

OCTOBER 2022



LITTLE CROW NON-MATERIAL CHANGE ORDER 2022

APPLICATION STATEMENT

ON BEHALF OF INRG SOLAR (LITTLE CROW) LTD

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1. Introduction

- 1.1 The Little Crow Solar Park Order 2022¹ ("the Order") was granted by the Secretary of State for Business, Energy and Industrial Strategy on 5 April 2022 for a solar park including a generating station, battery energy storage station and substation building ("the Development").
- 1.2 The Little Crow Solar Park is in Lincolnshire and is situated 2.5km northwest of the village of Broughton and directly to the east of the British Steelworks at Scunthorpe. The total area for the development under the Order is known as the 'Order Limits', this being the area within which the authorised development may be carried out. The ground mounted solar panels, which form the main element of the Development, will cover an area of approximately 225 hectares. Electrical connection infrastructure is also proposed and the point of connection into the local electricity grid is directly into the 132kva electricity pylon which already runs through the site.
- 1.3 INRG Solar (Little Crow) Limited, the Applicant and undertaker for the purposes of the Order, is now submitting an application for a non-material change to the Order pursuant to the Planning Act 2008 (the '2008 Act') and Part 1 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011² ("2011 Regulations").
- 1.4 The non-material change application seeks an amendment to extend the lifetime of the development from 35 years to up to 45 years ('the Application').
- 1.5 This Statement is submitted in support of the Application and includes details of the legal power which permits non-material changes to development consent orders, an assessment of the materiality of the proposed amends, an assessment of the implications and any likely environment impacts of the changes, and confirmation of the Applicant's compliance with the statutory consultation requirements.

Legal Power

- 1.6 The power to make a non-material change is set out in paragraph 2 of Schedule 6 of the 2008 Act. Paragraph 2(1) states:
- "The Secretary of State may make a change to a development consent order if the Secretary of State is satisfied that the change is not material".*
- 1.7 The Applicant notes that there is no statutory definition of 'not material'. Under paragraph 2(2) of Schedule 6 of the 2008 Act, in deciding whether a change is material, the Secretary of State must have regard to the effect of the change sought, together with any previous non-material changes made to the Order.

2. The proposed change

- 2.1 As is routine practice with Development Consent Orders, the Order contains what is known as 'requirements'. These are similar to planning conditions in Town and Country Planning Act decisions, specifying conditions and restrictions on the development and how it should proceed.
- 2.2 Requirement 3 in Part 1 of Schedule 2 of the Order limits the development consent to 35 years from the date of first export of electricity as follows:

¹ S.I. 2022 No. 436

² S.I. 2011 No. 2055

3.—(1) The authorised development must cease generating electricity on a commercial basis no later than the 35th anniversary of the first export date from Work No.1.

Thereafter the Development would be decommissioned and the land within the Order Limits would be restored, in accordance with a decommissioning and site restoration scheme to be submitted for North Lincolnshire Council's approval pursuant to Requirement 4 of the Order.

2.3 This 35 year period is aligned to the original application for the development, which was modelled on the basis of the available technology at the time. Degradation rates and panel efficiencies have increased over the years, so much so that the expected operational lifespan of a PV solar park was 25 years in 2010. At the time the application for the Order was accepted, in 2020, advances in technology had enabled an expected lifespan of 35 years. That technology has continued to improve, and it is now anticipated that with suitable a maintenance regime, equipment needed for the Development can last for an expected 40 to 45 years. Indeed, advancement of technology in the renewable energy sector is not a new issue and was a matter discussed at length in the examination of the Order in the context of the generating capacity of the authorised development.

2.4 In light of the above, the Applicant seeks a non-material change to amend:

2.4.1 Requirement 3 to state:

3.—(1) The authorised development must cease generating electricity on a commercial basis no later than the 45th anniversary of the first export date from Work No.1.

2.4.2 Requirement 4(1), so that the decommissioning requirements are aligned with requirement 3. The proposed amended requirement 4 states:

4.—(1) Not less than 6 months before the 45th anniversary of the first export date, a decommissioning and site restoration scheme must be submitted to the local planning authority for its approval. The decommissioning and site restoration scheme(s) must be in accordance with the outline decommissioning strategy.

("the Proposed Change")

2.5 A draft Amendment Order detailing these changes is included with this application.

3. Rational for the Proposed Change

3.1 The benefits and merits of the Development and its planning policy context were considered in detail during the examination for the DCO and it is not appropriate to set these out again in detail here. However, it is worth noting that extending the life of the Development by an additional ten years will bring additional benefits.

3.2 National Policy Statements form the overarching policy documents when determining NSIP applications. The original application for the Development was determined in reference to the National Policy Statement for Energy (EN-1)³.

