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18 July 2024

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Sent by email to:

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Planning Inspectorate reference: EN010142

## **APPLICATION BY TILLBRIDGE SOLAR LIMITED FOR A DEVELOPMENT CONSENT ORDER FOR THE TILLBRIDGE SOLAR PROJECT**

### **NOTIFICATION OF INTENTION TO SUBMIT A REQUEST TO CHANGE THE APPLICATION**

On behalf of Tillbridge Solar Limited (the Applicant), the purpose of this letter is to notify the Examining Authority (ExA) that the Applicant will be making a request to change the above application (the Change Application). In summary, these changes are:

1. Reduction of Order limits to the east of B1241 Normanby Road and immediately south of East Farm.
2. Reduction of Order limits to the east of B1241 Normanby Road located to the north of Normanby by Stow.
3. Removal of triangular area of land from the Order limits to the north of Willingham Road.
4. Reduction of the Order limits to remove part of Torksey Ferry Road.
5. Refinement of Scheme layout and design to create two additional accesses off School Lane (one temporary and one permanent). No change to the Order limits arising.
6. Removal of highway extents along Northlands Road and Kexby Road.
7. Removal of highway extents along the A631 Harpswell Lane.

8. Removal of highway extents along B1398 Middle Street.
9. Reduction to the Order limits on land to the north of Common Lane.
10. Removal of private driveway located to the south of School Lane from the Order limits.
11. Removal of land from the Order limits to the west of the B1398 Middle Street.
12. Removal of land from the Order limits to the south of Common Lane.
13. Removal of track located south of Common Lane from the Order limits.
14. Removal of land from the Order limits to the south-west of Marton adjoining the River Trent.
15. The diversion of construction traffic from an existing access serving the Pickering & Son Farm located to the south off the A631 (Harpswell Lane) to an existing access track serving Harpswell Low Farm, located to the west of the Pickering & Son Farm, south off the A631 (Harpswell Lane).

These changes are explained in more detail below.

## Introduction

The Applicant submitted its application for a Development Consent Order (DCO) for the Tillbridge Solar Project (the Scheme) on 10 April 2024 (the DCO Application). The Application was accepted for examination by the Planning Inspectorate on 8 May 2024.

Following the submission and acceptance of the Application, the Applicant has continued to engage with affected landowners (hereafter referred to as 'Affected Parties') to acquire the relevant freehold interests, new rights, and temporary use of land needed for the construction, operation (including maintenance) and decommissioning of the Scheme by agreement, to ensure fulfilment of the Scheme. The changes proposed through the Change Application are predominantly as a result of proactive engagement by the Applicant with Affected Parties in seeking to reach voluntary agreement on freehold land interests, which could not have been foreseen at the time of submission and acceptance of the Application.

Alongside consideration of potential changes to the Order limits required as a result of negotiations with Affected Parties, the Applicant has also used this as an opportunity to further refine some minor extents of land falling within the Order limits that, upon further design refinement in relation to the proposed layout of the Scheme, are no longer considered necessary. These refinements will also be included as part of the Change Application.

In considering the scale and nature of the Change Application, the Applicant has had regard to *Advice Note Sixteen: requests to change applications after they have been accepted for examination* (March 2023) (version 3), published by the Planning Inspectorate. The Applicant informally notified the Planning Inspectorate via email on 5 July 2024 that a change application was to be made. This letter formally notifies the ExA that the Applicant is preparing a Change Application and provides an outline

of the scope and nature of the proposed changes to inform the ExA's decision on procedural implications of the Change Application and the need, scale and nature of any consultation to be carried out in respect of the proposed changes.

A description of the proposed changes is set out below with reference to plot numbers as referred to in the submitted **Book of Reference [APP-019]** and work numbers from the **Work Plans [APP-007]** if relevant. For clarity and to support the ExA, a figure is also enclosed, **Figure 1**, which shows the location of the proposed changes within the Order limits.

