



SECOND CHANGE APPLICATION REPORT

Drax Bioenergy with Carbon Capture and Storage

The Planning Act 2008, National Infrastructure Planning Advice Note Sixteen: 'Requests to change applications after they have been accepted for examination', and the Infrastructure Planning (Compulsory Acquisition) Regulations 2010

Document Reference Number: 8.15

Applicant: Drax Power Limited

PINS Reference: EN010120



REVISION: 01

DATE: 21 April 2023

DOCUMENT OWNER: WSP UK Limited

AUTHOR: Various

APPROVER: C. Fountain/D. O'Kelly

PUBLIC

TABLE OF CONTENTS

1. INTRODUCTION.....	1
1.1. Purpose of the Report	1
1.2. Structure of the Document	3
1.3. Legal, Guidance and Advice Notes Applied	4
2. THE PROPOSED CHANGE	5
2.1. Need for Amendment to Proposed Change 02 (PC-02).....	5
2.2. Summary of Proposed Changes to land plans for each of the lines.....	6
2.3. Description of the Proposed Changes.....	14
2.4. Environmental Appraisal of the Proposed Changes.....	20
3. CONSULTATION AND ENGAGEMENT	22
3.1. Consultation	22
3.2. Ongoing Engagement on the Proposed Change.....	22
4. COMPLIANCE WITH THE CA REGULATIONS.....	25
5. ENVIRONMENTAL APPRAISAL, VALIDITY AND DCO DOCUMENTATION.....	27
5.1. Validity of the Environmental Appraisal.....	27
5.2. Any Required Amendments to DCO documentation	37
6. CONCLUSION	41
6.1. Request for Change to the Application.....	41
6.2. Consultation and engagement	41
6.3. Request for Examining Authority’s Acceptance of Proposed Changes to the Proposed Scheme.....	41

ANNEX A - List of Persons (Affected by the Second Change Request) Under Section 42 (A) to (D) who have been consulted

PLATES

Plate 2-1 - Extract from Current Land Plan for OHL1 Works – Plan 2.2 – Rev P02, Sheet 03.....	7
Plate 2-2 - Illustrative Land Plan for OHL1 Works – showing amendments to Order Limits and Rights Sought	7
Plate 2-3 - Extract from Updated Land Plan for OHL1 Works – Plan 2.2 – Rev P03, Sheet 03...	8
Plate 2-4 - Extract from Current Land Plan for TCL1 Works – Plan 2.2 – Rev 02, Sheet 03	9
Plate 2-5 - Illustrative Land Plan for TCL1 Works – showing amendments to Order Limits and Rights Sought	10
Plate 2-6 - Extract from Updated Land Plan for TCL1 Works – Plan 2.2 – Rev P03, Sheet 03..	11
Plate 2-7 - Extract from Current Land Plan for OHL2 Works - Plan 2.2 – Rev 02, Sheet 04.....	12
Plate 2-8 - Illustrative Proposed Land Plan for OHL2 Works showing amendments to Order Limits and Rights Sought	13
Plate 2-9 - Extract from Updated Land Plan for OHL2 Works – Plan 2.2 – Rev P03, Sheet 04.	14
Plate 2-10 - Extract from current ARoW Plan for OHL2 Works – Plan 2.4 – Rev P03, Sheet 05	19
Plate 2-11 - Extract from Updated ARoW Plan for OHL2 Works – Plan 2.4 – Rev P04, Sheet 05	20

TABLES

Table 5-1 – Update to the Environmental Appraisal for PC-02	28
Table 5-2 - Measures removed from the REAC as a result of the Proposed Change	34
Table 5-3 - Amendments to Application Documents as a Consequence of the Amendment to PC-02.....	37

LIST OF DEFINED TERMS

Term	Definition
Cable	Below ground (i.e. electricity cable, telecommunications cable)
Driving Compound	Works area where trenchless construction method machinery (auger / horizontal directional drilling (HDD) machine) will be launched.
Line	Above ground line i.e. electricity line, telecommunications line
OHL1	11kV overhead line crossing the A645 once, owned by Northern Powergrid, forming part of Work No. 8A
OHL2	11kV overhead line crossing Rawcliffe Road once, owned by Northern Powergrid, forming part of Work No. 8A
Open Cut Construction	Term used to describe open cut and fill construction method to install underground cables
Open Cut Compounds	Works area where the open cut method machinery will be located
Receptor Compound	Works area where trenchless construction method machinery (auger / HDD machine) will be received
TCL1	Telecommunications line crossing Rawcliffe Road twice, owned by Openreach, forming part of Work No. 8B
The Lines	All overhead lines (i.e. OHL1, OHL2 and TCL1)
Trenchless Construction	Term used to describe either auger boring or HDD or equivalent trenchless construction method used to install underground cables.

EXECUTIVE SUMMARY

This report provides information to support a request for the Examining Authority (the 'ExA') to consider the proposed minor change to the Drax Power Limited (the 'Applicant') application for development consent (the 'Application') for the Drax Bioenergy with Carbon Capture and Storage ('BECCS') project (the 'Proposed Scheme'), and to accept this change into the Examination process for the Application.

This report has been prepared with regard to paragraphs 109 to 115 of the Department for Communities and Local Government's Guidance *Planning Act 2008: Guidance for the examination of applications for development consent* (the '**Guidance**') and the Planning Inspectorate's *National Infrastructure Planning Advice Note Sixteen: Requests to change applications after they have been accepted for examination* ('**AN16**'). It contains the information as required by Figure 2b of AN16 (as shown under paragraph 1.1.9 of this report).

Given that the Second Change Application (SCA) involves an upgrade to the powers sought over some plots to facilitate new routing of The Lines (such land being 'the CA Land') - and, to date, consents have not been able to be obtained from all persons with an interest in the CA Land (although discussions are ongoing) - the Infrastructure Planning (Compulsory Acquisition) Regulations 2020 ('the CA Regulations') are engaged and, as such, the information prescribed by Regulation 5 of the CA Regulations (namely the submitted Book of Reference, a Land Plan identifying the CA Land (both of which for completeness also shows the changes to the other land requirements for the Proposed Scheme as a result of the SCA changes), a Statement of Reasons Addendum as to why the CA Land is required and a statement indicating how it is proposed to fund acquisition of the CA Land (the Funding Statement Addendum)) have also been submitted as part of this Second Change Application alongside this report (the Second Change Application Report 'SCAR').

An environmental appraisal of the requested change which confirms that there are no new or different significant effects arising from the SCA compared to those reported within the Environmental Statement submitted with the Application and in the Proposed Changes Application Report ('PCAR') is included in this report

An update on ongoing consultation and engagement with affected parties describing the consultation that has been carried out by the Applicant, and as set out in the Schedule of Negotiations and Powers Sought, is included in this report.

1. INTRODUCTION

1.1. PURPOSE OF THE REPORT

- 1.1.1. This report has been prepared by the Applicant in relation to the Application for the Proposed Scheme made by the Applicant to the Planning Inspectorate, acting on behalf of the Secretary of State for Business, Energy and Industrial Strategy (since 7 February 2023 reorganised under the Department for Energy Security and Net Zero) for a Development Consent Order (DCO) under Section 37(2) of the Planning Act 2008.
- 1.1.2. The Application was submitted to the Planning Inspectorate on 23 May 2022 and was accepted for examination on 20 June 2022.
- 1.1.3. A Proposed Changes Application ('PCA1') to provide a Flood Compensation Area (Proposed Change 01 (PC-01)) and for works necessary to facilitate the delivery of Abnormal Indivisible Loads ('AILs') to the Site (Proposed Change 02 (PC-02)) was submitted on 5 December 2022 and accepted into the examination by the ExA on 13 December 2022. Details of PC-01 and PC-02 are available in the Proposed Changes Application Report ('PCAR1') (AS-045).
- 1.1.4. Since submitting PCA1, the Applicant has identified amendments to the land required for PC-02 (now Work No. 8 of the draft DCO) which have arisen due to the refinement of the detail and scope of the proposed works in discussion with the asset owners. The asset owners for OHL1 and OHL2, Northern Powergrid, have confirmed that the undergrounding of the lines is not feasible via HDD due to existing constraints and infrastructure. Therefore, the undergrounding of these two lines oversailing the highway will be undertaken via an open cut trench installation method. The asset owners of TCL1, BT Openreach, have confirmed that the conflict between the telecommunications line and AIL can be resolved by raising the height of the line over the A614 rather than undertaking undergrounding works. Further details on the scope and extent of proposed works to lines is set out in Chapter 2 of this report.
- 1.1.5. This Second Change Application ('SCA') is required to reduce the overall area of land required to enable works to overhead electricity lines (OHL1 and OHL2) and telecommunication line (TCL1) and alter some of the land powers previously sought in relation to Work No. 8.
- 1.1.6. In the Change Notification Letter (REP5-021) dated 13 April 2023 ('the Letter'), the Applicant has informed the ExA of its intention to request a change to the Application and suggested how this could be dealt with within the wider Examination process for the Application. This accords with Figure 2a of AN16. The Change Application is now set out in this document, which comprises the Applicant's SCA.
- 1.1.7. The ExA's response to the Applicant's Change Notification letter is provided in a letter from the ExA dated 14 April 2023 (the 'ExA's Change Notification Response'). In accordance with the ExA's requests in the ExA's Change Notification Response, this SCA responds fully to the points made in the ExA's letter and is intended to

contain sufficient information to enable the ExA to prepare further questions, if necessary.

1.1.8. This report has been prepared with regard to paragraphs 109 to 115 of the Guidance and constitutes Step 4 of the process described in AN16 for requesting a change to an application being a written change request asking the Examining Authority to examine the changed application. It either contains the information required by Figure 2b of AN16, or such information is not required, as described below:

- a. A clear description of the proposed changes, including any new/altered works and any new/altered ancillary matters.
- b. A statement setting out the rationale and pressing need for making the changes with reference to the Examination Guidance, any relevant National Policy Statement(s) as appropriate and any other important and relevant matters.
- c. A full schedule of all application documents and plans which require consequential revisions as a result of the SCA.
- d. It can be confirmed that due to the small nature of the changes proposed, no update is required in respect of any consents/licences required for the Proposed Scheme. . The Applicant will continue to work with the asset owners in respect of the works required.
- e. A clean and track changed version of the draft DCO showing relevant changes for each proposed change, alongside a Schedule of Changes to the DCO. The Applicant notes that the thrust of the DCO is not changed by this SCA and that there is no requirement to amend the draft Explanatory Memorandum. Accordingly, there are no extracts, or an updated version of the Explanatory Memorandum submitted with SCA.
- f. Given that the SCA involves an upgrade to the powers sought over some plots to facilitate new routing of The Lines (such land being ‘the CA Land’) - and, to date, consents have not been able to be obtained from all persons with an interest in the CA Land (although discussions are ongoing) - the Infrastructure Planning (Compulsory Acquisition) Regulations 2020 (‘the CA Regulations’) are engaged and, as such, the information prescribed by Regulation 5 of the CA Regulations (namely the submitted Book of Reference, a Land Plan identifying the CA Land (both of which for completeness also shows the changes to the other land requirements for the Proposed Scheme as a result of the SCA changes), a Statement of Reasons Addendum (document reference 4.1.2) as to why the CA Land is required and a statement indicating how it is proposed to fund acquisition of the CA Land (the Funding Statement Addendum (document reference 4.2.1)) have also been submitted as part of this Second Change Application alongside this report. The Change Notification indicated how it is considered that the CA Regulations requirements can be dovetailed with the Examination timetable.
- g. An environmental appraisal of the requested change which confirms that there are no new or different significant effects arising from the Change compared to

those reported within the Environmental Statement (ES) submitted with the original application and PCAR.

- h. An update on ongoing consultation with affected parties describing the consultation and engagement that has been carried out by the Applicant and as set out in the Schedule of Negotiations and Powers Sought, to address matters raised in the ExA's Change Notification Response, to:
 - i. list the persons (affected by the change request) under section 42 (a) to (d) who have been consulted;
 - ii. identify (within the above list) those section 42 (d) persons who are "affected persons", meaning those persons over whose land compulsory acquisition powers will be exercised;
 - iii. provide justification as to why any person under section 42 (a) to (d) is not affected by the proposed changes and has not therefore been consulted (if any); and
 - iv. append as an annex any details of any consultation processes undertaken including any notices published and any responses thereto.