3.3 One of the key aims Government planning policy, and particularly, the National Policy Statements is the transition to a low carbon economy to help realise UK climate change commitments sooner. While new solar and other renewable developments will be key to achieving this aim, extensions of existing projects (like the Proposed Change) can provide

³ Published July 2011 ISBN 9780108510779

an efficient, low cost and environmentally friendly supporting role (when considering additional construction or decommissioning impacts of new development).

- 3.4 In practical terms the Development will generate clean renewable energy for the equivalent of between 45,000 and 60,000 new homes a year. The projected emissions reduction for the Development is set out at paragraph 5.8.8.7 below but in summary relates to circa 29,000 tonnes CO₂ equivalent per annum. An additional ten years lifespan would there provide an additional CO₂ displacement of circa 290,000 tonnes equivalent.

4. Materiality of Proposed Change

- 4.1 The Department for Communities and Local Government (as it was then known) published guidance on 'Changes to Development Consent Orders' in December 2015⁴. This guidance is not statutory. Nonetheless, it gives an outline of the main statutory and regulatory provisions contained in the 2008 Act and the 2011 Regulations and guidance on when a change may be treated as non-material. It has therefore been considered in the preparation of the Application. Paragraphs 9 to 16 of the guidance sets out examples of characteristics that indicate that a change is more likely to be considered material:

4.1.1 a change should be treated as material if it would require an updated Environmental Statement (from that at the time the original DCO was made) to take account of new, or materially different, likely significant effects on the environment.

4.1.2 a change is likely to be material if it would invoke a need for a Habitats Regulations Assessment. Similarly, the need for a new or additional licence in respect of European Protected Species is also likely to be indicative of a material change;

4.1.3 a change should be treated as material that would authorise the compulsory acquisition of any land, or an interest in or rights over land that was not authorised through the existing Order; and

4.1.4 the potential impact of the proposed changes on local people will also be a consideration in determining whether a change is material.

- 4.2 This supporting statement explains how the above characteristics do not apply to the change proposed.

5. Environment Statement

- 5.1 The original application for the Development included an Environmental Statement ("ES")⁵ consisting of 11 chapters followed by the technical chapters for each environmental theme.

- 5.2 The Applicant has re-visited the ES in order to consider whether the Proposed Change to the Development would give rise to any:

5.2.1 new significant effects that were not identified in the ES for the Development; or

5.2.2 materially different effects (positive or negative) when compared to the effects set out in the ES for the Development.

⁴ Published December 2015 – ISBN: 978-1-4098-4739-7

⁵ Document reference 6 LC ES CH (Chapters 1-11) and as updated as detailed in Article 14 of the Order

5.3 The Applicant has also considered whether the Proposed Change would constitute 'EIA Development' for the purposes of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017⁶. The Proposed Change:

5.3.1 does not constitute Schedule 1 development – it is not development of a type listed in that Schedule; and

5.3.2 does not constitute Schedule 2 development on the grounds that paragraph 13 of Schedule 2 provides that a change or extension to a development listed in paragraphs 1 to 12 of Schedule 2 which has already been authorised will be Schedule 2 development only if "the change or extension may have significant adverse effects on the environment".

5.4 For the reasons set out below, extending the operational phase of the development from 35 years to no more than 45 years will not result in any new or materially different likely significant effects on the environment and therefore this application is not accompanied by a revised ES.

5.5 The impacts have been considered against the main topics identified during examination for the construction, operational and decommissioning phase of the Development. However, the Proposed Change sought is to the operational lifetime of the Development and therefore it follows that the assessment of the environmental impacts were more detailed for this phase.

The construction phase

5.6 There will be no changes to the equipment required to deliver the Development with an extended lifespan, nor will there be any additional construction equipment required. The panels used will be in accordance with the parameters detailed in the original application. The length of the anticipated construction period will be unchanged by the extension to the operational lifetime. In any event, construction must take place within the confines of the approved Construction Environmental Management Plans and Construction Traffic Management Plan (Requirements 8 and 9 respectively).

5.7 As a result of the above, there are no changes to the impacts assessed in the ES for the construction phase.

The operational phase

5.8 The impacts for the operational phase are considered against the main examination topics as set out below:

5.8.1 Agricultural Circumstances

5.8.1.1 Agricultural Circumstances is assessed in Chapter 10 of the Environmental Statement (Document 6.10A LC ES CH10).

5.8.1.2 The assessment for the Proposed Change on the topic of Agricultural Circumstances is that during the operational phase, the intensive cropping which has taken place on the land will be replaced with the growing of grass. It was accepted during examination that this would result in a moderate beneficial impact to the quality of the soil. The extended lifetime will allow for further time to enhance the quality of the soil, although not to the extent that it would result in a new, likely significant effect.

