



The Planning Inspectorate

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The Applicant
All Interested Parties

Our Ref: EN010132

Date: 1 February 2024

Dear Sir/Madam

Application by West Burton Solar Project Limited for an Order Granting Development Consent for the West Burton Solar Project

Planning Act 2008 – Section 89

The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 8(3) and 9 (“the Examination Procedure Rules”)

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (“the CA Regulations”) – Regulations 4 to 9

Procedural Decisions relating to the Applicant’s Change Request Application and Amending the Examination Timetable

We are writing to you in response to the Applicant’s change request application dated 19 January 2024. The Change Request application documents can be viewed on the [project webpage](#).

Summary of the Proposed Changes

The Application explains that the Applicant proposes to make the following changes to the application:

Change 1: Access to West Burton 1 from A1500

Change 1 comprises an extension to the Order Limits along the highway from the West Burton 1 Site to the A1500 Tillbridge Lane, to the north of Broxholme in order to facilitate access to the Site during the construction phase. The Applicant explains that this possible requirement has been identified following discussions with the Highway Authority in order to address the restricted visibility along parts of this route. This extension would allow for the creation of temporary passing places within the highway boundaries.

Change 2: Cable Corridor Widening, Stow Park

Change 2 comprises an extension to the Order Limits to the east of the Lincoln-Gainsborough railway line within Stow Park to allow flexibility in relation to the separate proposed solar farm development at Stow Park Farm. The Applicant has referred to this proposed extension to the Order Limits as allowing more flexibility in routing the cable for the Scheme in order to co-exist with the Stow Park Farm solar farm in the event that planning permission is granted for the solar farm.

Change 3: West Burton 3 Railway Crossing

Change 3 comprises an extension to the Order Limits along the Lincoln-Gainsborough railway line within the West Burton 3 Site to allow flexibility in relation to the method of constructing the cable under the railway. Network Rail has been engaged in ongoing discussions with the Applicant. The Applicant states that further site surveys have indicated that other methods of constructing the cable under the railway at other locations may be a preferable design solution and that an extension to the Order Limits could allow these alternative options to be considered at the detailed design stage.

Change 4: Visibility splay at West Burton Cable Route Corridor Access AC110

Change 4 comprises a small extension to the Order Limits along A156 High Street, Marton in proximity to the Cable Route Corridor construction access point reference AC110 for a visibility splay. The Application sets out that this follows a review of the construction access points and coordination with the access points for other projects, which indicated that this access point requires a longer visibility splay to the north.

Change 5: Access to West Burton Power Station from Gainsborough Road

Change 5 comprises an extension to the Order Limits to include the existing main vehicular access road to West Burton Power Station from Gainsborough Road to provide access during the construction and operational phases. The Applicant refers to discussions with EDF which have confirmed that whilst the access further south is still required for installation of the cable route corridor, access to West Burton Power Station to complete the grid connection works at the National Grid substation via the existing main West Burton Power Station access road is preferred.

Full details of the proposed changes can be found in the Applicant's Change Application and accompanying documents which are available on the [project webpage](#) of the National Infrastructure Planning website.

Procedural Decisions

The ExA has assessed the Applicant's request in line with paragraphs 109 to 115 of DCLG Guidance 'Planning Act 2008: examination of applications for development consent' and the Planning Inspectorate's Advice Note 16 and have made the following procedural decisions:

1. Whether to accept the proposed changes

The decision to accept the Applicant's CR application of 19 January 2024 was made at the Open Floor Hearing 2 on Wednesday 24 January 2024 [[EV-034](#)] [[EV-035](#)]. This formal notification outlines our decision.

Whilst the proposed changes are small, their overall effect is to add land to the Order limits and seek powers of CA over land not included in the Order land. Consequently, we have decided that the changes proposed are material.

It is the ExA's view that the changes do not substantially alter the substance of the scheme applied for and that accepting them would not result in a materially different project. We are also satisfied that the request complies with the requirements of Regulation 5 of the CA Regulations and that sufficient time remains in the Examination for the proposed changes to be properly and fairly examined.

Consequently, we have decided to accept the changes in accordance with Regulation 6 of the CA Regulations. This does not imply any acceptance of the planning merits or evidence for these changes, the effects of which will be examined with equal rigour to the proposals contained in the original application.