1.2. STRUCTURE OF THE DOCUMENT

1.2.1. Chapter 2 sets out:

- a. the need for the Second Change;
- b. a description of the Second Change; and
- c. a summary of the environmental appraisal process that has been carried out.

1.2.2. Chapter 3 sets out the information required by the ExA's Change Notification Response

- a. a description of engagement undertaken with stakeholders outside of the formal consultation activities (such as stakeholder meetings and follow up letters and calls with individuals such as affected land interests);
- b. a list of the persons (affected by the change request) under section 42 (a) to (d) who have been consulted;
- c. identification (within the above list) those section 42 (d) persons who are "affected persons", meaning those persons over whose land compulsory acquisition powers will be exercised;
- d. justification as to why any person under section 42 (a) to (d) is not affected by the proposed changes and has not therefore been consulted (if any); and
- e. details of any consultation processes undertaken including any notices published and any responses thereto.

1.2.3. Chapter 4 summarises its compliance with the CA Regulations.

1.2.4. Chapter 5 provides more detail on the validity of the environmental appraisal via a review and appraisal of whether any likely significant effects that would be new or materially different from those presented in the ES and PCAR would arise from the

amendments to Work No. 8, and also identifies the Application documents that have been amended to reflect the amendments to Work No.8.

1.3. LEGAL, GUIDANCE AND ADVICE NOTES APPLIED

- 1.3.1. In bringing forward the SCA, the Applicant has considered the same legislation and policy considered in the Application.
- 1.3.2. The Applicant has also considered AN16 and paragraphs 109 to 115 (Changing an application post acceptance) of the Guidance.

2. THE PROPOSED CHANGE

2.1. NEED FOR AMENDMENT TO PROPOSED CHANGE 02 (PC-02)

- 2.1.1. Following the acceptance of Work No. 8 into the examination stage of the Application, further technical work and ongoing discussions with the owners of the affected Lines (Northern Powergrid and BT Openreach) has enabled the refinement of the proposed design of works to facilitate AIL deliveries to the Site.
- 2.1.2. Work No. 8 was (and continues to be) required to ensure that AIL deliveries can be made to the Drax Power Station site, including core Carbon Capture and Storage equipment for the Scheme. The need for these works is therefore directly linked to the need for the Scheme overall, as set out in the Needs and Benefits Statement (APP-033).
- 2.1.3. Following the submission of PCA1, discussions have been progressed with asset owners and affected persons, which have enabled the refinement of the proposed design of works to facilitate AIL deliveries to the Site, taking in to account concerns raised by affected persons and the scope of works required to relocate electrical and telecommunications infrastructure. Responses have been received from the electrical and telecommunications asset owners that confirm the nature and extent of proposed works, and the type of rights necessary to enable the proposed works to be implemented.
- 2.1.4. The effect of the amendment to Work No. 8 set out in the SCA is to remove land from the Order Limits that is no longer required to undertake works, which reduces the number of affected persons, and to reduce the areas of land needed for both permanent and temporary rights to undertake and maintain relocated electrical and telecommunications infrastructure.
- 2.1.5. The change in the type and extent of works also reduces the impact of works, including a significant reduction in impact on agricultural land; removal of land and therefore impacts on Special Category Land (open space); removal of impacts on the area of the approved employment development on land south of Rawcliffe Road (apart from the potential for a small area of works within a landscape strip around the newly relocated electricity substation, which may be required for temporary rights of access to access areas outside this location, in order to undertake undergrounding works) by the removal of the majority of overlapping land affected by both schemes; and the clarification of the extent and type of rights sought.
- 2.1.6. In respect of TCL1, the asset owner has indicated that undergrounding is not required, and instead the existing assets could be made taller to remove the conflict with the AIL movements for the Scheme. This has enabled a reduction in construction land requirements for these works.
- 2.1.7. There are some changes in relation to proposed works to OHL1 and OHL2 where PCA1 sought to extinguish existing rights of the electrical asset owners due to the removal of certain sections of the overhead lines and the intention of locating

undergrounded replacement infrastructure in new locations. However, following discussions with the assets' owners, the proposed works include the undergrounding of electrical assets in line with their respective existing overhead alignment instead. This necessitates an 'upgrade' in the powers sought over the relevant land to facilitate this and associated maintenance access requirements.

- 2.1.8. A topographical survey has also been completed to accurately plot the recently relocated fence and associated land ownership boundary for the land affected by OHL2 south of Elite Road and north of Rawcliffe Road. This survey has also identified a correction in the extent of the bellmouth access from Elite Road into the land to the south. The SCA adjusts the land requirements at this location and an additional corresponding area north of the access within Elite Road to account for this additional work and to ensure consistency with the proposed temporary access route to be used to undertake the works to OHL2. This land is owned by an existing affected party - the consortium of Investors in Court House Farm/Delta Enterprise Park - and this includes a small amount of additional temporary land (and therefore does not invoke the CA Regulations). Discussions are ongoing with this party regarding this matter, as set out in the Schedule of Negotiations and Powers Sought (REP4-001, Rev 05 being submitted alongside this document).

2.2. SUMMARY OF PROPOSED CHANGES TO LAND PLANS FOR EACH OF THE LINES

PROPOSED CHANGES TO LAND PLANS FOR OHL1

- 2.2.1. OHL1 is an existing electrical overhead line which crosses the A645. Sheet 3 of the Land Plans shows the areas of land affected by works for OHL1 (west and east of the A645). Below are extracts from the currently submitted Land Plans and extracts illustrating the proposed changes. The land identified in purple is no longer required for works and it is proposed to remove this land from the Order Limits. It can also be seen that the areas of land previously proposed to be subject only to extinguishment of rights powers, is now sought to be subject to compulsory acquisition of rights powers.

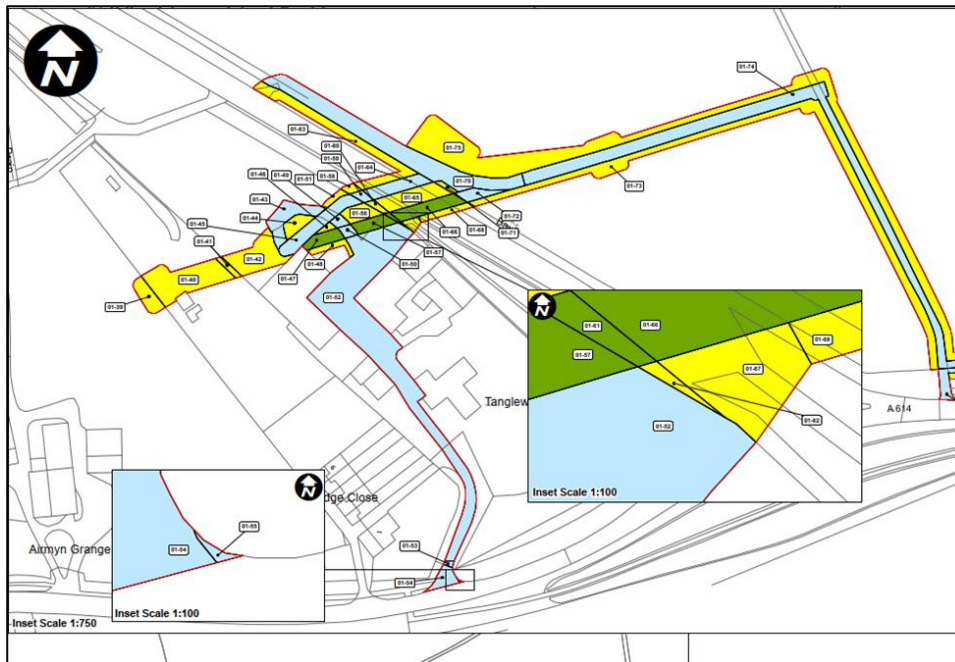


Plate 2-1 - Extract from Current Land Plan for OHL1 Works – Plan 2.2 – Rev P02, Sheet 03

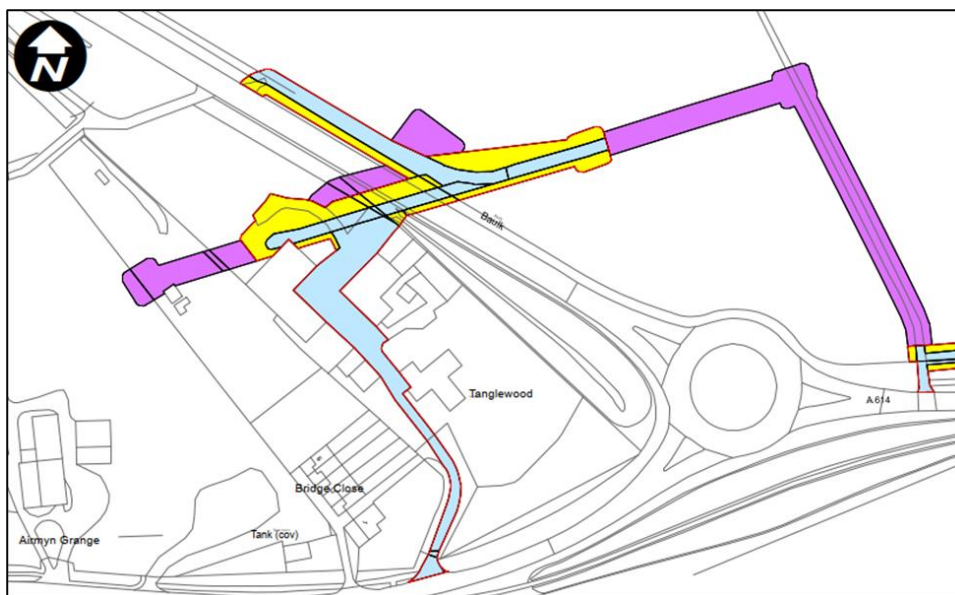


Plate 2-2 - Illustrative Land Plan for OHL1 Works – showing amendments to Order Limits and Rights Sought

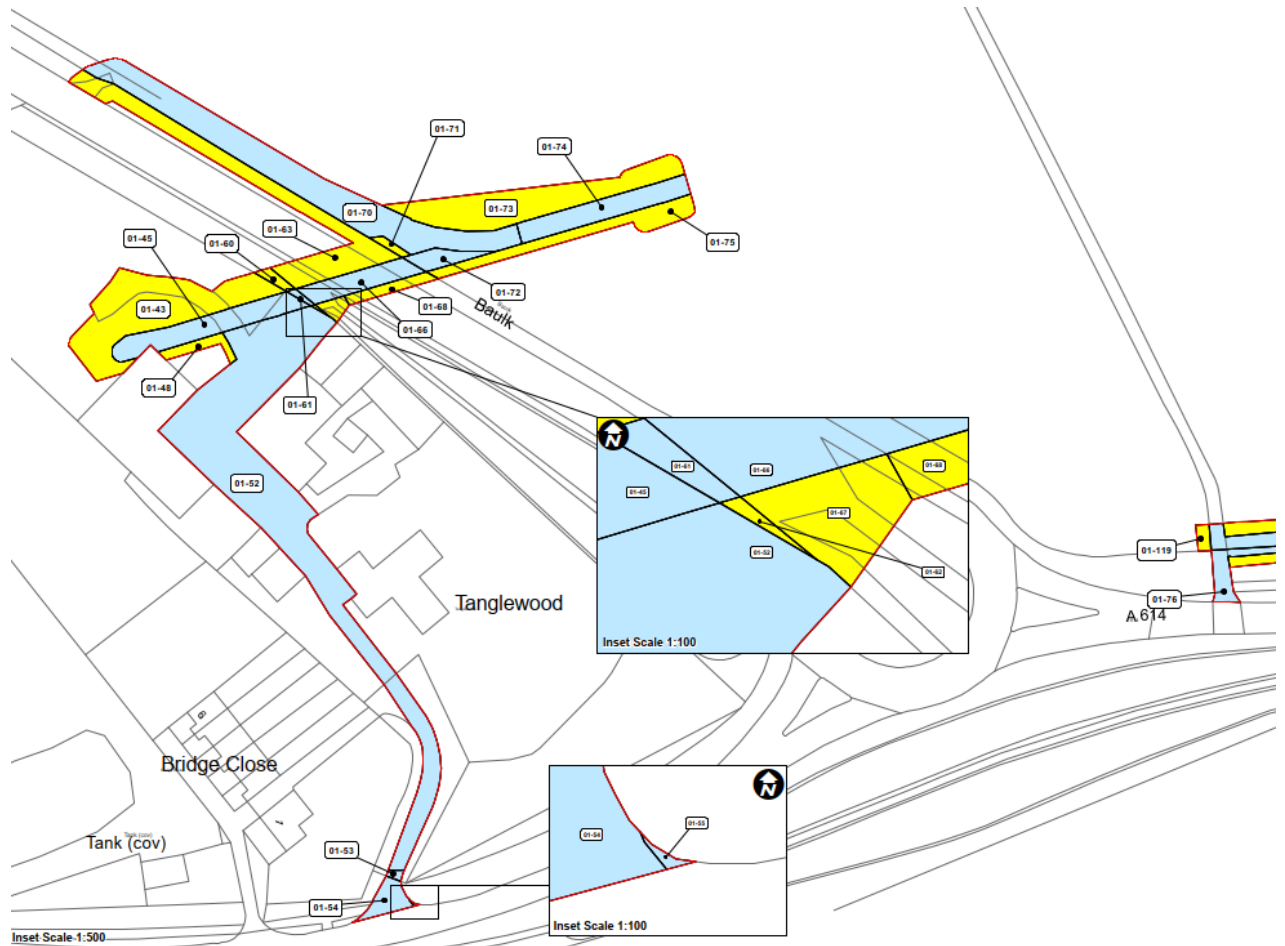


Plate 2-3 - Extract from Updated Land Plan for OHL1 Works – Plan 2.2 – Rev P03, Sheet 03

