



National Infrastructure Planning
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The Applicant
All Interested Parties

Your Ref:

Our Ref: EN010133

By email

Date: 18 December 2023

Dear Sir/Madam,

Application by Cottam Solar Project Limited for an Order Granting Development Consent for the Cottam 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 8 December 2023.

Summary of Proposed Changes

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

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. The Applicant explains that this proposed change has arisen as a result of discussions with the landowners who have sought coordination of the Cable Route Corridor (Work No. 6) in this location with the Gate Burton Energy Park and Tillbridge Solar park NSIP applications.
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. The Applicant explains that this also includes land to the north of Torksey



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Ferry Road to accommodate access during construction. This proposed change has arisen out of discussions with the landowner and mirrors a recent change request accepted for the Gate Burton Energy Park NSIP application.

3. An extension to the Order Limits along A156 High Street, Marton in proximity to the north of the Cable Route Corridor (Work No. 6) to increase the size of the visibility splay for access AC108. A review of the construction access points to ensure coordination with the access points for the Gate Burton Energy Park application has indicated that this construction access requires a longer visibility splay to the north during construction. This change will enable further alignment of the Order limits with those of the Gate Burton Energy Park application.
4. A change to Order limits to enable the route of the Cable Route Corridor (Work No. 6) to run to the south of West Farm, Normanby by Stow. This change is in response to representations made during the Examination in relation to the proximity of the cable route to residential dwellings at West Farm and West Farm Cottages. The Applicant has reached agreement with the landowners to the east and west of Normanby Road for the Cable Route Corridor (Work No. 6) to be relocated to the south of West Farm. The proposed new route will run from the crossing of the River Till in a south westerly direction before crossing Normanby Road approximately 100m to the north of the junction with Coates Lane and re-join the existing proposed Cable route approximately 500m to the west of Normanby Road. The Length of the relocated Cable Route Corridor is approximately 950m.

The land to the west of Normanby Road in proximity to West Farm that is no longer required for the Cable Route Corridor will be removed from the Order limits.

5. An extension to the Order Limits to the east of Stone Pit Lane to allow for flexibility in the location of the construction access for the transportation of abnormal loads relating to the Cottam 1 substation. Agreement has been reached with the landowner for the relocation of the proposed access route in order to ensure that underground storage tanks and other underground apparatus is not damaged.

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

We have 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

Although individually 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.



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However, we agree with the Applicant that they 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 Request Application summarises the pre-application engagement undertaken by the Applicant on the change request and details of the responses received. However, as 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 now the Applicant's responsibility to publicise the proposed provisions in accordance with the requirements. The Applicant has suggested that the notification and publication requirements be carried out between **Thursday 21 December 2023 and Sunday 28 January 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.

The Applicant will note our previous advice on an additional notice being published in early January 2024. We also note the Applicant's proposed timetable indicates that the certificates of compliance will be submitted on **Monday 29 January 2024**.

In addition, the Applicant has submitted a Supplementary Environmental Information Report (SEIR) in support of the change request which indicates additional likely significant landscape and visual effects on transport receptors T083 (Cot Garth Lane) and T085 (Stone Pit Lane). While we note there is no statutory requirement to consult on or publicise this under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, we consider such consultation is desirable in order to ensure that those who may wish to comment on it have an opportunity to do so. With this in mind, we note the Applicant's suggestion that consultation on the SEIR can be carried out alongside the notification/publicity requirements under the CA Regulations. We agree with that approach and look forward to receiving copies of any consultation responses on the SEIR (as well as a final version) at the same time as the Certificates of Compliance.

Examination Procedure and Timing

While we consider that the proposed timetable indicates that there should be 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 would emphasise the importance of this being carried out in a timely manner to allow the Examination to be completed within the statutory six-month time frame.



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With that in mind, 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 21 December 2023 and ending on Sunday 28 January 2024**. If required, any hearings to address matters arising under the CA Regulations will be held on **Wednesday 28 February and Thursday 29 February 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 queries about the contents of this letter please contact the case team using the contact details above.

Yours faithfully

Rory Cridland

Lead Member of the Examining Authority

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](#).

