current definition of maintain, set out in Article 2, is

sufficient, along with the controls imparted through the adoption of the measures set out in the oOEMP.

- 3.11.9 The Applicant's approach to the assessment of replacement works is robust, proportionate and provides an enforceable framework for the Host Authorities. Aside from the specific procedure set out in the oOEMP **[REP6-034]** Article 4(3) of the draft DCO **[as updated alongside this submission]** remains an overriding limitation on the scope of the DCO. Approval of a Method Statement and Environmental Review cannot increase the powers granted by the DCO. If a proposed replacement campaign would be likely to give rise to materially new or materially different environmental effects compared with those identified in the ES, it would not be authorised by Article 4 and could not lawfully proceed under the DCO.

3.12 Decommissioning

Summary

- 3.12.1 The Scheme is a temporary development with an operational life of 40 years, after which the authorised development must be decommissioned in accordance with Requirement 18 of the draft DCO **[as updated alongside this submission]**.
- 3.12.2 The Examination has considered whether a financial security to cover the cost of decommissioning should be required, removal of below ground infrastructure, restoration of agricultural soils, and the retention of landscape features.
- 3.12.3 The outline Decommissioning Environmental Management Plan (oDEMP) **[REP6-036]** provides a framework for environmental controls at decommissioning and sets out the elements of the Scheme that will be retained or removed at that point in time (paragraphs 2.4.2 to 2.4.10).

Residual matters of disagreement at the end of Examination

- 3.12.4 The principal residual disagreement with the Host Authorities is with Bedford Borough Council (BBC) in relation to the removal of all below ground conduit and casing post decommissioning. BBC maintains that all below ground conduit should be removed because of concerns over future degradation and contamination. The Applicant's position is that cables and cable-jointing chambers will be removed and that conduit and casing would also be removed in ordinary circumstances, but that there may, exceptionally, be circumstances where such infrastructure would be better retained than removed. Paragraph 2.4.2 of the oDEMP states that "*Confirmation of the approach to be taken including a benefits/impacts analysis of the impacts of the preferred approach will be set out in the final DEMP, and will take account of any contemporary legislation, regulatory guidance or best practice at the time of decommissioning*". This provides some necessary flexibility, and the approach was agreed with the Environment Agency as per Item 08 in the Statement of Common Ground with the Environment Agency **[REP4-104]**.
- 3.12.5 Stop East Park Energy and other Interested Parties argue that Requirement 18 provides insufficient long-term assurance and that a ring-fenced decommissioning bond or equivalent financial security should be secured now. The Applicant has provided a consolidated response under the heading of '*Decommissioning obligations, funding and the absence of a bond requirement*' at paragraphs 2.2.43–2.2.47 of the Applicant Response to Deadline 4 Submissions **[REP5-023]**.
- 3.12.6 Some of the other Interested Parties have also questioned the retention of the mature landscape planting, and whether this would be inconsistent with the Scheme being temporary. On this matter, the Applicant refers to its response with reference to SW-D6-08 of the Applicant Response to Deadline 4 and 5 Submissions – Other Interested Parties **[REP6-052]**.

Applicant's position on residual matters

- 3.12.7 The Applicant considers that the decommissioning framework is clear, enforceable and proportionate. Requirement 18 of the draft DCO **[as updated alongside this submission]** creates the legal obligation to decommission, provides for early decommissioning where generation permanently ceases, requires prior approval of the final Decommissioning Environmental Management Plan (DEMP) and Decommissioning Traffic Management Plan (and prohibits decommissioning works until those approvals are in place). The final DEMP must be in substantial accordance with the certified oDEMP, allowing the final methods to reflect the environmental baseline, technology, legislation and best practice prevailing when decommissioning takes place.
- 3.12.8 The Applicant's position is that a decommissioning bond is neither necessary or justified. The Applicant has submitted that NPS EN-3 requires outline decommissioning plans, a time limit and DCO provisions securing the actual decommissioning but does not require financial security. The Applicant has also identified recent solar DCO decisions where the SoS declined to impose a decommissioning fund or bond, applying the requirement that DCO requirements should be necessary and reasonable. The statutory obligation attaches to whoever has the benefit of the Order, and breach of a DCO requirement is enforceable under the PA 2008.
- 3.12.9 In relation to the removal of below ground infrastructure, the Applicant's position is that cables and jointing chambers will be removed. Conduit and casing are also expected to be removed in ordinary circumstances, but may exceptionally be retained where a future, site-specific environmental assessment demonstrates that removal would cause greater harm. The final DEMP will require approval by the relevant local planning authorities and the Environment Agency prior to decommissioning, which in the Applicant's opinion gives the Host Authorities necessary control and oversight of the decommissioning end state. The Applicant considers that this is more environmentally responsible than imposing, today, an absolute requirement

to excavate infrastructure in approximately 40 years regardless of the consequences of doing so.

3.12.10 The Applicant's position is that decommissioning has been adequately assessed for the purposes of EIA, that decommissioning is legally secured by the draft DCO without the need for financial securities, and that the Host Authorities have an effective control and enforcement mechanism through Requirement 18 of the draft DCO **[as updated alongside this submission]**.

4.0 COMPULSORY ACQUISITION AND RELATED MATTERS

4.1 Summary Statement

- 4.1.1 The compulsory acquisition powers sought under this Application are necessary to provide certainty that the Scheme can be constructed, operated, maintained and decommissioned, and thereby deliver its substantial renewable energy and public interest benefits within the timescales required by Government policy.
- 4.1.2 The Statement of Reasons **[REP5-009]** explains that the powers sought in the draft DCO **[to be updated alongside this submission]** are carefully targeted and confined to the interests reasonably required for delivery, operation, maintenance and decommissioning of the Scheme.
- 4.1.3 Articles 21, 23 and 26 provide the core compulsory acquisition powers. These are supported by ancillary provisions, including Articles 24 and 27, which provide for the extinguishment, suspension or overriding of private rights and easements that would otherwise impede the authorised development, and Article 29, which enables the use of land beneath or over streets without the need to acquire the street itself. In addition, Articles 30 and 31 confer powers of temporary possession for construction and maintenance purposes, while Articles 32 and 33 provide powers in relation to statutory undertakers' land and apparatus. Collectively, these powers ensure that the Applicant can secure the land and rights necessary to construct, operate and maintain the Scheme, while seeking only the minimum interests reasonably required and avoiding the acquisition of greater interests where rights or subsoil interests alone will suffice.
- 4.1.4 The Applicant has sought to acquire the necessary land and rights by agreement. The Applicant has engaged extensively with landowners across the Scheme throughout the pre-application and examination stages. As outlined in the Statement of Reasons, the Applicant has worked

collaboratively with those impacted by the proposals to identify specific areas of concern, amending the design to remove or mitigate these as far as reasonably possible, while still delivering the Scheme's objectives.

