

GBEP - Written Representation on the Change Request Application and Amending the Examination Timetable to support Examination of the Change Request Consent for the Gate Burton Energy Park. Planning Act 2008 – Section 89(3) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rules 8(3), 9 and 17 The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 – Regulations 4 to 19

A formal Change Request Application was submitted by the Applicant on 3 October 2023 [Document Reference 8.24] The changes are summarised as follows:

- 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);
- 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);
- 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)

The Applicant advises that 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.

It is reasonable to state that residents in the local community are stakeholders also and that the Applicant has a duty to communicate with local people on changes they wish to make. Will the ExA recognise this significant consideration?

However, the Applicant has been informed that **EDF would prefer connections and accesses that minimise any impact on future plans as far as possible.**

The Applicant further advises that 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. The applicant states 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.** The Applicant confirms that 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.**

The Applicants stated 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 plans for the Cottam power station site. They suggest 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.** In relation to Changes 3 and 4 the Applicant sets out that these have arisen through agreement with a landowner to remove a small area of land from the Scheme.

Summary

In summary it appears that the Applicant is now looking to accommodate the requirements of the EDF and Uniper.

Is the ExA satisfied that these changes are recent changes now identified by the Applicant? Or, has there been no previous Statement of Common Ground with these stakeholders? Why have the changes only very recently been discovered?

The ExA has no substantive concern with the reasons for the Change Request and is satisfied that the changes both **individually and cumulatively** are not so substantial that they would extend beyond the original scope and assessment of the Project as to constitute a materially different project. **The ExA is clear that the proposed changes 1 and 2 do invoke the requirements of the CA Regulations because additional land and/or rights are sought and are therefore material changes.** Whilst Changes 3 and 4 by themselves would be non-material changes in the context of the overall submission they are considered in the context of the wider Change Application **to ensure any cumulative effect of changes is also considered.**

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 the updated documents, submitted alongside the Change Request Application in order to enable it to be Examined.

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. and finds that **the environmental effects of the proposed changes have been covered adequately in the SEI.**

The above comments by the ExA do not rest easily. The statement of being satisfied and having no substantive concern suggest there is no material change, no change to the cumulative effect leading to an influence on Written Representations. Will the ExA comment on these views?

The Applicant is now required to notify the relevant Affected Persons of the ExA's decision in accordance with the requirements of CA Regs 7, 8 and 9 and to invite them to make representations about the changes. **The ExA notes that the Applicant intends to commence this representation period on 12 October 2023, and this is acceptable to the ExA.**

As a resident I consider myself a Relevant Affected Person and so far, the Applicant has made no attempt to notify me of these changes. Will the ExA ensure this consultation takes place since precedent has been set on other material change in another local NSIP?

Whilst to date hearings have been conducted as blended events, being a mix of both in person and virtual, given that the NSIP process is primarily a written process, the limited extent of the additional land interests, additional affected persons, additional interested parties, and the limited nature of the proposed provisions **the ExA is satisfied that it is proportionate and reasonable to conduct these hearings as solely virtual events.**

The use of WR and consultation by virtual communication has previously been discussed at length and is not acceptable format in which the ExA should expect adequate consultation. Will the ExA accept blended events for this consultation process?

Relevant Representations must relate **only** to the proposed provisions, i.e., only to the additional land or rights sought and to the effects of the proposed development on or to the taking of the proposed additional land or rights. The same principle applies to Written Representations on the proposed provisions.

The suggestion that RR must only relate to the proposed revisions is acceptable. But what is not acceptable is the apparent procedural changes that are being used in the ExA's process on these changes.

The ExA's appears not to be acting within the procedures set down by NSIP examinations. The ExA is accepting the Applicants and stakeholders wishes and not allowing adequate and acceptable community engagement. **My understanding is that procedures are for the Applicant to put forward a proposal to the community for discussion and develop that prior to making a submission for consideration to the ExA. That appears not to be happening, will the ExA comment please?**

Roy Clegg