

Gate Burton Energy Park

EN010131

Applicant Response to Change Request Representations
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Prepared for:

Gate Burton Energy Park Limited

Prepared by:

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1. Introduction

- 1.1.1 This report provides the Applicant's comments on the relevant representations and written representations received by the Examining Authority (ExA) regarding the Applicant's proposed provision for the Compulsory Acquisition of additional land as set out in its Change Request dated 3 October 2023. There are 38 relevant representations and 11 written representations.
- 1.1.2 To avoid excessive repetition, the Applicant has focussed on comments that make points that have not been addressed previously or where the Applicant considers that further clarification may be useful. For similar reasons, the Applicant has not included the full text of every representation in this document and original representations should be referred to understand the Interested Party's position.
- 1.1.3 Table 2-1 sets out the Applicant's responses to the Relevant Representations and Written Representations received by the ExA.

2. Table 2-1: Applicant Responses to Relevant Representations and Written Representations on Change Request

Rep Ref	Summary	Applicant Response
1. Traffic, Transport and Access including Public Rights of Way		
Various RR, Frank Brufton WR, Ingham PC WR	General concerns regarding impact on access along Torksey Ferry Road (BOAT), nearby public rights of way and potential loss of recreational routes. In particular, concerns regarding disruption of access to River Trent, disrupting horse riders, walkers and cyclists. Emphasis on there becoming fewer safe roads for these activities, for example in Cottam where many HGVs pass through the village.	<p>During the installation of passing bays and the upgrade to Torksey Ferry Road, which will comprise the placement of compacted aggregate, it will be necessary to close part of a circa. 1.7km section of PRoW NT Rampton BOAT13 for a maximum period of four 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.</p> <p>These closures will be isolated to areas where a suitable diversion cannot be provided due to localised constraints. However where, practicable, the contractor will put in place PRoW management or diversions in order to maximise the availability of NT Rampton BOAT13 for users.</p> <p>The impact on access along Torksey Ferry Road (including access to public rights of way and loss of recreational routes) was assessed within the Supporting Environmental Information Report [CR1-043] which concluded that as the Torksey Ferry Road closure will be temporary (up to a maximum of 4 weeks) with access to PRoW's still being possible via existing PRoW along the River Trent, and therefore</p>

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		<p>this is considered to be a minor adverse impact (not significant).</p> <p>Following the construction period, Torksey Ferry Road would have a less uneven surface, making the road better for cyclists than prior to the development and potentially safer due to the reduction in potholes. The surface is less important for horse-riders and cyclists so the safety for these users is likely to be similar as it is now.</p> <p>During construction there will be additional HGVs using Torksey Ferry Road, but the number of vehicles will be limited due to the limited nature of the works required at the Substation. Vehicles constructing the cable to the south of Torksey Ferry Road will use the haul road from the north and to the south and will therefore travel along it for a very short length. Given this context, the Applicant disagrees that the Scheme will have any material impact on the safety of Torksey Ferry Road for users following the closure of up to four weeks.</p>
7000 Acres WR	<p>The Byway Open to All Traffic (BOAT) that runs along Torksey Ferry Road (BOAT13) and BOAT 12 and Footpath 20 (which run north-south direction) to the south of Torksey Ferry Road will be affected by the proposed works. The BOAT 13 will be closed (in part) during construction. The Applicant has stated this will be for a four week period. The 7000 Acres Group suggests that this 4 week period will in reality be extended due to the conditions as stated in 4.5.1 b. <i>(Applicant Note: no 4.5.1.b in written rep)</i></p>	<p>The Applicant recognises that the carriageway surface of Torksey Ferry Road is in poor condition and will undertake a series of repairs, comprising of the placement of compacted aggregate, in order to ensure that the carriageway is suitable for construction vehicles.</p> <p>The maximum duration of any closure of Torksey Ferry Road will be limited to four weeks. The duration of the closure will be reviewed depending on the existing road condition,</p>