PROPOSED CHANGES TO LAND PLANS FOR TCL1

2.2.2. TCL1 is an existing telecommunications line which crosses the A614 twice to the west of Woodside Café. Sheet 3 shows the areas of land affected by works for TCL1 (north and south of Rawcliffe Road). Below are extracts from the currently submitted Land Plans and extracts illustrating the proposed changes. The land identified in purple is no longer required for works and it is proposed to remove this land from the Order Limits. It can also be seen that part of the areas of land previously proposed to be subject only to extinguishment of rights powers, is now sought to be subject to compulsory acquisition of rights powers.

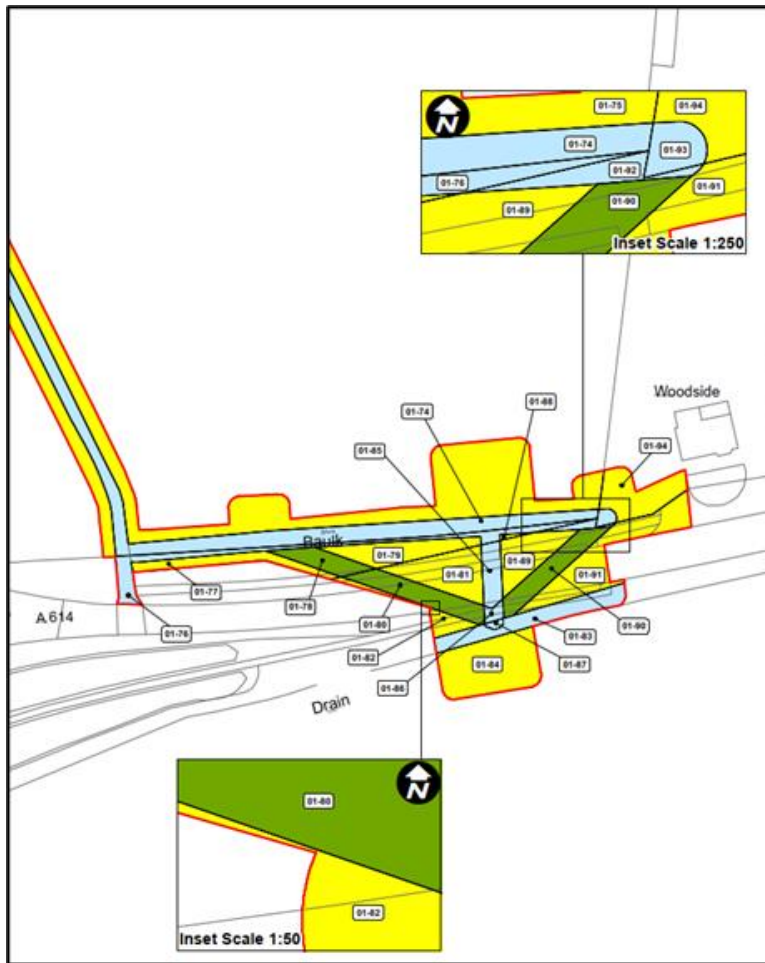


Plate 2-4 - Extract from Current Land Plan for TCL1 Works – Plan 2.2 – Rev 02, Sheet 03

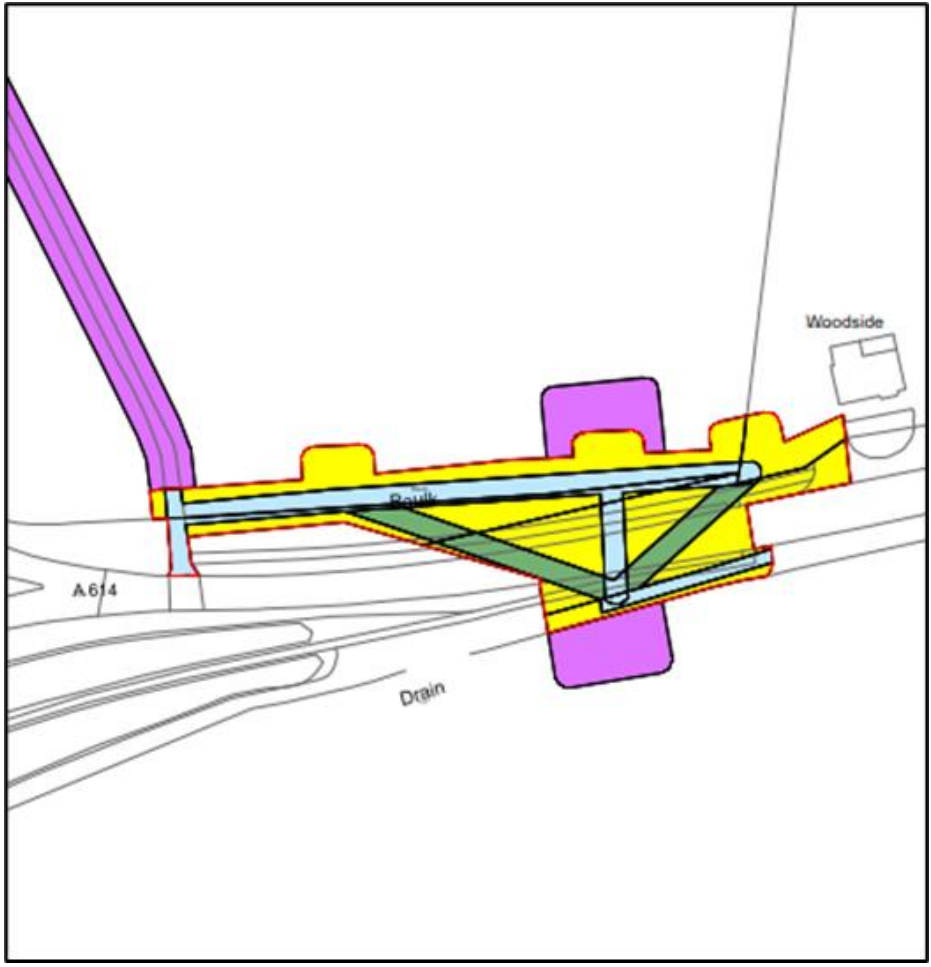


Plate 2-5 - Illustrative Land Plan for TCL1 Works – showing amendments to Order Limits and Rights Sought

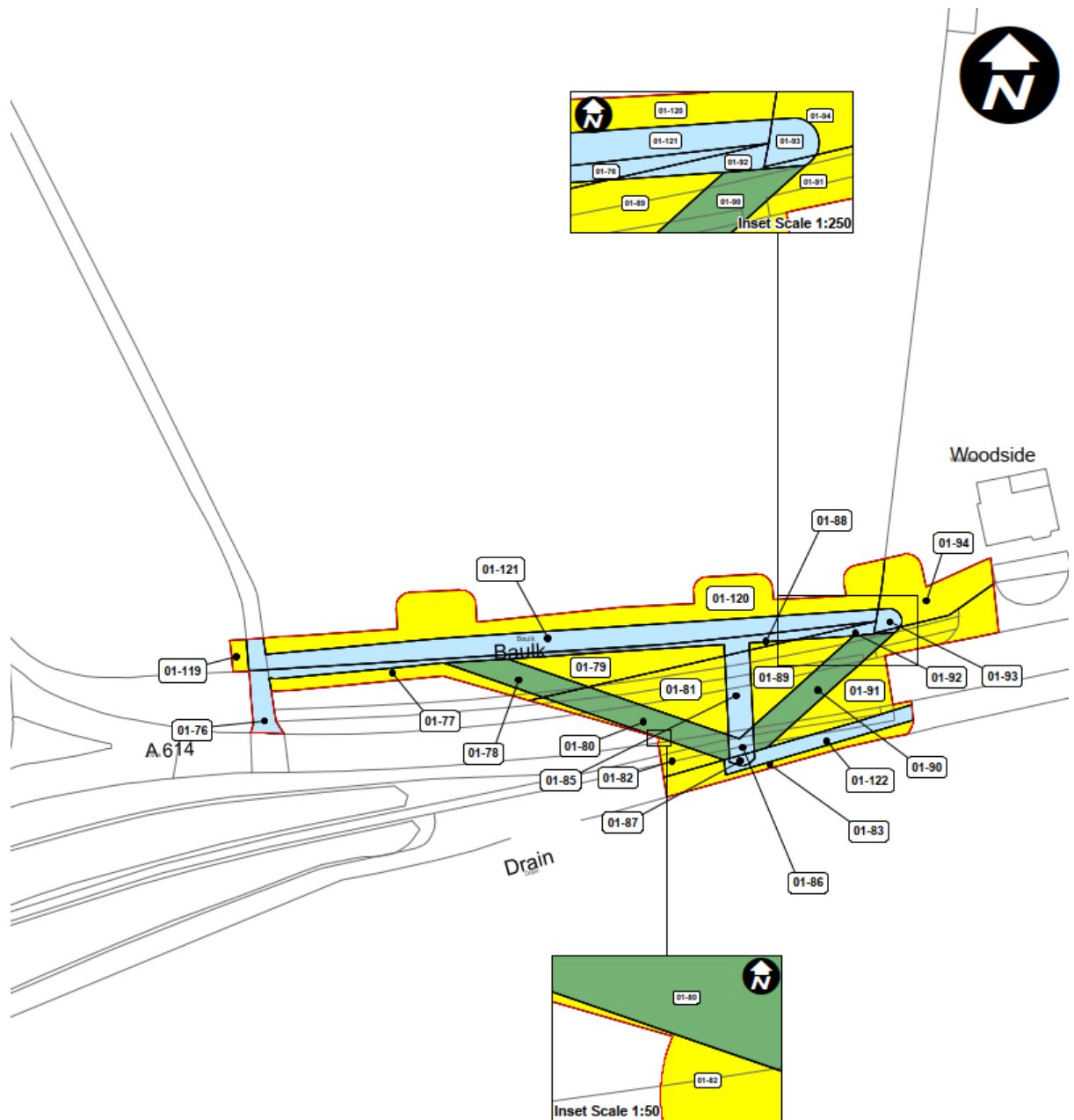


Plate 2-6 - Extract from Updated Land Plan for TCL1 Works – Plan 2.2 – Rev P03, Sheet 03

PROPOSED CHANGES TO LAND PLANS FOR OHL2

2.2.3. OHL2 is an existing electrical overhead line which crosses the A614 – Rawcliffe Road. Sheet 4 shows the areas of land affected by works for OHL2 (north and south of the A614). Below are extracts from the currently submitted Land Plans and extracts illustrating the proposed changes. The land identified in purple is no longer required for works and it is proposed to remove this land from the Order Limits. It can also be seen that the part of the areas of land previously proposed to be subject only to extinguishment of rights powers, is now sought to be subject to compulsory acquisition of rights powers, alongside an area of land north of Rawcliffe Road, required to enable the provision of the new undergrounded electrical cable and

connections to existing underground electrical cables at either end of the new undergrounded section which will replace the existing overhead lines and poles comprising OHL2. This land is required because the undergrounding of the cable is proposed within a 10m wide corridor of the existing alignment of OHL2, rather than via a route further to the west as proposed in the first Change Application. In addition, following the recent topographical survey, the dimensions of the bellmouth access from Elite Road into the land to the south have been amended to include a correction to reflect the actual access arrangements. This has resulted in the inclusion of a small amount of additional temporary land either side of the access within the land south of Elite Road, and a small area of land within Elite Road. The Change Application adjusts the land requirements at this location and an additional corresponding area north of the access within Elite Road to account for this additional work and to ensure consistency with the proposed temporary access route to be used to undertake the works to OHL2. This land is owned by an existing affected party - the consortium of Investors in Court House Farm/Delta Enterprise Park, and discussions are ongoing with this party regarding this matter.