Item	Event(s)	Date(s)
1.	Procedural Deadline A Deadline for receipt by the ExA of: <ul style="list-style-type: none">written submissions about how the application should be examined, including the draft Examination Timetablerequests to register for the Preliminary Meetingrequests to register for Open Floor Hearing 1requests to register for Issue Specific Hearing 1 regarding the draft Development Consent Ordersuggested locations for site inspections, including the reason for nomination, issues to be observed there and whether the location(s) require access to private land	Tuesday 22 August 2023
2.	Issue by the ExA of: <ul style="list-style-type: none">updated agendas for the Preliminary Meeting, Open Floor Hearing 1, and Issue Specific Hearing 1 regarding the draft Development Consent Order (if required)	Tuesday 29 August 2023
3.	Preliminary Meeting	Tuesday 5 September 2023
4.	Open Floor Hearing 1	Tuesday 5 September 2023
5.	Issue Specific Hearing 1 regarding the draft Development Consent Order	Wednesday 6 September 2023
6.	Issue by the ExA of: <ul style="list-style-type: none">the Examination Timetable	As soon as practicable after the Preliminary Meeting



Item	Event(s)	Date(s)
7.	<p>Deadline 1</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none">• comments on Relevant Representations• Statements of Common Ground requested by the ExA – see Annex H of the Rule 6 letter• Local Impact Reports from local authorities• Written summaries of oral submissions made at Hearings held during the w/c 4 September 2023• Written Representations and summaries for any that exceed 1500 words• Requests from Interested Parties to be heard 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• the Applicant’s proposed itinerary for an Accompanied Site Inspection (if required)• the Applicant’s updated documents - clean version and version showing tracked changes since the last submitted version:<ul style="list-style-type: none">○ draft Development Consent Order○ Explanatory Memorandum○ Book of Reference○ Statement of Reasons• the Applicant’s reports on progress – see Annex G of the Rule 6 letter:<ul style="list-style-type: none">○ Report on the interrelationship 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 submission documents and documents to be certified○ Schedule of progress in securing other consents• any other information requested by the ExA for this deadline	Tuesday 17 October 2023
8.	<p>Publication of:</p> <ul style="list-style-type: none">• the ExA’s First Written Questions	Tuesday 31 October 2023



Item	Event(s)	Date(s)
9.	<p>Deadline 2</p> <p>For receipt by the ExA of:</p> <ul style="list-style-type: none">• comments on submissions for Deadline 1• responses to the ExA's First Written Questions• updated Statements of Common Ground in clean and tracked changes versions• the Applicant's updated documents – clean version and version showing tracked changes since the last submitted version:<ul style="list-style-type: none">○ Report on the interrelationship with other National Infrastructure projects○ draft Development Consent Order○ Explanatory Memorandum○ Book of Reference○ Statement of Reasons○ 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 submission documents and documents to be certified○ Schedule of progress in securing other consents• Any other information requested by the ExA for this deadline	Tuesday 21 November 2023
10.	<p>Time reserved for hearings and an Accompanied Site Inspection (if required):</p> <ul style="list-style-type: none">• Issue Specific Hearings• Compulsory Acquisition Hearing• Open Floor Hearing• Accompanied Site Inspection	Week commencing 4 December 2023



Item	Event(s)	Date(s)
11.	Deadline 3 For receipt by the ExA of: <ul style="list-style-type: none">• comments on submissions for Deadline 2• updated Statements of Common Ground in clean and tracked changes versions• written summaries of oral submissions made at Hearings held during the w/c 4 December 2023• the Applicant's updated documents – clean version and version showing tracked changes since the last submitted version:<ul style="list-style-type: none">○ Report on the interrelationship with other National Infrastructure projects○ draft Development Consent Order○ Explanatory Memorandum○ Book of Reference○ Statement of Reasons○ 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 submission documents and documents to be certified○ Summary of progress in securing other consents• any other information requested by the ExA for this deadline	Tuesday 19 December 2023
12.	Opening of Relevant Representations in relation to proposed provisions seeking additional land or rights in relation to Changes (CA Regulations RRs)	Thursday 21 December 2023
13.	Publication of: <ul style="list-style-type: none">• the ExA's Second Written Questions• the Report on Implications for European Sites (if required)	Tuesday 16 January 2024



Item	Event(s)	Date(s)
14.	Deadline 3A Closing date for CA Regulations RRs Deadline for receipt by the ExA of: <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.	Sunday 28 January 2024
15.	Submission by the Applicant of Certificates of Compliance under Regulation 9 of the CA Regulations	Monday 29 January 2024