- 4.1.5 The Land and Rights Negotiations Tracker **[REP7-004]** records the most up-to-date position on negotiations and demonstrates that the Applicant has diligently pursued negotiations to acquire by agreement the interests required to deliver the Scheme over a considerable period. Voluntary agreements have been reached in relation to more than 80% of the land within the Order Limits, and the Applicant will continue to progress negotiations; however, compulsory acquisition powers remain necessary as a fallback to ensure that the Scheme's significant public benefits are not frustrated by outstanding interests.
- 4.1.6 The Application Site comprises 772.97 acres. The Applicant seeks only the compulsory acquisition of new rights over 55.933 acres, equivalent to just over 7% of the Site, and temporary possession over 2.66 acres, equivalent to 0.35% of the Site.
- 4.1.7 The Applicant does not seek to acquire any freehold interests compulsorily. The extent of the principal powers sought are therefore focused on new rights, limited subsoil interests, private rights and temporary possession where lesser interests are sufficient.
- 4.1.8 The Applicant has secured voluntary agreements for 92% of the land within the Site and is confident that this figure will increase on the basis that negotiations continue to progress with affected landowners.

4.2 Other Land Interests and Ongoing Negotiations

- 4.2.1 While the totality of the land associated with the solar panel, BESS and co located on-site substation areas has already been secured by the Applicant via option agreements signed prior to submission, the Applicant continues to negotiate voluntary agreements to acquire land required for the laying of cables and associated works.

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- 4.2.2 This section addresses the outstanding objections from affected parties and summarises the background to engagement and the current position.

Subsoil interests

- 4.2.3 The Applicant seeks to acquire new rights in respect of subsoil interests running underneath the highway strata to ensure that sufficient flexibility is available to lay the cables outside the public highway if required once the final design is approved.
- 4.2.4 The plots running underneath the public highway are, for the most part, unregistered land. The Applicant has applied the *ad medium filum* legal presumption to ensure that anyone with a potential interest in these plots has the opportunity to enter into a voluntary agreement and receive open market compensation for the acquisition of new rights.
- 4.2.5 The Applicant reached out to James Duberly in respect of plot 10-16, Patricia Ann Price and Timothy George Price in respect of plot 6-1 and Pertenhall Village Hall Charity in respect of plot 3-6.
- 4.2.6 Negotiations with these parties have been ongoing. However, the Applicant has been unable to reach an agreement to acquire the subsoil interest voluntarily.

Eaton Socon Power Limited:

- 4.2.7 Eaton Socon Power Limited ("**ESPL**") has planning permission for a solar PV and battery energy storage system project (the "**ESPL Project**") adjacent to the Scheme, connecting to National Grid's Eaton Socon Substation. ESPL submitted a relevant representation [**RR-329**] objecting to this Application. ESPL's principal objection is that the Scheme risks "sterilising" the ESPL Project by acquiring compulsory acquisition rights and temporary possession powers over land in which ESPL has an interest (the "Overlap Land"), thereby jeopardising ESPL's ability to connect to the grid.

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- 4.2.8 The Overlap Land comprises plots 14-8, 14-9, 14-11, 14-12 and 14-14, as identified in the Land Plan **[REP5-004]**. For ease of reference, it is divided into two main areas of overlap: the **access route** leading into Eaton Socon Substation and each project's **cable easement** connecting to Eaton Socon Substation.
- 4.2.9 Cable easement:
- 4.2.10 ESPL connects into the 132kv substation and has a detailed and narrow connection route and easement into this substation. The Applicant's understanding is that the 132kv substation within Eaton Socon Substation is not included within NGET's upgrade plans.
- 4.2.11 The Scheme will connect to the 400kv substation within Eaton Socon Substation and this does form part of NGET's proposed redevelopment and upgrade.
- 4.2.12 As set out in the section above dealing with National Grid's Substation, the Applicant currently seeks to acquire new rights compulsorily over a wide section of the Eaton Socon Substation (including access track to the substation) to ensure that once NGET's proposals to upgrade the substation are finalised, the Applicant has sufficient flexibility to connect the Scheme and carry out any necessary works. The extent to which the Applicant would exercise compulsory acquisition powers to acquire these new rights will be limited to the narrower cable easement once this is confirmed.
- 4.2.13 At this stage, it remains uncertain whether there will be any overlap between the two projects' cable routes.
- 4.2.14 The Applicant does not accept ESPL's request to remove all compulsory acquisition rights and temporary possession powers from the DCO. The Overlap Land forms an essential connection between the Scheme and NGET's substation; Article 21 of the draft DCO constrains the undertaker to acquiring only so much of the Order land as is required, and there is no rational basis for removing powers that are needed only to secure a

deliverable connection. Article 24 of the draft DCO provides comfort to all affected parties in that, where compulsory acquisition powers are granted, all private rights and restrictive covenants over land subject to these powers will only be extinguished to the extent that these are incompatible with the authorised development.

4.2.15 ESPL's request for a legally binding commitment that no compulsory acquisition powers may be exercised without its approval is far beyond the requirements of sections 127 and 138 of the PA 2008. Part 1 of Schedule 13 already prevents the acquisition of apparatus otherwise than by agreement (paragraph 4) and prevents the removal of apparatus until alternatives are in place to the utility undertaker's reasonable satisfaction (paragraph 5). ESPL's own proposed paragraph (5) would go further still, preventing the undertaker from taking possession of any land "forming part of the ESPL Project" without ESPL's consent including land ESPL does not own. The Applicant considers this unjustifiable.

4.2.16 Access route:

4.2.17 At this stage, the overlap is confined to the proposed access easement to Eaton Socon Substation, principally during construction. The Applicant understands that the ESPL Project is due to commence construction shortly, making simultaneous construction use highly unlikely; any subsequent overlap is expected to be limited to maintenance access of the type ordinarily required by undertakers connecting to a major substation.

4.2.18 The Applicant sought to progress heads of terms of a cooperation agreement with ESPL to ensure that in the event of crossing of the cable easements or overlap in the use of the access easement, both parties could ensure that their operations are not impacted.

4.2.19 ESPL did not progress the Applicant's draft heads of terms for a cooperation agreement and instead provided draft protective provisions and a side agreement more akin to arrangements for statutory undertakers responsible for public transmission or distribution networks.