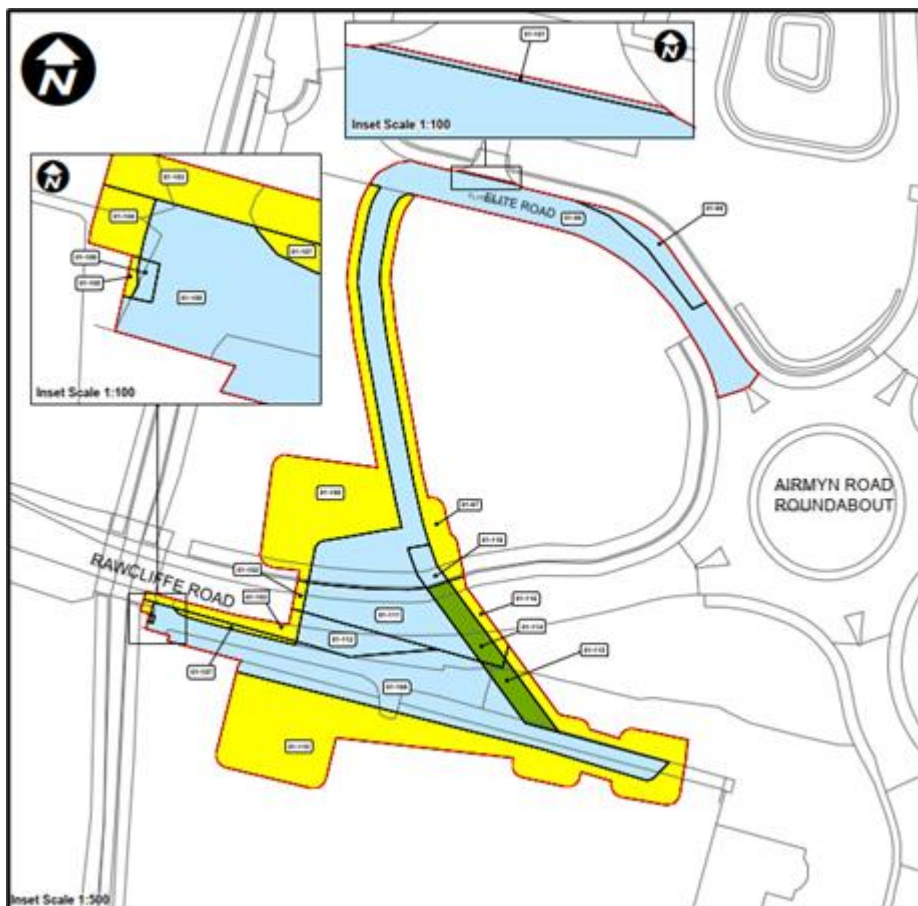


Plate 2-7 - Extract from Current Land Plan for OHL2 Works - Plan 2.2 – Rev 02, Sheet 04

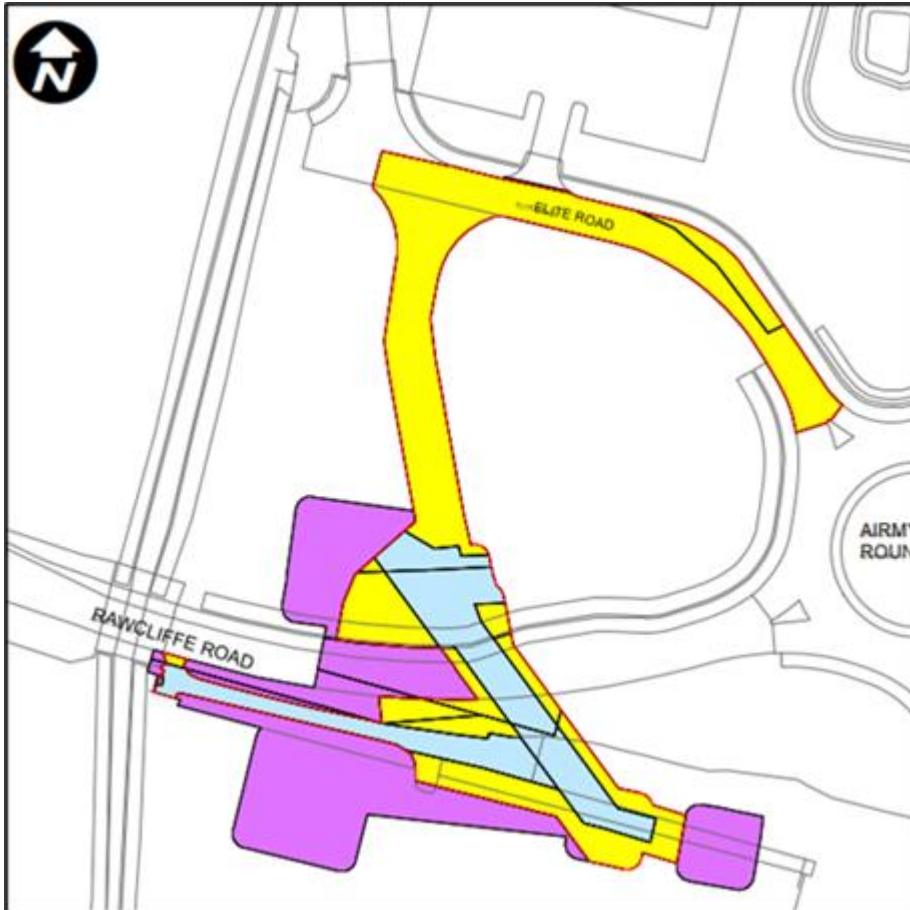


Plate 2-8 - Illustrative Proposed Land Plan for OHL2 Works showing amendments to Order Limits and Rights Sought

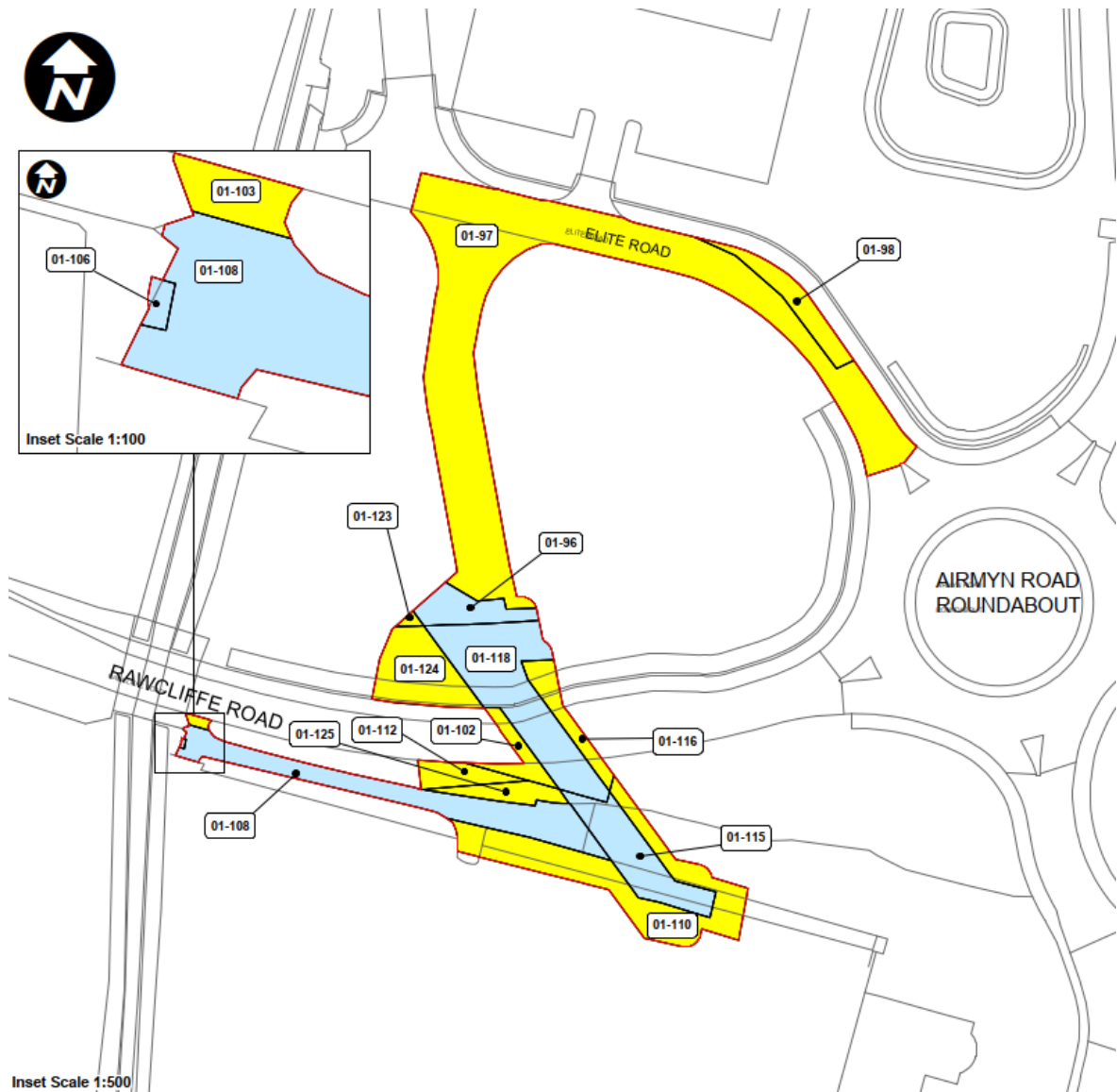


Plate 2-9 - Extract from Updated Land Plan for OHL2 Works – Plan 2.2 – Rev P03, Sheet 04

2.3. DESCRIPTION OF THE PROPOSED CHANGES

OHL1 – ELECTRICAL OVERHEAD LINE CROSSING – A645

- 2.3.1. The asset owner, Northern Powergrid’s preferred design for the works has confirmed that undergrounding via a trenchless installation method such as Horizontal Directional Drilling (HDD) is not feasible due to other utility assets in the locality, and that the installation of the undergrounded section of the electrical cable would be via an open trench installation method across the highway only. The asset owner has confirmed that it would prefer to retain the overhead line in its current alignment with the only undergrounded section being across the highway also following the alignment of the existing overhead line within a 10m wide corridor to provide flexibility to adjust the exact routing to navigate around existing infrastructure in/under the

highway. To facilitate this solution, it is proposed that a new wooden pole is installed on the eastern side of the A645, within the verge or as close to the edge of the field as possible, and the overhead line restrung from this new pole to the existing next wooden pole in the line, immediately to the east. This solution means that the works required on land to the east of the A645 for OHL1 (owned by ERYC and currently occupied by Mr Roustoby) are limited to:

- a. the use of the existing access from the eastern edge of the A645 in to the field;
- b. access southwards to the installation location of the new wooden pole;
- c. works to install the new pole;
- d. access between the new pole and the next existing pole to the east to facilitate restrung of a section of the overhead line; and
- e. works from the new wooden pole westwards to install the undergrounded section of the electricity cable via an open trench installation method to the western side of the A645.