## **Description of proposed changes**

### ***Change 1: Reduction of the Order limits at east of B1241 Normanby Road and immediately south of East Farm***

The change is sought to refine the Order limits to this part of the Scheme so that it only includes public highway extents and does not involve third party land interests.

This change will result in a reduction to the Order limits but will not impact on the nature or extent of the works proposed to be carried out at this location. No new land interests will be engaged through this change, as no additional land outside the current Order limits is required. Given the minor nature of the proposed modification to the Order limits, it is considered that this change will not result in any new or different likely significant environmental effects.

### ***Change 2: Reduction of the Order limits at Plot 16-01a to the east of B1241 Normanby Road associated with Work No. 7***

Through further refinement of the Scheme layout and design, the Applicant has determined that a reduced area of land is required for the siting of a construction compound to the east of the B1241 Normanby Road. Land Plot 16-01a would be reduced and modified as part of the change.

This change will result in alterations to the Order limits and a reduction in the area of land included within the Order limits. The change will not result in any new land interests, as no new land is sought to be brought into the Order limits, and no likely new or different significant environmental effects are anticipated as a result of this change.

### ***Change 3: Removal of triangular area of land from the Order limits to the north of Willingham Road associated with Work No.7***

Through further refinement of the Scheme layout and design, the Applicant has determined that a triangular area of land previously thought required for the siting of a construction compound to the north of Willingham Road is no longer needed, with sufficient space for a compound being available on adjacent land to the west. As

such, there is no longer a need for this land to be part of the Scheme. The following land plots would be removed as part of the change: 12-04a, 13-03a.

This change will result in alterations to the Order limits and a reduction in the area of land included within the Order limits. The change will not result in any new land interests, as no new land is sought to be brought into the Order limits, and no likely new or different significant environmental effects are anticipated as a result of this change.

#### ***Change 4: Reduction of the Order limits at Torksey Ferry Road***

It is proposed that the Order limits are reduced along Torksey Ferry Road to remove land that, upon further refinement of Scheme layout and design, is no longer required in relation to the alteration of the layout of streets. This land is no longer necessary to facilitate access from Torksey Ferry Road into the National Grid Cottam Substation.

Land from Plot 24-02 would be reduced and modified as a result of the change. Given the minor nature of the proposed modification to the Order limits, it is considered that there are no likely new or different significant environmental effects as a result of the change.

#### ***Change 5: Refinement of the Scheme layout and design to create two additional accesses off School Lane (one temporary and one permanent) in relation to Work No.10A off School Lane***

An additional temporary access will be provided off School Lane to the north of the proposed Access 1/14 for Substation B, shown on Sheet 01 of 24 of the **Streets, Rights of Way and Access Plans [APP-008]**, to facilitate access to a temporary construction compound. A second permanent access will also be located north of Access 1/14, to provide a second access to the proposed sub-station.

The refined layout will mean that the sub-station is served by a one-way access system ensuring that construction and operational vehicles can enter and exit the sub-station safely, in a forward gear from and onto School Lane. This change will not amend the Order limits and has arisen through further technical considerations and the need to segregate the movement of vehicles associated with the construction of the Cable Route Corridor and the construction of Substation B.

This change will not alter the distribution of trips to and from the Order limits, retaining the use of Principal Site Access 1 from Harpswell Lane. Limited additional hedgerow removal will be required as a result of this change. However, given the minor extent of the additional clearance required, it is not considered to result in any likely new or different significant environmental effects.

***Change 6: Removal of Highway Extents from Order limits along Northlands Road and Kexby Road.***

This change will result in the removal of highway extents along Northlands Road and Kexby Road as shown on Sheet 10 and 7 of the **Work Plans [APP-007]**, which the Applicant has determined are no longer required for access. The area of land included within the Order limits at this location would reduce as a result of the change.