Rep Ref	Summary	Applicant Response
		<p>construction sequencing, final design and weather conditions during the works, to reduce this duration as far as possible.</p> <p>The timescale has been estimated by experienced highways engineers, with a good understanding of works required to upgrade the road. The Applicant respectfully disagrees that it is likely that this four week closure will be extended.</p>
<p>Tarmac Aggregates Limited</p>	<p>Tarmac Aggregates Limited is operator of Rampton Quarry (“the site”), which is part leasehold and part TAL freehold. The BOAT (located along the northern site boundary) provides access to the site. Whilst the site was confirmed by the Mineral Planning Authority (“the MPA”) as fully restored at 30 September 2017, it is currently undergoing aftercare in accordance with statutory requirements. The statutory aftercare period was originally expected to be completed by 1 October 2022, subject to approval by the MPA. However, there are some aftercare matters remaining to be resolved in specific areas and as such the site remains in aftercare. Given the road affords access to the site, TAL is concerned by the statement within the above Notice that “The DCO would enable the acquisition of land, rights in, on, under and over land and the imposition of restrictions that are required to construct, operate and maintain the Scheme. In addition, it contains powers for the possession and use of land on a temporary basis to facilitate the construction and maintenance of the scheme”. From review of documents (including the Outline Public Rights of Way Management Plan and Framework Construction Traffic Management Plan (both October 2023) contained within the Examination Library, it does not appear that permanent closure of the road is proposed or that the existing public rights of way will be removed. It is noted that temporary closure of a section of the road may be required for a period of up to 4 weeks to facilitate upgrade works proposed by the Applicant. However, the Change Request and Consultation Report (3 October 2023) makes reference to access during operation, stating that, “During operation, 4x4s and light vans may travel along Torksey Ferry</p>	<p>The Applicant can confirm that it is not seeking to permanently restrict third party rights of access or use of Torksey Ferry Road other than for the very limited closure during works to upgrade Torksey Ferry Road, the maximum duration of which is four weeks. The reference to use of Torksey Ferry Road “on an exceptional basis” during operation of the Scheme was referring to the Applicant’s operational traffic rather than third party traffic which can continue unimpeded. This statement simply reflects the limited operational access requirements of the Scheme. Access would only be required to access the south of Torksey Ferry Road in the event that there was a failure in the cables installed to the south of the road requiring maintenance or replacement. New electrical cables do not often fail, hence why access would only be needed on an exceptional basis.</p> <p>The Applicant has contacted Tarmac Aggregates’ representatives to clarify the position.</p>

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	<p>Road to access the land south of Torksey Ferry Road (Change 1) on an exceptional basis...". It is unclear if the above is specific to all traffic using the road, or only traffic accessing the Change 1 land to the west of the site. It is also unclear what would comprise an 'exceptional basis'. TAL is therefore concerned about the potential restrictions that could be imposed on the rights of access or use of the road. For the avoidance of doubt, access to the site from the road will be required to all areas of the site during the aftercare period to enable TAL (and appointed agents and contractors) to fulfil its aftercare requirements and TAL (and successors in Title) will require access to all of its freehold areas in perpetuity. Whilst temporary closure of the road during construction may be acceptable, TAL will need to be kept informed and given the opportunity to discuss access provisions that TAL may require during that period. Written confirmation is therefore required from the Applicant to confirm that there will be no changes to the road in terms of existing public rights of way and access rights (beyond potential temporary closure as above) that could prevent TAL from accessing the site. If this cannot be provided, TAL wish to maintain a holding objection.</p>	
2. Flood Risk and Water Environment		
	<p>Concern regarding implications of additional flooding as a result of the change</p>	<p>It is noted within the Supporting Environmental Information Report [CR1-043] that Torksey Ferry Road is considered at high risk of flooding from fluvial, artificial and groundwater sources (see Appendix 9-D: Flood Risk Assessment [APP-142/3.3]). The assessment in the Supporting Environmental Information Report [CR1-043] concludes that flood risk as a result of the change would remain the same as the existing proposed access as there would be no additional areas of impermeable land, and therefore there will be no new or different likely significant effects.</p>