- 2.3.2. There would therefore only need to be temporary rights of access to undertake the works, and permanent rights required to facilitate access to, and to maintain and repair the electricity asset in perpetuity.
- 2.3.3. There is no longer a need for land to accommodate the HDD/works compound on the eastern side of the A645, or a requirement to use the existing farm access track from the A614 to facilitate access to existing wooden poles for restrung purposes for OHL1, and therefore these areas of land will be removed from the Order Limits.
- 2.3.4. On land to the west of the A645, the asset owner has confirmed it would prefer to remove the existing wooden pole located immediately to the west of the A645, install a new wooden pole in the same location, and the undergrounded section under the A645 would then end and continue along its existing alignment with a restrung section of overhead line to the next existing wooden pole in the line, immediately to the west. This solution means that the works required on land to the west of the A645 are limited to land owned by Mr Hussain (Tanglewood), and after the installation works described above are completed, the electricity asset would appear very similar to the existing design, with temporary rights of access required to undertake the works, and permanent rights required to facilitate access to, and to maintain and repair the electricity asset in perpetuity.
- 2.3.5. This solution means that there is no longer a need to access land further west of Tanglewood, and therefore the Special Category Land owned by ERYC will be removed from the Order Limits.
- 2.3.6. The solution described above also reduces the amount of land within the Order Limits to remove land no longer required to accommodate a HDD installation of the cable under the A645.

TCL1 – TELECOMMUNICATIONS OVERHEAD LINE CROSSINGS – A614

- 2.3.7. The asset owner, BT Openreach, has confirmed that its preferred design to remove conflict with the AIL deliveries would not be to underground the telecommunications line, but instead to replace the existing wooden pole on the southern side of Rawcliffe Road with a taller pole (15m high), install a new wooden pole 15m high on the northern side of Rawcliffe Road opposite the aforementioned pole, and provide a continuous telecommunications line connection between the existing wooden poles immediately to the east of the farm track on the northern side of Rawcliffe Road, on to the new 15m high pole and onwards to the existing wooden pole at the south-western corner of the Woodside Café. The existing telecommunications lines crossing the A614 would be removed, and a new line installed between the two 15m high poles, resulting in the line crossing the A614 once.
- 2.3.8. This solution means that the works required on land to the east of the A645 and north of the A614 for TCL1 (owned by ERYC and currently occupied by Mr Cowling) are limited to:
- a. the use a short section of the existing farm access track from the northern edge of the A614 to facilitate access to the southern edge of the field where the existing wooden poles are located;
 - b. access eastwards to the installation location of the new wooden pole;
 - c. works to install the new 15m pole;
 - d. access between the new pole and the existing two poles to the west, and the next existing pole to the east to facilitate stringing of this section of the line; and
 - e. access to facilitate the new telecommunications line crossing the A614 to the replaced (taller) pole on the southern side of Rawcliffe Road and the removal of the existing telecommunications line crossing the A614.
- 2.3.9. There would therefore only need to be temporary rights of access to undertake the works, and permanent rights required to facilitate access to, and to maintain and repair the amended telecommunications asset in perpetuity.
- 2.3.10. There is no longer a need for land to accommodate the HDD/works compound on the northern and southern sides of the A614 and therefore these areas of land will be removed from the Order Limits.
- 2.3.11. With regard to the land to the south of Rawcliffe Road, with the removal of the potential undergrounding of the asset, the proposed works on the southern side of the road on land owned by ERYC (and which was previously identified as Crown Land) are limited to:
- a. Access via the existing access point from the A614 to the existing wooden telecoms pole at the southern edge of the footway;
 - b. Removal of the existing wooden pole and replacement with a 15m high wooden pole;

- c. Removal of existing overhead telecommunications line connections and provision of new overhead line between the replaced taller pole and the new 15m high wooden pole on the northern side of the A614.
- 2.3.12. There would therefore only need to be temporary rights of access to undertake the works, and permanent rights required to facilitate access to, and to maintain and repair the realigned telecommunications asset in perpetuity.
- 2.3.13. Due to the reduction in scale and scope of the works to TCL1, there is no longer a need to include land providing the field drainage ditch or agricultural land to the south within the Order Limits, and land owned by Mr Huddlestone will be removed from the Order Limits.

OHL2 – ELECTRICAL OVERHEAD LINE CROSSING – A614

- 2.3.14. The asset owner, Northern Powergrid's preferred design for the works has confirmed that undergrounding via a trenchless installation method such as HDD was not feasible due to other utility assets in the locality, and that the installation of the undergrounded section of the electrical cable would be via an open trench installation method across the Rawcliffe Road to connect to existing underground electrical cables at the northern and southern end of the existing overhead line. The asset owner has confirmed that it would prefer to retain the electrical infrastructure in its current alignment with the undergrounded section being across the highway also following the alignment of the existing overhead line within a 10m wide corridor to provide flexibility to adjust the exact routing to navigate around existing infrastructure in/under the highway and adjoining land.
- 2.3.15. The solution also includes already programmed works to electrical infrastructure on the southern side of Rawcliffe Road on land owned by JRS Services Ltd which includes the relocation of an electricity substation south-east of the most westerly wooden electricity pole in this location, and the connection to existing underground cables in the immediate vicinity.
- 2.3.16. On the southern side of Rawcliffe Road, works to facilitate the undergrounding of electrical infrastructure required to facilitate the AIL deliveries to Site on land owned by JRS Services Limited are limited to:
- a. Access via the existing access track off the A614 (to the east of Town Drain) the remaining wooden pole adjacent to the new substation;
 - b. Removal of the wooden pole; and
 - c. Installation of undergrounded section of electricity cable to connect in to the existing electricity cable north of the new substation, and north-westwards via open trench installation methods.
- 2.3.17. There would therefore only need to be temporary rights of access to undertake the works, and permanent rights required to facilitate access to, and to maintain and repair the relevant section of the undergrounded electricity asset in perpetuity.

- 2.3.18. There is no longer a need for land to accommodate potential HDD/works compound on the southern or northern side of the A614 or a requirement to install any new wooden poles or above-ground electrical infrastructure in this location, and therefore these areas of land will be removed from the Order Limits.
- 2.3.19. The effect of removing these elements means that there is no overlap between the works required to OHL2 to facilitate AIL deliveries to Site and the permitted employment development at the JRS Services Site, except for a small area of land within the proposed landscape strip on the northern edge of the employment development that may be required temporarily to access the wooden pole to enable its removal, and for permanent rights to facilitate connection to an existing underground electricity cable to the north of the new substation. The Applicant would propose to amend the DCO in due course to deal with the interaction between the DCO and that planning condition, to ensure that JRS Services are not put in breach of their planning permission as a result of these works.
- 2.3.20. With regard to land north of Rawcliffe Road owned by ERYC and the consortium of investors in Court House Farm/Delta Enterprise Park, the proposed works include:
- a. The removal of the two existing wooden poles and stays;
 - b. The installation via an open trench method of an underground electrical cable connecting to the existing underground cable within the land and then heading in a south-easterly direction towards the new substation on the southern side of Rawcliffe Road; and
 - c. The removal of the existing overhead line between the wooden poles on land to the north of Rawcliffe Road and the wooden pole to the north of the new substation on the southern side of Rawcliffe Road.
- 2.3.21. There would therefore only need to be temporary rights of access to undertake the works, and permanent rights required to facilitate access to, and to maintain and repair the relevant section of the undergrounded electricity asset in perpetuity.
- 2.3.22. There is no longer a need for land to accommodate potential HDD/works compound on the northern side of the A614 and therefore these areas of land will be removed from the Order Limits.
- 2.3.23. The realigned and undergrounded electrical infrastructure on the northern side of Rawcliffe Road will be located within land owned by ERYC and accessed via the highway verge. The previous route for accessing the altered configuration of electrical infrastructure once works have been completed on the northern side of Rawcliffe Road was via Elite Road, as shown on Plate 2-12 below, between points MM and NN. The updated access arrangements on the northern side of Rawcliffe Road for OHL2 is shown on the updated Access and Rights of Way Plan submitted with the SCA (see Plate 2-13, below, where the new access is shown between relocated points MM and NN). Therefore, there is no requirement to retain a permanent right of access over the land owned by the consortium of Investors in

Court House Farm/Delta Enterprise Park in perpetuity for the realigned underground sections of electrical infrastructure.

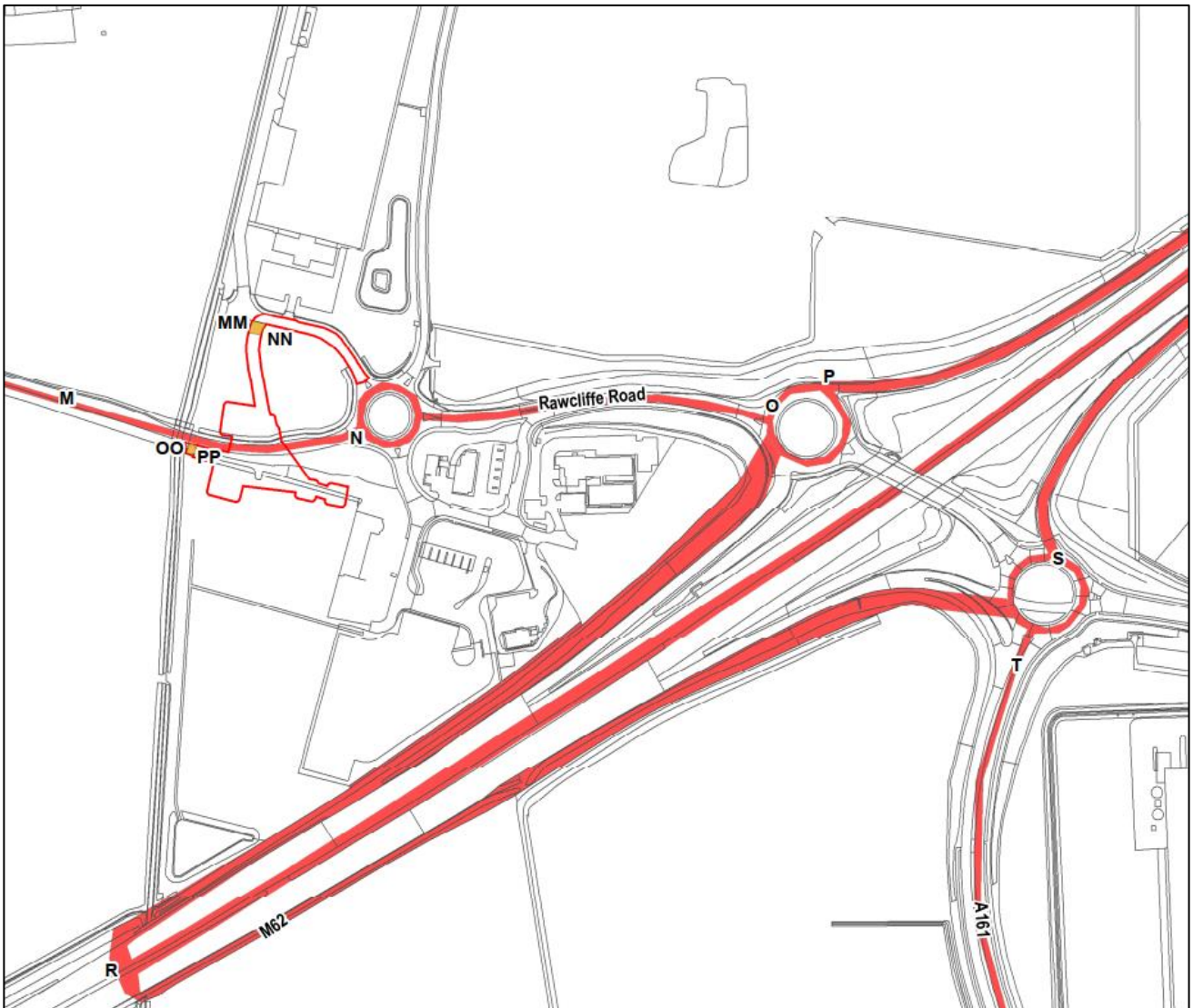


Plate 2-10 - Extract from current ARoW Plan for OHL2 Works – Plan 2.4 – Rev P03, Sheet 05

