

Sian Evans (Case Manager)
The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
Temple Quay
Bristol
BS1 6PN

19 June 2023

Our ref: **Notification of Request for Proposed Changes**
Your ref: **EN020024**

Dear Sian Evans,

National Grid Electricity Transmission plc (National Grid) – The National Grid Yorkshire Green Energy Enablement (GREEN) Project – EN020024

Notification of Applicant's Intention to Submit a Request for Proposed Changes to the DCO Application

I am writing to advise you that National Grid Electricity Transmission PLC (**National Grid**), the Applicant in relation to the above referenced development consent order application intends to submit a written request to the Examining Authority (**ExA**) seeking changes to the Project (the **Proposed Changes**).

The Proposed Changes are described further below and summarised in the table at Appendix A. Proposed Changes 1 and 2 have been proposed to respond to landowner requests and Actions from the Examining Authority during the examination and would result in a reduction of the land over which compulsory acquisition powers would be sought. Proposed Changes 3 and 4 have not been specifically requested by landowners in writing but are proposed by National Grid in response to landowner representations. These changes alter the nature of certain land rights to be compulsorily acquired within the landowners' respective land parcels but do not cause any new land to be compulsorily acquired. Therefore, before making a formal application for Proposed Changes 3 and 4, National Grid is seeking consent of the relevant landowners and only proposes to formally apply for these changes if relevant landowner consent is obtained even though (as set out below) it is National Grid's position that there is no statutory requirement for consent to be secured from any of the landowners.

National Grid considers that the Proposed Changes would be non-material and that The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) are not invoked.

Change 1 – Shipton North Reduction in Limits of Deviation

This change would reduce the limits of deviation around the Shipton North CSEC, which would, in turn, mean a reduction in the acquisition of class 1 land in this location (land identified for permanent acquisition would be amended to temporary acquisition in line with the reduction in limits of deviation).

Appendix B provides an indicative plan showing how the land plan would be updated to facilitate this change.

Change 2 – New Farm Cottage Access

This change would alter the construction access point and redirect the construction access route (save in respect of the construction of a temporary watercourse crossing) through existing land within the Order limits. It would prevent the need for utilities diversion 'U4' to take place but would necessitate an additional temporary watercourse crossing. Construction access past New Farm Cottages would be retained to allow vehicles access to construct the temporary watercourse crossing only. In addition, operational access past New Farm Cottages would also be retained for maintenance purposes.

Appendix C provides an indicative plan showing how the land plan would be updated to facilitate this change.

Change 3 – Shipton Cable Sealing End Compound (CSEC) Access

This change is in the same location as the Shipton North Reduction (Change 1) but the two changes are not interrelated. The change would be to straighten the access and move the bellmouth northwards adjoining the highway (but still within the Order limits) as requested in representations made by the landowner's agent at the Accompanied Site Visit and at the Hearings.

Appendix B provides an indicative plan showing how the land plan could be updated to facilitate this change (Appendix B indicative plans covers both changes at Shipton CSEC).

Change 4 – Reorientation of the Tadcaster West CSEC

National Grid proposes that the Tadcaster West CSEC be rotated by ninety degrees, pushed back slightly in the field to provide the necessary clearances for the downleads, and reorientated to align with the permanent hedgerow landscaping. This has the effect of moving the Tadcaster West CSEC outside of the currently drawn limits of deviation which would be amended accordingly, whilst remaining within the existing Order limits.

Appendix D provides an indicative plan showing how the land plan could be updated to facilitate this change.

Overall justification for immateriality of proposed changes

The approach to seeking a change to a DCO application following its acceptance and during the course of Examination is set out in Guidance for Examination of Applications for Development Consent, DCLG, March 2015 and Advice Note 16. The decision on materiality rests with the ExA.

There is no legal definition of the term “material” but the guidance differentiates between material changes and changes that amount to an entirely different project. Paragraph 2.1 of Advice Note 16 states:

“Only the appointed ExA can decide whether a change requested by an applicant can be accepted and examined. Upon receipt of a request to make a change to an application, the ExA must initially consider whether the development now being proposed is in substance the same as the development which was originally applied for. If the ExA considers that the effect of the change would be so substantial as to constitute a materially different project the Applicant will need to decide whether to withdraw the application and submit a fresh application accommodating the desired changes, submit a lesser change request or proceed with the examination on the basis of the development originally applied for.”

