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Millbrook Power Project

Application for a Non-Material Change to the Millbrook Gas Fired Generating Station Order (2019)

On behalf of:



Project Ref: 45047 | Rev: BB | Date: May 2019

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1 Introduction

1.1 Background

- 1.1.1 Millbrook Power Limited ("MPL") (company number 08920458) of registered address: Drax Power Station, Selby, North Yorkshire YO8 8PH is the undertaker in the Millbrook Gas Fired Generating Station Order 2019, which was granted by the Secretary of State for Business, Energy and Industrial Strategy ("BEIS") on 13th March 2019 (Statutory Instrument 2019 No. 578) (the "Order").
- 1.1.2 The Order was made pursuant to Sections 114, 115 and 120 of the Planning Act 2008 (the "2008 Act"), with the reasons for making the Order contained in the Secretary of State's letter dated 13th March 2019.
- 1.1.3 The Order grants development consent for the construction, operation and maintenance of:
- a new Power Generation Plant in the form of an Open Cycle as Turbine ("OCGT") peaking power generating station, fuelled by natural gas with a rated electrical output of up to 299 MW. This is the output of the generating station as a whole, measured at the terminals of the generating equipment. The Power Generation Plant comprises of:
 - generating equipment including one Gas Turbine Generator with one exhaust gas flue stack and Balance of Plant (together referred to as the 'Generating Equipment'), which are located within the 'Generating Equipment Site';
 - works to an existing access road and construction of a new access road from Green Lane to the Generating Equipment Site (the 'Access Road' and the 'Short Access Road');
 - a temporary construction compound required during construction only (the 'Laydown Area');
 - a new underground gas pipeline connection, to bring natural gas to the Generating Equipment from the National Transmission System (the 'Gas Connection'). The Gas Connection also incorporates an Above Ground Installation (AGI) at the point of connection to the National Transmission System; and
 - a new electrical connection to export power from the Generating Equipment to the National Grid Electricity Transmission System ("NETS") (the 'Electrical Connection'), comprising an underground double circuit Tee-in. This would require one new tower (which will replace an existing tower and be located in the existing Grendon – Sundon transmission route corridor, thereby resulting in no net additional towers). This would also require two Sealing End Compounds (SEC)s, one located on each side of the existing transmission line, and both circuits would then be connected via underground cables approximately 500 m in length to a new substation (the 'Substation')
(referred to in the Order as the "**authorised development**").
- 1.1.4 The authorised development is described in further detail in Schedule 1 to the Order, split out into numbered works.
- 1.1.5 The Order also authorises the compulsory acquisition of land required for the authorised development, as well as land that is required to facilitate or is incidental to the authorised development.
- 1.1.6 The authorised development would be located on land forming part of Rookery South Pit in an area known as 'the Marston Vale' between Milton Keynes and Bedford with the approximate centre of the authorised development at grid reference 501373, 240734. The authorised