Consultation

Section 4 of the [Change Application and Consultation Report](#) summarises the pre-application engagement undertaken by the Applicant on the change request and details of the responses received. Because new land is proposed to be subject to powers of compulsory acquisition, and agreement to its inclusion has not been reached with all those affected, the CA Regulations require a period of notice and publicity to provide opportunities for those affected to make representations.

It is the Applicant's responsibility to publicise the proposed provisions in accordance with the requirements. We note the Applicant's previously proposed timetable, and the Applicant will note our previous advice that information should be provided as soon as possible.

The ExA therefore suggests that the notification and publication requirements be carried out between **Thursday 8 February** and **Thursday 15 February 2024**. Providing that this can be achieved, we agree that there should be sufficient time remaining in the examination for the necessary steps to be undertaken and for the proposed changes to be examined. Other deadlines, including submission of certificates of compliance by the Applicant are set out in the revised timetable.

With regard to any notice to be published relating to the proposed changes under the CA Regulations you are advised to contact the Case Team. They will advise on the wording of any such notice to ensure that this identifies the appropriate mechanism for the submission and receipt of any responses. This will ensure they are properly captured as Relevant Representations.

In accordance with Regulation 9 of the Compulsory Acquisition Regulations 2010, the Applicant has ten working days from the close of the Relevant Representation period to provide their Regulation 9 Notice and certificate of compliance to the Planning Inspectorate. We ask that the Applicant provides these as early as possible in order to enable adequate time to notify any additional parties of the examination.

Examination Procedure and Timing

We consider that the revised timetable allows sufficient time remaining for the necessary steps to be undertaken and for the proposed changes to be examined before the close of the Examination. We also emphasise the importance of this being carried out in a timely manner to allow the Examination to be completed within the statutory six-month period.

We have published a revised Examination Timetable (see Annex A) under Regulation 8(3) of the Examination Procedure Rules to make express provision for procedures that are required to examine the proposed changes under the CA Regulations. This includes the submission of Relevant Representations on the proposed changes, submission of Written Representations and time reserved for oral examination at Hearings (if required).

The Relevant Representation period and the Written Representation period for the proposed changes will run concurrently, commencing on **Thursday 8 February 2024** and ending on **Friday 15 March 2024**. If required, any hearings to address matters arising under the CA Regulations will be held on **Monday 22 and Tuesday 23 April 2024**. At present, we anticipate holding these additional hearings as virtual events. We do not consider that a separate preliminary meeting to discuss these timetable changes is necessary, as they are limited in scope and have largely been implemented within the framework provided by the existing Examination process.

We will set out a new Initial Assessment of Principal Issues for the proposed changes pursuant to the CA Regulations as soon as practicable following the receipt of representations.

Next steps

The Applicant should liaise with the Case Team as soon as possible, so that an appropriate form can be made available on the project page of the NI website for representations to be made on the proposed changes only.

A copy of this letter will be published on the [project webpage](#) of the National Infrastructure Planning website.

If you have any questions, please do not hesitate to contact the Case Team on the details above.

Yours sincerely

Andrea Mageean

Lead Member of the Panel of Examining Inspectors

This communication does not constitute legal advice.

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Revised Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the Examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

The interrelationship with the Examination timetables of other projects is addressed in Annex C of the [Rule 6 letter dated 10 August 2023](#)

Item	Matters	Date
1.	<p>Procedural Deadline A</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Written submissions on the Examination Procedure, including the draft Examination Timetable Requests to be heard orally at the Preliminary Meeting Requests to be heard at Open Floor Hearing 1 	Thursday 24 August 2023
2.	Preliminary Meeting - adjourned	Thursday 7 September 2023
3.	<p>Procedural Deadline B</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Written submissions on revised draft Examination Timetable Requests to be heard orally at the Preliminary Meeting Requests to be heard at Open Floor Hearing 1 (<i>Please respond even if you previously requested to be heard at the postponed OFH1</i>) 	Tuesday 31 October 2023
4.	Preliminary Meeting resumes	Wednesday 8 November 2023
5.	Open Floor Hearing 1 (Evening)	Wednesday 8 November 2023
6.	Issue Specific Hearing 1 regarding the Scope of the Proposed Development; Need, Site	Thursday 9 November 2023