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- 4.2.20 In order to reach voluntary agreement, the Applicant engaged with ESPL's proposed draft seeking amendments to align those documents with the actual nature and limited extent of the interface between the projects. However, following receipt of ESPL's response, it became apparent that voluntary agreement was unlikely to be reached.
- 4.2.21 ESPL's characterisation of the Scheme as "sterilising" its project is inaccurate. The Applicant is seeking the acquisition of rights only over a small section of land within a national substation. The extinguishment of ESPL's ability to connect to the grid would not be required under Article 24.
- 4.2.22 During the course of examination and following due diligence carried out by the Applicant, the Applicant became aware that ESPL had obtained a generation licence, meaning that the protective provisions included in Part 1 of Schedule 13 to the draft DCO would apply to it. In its Response to Eaton Socon Power Limited **[REP5-024]**, the Applicant explains how, and where in Schedule 13, Part 1, the requests made by ESPL were addressed. ESPL's additional requests are neither proportionate to the interface between the projects nor necessary to satisfy the statutory tests in sections 127 or 138 of the PA 2008.
- 4.2.23 The Applicant therefore considers that Schedule 13, Part 1 ensures that the Secretary of State can grant development consent authorising the acquisition of a right over ESPL's land on the basis that the right can be acquired without serious detriment to the carrying on of ESPL's undertaking, or that any such detriment can be made good by the undertaker through the use of other land belonging to or available for acquisition by it.
- 4.2.24 The Applicant has included, on a without prejudice basis, a set of bespoke protective provisions in favour of ESPL in its response to the Rule 17 request issued by the ExA on 27 August 2026. While the Applicant maintains that the protective provisions included in Part 1 of Schedule 13 to the draft DCO appropriately protect ESPL's position, these bespoke provisions are offered

as an alternative in the event that the Secretary of State is minded to require bespoke provisions in the final DCO.

P S Manor Farm/Foresight:

- 4.2.25 PS Manor Farm Solar Limited, c/o Foresight Group LLP ("**Foresight**"), holds interests in plots 3-2 and 3-3 within the Order Limits. The landowner of plots 2-2, 2-3, 3-1, 3-2, 3-5, 3-6, 3-7 and 3-8, T J Bates & Sons ("the Landowner"), is bound by restrictive covenants benefiting Foresight in respect of plots 2-2, 2-3, 3-7 and 3-8. The Applicant has signed an option agreement with the Landowner and seeks the compulsory acquisition of new rights over those plots as a fallback position in the event that voluntary agreement for the amendment of the terms of Foresight's lease is not reached.
- 4.2.26 On 18 August 2026, which according to the initial Rule 8 letter would have been the day following the last deadline of this examination, Foresight's solicitors, Osborne Clarke, submitted a letter to the Planning Inspectorate asserting, in summary, that: (a) Foresight had not been engaged in ongoing discussions with the Applicant; (b) Foresight was only recently told the Applicant wished to lay HV cabling within its demise; (c) Foresight was unaware of the progression of the DCO Application; and (d) these issues were being discussed for the first time. In response, the Examining Authority issued a Rule 17 request for further information **[PD-012]** dated 20 August 2026, to which the Applicant responded on 1 September 2026 **[REP7-007]** ("**Response to the Rule 17 Letter**").
- 4.2.27 The Applicant's position is that the assertions made by Osborne Clarke are entirely inaccurate and do not reflect the extensive engagement that has taken place between the parties, the Landowner and the Landowner's land agents (Brown & Co).
- 4.2.28 The Applicant's Response to the Rule 17 Letter sets out in detail the engagement with Foresight. The Applicant has demonstrated that Foresight was aware of the Application and the Scheme, had received notice of the project at every stage required by the PA 2008, and had every opportunity to

make representations and participate in the Examination from its outset. The assertion that no notifications were received is inconsistent with the documentary evidence of compliance held by the Applicant. Despite ongoing engagement efforts, Foresight repeatedly failed to respond substantively.

- 4.2.29 The inclusion of paragraph 6.1.6 in the Statement of Reasons **[REP5-009]** demonstrates that, from submission of the Application, the Applicant had brought this issue to the ExA's attention and had explained that it was negotiating voluntary amendments to Foresight's lease in good faith, and with sufficient time for any outstanding matters to be tested during the Examination if required.
- 4.2.30 The Applicant seeks powers to acquire new rights compulsorily in respect of the plots in which Foresight holds an interest, on the terms set out in Article 24 of the draft DCO. Article 24 provides that, where new rights are being compulsorily acquired or restrictive covenants are being imposed on land, any existing private rights or restrictive covenants to which that land is subject are to shall only be extinguished to the extent that continuing those private rights or restrictive covenants would be inconsistent with the new right acquired or restrictive covenant imposed.
- 4.2.31 The Applicant does not seek to extinguish, override or interfere with Foresight's existing rights or operations. It seeks only new rights that would coexist with Foresight's rights and operations and the removal of restrictive covenants benefiting Foresight over land outside their solar farm. The Applicant seeks to use an access track that Foresight currently uses for sporadic maintenance activities and to install solar panels on land that is not part of Foresight's solar farm but is subject to a restrictive covenant benefiting Foresight.
- 4.2.32 Whilst the Applicant will continue to seek to reach voluntary agreement with Foresight, it is crucial that compulsory acquisition powers are awarded to ensure that the Scheme and the public benefits the Scheme will bring can be delivered.

- 4.2.33 Foresight has failed to demonstrate how the Applicant's intended compulsory acquisition would result in any detriment to their operations. In relation to plots 2-2, 2-3, 3-7 and 3-8, it is acknowledged that a restrictive covenant is in place preventing other energy projects from being built within a defined buffer zone. However, the Applicant does not consider that Foresight has adduced evidence demonstrating how the removal of that restrictive covenant would result in detriment to the operation of Foresight's assets, let alone risk de-energising their operations. In any event, the extinguishment of the restrictive covenant may give rise to a compensation event, matters which are outside the scope of this examination. Compensation could then be payable to Foresight to the extent that it is able to demonstrate loss attributable to the precise nature of the rights acquired by the Applicant.
- 4.2.34 In relation to plots 3-1, 3-2 and 3-3, where the Applicant seeks rights to install cables within a road forming part of Foresight's leasehold demise, the Applicant has already agreed an option for lease over those plots, as set out in the Land and Rights Negotiation Tracker. The Applicant considers that the acquisition of rights for the laying of cabling within this land should be treated on the same basis as any other land within the Order Limits. The acquisition of rights may give rise to a compensation event and, to the extent that the exercise of those rights would have a measurable impact on the operation of Foresight's assets, the compensation code would address that issue by reference to the precise rights acquired at that time.
- 4.2.35 The interaction between the projects does not involve any physical interaction between the solar generating apparatus of Foresight and the Scheme. The majority of the interaction concerns land over which Foresight has secured restrictive covenants to ensure the absence of apparatus. The only physical interface is in relation to an access track. The Applicant's proposal to install cabling within that access track does not justify protective provisions of the kind sought. Any shared use or collaboration principles can properly be addressed through voluntary arrangements at the relevant time or, failing

agreement, through compensation reflecting the nature and extent of any loss arising from the acquisition of land rights.