- development falls within an area administered by Central Bedfordshire Council ("CBC") on the border with the area administered by Bedfordshire Borough Council. The location of the authorised development is shown on the Land Plans (Revision 2 which accompany this NMC Application) and the various components that comprise the authorised development are shown on the Works Plans (Revision 2 which accompany this NMC Application).
- 1.1.7 MPL has interests in the land subject to the Order, pursuant to an option agreement with O&H Q7 Limited ("O&H") for that part of the land owned by O&H within the Order Limits on which the Power Generation Plant, part of the Electrical Connection and part of the Gas Connection are to be located within (Plots 1-PGP, 1A-PGP, 1B_PGP, 2_PGP, 3_PGP, 4_PGP, 5_PGP, 5A_PGP, 6_PGP, 7_PGP, 4_EC (part), 5_EC, 6_EC, 7_EC, 8_EC, 9_EC, 10_EC, 11_EC, 12_EC, 13_EC, 1_GC, 1A_GC, 1B_GC, 2_GC, 3_GC, 4_GC, 5_GC, 6_GC). MPL has also entered into an option agreement with the affected landowners for the rights required for the Gas Connection.
- 1.1.8 As outlined above, in order to export electricity from the Generating Equipment to the NETS (which is operated by National Grid Electricity Transmission plc ("National Grid")), the authorised development includes an Electrical Connection. The substation is authorised for development within Work No. 5 of the Order, adjacent to the Generating Equipment (Work No. 1A to 1D of the Order) and the SECs are authorised for development within Work No. 6 of the Order. The underground high voltage electrical cables are authorised for development within Work Nos. 5 and 6 of the Order. The Electrical Connection will be designed and constructed by National Grid.
- 1.1.9 As part of its project development process, National Grid has recently undertaken a contractor tender exercise for the construction of the substation. During this process National Grid identified an alternative solution for the Electrical Connection to that included in the Order which National Grid considers to be a more economic solution. Pursuant to their obligation under section 9(2) of the Electricity Act 1989 (General duties of licence holders), National Grid has an obligation to promote an economic and efficient electricity transmission system and has therefore recommended that its alternative solution is pursued for the connection of the Generating Equipment to the NETS.
- 1.1.10 This new substation solution would require a smaller footprint than the substation authorised in the Order and less works to the existing transmission line. However, the new substation solution requires minor alterations to be made to the parameters and location of various elements of the authorised development consented by the Order.
- 1.1.11 In addition to the non-material changes required for the new substation solution, MPL is also seeking to amend the extent of the baseline works which are referred to in Requirement 20 of Schedule 2 to the Order. MPL considers these changes to also be non-material.
- 1.1.12 Rookery South Pit is the subject of an ongoing Low Level Restoration Scheme (LLRS) being undertaken by the landowner pursuant to a planning consent (application number BC/CM/2000/8) to restore the former clay workings, below pre-excavation ground levels, with measures included in the restoration to enhance biodiversity and landscape ("the LLRS Consent"). The purpose of the LLRS is to use further winnable material to the south of Rookery South Pit to restore the land within the pit to a usable condition. This area to the south is described as the 'southern permitted extraction zone'; it is an area of unworked clay and soils which is contiguous with the pit and is included within the LLRS Consent.
- 1.1.13 Since the close of the Examination of the application for the Order, MPL has been undertaking a construction review into the authorised development and has identified that the platform for the Power Generation Plant and the creation of drainage ditches to the south and east can be completed without the need to extract all material in the southern permitted extraction zone. As described above, National Grid has requested the relocation of the substation from within Rookery South Pit to an area adjacent to the electricity transmission line meaning that the

access between the consented substation and the sealing end compounds no longer needs to form part of the works for the authorised development.

- 1.1.14 As such, not all of the material from the southern extraction area needs to be excavated prior to construction of the authorised development. MPL is therefore seeking to amend the works shown on the low level restoration scheme baseline works plan (as defined in the Order) so as to only show the works that need to be completed to enable the authorised development to proceed.
- 1.1.15 MPL hereby applies to the Secretary of State pursuant to section 153 and paragraph 2 of Schedule 6 of the 2008 Act to make changes to the Order that are not material (referred to hereafter as a “Non-Material Change (NMC) Application”). The NMC Application is subject to the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011, as amended (the “Changes Regulations”). This NMC Application has been prepared with reference to the Department of Communities and Local Government document ‘Guidance on Changes to Development Consent Orders’ (December 2015).
- 1.1.16 Part One of this document sets out the proposed non-material amendments to the Order sought by MPL and the rationale for doing so. Part Two explains why the changes that are requested have either a negligible or non-material effect upon the environment.