This change will not result in a change to the layout of the Scheme or engage any new land interests. Given the minor nature of the proposed modification to the Order limits, it is considered that there are no likely new or different significant environmental effects that would arise as a result of the change.

***Change 7: Removal of Highway Extents from Order limits along with Harpswell Lane (A631)***

This change will result in the removal of highway extents along the A631 Harpswell Lane to the east of Principal Site Access 3 (the access leading to Pickering & Sons Farm). Upon further review, this land is not required to facilitate alterations to the layout of existing streets or to allow traffic management measures.

This change will not result in a change to the Scheme layout or engage any new land interests given that it is a reduction in Order limits. Due to the minor nature of the proposed modification to the Order limits, it is considered that there are no likely new or different significant environmental effects that would arise as a result of the change.

***Change 8: Removal of Highway Extents from Order limits along B1398 Middle Street***

This change will result in the removal of highway extents along B1398 Middle Street, where no works are proposed. Upon further review, this land is not required to facilitate alterations to the layout of existing streets or to allow traffic management measures.

This change would not result in a change to the Scheme layout. Given the minor nature of the proposed modification to the Order limits, it is considered that there are no likely new or different significant environmental effects that would arise as a result of the change.

***Change 9: Reduction of the Order limits on land to the north of Common Lane at Work No. 1, 2, 6 and 9)***

This change proposes a reduction to the Order limits at Work No. 1, 2, 6 and 9 as shown on Sheet 5 of the **Works Plans [APP-007]** following ongoing discussions and

engagement with Affected Parties. Land from Plot 5-07 would be reduced and modified as a result of the change.

This change will not result in a change to the Scheme layout and no new land interests would be engaged through this change. No additional land outside the current Order limits is required. Given the minor nature of the proposed modification to the Order limits, it is considered that there are no new or different likely significant environmental effects that would arise as a result of this change.

***Change 10: Removal of private driveway located to the South of School Lane from the Order limits***

Following ongoing discussions and engagement with Affected Parties, it is proposed that the Order limits are reduced to exclude land that relates to a private driveway serving a dwelling. The private driveway is not required for access to construct the Scheme. As a result, land from Plot 1-10 would be reduced and modified to remove the private driveway from the Scheme.

This change will not result in a change to the Scheme layout. No new land interests would be engaged through this change. No additional land outside the current Order limits is required. Given the minor nature of the proposed modification to the Order limits, it is considered that there are no new or different likely significant environmental effects that would arise a result of this change.

***Change 11: Removal of land from the Order limits on land to the west of the B1398 Middle Street at Work No.11 on Sheet 04 of 24 of the Work Plans [APP-007]***

This change proposes a reduction to the Order limits following ongoing discussions and engagement with Affected Parties. The change involves the removal of land from the Order limits that the Affected Party would like to retain for their own use. Land from Plots 4-07 and 4-08 would be reduced and modified as a result of the proposed change.

The change would remove an area of land from the Sensitive Archaeological Site (SAS) 23 and SAS 24 and the indicative landscaping proposals would be revised. However, no other changes to the Scheme layout would be required. The removal of the SAS areas does not mean archaeology will be any less protected or that there will be any worse effects as a result of the Scheme, as the relevant areas will be excluded from the Order limits, with no effect on these areas.

No new land interests would be engaged through this change. No additional land outside the current Order limits is required. Given the minor nature of the proposed modification to the Order limits and changes to the Scheme layout, it is considered that there are no new or different likely significant environmental effects that would arise as a result of this change.

***Change 12: Removal of land from the Order limits to the south of Common Lane at Work No.6 and 9 on Sheet 05 of 24 of the Works Plans [APP-007]***

This change proposes a reduction to the Order limits at the above Work No's following ongoing discussions and engagement with Affected Parties. The change involves the removal of an area of private garden from the Order limits that the relevant Affected Party would like to retain in its existing use. Land associated with Plot 5-18 would be modified and reduced in size as a result of this change.