- 4.2.36 The fact that the Applicant would require the removal of a restrictive covenant does not of itself mean that the covenant is necessary for the protection of Foresight's apparatus. The close siting of two solar farms is common within the industry and does not, without more, affect the efficient or safe operation of either project. The Applicant does not consider that asset protection agreements or protective provisions are necessary to ensure that there is no impact on Foresight's apparatus. The Applicant would be constructing on separate land and at a distance where any impact is unlikely.
- 4.2.37 Foresight's representations to date have not demonstrated any detriment to Foresight's operations. Any further submissions made by Foresight at this late stage would limit the Applicant's and the ExA's ability to examine those matters within the Examination.
- 4.2.38 The Applicant also wishes to address the principles of fairness that apply to all proceedings within the Examination. Foresight's late submission, being the final deadline of the Examination, deprives the ExA, the Applicant and the wider public of the opportunity to review and comment on those protective provisions within the Examination and to provide its position to the ExA. The Applicant respectfully submits that this gives rise to a procedural. This is a clear breach of the principles of fairness, as it would result in a situation where an Applicant for a DCO is left – through the procedural decisions of an Examining Authority – in a situation where they have not been afforded the opportunity to address material advanced against it.
- 4.2.39 The Applicant remains willing to continue negotiations. However, it maintains that the late representations do not raise materially new matters and relate to issues that could have been raised within the examination timetable and respectfully submits that they should therefore be afforded limited weight.

Crown Land

- 4.2.40 The Applicant initially took a precautionary approach and identified a potential Crown interest in plots 14-6 and 14-7. This interest related to a historic entry in the charges register for that land, concerning a 1973 conveyance expressed to benefit the Secretary of State for Environment (now the Secretary of State for Transport).
- 4.2.41 The Applicant has since been in discussion with the legal representative for the Secretary of State for Transport who has confirmed that all of the Secretary of State's property rights, interests and obligations will have passed to National Highways when the land was transferred to them in 2015. Consequently, the legal representative has confirmed that the Secretary of State does not have a Crown interest for the purposes of section 227 of the PA 2008 and Crown consent will not be required under section 135 of the PA 2008.
- 4.2.42 The Applicant has since updated the Book of Reference submitted at Deadline 3 **[REP3-017]** and supporting documents to reflect that no Crown land has been identified within the Order Limits.

Special Category Land

- 4.2.43 No Special Category Land was identified within the Order Limits.

Statutory Undertaker Updates:

- 4.2.44 There are a small number of plots that are subject to compulsory acquisition powers and in which statutory undertakers hold interests for existing apparatus.
- 4.2.45 The interests held by each statutory undertaker are identified in the Book of Reference **[REP5-013]**. Appendix B to the Statement of Reasons and the Land Rights Tracker summarise engagement with statutory undertakers and the extent to which the Order Limits interact with existing apparatus.

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- 4.2.46 The Statement of Reasons together with the additional submission made by the Applicant at Deadline 8 in response to the Rule 17 Letter issued by the ExA to affected parties on the 27 August 2026 set out how the Applicant has satisfied the PA 2008 tests in sections 127 and 138 and how articles 32 and 33 of the DCO operate.
- 4.2.47 Please refer to Section 5.4 below on protective provisions for detailed information regarding engagement and negotiations with statutory undertakers and agreement on bespoke protective provisions where appropriate.

National Grid's substation:

- 4.2.48 The issue in relation to National Grid Electricity Transmission plc is the need to preserve a deliverable connection to Eaton Socon Substation while the precise point of connection has not yet been confirmed to the Applicant by NGET. The Applicant has entered into a grid connection agreement with NESO. However, NGET has planned upgrade works at Eaton Socon Substation and, at this stage, the precise point of connection has not been confirmed. For this reason, the Applicant seeks powers for the compulsory acquisition of new rights over land within and around the substation on a precautionary and proportionate basis, confined to ensuring that the Scheme can export electricity to the national transmission network.
- 4.2.49 This approach has been agreed with NGET, as documented in the Statement of Common Ground submitted at Deadline 8.

4.3 Conclusion on Compulsory Acquisition and other land matters

- 4.3.1 Section 7.0 of the Statement of Reasons sets out the Applicant case for compulsory acquisition and its reasons justifying a compelling case in the public interest for the grant of compulsory acquisition powers for the delivery of the Scheme, notwithstanding that those powers have the potential to

interfere with the human rights of persons who own property or hold rights in the land proposed to be acquired pursuant to the Order.

- 4.3.2 The Applicant submits that the inclusion of compulsory acquisition powers in the Order for the purposes of the Scheme satisfies the requirements of section 122 of the PA 2008, has been justified having regard to the Government guidance entitled “*Planning Act 2008: procedures for the compulsory acquisition of land*”, and should therefore be included in the Order.
- 4.3.3 The Applicant has sought every opportunity to acquire land by way of voluntary agreement, as it is illustrated in the extent of land for which compulsory acquisition powers are sought and the fact that this has been reduced during the course of examination. This demonstrates that the Applicant has left the use of compulsory acquisition powers as a last resort where matters could not be resolved.

5.0 DRAFT DEVELOPMENT CONSENT ORDER

5.1 Introduction

- 5.1.1 The draft DCO **[as updated alongside this submission]** has from the outset been informed by the model provisions, recent made solar DCOs, and guidance on the content and drafting of DCOs published by the Planning Inspectorate² and Government (as in force at the time of the application)³. The Applicant has considered the draft DCO against the latest guidance published by Government and considers that the draft DCO accords with the document where applicable.⁴ The draft DCO includes some deviation from the solar DCOs used as precedent where necessary and justified to ensure the document is tailored to the Scheme, and address concerns raised by Interested Parties.
- 5.1.2 The Explanatory Memorandum **[as updated alongside this submission]** explains the justification for the inclusion of all the powers in the draft DCO. The Schedule of Changes to the draft DCO **[as updated alongside this submission]** sets out all of the changes made to the draft DCO during the examination process along with the reasons for each change. The Applicant has also submitted a tracked change version of the draft DCO compared against the version of the draft DCO submitted with the Application in October 2025 to allow all of the changes to be seen in one consolidated document.
- 5.1.3 The key documents capturing the points raised in relation to the draft DCO during the course of the Examination are:
- The Planning Inspectorate's Post-acceptance Section 51 advice to the Applicant **[PD-003]**;

² Planning Inspectorate "*Nationally Significant Infrastructure Projects - Advice Note Fifteen: drafting Development Consent Orders*" (Updated March 2025)

³ Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities guidance document "*Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects*" (April 2024)

⁴ Ministry of Housing, Communities and Local Government "*Planning Act 2008: Guidance on preparing an application: Part 3 - Contents of a draft Development Consent Order*"

- Written Summary of Applicants Oral Submissions at Issue Specific Hearing 1 (ISH1) and Action Points **[REP1-058]**;
- Examining Authority's Written Questions 1 (ExQ1) **[PD-007]**;
- Applicant Response to ExA First Written Questions **[REP3-072]**;
- Examining Authority's Written Questions 2 (ExQ2) **[PD-009]**;
- Applicant Response to ExA Second Written Questions **[REP4-113]**; and
- Summary of outstanding matters on the draft DCO between the Host Authorities and the Applicant **[REP6-053]**.

