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National Infrastructure Directorate
The Planning Inspectorate
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20 September 2023

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Dear Rob,

**Gate Burton Energy Park – EN010131
Notification of the Applicant's intention to submit a change request**

The purpose of this letter is to notify the Examining Authority that Gate Burton Energy Park Limited (**the Applicant**) intends to submit a change request to the DCO application for the Gate Burton Energy Park (**the Scheme**). The change request is expected to comprise:

1. An extension to the Order limits immediately to the south of Torksey Ferry Road, for works to construct and operate the 400kV cable and associated development;
2. An extension to the Order limits to the east and west along Torksey Ferry Road to accommodate access during construction and (for some parts of the road) during operation; and
3. A request seeking powers of compulsory acquisition and/or temporary possession over the same land to facilitate the construction and operation of the Scheme.

In addition, the Applicant will also be reducing the Order limits to the north of where Willingham Road meets Marton Road at the request of the landowner and at the point where Marton Road heads north due to the removal of the southern Marton Road access from the Scheme.

The plan in Appendix A indicatively shows the proposed changes alongside the current Order limits.

Background

The need for the extensions to the Order limits has arisen from discussions the Applicant has had with stakeholders for the existing Cottam Substation; specifically EDF Energy (Thermal Generation) Limited, Uniper UK Limited and National Grid Electricity Transmission Plc.

During discussions on voluntary land agreements and protective provisions for works and proposals at the Cottam Substation, EDF has indicated preferences for the location of cable routes within the substation area and for the routes with the other solar schemes to be coordinated. EDF has also indicated preferences on proposed accesses that would minimise impacts on existing and proposed future works at the former power station, to the extent currently known. Uniper has also provided comments on the routing of the cables and on the topic of access to the Cottam Substation for the Scheme which has also driven the Applicant's proposed change request.

The intention of the proposed change is therefore to accommodate statutory undertaker feedback received during Examination and to allow flexibility to minimise potential conflict with existing

assets and potential future plans for the site. The Applicant has therefore discussed the proposed change request closely with EDF, Uniper and National Grid and the changes proposed are in response to comments received.

In addition, the Applicant has engaged with the other landowners within the proposed Order limit boundary extension, plus held initial engagement with Historic England. Further engagement is planned with the host Local Planning Authorities, Natural England and the Environment Agency prior to submission of the change request.

Procedure

The Applicant is having regard to the DCLG Examination Guidance and Planning Inspectorate Advice Note 16 (**AN16**) in preparation of the change request. The limited nature of the changes would not be so substantial as to constitute a materially different project.

As envisaged by the Examination Guidance, the need for the change has arisen from technical developments and representations received after acceptance and examination submissions (see paragraph 109 of the Examination Guidance).

The Applicant is confident the changes can be examined within the current examination timetable and has proposed a timetable for the change request below.

The following points should be noted:

1. In accordance with section 123 of the Planning Act 2008, the Applicant considers that the provisions of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the **CA Regulations**) will apply. The change request will include a provision authorising the compulsory acquisition of additional land and consent from all persons with an interest in the land will not be obtained in the time available before submitting the change request, and there are also sections of unregistered land. As such, in accordance with Regulation 4 of the CA Regulations, the procedure in Regulations 5 to 19 will apply. This has been factored into the proposed timetable below. For the avoidance of doubt, the Applicant is engaged with the relevant land interests for the additional land to seek voluntary agreements with the intention of agreeing voluntary terms before end-Examination as far as possible.
2. As recognised by AN16 there is no formal or statutory requirement to undertake consultation on or publicise any environmental information prepared to support a change request.

The Applicant is currently preparing supporting environmental information, and given the limited nature of the change sought and the host of mitigations which would apply (e.g. the Framework Construction Environmental Management Plan, Framework Operational Environmental Management Plan and Archaeological Mitigation Strategy), the Applicant is confident the information will demonstrate that there are no materially new or different environmental effects as a result of the change request.