The change proposed does not constitute a different project. It follows that the issues which fall to be considered are whether the changes are sufficiently substantial to result in a material change. The question of whether the change is "material" is a question of planning judgment for the ExA (see paragraphs 2.1 and 5.4 of Advice Note 16).

National Grid submits that the Proposed Changes are not material for the reasons explained in respect of each change above and the general principles set out below, which apply to all changes. This section of this document sets out why National Grid has reached this conclusion in order to assist the ExA in exercising its planning judgment.

The following factors are relevant:

- All of the land required in respect of each change falls within the existing Order limits and Order land. Advice Note 16 states that the extension to the Order land and the addition of new plots of land or interests for compulsory acquisition may be factors suggesting a material change. This test of materiality is not met, as there are no new areas of land being sought for compulsory acquisition. Where changes are being made to the classes of rights to be compulsorily acquired within a landowner's holding, landowner consent has been sought in any event, albeit it is not considered that it is a pre-requisite. Written confirmation of these consents would be submitted in support of the Change Application.
- Moreover, the procedure under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 is not engaged as the proposed change does not provide for the acquisition of different or new land – all of the changes relate to land already proposed for compulsory acquisition and in some cases result in a reduction in land required.

- The wording of the **draft DCO (Document 3.1(C))** (submitted at Deadline 3), requires only consequential alterations to accommodate the Proposed Changes.
- Furthermore, the effect of the Proposed Changes (considered both alone and cumulatively) does not give rise to any new or materially different environmental effects compared to those effects previously reported in the **Environmental Statement (ES) (Documents 5.1 to 5.4.18 and 5.2.19 to 5.2.21)**. Environmental information which confirms this will be submitted as part of the change application document, if the ExA agrees to accept the Proposed Changes, this will be included as part of the consolidated ES Addendum.

For the reasons set out, National Grid submits that the changes proposed to be submitted do not amount to a material change, nor an entirely different project, as there is no change to the fundamentals of the underlying project or its objectives.

Proposed timetable for requesting the proposed changes

National Grid intend to submit a formal change application at Deadline 5.

National Grid are considering the updates to examination documentation which would be required if the Proposed Changes were accepted by the ExA. At this stage it is anticipated that the following documentation would be updated and submitted to the Examination:

- Updated Master Key to Section Identification Plan (Document 2.2);
- Updated Land Affected Plan, Section B (Document 2.4.2);
- Updated Lands Plan, Section B and Section D (Document 2.5.2 and to 2.5.4);
- Updated Works Plan, Section B to E (Document 2.6.2 to 2.6.5);
- Updated Access Rights of Way and Public Rights of Navigation Plan, Section B (Document 2.7.2);
- Updated Statutory or Non-Statutory Sites or Features of Nature Conservation Plan, Section B (Document 2.8.2);
- Updated Habitats Other Diversity Features and Water Bodies Plan, Section B (Document 2.9.2);
- Updated Statutory or Non-Statutory Sites or Features of the Historic Environment Plan, Section B (Document 2.10.2);
- Updated Trees and Hedgerows Potentially Affected Plan, Section B (Document 2.11.2);
- Updated Traffic Regulation Order Plan, Section B (Document 2.12.2);
- Updated Crown and Special Category Land Plan (Document 2.13);
- Updated Extinguishment of Easements Servitudes and Other Private Rights Plan (Document 2.14);
- Updated Design Drawings (Document 2.15);
- Updated draft DCO (Document 3.1);
- Updated Explanatory Memorandum (Document 3.2);
- Updated Statement of Reasons (Document 4.1);
- Updated Book of Reference (Document 4.3);

- Updated Code of Construction Practice (Document 5.3.3B);
- Updated Construction Traffic Management Plan (Document 5.3.3F);
- Updated Arboricultural Impact Assessment (Document 5.3.3I);
- Updated Flood Risk Assessment (Document 5.3.9D);
- Updated Embedded Measures Schedule (Document 5.3.3A); and
- Updated ES Addendum (Document 5.2.22); and
- Updated ES Errata (Document 5.2.19).

National Grid considers that there is still sufficient time within the examination period to examine these Proposed Changes, particularly noting that they will be made in response to landowner requests or representations.

I should be grateful if you would acknowledge safe receipt of this letter and arrange for a copy of it and its enclosures to be placed before the ExA.