5.8.1.3 The assessment of Agricultural Circumstances considers the potential effects of the temporary development on the agricultural

⁶ SI.2017. No 572

land resource, the soil resource associated with that land and farm businesses, both those occupying that land and any indirect effects on other farms in the surrounding area.

- 5.8.1.4 A summary of potential and residual effects is given in Table 10.11 of the ES (Document 6.10A LC ES CH10). There are no significant residual adverse effects in the operational phase of the development (Document 6.10A LC ES CH10). The only significant residual effect is a moderate beneficial effect. This arises due to the potential for recovery of soil organic matter, depleted through repeated arable cultivations, through the extended fallow period of the operational phase.
- 5.8.1.5 Extension of the operational phase from 35 years to up to 45 years will not affect the magnitude of effect or sensitivity of receptor for the soil resource, land resource or farm businesses through the construction and decommissioning phases. There will therefore be no change to the residual effects.
- 5.8.1.6 For the operational phase, the soil resource within the site will enjoy an extension to the period of beneficial management (fallow) that enables a recovery of soil health, degraded by arable land management. However, the additional benefit arising from a 45 year fallow over a 35 year fallow is likely to be marginal, if detectable. Most of the benefit will occur over the first two decades of fallow with further incremental annual benefit slowing as the soil organic matter content approaches the new, higher equilibrium for grassland. There will therefore be no change to the residual effect of a moderate beneficial effect for the soil resource from the operational development.
- 5.8.1.7 Extending the duration of the operational phase will have no change on the residual negligible effects for the agricultural land resource and farm businesses.

5.8.2 **Traffic and transport**

- 5.8.2.1 Transport and Access was assessed in Chapter 9 of the ES (Document 6.9 LC ES CH9), and associated technical appendices, including the Transport Statement (Document 7.35A Lc TA9.1) and Construction Traffic Management Plan (Document 7.36 LC TA9.2).
- 5.8.2.2 The ES confirm the operational phase is not expected to generate significant transport movements (Paragraph 9.2.7 of Document 6.9 LC ES CH9).
- 5.8.2.3 Paragraph 9.8.18 of the ES (Document 6.9 LC ES CH9) goes on to state in respect of the operational phase of the development, *"There are anticipated to be around four visits to the Site a year (one per quarter) for additional equipment maintenance. These would typically be made by light van or 4x4 type vehicles. Whilst the contractor's compound will have been removed, space will remain within the site on the access tracks for such a vehicle to turn around to ensure that reversing will not occur onto the highway"*.
- 5.8.2.4 Extending the operational lifetime of the Development from 35 years to up to 45 years will inevitably result in a longer period needed for operational and maintenance activities. However, there will not be a need to exceed the planned, four, annual

maintenance visits, which were assessed in the original ES to have a negligible effect.

- 5.8.2.5 Therefore, extending the operational lifetime of the Development from 35 years to up to 45 years will have no change on the residual negligible effects that were assessed in the original ES.

5.8.3 **Landscape and visual impact**

- 5.8.3.1 Landscape and visual effects were addressed in Chapter 6 of the ES (Document 6.6B LC ES CH6). This section considers the potential for any new or materially different likely significant effects (positive or negative) of the Proposed Change in relation to landscape and visual matters when compared to the effects set out in the ES.
- 5.8.3.2 In terms of landscape and visual impact, the absence of any change to the design of the Development itself, means that there will not be a change to the impact, save that the impact as originally assessed will endure for a longer period of time.
- 5.8.3.3 It is noted that the previously identified significant effects related solely to the effect on landscape character within the site and its immediate surroundings, and to the visual amenity of users of Footpath 214 which runs through the site (forming part of the Opencast Way).
- 5.8.3.4 Mitigation was included in the ES to help offset these effects. This included: 'Planting of new sections of hedgerow adjacent to the footpath through the development site and gapping up of existing hedgerows' and 'Sowing of wildflower seed to increase species diversity in the verges adjacent to the footpath'.
- 5.8.3.5 A Landscape and Ecological Management Plan (LEMP) was prepared for the scheme and included at Appendix 7.8 of the Ecology and Nature Conservation ES Chapter. The LEMP sets out the manner in which the proposed mitigation would be implemented and this is secured by Requirement 10 of the Order.
- 5.8.3.6 The proposed enhancement measures outlined in the ES were welcomed by Natural England, who stated that the preparation of a LEMP would help provide confidence that the measures outlined will continue to be managed during operation.
- 5.8.3.7 Requirement 10 of the Order provides that the LEMP must include details of the method of protection of existing landscape features and habitats during the operational stage of the Development. It must also provide a timetable for the landscape management of the land within the Order Limits during the lifetime of the Development.
- 5.8.3.8 It is therefore proposed that the LEMP continues to apply for the extended period, totalling 45 years, rather than the current 35 years.
- 5.8.3.9 On this basis the LEMP will therefore continue to address protection of the landscape for the extended period. With the mitigation secured in the Order continuing for the extended period, the landscape and visual effects would remain as assessed in the ES. The landscape mitigation measures would remain in

place and continue to mature and establish, providing ongoing positive landscape and habitat benefits but this element itself would not result in a significant environmental impact.