2 Consultation Process

2.1 Overview

- 2.1.1 Regulations 6 and 7 of the Changes Regulations set out the process for publicising and consulting respectively on the NMC Application. Pursuant to Regulation 7A of the Changes Regulations, MPL will submit a separate Consultation and Publicity Statement confirming its compliance with Regulations 6 and 7a of the Changes Regulations.
- 2.1.2 In summary, the following has, or is being, undertaken by MPL to comply with Regulations 6 and 7:
- MPL notified the Planning Inspectorate ("PINS") and BEIS of the intention to submit an NMC Application in February 2019;
 - MPL is publicising the NMC Application by publishing a notice in The Bedfordshire Times and Citizen newspaper (being a newspaper local to the site of the authorised development) for two successive weeks. The notice will be published for the first time when the NMC Application is made to the Secretary of State. A copy of the notice will be included in the Consultation and Publicity Statement;
 - the project email address (MillbrookPower@pins.gsi.gov.uk) has been included in the notice publicising the NMC Application so that members of the public can make a formal response to PINS in relation to the NMC Application;
 - Under Regulations 7(1) and (2) of the Changes Regulations, the list of consultees contacted regarding the NMC Application included all those who were notified (in accordance with section 56 of the 2008 Act) when the application for the original Development Consent Order was accepted by the Secretary of State.
- 2.1.3 This NMC Application will be available to view at the following locations:
- Central Bedfordshire Council Office (Priory House, Monks Walk, Chicksands, Shefford Bedfordshire, SG17 5TQ, open Mon to Thu 08:00 – 17:30 and Fri 08:00 – 17:00);
 - Bedford Borough Council Office's Customer Service Centre (2 Horne Lane, Bedford MK40 1RA, open Mon to Thu 08:30 – 17:00 and Fri 08:30 – 16:00);
 - Marston Vale Forest Centre (Station Road, Marston Moretaine, Bedford, MK43 0PR, open Mon to Sun 10:00 – 16:00); and at the following local libraries:
 - Bedford Library - Harpur Street, Bedford, MK40 1PG;
 - Amptill Library - 1 Dunstable Street, Amptill, Bedford, MK45 2NL; and
 - Wootton Library - Lorraine Road, Wootton, MK43 9LH
- 2.1.4 Consultees are invited to provide comments on the NMC until the closing date for consultation.
- 2.1.5 Additionally, MPL has engaged in a number of other additional pre-application consultations prior to submitting this NMC Application. This included:
- meeting with the host authority CBC on 22nd March 2019 to discuss the nature of the non-material changes proposed to the authorised development and obtain its feedback on the proposals; and

- hosting an information drop-in session for local residents, businesses, statutory and non-statutory bodies (including BBC) and other interested parties on the proposed non-material changes to the authorised development on 24th April 2019 at the Marston Vale Forest Centre.

2.1.6 Feedback received from both of these consultation events was largely positive and CBC and other stakeholders appreciated being consulted early in the process. BBC did not attend the drop in session. No immediate or recurring issues were raised in respect of either of the non-material changes proposed and a number of positive comments were received regarding the refined proposals for the new substation solution, with stakeholders feeling that it was less visually intrusive.

3 Proposed Non-Material Changes to the Order

3.1 The Millbrook Gas Fired Generating Station Order (2019)

- 3.1.1 The Order consists of 43 operative provisions, each referred to as articles, together with 14 Schedules.
- 3.1.2 Schedule 1 describes the authorised development. It consists of numbered works 1 to 8. These numbered works correlate with the works plans (Revision 2 which accompany the NMC Application) which show the areas of development for the authorised development (the "Works Plans").
- 3.1.3 Schedule 2 contains the Requirements. Requirement 2 relates to detailed design approval, and stipulates that the authorised development must be carried out in accordance with Table 1 of Requirement 2(1), which includes:
- the Works Plans;
 - the Rights of way, streets and access plan; and
 - the access road visibility splay plan.
- 3.1.4 Pursuant to Article 3(2) of the Order, each numbered work identified in Schedule 1 of the Order must be situated within its corresponding numbered work area shown on the Works Plans. In constructing each numbered work, MPL may deviate within the corresponding numbered area shown on the Works Plans up to the limits of deviation.
- 3.1.5 The numbered works must be constructed within the parameters set out in Table 2 of Schedule 2 of the Order.

3.2 Proposed non-material changes to the Order

3.2.1 New GIS Substation

3.2.2 The proposed changes to the authorised development comprise the construction of a gas insulated switchgear ("GIS") substation to be located under the existing Grendon-Sundon 400Kv overhead line in the area authorised for the SECs within Work no. 6(a) of the Order. Connection to the overhead line would be via a double-tee connection using anchor bolts directly off the existing tower. As a result of this proposed change, there would no longer be a need for a substation within Rookery South Pit, adjacent to the generating equipment (Work no. 5 of the Order), or the SECs within Work no. 6(a) of the Order or the removal and replacement of towers (Work no. 7 of the Order).

3.2.3 The proposed changes are summarised below in Table 1 and illustrated in the following Figures which accompany the NMC Application:

- Millbrook Proposed Layout – 66 – 10865-MPL-C-002 Rev 2;
- Land Plans – J0008128-100 and J0008128-102;
- Works Plans – J0008128-200-J, J0008128-201, J0008128-202, J0008128-203;
- Rights of Way, Streets and Access Plans: J0008128-300, J0008128-302; and
- Existing Site Layout Plan: J0008128.

