

# Gate Burton Energy Park

## EN010131

Document Name: Change Request and Consultation Report  
Document Reference: 8.24  
3 October 2023

Planning Inspectorate Advice Note Sixteen (Version 3), March 2023  
Planning Act 2008

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# 1. Introduction

## 1.1 Purpose of this Report

- 1.1.1 This document has been prepared to accompany a Change Request to the application for the Gate Burton Energy Park. It details the rationale for the changes sought and provides a statement on the Applicant's proposed approach to consultation on the Change Request.
- 1.1.2 The Gate Burton Energy Park is a proposed development comprising a large-scale photovoltaic array and Battery Energy Storage System connecting to the National Electricity Transmission System (NES) at National Grid's Cottam 400 kV Substation (hereafter the "Scheme"). The Scheme will be located within the Order Limits, which straddle the countries of Lincolnshire and Nottinghamshire and the districts of West Lindsey and Bassetlaw. The Scheme is being promoted by Gate Burton Energy Park Limited (the "Applicant").
- 1.1.3 The Scheme constitutes a Nationally Significant Infrastructure Project (NSIP) and therefore requires an application for a Development Consent Order (DCO) to be submitted to the Planning Inspectorate for determination by the Secretary of State (the "Application"). The Application was submitted in January 2023, with the Examination into the Application commencing on 4 July 2023.
- 1.1.4 The Applicant is committed to fair and meaningful engagement with stakeholders for the Scheme. It is this continued engagement, and a willingness to mitigate the effects of the Scheme, which have necessitated the Change Request.
- 1.1.5 The additional land affected by the Change Request has been identified to address comments received from key statutory undertaker stakeholders and comprises:
- An extension to the Order limits immediately to the south of Torksey Ferry Road, for works to construct and operate the underground 400kV cable and associated development (Change 1); and
  - 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. This also includes land to the north of Torksey Ferry Road (into EDF land) to accommodate access during construction (Change 2).
- 1.1.6 Changes 1 and 2 are also accompanied by a request seeking powers of Compulsory Acquisition (CA) and/or temporary possession over the same land to facilitate the construction and operation of the Scheme.
- 1.1.7 In addition, two reductions in the Order limits (and Order land) are included within the Change Request:

- A reduction to the Order limits and Order land to the north of where Willingham Road meets Marton Road at plot 8/1 (as identified on the Land Plans and in the Book of Reference) at the request of the landowner (Change 3); and
  - A reduction to the Order limits and Order land due to the removal of the Marton Road operational access from the Scheme at plot 8/7 (as identified on the Land Plans and in the Book of Reference) following consultation with Lincolnshire County Council (Change 4).
- 1.1.8 Figure 1 at Appendix A illustratively shows the proposed changes alongside the current Order limits with Change 1 shaded red, Change 2 shaded blue, Change 3 shaded green and Change 4 shaded yellow.
- 1.1.9 In line with Planning Inspectorate Advice Note 16: Requests to change applications after they have been accepted for examination (March 2023) (AN16), on 20 September 2023 the Applicant submitted a notification of its intention to submit this formal request for a change. The Examining Authority (ExA) published a response to the Change Notification on 28 September and a revised response on 2 October 2023. This report provides the information requested in the ExAs response document or signposts where this information is provided in other documents.
- 1.1.10 This Report also details the engagement the Applicant has had with relevant stakeholders prior to submission of the Change Request, and further expands on its suggested approach to consultation set out in the Change Notification dated 20 September 2023. The proposed approach would ensure the statutory requirements of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 are met and that the Change Request has been subject to proportionate and appropriate consultation in the context of the changes sought.

## 1.2 Need and Rationale for the changes

- 1.2.1 Changes 1 and 2 have arisen through consultation with landowners and key stakeholders with assets at the former Cottam power station site. The grid connections for the Scheme and two other NSIPs, Cottam Solar Park and Tillbridge Solar Park, are all located at Cottam Substation on the former Cottam power station site. As explored in the Planning, Design and Access Statement [**REP2-004 and REP2-006**] this area is recognised in the draft Bassetlaw Local Plan as a 'Priority Regeneration Area' and EDF Energy (Thermal Generation) Limited ("EDF") have plans for redevelopment of the site. This redevelopment would involve the retention of the Cottam Substation and no masterplan is yet fixed for the site. However, the Applicant recognises that EDF would prefer connections and accesses that minimise any impact on future plans as far as possible.
- 1.2.2 During discussions on voluntary land agreements and protective provisions with EDF, EDF indicated a preference for the cable routes to enter the substation from the south and for the routes to be coordinated with those for the Cottam Solar Project and Tillbridge Solar Project. EDF also indicated a

preference for an access along Torksey Ferry Road to minimise the potential conflict with proposed demolition works and future redevelopment to the extent currently known. Uniper UK Limited (“Uniper”) has also provided comments on the routing of the cables and on the topic of access to the Cottam substation for the Scheme, with these discussions also driving the Applicant’s proposed change request. Uniper owns assets to the north of the Substation and is proposing expansion of those assets. Uniper also owns existing infrastructure to the west of the Substation. Like EDF, Uniper would also prefer the cable routes entered the Substation from the south and that the construction access is located along Torksey Ferry Road.

- 1.2.3 The intention of Changes 1 and 2 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 Cottam power station site. This will also maximise compliance with policy in the draft Bassetlaw Local Plan on the Priority Regeneration Area and increase the chance that land can be obtained by negotiation rather than using Compulsory Acquisition powers.
- 1.2.4 Changes 3 and 4 have arisen through agreement with a landowner to remove a small area of land from the Scheme and an agreement with Lincolnshire County Council to remove an access from the Scheme. For Change 4, the access was removed from the Scheme at Deadline 2 (8 August 2023) so the change relates only to a reduction in the Order limits to reflect the fact that this area is no longer needed.
- 1.2.5 The Applicant views the changes as design evolution/refinement. The Applicant does not consider the changes to be so substantial as to constitute a materially different project. The description of the Scheme remains as per the Scheme Description set out in Applicant’s Guide to the Application [**REP3-002/1.3**] previously submitted.
- 1.2.6 The Applicant confirms that the changes do not relate to any technical deficiencies associated with the Scheme and the ExA should not be concerned about the veracity of the application submitted in January 2023. Further information on the nature of the changes is provided in Section 2 of this report.

## 1.3 Structure of this Report

- 1.3.1 The remainder of this document is structured as follows:
  - Section 2: Description of Changes and Rationale for the Change Request
  - Section 3: Legislative and Policy Context for the Change Request
  - Section 4: Record of pre-application engagement
  - Section 5: Suggested approach to consultation and programme
  - Section 6: Schedule of Revised Application Documents

## 2. Description of Changes and Rationale

### 2.1 Introduction

- 2.1.1 All four changes to the Scheme have arisen in response to stakeholder engagement. Changes 1 and 2 have arisen through the Applicant's discussions with stakeholders for the existing Cottam Substation; especially EDF and Uniper. The Applicant has also discussed the changes with National Grid Electricity Transmission Plc ("NGET") on the basis that they interact with the Cottam Substation. NGET confirmed that the bay the Schemes connect to remains uncertain and consideration should be given on how to access different areas of the Substation.
- 2.1.2 The rationale for the reductions in land are to address landowner feedback (Change 3) and because the area is no longer required due to removing an access from the Scheme (Change 4). The proposed changes are shown on Figure 1 at Appendix A of this request.

### 2.2 Change 1: Extension of Order limits to the South of Torksey Ferry Road

- 2.2.1 Change 1 comprises 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. The reason for this change is to allow further space for the Scheme's cables to turn and enter the Cottam Substation from the south. The cables will be located underground.
- 2.2.2 The rationale for the extension of the Order limits is to minimise the interaction with existing statutory undertaker assets at the Cottam Substation and minimise any conflict between the projects and future plans for the site. EDF and Uniper expressed a preference for the cables to enter the Substation from the south to avoid assets located to the west of the Substation. EDF and Uniper also expressed a preference for the cable routes of all three solar projects to be combined as far as possible.
- 2.2.3 Following comments from EDF and Uniper, the developers of the Scheme, Cottam Solar Project and Tillbridge Solar have explored whether it would be possible for the connections for all three schemes to connect into the Cottam Substation from the south utilising the same cable route. The cables would then diverge to connect into the relevant bay at Cottam Substation once National Grid has confirmed which bay will be used by each scheme.
- 2.2.4 The Applicant undertook technical work to assess the land requirements for three cable routes to enter from the south. This work identified that additional land would be needed to the south of Torksey Ferry Road for all three projects to coordinate their cable routes into the Cottam Substation. The additional land is required due to:

- the radii (or turning circle) required for the cables to turn first to head east in parallel to Torksey Ferry Road and then to turn north to enter the Cottam Substation;
- the separation distances required between the cables; and
- the need to minimise interactions with existing site constraints such as overhead lines, ditches and a bund.

