HOUSE OF COMMONS

LONDON SW1A 0AA

10th July 2026

Dear Examining Authority,

I wish to submit this further Written Representation regarding the Development Consent Order (DCO) application for the proposed 1,900-acre East Park Energy Solar Plant.

My review of last month's oral hearings and the published written submissions suggest there may be critical deficiencies in financial assumptions in the current application. Without rectification, I believe these present unacceptable financial and operational risks to the public purse.

The attached representation cites three principal areas of concern, which are summarised below:

1. Financial Viability and Security of Decommissioning

The applicant's funding statement fails to provide a clear, legally binding framework or an indicative funding structure for site restoration at the end of its operational lifespan.

Instead, it relies on a vague commitment to "seek further funding." This absence of stewardship responsibility on the part of the applicant represents an unacceptable level of risk to my constituents that their local environment will be blighted by stranded assets of no economic value.

Furthermore, because UK large-scale solar construction only began around 2013, no domestic site has yet reached decommissioning to prove that the applicant's assumptions are viable. International cases highlight a significant risk of site abandonment when financial security is absent.

I urge the Examining Authority to require a decommissioning security deposit or a financial bond as a condition of consent to prevent the financial burden of dismantling from falling on taxpayers.

2. Battery Energy Storage System (BESS) and Solar Arbitrage

The applicant's claimed public benefit from this project rests on its contribution to national green energy generation. However, the co-located BESS features both import and export capabilities without any restrictive framework in the draft DCO

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

I urge the Examining Authority, prior to any consent, to require:

1) **the applicant to provide a transparent quantified breakdown of the expected charging source mix, and**
2) **the applicant to provide detailed financial forecasts of revenue, net profit and cashflows from a) renewable power generation, b) wholesale price arbitrage; and c) other sources including identifying explicit (and implicit) public subsidies for each.**

3. Financial Security for Gas Pipeline Damage

A high-pressure gas transmission pipeline runs in proximity to the proposed BESS compound. Damage to this critical infrastructure would result in substantial repair costs

The applicant has so far resisted providing financial security, relying on risk mitigation, standard insurance, and unbacked indemnities, all of which could prove ineffective if the developer faces insolvency following pipeline damage.

I urge the Examining Authority, prior to any consent, to

1) **require the applicant to provide evidence to the Examining Authority of the financial provisions the applicant will make to protect against these risks, including evidence of draft insurance agreements,**
2) **review and assess the suitability of such provisions and to give an opinion, and**
3) **obtain a legally binding commitment from the applicant that such provisions or insurances will be enacted upon any date of consent.**

To protect the public purse and public interest, I ask the Examining Authority to consider these financial concerns ahead of its recommendation report.

Sincerely,

Richard Fuller

Richard Fuller CBE MP
Member of Parliament for North Bedfordshire

1. The Financial Viability and Security of Decommissioning

The proposal lacks clarity about how the decommissioning and restoration of the site will be funded at the end of the proposed operational period. The applicant's funding statement relies on a commitment to "seek further funding"[1] and "consult with a variety of financial institutions,"[2] citing Brockwell Energy's experience of developing and operating infrastructure projects such as a wind farms and waste sites.[3] The applicant fails to include experience in decommissioning any infrastructure site it has operated.[4] The applicant also fails to provide an indicative funding structure, stating that a decision "has not yet been taken" on the type of finance that will be used for decommissioning.[5]

While the applicant suggests a typical practice of not securing financial bonds for decommission prior to a DCO, construction of large-scale solar schemes in the UK only started in 2013;[6] consequently, no UK large scale solar site has yet reached the end of its operational lifespan to prove this approach viable.

Research, however, demonstrates the risk of site abandonment where no decommissioning bond or financial structure has been secured. There is growing evidence showing cases of renewable energy infrastructure being abandoned due to regulatory gaps and weaknesses for decommissioning energy projects in Europe, with one paper noting insufficient financial mechanisms for dismantling large-scale solar farms.[7] Without a decommissioning security deposit or financial bond, there is a genuine risk that public funds will be required to dismantle the installation.

I therefore urge the Examining Authority to require that financial security for decommissioning is secured prior to any consent for the scheme.

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[1] *EN010141/DR/4.2*, para 4.1.3 (page 5), https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010141-000789-4.2%20Funding%20Statement%20(Tracked)%20P03.pdf

[2] Ibid.

[3] Ibid.

[4] Ibid.

