



# The Planning Inspectorate

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To: The Applicant and all Interested Parties

Our Ref: EN020024

Date: 13 July 2023

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Dear Sir / Madam

## **Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 8(3) and Rule 9**

### **Application by National Grid Electricity Transmission (NGET) for an Order Granting Development Consent for the Yorkshire Green Energy Enablement (GREEN) Project**

#### **Applicant's Request for Proposed Changes to the Development Consent Order (DCO) Application**

On 11 July 2023, the Applicant submitted a request to make changes to the DCO application ('the Change Application'). This letter contains the Examining Authority's Procedural Decisions in relation to the Change Application.

#### **Background**

On 19 June 2023, the Applicant gave notice [[AS-020](#)] to the Examining Authority (ExA) of its intention to submit a request for up to four proposed changes to the Yorkshire GREEN DCO application. On 22 June 2023, the ExA used its discretion to accept [[PD-012](#)] the notification letter and responded with advice about the procedural implications of the proposed changes. The ExA subsequently accepted a further letter from the Applicant dated 26 June 2023 [[AS-021](#)].

#### **The Proposed Changes**

The Applicant's Change Application, submitted on 11 July 2023, contains three proposed changes to the application. The changes relate to the following elements of the Proposed Development:

- Change 1: Shipton North reduction in Limits of Deviation (within Work No.2);
- Change 2: New Farm Cottage access (within Work No.5); and
- Change 3: Shipton Cable Sealing End Compound access (within Work No.2).

The Applicant's Change Application comprises the following documents:

- Change Application Cover Letter;

- Change Application: Report on Proposed Changes (Doc. Ref. 9.1);
- Change Application: Plans and Drawings (Doc. Ref. 9.2);
- Change Application: Book of Reference (Clean) (Doc. Ref. 9.3);
- Change Application: Book of Reference (Tracked) (Doc. Ref. 9.3);
- Change Application: Flood Risk Assessment (Clean) (Doc. Ref. 9.4); and
- Change Application: Flood Risk Assessment (Tracked) (Doc. Ref. 9.4).

A fourth potential change request that was included in the Change Notification letter has not been applied for in the Change Application. This related to the potential reorientation of the Tadcaster West Cable Sealing End Compound. The Applicant's Change Application Cover Letter states that landowner consent has not been obtained for proposed Change 4 and consequently, the Applicant has decided not to proceed with this potential change.

### **The ExA's Procedural Decision about whether or not to accept and examine the changes**

The ExA has considered the Change Application documents in light of its duties under the relevant Guidance<sup>1</sup> and the Planning Inspectorate's [Advice Note 16](#). The proposed changes are considered in turn below.

#### Change 1: Shipton North reduction in Limits of Deviation (within Work No.2)

Change 1 seeks to reduce the Limits of Deviation (LoD) for the Shipton North Cable Sealing End Compound (CSEC), responding to submissions from those with an interest in the land about potential negative effects on expansion plans for the farm business.

The Applicant's assessment identifies no change to the environmental effects described in the Environmental Statement, and no change to the conclusions of the Arboricultural Impact Assessment.

No additional land would be required for this change; all alterations would fall within the Order limits. There would be an overall reduction in land required for permanent acquisition, with some land instead being required for temporary acquisition. The Applicant has demonstrated engagement with relevant Affected Persons prior to submitting the Change Application and has notified other relevant stakeholders of its intention to submit the change request.

#### Change 2: New Farm Cottage access (within Work No.5)

Change 2 seeks to alter the construction access arrangements to proposed pylon SP005, following representations from landowners and residents in the immediate area. Rather than using the existing farm track off the A19 in the vicinity of New Farm Cottage, construction access would be via a haul road from proposed pylon SP004 to proposed pylon SP005. This would involve a new crossing over Hurns Gutter.

The Report on Proposed Changes states that there would be some change in the environmental effects reported in the Environmental Statement (ES) as a result of this change, and the ExA notes the Applicant's analysis of effects in terms of landscape and

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<sup>1</sup> The Planning Act 2008: Guidance for the examination of applications for development consent (former Department for Communities and Local Government, March 2013), paragraphs 109 – 115.

visual, arboricultural, biodiversity, hydrology and transport matters. Overall, the Applicant concludes that there would be minor changes to some chapters of the ES to take account of the altered construction access arrangements but that the ES conclusions regarding significance of effects would not change and there would be no new or materially different effects. An updated Flood Risk Assessment has been submitted.

No additional land would be required for this change; all alterations would fall within the Order limits. Change 2 would reduce the Order limits and the number of Affected Persons, in part due to the proposed deletion of Work No.U4. There would be revisions to the land powers sought. The Applicant has demonstrated engagement with relevant Affected Persons prior to submitting the Change Application and has notified other relevant stakeholders of its intention to submit the change request.