No new land interests would be engaged through this change. No additional land outside the current Order limits is required. Given the minor nature of the proposed modification to the Order limits and changes to the Scheme layout, it is considered that there are no new or different likely significant environmental effects that would arise as a result of this change.

***Change 13: Removal of track located south of Common Lane from the Order limits associated with Work No. 9 on Sheets 03 and 07 of 24 of the Works Plans [APP-007]***

It is proposed that a track adjoining the eastern boundary of the Principal Site is removed from the Order limits following ongoing engagement and discussions with Affected Parties. Land from Plots 3-22 and 7-07 will be removed as a result of the change.

This change will not result in a change to the layout of the Scheme. No new land interests would be engaged through this change. No additional land outside the current Order limits is required. Given the minor nature of the proposed modification to the Order limits, it is considered that there are no new or different likely significant environmental effects that would arise as a result of this change.

***Change 14: Removal of land from the Order limits on land to the south-west of Marton - Work No. 4D on Sheet 20 of 24 of the Works Plans [APP-007]***

This change relates to a reduction in Order limits following ongoing engagement and discussions with the Canal and River Trust who have requested that Plots 20-07 and 20-12 are removed from the Scheme as this relates to their operational land, which they require to retain in existing use.

This change will not result in a change to the layout of the Scheme. No new land interests would be engaged through this change. No additional land outside the current Order limits is required. Given the minor nature of the proposed modification to the Order limits, it is considered that there are no new or different likely significant environmental effects that would arise as a result of this change.

***Change 15: The diversion of construction traffic from Principal Site Access 3 (an existing access serving the Pickering & Son Farm) located to the south off the A631 (Harpswell Lane) to Principal Site Access 2 (an existing access track serving Harpswell Low Farm) located south off the A631 (Harpswell Lane)***

This change does not relate to a change in the Order limits but a revision to the access strategy associated with the construction of the Scheme following discussions with Affected Parties. The proposed change will mean that the construction access south of the A631 (Harpswell Lane) via the Pickering & Son Farm will no longer be used during construction (to be used only during the operational phase and for emergencies). Construction vehicles will instead use Principal Site Access 2, which is an existing access track serving Harpswell Low Farm also located south off the A631 (Harpswell Lane). Principal Site Access 2 is already proposed as a construction access for the Scheme.

This change will not result in a change to the layout of the Scheme. No new land interests would be engaged through this change. No additional land outside the current Order limits is required. Whilst the change will result in an increase in trips associated with the use of Principal Site Access 2, it is considered that there will not be any new or different likely significant environmental effects that would arise as a result of this change to the access strategy. The Change Application will consider the potential effects of this change in full and provide evidence to support the Applicant's view that no new or different likely significant effects will arise.

### **Scope and extent of proposed changes**

Due to the non-material and unsubstantial nature of the proposed changes, there is no material change to the substance of the Scheme compared to that which was submitted with the DCO Application.

The combined effect of the changes, due to them being reductions in the extent of the Order limits and/or involving no changes to the Order limits, will not result in materially new or different effects to those assessed in the **Environmental Statement [APP-031 to APP-207]** submitted with the DCO Application.

Since the proposed changes have been identified during the pre-examination phase of the Scheme and prior to the close of the relevant representation period (1 August 2024), there will be no prejudice to prospective Interested Parties or to the prospective Examination Timetable.

The changes involve a reduction in the Order limits and would not impact on additional land interests not previously identified. The Change Application will not involve any material increase or extension of the Order limits and does not require additional Compulsory Acquisition relating to new plots of land and/or interests.