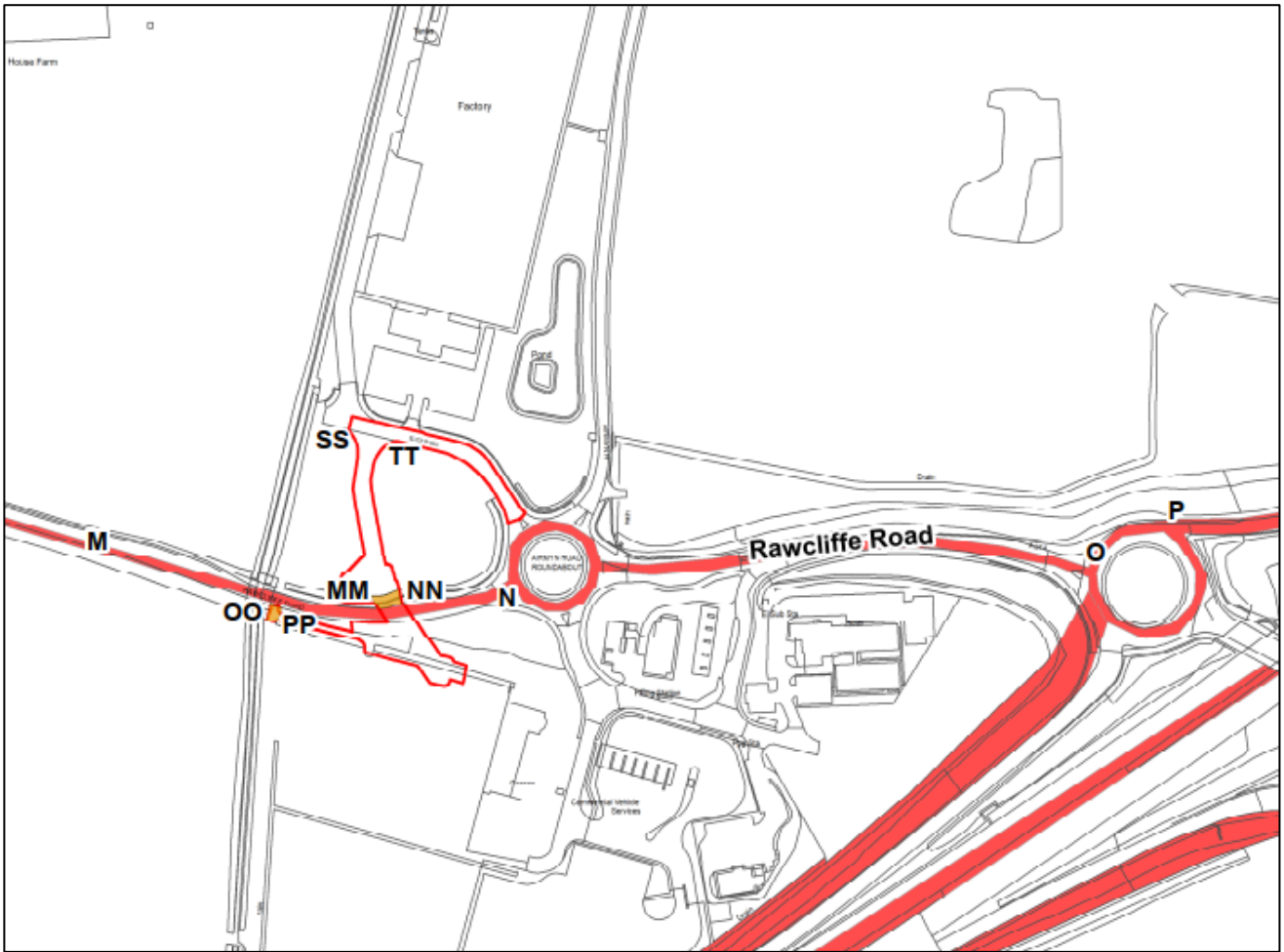


Plate 2-11 - Extract from Updated ARoW Plan for OHL2 Works – Plan 2.4 – Rev P04, Sheet 05

2.4. ENVIRONMENTAL APPRAISAL OF THE PROPOSED CHANGES

- 2.4.1. PCA1 demonstrated that the introduction of the works to OHL1, OHL2 and TCL1 did not lead to any new or different likely significant environmental effects from those reported in the Application ES.
- 2.4.2. The potential implications of the proposed amendment to Work No. 8 set out in the SCA have been considered to identify if they would result in any new or different likely significant environmental effects compared to the Environmental Impact Assessment (EIA), that was reported in the technical chapters of the Proposed Scheme’s ES and also considered in the PCAR.
- 2.4.3. In assessing the Second Change, the Applicant has considered whether, or to what extent, the change might alter the description of the relevant element of the development within the ES, in compliance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (‘EIA Regulations’), which sets out how an EIA should describe a proposed development.
- 2.4.4. In addition, the Applicant has considered:

- a. The degree of change in the context of the Proposed Scheme as a whole (i.e. whether it is significant or not);
- b. The effect of the change in environmental terms (i.e. whether it would result in a change to the findings of the assessment carried out in respect of the Proposed Scheme prior to submission of the Application);
- c. The effect of the change on the local community; and
- d. The likely level of public interest in the change (i.e. whether there would be interest or concern about the change, taking account of engagement carried out to date).

2.4.5. The environmental appraisal for the Second Change is provided in Chapter 5 of this report. Overall, the amendment to Work No. 8 would not change the result of PCA1 and indeed would lead to an improved position for a number of topics, when considered as part of the Proposed Scheme, or cumulatively with other plans and projects as a result of the Proposed Change. This is due to lesser third-party land take, and the changes meaning that HDD methodologies would no longer be required for any of the works, reducing land take.

2.4.6. The Applicant has also considered where the amendment to Work No. 8 would affect the other consents that the Applicant may be required to obtain outside of the DCO process. It is considered that the Second Change would not constitute an impediment to the grant of any other consents and licences required outside of the DCO process, and no additional consents or licences would be required

3. CONSULTATION AND ENGAGEMENT

3.1. CONSULTATION

- 3.1.1. On 14 April 2023, the ExA confirmed in a Procedural Decision that it is acceptable for the Applicant not to undertake a public consultation exercise in respect of the Change.

3.2. ONGOING ENGAGEMENT ON THE PROPOSED CHANGE

- 3.2.1. As discussed at the hearings on 22-24 March 2023 and noted above, the Applicant has been undertaking ongoing engagement with the affected land interests and asset owners both before and after the submission of the first Proposed Change Application (PCA1), including in particular those interests in the plots that will be subject to the CA Regulations – Mr Amir Hussain, East Riding of Yorkshire Council, Mr Cowling, JRS Services (Leeds) Limited and the Consortium. This has involved correspondence and meetings on site and has been recorded in the Schedule of Negotiations and Powers Sought (Document 4.1.1 Rev 05 accompanying this SCA – the most up to date version of REP4-001).
- 3.2.2. Following confirmation by the asset owners of the refined design, the Applicant has begun a further stage of engagement with all of the affected land interests to inform them of the updated design and land take and to continue to seek voluntary agreements with them in respect of the remaining land take that is required.

LIST OF PERSONS (AFFECTED BY THE SECOND CHANGE REQUEST) UNDER SECTION 42 (A) TO (D) WHO HAVE BEEN CONSULTED

- 3.2.3. The Applicant notes that the changes set out in the SCA are very localised and has focussed consultation with persons directly affected by the changes to Work No. 8. **Annex A** provides a list of persons (affected by the second change request) under section 42 (a) to (d) who have been consulted.

IDENTIFICATION (WITHIN THE ABOVE LIST) THOSE SECTION 42 (D) PERSONS WHO ARE “AFFECTED PERSONS”, MEANING THOSE PERSONS OVER WHOSE LAND COMPULSORY ACQUISITION POWERS WILL BE EXERCISED

- 3.2.4. **Annex A** also provides the list of persons who are affected persons over whose land compulsory acquisition (of rights) powers will be exercised.

JUSTIFICATION AS TO WHY ANY PERSON UNDER SECTION 42 (A) TO (D) IS NOT AFFECTED BY THE PROPOSED CHANGES AND HAS NOT THEREFORE BEEN CONSULTED (IF ANY)

- 3.2.5. The Applicant notes that for the first Change Application, all of the relevant parties under section 42 (a) to (d) were consulted as part of the non-statutory consultation as set out in the PCAR Appendix 7 (AS-056).
- 3.2.6. Following the responses to the non-statutory consultation, the Applicant provided a more targeted notification under the CA Regulations in January 2023, as set out in

the Certification process. The Applicant notes that there were six parties provided responses (Relevant Representations) in response to the first Change Application. This included two types of Relevant Representation: those that were limited to comments on more general matters not specific to the first Change Application (e.g. biomass issues that were not relevant to the CA Regulations process and general ecological matters); and those which were directly relevant to the changes set out in the first Change Application, including two affected persons: ERYC (in its role as landowner rather than as a host local authority) and Mr Pickering on behalf of Investors in Court House Farm/Delta Enterprise Park

- 3.2.7. No other responses were received from s.42(a)-(c) bodies, and Natural England's ecological concerns will be able to be reduced as a result of the reduction in land take (which will be able to be discussed with them as part of the SoCG process). Furthermore, the Applicant has been engaging with the affected statutory undertaker, NPG, and the relevant telecoms company, BT Openreach to develop the SCA.
- 3.2.8. In light of the small scale of responses to the first Change Application, and the scope and extent of amendments set out in the SCA which are small minor changes to the first Change Application which has already been consulted on, the Applicant has focussed its ongoing consultation with persons directly affected by the changes to Work No. 8, set out in **Annex A**.
- 3.2.9. If the ExA accepts the SCA into the examination, the Applicant will notify by letter all persons listed in **Annex A** (i.e. including non-Affected Persons even though they are not caught by the CA Regulations). The Applicant will also:
- a. update the Drax website to inform interested parties of the SCA and period for submission of Relevant Representations; and
 - b. post Site Notices; and
 - c. post Notices in Deposit locations as set out in the Press Notice; and
 - d. publish Notices in local and national press publications in accordance with the CA Regulations.
- 3.2.10. This will provide an opportunity for parties who may be interested in the SCA to submit Relevant Representations during the statutory period, and for these responses to be considered during the remaining duration of the examination.

DETAILS OF THE CONSULTATION PROCESS UNDERTAKEN

- 3.2.11. The Applicant confirms that the consultation and engagement processes undertaken to date with all Affected Persons identified in **Annex A**, include:
- a. telephone calls to explain and discuss the SCA;
 - b. in-person meetings and presentation of plans and details to explain and discuss the SCA;
 - c. emails to explain and include details the SCA either as a first point of contact if required, or as a follow-up to telephone calls and in-person meetings.

3.2.12. Further detail on this for each party is set out in the updated version of the Schedule of Negotiations and Powers Sought (REP4-001, Rev 05 being submitted alongside this document), submitted with the SCA.

4. COMPLIANCE WITH THE CA REGULATIONS

- 4.1.1. The information prescribed by Regulation 5 of the CA Regulations has been provided with this change request in relation to reduction in land. This is also identified in Figure 2b (5) of Advice Note 16. The information provided includes:
- a. an updated Book of Reference (REP5-006, Rev 08 being submitted alongside this document – which replaces the previously submitted version) and a version with tracked changes (REP5-007, Rev 08 being submitted alongside this document - which replaces the previously submitted version). This document accounts for all of the changes to the land powers sought within the Proposed Change, not just the CA Land;
 - b. updated Land Plans (AS-072, Rev03 being submitted alongside this document - which replaces the previously submitted version) to identify the amended land and change in rights sought for this Change Request 2. This document accounts for all of the changes to the land powers sought within the Proposed Change, not just the CA Land;
 - c. an addendum to the Statement of Reasons in respect of the SCA (document reference 4.1.2); and
 - d. an addendum to the Funding Statement in respect of the SCA (document reference 4.2.1).
- 4.1.2. For the avoidance of doubt, whilst these documents include information on additional land that is required for both (a) temporary possession only, and (b) land over which powers of compulsory acquisition of rights and easements are sought, it is considered that it is only the latter plots that should be considered to form part of the ‘proposed provision’ of additional land, for the purposes of the CA Regulations. This is on the basis set out in paragraphs 4.1.13-4.1.9, below.
- 4.1.3. The CA Regulations, as is explained in its accompanying Explanatory Memorandum, sets out the procedures to be followed where it is proposed to include in an order granting development consent a provision authorising the compulsory acquisition of land, which was not included in the application for the order.
- 4.1.4. Regulation 4 of the CA Regs Regulations confirms that regulations 5 to 19 of the CA Regulations apply where it is proposed to include in an order granting development consent a provision authorising the compulsory acquisition of land and a person with an interest in the additional land does not consent to the inclusion of the provision.
- 4.1.5. A provision authorising the temporary possession of land is not a provision that authorises the compulsory acquisition of land, an interest in land or rights over land.
- 4.1.6. Temporary possession is fundamentally different in character from the compulsory acquisition of land, or of rights over land, because a temporary possession does not in any way affect the title to that land. A temporary possession provision temporarily dispossesses the occupant of the land and suspends the exercise of any rights enjoyed over that land for the duration of the period of temporary possession. During

this period the owner would remain free to deal with the title in any way it sees fit, subject to the temporary possession. Once the temporary possession ceases the land may be re-occupied and any person enjoying rights over it would be able to resume doing so. At no point would the undertaker “acquire” the land or an interest in the land or any right over it.