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7000 Acres	It is noted that the Applicant has indicated they will upgrade the surface of the road. It is worth advising that any run-off into the ditch from a hard surface will have a detrimental effect on water quality and thus wildlife and amphibians and fish.	As stated within the Supporting Environmental Information Report [CR1-043] any upgrades to the road will incorporate suitable drainage arrangements in line with good industry practice and include attenuation for road derived pollutants, to ensure no adverse effects on Seymour Drain or other surrounding drains. Following implementation of an appropriate drainage design following good industry practice, no adverse effects are anticipated.
3. Landscape and Visual Impact		
Numerous RR, Mark Wardle WR	General concerns regarding further removal of hedgerows as a result of the change. Comment that some of the hedgerows and trees are ancient.	<p>The hedgerow on the southern side of Torksey Ferry Road (R29) is identified as being an ‘important hedgerow’ within the TPO and Hedgerow Removal Plan [CR1-008] for ecological reasons in accordance with the Hedgerow Regulations 1997. As shown in Appendix 10-I [APP-152] within Annex A Tree Constraints Plan there are no veteran trees within this hedgerow.</p> <p>The other hedgerows which are identified as being ‘areas of potential hedgerow removal’ (R27, R29, R30, R31 and R32) within the TPO and Hedgerow Removal Plan [CR1-008] are not defined as an ‘important hedgerow’.</p> <p>As stated within the Supporting Environmental Information Report [CR1-043] the establishment of the haul road along Torksey Ferry Road would involve the removal of two 6m to 8m hedgerow lengths. Any hedgerow removal will be avoided wherever practicable and will be reinstated following installation of the 400kV cable.</p>
7000 Acres WR	The area is described as being ‘a relatively expansive landscape, characterised by long views and dramatic skies’, (West Lindsey Landscape Character	As stated within the Supporting Environmental Information Report [CR1-043] with the implementation of mitigation

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	<p>Assessment (1999)..... During a site visit to Torksey Ferry Road, these qualities were evident, with open wide views over arable fields, well established hedgerows and hedgerow trees and varied wildlife habitats.</p>	<p>measures including the reinstatement of the ground profile to match existing conditions as well as the replanting of hedgerow vegetation will result in minor to negligible adverse effects, and therefore no significant residual landscape effects during operation. Visual effects are considered negligible and not significant.</p> <p>The development of an underground cable, improvements to the surface of a road and minor works at the existing Substation will have no impact on the open wide views.</p>
<p>4. Land Use and Agricultural Land</p>		
<p>Ingham PC</p>	<p>General concerns on the loss of agricultural land associated with the change request.</p>	<p>As stated within the Supporting Environmental Information Report [CR1-043] the Order limits extension within agricultural land to the south of Torksey Ferry Road will be returned to agriculture after construction. On this basis, there is no change to the assessment of operational impacts on agricultural land as a result of the design changes. The results remain as outlined in Chapter 12: Socio-Economics and Land-Use [APP-021/3.1] of the ES. There is no loss of agricultural land associated with the change request.</p>
<p>5. Biodiversity, Ecology and Natural Environment</p>		
<p>Numerous RR, Ingham PC, Mark Wardle WR</p>	<p>General concerns regarding effects on wildlife, particularly badgers (several badger setts in the area), hedgehogs, birds, insects and small mammals. Concerns that impacts on wildlife will take “decades to recover”</p> <p>Other specific concerns include endangered Brown Hare, various species of deer, badgers, abundant bird life such as the rare Grass Hopper Warbler, various owl and birds of prey, Goldcrests, Yellow Hammers, various Tit species, ground dwelling game birds including the extremely rare Corn Crake and the very rare Nightingale.</p>	<p>As stated within the Supporting Environmental Information Report [CR1-043] the ecological baseline was defined by a walkover survey that was undertaken on 20 July 2023, to identify ecological receptors.</p> <p>The Ecology and Nature Conservation assessment concluded that with mitigation in the Framework CEMP [REP5-024] which is secured by Requirement 12 of the Draft DCO [REP5-017] to avoid impacts on important ecological features, there is no</p>