The Applicant is of the view that it is not necessary or desirable to consult on or publicise this information prior to making the change request. If such consultation or publication is deemed necessary by the Examining Authority, the Applicant suggests this could be undertaken at the same time as consultation under the CA Regulations following acceptance of the change request.

The Applicant notes that there is a recent example, in very similar circumstances, of the Planning Inspectorate confirming no consultation or publication of the environmental information is required (either before or after acceptance of the change request). See, by way of example, the Examining Authority's acceptance of a change request to the Order

limits for the onshore grid connection corridor for the Sheringham and Dudgeon Extension Project DCO application¹.

Proposed Timetable

Procedural Step	Proposed Date	Relevant CA Regulation(s)
Notice of change request	20 th September 2023	N/A
Change request submitted	3 rd October 2023 (Deadline 4)	Regulation 5
Change request accepted	By 6 th October 2023	Regulation 6
Notification and publication under CA Regulations (and non-statutory consultation on environmental information if required)	Newspaper notices published and consultation letters published 12 th October 2023 and 2 nd newspaper publication on 19 th October 2023 (NB: local press only publishes on a Thursday which constrains the timetable). Consultation period ends 17 th November 2023 (being 28 days following the date after the 2 nd newspaper publication).	Regulations 7 and 8
Certificates of compliance submitted	20 th November 2023	Regulation 9
Notice of any hearing(s)	By 22 nd November 2023	Regulations 14 and 15
ExA Initial Assessment of Issues	By 22 nd November 2023	Regulation 11
ExA sets timetable to examine change request	By 22 nd November 2023	Regulation 12
Hearings (if required)	14 th and/or 15 th December 2023 ² NB: The Applicant considers it would be proportionate and appropriate for any such hearing to be held by virtual means only, given the limited nature of the change request.	Regulations 14, 15 and 16
Written representations	1 st December 2023	Regulations 12 and 13

¹ EN010109-001297-SADEP Rule 9 Doc Procedural Decision regarding change request 2.pdf (planninginspectorate.gov.uk)

² Alternatively, if the ExA is concerned that three working days (i.e. from 17 November to 22 November) is not sufficient to publish the notice of hearings and/or initial assessment of issues, then the hearings may be held on 21 or 22 December 2023. This would allow a longer period until the 29 November for the ExA to publish the notice of hearings and initial assessment of issues.

Responses to written representations	14 th December 2023 (existing Deadline 6)	Regulations 12 and 13
Any final comments	4 th January 2024 (existing Deadline 7)	Regulations 12 and 13

Documents to support the change request

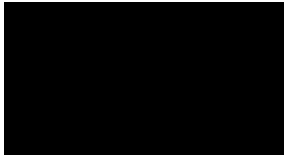
For information, it is anticipated that the following documents will be provided and/or updated to support the change request:

1. Formal change request document;
2. Supporting environmental information;
3. Draft DCO;
4. Explanatory Memorandum;
5. Statement of Reasons;
6. Book of Reference;
7. Funding Statement;
8. Works Plans;
9. Land Plans;
10. Streets, Rights of Way and Access and Plans;
11. Traffic Regulation Measures Plans;
12. Outline Design Principles;
13. Crown Land Plans (NB: Crown land is unaffected);
14. Guide to the Application;
15. Vegetation Removal Plan (Figure 10.21);
16. Outline Landscape and Ecological Management Plan;
17. Construction Traffic Management Plan