## Amended and Updated Documents

As a result of Changes 1 to 15 referred to above, the following documents will be updated with the Change Application, with both track changed and clean versions submitted, to enable the ExA and Affected Parties to identify the amendments that have been made from the previous iteration of the documents submitted:

Volume	Document Name	Document Reference
1	Guide to the Application	APP-002
2	Location Plan	APP-005
	Works Plan	APP-007
	Land and Crown Land Plan	APP-006
	Streets, Rights of Way and Access Plan	APP-008
	Traffic Regulation Measures Plan	APP-009
	Hedgerow Removal Plan	APP-013
3	draft DCO	APP-014
4	Statement of Reasons	APP-017
	Schedule of Negotiations and Powers Sought	APP-020
	Book of Reference	APP-019
6	Environmental Statement Addendum	New document
	Chapter 3 Scheme Description of the ES	APP-034
	Figure 3-1 Indicative Principal Site Layout Plan	APP-128
7	Framework CTMP	APP-222
	Biodiversity Net Gain Report	APP-226
	Indicative Landscape Masterplan	New document
	Outline Design Principles Statement	APP-213
	Change Request Report	New document

## Consultation

In determining how to consult on the Change Application, the Applicant has had regard to *'Planning Inspectorate Advice Note Sixteen: requests to change applications after they have been accepted for examination'* (Advice Note 16).

The Planning Inspectorate encourages applicants to provide Affected Parties with the opportunity to engage in the change process prior to the Change Application being made to the ExA. Advice Note 16 states that it will usually be necessary for applicants to consult on a proposed change, with the ExA advising on the need, scale and nature of consultation that may be required, having regard to the scope of the changes proposed.

In this case, all of the changes comprise reductions to the Order limits or minor refinements to the proposed layout of the Scheme. Change 5 introduces new accesses off School Lane and Change 15 redirects construction traffic from Principal Site Access 3 to Principal Site Access 2 but involve no changes to the Order limits. The rationale for these changes is set out below:

- Changes 9 to 15 have arisen from on-going discussions with Affected Parties and are the outcome of negotiations seeking to secure land through voluntary agreement rather than compulsory acquisition.
- Changes 1 to 8 are the results of an exercise undertaken by the Applicant to refine the Order limits, in particular reconsidering the extent of highway land required for the Scheme having regard to the extent of proposed works shown in the **Streets, Access and Right of Way Plans [APP-008]** and the **Traffic Regulation Measures Plans [APP-009]** to ensure that only highway land that is necessary to deliver the Scheme is included in the Order limits.

In terms of the scope and extent of the changes proposed through the Change Application, the Applicant considers that the effect of the proposed changes would not be so substantial as to constitute a materially different project (per paragraph 2.2 of Advice Note 16). The proposed changes will not result in a Scheme that is substantial or different in character to the one submitted and accepted for examination.

Given the specific circumstances of this proposed change, the Applicant considers it would not be proportionate to consult all prescribed consultees set out under section 42(1)(a) to (d) of the Planning Act 2008 (PA 2008) that were previously consulted through the non-statutory, statutory and targeted consultations carried out in respect of the Scheme. Advice Note 16 expressly allows for a targeted approach to the identification of those affected by a change application, provided the Applicant can offer justification as to why it is deemed unnecessary to consult all prescribed persons.

On this basis, the Applicant proposes to carry out targeted consultation to reflect the nature of the changes sought through the Change Application. The Applicant intends to consult with only those parties who are directly affected by the proposed changes, including:

- Land interests specifically affected by and interested in the proposed changes; and
- Statutory undertakers whose utilities/infrastructure may be located in the vicinity of the proposed changes.

Since the proposed changes are either reductions to the Order limits or minor refinements of the Scheme layout, thereby not impacting on the extent of the Order

limits, there is no new Category 3 land as defined by section 57 of the PA 2008. Given this, there are no new claimants as a result of the Change Application and no new or different significant effects arising from the proposed changes to enable a relevant claim to be made.

Having reviewed and carefully considered all prescribed consultees and key stakeholders from the previous non-statutory, statutory and targeted consultations for the Scheme (carried out during the pre-application stage), the Applicant has determined that the majority of previous consultees will not be materially impacted by the proposed changes, beyond the impacts already assessed and consulted on as part of the DCO Application. This includes host local planning authorities and parish councils located in the vicinity of the Scheme, given that the proposed changes are not materially changing the potential impacts of the Scheme, in respect of which the host authorities and parish councils have already been consulted.