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		<p>change to the assessment of construction impacts on important ecological features as a result of the design changes and there are no new or different likely significant effects.</p> <p>Works to avoid impacts include pre-construction surveys to ensure that any mitigation proposed is based on the latest information on the presence, or otherwise and distribution of protected species, as well as avoiding works within the breeding bird season where practicable.</p>
Helen Mitchell	<p>“Cottam Wetlands Site of Importance for Nature Conservation, made up of marshy grassland, swamp and mosaic of wetlands, and Cottam Ponds SINC are a significant part of this area and are important nature conservation designations. There is a habitat for great crested newts which are a protected species. They utilise both ponds and terrestrial habitats (short, amenity grassland) in this area. This video on You Tube of Torksey Ferry Road shows the landscape around this area [Redacted]”</p> <p>(Other comments regarding wildlife and effect on mental health addressed elsewhere)</p>	<p>It is acknowledged within the Supporting Environmental Information Report [CR1-043] that the extended Order limits brings the construction works closer to two non-statutory designated sites (Torksey Ferry Road LWS and Cottam Ponds LWS). However, as construction work would be limited to within and immediately to the south of the existing Torksey Ferry Road carriageway and verges (whereby any vegetation clearance in the latter would minimised as much as is practicable and outside of these designated sites), this will not result in direct impacts to these LWSs. Mitigation will be implemented to avoid indirect impacts such as pollution or changes in air quality. These measures are described in Table 3-4 Water Environment and Table 3-13 Air Quality of the Framework CEMP [REP5-024] which is secured by Requirement 12 of the Draft DCO [REP5-017]. Examples of measures include the safe storage of chemicals / other hazardous materials (e.g. fuel) to prevent pollution of watercourses during construction. No significant effect on any designated site was reported in the ES [APP-017/3.1] during construction and the construction phase of the Scheme within</p>

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		the extended Order limits will not result in any new impacts to these sites.
6. Human Health and Wellbeing include Public Amenity		
Numerous	Disruption to area used for birdwatching	<p>As stated within the Supporting Environmental Information Report [CR1-043] there is the potential for noise and vibration effects to occur due to construction activities associated with the Torksey Ferry Road upgrade. However, with the implementation of Best Practicable Means measures to ensure the SOAEL is not exceeded e.g. through selection of quiet plant and screening which are secured within the Framework CEMP [REP5-024] by Requirement 12 of the Draft DCO [REP5-017] it is concluded that there is no change to the assessment of construction impacts on noise and vibration as a result of the design changes. The results remain as outlined in Chapter 11: Noise and Vibration [APP-020/3.1] of the ES. There will be no new or different likely significant effects. As discussed above, the works to upgrade Torksey Ferry Road are very short in duration.</p> <p>In terms of access to public rights of way, this was assessed within the Supporting Environmental Information Report [CR1-043] which concluded that as the Torksey Ferry Road closure will be temporary (up to a maximum of 4 weeks) with access to PRoW's still being possible via existing PRoW along the River Trent, and therefore this is considered to be a minor adverse impact (not significant). Therefore, there would be limited effect on PRoW that may be used for accessing areas for birdwatching.</p>

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Numerous RR, Ingham PC WR, 7000 Acres WR	Concerns regarding loss of public amenity area used for families, anglers, equestrian pursuits, cyclists and those “wishing to find peace and solitude in a rural fringe setting albeit adjacent to the industrial setting of the former Cottam Power Station”. Concerns regarding loss of amenity and effect on mental health and well-being.	<p>There will be no loss of public amenity area near Cottam Power Station as the only permanent works to the north and south of Torksey Ferry Road comprise an underground cable; and works within a Substation that is not publicly accessible.</p> <p>The temporary impacts on PRoW are explored in responses above.</p>
8. Consultation, Legislation and Policy		
7000 Acres RR	Supporting Environmental Information has not been made public	<p>The Applicant’s Supporting Environmental Information was submitted to PINS on 3 October 2023 and published by PINS on 6 October 2023 together with the other change request documents. Please see document [CR1-043].</p> <p>In addition, the Applicant submitted an updated Archaeological Mitigation Strategy at Deadline 5 (20 November 2023) [REP5-011] which now includes the results of trial trenching within land accepted as part of the change request as well as additional mitigation in the form of a 20m buffer zone to the schedule monument to the south of the extended order limits. This document was submitted to the Examination as soon as practicable following the survey work in October 2023.</p> <p>This documentation is therefore all public.</p>
Roy Clegg WR	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?	Consultation with EDF and Uniper has been ongoing throughout development of the Scheme, as reported for example in the Consultation Report [APP-189] (page 295 and 314).