Yours sincerely,

Emer McDonnell

Senior Project Manager – Yorkshire GREEN

Appendix A: Summary of Proposed Changes

| Change | Documents to be updated | Whether the CA Regulations are invoked | Whether the EIA Regulations are invoked | Engagement with landowners |
|-----------------------------------|---|--|---|---|
| 1- Shipton North reduction in LoD | <p>Work Plan, Section B (Document 2.6.2)</p> <p>Land Plan, Section B (Document 2.5.2)</p> <p>Design Drawings (Document 2.15)</p> | The CA Regulations are not invoked because there is no additional acquisition of land. | There would be no new or materially different environmental effects resulting from the change and so the EIA Regulations are not invoked. | The Proposed Change would be made in response to a landowner request and an Action from the ExA. The Proposed Change would result in a reduction of the land over which compulsory acquisition powers would be sought. No letter of consent will be sought. |
| 2- New Farm Cottage Access | <p>Work Plan, Section B (Document 2.6.2)</p> <p>Land Plan, Section B (Document 2.5.2)</p> <p>draft DCO (Document 3.1)</p> <p>Explanatory Memorandum (Document 3.2)</p> <p>Statement of Reasons (Document 4.1)</p> | The CA Regulations are not invoked because there is no additional acquisition of land. | There would be no new or materially different environmental effects resulting from the change and so the EIA Regulations are not invoked. | The Proposed Change would be made in response to a landowner request. The Proposed Change would result in a reduction of the land over which compulsory acquisition powers would be sought. No letter of consent will be sought. |