### Change 3: Shipton Cable Sealing End Compound access (within Work No.2)

Change 3 comprises amendments to the proposed access road to the Shipton Cable Sealing End Compounds, moving the access point from the public highway northwards. This follows site-specific representations from those with an interest in the land about avoiding the wettest part of the field and improving compatibility with the future expansion of the farming operations in this location.

The Report on Proposed Changes states that there would be some change in the environmental effects reported in the ES, and the ExA notes the Applicant's analysis of effects in terms of landscape and visual, arboricultural and biodiversity matters. Overall, the Applicant concludes that there would be minor changes to some chapters of the ES to take account of the relocated access point but that the ES conclusions regarding significance of effects would not change and there would be no new or materially different effects.

No additional land would be required for this change; all alterations would fall within the Order limits. There would be revisions to the land powers sought, including an increase in the extent of Class 1 land (some of which was formerly Class 2 land), a decrease in the extent of Class 2 and 3 land, and an increase in Class 4 land. The Applicant has demonstrated engagement with relevant Affected Persons prior to submitting the Change Application and has notified other relevant stakeholders of its intention to submit the change request.

### The ExA's Procedural Decision

The Change Application confirms that all of the land required in relation to each change would fall within the existing Order limits and Order land. Whilst there would be changes to the nature of certain land rights to be compulsorily acquired (as discussed above), all of the proposed changes relate to land already proposed for compulsory acquisition and there would in some cases be a reduction in the land required. On this basis, the ExA is satisfied that The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regulations) are not engaged. Based on the submitted material, there is no indication that the proposed changes would result in any new or different likely significant environmental effects.

Having regard to the above considerations, the ExA is satisfied that the proposed changes, whether considered individually or taken together, would not be so substantial as

to amount to a materially different project from that which was applied for. The changes are capable of being examined within the remaining statutory timescale and there is sufficient time available for Interested Parties to digest, understand and comment upon them.

For these reasons, the ExA has decided to accept all three of the proposed changes for examination. Consequently, the Examination proceeds in consideration of the changed application.

### **Implications for the Examination Timetable**

All of the materials pertaining to the Change Application will shortly be published on the [Yorkshire GREEN project page](#) of the National Infrastructure planning website and added to the [Examination Library](#).

In line with the principles of fairness and reasonableness, all Interested Parties are now invited to make representations on the changed application.

The proposed changes will be examined as follows:

- proposed changes to be considered as part of **Compulsory Acquisition Hearing 2 (CAH2)**, which will take place on Tuesday 18 July 2023, and **Issue Specific Hearing 4 (ISH4)**, which will take place on 19 July 2023 and the morning of 20 July 2023 (if required);
- by **Deadline 6 (28 July 2023)**, all Interested Parties to respond to the proposed changes and the Applicant to submit amended application documents or addenda (as set out in Table 8.1 of the Report on Proposed Changes);
- submission of comments on responses to proposed changes by **Deadline 7 (6 September 2023)**; and
- the ExA may ask further targeted written questions (if required) when it publishes its commentary on the draft Development Consent Order or at any time under Rule 17<sup>2</sup>.

This programme enables a thorough examination of the proposed changes within the statutory timescales of the Examination. A revised Examination Timetable, which incorporates the steps outlined above, is appended to this letter and supersedes the Examination Timetable set out at Annex A of our Rule 8 letter dated 29 March 2023 [[PD-008](#)]. Whilst matters relating to the Change Application have been inserted into the revised Timetable, none of the dates for Deadlines have changed.

We would like to take this opportunity to remind all parties of the importance of timely submissions in accordance with the revised Examination Timetable in order to enable a full and fair examination of the changed application.

### **Proposed Change 4**

In view of the Applicant's decision not to include proposed Change 4 within its Change Application, the Examination will not consider this potential change further. However, the ExA is aware that discussions with the landowner and occupier of the land in the vicinity of

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<sup>2</sup> The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended)

the Tadcaster West Cable Sealing End Compound are ongoing, and further written submissions have been received at Deadline 5. At CAH2 and ISH4, the ExA will want to understand the latest positions of the parties and possible routes to resolution.

Given the advanced stage of the Examination, the ExA would highlight that any further change requests beyond this point would need to be considered extremely carefully to ascertain whether they would be capable of being examined within the statutory timetable without breaching principles of fairness and reasonableness.

If you have any queries about any of the matters raised in this correspondence, please contact the Case Team using the details provided at the top of this letter.

Yours faithfully

*Jessica Powis*

**Lead Member of the Examining Authority**

**Annex A    Revised Examination Timetable**

This communication does not constitute legal advice.

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## Annex A 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.