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		<p>However, discussions with EDF, Uniper and NGET regarding additional land are relatively recent, with an initial meeting on the issue with EDF on 10 August 2023. Subsequent meetings followed in August and September 2023 as the plans for extending the Order Limits solidified and the plans were confirmed in meetings on 25 and 26 September. The Applicant initially notified the ExA of its intention to submit a change request on 20 September and the change request was then submitted on 3 October. Please refer to the Applicant’s Change Request and Consultation Report [CR1-042] for full details of the discussions with EDF.</p>
<p>Roy Clegg WR, 7000 Acres WR, Sturton by Stow PC WR</p>	<p>Regarding consultation process and virtual hearing: “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?”</p> <p>7000 Acres concerned that fair and reasonable participation will not be afforded if hearings held virtually because of the socio-demographics and economics of the area which prejudice and preclude participation by such means. Also, internet connectivity in the area is poor.</p> <p>Sturton by Stow PC note poor internet connectivity.</p>	<p>The format of the hearings and consultation is a decision for the ExA rather than the Applicant. The Applicant has, however, provided comments on the process below in case it is helpful.</p> <p>As set out in PINS Advice Note 8.4 paragraph 1.2 “<i>the Examination is primarily carried out in writing. Parties can also make representations orally at hearings, which are supplemental to written submissions</i>”.</p> <p>Submissions in writing are given equal weight to oral submission and all parties can comment on the change request in writing instead or in addition to attending any hearings if preferred. Poor internet connectivity does not therefore prevent Sturton by Stow from commenting on the change request.</p> <p>The Applicant notes from the ExA’s letter dated 22 November 2022 [PD-015] that the primary purpose of the hearings</p>

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		<p>scheduled for 14 December 2023 (if required) would be to hear those <u>Additional Affected Persons</u> and <u>Additional Affected Parties</u> as defined by the CA Regulations and therefore the number of community members attending the hearings is likely to be significantly smaller than the open floor hearings that took place earlier in the Examination.</p> <p>The ExA’s letter specifically states that the compulsory acquisition hearings and open floor hearing “do not provide existing Interested Parties who registered in the period closing on Wednesday 12 April 2023 with an additional opportunity to be heard and requests to be heard by such persons for these specific hearings will not normally be accepted. If you are an Interested Party who registered at that time, and you wish to be heard in relation to the proposed provisions of Issue Specific Hearing 4, this will be limited to matters related to the proposed provisions of the Change Request and not the wider development as your opportunity to comment on this has been afforded through the Examination to date and the further opportunities to make submissions at upcoming deadlines”.</p> <p>On that basis, the Applicant believes virtual hearings to be a proportionate approach and agrees with the ExA’s decision to hold the hearings virtually.</p>
7000 Acres WR	Materiality of changes: In 5.1 of this report, the Changes 1 & 2 to the Application is discussed and the definition of these changes is stated by the Applicant to be material. However, in their report, Gate Burton Energy Park Change Request and Consultation Report Volume 8, Document: 8.24 at 3.2.2, the Applicant states that ‘the relatively discrete changes being sought,’ are ‘not	The Applicant does not consider the categorisation of changes 1 and 2 as potentially “material” to affect its approach to consultation in advance of submitting the change request.

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	<p>considered proportionate to engage more widely in advance of the Change Request being submitted.’ This statement contradicts the Applicants own findings on materiality. Their own findings and statement suggests the changes are not discrete and as such a wider engagement in advance of the Change Request being submitted needed to be carried out.</p>	<p>As set out in paragraph 2.5.1 of the Applicant’s Change Request and Consultation Report [CR1-042]:</p> <ol style="list-style-type: none"> 1. 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 114-115. To the extent that the ExA considers categorisation appropriate, the Applicant categorised Changes 1 and 2 as potentially “material”, <u>only in that they require additional land</u>; 2. the Applicant’s view is that this categorisation as “material” does not, in any event, influence the proposed approach to considering the Change Request (including consultation) and does not alter the legislative requirements or relevant guidance or advice. The Applicant later confirmed in paragraph 3.2.2 of the same document that due to the discrete nature of the changes, it was not considered appropriate to engage more widely in advance of the Change Request being submitted and that consultation could be comfortably accommodated in the remaining Examination window (in compliance with Examination Guidance para 115); and 3. whilst the changes require the acquisition of additional land, they are otherwise likely non-material because they affect discrete areas, relate to underground cabling and access only, are limited in extent and would have no new or different likely significant environmental effects.