5.8.4 Ecology

- 5.8.4.1 Ecological impacts were assessed in Chapter 7 of the ES (Document 6.7A LC ES CH7). During examination, ecology was accepted as being neutral in the planning balance. The operational phase effects were also considered to be generally neutral, although beneficial effects were identified for a range of ecological features and species. These effects were considered to arise principally through the cessation of intensive arable farming practices, as well as the creation of a range of grassland and hedgerow habitats, resulting in the land within the operational Development being of greater biodiversity value than the baseline situation. This would also result in an improvement in habitat connectivity across the land within the Order Limits and immediately beyond. The ES identified how hedgerow habitats in particular would benefit from these effects. Associated benefits include an increase in diversity and abundance of foraging resources, as well as increased shelter, nesting and breeding opportunities for several wildlife species. Species/species groups identified in the ES as benefitting from these impacts included brown hare, great crested newts, invertebrates, and non-ground nesting birds.
- 5.8.4.2 Extending the operational phase will deliver these benefits for up to an additional ten years which will result in a positive impact and ensure these benefits persist for longer. However, this impact would not be significant in comparison to a 35-year operational lifespan and would not have additional effects on any other Important Ecological Features ('IEFs') that were not identified within the ES.
- 5.8.4.3 Measures to promote biodiversity also form a considerable element of the Landscape and Environmental Management Plan (Requirement 10 of the Order). The creation of new habitats of greater biodiversity value than the current habitats within the Order Limits and the implementation of the LEMP present the opportunity to enhance the biodiversity value of the area throughout the operational lifespan of the Development.
- 5.8.4.4 Given the lifecycles of wildlife expected to use the operational Development and likely establishment times of new proposed habitats, extending the operational phase may result in beneficial impacts but these would not be significant. The habitats and new wildlife features which are expected to have established over 35 years through the implementation of the LEMP, as well as the wildlife communities and assemblages they in turn would support, would not differ significantly from those anticipated to be present were the management regimes prescribed by the LEMP to be extended by up to 10 additional years.
- 5.8.4.5 As such, although an extension to the operational lifetime will mean that impacts to ecology will arise and persist for a longer period of time, there will no new, significant environmental effects.

5.8.5 **Historic environment**

- 5.8.5.1 Cultural Heritage was assessed in Chapter 8 of the ES (Document 6.8 LC ES CH8), as well completed numerous related fieldwork surveys which accompanied the Application, including the Archaeological Management Plan (Document 7.42 LC OTH).
- 5.8.5.2 In relation to the archaeological remains within the Order Limits, Chapter 8 concluded that *'no additional direct impacts upon the buried archaeological remains are anticipated following the completion of the proposed Development'* (Paragraph 8.4.9). As such, these receptors were scoped out of discussion as part of the operational phase in Chapter 8. However, the AMP, which set out principles for archaeological management and recording, considered potential impacts during the operational phase, including those potentially associated with vehicle movements, and laid out mitigation measures in response to the likely impacts. Those likely impacts, and agreed mitigation measures, are not time-specific and would apply to the operation of the scheme throughout its lifetime, regardless of the length of time. As such the Proposed Change does not affect the conclusions of Chapter 8 or the AMP, and provisions and mitigation measures agreed would apply to the extended lifetime of the Development.
- 5.8.5.3 With regard to heritage assets, Chapter 8 concluded that the Development would not result in a significant adverse effect on Gokewell Priory and that it would not lead to harm to any heritage assets located in the vicinity of the Order Limits. The change in the lifetime of the scheme does not affect the conclusions in any way.
- 5.8.5.4 In conclusion, in relation to archaeology and designated heritage assets, the proposal does not create a material change, and there would be no likely significant effects as a consequence of extending the lifetime from 35 to up to 45 years.