*Please note: the revised Examination Timetable applies from the date of this letter. Revisions are shown in red text.*

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| <p>12.</p> | <p><b>Hearings</b></p> <ul style="list-style-type: none"> <li>• <b>Compulsory Acquisition Hearing 2:</b> Compulsory Acquisition, Temporary Possession and Related Matters.</li> <li>• <b>Issue Specific Hearing 4:</b> Draft Development Consent Order and Environmental Matters.</li> </ul>  | <p><b>Tuesday 18 July 2023</b></p> <p><b>Wednesday 19 July and Thursday 20 July (am) (if required)</b></p> |
| <p>13.</p> | <p><b>Deadline 6</b></p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> <li>• <b>Post-hearing submissions</b>, including written summaries of oral submissions to the hearings and any documents requested by the ExA (if held).</li> <li>• <b>Comments on any oral submissions put at the Hearings</b> (if held).</li> <li>• <b>Comments on progressed Statements of Common Ground.</b></li> <li>• <b>Comments on the Applicant’s updated draft Development Consent Order.</b></li> <li>• <b>Applicant’s updated National Policy Statement schedules of compliance</b> (if required).</li> <li>• <b>Applicant’s updated Guide to the Application</b> in clean and tracked versions.</li> <li>• <b>Responses to the Applicant’s Change Application received at Deadline 5.</b></li> <li>• <b>Applicant’s amended application documents or addenda following acceptance by the ExA of the Change Application.</b></li> <li>• <b>Comments on any other submissions received at Deadline 5.</b></li> <li>• <b>Any further information requested by the Examining Authority</b> under Rule 17 of The</li> </ul> | <p><b>Friday 28 July 2023</b></p>  |

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|     | Infrastructure Planning (Examination Procedure) Rules 2010.  |  |
| 14. | <p><b>Publication by the Examining Authority of:</b></p> <ul style="list-style-type: none"> <li>• <b>Report on the Implications for European Sites (RIES) and any associated questions (if required).</b></li> <li>• <b>The Examining Authority’s commentary on, or proposed schedule of changes to, the draft Development Consent Order (if required).</b></li> <li>• <b>Any requests from the Examining Authority for further information under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010.</b></li> </ul>  | <p><b>Wednesday<br/>16 August<br/>2023</b></p>   |
| 15. | <p><b>Deadline 7</b></p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> <li>• <b>Comments on the Report on the Implications for European Sites (RIES) and responses to any associated questions (if issued).</b></li> <li>• <b>Responses to the Examining Authority’s commentary on, or proposed schedule of changes to, the draft Development Consent Order (if issued).</b></li> <li>• <b>Final Statements of Common Ground.</b></li> <li>• <b>Final Statement of Commonality for Statements of Common Ground.</b></li> <li>• <b>List of matters not agreed where any Statement of Common Ground could not be finalised.</b></li> <li>• <b>Applicant’s final draft Development Consent Order in clean and tracked versions.</b></li> <li>• <b>Applicant’s final draft Development Consent Order to be submitted in the SI template with the SI template validation report (see Annex F, Part 9 of the Rule 6 letter).</b></li> <li>• <b>Applicant’s final consolidated schedule of changes to the draft Development Consent Order.</b></li> <li>• <b>Applicant’s final amended Explanatory Memorandum.</b></li> <li>• <b>Applicant’s final updated Book of Reference and Schedule of Changes to the Book of Reference in clean and tracked versions.</b></li> <li>• <b>Applicant’s final Compulsory Acquisition, Temporary Possession and Statutory Undertakers</b></li> </ul> | <p><b>Wednesday 6<br/>September<br/>2023</b></p> |

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|                   | <p><b>Schedules of Negotiations, Powers Sought and Objections.</b></p> <ul style="list-style-type: none"> <li>• Applicant’s final National Policy Statement schedules of compliance.</li> <li>• Applicant’s final planning obligations and commercial side agreements tracking lists.</li> <li>• Any final signed and dated section 106 agreements together with CIL compliance schedule.</li> <li>• Applicant’s final updated Guide to the Application, in clean and tracked versions.</li> <li>• <b>Comments on responses to the Applicant’s Change Application.</b></li> <li>• <b>Comments on any submissions received at Deadline 6.</b></li> <li>• <b>Any further information requested by the Examining Authority</b> under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010.</li> </ul> |   |
| <p><b>16.</b></p> | <p><b>Deadline 8</b></p> <p>For receipt by the Examining Authority of:</p> <ul style="list-style-type: none"> <li>• <b>Any further information requested by the Examining Authority under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010.</b></li> <li>• <b>Comments on any submissions received at Deadline 7.</b></li> </ul>   | <p><b>Wednesday<br/>13 September<br/>2023</b></p> |
| <p><b>17.</b></p> | <p>The ExA is under a duty to complete the Examination of the application by the end of the period of six months. Once the Examination closes, no further submissions can be accepted.</p> <p>Please note that the ExA may close the Examination before the end of the six month period if it is satisfied that all relevant matters have been addressed and discussed.</p>   | <p><b>Friday 22<br/>September<br/>2023</b></p>    |