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		<p>The ExA accepted the Change Request on the basis of the above, and will deal with consultation within the remaining Examination period using the timetable set out in the ExA’s letter dated 6 October 2023 [PD-012]. The ExA notes as follows: <i>“The ExA is content that there remains sufficient time within the Examination for the proposed changes to be properly and fairly examined including the opportunity for written submissions and any oral representations to be made at any hearings that are required, along with the procedural requirements of the CA Regs”</i>.</p>
7000 Acres WR	<p>Change was foreseeable – establishing a correct corridor route is fundamental design element and should have been secured and scrutinised in the first place. Equally the Cottam Priority Generation Area and EDF’s redevelopment plans for the site were already known to the Applicant:</p> <p>“In fact the 7000 Acres Group contacted the Mr Powell, Head of Thermal Generation at EDF, August 2022 to establish whether any Company or Solar representatives thereof, had approached EDF to enquire about utilising the brownfield site for their solar proposals, he wrote that; ‘There is still no sale agreed at Cottam and we have had no approach for land by any solar companies.’ (August 2022)</p> <p>This statement suggests that the Applicant has failed in their assertions that they are, ‘committed to fair and meaningful engagement with stakeholders for the Scheme’ (Gate Burton Energy Park Change Request and Consultation Report Volume 8, Document: 8.24, 1.1.4). It is evident that this Change Request to the Application is a symptom of this failure.”</p> <p>Further comment that as the developers have worked together to establish a shared grid connection corridor, this issue should have been picked up.</p>	<p>The Applicant has engaged to seek voluntary agreements with all landowners for the Scheme, as set out in the Schedule of Negotiations and Powers Sought (REP5-021) accompanying the DCO application. As narrated in that report, the Applicant first contacted EDF in January 2022 and there has been sustained engagement since that date. Nevertheless, discussions with EDF, Uniper and NGET <u>regarding additional land</u> are relatively recent, within an initial meeting on the issue with EDF on 10 August 2023. Subsequent meetings followed in August and September 2023 as the plans for extending the Order Limits solidified and the plans were confirmed in meetings on 25 and 26 September. The Applicant initially notified the ExA of its intention to submit a change request on 20 September and the change request was then submitted on 3 October. Please refer to the Applicant’s Change Request and Consultation Report [CR1-042] for full details of the discussions with EDF.</p> <p>The Applicant disagrees that this change was foreseeable. The Cottam Priority Regeneration Area as set out in the Draft</p>

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		<p>Bassetlaw Local Plan was known to the Applicant, but there is no masterplan in the document or any reason to suspect that as a result of the plan EDF would want cables to enter the site from the south rather than the west. EDF’s redevelopment plans are evolving, as are the plans for cable routes for the three solar projects. The parallel evolution of three solar projects and the EDF redevelopment plans have led to the change request, which has been assessed and communicated by the Applicant very swiftly after the issue was highlighted.</p>
7000 Acres WR	<p>In terms of Public Consultation, the Applicant has published two notices in the local press in the latter half of October 2023 only. No consultation events with the local communities have been carried out. This omission in the consultation of residents has meant that locals are not fully aware of the implications of the proposed change to the Application. With the proposed extra land falling outside the existing boundaries of the Order Limits, any representations made at the original consultation events by the Applicant are now not fully detailed. It is only reasonable to expect further adequate public consultation which informs residents of the new impacts along Torksey Ferry Road and the surrounding area.</p>	<p>The procedure for notification and publication of the Change Request is set out in the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. This requires service of consultation letters on those persons/bodies listed in Regulation 7 and publication of newspaper notices in accordance with Regulation 8. The Applicant has complied with these requirements.</p> <p>Further consultation via written representations and hearings (if required) is set out in the table provided in the ExA’s letters dated 6 October 2023 [PD-012] and 23 November 2023 [PD-15].</p>
9. Compulsory Acquisition		
Knightwood Trust Farms Limited	<p>In respect of Compulsory Land Acquisition - Plots -17/19 -Approximately 24845 square metres of agricultural land and hedgerow (south of Torksey Ferry Road) Knightwood Trust Farms (KTF) currently object to the proposed acquisition of their landholding south of Torksey Ferry Road. The land proposed for acquisition is used in part as a willow storage area associated with their operations on the landholding. The willow storage area enables KTF to deposit recently harvested willow onto an area of hardstanding so that if during wet or</p>	<p>The Applicant is currently in negotiations with Knightwood Trust Farms Limited’s representatives regarding voluntary acquisition of rights over their land. Detailed Heads of Terms were issued in October 2023 to which Knightwood Trust Farms Limited’s representatives have recently responded. The Applicant is in the process of drafting a response to seek to</p>