5.8.6 **Socio-economic**

- 5.8.6.1 Socio-economic effects were addressed in Chapter 11 of the ES (Document 6.11A LC ES CH11).
- 5.8.6.2 In terms of the socio-economic impact of extending the lifetime of the development from 35 years to 45 years, the maximum number of gross full-time equivalent jobs is expected to remain at ten. This means the employment effects will remain the same in absolute terms, however they will be for a longer period of time.
- 5.8.6.3 The contribution of the ten gross FTEs to economic output (gross value added) over a 35-year period is estimated to be £10.7million (present value). This increases to £11.5million (present value) over the proposed 45-year operational lifetime⁷.
- 5.8.6.4 The ES provided baseline analysis of jobs change in North Lincolnshire between 2010 and 2015, with employment in the area having remained flat over this period. The creation of new

⁷ Where future benefits are calculated over the operational timeframe, they have been discounted to produce a present value. This is the discounted value of a stream of either future costs or benefits. A standard discount rate is used to convert all costs and benefits to present values. Using the Treasury's Green Book, the recommended discount rate is 3.5% up to and including year 30. Thereafter, a discount rate of 3% is recommended.

jobs in the local economy by the solar park was therefore recognised as being important. Data is now available for the period 2015-2020 and while the figures indicate that job numbers increased in North Lincolnshire (from 74,000 to 76,000), over the most recent timeframe of 2019-2020 they declined (from 77,000 to 76,000). This is likely to be a reflection of the Covid-19 pandemic and its impact on the labour market. Creating new jobs in North Lincolnshire therefore remains important⁸.

5.8.6.5 It is concluded that extending the operational phase of the development would result in positive impact, but this would not be significant. The socio-economic effects remain as assessed in the ES.

5.8.7 Flooding

5.8.7.1 The Flood Risk Assessment and Drainage Strategy (FRADS) was assessed in Technical Appendix 3.1 of the ES (Document 7.3 LC TA3.1). Section 1 of the FRADS explains in the 'Summary of Key Issues' that the Development brings significant benefit to the management of surface water, a reduction in runoff leaving the Order Limits and the improvement of water quality.

5.8.7.2 The soil is shown to be free-draining, which has been confirmed by site inspection. However, in the current arable farming use, when the soil is bare after harvesting, rainfall runoff will occur, carrying silt which risks contaminating downstream surfaces and receiving watercourses. The farming activity also involves the application of pesticides and fertilizers, which enter the soil and migrate over time into the receiving watercourses, causing pollution.

5.8.7.3 The Development proposes to establish and maintain vegetation which will create improving drainage characteristics through natural and undisturbed soil processes, such as sustained worm activity. The soil will become a better 'sponge', retaining and managing rainwater through evaporation, evapotranspiration and infiltration. This will improve natural water management characteristics within the soil and reduce the rate of runoff.

5.8.7.4 The presence of the Development will cause the application of pesticides and fertilizers to cease allowing infiltrated water to improve. The established vegetation and root matrix will also improve rainwater entering the underlying soil, and over time the water quality passing through the soil and entering the receiving watercourses will improve.

5.8.7.5 These characteristics are described in **Section 7 of the FRADS** (Document 7.3 LC TA3.1).

5.8.7.6 The proposed increase in the lifetime of the solar farm will allow a continuation of the natural improvements in the soil characteristics, thus reducing runoff and improving the water quality in the underlying soil and receiving watercourses.

5.8.7.7 The Proposed Change extending the life from 35 to up to 45 years does not create a material change, and any changes in surface

⁸ All jobs numbers sourced from the Business Register & Employment Survey, published by the Office for National Statistics.

water characteristics and management that do occur would be marginally beneficial, but would not result in a significant effect.

5.8.8 **Air Quality and Carbon Assessment**

5.8.8.1 The Air Quality and Carbon Assessment was included in the ES Technical Appendices, Appendix 4.5 (Document 7.12B LC TA4.6) as requested by the Examining Authority. This was requested to assess potential impacts on nearby residents at, Fennswood / Heron's Lodge.

Air Quality

5.8.8.2 With regards to air quality, the only operational impacts were those of traffic emissions from the four maintenance visits per year. The need for a detailed air quality assessment to evaluate the effect of these maintenance trips was scoped out due to the effect being considered minimal. The Proposed Change will not alter the traffic data from the proposed four annual maintenance visits. While the extended operational lifetime of the Development from 35 years to up to 45 years will inevitably result in a longer project lifespan, there is no change in the effect nor is it materially different from those effects assessed in the original ES. That is, while there are 4 annual trips for an extended period, there remains no significant effect from vehicle emissions.

5.8.8.3 Furthermore, emissions from vehicles are expected to improve in future years as technology improves and there is greater uptake in electric vehicles. Therefore, the conclusions remain that the effect of the proposed change in Air Quality pollutant concentrations as a result of the Development remains negligible.