- 3.2.4 The footprint of the proposed GIS substation would be entirely within the Order limits and would comprise a single installation rather than two separate installations. The proposed GIS substation would be approximately 100m in length and 60m in width, compared to the authorised substation which could be up to 200m in length and 150m in width. The maximum height of the GIS substation would be 17m, which is the same as the maximum height for the authorised SECs.
- 3.2.5 The proposed GIS substation would be sited directly over a section of the Mill Brook watercourse. This is unavoidable, as the substation needs to be oriented on an east-west axis centred on the existing pylon. As such, a short section of the Mill Brook would be diverted around the substation.
- 3.2.6 The proposed GIS substation has a smaller footprint than the previously proposed AIS substation and the main components of the GIS substation are contained within a building. GIS substations are of a smaller footprint as they use gas to insulate the main switchgear components in a sealed environment, rather than air used in the AIS. Typically the gas used for insulation is non-flammable, non-toxic and does not present any explosion risk. A GIS substation has several advantages over AIS technology, including:
- **Main substation enclosed in a building:** This means that the components of a GIS substation are less sensitive to pollution and extreme weather events and is also more secure and offers better protection against trespass / damage.
 - **Length of construction:** Installing a GIS substation can often be faster than installing its AIS counterpart. This is largely due to the fact that GIS systems are smaller and weigh less. GIS systems also take up less space than AIS.
 - **Lower operation and maintenance costs:** GIS systems are significantly easier to care for on a regular basis as they offer front instead of rear access. They also contain their own integrated testing instruments. On average, GIS systems need only be visually inspected every four years or more. AIS systems should be visually inspected every year to two years. When inspected, all compartments of an AIS must be checked, unlike GIS where the individual compartments and elements are fully insulated and can be monitored.
 - **Safety:** Shorts, arc flashes and electrical failure are rare in GIS because all the interior elements are insulated, with only the cable compartment being accessible. As the parts are fully insulated, no cables or linkage can come in contact with the live parts. As the substation is sealed it can only be accessed by a trained engineer.
 - no works required to remove or replace the existing transmission tower; and
 - no need for a temporary diversion of the existing line or temporary tower whilst the works are installed.
- 3.2.7 It is also noted that the issue of developing an AIS vs GIS substation has previously been examined through the Progress Power (Gas Fired Power Station) Order 2015.
- 3.2.8 Although the Progress Power Project is geographically an unrelated development, the proposed plant and infrastructure (299MW Open Cycle Gas Turbine and associated gas and electrical connections) is comparable to the development consented at Millbrook.
- 3.2.9 The examination of the Progress Power Order looked carefully at a comparison between AIS and GIS technology, with both scenarios having been examined as part of the DCO process. The key aspect of this comparison comprised the differences in the overall land take and the visual impacts associated with AIS technology when compared with a GIS solution. The GIS solution demonstrated significantly smaller land take as well as a much less intrusive solution in the landscape when compared with the AIS solution.

- 3.2.10 No potential issues around increased health and safety risk from moving to a GIS solution were identified
- 3.2.11 The subsequent ExA's recommendation report focused on the Electrical Cable Connection and the associated infrastructure comprising the GIS solution and the AIS solution. Aspects associated with the preference to move to a GIS solution included a reduction in the land area required and associated compulsory acquisition.
- 3.2.12 The ExA's concluded that the benefits in meeting the national need for new generation capacity and to the local economy outweigh any remaining adverse effects of the proposal in the case of the GIS variant but did not outweigh the adverse effects of the AIS variant.
- 3.2.13 The proposed changes are summarised below in Table 1 which includes the current wording as contained in the Order, alongside a summary of how MPL is seeking to amend the Order to accommodate the proposed changes in the NMC Application. A draft Millbrook Gas Fired Generating Station (Amendment) Order has been submitted with this NMC Application incorporating the changes set out above including in Schedule 1 and Table 2 of Schedule 2.