[5] Ibid. (page 5-6)

[6] Wymeswold Airfield solar farm is a 150 acre, 34MW solar scheme commissioned in 2013 with an operation period of 25 years, https://www.opportunitypeterborough.co.uk/uks-largest-solar-farm-puts-wymeswold-on-the-map/ and https://www.bbc.co.uk/news/uk-england-leicestershire-22113974

[7] *Marina Frolova et al., "Abandoning Renewable Energy Projects in Europe and South America: An Emerging Consideration in the Recycling of Energy Landscapes," Energy for Sustainable Development 85 (2025): 101676,* page 4 https://www.sciencedirect.com/science/article/pii/S0973082625000262?__cf_chl_f_tk=5lC7w9mF3Rfdl9hC9aMV.3Mq8mZP_SScVDStF7jO3kU-1783446567-1.0.1.1-FrmrtlgzWXCP40E27c3zpf0T1plARjOVz9RN9rowuiY

2. BESS Opportunity for Solar Arbitrage

The claimed public interest for the proposal relies on the justification that the scheme will meaningfully contribute to the nation's energy production,[8] decarbonisation targets,[9] and energy security.[10]

The co-located Battery Energy Storage System (BESS) has both import and export capability. [11]It can therefore charge from the wider grid (including fossil fuel generated energy) during cheap periods and discharge during peak times, operating independently of the co-located solar plant's generation, as there is no legal framework in the draft DCO to prevent autonomous operation of the BESS. The applicant has not provided any data to show the expected mix of solar vs grid charging.

For the applicant to claim the BESS as a material public benefit, I would urge the Examining Authority to require the applicant to provide a transparent, quantified breakdown of the expected charging source mix, dispatch strategy and net system benefit.

3. Financial security for gas pipeline damage

A live, high-pressure gas transmission pipeline runs in proximity to the BESS compound on the proposed site. Damage to this critical infrastructure would incur substantial repair costs which can easily exceed the total available capital of a Special Purpose Vehicle (SPV) developer.

To ensure, the public purse is not left liable for any financial losses, National Gas has requested the applicant provide financial security via a parent company guarantee, bank bond, or letter of credit, reflecting standard practice for large-scale solar projects.

While the applicant cited the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm order as a precedent for omitting such financial provisions from the face of a DCO,[12] both the Planning Inspectorate recommendation report,[13] and the decision letter of the Secretary of State,[14] for that scheme confirmed that necessary financial

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[8] *EN010141/DR/5.3*, para 5.2.5 (page 65-66), https://eastparkenergy.co.uk/wp-content/uploads/dco//Volume%205%20-%20Reports%20and%20Statements/5.3%20Planning%20Statement%20P01.pdf

[9] *Ibid.* para 5.2.2 (page 65)

[10] *Ibid*, para 5.2.3 (page 65)

[11] *EN010141/DR/6.1*, para 2.1.3 (page 5), https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010141-000174-6.1%20ES%20Vol%201%20Chapter%202%20The%20Scheme%20P01.pdf

[12] *Compulsory Acquisition Hearing 1 (CAH1) Transcript* (page 8) https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010141-000880-TRANSCRIPT_CAH1_EAST_PARK_ENERGY.pdf

[13] *Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Project Examining Authority's Report of Findings and Conclusions and Recommendation to the Secretary of State for Energy Security and Net Zero*, para 28.9.13, (page 469) https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010109-002344-SADEP%20Recommendation%20Report.pdf

[14] *Secretary of State Decision Letter for Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Project* https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010109-002393-SADEP%20NMC%20DL%20signed%20-%206%20Feb.pdf

indemnities had been secured separately through freestanding, private commercial agreements made prior to the close of the examination. Therefore, there was no requirement to include it on the face of the DCO. It does not, therefore, serve as a precedent for operating without financial security.

Sheringham and Duan Order, again, that was one where the both the examining authorities recommendation report and the decision letter of the Secretary of State were ultimately clear that separate commercial agreements had been reached with National Grid and National Gas, which is why they weren't on the matters appear not to have been on the face of the order.

The applicant resisted providing this financial security,[15] apparently relying on three arguments:

1. **Predicted low risk of damage occurring.** The applicant cited a 25-metre safety corridor to mitigate risk of pipeline damage. While spatial separation may reduce the statistical probability of an incident, it does not alter the financial impact should damage occur. Risk mitigation is separate to the question of financial provision.

2. **They have an insurance policy.** Insurance is inherently limited by policy exclusions, financial caps, conditions, and the long-term insolvency risks of third-party insurers.

3. **They have an indemnity.** An indemnity is only as robust as the entity backing it. Without financial security (such as underwriting the indemnity via a parent company guarantee), the indemnity could be ineffective should the developer become insolvent following pipeline damage.

Without legally binding financial mechanisms to secure the indemnity itself, the financial protection framework fails. If the developer enters liquidation following a major pipeline incident, the substantial cost of infrastructure repair will ultimately fall upon the taxpayer.

I urge the Examining Authority to ensure that adequate, robust financial provision, such as a parent company guarantee or bank bond, are explicitly secured within the DCO before any consent is granted.

[15]Page 5 and 6 https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010141-000880-TRANSCRIPT_CAH1_EAST_PARK_ENERGY.pdf