Carbon

5.8.8.4 With regard to carbon emissions, the panels are expected to degrade over their lifetime, thus becoming less efficient and reducing the carbon offset made through the Development's primary function as a renewable energy source. The additional 10 years lifespan of the project would result in a slight reduction in efficiency as a result of panel degradation but it is anticipated that this would not be significant and the reduction in carbon dioxide equivalent ('CO₂e') during the additional 10 years would still be appreciable compared to the use of fossil fuels for energy generation.

5.8.8.5 ES Technical Appendices, Appendix 4.5 (Document 7.12B LC TA4.6) sets out a predicted estimated saving of 30,351 tonnes of CO₂e in year 1 of the project, accounting for 21 tonnes emitted from maintenance vehicles per annum on the site and an additional 1,014 tonnes for the construction of the project. The assessment makes a worst case assumption when calculating the emissions from maintenance vehicles by assuming it would stay the same as they are in the first year, though in reality they are expected to reduce as technology improves.

5.8.8.6 Maintaining the assumptions that vehicles emissions stay the same for the additional 2036-2045 period, and assuming a typical degradation factor of 0.55% per annum for the solar panels, the following assumptions can be made for the additional 10year period shown in Table 1.

5.8.8.7 Table 1 Emissions Reduction in Additional 10 Year Operational Period Accounting for Panel Degradation over Time.

Year	Emissions saving from reduced reliance on fossil fuels (tonnes of Carbon Dioxide Equivalent (tCO₂e)/yr)	Total Emissions from Site (tonnes of Carbon Dioxide Equivalent (tCO₂e)/yr)	Total Emissions Saving (tonnes of Carbon Dioxide Equivalent - tCO₂e/yr)
2036	29,194	21	29,173
2037	29,033	21	29,012
2038	28,874	21	28,853
2039	28,715	21	28,694
2040	28,557	21	28,536
2041	28,400	21	28,379
2042	28,244	21	28,223
2043	28,088	21	28,067
2044	27,934	21	27,913
2045	27,780	1,035	26,724

5.8.8.8 This does not take into account the anticipated reductions in fossil fuel reliance across the grid but demonstrates that the

degradation of the panels still far outweighs any emissions from the Development for the extended period of development.

5.8.8.9 Future emissions inventory scenarios have been supported by UK national carbon budgets. At present, the sixth carbon budget (2033 – 2037) has been set and detailed by the Government and formally adopted into legislation before parliament under the Carbon Budget Order 2021. The amount of greenhouse gasses (GHGs) that the UK can emit over the 5-year period (2033 – 2037) is 965 million tonnes of carbon dioxide equivalent.

5.8.8.10 Table 2 National Carbon Budgets

Carbon Budget	Total budget (Metric tons Carbon Dioxide Equivalent)
3rd (2018 – 2022)	2,544
4th (2023 – 2027)	1,950
5th (2028 – 2032)	1,725
6th (2033 – 2037)	965

5.8.8.11 The extended lifespan of the project will aid in reducing UK emissions in the 6th Annual Carbon Budget. There is no '7th' Carbon Budget yet set out.

5.8.8.12 In summary, the extension of the Development lifespan for an additional 10 years, would not significantly alter the findings of the originally submitted air quality and carbon technical reports and ES chapters.

5.8.8.13 For Air Quality, the effect remains negligible. For Carbon emissions, the effect of the Development remains beneficial and the positive change is not a significant environmental impact.

Ground Conditions

5.8.8.14 A Phase I Ground Condition Desk Study was provided in Technical Appendix 3.2 of the Environmental Statement (Document 7.4 LC TA3.2). A Geotechnical and Phase II Contamination Report was provided in Appendix 3.3 (Document 7.5 LC TA3.3).

5.8.8.15 The proposed additional 10 years will not result in any new or materially different likely significant effects (positive or negative) from a geotechnical or contaminated land viewpoint, as those effects are limited to the construction and decommissioning phases. Extending the operational phase therefore has no impact on the completed assessments.