2.2.5 The Order limits extension south of Torksey Ferry Road would provide space for a single corridor that can accommodate all three connection cables. This would allow the three cables for Tillbridge, Gate Burton and Cottam Solar projects to follow the same route into Cottam Substation should all projects come forward. During detailed design this will provide an opportunity to minimise cumulative effects. This approach would avoid numerous cable easements crossing different parts of EDF's land, an approach that EDF perceived may affect future redevelopment plans at the site.

## 2.3 Change 2: Extension to the east and west along Torksey Ferry Road and land to the north of Torksey Ferry Road

2.3.1 Change 2 comprises 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. Vehicles would still enter the cable corridor to the west of the Substation from Cottam Road South so this change will not affect vehicle routing along the public highway.

2.3.2 This access is required to facilitate construction and/or operational traffic to access the southern extension of the land for the 400kV cable to the south of Torksey Ferry Road (Change 1) and the Cottam Substation. During construction, vehicles would join Torksey Ferry Road from an access point located within the Grid Connection Corridor from Cottam Road South to avoid construction vehicles travelling through Rampton. During operation, 4x4s and light vans may travel along Torksey Ferry Road to access the land south of Torksey Ferry Road (Change 1) on an exceptional basis. No vehicle exceeding the 18T weight restriction would pass through the village of Rampton during construction or operation.

2.3.3 This change also includes an extension to the Order limits immediately to the north of the eastern extension along Torksey Ferry Road (into EDF land) to provide necessary flexibility to accommodate EDF and Uniper's preferences for obtaining access to the Cottam Substation during construction. This land is required due to the gradient, ditch and existing development between Torksey Ferry Road and the Cottam Substation, meaning it is not possible to access the Cottam Substation directly from the south. The route within EDF's land is an existing gravel track.

2.3.4 The part of Torksey Ferry Road included in the revised Order limits is not adopted highway. The extent included goes up to the point where the public highway starts to provide the ability to undertake upgrades to this point where



required. Torksey Ferry Road is a wide single carriageway road but it is currently in poor condition and the Applicant proposes to carry out improvement works to make it suitable for use. Passing places would be provided at regular intervals along the road, which can be accommodated within the existing verge on the northern edge of the carriageway. The Applicant has assessed that no additional hedgerows would need to be removed to carry out this work. There is also a bridge on the road (to the south west of the Cottam Substation) crossing an existing drainage ditch, which would need to be assessed (and if necessary, improved) to ensure it is sufficient to accommodate the types of vehicles that would use it.

- 2.3.5 The Applicant is also aware that there is an existing Byway Open to All Traffic (Rampton BOAT13) running along the relevant part of Torksey Ferry Road. The Applicant would manage the construction period to minimise the impact on BOAT13 and has held initial discussions with Nottinghamshire County Council on the most effective way to do this.

## 2.4 Changes 3 and 4: Reduction of Land

- 2.4.1 The Change Request also includes two reductions in the Order limits and Order land for the Scheme.
- 2.4.2 The first reduction (Change 3) is the removal of a parcel of land (approximately 0.18ha) to the north of where Willingham Road meets Marton Road. The landowner of this parcel of land has requested that it is removed because he would prefer to retain this land. The Applicant agreed to remove the area because it is not essential to the delivery of the Scheme.
- 2.4.3 The second reduction (Change 4) relates to the removal of the Marton Road operational access from the Scheme. Following feedback from Lincolnshire County Council during Examination, an access review was undertaken to reconsider the access designs, locations and visibility splays to minimise the need for vegetation/hedgerow removal as detailed within **Access Updates and Cumulative Impact Assessment [REP2-045]**.
- 2.4.4 This access was removed from the Scheme to enable existing hedgerows to be retained as well as to ensure that the proposed early planting activities can take place in this location which is required for screening purposes. Access to this section of the Energy and Storage Park will be provided via the private means of access track adjacent to the junction of Marton Road and B1241 High Street (Access E) as shown on Figure 5.1 within the **Planning Design and Access Statement Part 2 [RE2-006]**. The land to be removed is no longer required because the access has been removed from the Scheme.

## 2.5 Materiality

- 2.5.1 The Applicant notes that there is no statutory definition of whether a proposed change to a DCO application is “non-material” or “material” and the word appears only briefly in the relevant sections of the Examination Guidance, at paragraphs 114 and 115. The concept of whether a proposed change is “non-

material” or “material” features more heavily in guidance relating to a proposed change to a DCO after it has been granted.

- 2.5.2 To the extent that any categorisation of “non-material” or “material” is considered appropriate by the ExA, the Applicant’s position is that Changes 1 and 2 could be material only in that they require additional land. The changes are in discrete areas, relate to underground cabling and access only, are limited in extent and would have no new or different likely significant environmental effects. All these features would support a view that the changes are non-material if additional land were not required. The categorisation does not influence the proposed approach to considering the Change Request and does not alter the legislative requirements or relevant guidance or advice.
- 2.5.3 For the reductions in land (Changes 3 and 4) these reductions ensure the mitigation hierarchy is followed, to avoid adverse impacts on landowners and the environment where alternatives are available. These changes are considered to be non-material.
- 2.5.4 The Applicant does not consider the changes to be of such a degree that they constitute a materially different project and therefore proposes that this change request be considered and decided within the current Examination timetable.

## 3. Legislation and Policy Context

### 3.1 The Planning Act 2008: Guidance for the Examination of Applications for Planning Consent (DCLG, March 2015)

- 3.1.1 The Applicant has had regard to the guidance in Planning Act 2008: Guidance for the examination of applications for development consent, DCLG 2015 (the “Examination Guidance”) as it relates to the Change Request.
- 3.1.2 Paragraph 109 of the Examination Guidance provides that (our emphasis): *“the government recognises that there are occasions when applicants may need to make material changes to a proposal after an application has been accepted for examination. Reasons for this could include, for example, regulatory changes, technical developments or the discovery of previously unknown factors arising from representations received after acceptance or examination submissions”*.
- 3.1.3 The need and rationale for the proposed changes is therefore in line with the Examination Guidance as they result from representations received from EDF, Uniper (Changes 1-2), the relevant landowner (Change 3) and LCC (Change 4) after acceptance (4) or after the start of Examination (Changes 1-3).
- 3.1.4 Paragraph 113 is also relevant to this report. It states that the Examining Authority will need to ensure it is able to act reasonably and fairly, in accordance with the principles of natural justice in examining the Change Request, and in doing so, there will be a number of factors to consider such as:
- *Whether the application (as changed) is still of a sufficient standard for examination.* The Applicant is confident that the DCO application for the Scheme remains of a sufficient standard. Information to support the Change Request has been submitted which enables all stakeholders to understand the extent of the changes sought, and to comment on the powers and rights sought over the additional land, and any associated environmental impacts;
  - *Whether sufficient consultation on the changed application can be undertaken to allow for the examination to be completed within the statutory timetable of 6 months.* There are three months remaining of the Examination and sufficient time remains to ensure reasonable and fair participation by stakeholders and interested parties on the Change Request; and
  - *Whether any other procedural requirements can still be met.* The Applicant proposed a timetable to consider the Change Request in its submission of 20 September 2023, which is further considered in section 5 below. The procedural requirements of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations) can be met.
- 3.1.5 The Applicant has also complied with paragraph 9 of the Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land (DCLG,

2013), as the relevant procedures set out in the CA Regulations 2010 have and can be observed.

- 3.1.6 The Applicant's discussions with EDF and Uniper are very recent and, by submitting its change notification on 20 September 2023, the Applicant has notified the Examining Authority of the proposed changes as soon as practicable (as per paragraph 114 of the Examination Guidance). As outlined in the proposed programme at section 5, there is sufficient time remaining in the Examination timetable to conduct consultation on the proposed changes in line with the CA Regulations.
- 3.1.7 Given the minor nature of the changes and the time period of three months remaining in the Examination period, which can accommodate the necessary consultation exercise, the Applicant does not consider the Change Request to meet the criteria paragraph 115 of the Examination Guidance (which says change requests in the final stages of the examination period are unlikely to be accepted because it will breach the principles of fairness and reasonableness).

## **3.2 Advice Note 16: Requests to Change Applications After They Have Been Accepted for Examination (PINS, March 2023) (AN16)**

- 3.2.1 The Applicant has also had regard to the advice contained in AN16 and has engaged with landowners and stakeholders on the changes in advance of the formal submission of the Change Request. AN16 acknowledges that a change to an application may result from on-going negotiations between the Applicant and other interested parties, as is the case here.
- 3.2.2 In accordance with AN16, the Applicant is confident that the Change Request can be accommodated within the Examination process. The Applicant notified the ExA as early as practicable that a Change Request was to be submitted after it had become aware of the position of EDF and Uniper with regards works near Cottam Substation. The Applicant has carefully considered pre-application engagement on the Change Request application, and details of engagement carried out by the Applicant is contained in section 4. Given the relatively discrete changes being sought, it was not considered proportionate to engage more widely in advance of the Change Request being submitted. Given there are three months remaining of Examination, it is considered most appropriate and proportionate for the Change Request to be considered in the remaining time of Examination rather than in advance of the change request.
- 3.2.3 This document and accompanying reports provide all information that Figure 2b of AN16 states should be required for a Change Request. Table 3.1 below explains where information is provided for ease of reference.