- 4.1.7. This distinction is maintained throughout Regulations 5 to 19 of the CA Regulations which use the term “proposed provision” to refer to the provision that must be considered in accordance with the procedures set out in those regulations. Regulation 2 (Interpretation) explains that (emphasis added): “proposed provision” means a compulsory acquisition request in respect of additional land; and: “compulsory acquisition request” means a request for an order granting development consent to authorise compulsory acquisition of land or of an interest in or right over land.
- 4.1.8. Because a temporary possession provision would not authorise the compulsory acquisition of land or of an interest in or right over land it is not a “proposed provision” and so the procedures in the CA Regulations would not apply to temporary possession plots.
- 4.1.9. This approach would be consistent with the precedent set by the examination of the A14 Cambridge to Huntington Improvement Scheme Order 2016. During the course of that examination that applicant applied for a series of non-material changes which included the addition of further land within the Order Limits and which variously included compulsory acquisition of land, of rights over land and of temporary possession of land. In the case of changes that required the compulsory acquisition of additional land, or rights over additional land, the Examining Authority either (i) followed the procedures in the CA Regulations or (ii) accepted the changes without having followed the procedures in the CA Regulations on the basis that all persons with interests in the land consented to the inclusion of the proposed provision in accordance with regulation 4 of the CA Regs. Consistent with the view that temporary possession is not compulsory acquisition, the Examining Authority did not require the applicant to obtain the consent of all persons with interests in the land, or follow the procedures in the CA Regs. This approach can be seen for example, in paragraph 2.3 of its procedural decision of 22 October 2015 [PD-018]; “The change DR1.103 does not require compulsory acquisition, as it is for temporary possession; therefore, no additional consents are required from landowners.”

5. ENVIRONMENTAL APPRAISAL, VALIDITY AND DCO DOCUMENTATION

5.1. VALIDITY OF THE ENVIRONMENTAL APPRAISAL

- 5.1.1. Chapter 2, section 2.4, notes that PCA1 demonstrated that the introduction of the works to OHL1, OHL2 and TCL1 did not lead to any new or different likely significant environmental effects from those reported in the Application ES.
- 5.1.2. The potential implications of the proposed amendment to Work No. 8 set out in PCA2 have been considered to identify if they would result in any new or different likely significant environmental effects compared to the EIA, that was reported in the technical chapters of the Proposed Scheme's ES and in PCAR1.
- 5.1.3. Table 5.1 below sets out an assessment of the validity of the environmental appraisal carried out for Work No. 8 in light of the changes set out in Chapter 2 of this document. Figure 2 (AS-047, Rev 02 submitted alongside this document) and Figure 4 (REP2-059, Rev 03 submitted alongside this document) of the PCAR1 have also been updated to reflect the proposed changes to the Order Limits and physical works.

Table 5-1 – Update to the Environmental Appraisal for Work No. 8

Topic	Validity of the Environmental Appraisal for Work No. 8	Change to Significant Effects
Chapter 5: Transport	<p>As OHL1 would be carried out through Open Cut Construction methods rather than Trenchless Construction methods, the effects would be similar to those described for OHL2 in the environmental appraisal in PCAR1, whilst the effects described for TCL1 are reduced in the absence of any requirement for undergrounding, although traffic management would still be required for the restring works. The works would be of short duration and would include the requirement for a traffic management system to be in place to divert traffic if required. Works requiring full road closures would typically take place at night to minimise the impact on traffic, as set out in the Outline CTMP.</p> <p>This change will not result in any change to the conclusions of the environmental appraisal in PCAR1.</p>	The change would not result in any new or different significant effects from those described in the ES.
Chapter 6: Air Quality	The appraisal set out in Table 6-1 of PCAR1 remains valid for the works as changed.	
Chapter 7: Noise and Vibration	<p>As OHL1 would be carried out through Open Cut Construction methods rather than Trenchless Construction methods the effects described for OHL2 in the previous appraisal in PCAR1 are therefore now applicable to both OHL1 and OHL2, whilst the effects described for TCL1 are likely to be reduced in the absence of any requirement for undergrounding. The noise levels assumed for Trenchless Construction were deemed to be higher than for Open Cut Construction (85dB at 10m from Trenchless Construction activities and 76dB at 10m from Open Cut Construction activities) and the predicted noise levels due to works associated with OHL1 are therefore anticipated to be the same as those described for OHL2 as set out in Table 6-1 of PCAR1. This will not result in any change to the conclusions of the assessment set out in that document.</p>	

Topic	Validity of the Environmental Appraisal for Work No. 8	Change to Significant Effects
Chapter 8: Ecology	<p>As set out in the PCAR1 appraisal, given the very limited spatial extent of the works, impacts that could trigger effects on ecological receptors are not considered to be materially different between Open Cut Construction and Trenchless Construction methods, therefore the change from Trenchless Construction methods to Open Cut Construction methods at OHL1 does not result in any change. In addition, impacts are likely to be reduced on the basis of the reduced Order Limits and land take required across OHL1, OHL2 and TCL1, resulting in less vegetation removal and habitat disturbance.</p> <p>This will not result in any change to the conclusions of the environmental appraisal set out in PCAR1.</p> <p>Figure 4 (OHL Landscape and Biodiversity Plan) (REP2-059, Rev03 being submitted alongside this document) of PCAR1 has been updated to reflect the changes set out in Chapter 2 of this report.</p> <p>The Applicant is updating the BNG Assessment to account for the reduced land take and this will be submitted at Deadline 6.</p>	
Chapter 9: Landscape and Visual	<p>TCL1 will no longer involve the undergrounding of the telecommunications line but instead the installation of a new pole and the raising in height of the existing pole on the south side of the A645. In terms of landscape and visual effects the change will result in a moderate increase in the height of the two poles (new and existing) but this would not be significant given the proximity of the poles to the highway and their scale in relation to the existing lighting columns along the highway. The other changes described in Chapter 2 of this report, would not result in any change to the landscape and visual assessment and Figure 4 (OHL Landscape and Biodiversity Plan) (REP2-059, Rev03 being submitted alongside this document) of PCAR1 has been updated to reflect these changes.</p>	

Topic	Validity of the Environmental Appraisal for Work No. 8	Change to Significant Effects
	This will not result in any change to the conclusions of the environmental appraisal set out in PCAR1.	
Chapter 10: Heritage	<p>As OHL1 will now be carried out through Open Cut Construction methods rather than Trenchless Construction methods it is considered that the effects for OHL1 would be similar to those described for OHL2 in the environmental appraisal carried out for PC-02, whilst the effects described for TCL1 would be reduced in the absence of any requirement for undergrounding.</p> <p>This will not result in any change to the conclusions of the environmental appraisal set out in PCAR1.</p>	
Chapter 11: Ground Conditions	<p>OHL1 will now be carried out through Open Cut Construction methods rather than Trenchless Construction methods. Open Cut Construction activities may result in the potential for adverse impacts on soils however these works along with new access roads and compounds required for construction would be temporary and the area would be reinstated once works are completed in line with the Soil Handling Management Plan committed to in the REAC (Ref ID GC2) and secured via DCO Requirement 14 (Construction Environmental Management Plan).</p> <p>There would be a beneficial effect (not significant) due to the reduction in land take required for OHL1, OHL2 and TCL1 in the area of potentially impacted Grade 2 ALC land (Best and Most Versatile).</p> <p>This will not result in any change to the conclusions of the environmental appraisal set out in PCAR1.</p>	
Chapter 12: Water Environment	<p><u>Surface Water</u></p> <p>As OHL1 will now be carried out through Open Cut Construction methods rather than Trenchless Construction methods the effects described for OHL2 in the previous appraisal are therefore now</p>	

Topic	Validity of the Environmental Appraisal for Work No. 8	Change to Significant Effects
	<p>applicable to both OHL1 and OHL2, albeit OHL1 and OLH2 (owing to the Order Limits changes) do not now cross any watercourses, therefore adverse impacts on the quality of nearby watercourses at OHL1 and OHL2 are no longer applicable. The effects described for TCL1 are reduced in the absence of any requirement for undergrounding.</p> <p>The previous appraisal noted that the southern construction compound of TCL1 would be required to cross a minor watercourse; this impact has now been removed as the field drainage ditch has been removed from the Order Limits.</p> <p><u>Groundwater</u></p> <p>As OHL1 will now be carried out through Open Cut Construction methods rather than Trenchless Construction methods the effects described for OHL2 in the previous appraisal are therefore now applicable to both OHL1 and OHL2, whilst the effects described for TCL1 are removed in the absence of any requirement for undergrounding. There may therefore be groundwater inflow to the trench during construction works, however the measures set out in Table 6.1 of the PCAR in relation to OHL2 would be able to be applied. In addition, OHL1 falls within Source Protection Zone (SPZ) 3 (total catchment), however given the category and nature of the proposed works this does not change the outcome of the assessment. This is because any dewatering works are expected to be very short duration (i.e. <1 day), and due to the shallow trench depth incurring only a very minimal lowering of the water table (if any). Additionally, any potential water quality impacts (e.g., the potential spillage of pollutants from construction vehicles and plant machinery such as fuels, oils, hydraulic fluids, coolants and lubricants) would be mitigated by pollution prevention controls detailed within the REAC the measures within which are secured via DCO Requirement 14 which requires a Construction Environmental Management Plan to be produced that is substantially in accordance with the REAC. Increased turbidity is not a concern with regards to the SPZ due to the intergranular flow condition of the aquifer which acts as a means of filtration (and the distance with the works being at the edge of the SPZ 3).</p>	

Topic	Validity of the Environmental Appraisal for Work No. 8	Change to Significant Effects
	This will not result in any change to the conclusions of the environmental appraisal set out in PCAR1.	
Chapter 13: Materials and Waste	<p>As OHL1 will now be carried out through Open Cut Construction methods rather than Trenchless Construction methods the effects described for OHL2 in the previous appraisal are therefore now applicable to both OHL1 and OHL2, whilst the effects described for TCL1 are reduced in the absence of any requirement for undergrounding. Trenchless Construction slurry arisings would no longer be produced which would result in a slight reduction in the volume of waste materials produced overall.</p> <p>This will not result in any change to the conclusions of the environmental appraisal set out in PCAR1.</p>	
Chapter 14: Climate Resilience	The appraisal set out in Table 6-1 of PCAR1 remains valid – no effects are expected to arise from this infrastructure.	
Chapter 15: Greenhouse Gases	The appraisal set out in Table 6-1 of PCAR 1 remains valid given the minimal changes in the overall context of the GHG emissions considered in the GHG assessment.	
Chapter 16: Population, Human Health and Socioeconomics	<p>The reduction in agricultural land take required for OHL1, OHL2 and TCL1 and associated access would result in a slight beneficial change (not significant) due to the reduced impact on arable farming.</p> <p>This will not result in any change to the conclusions of the environmental appraisal set out in PCAR1.</p>	

Topic	Validity of the Environmental Appraisal for Work No. 8	Change to Significant Effects
Chapter 17: Major Accidents and Disasters	The appraisal set out in Table 6-1 of PCAR1 remains valid given the minimal changes to the Scheme in the context of MA&D assessment.	
Chapter 18: Cumulative Effects	<p>Following discussions between the landowner for Short List ID44 (see Appendix 18.2 (Short List of Other Developments), REP4-004) and Northern Powergrid, the area of overlap between ID44 and the Proposed Scheme has been reduced. This change in design means there is further reduction in the impacts to ID44. Temporary access will be required to the landscape strip on the northern edge of ID44, whilst permanent rights will only be required using an existing access track to facilitate access to, and to maintain / repair the undergrounded electricity asset. The Applicant is committed to continuing to discuss the detailed design of the OHL2 works with the landowner and Northern Powergrid, as included in Ref ID G21 of the REAC, to be included in the CEMP.</p> <p>As a result, the appraisal set out in Table 6-1 of PCAR1 remains valid.</p>	

- 5.1.0. Overall, it is not anticipated that there will be any new or different significant effects when treated alone, when considered as part of the Proposed Scheme, or cumulatively with other plans and projects as a result of the amendment to Work No. 8 during construction, operation or decommissioning.
- 5.1.1. Based on the above assessment undertaken for the amendment to Work No. 8, four mitigation measures have been removed from the **REAC** (REP5-011, Rev 08 being submitted alongside this document - which replaces the previously submitted version), which related specifically to the use of Trenchless Construction Methods or the presence of an agricultural drain in the Order Limits, which has now been removed. These are set out in **Table 5-2** below.