Noise

- 5.8.8.16 A Noise Impact Assessment was provided in Technical Appendix 4.9 (Document 7.16A LC TA4.9) as a supplementary report to the ES. The assessment considers the noise impact during the operation of the Development.
- 5.8.8.17 The report demonstrates that the operation of the Development is not expected to have a negative impact on the amenity of nearby noise sensitive receivers when considering the agreed upon mitigation strategy.
- 5.8.8.18 The 10 year extension will still be subject to Requirement 15 of the Order, which states the following:
- (1) No phase of the authorised development is to commence until an operational noise assessment containing details of how the design of the authorised development has incorporated mitigation to ensure the operational noise rating levels as set out in the environmental statement are to be complied with for that phase has been submitted to and approved by the local planning authority.
- (2) The authorised development must be implemented and operated for its duration in accordance with the approved operational noise assessment.
- 5.8.8.19 No additional noise sources will be generated due to the 10 year increase of operating time, and therefore the predictions made in the original noise impact assessment will remain and demonstrate that a negative impact is not expected, and there will be no resulting significant environmental effects

5.9 The decommissioning phase

- 5.10 Six months prior to the cessation of the operational lifetime of the Development, Requirement 4 of the Order provides that the Applicant must submit a decommissioning and site restoration scheme, which must be submitted in accordance with the outline decommissioning strategy (which was certified as the outline decommissioning strategy by the Secretary of State for the purposes of the Order under article 14). The Applicant has considered the outline decommissioning strategy and is satisfied that decommissioning can still take place in accordance with that strategy. The extension to the operational lifetime will not result in a lengthier decommissioning period nor will it require additional works during decommissioning.
- 5.11 It was accepted during examination that the requirement to remove the equipment from the land at the end of the operational lifetime (save for the access track which will remain in perpetuity and the substation which must be decommissioned by the District Network Operator ('DNO')) means that there will be no permanent loss of farmland. This remains the case with the extended lifetime.
- 5.12 There are therefore no changes to the impacts assessed in the ES for the decommissioning phase.

6. Habitats Regulation Assessment

- 6.1 The Secretary of State considered that the Development, either alone or in combination with other projects, was not likely to have a significant effect on any protected site in accordance with the Conservation of Habitats and Species Regulations 2017 and therefore

additional assessment was not required. The extension to the operational lifetime does not change this position.

7. Compulsory acquisition

7.1 For the avoidance of any doubt, the Proposed Change will not authorise the compulsory acquisition of any land, or an interest in or rights over land. The Order did not contain any such powers and the Proposed Change does not seek to amend that.

8. Impact on local people

8.1 It is not considered that there will be any new or different impacts on local people, save that the impacts on landscape, noise and ecology will endure for a longer period of time. However, these impacts are all subject to mitigation requirements through the Order.

8.2 In particular, it is noted that no local people participated in the Examination or objected to the Order save for the residents at Fennswood / Heron's lodge, adjacent to the site. Those residents were concerned with construction impacts and not operational impacts. It is therefore considered the Proposed Change would not have any new effect in that regard.

9. Previous non-material changes to the Order

9.1 There are no non-material changes which have been made to the Order to date and therefore none for the Secretary of State to consider pursuant to paragraph 2(2) of the 2008 Act.

10. Consideration of other development consent orders

10.1 Whilst the determination as to whether the Proposed Change is material or not is specific to the Development, the Secretary of State may find the following information of some assistance:

10.1.1 The Cleve Hill Solar Park Order 2020 authorises an operational period of 40 years from the date of final commissioning, or until such later time as any appeal, arbitration or judicial review of any decommissioning notice served pursuant to the requirements has been determined (Schedule 1, Part 2 (Requirements)); and

10.1.2 there are currently two solar farms, Sunnica Energy Farm and Longfield Solar Farm, which are at the stage of pre-examination but which have not proposed a limit on the on their operational lifetime.

11. Statement of Consultation

11.1 The 2011 Regulations set out requirements for consultation on non-material change applications to DCOs. Regulation 7A requires that the applicant provides the Secretary of State with a statement setting out details of the steps the applicant has taken to comply with these consultation requirements. This statement is contained in **Appendix 1** of this document.

12. Legal Interest of INRG

12.1 Regulation 4(g) of the 2011 Regulations requires the application to contain details of the applicant's interest in the land to which the development consent order relates. The Applicant's interest in the Order Limits is currently as follows:

12.1.1 An option for lease dated 23 December 2020 made between (1) The Right Honourable Kenneth Peter Lyle, Fourth Earl of Inchcape and Sir Francis George Windham Brooke Baronet as Trustees of the Yarborough 1961 Settlement –

General Fund and (2) INRG Solar (Little Crow) Limited. This relates to the western half of the "main site";

12.1.2 an option for lease dated 23 December 2020 made between (1) William Robert Strawson and (2) INRG Solar (Little Crow) Limited. This relates to the eastern half of the "main site";

12.1.3 an option dated 23 December 2020 made between (1) W H Strawson (Farms) Holdings Limited and (2) INRG Solar (Little Crow) Limited. This Option allows the Applicant to call for the grant of the "Construction Compound Lease" (BoR plots 1/15 and 2/5) and a deed of easement in relation to the access route to the site.