5.1.4 Various changes have also been made to the draft DCO to address comments received from the Host Authorities, statutory bodies and other third parties.

5.2 Agreement with third parties

Statements of common ground

- 5.2.1 The Applicant has made substantial progress with statutory bodies regarding the content of the draft DCO and agreement has been reached on all matters relating to the draft DCO as listed in the Statement of Common Ground with National Highways **[as updated alongside this submission]**, the Statement of Common Ground with the Environment Agency **[as updated alongside this submission]**, the Statement of Common Ground with Historic England **[REP4-105]**, the Statement of Common Ground with Natural England **[as updated alongside this submission]**, and the Statement of Common Ground with National Grid Electricity Transmission PLC (NGET) **[as updated alongside this submission]**.
- 5.2.2 The signed **Statement of Common Ground with Cambridge Fire and Rescue Services [PDA-019]** does not include a specific section on the draft DCO, but all matters within it have been agreed.
- 5.2.3 The following statements of common ground are not fully agreed in respect of the draft DCO and all matters of disagreement are set out within each statement of common ground for easy identification:

- Statement of Common Ground with Bedford Borough Council [**as updated alongside this submission**]; and
- Statement of Common Ground with Huntingdonshire District Council [**as updated alongside this submission**]; and
- Statement of Common Ground with Cambridgeshire County Council [**as updated alongside this submission**].

Consent under section 150 of the Planning Act 2008

5.2.4 As set out at Appendix C of the Applicant's Response to the ExA's First Written Questions [**REP3-072**], consent is required under section 150 of the Planning Act 2008 in order to disapply the following statutory provisions:

- Byelaws made under paragraphs 5 and 6 of Schedule 25 to the Water Resources Act 1991, which requires the consent of the Environment Agency); and
- Section 23 of the Land Drainage Act 1991, which requires the consent of the relevant lead local flood authorities.

5.2.5 The Environment Agency provided its consent to the disapplication of byelaws made under paragraphs 5, 6 and 6A of Schedule 22 to the Water Resources Act 1991 in its Deadline 7 representation [**REP7-011**].

5.2.6 The Applicant understands that the lead local flood authorities are content with the disapplication of section 23 of the Land Drainage Act 1991 given the inclusion of protective provisions for the benefit of the drainage authorities at Part 3 of Schedule 13 to the draft DCO [**as updated alongside this submission**]. The Applicant understands that this will be confirmed separately in the Host Authorities representations at Deadline 8.

5.2.7 It is considered that these representations provide the necessary consent under section 150 of the Planning Act 2008 to allow the Secretary of State to include the requested disapplication of byelaws made under paragraphs 5 and 6 of Schedule 25 to the Water Resources Act 1991 and section 23 of the Land Drainage Act 1991 within the DCO.

5.3 Matters not agreed

- 5.3.1 Set out below are what the Applicant considers are the key matters that have not been agreed in respect of the draft DCO.

Article 15 and Schedule 6

- 5.3.2 The Applicant and Bedford Borough Council remain in disagreement in respect of the operation of Article 15 of the draft DCO. Bedford Borough Council's concerns relate to the powers conferred by Article 15 and the proposed authorisation for vehicles to travel along specified lengths of public rights of way. Bedford Borough Council maintains an in-principle objection to the use of footpaths and bridleways for construction, maintenance and replacement traffic, considering that the Applicant has not adequately demonstrated the absence of alternative routes and that the proposed arrangements would adversely affect PRow users.
- 5.3.3 The Applicant disagrees, contending that the affected routes are limited in extent, necessary for delivery of the Scheme, and the limited, identified interactions are necessary and can be undertaken safely and acceptably, subject to a comprehensive package of mitigation measures secured through the outline Public Rights of Way Management Plan **[REP6-040]**, including diversions, managed crossings, signage, priority arrangements for users and ongoing monitoring. In addition to this, the Applicant maintains that various public rights of way already share use with motor vehicles.
- 5.3.4 The parties therefore remain in disagreement as to whether Article 15 provides an appropriate and proportionate mechanism for regulating vehicle use on public rights of way.

Schedule 1 – Definition of temporary and permanent works comprised in the authorised development

- 5.3.5 The Applicant notes that the Host Authorities have requested that the Applicant updates Schedule 1 to the draft DCO [as updated alongside this submission] to detail which works are temporary and which works are

permanent in the context of the Application. The Applicant understands that this issue remains outstanding in the Statement of Common Ground with Bedford Borough Council and Huntingdonshire District Council respectively **[both as updated alongside this submission]**.

- 5.3.6 The Applicant's position on this matter is set out with reference to Item 3 in the Summary of outstanding matters on the draft DCO between the Host Authorities and the Applicant **[REP6-053]**.
- 5.3.7 The Applicant considers that it is inappropriate to circumscribe the duration of works through the DCO as this would unnecessarily complicate the document. Instead, the Applicant's preferred approach is for clarification as to whether works are temporary or permanent to be provided through the management plans, which will be secured through the DCO.
- 5.3.8 Ultimately, the Applicant does not consider there to be any ambiguity that the Scheme is a temporary development. Section 2.4.1 to 2.4.10 of the oDEMP **[REP6-036]** clearly sets out that all infrastructure would be removed at decommissioning, except for underground conduit in what would be exceptional circumstances.
- 5.3.9 On this basis the Applicant considers that it is not necessary to make the amendments sought by the Host Authorities.

Decommissioning security

- 5.3.10 As noted in section 3 above, Stop East Park Energy and other Interested Parties argue that Requirement 18 provides insufficient long-term assurance and that a ring-fenced decommissioning bond or equivalent financial security should be secured through the DCO. The Applicant has provided a consolidated response under the heading of 'Decommissioning obligations, funding and the absence of a bond requirement' at paragraphs 2.2.43–2.2.47 of the Applicant Response to Deadline 4 Submissions **[REP5-023]**. The Applicant has provided further responses to Stop East Park Energy most recent submissions on this issue in its responses to SEPE-D7-28 to SEPE-

D7-30 of the Applicant's Response to Deadline 7 Submissions **[as submitted at alongside this submission]**.

- 5.3.11 The Applicant's position is that a decommissioning bond is neither necessary or justified. The Applicant has submitted that NPS EN-3 requires outline decommissioning plans, a time limit and DCO provisions securing the actual decommissioning, but does not require financial security. The Applicant has also identified recent solar DCO decisions where the SoS declined to impose a decommissioning fund or bond, applying the requirement that DCO requirements should be necessary and reasonable. The statutory obligation attaches to whoever has the benefit of the Order, and breach of a DCO requirement is enforceable under the PA2008. It is therefore considered unnecessary to amend the DCO to include such a requirement.