Table 1 – Changes proposed in the NMC Application

Work No.	Current description	Proposed Change	Amended wording in Order
1C	development comprising a generating station and electrical infrastructure including a transformer compound, generator step up transformer, unit and other transformers, overhead conductor gantry, overhead conductors and other plant and structures required to manage the transmission of electricity,	Removal of reference to overhead conductor gantry.	Yes - Schedule 1 (authorised development) Work No. 1C. Now reads: "development comprising a generating station and electrical infrastructure including a transformer compound, generator step up transformer, unit and other transformers, overhead conductors and other plant and structures required to manage the transmission of electricity,"
5	development comprising an electrical substation and electrical infrastructure including-	Removal of reference to electrical substation.	Yes - Schedule 1 (authorised development) Work No. 5. Now reads: "development comprising electrical infrastructure between Work No. 1 and Work No. 6 including-"
(a)	400kV substation including overhead line gantry and site office and welfare	Substation no longer required as part of	Yes - Schedule 1 (authorised development) Work No. 5(a) –

Work No.	Current description	Proposed Change	Amended wording in Order
	accommodation and emergency auxiliary supplies;	Work No. 5.	Removed.
(b)	underground high voltage electrical cables and associated telemetry and electrical protection auxiliary cabling;	No change. Infrastructure listed would still be required to connect the generating equipment to new GIS substation.	No change in the description of the development but re-named as Work No. 5(a).
(c)	security infrastructure including perimeter fencing with gates, security cameras and site lighting infrastructure, including perimeter lighting columns;	No longer required as part of Work 5.	Yes - Schedule 1 (Authorised Development) Work No. 5(c) – Removed.
(d)	landscaping including bunds, tree planting, fencing and other boundary treatments and ecological mitigation;	Removal of reference to bunds. Landscaping, temporary fencing and other boundary treatment and ecological mitigation works may still be required.	Yes - Schedule 1 (authorised development) Work No. 5(d) – Now reads: "landscaping including tree planting, temporary fencing and other boundary treatments and ecological mitigation; and"
(e)	site drainage and waste management infrastructure;	Removal of reference to waste management infrastructure. Site drainage works may still be required	Yes - Schedule 1 (authorised development) Work No. 5(e) – Now reads: "site drainage,"
(f)	electricity and telecommunications connections and other services; and	No longer required as part of Work 5.	Yes - Schedule 1 (authorised development) Work No. 5(f) – Removed.
(g)	internal roadways, car parking, pedestrian network and hardstanding for planned maintenance	No longer required as part of Work 5.	Yes - Schedule 1 (authorised development) Work No. 5(g) – Removed.

Work No.	Current description	Proposed Change	Amended wording in Order
6	development comprising works to construct a 400kV electrical connection between transmission towers ZA377 and ZA379 and Work No.5 and mitigation works for Work Nos. 1, 3, 5, 6 and 7 including-	Inclusion of substation.	Yes - Schedule 1 (authorised development) Work No. 6. Now reads: "development comprising an electrical substation at transmission tower ZA378 and works to construct a 400kV electrical connection between transmission tower ZA378 and Work No. 5 and mitigation works for Work Nos. 1, 3, 6 and 7".
(a)	400 kV sealing end compounds (including downleads to connect to the new transmission tower);	The two SECs would no longer be required. Instead, a new GIS substation would be developed within Work No. 6(a). The maximum permitted dimensions of the GIS substation would be 17m(h) x 100m (w) x 60m(l) and would therefore fit within current area shown for Work no. 6(a) on the Works Plans.	Yes - Schedule 1 (authorised development) Work No. 6 (a). Now reads: "400 kV electricity substation including site office and welfare accommodation, emergency auxiliary supplies and downleads to connect to existing tower ZA378".
(b)	underground or ducted high voltage electrical cables and associated telemetry and electrical protection auxiliary cabling and below ground drainage works;	Work no. 6(b) would still be required. The underground cables would connect the new GIS substation to the Generating Equipment in Work no. 1.	None.
(c)	security infrastructure including perimeter fencing with gates, security cameras, site lighting infrastructure, including perimeter lighting columns;	Security infrastructure would be required for the GIS substation.	None.
(d)	permanent means of access from the low level restoration	Access requirements would remain	None