Table 5-2 - Measures removed from the REAC as a result of the Proposed Change

Ref ID	Mitigation Measure	Source Ref	Project Stage	Mechanism for Securing Measure	Achievement Criteria and Reporting Requirements	Responsible Organisation
G20	A trenchless solution will be used for Work No. 8A (for the section where it oversails the carriageway and for the existing landscaping belt to the west of the A645 at 'Tanglewood'). This will avoid impact of the works on the carriageway and established vegetation.	PCAR Table 6-2 (AS-045)	Construction	DCO, Schedule 2, Requirement 14 (Construction Environmental Management Plan)	The CEMP will be approved by the LPA.	Main Contractor
WE18	For Trenchless Construction works that may be necessary for Work No. 8, the drilling contractors will monitor the drilling fluid pressures and observe for pressure drops. A drilling fluid that is approved to discharge to the water environment will be used.	PCAR Table 6-2 (AS-045)	Construction	DCO, Schedule 2, Requirement 14 (Construction Environmental Management Plan)	The CEMP will be approved by the LPA	Main Contractor
WE20	Where Open Cut Construction is required through a watercourse the following measures will be implemented: 1) Channel and banks will be reinstated to mimic baseline conditions as far as practicable;	PCAR Table 6-2 (AS-045) OLBS – para 3.3.40 – 3.3.42	Construction	DCO, Schedule 2, Requirement 14 (Construction Environmental Management Plan)	The CEMP will be approved by the LPA in consultation with the EA	Main Contractor

Ref ID	Mitigation Measure	Source Ref	Project Stage	Mechanism for Securing Measure	Achievement Criteria and Reporting Requirements	Responsible Organisation
	<p>2) Where practicable, any habitats that have been removed will be reinstated;</p> <p>3) Any watercourses interrupted during excavation would be temporarily diverted or serviced with pumps to bypass the excavated section;</p> <p>4) Vegetation reinstatement on open cut crossings would include riparian planting with enhancements to the riparian zone in line with the Outline Landscape and Biodiversity Strategy (OLBS) where practicable;</p> <p>5) Where required and appropriate, bio-textile matting would be used to stabilise the banks of the watercourse whilst vegetation established post construction; and</p> <p>A minimal working width would be adopted as far as practicable to minimise the potential impacts of open cut crossings.</p>	<p>(REP5-013)</p> <p>Change Request Figure 4 (REP2-059)</p>				

Ref ID	Mitigation Measure	Source Ref	Project Stage	Mechanism for Securing Measure	Achievement Criteria and Reporting Requirements	Responsible Organisation
WE21	The southern construction compound of for Work No. 8B will require crossing a minor watercourse, which will be undertaken using a temporary bridge. The bridge will be removed and the landings / ditch restored as required on completion of the works.	PCAR Table 6-2 (AS-045)	Construction	DCO, Schedule 2, Requirement 14 (Construction Environmental Management Plan)	The CEMP will be approved by the LPA	Main Contractor

5.2. ANY REQUIRED AMENDMENTS TO DCO DOCUMENTATION

5.2.1. **Table 5-3** details the amendments to Application documents that are required because of the amendment to Work No. 8 and enclosed with this SCAR.

Table 5-3 - Amendments to Application Documents as a Consequence of the Amendment to Work No. 8

Application Document Reference	Most recent Examination Library Reference	Application Document Name	Changes to Document (including sheet number where relevant)
1.3	REP5-001	Application Guide (Clean)	Addition of details associated with the amendment to Work No. 8
1.3	REP5-002	Application Guide (Tracked)	Addition of details associated with the amendment to Work No. 8
1.4	REP5-003	Application Tracker (Clean)	Addition of documents associated with Work No. 8
1.4	REP5-004	Application Tracker (Tracked)	Addition of documents associated with Work No. 8
2.1	AS-071	Site Location Plan	To show amended Order Limits
2.2	AS-072	Land Plans	To include amendment to the Order Limits for Work No. 8, including an update to the Key Plan; and Sheets 3 and 4 to incorporate adjusted Order Limits for Work No. 8 and amendments to rights sought, where necessary.
2.3	AS-073	Works Plans	To amend details for Work No. 8 including adjustments the extents of areas for Work No. 8A and 8B for Work No. 8 (shown on Sheet 18).

Application Document Reference	Most recent Examination Library Reference	Application Document Name	Changes to Document (including sheet number where relevant)
2.4	REP2-005	Access and Rights of Way Plans	Update of Sheets 4 and 5 to include revised Order Limits for Work No. 8 and amended access arrangements between relocated points MM and NN and SS and TT.
2.6	REP2-006	Special Category Land Plan	Plan deleted: The land previously identified as Special Category Land (plots 01-40 and 01-41) is to be removed from the Order Limits. As a result, this plan is no longer relevant and is deleted from the DCO application documents.
2.7	REP5-005	Crown Land Plan	This plan has been updated to show the Crown Land within the amended Order Limits.
3.1	REP4-022	Draft Development Consent Order (Clean)	Changes to reflect the changes to the certified documents and plans, re-insert reference to Crown land, and to deal with interaction with adjacent planning permission.
3.1	REP4-019	Draft Development Consent Order (Tracked)	
3.1.3	N/A (new document)	Schedule of Changes to DCO	Explanation of the changes to the DCO arising from the amendment to Work No. 8.
4.1.2	N/A (new document)	Statement of Reasons Addendum	To include an update in relation to the amendment to the land take in line with CA Regulations requirements.
4.2.2	N/A (new document)	Funding Statement Addendum	To include an update in relation to the amendment to the land take in line with CA Regulations requirements.

Application Document Reference	Most recent Examination Library Reference	Application Document Name	Changes to Document (including sheet number where relevant)
4.3	REP5-006	Book of Reference (Clean)	Changes arising from the amendment to Work No. 8
4.3	REP5-007	Book of Reference (Tracked)	Changes arising from the amendment to Work No. 8
4.3.5	N/A (new document)	Schedule of Changes to the Book of Reference	Explaining the changes arising from the amendment to Work No. 8
6.5	REP5-011	Register of Environmental Actions and Commitments (Clean) (Rev08)	Changes arising from the amendment to Work No. 8 resulting in the removal of measures relating to Trenchless Construction.
6.5	REP5-012	Register of Environmental Actions and Commitments (Tracked) (Rev08)	Changes arising from the amendment to Work No. 8 resulting in the removal of measures relating to Trenchless Construction.
6.6.1	REP5-013	Outline Landscape and Biodiversity Strategy (Clean) (Rev04)	Changes arising from the amendment to Work No. 8
6.6.1	REP5-014	Outline Landscape and Biodiversity Strategy (Tracked) (Rev04)	Changes arising from the amendment to Work No. 8
8.5.2.2	AS-047	Figure 2 to the PCAR – Overhead Line (OHL) Constraints Plan (Rev02)	Changes arising from the amendment to Work No. 8

Application Document Reference	Most recent Examination Library Reference	Application Document Name	Changes to Document (including sheet number where relevant)
8.5.2.4	REP2-059	Figure 4 to the PCAR – OHL Landscape and Biodiversity Plan (Rev03)	Changes arising from the amendment to Work No. 8

6. CONCLUSION

6.1. REQUEST FOR CHANGE TO THE APPLICATION

- 6.1.1. This document explains the Applicant's proposed changes in the SCA for the Proposed Scheme. It also requests that the ExA considers and accepts the Proposed Change for inclusion into the Examination of the Application, whilst providing details to support the request.

6.2. CONSULTATION AND ENGAGEMENT

- 6.2.1. The Applicant has set out the consultation and engagement activities carried out, further to the ExA's Change Notification Response, in **Chapter 3** of this document and in the accompanying Annex.

6.3. REQUEST FOR EXAMINING AUTHORITY'S ACCEPTANCE OF PROPOSED CHANGES TO THE PROPOSED SCHEME

- 6.3.0. In conclusion, the Applicant reiterates its request for acceptance by the ExA of the proposed minor change to the Proposed Scheme, on the basis of the supporting information set out in this SCA.

ANNEX A

LIST OF PERSONS (AFFECTED BY THE SECOND CHANGE REQUEST) UNDER SECTION 42 (A) TO (D) WHO HAVE BEEN CONSULTED

Consultee	Category	Affected Person	Consulted under CA Regs in January 2023	Consulted prior to submission of SCA March / April 2023	To be consulted under CA Regs Notification May 2023
Amir Hussain	S42(1)(d)	Yes	Yes	Yes	Yes
British Telecommunications plc (Openreach)	S42(1)(d)	Yes	Yes	Yes	Yes
David Eric Roustoby	S42(1)(d)	Yes	No, land interest identified after the consultation. Section 102a notice sent in March 2023	Yes	Yes
Drax Tyre Service	S42(1)(d)	Yes	Yes	No, engagement to date has been with Harry Dickinson on behalf of Drax Tyre Service.	Yes
East Riding of Yorkshire Council	S42(1)(d)	Yes	Yes	Yes	Yes
EOF Holdings Limited	S42(1)(d)	No	Yes	Yes	Yes
euNetworks Fiber UK Limited	S42(1)(d)	No	No, land interest identified after the consultation. Section 102a notice sent in March 2023	No. Statutory undertaker covered under the protective provisions.	Yes
Goole and Airmyn Internal Drainage Board	S42(1)(d)	Yes	Yes	No. Covered under SOCGs.	Yes
Harry Dickinson	S42(1)(d)	Yes	Yes	Yes	Yes
Harworth Estates Mines Property Limited	S42(1)(d)	Yes	Yes	No. Mines and minerals land interest not relevant to this SCA.	Yes

Consultee	Category	Affected Person	Consulted under CA Regs in January 2023	Consulted prior to submission of SCA March / April 2023	To be consulted under CA Regs Notification May 2023
HSBC UK Bank plc	S42(1)(d)	Yes	Yes	No. Mortgagee land interest not relevant to this SCA.	Yes
James Cowling	S42(1)(d)	Yes	Yes	Yes	Yes
John Valentine Shaw	S42(1)(d)	Yes	Yes	Yes	Yes
JRS Services (Goole) Limited	S42(1)(d)	Yes	Yes	Yes	Yes
National Highways Limited	S42(1)(d)	Yes	Yes	No. The A614 Rawcliffe Road has been de-trunked (as such discussions have been focussed on ERoYC), however National Highways are still the registered Freeholder. The Applicant is liaising with National Highways regarding the issue of ownership.	Yes
Northern Gas Networks Limited	S42(1)(d)	Yes	Yes	No. Statutory undertaker covered under the protective provisions	Yes
Northern Powergrid (Yorkshire) plc	S42(1)(d)	Yes	Yes	Yes	Yes
Roger Vincent Pickering	S42(1)(d)	Yes	Yes	Yes	Yes

Consultee	Category	Affected Person	Consulted under CA Regs in January 2023	Consulted prior to submission of SCA March / April 2023	To be consulted under CA Regs Notification May 2023
Secretary of State for Transport	S42(1)(d)	Yes	Yes	No, however the Applicant is liaising with DfT to seek consent to include the Crown land within the DCO.	Yes
Stephen Butterworth	S42(1)(d)	Yes	Yes	Yes	Yes
Terrance John Fisher	S42(1)(d)	Yes	Yes	Yes	Yes
Together Personal Finance Limited	S42(1)(d)	Yes	Yes	No. Mortgagee land interest not relevant to this SCA.	Yes
Yorkshire Water Services Limited	S42(1)(d)	Yes	Yes	Yes	Yes