Biodiversity net gain

- 5.3.12 The Applicant's position in relation to this matter is set out in the Applicant's proposed BNG Requirement (submitted **without prejudice**) **[REP6-053]**. This document explains why it is not necessary to amend Requirement 4 (LEMP) of the draft DCO to include provision for BNG, as requested by the Host Authorities.
- 5.3.13 Whilst BNG is not mandatory for the Scheme, the Applicant has elected to provide a BNG Report **[REP3-068]** as part of the application and commit to achieving the net gains set out in Section 3.6 of the outline LEMP **[REP6-038]**. Section 8 of the outline LEMP sets out how habitats will be monitored, with Section 8.2 referring specifically to BNG. Paragraph 8.2.4 of the outline LEMP states that "Details regarding the monitoring criteria and specific methods to be used for each habitat type will be outlined in a Biodiversity Net Gain Habitat Monitoring and Management Plan, to be prepared as part of the final LEMP."
- 5.3.14 The outline LEMP is secured through Requirement 4 of the draft DCO, which requires that the final LEMP must be in substantial accordance with the outline LEMP. Requirement 4 also requires the implementation and maintenance of

the final LEMP throughout the operation of the relevant part of the authorised development to which the plan relates. This provides the mechanism by which the necessary detailed prescriptions are secured and then enforceable for the operational lifetime of the Scheme.

- 5.3.15 It is therefore unnecessary to include a specific requirement to secure BNG, and doing so would create unnecessary duplication.
- 5.3.16 Nonetheless, the Applicant is conscious that the Secretary of State may consider it to be necessary to include an express reference to the provision of BNG on the face of the DCO. The Applicant has therefore prepared, on a without prejudice basis, additional wording that can be inserted into Requirement 4 (Landscape and ecological management plan) of Schedule 2 (Requirements) to the draft DCO **[as updated alongside this submission]** if the Secretary of State considers it to be necessary, which can be found at Section 2 of the without prejudice submission **[REP6-053]**.
- 5.3.17 The Applicant understands that the Host Authorities are supportive of the Applicant's without prejudice wording as referenced in the Statements of Common Ground with each of the Host Authorities **[as updated at Deadline 8]**.

5.4 Protective Provisions

- 5.4.1 This section of this closing statement sets out the current position in relation to protective provisions with the following parties below:
1. Anglian Water Services Limited;
 2. Environment Agency;
 3. East Socon Power Ltd
 4. National Gas Transmission plc
 5. National Grid Electricity Transmission plc;
 6. Eastern Power Networks plc;
 7. RWE Generation UK plc;

8. Highways Authorities (Bedford Borough Council and Cambridgeshire County Council);
9. PS Manor Park Solar Ltd;
10. Vodafone Limited;
11. EU Networks Fiber UK Limited;
12. Gigaclear Ltd; and
13. Lead local flood authorities (Bedford Borough Council and Cambridgeshire County Council).

5.4.2 This section also explains why the Applicant considers that the tests set out in section 127 and section 138 of the PA2008 have been satisfied, or do not apply, in respect of each party.

5.4.3 An overview of sections 127 and 138 of the PA2008 can be found in the Applicant response to Q1.5.8 of the Applicant Response to ExA First Written Questions **[REP3-072]**.

5.4.4 In respect of section 138 of the PA 2008, the Applicant is not intending to extinguish any rights or remove any apparatus belonging to any statutory undertakers. However, the Applicants reserve the right to do so through the draft DCO as is considered necessary as set out in the Statement of Reasons **[REP5-009]**. The exercise of such powers will be carried out in accordance with the protective provisions included in Schedule 13 of the draft DCO to ensure that the statutory undertakers rights and apparatus are protected and there is therefore no detriment to their ability to carry out its undertaking. The Applicants therefore consider that the test set out in section 138 of the 2008 Act is satisfied.

1. Anglian Water Services Limited

5.4.5 The Applicant and Anglian Water Services Limited have agreed bespoke protective provisions which were included in the draft DCO submitted at Deadline 6 **[as updated alongside this submission]**. Anglian Water withdrew its objection to the Scheme by way of a statement submitted to the Examining Authority dated 2 September 2026.

- 5.4.6 As Anglian Water's objection to the Scheme has been withdrawn the Applicant considers that the test set out in section 127 of the PA2008 is not applicable, noting that section 127(1)(b) provides that the section applies only where there is a representation that has not been withdrawn.

2. Environment Agency

- 5.4.7 The Applicant understands that agreement has been reached with the Environment Agency on all matters set out in the Environment Agency's relevant representation **[as updated alongside this submission]** and a Statement of Common Ground has been signed **[as submitted alongside this submission]**.
- 5.4.8 While the Environment Agency's objection to the Scheme has not been formally withdrawn, the Applicant considers that the Scheme will not cause a serious detriment to the carrying on of the Environment Agency's undertaking. It is noted that the Applicant and the Environment Agency have agreed that protective provisions will not be necessary (see item 04 in the signed Statement of Common Ground).

3. Eaton Socon Power Ltd ("ESPL")

- 5.4.9 An update on the current position between the Applicant and ESPL can be found in the Applicant's to the Rule 17 Request [PD-013] **[as submitted alongside this submission]**.
- 5.4.10 The Applicant's position in relation to sections 127 and 138 PA2008 in relation to ESPL's interests are predominantly set out in the Applicant's Response to Eaton Socon Power Limited **[REP5-024]** and the Applicant Response to Eaton Socon Power Limited Deadline 6 Submission **[REP7-008]**. Further information in relation to ESPL's interests are provided in Table 2 of the Applicant Responses to Relevant Representations - Host Authorities, Statutory Environmental Bodies, and Other Interested Parties **[REP1-055]**.

4. National Gas Transmission plc

- 5.4.11 The Applicant and National Gas Transmission plc (“National Gas”) have been engaged throughout the Examination regarding bespoke protective provisions for the protection of National Gas’ apparatus and interests.
- 5.4.12 The Applicant has included bespoke protective provisions for the protection of National Gas at Part 4 of Schedule 13 to the draft DCO **[as updated alongside this submission]**. These protective provisions reflect the preferred drafting of the Applicant rather than the preferred drafting of National Gas. The Applicant’s position in respect of these protective provisions is set in its response to the Deadline 3 submission made by National Gas **[REP4-115]**.
- 5.4.13 While the bespoke protective provisions included the draft DCO [as updated alongside this submission] are not currently agreed, the Applicant will continue to engage with National Gas and it is hoped that agreement can be reached in due course. If this is the case, the Applicant will write to the Examining Authority and/or Secretary of State (as appropriate) with a further update.
- 5.4.14 In respect of section 127 PA 2008, the Applicant’s position is that the Applicant’s preferred form of protective provisions included within the draft DCO **[as updated alongside this submission]** are sufficient to ensure that there is no serious detriment to the carrying on of National Gas’ undertaking.