	Selection and Alternatives; and Environmental Matters	
7.	Issue by the ExA of Examination Timetable	As soon as practicable after the Preliminary Meeting
8.	<p>Deadline 1</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Statements of Common Ground requested by the ExA • Comments on Relevant Representations (RR) • Summaries of all RR exceeding 1500 words • Written summaries of oral submissions made at Open Floor Hearing 1 held on 8 November 2023 • Notification by Statutory Parties of their wish to be considered as an Interested Party (IP) by the ExA. • Applicant's draft itinerary for a Site Inspection • Requests to be heard by interested parties at a further Open Floor Hearing • Requests by Affected Persons (defined in section 59(4) of the Planning Act 2008) to be heard at a Compulsory Acquisition Hearing • Suggested locations for site inspections (Accompanied or Unaccompanied), including the reason for nomination, issues to be observed and whether the location(s) require access to private land. • Applicant's updated documents – clean and tracked version showing changes since the last submitted versions of: 	Friday 24 November 2023

	<ul style="list-style-type: none"> ○ Draft Development Consent Order ○ Explanatory Memorandum ○ Book of Reference ○ Statement of Reasons ○ Report on the interrelationships with other National Infrastructure Projects ○ Schedule of progress regarding objections and agreements in relation to Compulsory Acquisition, Temporary Possession, other land rights and blight ○ Schedule of progress regarding Protective Provisions and Statutory Undertakers ○ Schedule of the latest versions of the Applicant's submitted documents and documents to be certified ○ Schedule of Progress towards securing other consents <ul style="list-style-type: none"> ● Any further information requested by ExA for this deadline 	
9.	<p>Deadline 1A</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> ● Local Impact Reports from Local Authorities ● Written Representations (WR) ● Summary of all WRs exceeding 1500 words ● Comments on any Additional Submissions made after the close of the Relevant Representation period. 	Thursday 7 December 2023
10.	<p>Publication by the ExA of:</p> <p>First Written Questions (if required)</p>	Friday 15 December 2023
11.	<p>Deadline 2</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> ● Comments on any submissions received by Deadline 1 ● Updated Statements of Common Ground in clear and tracked changes versions 	Wednesday 3 January 2024

	<ul style="list-style-type: none"> • Comments on the Applicant's draft itinerary for the Site Inspection • Applicant's updated documents – clean and tracked version showing changes since the last submitted versions of: <ul style="list-style-type: none"> ○ Draft Development Consent Order ○ Explanatory Memorandum ○ Book of Reference ○ Statement of Reasons ○ Report on the interrelationships with other National Infrastructure Projects ○ Schedule of progress regarding objections and agreements in relation to Compulsory Acquisition, Temporary Possession, other land rights and blight ○ Schedule of progress regarding Protective Provisions and Statutory Undertakers ○ Schedule of the latest versions of the Applicant's submitted documents and documents to be certified ○ Schedule of Progress towards securing other consents • Any further information requested by ExA for this deadline 	
12.	<p>Deadline 3</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to the ExA's First Written Questions 	<p>Tuesday 9 January 2024</p>
13.	<p>Weeks reserved for hearings:</p> <ul style="list-style-type: none"> • Accompanied Site Visit (if required) • Issue Specific Hearing(s) (if required) • Open Floor Hearing(s) (if required) • Compulsory Acquisition Hearing(s) (if required) 	<p>w/c 22 January and w/c 5 February 2024</p>
14.	<p>Opening of Relevant Representations in relation to proposed provisions seeking additional land or rights in relation to Changes (CA Regulations RRs)</p>	<p>Thursday 8 February 2024</p>