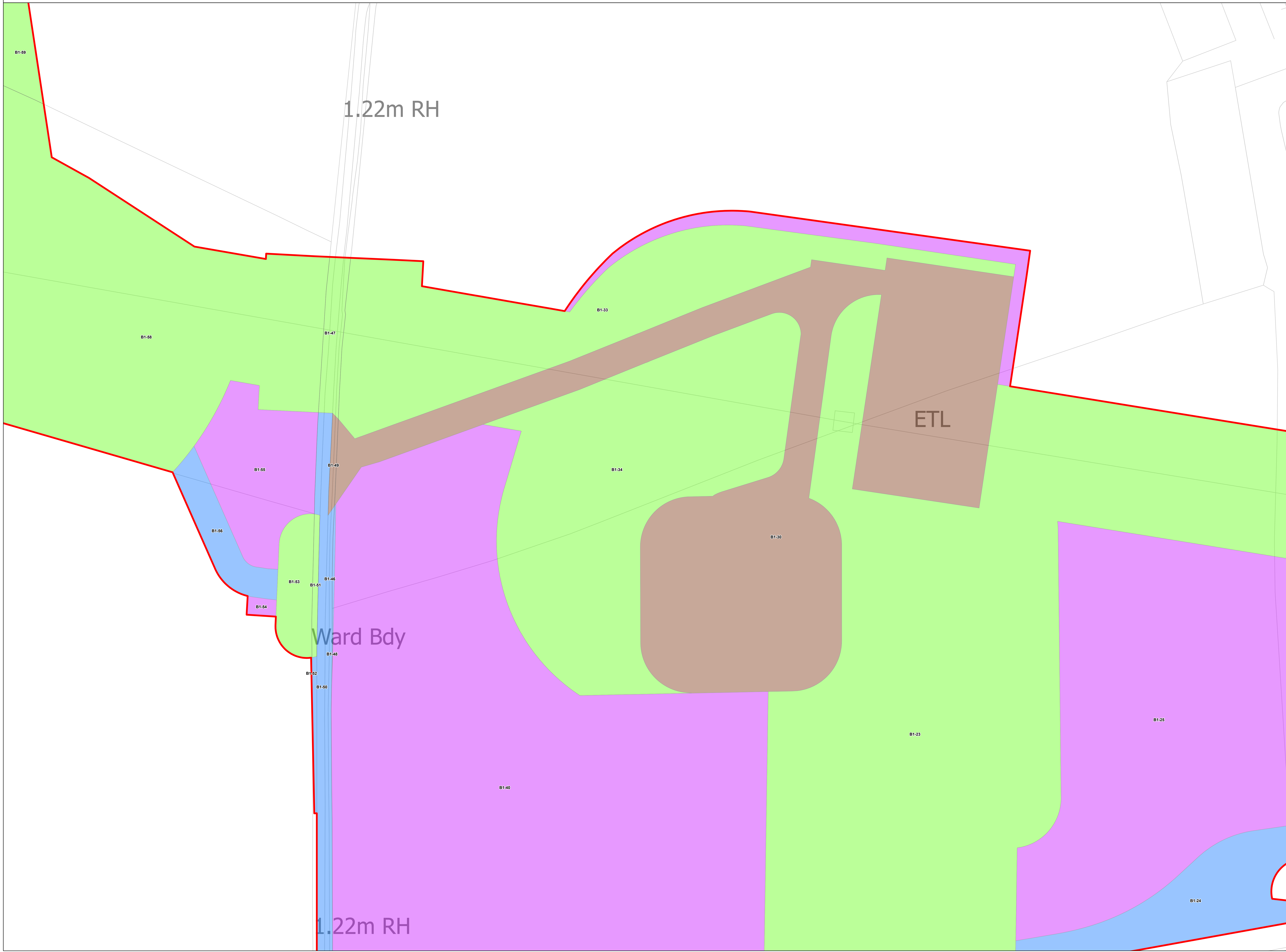
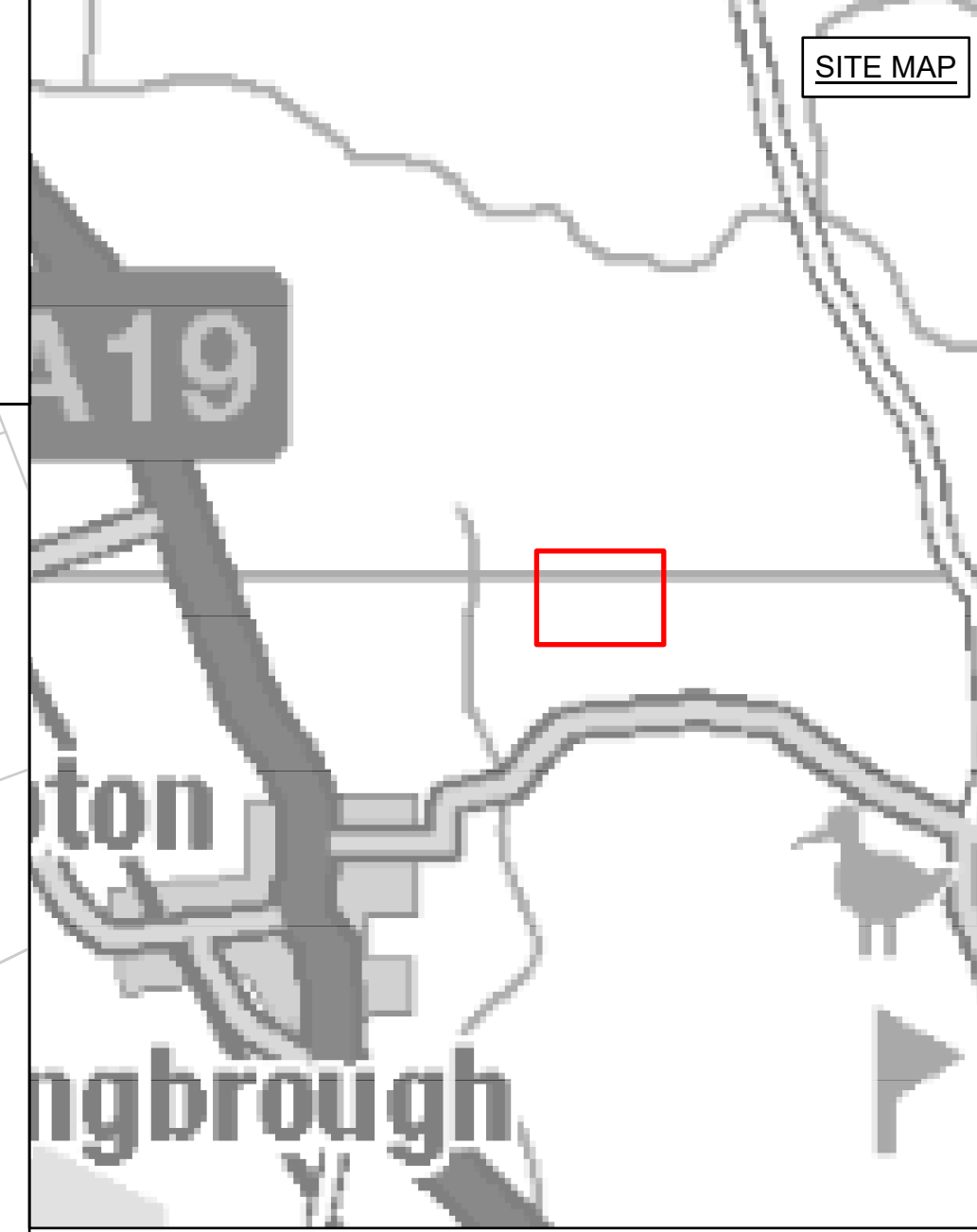
| Change | Documents to be updated | Whether the CA Regulations are invoked | Whether the EIA Regulations are invoked | Engagement with landowners |
|---------------------------------|---|--|---|---|
| | Other plans and documents consequential to the Order limits reducing due to the change. | | | |
| 3- Shipton CSEC Access | Land Plan, Section B (Document 2.5.2) Access, Rights of Way and Public Rights of Navigation Plan, Section B (Document 2.7.2) draft DCO (Document 3.1) | The CA Regulations are not invoked because there is no additional acquisition of land. | There would be no new or materially different environmental effects resulting from the change and so the EIA Regulations are not invoked. | The Proposed Change will only be sought if landowner's consent is obtained. |
| 4- Tadcaster West CESC Rotation | Work Plan, Section D (Document 2.6.4) Land Plan, Section D (Document 2.5.4) Design Drawings (Document 2.15) | The CA Regulations are not invoked because there is no additional acquisition of land. | There would no new or materially different environmental effects resulting from the change and so the EIA Regulations are not invoked. | The Proposed Change will only be sought if landowner's consent is obtained. |