Work No.	Current description	Proposed Change	Amended wording in Order
	scheme secondary access to numbered work 6(a), taking the form of an agricultural hard-core track not more than 6 m wide and creation of permanent diversion of the low level restoration scheme secondary access and;	unchanged in the event that the low level restoration scheme secondary access track has been constructed by the landowner pursuant to the LLRS consent.	
(e)	temporary means of access	A permanent access is required from the GIS substation to Station Lane in the event that the low level restoration scheme secondary access has not been constructed.	<p>Yes - Work No. 6 e Schedule 1 (authorised development).</p> <p>Now reads:</p> <p>“permanent means of access, taking the form of an agricultural hard-core track not more than 6 m wide;”</p>
(f)	landscaping including bunds, tree planting, temporary and permanent fencing and other boundary treatments and ecological mitigation;	Landscaping would be required for the GIS substation. Landscaping is also still required to mitigate Work Nos. 1, 3, 5 and 6.	None
(g)	site drainage;	Drainage would be required for the GIS substation, as would the site waste management infrastructure previously proposed as part of work No. 5.	<p>Yes - Work No. 5(g) Schedule 1 (authorised development).</p> <p>Now reads:</p> <p>“site drainage and waste management infrastructure;”</p>
(h)	a new transmission tower (including downloads to connect to the sealing end compounds); and	<p>Development of a GIS substation would not require a new transmission tower.</p> <p>Electricity and telecommunications connections are required for the GIS substation to operate.</p>	<p>Yes. Schedule 1 (authorised development), Article 3. Work No. 6 (h) removed.</p> <p>Replaced with:</p> <p>“electricity and telecommunications connections and other</p>

Work No.	Current description	Proposed Change	Amended wording in Order
			services;"
(i)	removal of transmission tower ZA378,	<p>Development of a GIS substation would not require the removal of any existing towers</p> <p>New internal roadways, car parking, pedestrian network and hardstanding for planned maintenance are required for the GIS substation to operate.</p>	<p>Yes. Schedule 1 (authorised development) Work No. 6(i) removed.</p> <p>Replaced with:</p> <p>"internal roadways, car parking, pedestrian network and hardstanding for planned maintenance; and"</p>
(j)	N/A	Addition of new work No. 6 (j) to include areas of hardstanding and site and welfare offices and workshops,	<p>Yes. Schedule 1 (authorised development) Work No. 6(j) added.</p> <p>New wording:</p> <p>"construction laydown area(s) including areas of hardstanding and site and welfare offices and workshops,"</p>
7	development comprising works to, and installation of, transmission towers and mitigation works for Work Nos. 1, 3, 5, 6 and 7	The new tower is no longer required, but works to existing tower and overhead line are still required.	<p>Yes. Schedule 1 (authorised development) Work No. 7.</p> <p>Now reads:</p> <p>"development comprising works to transmission towers and mitigation works for Work Nos. 1, 3, 6 and 7."</p>
(a)	erection and later removal of temporary transmission tower(s);	Work No. 7 (a) no longer required.	Yes. Work No. 7(a) Schedule 1 (authorised development) - Removed.
(b)	erection and later removal of scaffolding, stringing of conductors forming a temporary diversion of the existing 400Kv transmission	Work No. 7 (b) no longer required. Alterations to the cross-arms on the existing tower required to provide the	Yes. Work No. 7(b) Schedule 1 (authorised development) – Removed .

Work No.	Current description	Proposed Change	Amended wording in Order
	line;	connection to the GIS substation.	Now reads: "alterations of cross-arms on tower ZA378 to accommodate downleads to new substation;"
(c)	Erection and later removal of scaffolding, re-stringing of conductors in the alignment of the existing 400 kV transmission line;	No change, work still required to facilitate connection to the GIS substation.	Renumbered as Work No. 7(a)
(d)	tree, hedge and fence removal;	No change, work still required.	None.
(e)	security infrastructure including temporary perimeter fencing with gates, security cameras and site lighting; and	No change, work still required.	None.
(f)	landscaping including tree planting, fencing and ecological mitigation,	No change, work still required.	None.

3.2.14 In addition to the changes to Schedule 1 to the Order detailed in Table 1 above, Table 2 of Schedule 2 to the Order will need to be amended to change the maximum parameters for the new GIS substation to have a maximum height of 17m, a maximum length of 100m and a maximum width of 60m. The entries relating to the SECs, transmission tower and temporary tower or mast in Table 2 of Schedule 2 to the Order will be removed.

3.2.15 The following paragraphs of Schedule 2 will also need to be amended as a consequence of the changes set out in Table 1 above:

- a. Requirement 2(4): deletion of reference to numbered work 5 as there is no longer any above ground development within this numbered work;
- b. Requirement 7: deletion of reference to numbered work 5 as there is no longer any above ground development within this numbered work;
- c. Requirement 9: deletion of reference to numbered work 7(a) as the works to erect and remove a new transmission tower is no longer required;
- d. Requirement 15: deletion of reference to numbered work 5 and insertion of reference to numbered work 6 relating to lighting for the substation;

3.2.16 The changes outlined in Table 1 above necessitate a number of changes to Schedule 3, 5 and Schedule 6 to the Order:

- a. In Part 1 of Schedule 3, the references to numbered work 5 are to be removed, some references to numbered work 6 are to be replaced with references to numbered work 5 and the reference to the sealing end compounds is to be replaced by a reference to the substation. In the event that the low level restoration secondary access track has not been constructed, a new access is required from Station Lane to the substation.
- b. In Schedule 4, a number of the references to numbered work 6 are to be replaced by a reference to numbered work 5. In the event that the low level restoration secondary access track has not been constructed, a new access is required from Station Lane to the substation.
- c. In Part 2 of Schedule 5, the reference to the sealing end compounds is to be replaced by a reference to the substation. In the event that the low level restoration secondary access track has not been constructed, a new access is required from Station Lane to the substation.
- d. In Schedule 6 the words "*facilitate the construction and then removal of numbered work 7*" are to be replaced by the words "*facilitate numbered work 7(b)*". In the event that the low level restoration secondary access track has not been constructed, a new access is required from Station Lane to the substation and powers will be required to temporarily prohibit or restrict the use of Station Lane for this purpose.

3.2.17 The changes outlined in Table 1 above have resulted in a number of changes to the plans referred to in the Order and listed in Table 11 of Schedule 14 to the Order. Copies of the updated plans accompany the NMC Application. The Order limits have been reduced as there is no longer the need to relocate tower ZA378 and construct a temporary tower. Table 11 of Schedule 14 to the Order will need to be amended as per the below:

(1) <i>Document name</i>	(2) <i>Document reference</i>	(3) <i>Revision number</i>	(4) <i>Date</i>
the indicative site layout plans	2.3	2	July 2019
land plans	2.5	2	July 2019
the outline landscape and ecological mitigation and management strategy (contained in appendix 11.2 of the environmental statement)	6.2	2	July 2019
the rights of way, streets and access plan	2.7	3	July 2019
works plans	2.6	2	July 2019

LLRS Baseline Works

3.2.18 Whilst the LLRS is proceeding independently of the authorised development, certain works are necessary before construction of the authorised development can commence. These works essentially comprise the creation of a level site or *platform* for the Power Generation

Plant, the creation of drainage ditches to the south and east of the Power Generation Plant site and the creation of a secondary access along the batter of the exhausted southern permitted extraction zone to facilitate movements between the substation (located in the pit) and the SECs (located outside of the pit and under the existing electricity line). The environmental baseline described in the section 3.1 of the certified ES assumed that these stages of the LLRS would have been completed by the time the authorised development commenced construction. This approach was necessary to ensure the authorised development was assessed against a realistic and robust environmental baseline.

- 3.2.19 During the Examination of the Order, the Examining Authority requested a note on the status of the LLRS and a description of the works assumed to comprise the environmental baseline. This evidence was submitted into the examination at Deadline 2 (dated April 2018, ref: REP2-011, entitled Additional Submission on The Current Status of Low Level Restoration Scheme Baseline Works for Millbrook Power). The submission included two plans, one showing the current state of completed works and one showing the anticipated state of the LLRS at the point of the start of construction of the authorised development. In response to questions raised by the Examining Authority, MPL committed to ensuring that the works detailed on the second plan were completed prior to commencement of the authorised development. A requirement was included in the Order which stated that no part of the authorised development may commence until the low level restoration scheme baseline works (as defined in the Order) are completed to the reasonable satisfaction of Central Bedfordshire Council (Requirement 20 of Schedule 2 to the Order).
- 3.2.20 The low level restoration scheme baseline works are defined by reference to the works shown on the certified version of the low level restoration scheme baseline works plan. This plan shows that for the phase 2 works, the vast majority of the material in the 'southern permitted extraction zone' would need to be removed to create the platform for the Power Generation Plant, drainage ditches and access track.
- 3.2.21 Since the close of the Examination of the Order, the Applicant has been undertaking a construction review into the authorised development and has identified that the platform for the Power Generation Plant and the creation of drainage ditches to the south and east can be completed without the need to extract all material in the southern permitted extraction zone. As described above, National Grid requested the relocation of the substation from within Rookery South Pit to an area adjacent to the electricity transmission line meaning that the access between the substation and the sealing end compounds is no longer required as part of the authorised development.
- 3.2.22 As such, not all of the material from the southern extraction area needs to be excavated prior to the commencement of the construction of the authorised development.
- 3.2.23 It should be noted that whilst it is not now envisaged that the whole of the southern permitted extraction zone will be utilised prior to the commencement of construction of the authorised development, the works still form part of the LLRS consent and, it is understood, will be implemented by the landowner pursuant to that consent in the future.
- 3.2.24 The changes outlined above have resulted in minor changes to the low level restoration scheme baseline works plan and description referred to in the Order and listed in Table 11 of Schedule 14 to the Order. A copy of the updated plan is included at Appendix B. Table 11 of Schedule 14 to the Order will need to be amended as per the below:

(1) <i>Document name</i>	(2) <i>Document reference</i>	(3) <i>Revision number</i>	(4) <i>Date</i>
low level restoration scheme baseline works plan	N/A	2	July 2019

3.3 Justification for non-material changes

3.3.1 As indicated above, this NMC Application has been prepared with reference to the Department of Communities and Local Government document 'Guidance on Changes to Development Consent Orders' (December 2015). The guidance clearly states that neither the 2008 Act nor the Infrastructure Planning Regulations (2011) provide any definition of a material or non-material change. The guidance does, however, provide four basic areas under which a proposed change should be considered. These are:

- Environmental Statement;
- Habitats and Protected Species;
- Compulsory Acquisition; and
- Impacts on businesses and residents.

3.3.2 There are no proposed changes to the powers of acquisition listed in Part 5 (Powers of Acquisition) of the Order, as granted. The area of land over which powers of acquisition and temporary possession are being sought has been reduced as a result of the proposed changes to the substation and the removal of the need to relocate tower ZA378 and construct a temporary tower. Plots 3_EC, (1.83 Acres) 4_EC (0.4 Acres), 5_EC (1.16 Acres) and 13_EC (4.81 Acres) are now smaller (as shown on the Boundary Review Plan accompanying the NMC Application) There would be no new or different impacts on businesses or residents as the socio-economic makeup of both the construction and operational workforce remain as per the socio-economic assessment submitted with the application for the Order. There would not be any new or different effects on habitats and protected species and no change to the impacts on any sites of European importance as the quantum and location of development remains very similar to the authorised development. Therefore, there is no requirement for a Habitats Regulation Assessment.

3.3.3 It is, however, acknowledged that because there are amendments being proposed to the design and layout of the authorised development, there is the potential for new or different likely significant environmental effects to arise, when compared to the Environmental Statement ("ES") submitted with the application for the Order.

3.3.4 As such, the findings of an environmental assessment of the proposed changes in the NMC Application are set out in the Environmental Report which has been prepared as a separate document to accompany this NMC Application. The Environmental Report provides an overview of the potential impacts of the proposed changes and compares these to the original ES submitted to support the application for the Order. The outcome of the assessment has concluded that no new or different likely significant environmental effects arise from the proposed changes to the authorised development.

3.3.5 It is therefore concluded that the changes proposed in this NMC Application are considered to be non-material.

4 Summary and Conclusions

4.1 Summary

- 4.1.1 MPL is proposing to amend the Millbrook Gas Fired Generating Station Order 2019. In summary, the changes comprise:
- Developing a new GIS substation within Work no. 6, in place of two SECs and the removal of the consented AIS substation from Work no. 5, adjacent to the generating equipment; and
 - Amendments to extent of the works forming the low level restoration scheme baseline works so as to only require the works that need to be completed to enable the authorised development to proceed.
- 4.1.2 As detailed above, the nature of the changes are considered to be non-material as the GIS substation would be of a similar nature to the SECs and a smaller scale than the consented AIS substation and could be accommodated without amending the Order limits.
- 4.1.3 The proposed changes would not require additional compulsory acquisition of land, nor would they have new or different effects on local residents or businesses or any additional implications in respect of habitats regulation assessment.
- 4.1.4 In considering the potential for new or different likely significant environmental effects to arise, an Environmental Report has been prepared to accompany the NMC Application which sets out the changes to the Order and compares potential environmental effects arising from these changes to the original assessment presented in the ES.
- 4.1.5 In summary, the changes would result in no new or different likely significant effects when compared to the findings of the ES submitted with the application for the Order.

4.2 Conclusion

- 4.2.1 Given the information presented in this document, as summarised above, it is considered that the proposed changes are non-material amendments for the purposes of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011. Accordingly, MPL submits that the proposed changes as outlined in section 3 of this document can be consented by the Secretary of State as non-material changes.