Concluding remarks

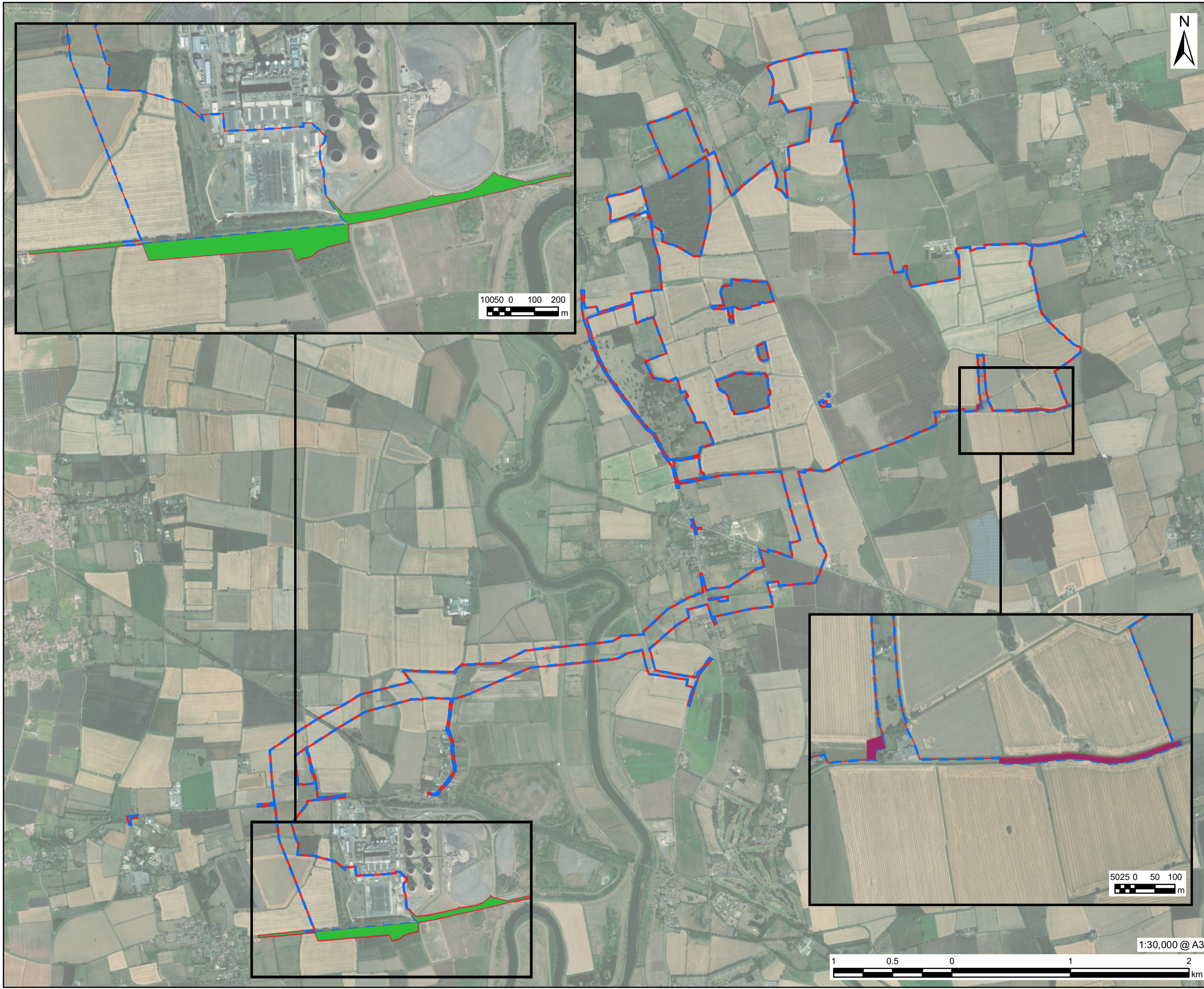
The proposed change request enables the Applicant to respond to feedback from key stakeholders (e.g. EDF as noted above), and the proposed timetable and procedure ensures the Examination of the DCO application and change request remains inclusive and efficient, with all parties having the opportunity to participate and Examination completed within the time remaining.

If you have any comments or questions with regards to the Applicant’s proposed change request, or procedure, please contact me using the details below.



Ali Leeder
 DCO lead, Arup
 [Redacted]@arup.com

Appendix A: Plan of Proposed Changes



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