**Table 3-2: Table of Information Required for a Change Request in Figure 2b of AN16**

Requirement	Where provided
1) Description of change	Report Section 2
2) Rationale for the change	Report Section 2
3) Schedule of application documents and revisions	Section 6 sets out the documents to be updated to accompany this change request. The Guide to the Application <b>[document 1.3]</b> contains the full list of application documents, with documents that have been updated for the change request clearly marked.
4) Clean and tracked changes versions of the draft DCO and Explanatory Memorandum	Revision 6 of the draft DCO and Revision 6 of the Explanatory Memorandum submitted at Deadline 4 provide the versions updated for the change request.
5) Confirmation that Compulsory Acquisition Regulations are engaged and provision of information prescribed by Regulation 5 of the CA Regulations	Information on engagement of the CA Regulations and how requirements are met are provided in Section 3.4 of this report. The following documents are also provided in clean and tracked change versions to accompany the change request: Book of Reference (Revision 5), Land Plans (Revision 4), Statement of Reasons (Revision 3) and the Funding Statement (Revision 3). Section 5 of this report sets out how the requirements of the CA Regulations can be met within the remaining statutory timescales.
6) If the proposed change results in any new or different significant environmental effects, provision of other environmental information, confirmation that effects have been adequately assessed and records of consultation with 'consultation bodies who might have an interest in the proposed changes'.	<p>The change would not result in any new or different significant environmental effects so this requirement is not engaged. However, supporting environmental information has been submitted <b>[document 8.25]</b> setting out the assessment carried out to confirm that there would be no new or different significant environmental effects.</p> <p>Information on consultation undertaken with consultation bodies is provided in Section 4 of this Report.</p>
7) Where consultation has been carried out (either voluntarily, at the direction of the ExA or pursuant to the requirements of the CA Regulations) a Consultation Report must be provided.	This report includes the Consultation Report, with this being combined with the Change Request document to reduce repetition between documents. Appendix B provides a joint statement from Gate Burton Energy Park Ltd, Uniper and EDF as key parties that have been consulted. The extent and nature of consultation prior to submission of the Change Request reflects the limited changes and the limited number of parties likely to have an interest in them.

## 3.3 Relevant Planning Policy

- 3.3.1 The Applicant considers the proposed changes to be in line with the relevant planning policy and guidance, notably designated National Policy Statement EN-1 (July 2011) (NPS EN-1), Draft National Policy Statement EN-3 (March 2023) (draft NPS EN03), and the draft Bassetlaw Local Plan Main Modifications (August 2023). The following paragraphs provide further detail.

### Obtaining Land by Negotiation

- 3.3.2 The CA Regulations and planning policy requires Applicants to only use CA powers where necessary, exploring opportunities to obtain land by negotiation where possible. EDF and Uniper have indicated that they are more likely to agree voluntary agreements with the changes set out in this report.
- 3.3.3 The rationale for the additional land (Changes 1 and 2) is to facilitate voluntary agreement with statutory undertakers, namely EDF and Uniper. This approach is supported by paragraph 2.6.2 of draft NPS EN-5 which states: *“Where the applicant does not own or wish to own the land in question, it should try to reach a voluntary agreement giving it sufficient rights and/or permissions to undertake the relevant work.”*

### Design Flexibility

- 3.3.4 The requirement for design flexibility is clearly acknowledged in planning guidance. Draft NPS EN-3 (March 2023) paragraph 3.6.1 provides that *“where details are still to be finalised, applicants should explain in the application which elements of the proposal have yet to be finalised, and the reason why this is the case”*. Draft NPS EN-3 (March 2023) also provides at 3.10.61 that *“in many cases, not all aspects of the proposal may have been settled in precise detail at the point of application”*. In its application, the Applicant provided for a grid connection corridor within its proposed Order limits and committed to designing the grid connection in line with the Outline Design Principles **[REP2-008/2.3]**. However, the ultimate design of the grid connection is to be decided at detailed design stage and the Applicant accounted for this flexibility in its assessment of scheme impacts in the Environmental Statement.
- 3.3.5 This flexibility is particularly required because there are future plans for demolition and redevelopment at the EDF site, providing additional uncertainty in terms of the future layout of the site. This makes it challenging to agree accesses across the site in any particular location and supports a change that provides the flexibility to use the access preferred by EDF. Further uncertainty is around the timing and nature of cable routes being developed by the Cottam and Tillbridge Schemes. Again, the additional flexibility provided by the change allows development of an option where all cables follow the same route into the Cottam Substation. Finally, there remains uncertainty on the bay that each project will connect into, meaning flexibility is required to connect to different parts of the Cottam Substation. Draft NPS EN-3 supports applications that incorporate flexibility to account for these uncertainties.

## Good Design

- 3.3.6 NPS EN1 paragraph 4.5.2 states that “*good design is also a means by which policy objectives in the NPS can be met, for example the impact sections show how good design, in terms of siting and use of appropriate technologies can help mitigate adverse impacts*”. The Applicant’s proposed change to the grid connection corridor and access into the Cottam Substation (Changes 1 and 2) will allow the Applicant the further design flexibility to site the cable route and access to the Cottam substation in an area that minimises the Scheme’s impact on EDF and Uniper’s existing and proposed use of the former Cottam power station site. The removal of land from the Order limits through Changes 3 and 4 also represent an evolution in the Scheme’s design which will reduce the overall impacts of the Scheme in those specific areas.

## Network Connection

- 3.3.7 Draft NPS EN-3 (March 2023) paragraphs 3.10.38-39 state that “*to maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs applicants may choose a site based on nearby available grid export capacity. Where this is the case, applicants should consider the cumulative impacts of situating a solar farm in proximity to other energy generating stations and infrastructure*”. The proposed Changes 1 and 2 will allow further flexibility so that the grid connections of the Scheme, Cottam Solar Project and Tillbridge Solar could be sited together. This will reduce the cumulative impact of the three schemes on the potential uses for the former Cottam power station site.

## Existing or Planned Uses Nearby

- 3.3.8 NPS EN-1 paragraph 5.10.5 provides that that Environmental Statements should “*identify existing and proposed land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan*”. NPS EN-1 paragraph 5.10.19 further states that applicants should “*seek to minimise these effects and the effects on existing or planned used near to the site by the application of good design principles including the layout of the project*”.
- 3.3.9 Changes 1 and 2 seek to reduce the effect of the Scheme on the current assets and potential future uses of the former Cottam power station site. This is in line with the above sections of NPS EN-1 and in line with the draft Bassetlaw Local Plan which recognises the former power station site as a Priority Regeneration Area (see policy ST6 in the draft Bassetlaw Local Plan).

## 3.4 Compulsory Acquisition Regulations

- 3.4.1 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) apply to the Change Request.

- 3.4.2 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 has not been obtained in the time available before submitting the Change Request, and there is also unregistered land comprised in the additional land.
- 3.4.3 As such, in accordance with Regulation 4 of the CA Regulations, the statutory procedure for dealing with an application to include additional land within the DCO application for the Scheme, as specified in Regulations 5 to 19 of the CA Regulations will apply. In summary, this requires:
- Regulation 5: The Applicant is to submit details of the proposed provision for additional land, accompanied by a Book of Reference, a Land Plan, Statement of Reasons and Funding Statement. These documents accompany the Change Request.
  - Regulation 6: The ExA (on behalf of the Secretary of State) decides whether to accept the change request for Examination.
  - Regulations 7, 8, 9 and 10: Make provisions for the Applicant to notify and publicise the acceptance of the change request application, providing an opportunity for relevant representations to be made and for the Applicant to certify compliance with those obligations.
  - Regulations 11, 12 and 13: These enable written representations on the change request and require the ExA to make an initial assessment of issues and set a timetable for the examination of the change request.
  - Regulations 14, 15 and 16: These make provision for hearings to be held on the proposed change request, and for the ExA to notify of any hearing.
  - Regulations 18 and 19: These deal with notices and allowing further time.
- 3.4.4 Regulation 5 has been complied with in compiling this Change Request, and there is sufficient time for the notification and consultation procedures to be accommodated within the time remaining in Examination.
- 3.4.5 It is noted that there is no statutory requirement to carry out pre-application consultation on the Change Request, and that the statutory requirements facilitate consultation and engagement on the proposed changes as part of the Examination, following the ExA's acceptance of the Change Request.
- 3.4.6 Nevertheless, and 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 and otherwise to provide them with advance notice of the Change Request comprising additional land. Further details on the engagement carried out are provided in Section 4.
- 3.4.7 The Applicant provided the ExA with a suggested timetable to examine the Change Request in its notice of proposed Change Request dated 20 September 2023. Noting the ExA's comments in its letter dated 27 September 2023, this is further considered in Section 5.