Appendix B: Change 1 - Shipton North Reduction in Limits of Deviation, and Change 3 - Shipton Cable Sealing End Compound (CSEC) Access



NATIONAL GRID (YORKSHIRE GREEN ENERGY ENABLEMENT PROJECT) ORDER
 SHIPTON LAND PLAN - FOR INFORMATION ONLY
 SHEET 1 OF 1

SITE MAP



- LEGEND**
- ORDER LIMITS
 - PLOTS**
 - CLASS 1 - COMPULSORY ACQUISITION OF LAND
 - CLASS 2 - COMPULSORY ACQUISITION OF RIGHTS FOR THE AUTHORISED DEVELOPMENT
 - CLASS 2A - EXTINGUISHMENT OF PRIVATE RIGHTS
 - CLASS 3 - COMPULSORY ACQUISITION OF RIGHTS OF ACCESS
 - CLASS 4 - TEMPORARY USE FOR CONSTRUCTION AND MITIGATION
 - CLASS 6 - TEMPORARY USE FOR ACCESS

Notes

This drawing is scaled at paper size A0, therefore any prints taken at smaller sizes will affect accuracy of the measurement units and should not be scaled against.

These plans are indicative and for information only.

Coordinate System: British National Grid
 Sheet X Centroid Coordinate: 446003 Sheet Y Centroid Coordinate: 441716



