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To all Interested Parties

Your Ref:

Our Ref: EN010068

Date: 9 August 2018

Dear Sir or Madam

**Planning Act 2008 (as amended) and The Infrastructure Planning
(Examination Procedure) Rules 2010 (as amended) – Rule 17**

**Application by Millbrook Power Limited for an Order Granting
Development Consent for the Proposed Millbrook Power Project**

Applicant's Proposed Changes to the Original Application

On the 11 July 2018 the Applicant submitted a request to change its original Application. The details of these proposed changes are the following aspects of the Application:

- An amendment to the Order limits and plots 4_PGP and 5_PGP as shown in the Land Plans Revision A. This is set out in Work No.2A in Schedule 1 of the draft DCO Revision 3.

I have considered the material submitted by the Applicant and comments received in response to my letter to interested parties and other statutory bodies dated 16 July 2018 [PD-009].

Advice on the assessment of whether a proposed change is material is set out in paragraph 2.1 of the Planning Inspectorate's Advice Note 16 '*How to request a change that may be material*'. There is no legal definition of what is material, but the tests to apply are whether the change is substantial, or whether the development now being proposed is not in substance that which was originally applied for. The assessment is a matter of planning judgement which may be based on criteria including, for example, whether the change would generate any new or different likely significant effects, and whether an extension to the order land would be required.

The requested changes do not involve an extension to the order land. Having regard to the material submitted by the Applicant and the consultation responses received I am satisfied that the proposed changes would not give rise to any new or different likely significant effects in respect of impacts on air quality, noise, cultural heritage

and human health.

In my judgment, the requested changes are not of such significance as to amount to a form of development which is substantially different to that which was originally applied for. Given that the proposed changes have been advertised and placed on deposit, accepting them for examination as part of the proposed development would not result in prejudice to any interested party.

Accordingly, I conclude that the proposed changes to the draft DCO can be accepted for consideration in the examination as part of the proposed development.

Yours faithfully

Jonathan Green

Jonathan Green
Examining Authority

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