15.	<p>Deadline 4</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on any submissions received by Deadlines 2 and 3; • Updated Statements of Common Ground in clean and tracked change versions • Written summaries of oral submissions made at hearings held w/c 22 January and w/c 5 February 2024 (if required) • Updated Applicant’s documents – clean version and version showing tracked changes since the last submitted versions of: <ul style="list-style-type: none"> ○ Draft Development Consent Order ○ Explanatory Memorandum ○ Book of Reference ○ Statement of Reasons ○ Report on the interrelationships with other National Infrastructure Projects ○ Schedule of progress regarding objections and agreements in relation to Compulsory Acquisition, Temporary Possession, other land rights and blight ○ Schedule of progress regarding Protective Provisions and Statutory Undertakers ○ Schedule of the latest versions of the Applicant’s submitted documents and documents to be certified ○ Schedule of Progress towards securing other consents • Any further information requested by ExA for this deadline 	Wednesday 28 February 2024
16.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Second Written Questions (if required) • Report on the Implications for European Sites (if required) 	Wednesday 13 March 2024

17.	<p>Closing date for CA Regulations RRs</p> <p>Deadline 4A</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • CA Regulations Written Representations (CA Regulations WRs) relating to the effect of the change requests. • Summaries of any CA Regulations WRs that exceed 1500 words. • Any further information requested by the ExA under Rule 17 of the EPR. 	Friday 15 March 2024
18.	<p>Deadline 4B</p> <p>For receipt by the Examining Authority of</p> <ul style="list-style-type: none"> • Requests from any additional Interested Parties and any additional Affected Persons to speak at a further Open Floor Hearing • Requests from any additional Interested Parties and any additional Affected Persons to speak at a further Issue Specific Hearing • Requests from any additional Interested Parties and any additional Affected Persons to speak at a Compulsory Acquisition Hearing 	Monday 18 March 2024
19.	<p>Submission by the Applicant of Certificates of Compliance under Regulation 9 of the CA Regulations.</p> <p>Issue by the ExA of notices of Hearings (if required) and Initial Assessment of Principle Issues (IAPI)</p>	Monday 25 March 2024
20.	<p>Deadline 5</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on any submissions received by Deadline 4 	Friday 5 April 2024

	<ul style="list-style-type: none"> • Any further information requested by ExA • Responses to the ExAs Second Written Questions (if required) • Comments on the Report on Implications for European Sites (if required) • Comments on submissions for Deadline 4A 	
21.	Publication of the ExA's commentary on, or schedule of changes to, the draft Development Consent Order (if required)	Tuesday 16 April 2024
22.	Additional hearings (Open Floor Hearing, Issue Specific Hearing and Compulsory Acquisition Hearing) (if required)	Monday 22 and Tuesday 23 April 2024
23.	<p>Deadline 6</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on any submissions received by Deadline 5 • Comments on ExA's commentary on, or schedule of changes to, the dDCO (if required) • Final Statements of Common Ground in clear and tracked changes versions • Updated Applicant's final documents – clean version and version showing tracked changes since the last submitted versions of: <ul style="list-style-type: none"> ○ Report on the interrelationships with other National Infrastructure Projects ○ Schedule of progress regarding objections and agreements in relation to Compulsory Acquisition, Temporary Possession, other land rights and blight 	Tuesday 30 April 2024

	<ul style="list-style-type: none"> ○ Schedule of progress regarding Protective Provisions and Statutory Undertakers ○ Schedule of the latest versions of the Applicant's submitted documents and documents to be certified ○ Schedule of Progress towards securing other consents ○ Draft Development Consent Order ○ Explanatory Memorandum ○ Book of Reference ○ Statement of Reasons ● Written summary of oral submissions at hearings held on 22 and 23 April 2024 (if required) ● Any further information requested by ExA 	
24.	<p>Deadline 7</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none"> ● Summary statements from parties regarding matters that they have previously raised during the Examination that have not been resolved to their satisfaction. ● Comments on any submissions received by Deadline 6 ● Any other information requested by the ExA for this deadline 	Wednesday 8 May 2024
25.	The ExA is under a duty to complete the Examination of the application by the end of the period of six months	Wednesday 8 May 2024

Submission times for Deadlines

The time for submission of documents at any Deadline in the timetable is 23:59 on the relevant Deadline date, unless instructed otherwise by the ExA.

Publication dates

All information received will be published on the [project webpage](#) as soon as practicable after the Deadlines for submissions.

Report on the Implications for European Sites (RIES)

Where an applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the Secretary of State. The ExA may also raise questions in the RIES to confirm or clarify matters that remain outstanding.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017 and/or Regulation 28 of The Offshore Marine Regulations.