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	<p>busy periods they do not have to cart with tractors and trailers over the public highway. This prevents mud being deposited or the need for us to run a sweeper on the highway. The area of hardstanding is obviously costly to create and the location has been chosen to be the most suitable for delivery and collection of tractors and HGV's. The hardstanding area is also directly accessible to Torksey Ferry Road which provides the best access for HGV's to access the willow storage area. Access for HGV's is restricted through the village of Laneham, and so by accessing to the north, off Torksey Ferry Lane, It means that KTF can avoid the HGV restriction. A separate representation has been lodged in respect of the temporary closure of Torksey Ferry road seeking clarification as to when and for how long the road will be closed to KTF. This land acquisition and associated access road closures will adversely impact upon the KTF willow harvesting enterprise, utilising a key hardstanding storage area and affecting onward HGV transportation of harvested willow. KTF's concerns are further amplified in two respects, firstly in terms of seeking information on the projected timing and length of works affecting their operations, and secondly in respect of finding answers to these questions raised amongst the hundreds of documents on the project website. Advance clarification on these matters could assist a decision on whether my clients need to be in attendance at the relevant examination session.</p>	<p>come to an agreement on the voluntary acquisition of rights over their land.</p> <p>The Applicant is committed to mitigating the impacts of the Scheme for all landowners including (where relevant) to design the construction works so they have reduce impact on existing land use. Any damage, that occurs as a direct result of the Scheme, will be repaired and the land reinstated to its pre-works condition. The Applicant will continue to liaise and engage with Knightwood Trust Farms Limited in order to achieve this.</p> <p>Should there be any losses incurred due to the construction of the Scheme, the Applicant will cover all reasonably incurred losses and follow the "Compensation Code" which allows for disturbance claims to be submitted, allowing for losses that arise directly and as a natural and reasonable consequence of the works. Should the works result in crop loss for example, then reasonable costs could be considered as part of their compensation claim.</p> <p>In respect of Torksey Ferry Road, the Applicant does not intend to limit or restrict access to Knightwood Trust Farms Limited's property. The proposed works are merely to improve the road, which will subsequently benefit all landowners adjacent to Torksey Ferry Road. Again, the Applicant will work alongside Knightwood Trust Farms Limited, as well as the other adjacent landowners, to agree an approach that minimises any negative impacts. As set out in paragraph 2.1.1 of the Applicant's Framework Construction Environmental Management Plan</p>

Rep Ref	Summary	Applicant Response
		<p>[REPS-024], a Community Liaison Group will also be set up and Community Liaison Officer appointed to accommodate this.</p>
7000 Acres WR	<p>The 7000 Acres Group also disputes the Applicants statement in 3.4.6 (Gate Burton Energy Park Change Request and Consultation Report Volume 8, Document: 8.24) as they state that ‘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.’ Our members who have interests in land for the GBS, have repeatedly informed us that the Applicants representatives have to date stated that their land will be compulsorily purchased anyway (when the GBS is approved) and that they are advised to engage a land agent to enable any financial agreement to be forthcoming.</p>	<p>As the Applicant has applied for compulsory acquisition powers within their DCO Application, they and their representatives have a duty to inform landowners of this and explain what that means in terms of the impacts of their land and the processes that are followed.</p> <p>In preparation of this application and throughout the submission and examination process the Applicant has always had in mind the Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land. Especially paragraph 26 <i>“Applicants should consider at what point the land they are seeking to acquire will be needed and, as a contingency measure, should plan for compulsory acquisition at the same time as conducting negotiations. Making clear during pre-application consultation that compulsory acquisition will, if necessary, be sought in an order will help to make the seriousness of the applicant’s intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.”</i></p> <p>The Applicant has also had regard to the Compulsory Purchase Process and the Crichel Down Rules Guidance Note, including paragraph 84 <i>“Acquiring authorities should encourage claimants to seek professional advice in relation to their compensation claim.”</i>. In line with this advice, the Applicant has encouraged landowners to seek professional advice and agreed to pay reasonable professional costs to advise landowners on the DCO process and the technical and commercial</p>

Rep Ref	Summary	Applicant Response
		<p>considerations of any agreements where this advice has been sought.</p> <p>The statement that the Applicant has stated that 'their land will be compulsorily purchased anyway' is not considered an accurate representation of the engagement carried out across the Additional Land or the Scheme as a whole.</p>