However, in the interest of fairness and transparency, prior to carrying out the consultation, the Applicant will notify the relevant planning leads at each authority of its intention to submit the Change Application. In addition, the Applicant will discuss the proposed reductions in Order limits with each relevant planning authority prior to the submission of the Change Application to ensure that the relevant authority understands the context in which the changes are proposed and any potential concerns or queries can be discussed and resolved. The Applicant will also provide the opportunity to discuss any ongoing issues prior to the Change Application being submitted to the ExA following completion of the consultation period.

The Applicant has identified a total of 39 consultees (excluding unknown interests), to be consulted; several of which have been engaged on an ongoing basis in relation to changes prior to and following submission of the DCO Application. These stakeholders are listed below:

- 11 statutory undertakers; and
- 28 individual landowners associated with the 15 changes.

The full list of consultees identified in respect of the Change Application is set out in **Enclosure 1** to this letter.

An **Environmental Statement (ES) [APP-31 to APP-207]** was submitted to the Planning Inspectorate as part of the DCO Application. The Applicant is currently preparing supporting environmental information to accompany the Change Application in the form an ES Addendum, albeit the proposed changes are not considered likely to result in new or different significant effects.

While it is acknowledged that the ES Addendum would form supplementary environmental information, there is no statutory requirement to consult on this, including in respect of the consultation requirements under Regulation 20 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA

Regulations), as the ES Addendum does not constitute “further information” for the purposes of the EIA Regulations. This is because the proposed changes are not likely to result in any new or different significant effects, such that it is not relevant to the ExA’s ability to reach a reasoned conclusion on the significant effects of the Scheme (per Regulation 3 of the EIA Regulations). Further, as the change is concerned with the removal of land and reduction of the Order limits, such that there is no ‘additional land’ included, the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations) are not engaged.

The proposed changes to the DCO Application are a result of ongoing discussions and feedback from Affected Parties. While the Applicant considers that the CA Regulations will not be engaged, the Applicant recognises the importance of ensuring all potentially Affected Parties have an opportunity to provide feedback on the proposed changes.

Advice Note Sixteen does not prescribe a minimum length of time over which consultation on a request to change a DCO application must take place. Given the limited and localised nature of the changes proposed through the Change Application, as well as the ongoing discussions with the owners/occupiers of the affected land interests in relation to the proposed changes, the Applicant is proposing a 14-day consultation period in respect of the Change Application.

The 14-day period is proposed between Monday 12 August and 11:59pm on Thursday 29 August 2024 based upon working days.

### **Timing and Procedure**

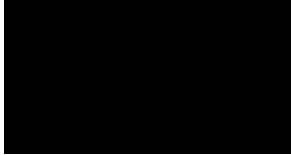
The Applicant has considered the appropriate approach to bringing forward the Change Application in the context of the requirements of the *Planning Act 2008: Guidance for the examination of applications for development consent* (DCLG) and Advice Note 16. The Applicant considers that the changes can be adequately considered in full by the ExA, and the Change Application decided, prior to the preliminary meeting, such that it will not impinge on the commencement of the examination.

The Applicant proposes to submit the Change Application to the ExA following completion of the consultation period, no later than 27 September 2024.

The Applicant trusts that this letter is useful to the ExA in setting out the intention of the Applicant to submit the Change Application and providing an overview of the scope and nature of the changes proposed.

The Applicant looks forward to receiving the ExA's procedural advice on the Change Application in due course.

Yours sincerely,



Luke Murray  
Project Director  
Tillbridge Solar Ltd

Enc:

**Enclosure 1**

List of consultees

**Enclosure 2**

Figure 1 showing the location of the proposed changes within the Order limits