## 3.5 The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

3.5.1 The Applicant has submitted a Supporting Environmental Information (SEI) Report alongside this Change Request [**document 8.25**]. The reasoned conclusion of the SEI Report is that there are no new or different likely significant effects associated with the Change Request. The conclusions of the Environmental Statement submitted in support of the DCO application for the Scheme therefore remain valid and unchanged.

3.5.2 The Applicant notes that there is no statutory requirement to consult on or publicise the SEI under The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations). This is confirmed in Planning Inspectorate's Advice Note 16 (March 2023), which states:

***"If the proposed change results in any new or different likely significant environmental effects, [the change request should include] provision of other environmental information and confirmation that:***

- the effects have been adequately assessed and that the environmental information has been subject to publicity. **Whilst not statutorily required, the publicity should reflect the requirements of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) and applicants should also submit copies of any representations received in response to this publicity with the change request.***
- any consultation bodies who might have an interest in the proposed changes have been consulted (reflecting the requirements of the EIA Regulations). Applicants should submit copies of any responses received from consultation bodies with the Change Application. Applicants should identify those consultation bodies who were consulted on the proposed changes but not on the original application.*

3.5.3 Given the Applicant's SEI Report concludes that there will be no new or different likely significant environmental effects as a result of the Change Request, it is clear that there is no requirement in legislation or AN16 for pre-application consultation on the SEI Report. To require the Applicant to carry out pre-application consultation following the process in the EIA Regulations would be unnecessary and disproportionate to the changes sought given the conclusions of the SEI Report.

3.5.4 Nevertheless, and for the avoidance of doubt, the Applicant has engaged with key stakeholders on the environmental impacts associated with the Change Request, and further details on this engagement are provided in Section 4.

3.5.5 In addition, there is sufficient time remaining in Examination (a period of three months) for the ExA to examine and invite comments for statutory stakeholders on the Change Request, to the extent the ExA considers appropriate and necessary to ensure fair process and to inform the Recommendation Report and subsequent determination of the DCO application.

3.5.6 In its notice of Change Request, the Applicant directed the ExA to the Sheringham Shoal and Dudgeon Offshore Wind Farm Extension Examination, where a change request for very similar circumstances was submitted to PINS in April 2023<sup>1</sup>. In its acceptance of that application on 17 April 2023, the ExA noted:

*“there is no statutory requirement to consult on or publicise this SEI under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) and that this is noted in AN16. The ExA has had regard to the nature and scale of the proposed changes as set out in the material provided by the Applicant so far. The ExA has provisionally considered the environmental effects and finds that the environmental effects of the proposed changes have been covered adequately in the SEI and updated documents, in order to enable it to be Examined. The ExA notes that other documents would be updated by the Applicant. As such, the ExA has concluded that consultation on the SEI at this time is not required. The ExA’s own assessment is that in making this Procedural Decision at this time it allows sufficient opportunity during examination for all relevant Interested Parties to view the change, for representations to be made in relation to the change and for any representations to be taken into account by the ExA.”*

3.5.7 The Applicant encourages a similar approach to be adopted for the Change Request for the Scheme. If the Examining Authority deems it appropriate or necessary to consult on the SEI, the Applicant suggests this can be accommodated within the remaining three months of Examination.

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<sup>1</sup> EN010109 [Microsoft Word - 17.1 Cover Letter for Material Change \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/microsoft-word-17.1-cover-letter-for-material-change/)

## 4. Consultation

### 4.1 Introduction

4.1.1 In relation to the extension of the Order limits and Order land, the Applicant has carried out targeted engagement with interested parties likely to be affected by the Change Request. The parties identified to be consulted and the rationale for their inclusion is presented in Table 4-1 below. To date, although discussions are ongoing no objections have been raised to the changes from any party consulted.

**Table 4-1: Parties Consulted Pre-Submission of the Change Request**

Party	Rationale
EDF and Uniper	Land interests in the area of the existing Order limits at and adjacent to Cottam Substation
NGET	Due to the connection agreement at Cottam Substation being with NGET
Land interests within additional/removed areas of land	To discuss voluntary land acquisition and discuss the changes
Nottinghamshire County Council: <ul style="list-style-type: none"> <li>• Planning department</li> <li>• Highways</li> <li>• PRow Officer</li> </ul>	The area with proposed additional areas is in the NCC area. Individuals contacted due to the fact that the changes affect access (although not the public highway) and existing PRow/BOAT.
Bassetlaw District Council	The area with proposed additional areas is in the BDC area and changes interact with the Priority Regeneration Area.
Lincolnshire County Council and West Lindsey District Council	The areas to be removed are in their area and they are host authorities to the Scheme.
County Archaeologist	Due to the extension of land in close proximity to the Fleet Plantation Scheduled Monument; discussion on any further trial trenching and changes to the Archaeological Mitigation Strategy.
Historic England	Same reasons as for the County Archaeologist.
Trent Valley Internal Drainage Board	Due to crossings being required of Seymour Drain south of Torksey Ferry Road.

4.1.2 In summary therefore and as demonstrated below:

- S42(a): The Applicant has engaged with Historic England and relevant statutory stakeholders (EDF, Uniper and NGET) only;
- S42(aa): The Applicant has not engaged with the MMO as the changes are outside of the MMO's statutory remit;
- S42(b): The Applicant has engaged with host local authorities only;
- S42(c): The Greater London Authority is not relevant;
- S42(d): The Applicant has engaged with land interests in the additional land, as described below.

4.1.3 The organisations consulted is considered appropriate and proportionate given the limited extent of the changes sought, the nature of the relevant stakeholders' interests, and the time remaining in Examination for other statutory consultees to consider and comment on the changes to the extent that they wish to do so.

4.1.4 In relation to the reduction of the Order limits/Order land to reduce the parcel of land to the north of where Willingham Road meets Marton Road (Change 3), the Applicant has engaged with the landowner in relation to a request to reduce the extent of plot 8/1. For the reasons set out in section 3.2 of the supporting environmental information, there are no changes to the conclusions presented in the ES and it was not considered that any additional pre-application engagement on this reduction was required.

4.1.5 In relation to the reduction of the Order limits/Order land relating to the removal of the Marton Road operational access (and removal of plot 8/7) (Change 4), the changes resulted as a direct consequence of further engagement with Lincolnshire County Council (LCC). This plot was a section of unregistered highway.

## 4.2 Consultation with EDF, Uniper and NGET

4.2.1 The Applicant has been seeking to negotiate voluntary heads of terms with EDF since before submitting the Application and continues to progress these.

4.2.2 A meeting was held with EDF on 10 August 2023, in which EDF explained that the ongoing demolition and potential redevelopment of the former power station site meant that there was continued uncertainty over the future location of accesses to the Cottam Substation. EDF raised initial concerns on routing all three cables (for the Scheme, Tillbridge and Cottam) in via the west of the Cottam Substation, and there was also a discussion on construction accesses. EDF suggested that their preference would be for construction access to be gained from Torksey Ferry Road to ensure that the access did not conflict with the current demolition or the future plans for the former power station site.

4.2.3 A meeting was also held with Uniper on 17 August 2023. Uniper did not support the suggestion of use of the existing National Grid access to the Cottam Substation for the construction or operation of the solar projects at this time because their intention is to expand in this area and relocate this access.

- 4.2.4 On 23 August 2023 an in-person site visit was held with representatives from EDF, Uniper and the technical teams of the Scheme, Cottam Solar Project and Tillbridge Solar. The purpose of the meeting was to walk the proposed cable routes into the Cottam Substation and to discuss the technicalities of routing into the Substation, taking into account the current infrastructure under and overground and other constraints. The conclusion was that the southern routing of the cables was less congested with existing utilities than a route from the west.
- 4.2.5 On 31 August 2023, a follow up meeting was held with Uniper with all three developers present to discuss the outcomes of the in-person site visit.
- 4.2.6 A further meeting was held with EDF on 12 September 2023, with all three developers present. At this meeting all parties discussed the access options and agreed that in principle, EDF was supportive of the projects expanding their Order limits to accommodate a construction access from Torksey Ferry Road (for the construction period) and the additional land to the south of Torksey Ferry Road for flexibility to route the three cables into the substation, should all projects come forward.
- 4.2.7 On that same date, the Applicant engaged with NGET to introduce the change sought and the additional land to be included. The Applicant understands from that meeting that NGET has no concerns with the Applicant's proposed additional land comprised in the Change Request.
- 4.2.8 A further meeting was held with Uniper on 14 September 2023, with all three developers present (i.e. from the Scheme, Cottam Solar Project and Tillbridge Solar). At this meeting the parties also discussed access options and Uniper supported an access from Torksey Ferry Road. Uniper also expressed a preference for flexibility for the cables to enter the Substation from the south rather than the west to mitigate impacts on their existing assets.
- 4.2.9 A further meeting was held with the three developers and EDF on the 25 September 2023 and Uniper on 26 September 2023 to confirm the developers' plans for extending the Order Limits and for construction access. It was agreed that a joint position statement between the Applicant, EDF and Uniper would be agreed upon to document agreement that the Change Request is appropriate to seek to ensure all existing and proposed infrastructure and development proposals can coexist.
- 4.2.10 The Applicant has since agreed a statement with EDF and Uniper in relation to the Change Request, which is included in Appendix B of to this Report.