5. National Grid Electricity Transmissions

- 5.4.15 The Applicant and National Grid Electricity Transmission plc (NGET) have been engaged in active discussions regarding bespoke protective provisions for the protection of NGET’s apparatus and interests. The Applicant has updated the draft DCO **[as updated alongside this submission]** to incorporate a form of bespoke protective provisions that have been agreed between the Applicant and NGET. The Applicant and NGET have agreed an updated Statement of Common Ground **[as updated alongside this**

submission] to reflect this position. It is also understood that NGET has formally withdrawn its objection to the Scheme.

- 5.4.16 As NGET's objection to the Scheme has been withdrawn the Applicant considers that the test set out in section 127 of the PA 2008 is not applicable, noting that section 127(1)(b) provides that the section applies only where there is a representation that has not been withdrawn.

6. Eastern Power Networks plc

- 5.4.17 The Applicant and Eastern Power Networks (EPN) have been actively engaged regarding the terms of a side agreement. Subject to the parties entering into that side agreement, the Applicant understands that Eastern Power Networks will not require any further wording to be included in the final DCO. The Applicant and EPN have agreed the final form of this side agreement which the Applicant has executed and is in the process of being signed by EPN. The Applicant is hopeful that EPN will update the ExA in due course and withdraw their objection.
- 5.4.18 Matters have been agreed and EPN's objection to the Scheme is likely to be withdrawn shortly after this final deadline, the Applicant considers that the test set out in section 127 of the PA 2008 will not be applicable, noting that section 127(1)(b) provides that the section applies only where there is a representation that has not been withdrawn.

7. RWE Generation UK plc

- 5.4.19 The Applicant notes that the Examining Authority has requested RWE's final suggested protective provisions. In that context, the Applicant considers it helpful to provide a brief update on the current status of discussions with RWE.
- 5.4.20 RWE Generation UK plc (RWE) submitted a relevant representation [RR-1116] to which the Applicant responded in the document titled 'Applicant Responses to Relevant Representations - Host Authorities, Statutory Environmental Bodies, and Other Interested Parties P01' **[REP1-055]**.

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- 5.4.21 Following submission of **[REP1-055]**, the Applicant sought to engage directly with RWE regarding the matters raised. Regrettably, despite the Applicant's efforts to initiate dialogue at the earliest opportunity, it was not until recently that RWE responded and substantive discussions between the parties commenced.
- 5.4.22 Those discussions have been constructive and have focused on considering RWE's concerns and whether appropriate arrangements can be agreed between the parties.
- 5.4.23 The Applicant maintains the position set out in its response to RWE's relevant representation **[REP1-055]**. Without prejudice to that position, the Applicant remains willing to discuss a commercial agreement or other appropriate arrangements to address RWE's requests, where reasonable and practicable to do so. However, in order to safeguard the Applicant's position, the Applicant has prepared a set of bespoke protective provisions that are submitted on a **without prejudice** basis for use should the Secretary of State determine that bespoke protective provisions for RWE are required. These bespoke protective provisions can be found appended to the Applicant's Response to the Rule 17 Request **[PD-013] [as submitted alongside this submission]**.
- 5.4.24 The Applicant remains committed to continued engagement with RWE and will update the Examining Authority as appropriate should any agreed position or relevant outcome arise from those discussions.
- 5.4.25 In respect of section 127 PA 2008, the Applicant's position is that the generic protective provisions included at Part 1 of Schedule 13 to the draft DCO **[as updated alongside this submission]** are sufficient to ensure that there is no serious detriment to the carrying on of RWE's undertaking.

8. Highways Authorities (Bedford Borough Council and Cambridgeshire County Council)

- 5.4.26 An update on the current position between the Applicant and the Host Authorities can be found in the Applicant's Response to the Rule 17 Request [as submitted alongside this submission].
- 5.4.27 It remains the Applicant's position, as detailed in response to submissions CCC-RR-24 to CCC-RR-28 in the Applicant's Response to Relevant Representations - Host Authorities, Statutory Environmental Bodies and Other Interested Parties **[REP1-055]** that it is not appropriate to include protective provisions for the protection of the local highway authorities in the draft DCO given the existing measures that are built into the draft DCO and the management plans. Nonetheless, the Applicant has submitted a set of bespoke protective provisions on a without prejudice basis in case Secretary of State determines that it is necessary to include protective provisions for the benefit of the local highway authorities within the final DCO. These can be found appended to the Applicant's Response to the Rule 17 Request **[as submitted alongside this submission]**.
- 5.4.28 The Applicant wishes to highlight that it is not seeking to compulsorily acquire any new rights from the Host Authorities and as such it is not considered that the compulsory acquisition powers contained in the draft DCO would have any serious detriment to the Host Authorities as local highways authorities.

9. PS Manor Farm Solar Ltd

- 5.4.29 An update on the current position between the Applicant and PS Manor Farm Solar Ltd can be found in the Applicant's Response to the Rule 17 Request **[as submitted alongside this submission]**.
- 5.4.30 In respect of the statutory tests of sections 127 and 138 PA 2008, the Applicant considers that PS Manor Farm Limited has failed to demonstrate within the examination through the provision of documentary evidence that it is a statutory undertaker within the meaning of these provisions. The

Applicant has undertaken due diligence and cannot locate any documentary evidence which would indicate that it is a holder of any such licence that would provide it with the status of a statutory undertaker. On this basis the statutory tests set out in those provisions would appear not to apply to this party. If they do not apply, then the Secretary of State's consideration of the relative impact on this party should be equivalent to that of any other affected party. The Secretary of State should not apply the higher tests of "serious detriment" reserved only for statutory undertakers.

10. Vodafone Limited

- 5.4.31 The Applicant and Vodafone Limited have agreed a side agreement. The Applicant understands that Vodafone's concerns have been resolved and that no outstanding matters remain between the parties.

11. EU Networks Fiber UK Limited

- 5.4.32 As detailed in the Land and Rights Negotiations Tracker **[as updated alongside this submission]** the Applicant has not received a request for bespoke protective provisions from EUNetworks Fiber UK Limited to date.
- 5.4.33 The Applicant notes that EU Networks Fiber UK Limited has not submitted an objection to the Scheme. Consequently, the Applicant considers that at this stage the test set out in section 127 of the PA2008 is not applicable, noting that section 127(1)(b) provides that the section applies only where there is a representation that has made before completion of the examination of the examination that has not been withdrawn.
- 5.4.34 Nonetheless, the Applicant has included generic protective provisions for the benefit of telecommunications undertakers at Part 2 of Schedule 13 to the draft DCO **[as updated alongside this submission]** and considers that these generic protective provisions will provide adequate protection for EUNetworks Fiber UK Limited and ensure that there will be no serious detriment to their undertaking.