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| Issue | Date | Remarks | Drawn | Checked | Approved |
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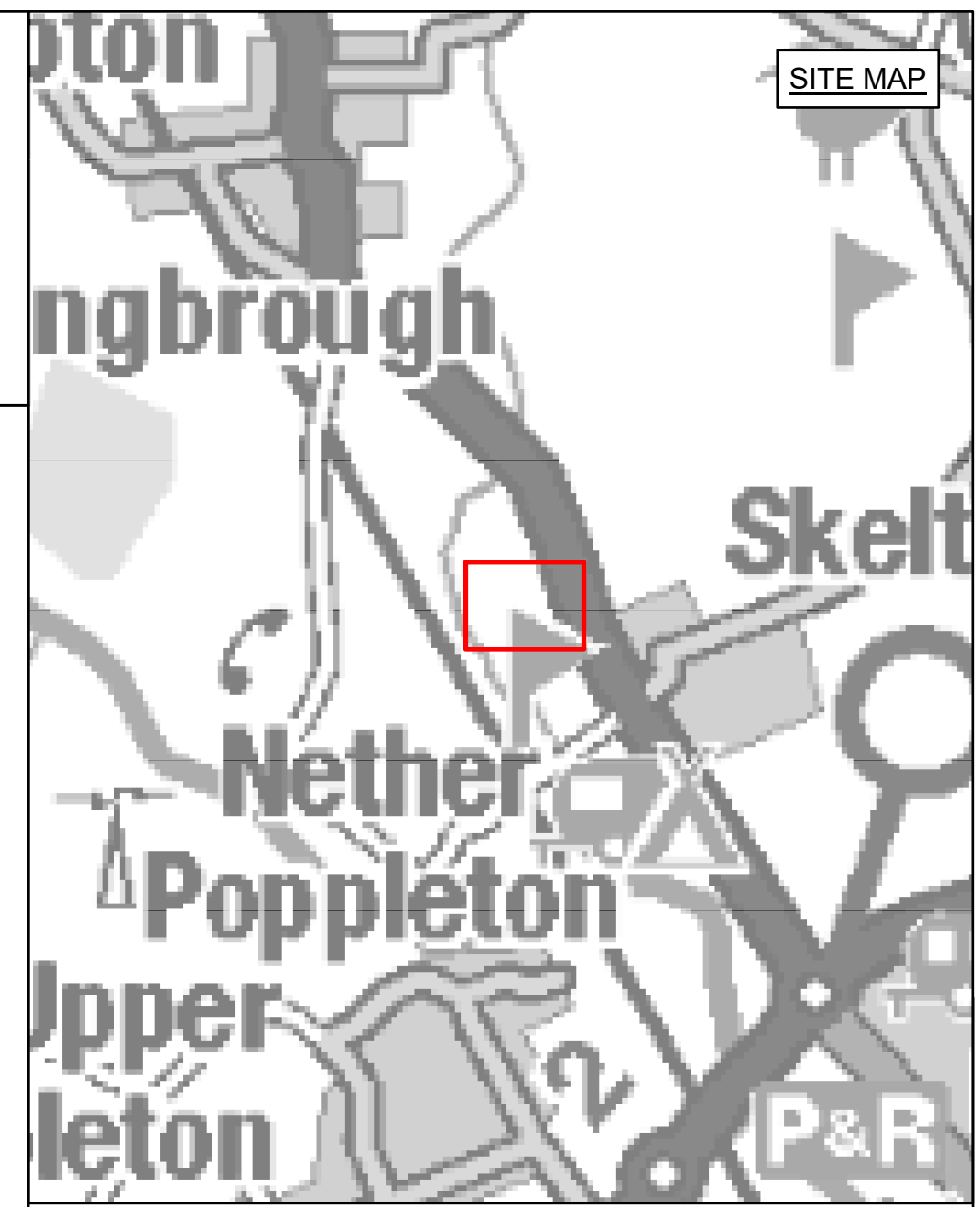
NATIONAL GRID
 (YORKSHIRE GREEN ENERGY
 ENABLEMENT PROJECT) ORDER
 SHIPTON LAND PLAN
 FOR INFORMATION ONLY
 SHEET 1 OF 1

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| nationalgrid | |
| Application Number | EN020024 |
| National Grid Drawing Reference | TBC |
| Scale | 1:2000 |
| Sheet Size | A0 |
| Sheet | SHEET 1 OF 1 |
| Issue | IR1 |

Appendix C: Change 2 – New Farm Cottage Access



NATIONAL GRID (YORKSHIRE GREEN ENERGY ENABLEMENT PROJECT) ORDER
 SP005 ACCESS LAND PLAN - FOR INFORMATION ONLY
 SHEET 1 OF 1