Item	Event(s)	Date(s)
16.	<p data-bbox="245 280 395 309">Deadline 4</p> <p data-bbox="245 331 579 360">For receipt by the ExA of:</p> <ul data-bbox="293 387 1117 1921" style="list-style-type: none"><li data-bbox="293 387 994 416">• responses to the ExA's Second Written Questions<li data-bbox="293 439 879 468">• comments on submissions for Deadline 3<li data-bbox="293 490 1038 555">• updated Statements of Common Ground in clean and tracked changes versions<li data-bbox="293 577 1117 674">• the Applicant's final documents – clean version and version showing tracked changes since the version submitted with the application:<ul data-bbox="389 685 1086 824" style="list-style-type: none"><li data-bbox="389 685 1086 781">○ draft Development Consent Order in the Statutory Instrument template with the Statutory Instrument template validation report<li data-bbox="389 792 783 822">○ Explanatory Memorandum<li data-bbox="293 846 1094 943">• the Applicant's updated documents – clean version and version showing tracked changes since the last submitted version:<ul data-bbox="389 954 1114 1435" style="list-style-type: none"><li data-bbox="389 954 1086 1019">○ Report on the interrelationship with other National Infrastructure projects<li data-bbox="389 1030 683 1059">○ Book of Reference<li data-bbox="389 1070 730 1099">○ Statement of Reasons<li data-bbox="389 1111 1114 1209">○ Schedule of progress regarding objections and agreements in relation to Compulsory Acquisition, Temporary Possession, other land rights, and blight<li data-bbox="389 1220 991 1285">○ Schedule of progress regarding Protective Provisions and Statutory Undertakers<li data-bbox="389 1296 1074 1395">○ Schedule of the latest versions of the Applicant's submission documents and documents to be certified<li data-bbox="389 1406 1070 1435">○ Schedule of progress in securing other consents<li data-bbox="293 1458 1007 1523">• any other information requested by the ExA for this deadline<li data-bbox="293 1534 1062 1599">• Requests from a CA Regulations Interested Party to be heard at:<ul data-bbox="389 1621 1094 1921" style="list-style-type: none"><li data-bbox="389 1621 1094 1686">○ An Open Floor Hearing held under Regulation 16 of the CA Regs (OFH/CA Regs)<li data-bbox="389 1742 1086 1807">○ An Issue Specific Hearing held under Regulation 14 of the CA Regs (ISH/CA Regs)<li data-bbox="389 1852 1062 1917">○ A Compulsory Acquisition Hearing held under Regulation 15 of the CA Regs (CAH/CA Regs)	Tuesday 30 January 2024



Item	Event(s)	Date(s)
17.	Publication by the ExA of: <ul style="list-style-type: none">the ExA's schedule of changes to the draft Development Consent Order	Tuesday 13 February 2024
18.	Deadline 5 For receipt by the ExA of: <ul style="list-style-type: none">comments on submissions for Deadline 3Acomments on submissions for Deadline 4comments on the ExA's schedule of changes to the draft Development Consent Ordercomments on the Report on Implications for European Sites (if required)final Statements of Common Ground in clean and tracked changes versionsthe Applicant's final documents – clean version and version showing tracked changes since the last submitted version:<ul style="list-style-type: none">Report on the interrelationship with other National Infrastructure projectsBook of ReferenceStatement of ReasonsSchedule of progress regarding Compulsory Schedule of progress regarding objections and agreements in relation to Compulsory Acquisition, Temporary Possession, other land rights, and blightSchedule of progress regarding Protective Provisions and Statutory UndertakersSchedule of the latest versions of the Applicant's submission documents and documents to be certifiedSchedule of progress in securing other consentsany other information requested by the ExA for this deadline	Tuesday 27 February 2024
19.	Additional hearings (Open Floor Hearing, Issue Specific Hearing and Compulsory Acquisition Hearing) (if required)	Wednesday 28 and Thursday 29 February 2024



Item	Event(s)	Date(s)
20.	Deadline 6 For receipt by the ExA of: <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 submissions for Deadline 5• Written summary of oral submissions at hearings held on Wednesday 28 and Thursday 29 February 2024 (if required)• any other information requested by the ExA for this deadline	Tuesday 5 March 2023
21.	The 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.	Tuesday 5 March 2024

Submission times for Deadlines

The time for submission of documents at any Deadline in the timetable is 11:59pm 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.