### **4.3 Consultation with additional affected persons**

- 4.3.1 The Applicant has provided an updated Book of Reference alongside this Change Request, which identifies the affected persons in the additional land, being plots 17/13, 17/14, 17/15, 17/16, 17/17, 17/18, 17/19, 17/20, 17/21, 18/1, 18/2, 18/3 and 18/4.
- 4.3.2 In additional Torksey Ferry Road is currently unregistered with the Land Registry and enquires have confirmed that the road is not part of the adopted

highway. Parts of Torksey Ferry Road were already contained within the Order limits / Order land and have therefore been subject to multiple site notices to seek to identify the owner of the road, and to fulfil statutory site notice obligations pursuant to s42 and s56 of the Planning Act 2008 process in relation to the Application. To date, no party has claimed ownership of the road.

- 4.3.3 The Applicant has carried out pre-application engagement with the relevant landowners of the additional land, and other affected persons as set out below. The Applicant has not carried out pre-application engagement with subsoil interests over Torksey Ferry Road (an unregistered private road) in the time available but it is in the process of contacting those parties to ensure they are aware of the nature of the subsoil interests and will notify them if the application for the Change Request comprising additional land is accepted, in accordance with the CA Regulations.

**Table 4-2: Engagement with Landowners**

Plot	Landowner	Record of Engagement
17/13	David Robert Mellors	This Affected Person holds a subsoil interest over Torksey Ferry Road. The Applicant is in the process of writing to him to explain what subsoil interests are and why we believe he has this interest.  Previous contact was had with Mr Mellors regarding the scheme in 2022 about access to his agricultural land for surveys.
	EDF Energy (Thermal Generation) Limited	See section above.
	Paul Spink Limited	As for Plot 17/14 below.
	Simon Joseph Gray	This Affected Person holds a subsoil interest over Torksey Ferry Road. The Applicant is in the process of writing to him to explain what subsoil interests are and why we believe he has this interest.
	Sonia Murrell Gray	This Affected Person holds a subsoil interest over Torksey Ferry Road. The Applicant is in the process of writing to him to explain what subsoil interests are and why we believe he has this interest.
17/14	Paul Spink Limited	This Affected Person was already in the Book of Reference due to a subsoil interest which he holds over Torksey Ferry Road. Therefore, he has been previously consulted and was issued both S.42 notices and S.56 notices.  The Applicant has had discussions with the landowner and their agents about survey access and entering into voluntary agreements, which they have verbally confirmed their willingness to do. The Applicant is in the process of issuing formal Heads of Terms (HoTs) for the landowner's consideration.

Plot	Landowner	Record of Engagement
		<p>The Applicant has been in recent contact regarding the Change Request and a summary of that correspondence can be found below:</p> <ul style="list-style-type: none"> <li>• 08/09/2023 – Gateley Hamer (GH), the Applicant’s land agent, emailed the landowner’s Land Agent to discuss his client’s survey requirements.</li> <li>• 08/09/2023 – Land Agent emailed GH to confirm a meeting would be required.</li> <li>• 25/08/2023 - GH emailed Land Agent confirming further surveys are required on his client’s land due to the potential changes to the Order Limits and additional land.</li> <li>• 11/09/2023 – GH emailed land agent reminding them of previous discussion and offering a meeting.</li> <li>• 11/09/2023 – Land Agent emailed GH acknowledging that he would speak with his client on this matter.</li> <li>• 11/09/2023 – GH emailed Land Agent thanking them for their efforts.</li> <li>• 20/09/2023 – GH emailed and posted the non-intrusive survey licence to Landowner and copied in Land Agent. Meeting offered.</li> <li>• 20/09/2023 – GH emailed Land Agent to agree terms for the licences.</li> <li>• 21/09/2023 – GH contacted Land Agent. No response.</li> <li>• 21/09/2023 – Land Agent contacted GH to advise of availability.</li> <li>• 21/09/2023 – GH corresponded with Land Agent and was informed that the intrusive licence would follow shortly.</li> <li>• 22/09/2023 – 29/09/2023 GH and Land Agent continuing to negotiate licence for surveys.</li> </ul>
17/15	Paul Spink Limited	As for Plot 17/14 above.
	Mark Ducksbury	As for Plot 17/16 below.
17/16	Mark Ducksbury	<p>The Applicant has recently become aware that Mark Ducksbury is the owner of the unregistered piece of land to the south of Torksey Ferry Road.</p> <p>The Applicant has had discussion with the landowners and their agents about entering into voluntary agreements, which they have verbally confirmed their willingness to do. The Applicant is in the process of issuing formal HoTs for the landowner’s consideration.</p> <p>A summary of efforts to establish ownership and our communications with Mr Ducksbury since is below:</p> <ul style="list-style-type: none"> <li>• 04/09/2023 – GH emailed Diana Eyre Educational Trust and Silcock &amp; Partners (Quickfall Land Agent)</li> </ul>

Plot	Landowner	Record of Engagement
		<p>querying landownership for unregistered land parcel 6595.</p> <ul style="list-style-type: none"> <li>• 04/09/2023 – Quickfall Land Agent confirmed he would check ownership with his clients.</li> <li>• 07/09/2023 – GH installed site notice asking landowner to contact the Land Referencing Team.</li> <li>• 14/09/2023 – GH emailed Quickfall Land Agent asking for any updates.</li> <li>• 20/09/2023 – Quickfall Land Agent confirmed contact details of landowner on unregistered land parcel as Mark Ducksbury.</li> <li>• 21/09/2023 – GH called Landowner and ownership confirmed. Discussed access for non-intrusive surveys, due to the potential change in Order Limits and inclusion of additional land, which landowner verbally agreed to.</li> <li>• 21/09/2023 – GH emailed and posted Landowner the non-intrusive survey licence.</li> <li>• 21/09/2023 – GH emailed Landowner to ask if there are any tenants on the land.</li> <li>• 22/09/2023 – GH emailed the intrusive survey licence addendum to Landowner.</li> <li>• 25/09/2023 – GH called Landowner.</li> <li>• 26/09/2023 – Landowner rang GH.</li> <li>• 26/09/2023 – GH called Landowner to discuss scheme. GH explained the change to RLB and how this will impact the Landowner. Landowner verbally agreed that all surveys can proceed. Landowner confirmed he had posted the non-intrusive licence earlier that week. Landowner confirmed there are no tenants on the land.</li> <li>• 26/09/2023 – Landowner emailed signed intrusive survey licence.</li> <li>• 26/09/2023 – GH emailed Landowner to thank him for the assistance.</li> <li>• 27/09/2023 – Landowner sent GH the signed permission slip granting access for non-intrusive surveys.</li> <li>• 27/09/2023 – GH called Landowner requesting access for ALC survey, access granted.</li> <li>• 28/09/2023 – GH emailed Landowner to discuss timing of ALC survey and commercial terms.</li> </ul>
17/17	Knightwood Trust Farms	<p>This Affected Person was already in the Book of Reference due to a subsoil interest which he holds in Torskey Ferry Road. Therefore, they have been previously consulted and were issued both s.42 notices and S.56 notices.</p> <p>The applicant has had discussion with the landowners and their agents about entering into voluntary agreements, which they have verbally confirmed their willingness to do. The Applicant is in the process of issuing formal HoTs for the landowner's consideration.</p>



Plot	Landowner	Record of Engagement
		<p>The Applicant has been in recent contact regarding the change request and a summary of that correspondence can be found below:</p> <ul style="list-style-type: none"> <li>• 24/08/2023 – GH emailed Land Agent explaining further surveys required due to the potential change in Order Limits and additional land and requesting meeting.</li> <li>• 29/08/2023 – Land Agent responded to GH with proposed dates for a meeting. Also asked if the non-intrusive survey licence is expired.</li> <li>• 29/08/2023 – GH emailed Land Agent confirming that non-intrusive survey licence is expired. Requested alternative dates for meeting.</li> <li>• 29/08/2023 – Land Agent emailed GH offering 11/09/2023 for a meeting.</li> <li>• 29/08/2023 – GH emailed Land Agent confirming meeting on 11/09/2023.</li> <li>• 11/09/2023 – MS Teams Meeting with Land Agents to discuss change to RLB and impact on their clients. Approach for survey licences also agreed. GH and LC present.</li> <li>• 20/09/2023 – GH emailed Land Agent with non-intrusive survey licence.</li> <li>• 20/09/2023 – Land Agent emailed GH asking for a plan to accompany the licence. Asked for additional money, as the data may be shared with other projects.</li> <li>• 21/09/2023 – GH sent email to Land Agent, thanking them for response. Applicant checking data requirements.</li> </ul>
17/18	Knightwood Trust Farms	As for Plot 17/17 above.
17/19	John William Quickfall	<p>These Affected Persons were already in the Book of Reference due to a subsoil interest which he holds over Torskey Ferry Road. Therefore, they have been previously consulted and were issued both s.42 notices and S.56 notices.</p> <p>The applicant has had discussion with the landowners and their agents about entering into voluntary agreements, which they have verbally confirmed their willingness to do. The Applicant is in the process of issuing formal HoTs for the landowner's consideration.</p> <p>The Applicant has been in recent contact regarding the change request and a summary of that correspondence can be found below:</p> <ul style="list-style-type: none"> <li>• 24/08/2023 – GH emailed Land Agent explaining that additional surveys required due to a potential change in the Order Limits and additional land and offering a meeting.</li> </ul>
	Martin Augustus Quickfall	