- LEGEND**
- ORDER LIMITS
 - PLOTS**
 - CLASS 1 - COMPULSORY ACQUISITION OF LAND
 - CLASS 2 - COMPULSORY ACQUISITION OF RIGHTS FOR THE AUTHORISED DEVELOPMENT
 - CLASS 2A - EXTINGUISHMENT OF PRIVATE RIGHTS
 - CLASS 3 - COMPULSORY ACQUISITION OF RIGHTS OF ACCESS
 - CLASS 4 - TEMPORARY USE FOR CONSTRUCTION AND MITIGATION
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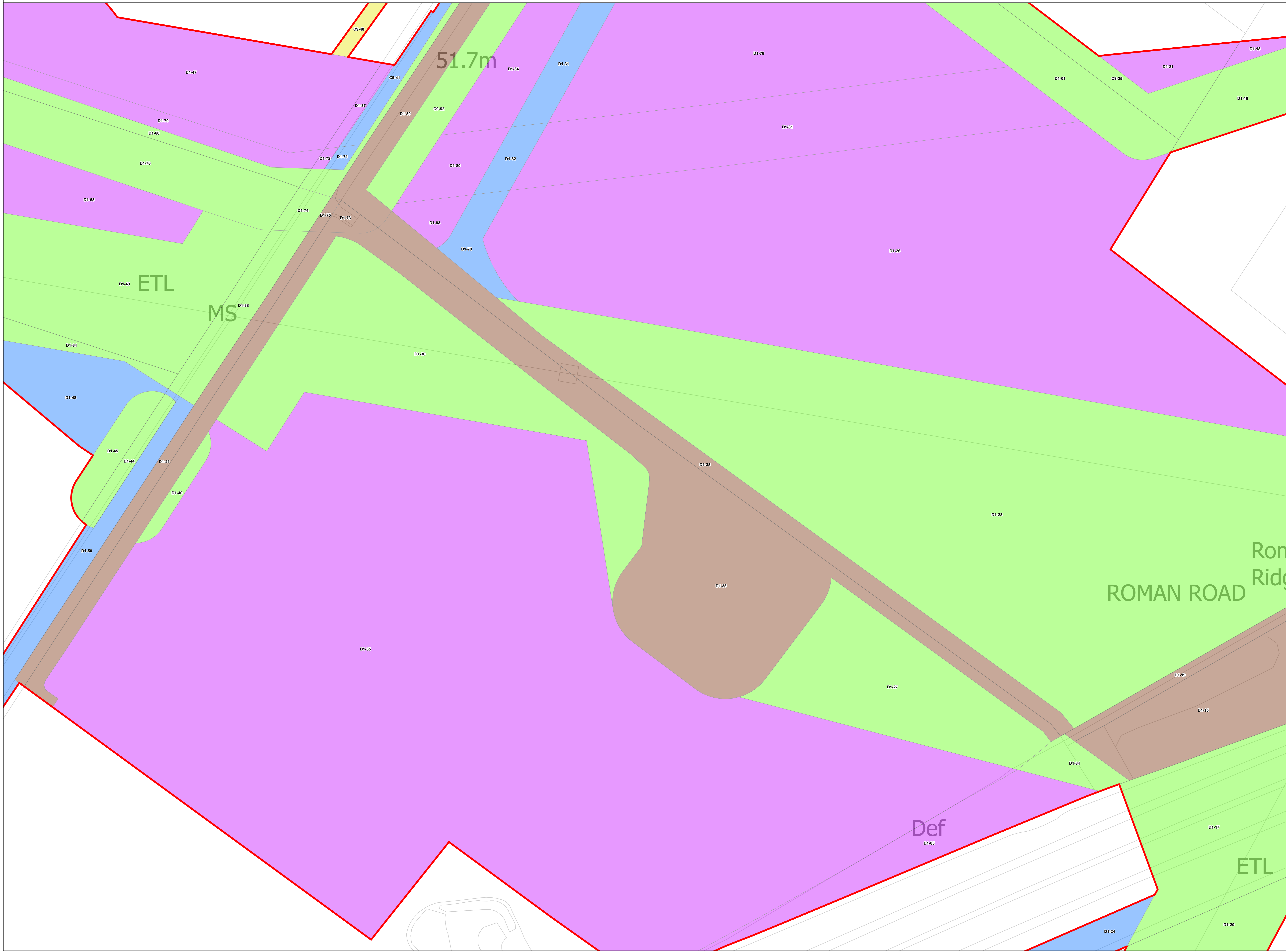
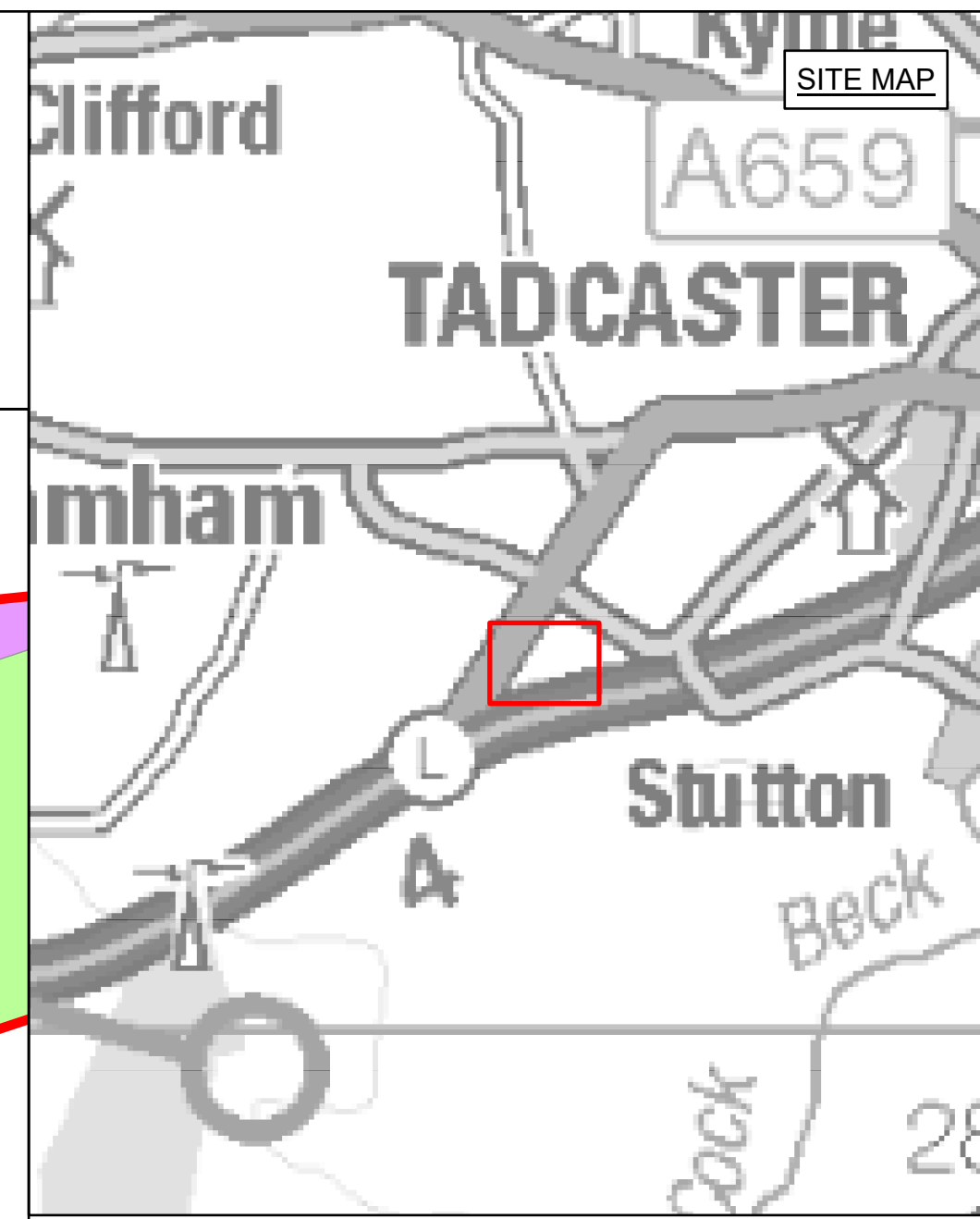
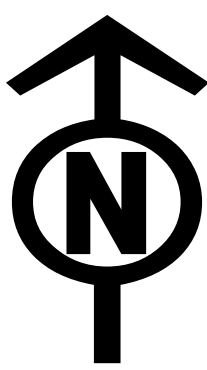
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NATIONAL GRID
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 SP005 ACCESS LAND PLAN
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 SHEET 1 OF 1