12. Gigaclear Ltd

- 5.4.35 As detailed in the Land and Rights Negotiations Tracker **[as updated alongside this submission]** the Applicant has not received a request for bespoke protective provisions from Gigaclear Ltd to date.
- 5.4.36 The Applicant notes that Gigaclear Ltd has not submitted an objection to the Scheme. Consequently, the Applicant considers that at this stage the test set out in section 127 of the PA 2008 is not applicable, noting that section 127(1)(b) provides that the section applies only where there is a representation that has made before completion of the examination of the examination that has not been withdrawn.
- 5.4.37 The Applicant has included generic protective provisions for the benefit of telecommunications undertakers at Part 2 of Schedule 13 to the draft DCO **[as updated alongside this submission]** and considers that these generic protective provisions will provide adequate protection for Gigaclear Ltd and ensure that there will be no serious detriment to their undertaking.

13. Lead local flood authorities (Bedford Borough Council and Cambridgeshire County Council)

- 5.4.38 The Applicant understands that the protective provisions included for the protection of the lead local flood authorities has been agreed by both authorities. Please see Item 06 of the Statement of Common Ground with Bedford Borough Council **[as updated alongside this submission]** and Item 06 of the Statement of Common Ground with Cambridgeshire County Council **[as updated alongside this submission]** for reference.
- 5.4.39 On the basis that protective provisions have been agreed with the lead local flood authorities, and as noted above the Applicant is not seeking to compulsorily acquire any rights from the Host Authorities, it is not considered that the compulsory acquisition powers contained in the draft DCO would have any serious detriment to the lead local flood authorities.”

5.4.40 In addition to the above, the Applicant has included generic protective provisions within the draft DCO for electricity, gas, water, and sewerage undertakers (Part 1 of Schedule 13), operators electronic communications code networks (Part 2 of Schedule 13) and drainage authorities (Part 3 of Schedule 13). It is the Applicant's position that these generic protective provisions will adequately protect any other statutory undertakers. Therefore, it is not anticipated that any other bespoke protective provisions will be required.

5.4.41 In light of the above, it is the Applicant's position that the tests set out at sections 127 and 138 of the PA 2008 have been satisfied.

6.0 OVERALL PLANNING BALANCE AND CONCLUSION

- 6.1.1 The Applicant's view of the overall planning balance is set out in Section 8 of the **Planning Statement [REP6-010]**. The Applicant has kept Section 8 of the Planning Statement under review during Examination, however, nothing arising during the Examination would alter the Applicant's conclusion.
- 6.1.2 During the Examination, the ES has been updated where appropriate, the mitigation and management framework has been materially strengthened by feedback from Interested Parties, and the Statements of Common Ground demonstrate a substantial degree of agreement on the key matters relevant to the Scheme.
- 6.1.3 The application falls to be determined in accordance with section 104 of the PA 2008 and the relevant provisions of NPS EN-1 and NPS EN-3. The Scheme comprises nationally significant low-carbon infrastructure and is therefore Critical National Priority infrastructure. National policy establishes an urgent need for such infrastructure and requires that need to be afforded substantial weight. It is not necessary for the Applicant to demonstrate an individual need for this particular Scheme or to establish that it is preferable to another form of low-carbon generation. Solar generation forms an important part of the diverse generation mix required to decarbonise the electricity system and strengthen security of supply.
- 6.1.4 The Scheme would provide up to 400MW of export capacity and is expected to generate approximately 433GWh of renewable electricity in its first year of operation. The Applicant has an export connection offer which is Clean Power 2030 aligned for connection to the Eaton Socon Substation. The co-located BESS would enable electricity generated by the Scheme to be stored and exported to the national grid when it is needed. The separate Gate 1 offer status of the BESS import capability does not affect the deliverability of the solar generating station or the BESS's core ability to store and export electricity generated by the Scheme.

- 6.1.5 The renewable energy and climate change benefits of the Scheme attract substantial positive weight under NPS EN-1. The whole life GHG assessment concludes that the Scheme would result in a significant beneficial effect and substantial savings in carbon emissions. These benefits are not reduced by the intermittent nature of solar generation, future grid decarbonisation or the fact that other low-carbon technologies will also be required. These matters are inherent in, and clearly addressed by, the national policy framework which establishes the need for a substantial expansion of solar generation alongside storage, networks and other low-carbon infrastructure.
- 6.1.6 The Scheme would also deliver substantial habitat creation and biodiversity net gain, significant beneficial effects for priority habitats, the wider breeding-bird assemblage and foraging and commuting bats, and no significant residual adverse ecological effects. The removal of the Roman Small Town scheduled monument from arable cultivation, together with the heritage trail, interpretation and funded research, would deliver considerable heritage-focused public benefits. Further benefits would arise through construction and operational employment, supply-chain expenditure, skills and training, and approximately 5.3km of additional permissive access, including a 2.35km equestrian connection. The Applicant has attributed proportionate weight to each of these benefits in Section 8 of the Planning Statement **[REP6-010]**.
- 6.1.7 The Applicant has equally not sought to understate the adverse effects of the Scheme. Significant landscape and visual effects would arise during construction and the early years of operation, with significant effects remaining for a limited number of PRoW receptors at Year 10. BMV land would be taken out of arable production during the 40 year operational period, although the soil resource would remain in situ and the permanent loss would be limited. The Scheme would also result in less than substantial harm to the significance of certain designated heritage assets, most notably All Saints Church at Little Staughton. Those effects have again been afforded appropriate weight in the Applicant's consideration of the planning balance at Section 8 of the Planning Statement **[REP6-010]**.

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- 6.1.8 The Applicant has applied the mitigation hierarchy throughout site selection, design and environmental assessment, seeking first to avoid adverse effects, then to reduce and mitigate them and, where residual effects remain, to provide appropriate compensation as far as possible. The resulting mitigation, compensation and monitoring measures are secured through the draft DCO and the certified documents and provide an enforceable framework to minimise residual effects and protect the environment and biodiversity. The Applicant therefore considers that the Secretary of State can be satisfied, in accordance with paragraph 4.2.14 of NPS EN-1, that the relevant requirements at paragraphs 4.2.10 to 4.2.13 have been met.
- 6.1.9 The Applicant's analysis demonstrates that the Scheme complies with national planning policy and other local policy taken as a whole, both by virtue of the benefits it delivers and as a result of its design and site selection. In terms of the overall planning balance, the clear and substantial national and local benefits demonstrably outweigh the limited adverse effects that would be localised, short-term, and/or reversible at the end of the Scheme's lifetime.
- 6.1.10 NPS EN-1 (Section 4.2) makes clear that for Critical National Priority (CNP) Infrastructure, once the normal consideration of need, impacts and mitigation has been undertaken, any residual impacts are "*unlikely to outweigh the urgent need*" for the infrastructure. In all but the most exceptional cases, a CNP project is to be treated as having met any policy tests that require the outweighing of harm or demonstration of exceptionality.
- 6.1.11 The Applicant therefore respectfully invites the Examining Authority to recommend that development consent be granted and the Secretary of State to make the East Park Energy Order in the form submitted by the Applicant.