Plot	Landowner	Record of Engagement
		<ul style="list-style-type: none"> <li>25/08/2023 – Land Agent emailed GH to say on annual leave until 30/08/2023, but free to discuss thereafter.</li> <li>25/08/2023 – GH emailed Land Agent to thank him for response.</li> <li>20/09/2023 – Land Agent emailed GH to state that Landowner will allow intrusive surveys to take place. Land Agent asked GH to confirm what fees are payable.</li> <li>20/09/2023 – GH emailed Land Agent to thank him for his earlier email and confirm what fees he and his clients are owed.</li> <li>20/09/2023 – GH emailed and posted non-intrusive survey licence to Landowner and cc'd in Land Agent.</li> <li>21/09/2023 – Land Agent emailed non-intrusive survey licence consent form and invoices to GH.</li> <li>21/09/2023 – GH emailed Land Agent to thank him for returning non-intrusive survey form.</li> <li>22/09/2023 – GH emailed Land Agent the intrusive survey licence.</li> <li>26/09/2023 – GH called Land Agent requesting access for ALC survey, access granted. Land Agent also confirmed he is in the process of meeting with the landowners and returning signed intrusive surveys licence.</li> <li>29/09/2023 – GH emailed Land Agent requesting an update on the intrusive survey licence.</li> </ul>
17/20	EDF Energy (Thermal Generation) Limited	As for Plot 17/13 above.
17/21	EDF Energy (Thermal Generation) Limited	As for Plot 17/13 above.
	Southwell and Nottingham Diocesan Board of Finance	<p>This Affected Person was already in the Book of Reference as they are a landowner along the cable route. Therefore, they have been previously consulted and were issued both s.42 notices and S.56 notices.</p> <p>They are now included again in plot 17/21 due to a subsoil interest which they may hold over Torksey Ferry Road.</p>
18/1	EDF Energy (Thermal Generation) Limited	As for Plot 17/13 above.
18/2	EDF Energy (Thermal Generation) Limited	As for Plot 17/13 above.
	Southwell and Nottingham Diocesan Board of Finance	As for Plot 17/21

Plot	Landowner	Record of Engagement
	Rampton and Woodbeck Parish Council	<p>This Affected Party were previously consulted as part of the Statutory Consultation that was held in June 2022. They were also contacted regarding access to their land for surveys.</p> <p>They are now included within the Book of Reference due to a subsoil interest which they may hold over Torksey Ferry Road.</p> <p>The Applicant is in the process of writing to them to explain what subsoil interests are and why we believe they have this interest.</p>
	The Official Custodian for Charities on behalf of Diana Eyre's Educational Foundation	<p>This Affected Party were previously consulted as part of the s42 statutory consultation. They were also contacted regarding access to their land for surveys.</p> <p>They are now included within the Book of Reference due to a subsoil interest which they may hold over Torskey Ferry Road.</p> <p>The Applicant is in the process of writing to them to explain what subsoil interests are and why we believe they have this interest.</p>
18/3	EDF Energy (Thermal Generation) Limited	As for Plot 17/13 above.
18/4	EDF Energy (Thermal Generation) Limited	As for Plot 17/13 above.

4.3.4 The following third-party interests are also noted in the Book of Reference in relation to the plots above:

- Nottinghamshire County Council (Plots 17/13, 17/15, 17/18, 17/21, 18/2, 18/3). These rights relate to the byway open to all traffic – see record of engagement below.
- Trent Valley Internal Drainage Board (IDB) (Plots 17/13, 17/14, 17/20, 17/21, 18/1). These rights relate to Seymour Drain. Initial consultation with Trent Valley IDB has been held in relation to environmental management and mitigation measures in regard to Seymour Drain.
- National Grid Electricity Transmission plc (Plots 17/14, 17/16, 17/20, 17/21). These rights relate to apparatus. NGET has been made aware of the proposed changes as recorded above and the Applicant understands it doesn't have any concerns.
- The Agricultural Mortgage Corporation plc (Plot 17/17) in relation to a mortgage. It is considered proportionate for this body to be notified pursuant to the CA Regulations process given the nature of its interest.

4.3.5 In addition, a site notice seeking to establish the ownership and occupancy of land identified within an attached plan was erected on Torksey Ferry Road on 19 September 2023 and will be maintained in place until the Applicant is

required to notify of the acceptance of the additional land for Examination, where it will be replaced with a site notice for that purpose.

## 4.4 Discussions with Historic England and Local Authority Archaeological Advisors

- 4.4.1 A meeting was held with Historic England on 18 September 2023 (via telephone) to discuss the potential impacts of the Scheme within the extended Order Limits on the Scheduled Monument Fleet Plantation Moated Site (NHLE 1008594). Historic England advised that trial trenching should be undertaken to confirm the presence / absence of archaeological remains in the extended Order Limits that may be associated with the Scheduled Monument, and their potential significance. The results of the trial trenching will be used to finalise any mitigation requirements in relation to the Scheduled Monument and would be incorporated into a revised Archaeological Mitigation Strategy (if required).
- 4.4.2 A meeting was held with the Archaeological Advisor for Bassetlaw District Council (BDC) (on behalf of Nottinghamshire County Council (NCC) and Lincolnshire County Council (LCC)) on 20 September 2023 (via Teams meeting) who advised that a phase of trial trenching should be carried out in order to confirm the presence / absence of archaeological remains in the extended Order limits. The results of the trial trenching will be used to determine any mitigation requirements in relation to any identified archaeological remains.
- 4.4.3 As recommended by consultees, a programme of trial trenching is proposed in order to confirm the presence / absence of archaeological remains within the extended Order limits and their significance. The number and layout of the trial trenches will be agreed with Historic England and NCC's and LCC's Archaeological Advisor.
- 4.4.4 Appropriate mitigation measures will be identified in an updated Archaeological Mitigation Strategy Part 2 and will be agreed with Historic England and the Archaeological Advisors to the relevant Local Planning Authority. It is anticipated that the updated Archaeological Mitigation Strategy Part 2 will be submitted at Deadline 5. Further details of the heritage assets that have the potential to be impacted by the Scheme within the extended Order Limits is described in the Supporting Environmental Information accompanying this Change Request and it concludes that, with appropriate mitigation measures, there will be no new or different likely significant effects because of the change. This includes the Scheduled Monument Fleet Plantation Moated Site (NHLE 1008594) located directly adjacent to the south-eastern extent of the extended Order limits boundary. The information from the trial trenching is therefore not considered necessary to evaluate the significance of environmental effects, but to inform mitigation to be undertaken during construction.

## 4.5 Discussions with Local Planning Authorities

4.5.1 On 22 September 2023, the Applicant held a joint Local Planning Authority meeting with representatives from Lincolnshire County Council, Nottinghamshire County Council, West Lindsey District Council and Bassetlaw District Council to discuss the proposals in further detail. The following initial points were raised:

- the Senior Rights of Way Officer for Nottinghamshire County Council asked for further details on the likely impacts on public rights of way as a result of Changes 1 and 2, in particular:
  - a. the Byway Open to All Traffic (BOAT) that runs along Torksey Ferry Road (BOAT13). Further details were requested regarding the level of likely construction/operation traffic so that the effect on the BOAT13 and the need for any temporary closure/diversion could be considered further; and
  - b. BOAT12 and Footpath 20 which both run in a north-south direction to the south of Torksey Ferry Road. Further information was requested regarding how, if at all, these might be disrupted by construction traffic.

The Applicant has updated its Framework Construction Traffic Management Plan [**document 3.3, Appendix 13-E updated at Deadline 4**] (CTMP) to state that the works will require the closure of a section of PRoW NT/Rampton/BOAT13 for a maximum period of up to 4 weeks. Prior to construction, the duration of the closure will be reviewed depending on the existing road condition, construction sequencing, final design and weather conditions during the works to reduce this duration as far as possible. The measures are secured through the DCO, via the Framework CTMP and also the Framework Construction Environmental Management Plan [**document 7.3 as updated at Deadline 4**].