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| nationalgrid | |
| Application Number | EN020024 |
| National Grid Drawing Reference | TBC |
| Scale | 1:2000 |
| Sheet Size | A0 |
| Sheet | SHEET 1 OF 1 |
| Issue | IR1 |

Appendix D: Change 4 – Reorientation of the Tadcaster West CSEC

NATIONAL GRID (YORKSHIRE GREEN ENERGY ENABLEMENT PROJECT) ORDER
 INDICATIVE ALTERNATIVE TADCASTER WEST CSEC RE-ORIENTATION PLAN - FOR INFORMATION ONLY
 SHEET 1 OF 1



LEGEND

ORDER LIMITS

PLOTS

- CLASS 1 - COMPULSORY ACQUISITION OF LAND
- CLASS 2 - COMPULSORY ACQUISITION OF RIGHTS FOR THE AUTHORISED DEVELOPMENT
- CLASS 2A - EXTINGUISHMENT OF PRIVATE RIGHTS
- CLASS 3 - COMPULSORY ACQUISITION OF RIGHTS OF ACCESS
- CLASS 4 - TEMPORARY USE FOR CONSTRUCTION AND MITIGATION
- CLASS 6 - TEMPORARY USE FOR ACCESS

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| IR3 | 30/05/2023 | FOR DEADLINE FOUR | JDH | XX | XXX |
| Issue | Date | Remarks | Drawn | Checked | Approved |

Title

NATIONAL GRID
 (YORKSHIRE GREEN ENERGY
 ENABLEMENT PROJECT) ORDER
 INDICATIVE ALTERNATIVE TADCASTER
 WEST CSEC RE-ORIENTATION PLAN
 FOR INFORMATION ONLY
 SHEET 1 OF 1

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| | | | |
| Application Number | | EN020024 | |
| National Grid Drawing Reference | | TBC | |
| Scale | Sheet Size | Sheet | Issue |
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