- the Applicant also highlighted the nearby Fleet Plantation Scheduled Monument and that discussions that had taken place between the Applicant and Historic England and the Bassetlaw District Council and Lincolnshire County Council Archaeological Advisors regarding proposed trial trench evaluation and changes to the Archaeological Mitigation Strategy; and
- Nottinghamshire County Council Highways team queried how the changes would affect construction traffic through Rampton and the Applicant confirmed there would be no additional HGV traffic movements through Rampton because construction traffic from the north will use the dedicated haul route within the Order limits to the west of the Cottam power station site. This is also secured in the updated Framework CTMP.

## 5. Proposed consultation programme

### 5.1 Suggested approach

5.1.1 In its submission of 20 September 2023, the Applicant suggested a timetable for consultation on the Change Request. The ExA made a number of initial comments on the timetable, which the Applicant has responded to below.

5.1.2 ExA comment: *Written Representations to be received by 1 December. Regulation 13(2) requires 21 days to be provided for submission. If the timetable is published by 22 November 2023, as per your suggestion, this only provides for 8 days.*

- The Applicant notes that Regulation 13(1) states that written representations must be responded to “by the date specified in the timetable set under regulation 12, or otherwise under this rule”, thus providing flexibility for the ExA to identify a shorter time period for written representations on the request for additional land. Nevertheless the Applicant has updated the draft timetable below to allow a minimum of 21 days for submission of written representations.

5.1.3 ExA comment: *The timetable is also very tight only providing at most 3 days to respond to the application for change to be accepted whereas the Rules allow for 28 days (Regulation 6(1)) and only providing for 2 days following the receipt of the certificates of compliance until the notice for the hearings to be published.*

- This is correct, and the Applicant welcomes flexibility from the ExA in this regard. It is not unusual for an appointed Examining Authority to be requested to decide whether to accept the change in a substantially shorter time period than the maximum allowed by Regulations, and this is generally accommodated.

The driving factor in the short time allocated in the timetable is due to local newspaper publications having an absolute cut-off date of Monday at 12pm to achieve a Thursday publication. Therefore, to enable the Applicant to place a notice in local press on Thursday 12<sup>th</sup> October and begin the relevant representation period, it must know if the Change Request is accepted by latest 9am on Monday 9<sup>th</sup> October. We have investigated whether this could be delayed and local press have confirmed that it cannot.

- It is noted that only two days are provided for publication of the timetable following receipt of certificates of compliance, although it is noted that the certificates are a procedural step and should have no substantive bearing on the timetable.

5.1.4 ExA comment: *In the context of notice for hearings in your timetable this would be given on 22 November 2023 for hearings on 14/15 December this is only just 21 days which the Regulations require (Regulations 14, 15 and 16) however you have previously informed of additional time for press notices in*

*relation to hearings how would this be accommodated in your proposed timetable?*

- The request for additional land is governed by the process in the CA Regulations. The obligation to notify of any hearing about specific issues (Regulation 14), compulsory acquisition hearing (Regulation 15) and/or open floor hearing (Regulation 15) in relation to the additional land lies with the ExA. Rule 13 (Notification of hearings) of the Infrastructure Planning (Examination Procedure) Rules 2010 sits separately to this process. In any case, Examination Procedure Rule 13(6) applies to require the Applicant to publicise a hearing only “unless the Examining authority otherwise directs”. Given the notification and publication being carried out by the Applicant on the additional land request, the limited extent of the changes sought and the limited time period between notification/publication and any hearings, it is considered appropriate for the ExA to direct that it will notify of the hearings in accordance with the CA Regulations.

5.1.5 ExA comment: *Further justification should also be set out as to why it would be appropriate and proportionate to hold any such hearings by virtual means only, as this would be a change from how other hearings during the examination have been conducted.*

- The Applicant notes that the changes are modest in extent, there are no new or different environmental effects and early engagement with key stakeholders and landowners has already been carried out. The Applicant therefore considers it would be appropriate and proportionate to hold any hearing (if required) by virtual means, noting that the Examination is predominantly a written process and that this would ensure flexibility in fixing dates and times for hearings, which is likely to constrain availability particularly as any hearing (if required) would take place during December. Nevertheless, the Applicant will investigate venue availability should the hearings be carried out in hybrid format.

5.1.6 ExA comment: *Consideration is being given to concurrent timing of Relevant Representations and Written Representation periods and the early publication of a timetable which reserves dates for hearings (with formal notification of the hearings provided at a separate date) and identifies future deadlines or additional information to be submitted for existing deadlines etc which may be able to address some of these matters.*

- Noted. The Applicant welcomes the Change Request being accommodated within the remaining three months of the Examination timetable.

5.1.7 As a result, the timetable proposed by the Applicant remains largely unchanged, although with some additional time permitted for written representations and is copied again below for ease of reference.

**Table 5-1 Proposed Consultation Timetable**

Procedural Step	Proposed Date	Relevant CA Regulation(s)
Notice of change request	20 <sup>th</sup> September 2023	N/A
Change request submitted	3 <sup>rd</sup> October 2023 (Deadline 4)	Regulation 5
Change request accepted	By 6 <sup>th</sup> 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 <sup>th</sup> October 2023 and 2 <sup>nd</sup> newspaper publication on 19 <sup>th</sup> October 2023 (NB: local press only publishes on a Thursday which constrains the timetable).  Consultation period ends 17 <sup>th</sup> November 2023 (being 28 days following the date after the 2 <sup>nd</sup> newspaper publication).	Regulations 7 and 8
Certificates of compliance submitted	20 <sup>th</sup> November 2023	Regulation 9
Notice of any hearing(s) by ExA	By 22 <sup>nd</sup> November 2023	Regulations 14 and 15
ExA Initial Assessment of Issues	By 22 <sup>nd</sup> November 2023	Regulation 11
ExA sets timetable to examine change request	By 22 <sup>nd</sup> November 2023	Regulation 12
Hearings (if required)	14 <sup>th</sup> and/or 15 <sup>th</sup> December 2023 (or 21 <sup>st</sup> and/or 22 <sup>nd</sup> December <sup>2</sup> )  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	14 <sup>st</sup> December 2023	Regulations 12 and 13
Responses to written representations	4 <sup>th</sup> January 2023 (existing Deadline 6)	Regulations 12 and 13

<sup>2</sup> This could avoid the deadline for written representations coinciding with a hearing(s). 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 November for the ExA to publish the notice of hearings and initial assessment of issues.



## 6. Schedule of Revised Application Documents

6.1.1 In order to assist the Examining Authority in the consideration of the changes, Table 1 below sets out the application documents that have been updated to accompany this change request, with brief details of how they have been updated.

6.1.2 The Guide to the Application provides a full schedule of documents submitted by the Applicant (current and superseded), with superseded documents shaded grey and marked in strike through text. Given that the decision to accept or reject the scheme changes lies with the ExA, the previous versions of documents submitted remain live until a decision is reached on acceptance. Therefore, to clearly differentiate between the version before and after the Scheme changes, the version incorporating Scheme changes in the Guide is labelled with 'Change Request Version' in red text.

**Table 6-2 Documents accompanying this formal change request**

Doc number	Document Title	Changes made since previous version
1.3	Guide to the Application	Updated to show new versions of documents
2.3	Outline Design Principles	Updated Figure 1 with new order limits
3.2	Figure 10-21 Vegetation Removal Plan	Update to vegetation removal as a result of changes
3.2	Figure 13-5: Walking and Cycling Network	Updated due to interactions with the existing Public Rights of Way and BOAT
3.2	Figure 13-7: Public Right of Way (PRoW) Management (Construction Phase)	Updated due to interactions with the existing Public Rights of Way and BOAT
3.3	Framework Construction Traffic Management Plan	Amended to account for changes in Streets, Access and Rights of Way Plans, consider use of/effects of using Torksey Ferry Road including consideration of highways improvements and impact on BOAT13 users.
3.8	TPO Impact/Removal Plans and Important Hedgerow Location Plans	Updated to show proposed new Order limits
5.2	Works Plans	Updated to show proposed new Order limits and works within them
5.3	Streets, Access and Rights of Way Plans	Updated to show proposed new Order limits and management of access/ PRoW
5.5	Traffic Regulations Measures Plans	Updated to show proposed new Order limits
5.6	Land Plans	Updated to show proposed new Order limits and land acquisition

Doc number	Document Title	Changes made since previous version
5.7	Crown Land Plans	Updated to show proposed new Order limits although no new Crown Land is affected
6.1	Draft DCO	Updated in response to changes
6.2	Draft Explanatory Memorandum	Updated in response to changes
6.4	Statement of Reasons	Updated to provide reasons for additional land parcels
6.5	Schedule of Negotiations and Powers Sought	Updated to reflect negotiations with those with new/altered land interests.
6.6	Book of Reference	Updated to add/remove details of land interests as a result of the proposed changes.
6.7	Funding Statement	Update to property cost estimate in response to additional/ reduced areas of land affected.
7.6	Archaeological Mitigation Strategy	Updated to include new order limits
7.8	Public Rights of Way Management Plan	Updated to show proposed new Order limits
7.10	Outline Landscape and Ecological Management Plan	Updated to show proposed new Order limits
7.12	Outline Soil Management Plan	Updated to consider soil management of the land brought within Order limits by the change
8.25	Supporting Environmental Information (new document)	Provides environmental information on the additional areas of land affected and confirms there would be new or different likely significant environmental effects as a result of the change.

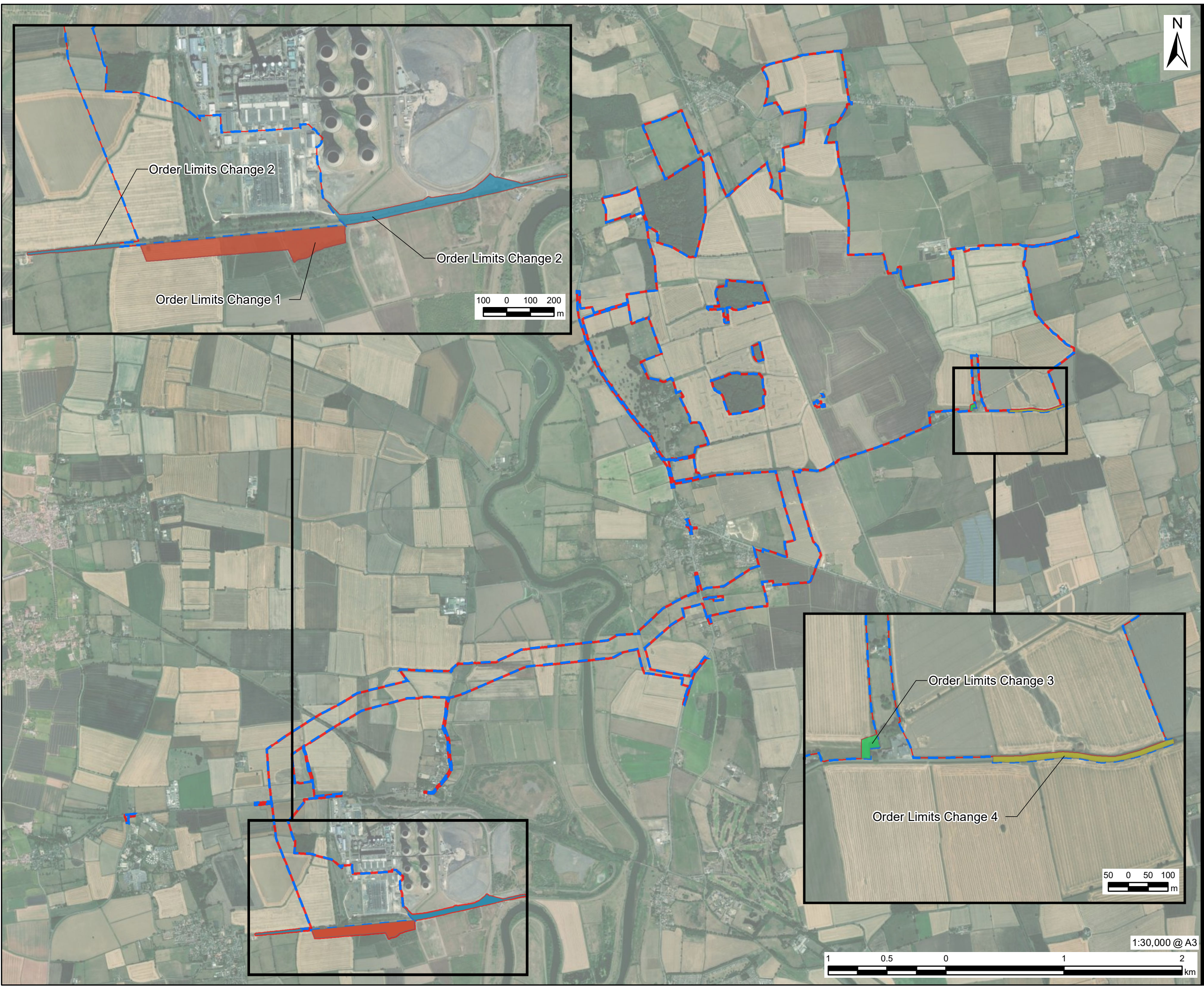
## 7. Conclusions

### 7.1 Summary

- 7.1.1 The Applicant is committed to fair and meaningful engagement with stakeholders for the Scheme. It is this continued engagement, and a willingness to mitigate the effects of the Scheme, which have necessitated this Change Request. The intention of Changes 1 and 2 is 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 Cottam power station site. Changes 3 and 4 have arisen through agreements with a landowner to remove a small area of land from the Scheme and agreements with Lincolnshire County Council to remove an access from the Scheme.
- 7.1.2 The changes comprised in the Change Request are discrete and will result in no new or different likely significant environmental effects, as evidenced in the Supporting Environmental Information submitted alongside the Change Request. The Applicant views the changes as design evolution/refinement which are in accordance with relevant policy and guidance. The Applicant does not consider the changes to be so substantial as to constitute a materially different project. The description of the Scheme remains as per the Scheme Description set out in Applicant's Guide to the Application **[REP3-002/1.3]** previously submitted.
- 7.1.3 The Applicant has carried out appropriate and proportionate pre-application engagement on the Change Request as demonstrated in this report. If accepted by the ExA, the Change Request will be subject to the provisions for notification and publication pursuant to the CA Regulations. There are three months remaining of the Examination of the DCO application, and there is sufficient time for the ExA to ensure fair and adequate consultation on the changes sought within those timescales.
- 7.1.4 The Applicant notes that the ExA is being asked to decide whether to accept the Change Request in a short time period and welcomes flexibility in this regard. As noted above, the driving factor in the short time allocated in the timetable is due to hard constraints relating to local newspaper publications which cannot be avoided.
- 7.1.5 The Applicant has provided the documents listed in Section 6 in support of this Change Request, and welcomes confirmation from the ExA that the Change Request can be accepted and these documents can be examined in the remaining three months of Examination.

# Appendix A: Figure Showing Changes

Revision: 01 Drawn: VC Checked: RH Approved: WB Date: 2023-10-02  
Filename: \\na.aecomnet.com\fs\EMEA\croymdon\UKGRD1\Legacy\UKCRD1\FP001\UKGRD1\FP001-V11E\projects\general\GIS\Projects\Gate Burton Energy Park\K02\_Maps\Further Environmental Information\Figure\_1\_NewOrderLimits\_ChangeRequest.mxd



# AECOM

PROJECT  
Gate Burton Energy Park

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LEGEND  
Order Limits January 2023  
Order Limits September 2023  
**Order Limits Changes**  
Change 1  
Change 2  
Change 3  
Change 4

NOTES  
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ISSUE PURPOSE  
Applicant's Change Request

PROJECT NUMBER  
60664324

FIGURE TITLE  
Order Limits Change September 2023

FIGURE NUMBER  
Figure 1

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## Appendix B: Agreed Statement with EDF and Uniper

This statement has been prepared by the Applicant, EDF Energy (Thermal Generation) Limited and Uniper UK Limited in respect of the Applicant's change request for:

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;
3. An extension to the Order limits immediately to the north of the eastern extension along Torksey Ferry Road (into EDF land) to accommodate access during construction; and
4. A request seeking powers of compulsory acquisition and/or temporary possession over the same land to facilitate the construction and operation of the Scheme.

The Parties can confirm that they have been engaged in technical and commercial discussions regarding routing of the 400kV cable for the Gate Burton scheme as well as for the Cottam and Tillbridge solar schemes, plus construction and operational access locations to the Cottam Substation.

As a result, the additional land to the south of Torksey Ferry Road has been identified to provide additional flexibility for cable routing, to provide an opportunity during detailed design for Gate Burton to route its cable to the south of the substation, thereby mitigating and minimising interactions with existing infrastructure on the western substation boundary.

The additional land to the east along Torksey Ferry Road and into the Cottam Substation provides an alternative construction access, which also provides an opportunity during detailed design to minimise interactions with the infrastructure on the western substation boundary by enabling construction traffic to enter into the substation area from the east (whilst maintaining at all times Uniper UK Limited's access to its existing infrastructure located along the additional land to the east along Torksey Ferry Road and the pumping station that serves Uniper's CDC power station). The additional land to the west along Torksey Ferry Road provides an option for operational access to be taken via the public highway network at Rampton for very limited use. The exact location of all infrastructure and access points (including operational access) will be determined post-consent, but it is agreed that this additional flexibility is appropriate to seek to ensure all existing and proposed infrastructure and development proposals can coexist.

EDF Energy (Thermal Generation) Limited and Uniper UK Limited maintain that adequate protective provisions will be required on the face of the DCO to protect their land and apparatus and are continuing to engage with the Applicant in this regard.

This statement has been agreed by the Applicant, EDF Energy (Thermal Generation) Limited and Uniper UK Limited.