12.2 The above interests cover the entirety of the Order Limits.

13. **Conclusions**

13.1 The Secretary of State has a statutory power to permit the Proposed Change to the Order pursuant to paragraph 2 of Schedule 6 of the 2008 Act where he is satisfied the change is not material.

13.2 There are no changes to the construction or decommissioning phases of the Development as a result of the proposed extension to the operational lifetime. The arrangements for construction and decommissioning will be unchanged. Consequently, there are no new or materially different effects for these phases.

13.3 With regards to the operational phase, whilst the impacts identified will endure for a longer period, this will not create any new or materially different effects. The extension to the operational lifetime is considered to be a non-material change which can be granted by the Secretary of State.

13.4 The Proposed Change does not generate a need for a Habitats Regulations Assessment, nor does it authorise the compulsory acquisition of any land or generate any additional impacts on local businesses or residents.

Appendix 1

Consultation and Publicity Statement

The following statement sets out details of the steps the Applicant has taken to comply with the requirements of Regulation 6 and Regulation 7 The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) as per Regulation 7A of the same.

In addition to the steps below the Applicant held a meeting with officers of the department for Business, Energy and Industrial Strategy ('BEIS') on the 14th July 2022. A full explanation of the required change and its non-material nature was provided by the Applicant to BEIS at this meeting. In addition both BEIS and the Planning Inspectorate have been kept updated on progress with the application throughout.

Publicising the Application (Regulation 6)

The Applicant has arranged for a notice to be published in the Scunthorpe Telegraph on two separate occasions being Thursday 6th October 2022 and the following week being Thursday 13th October 2022.

The notice contains all the information required by Regulation 6 including:

- the name and address of the applicant;
- a statement that the applicant is seeking, by way of an application to the Secretary of State, a change to be made to a development consent order which is not material;
- a summary of the main elements of the application;
- a statement that any documents, plans and maps showing the nature and location of the land, and accompanying the application are available free of charge at www.infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/little-crow-solar-park/?ipcsection=docs;
- the address of the website where the documents and plans may be inspected;
- the place on the website where the documents and plans may be inspected;
- a telephone number which can be used to contact the applicant for enquiries in relation to the documents, plans and maps;
- confirmation of the charge that will be made for copies of any documents;
- the latest date on which those documents, plans and maps will be available for inspection on the website;
- details of how to respond to the publicity;
- a deadline for receipt of those responses by the Secretary of State, being not less than 28 days following the date when the notice is last published.

A copy of the Regulation 6 notice is included below.

A copy of the Regulation 6 Notice has also been sent directly to the Planning Inspectorate so it can be placed on the National Infrastructure Planning project website.

Copy of Regulation 6 Notice

SECTION 153 OF THE PLANNING ACT 2008 REGULATION 6 OF THE INFRASTRUCTURE PLANNING (CHANGES TO, AND REVOCATION OF, DEVELOPMENT CONSENT ORDERS) REGULATIONS 2011

NOTICE OF APPLICATION TO MAKE A NON MATERIAL CHANGE TO THE FOLLOWING DEVELOPMENT CONSENT ORDER:

The Little Crow Solar Park Order 2022 S.I. 2022 No. 436

NOTICE IS HEREBY GIVEN THAT an application has been made by INRG Solar (Little Crow) Limited, of 89 Leigh Road, Eastleigh, Hampshire SO50 9DQ ("the Applicant") to the Secretary of State for Business, Energy and Industrial Strategy ("the Secretary of State") to make a non-material amendment to the above mentioned Development Consent Order ("DCO") ("the Application").

The Application seeks to make changes to the DCO which are not material. The proposed changes are:

1. An amendment to Requirement 3 in Part 1 of Schedule 2 of the DCO to state:

3.-(1) The authorised development must cease generating electricity on a commercial basis no later than the 45th anniversary of the first export date from Work No.1.

The amendment would extend the lifetime of the development authorised by the DCO from 35 years to up to 45 years.

2. An amendment to Requirement 4 in Part 1 of Schedule 2 of the DCO to state:

4.-(1) Not less than 6 months before the 45th anniversary of the first export date, a decommissioning and site restoration scheme must be submitted to the local planning authority for its approval. The decommissioning and site restoration scheme(s) must be in accordance with the outline decommissioning strategy.

The amendment ensures that the decommissioning requirements are aligned with Requirement 3 (as amended).

A copy of the Application is available to view free of charge on the Planning Inspectorate's website <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/little-crow-solar-park/?ipcsection=docs>. It is also available to view free of charge on the Applicant's website: www.littlecrowsolar.co.uk/consultation-documents at the bottom of the page under the subheading 'Non-Material Change Application Documents' until 15th November 2022

For any queries in relation to the Application documents please contact the Applicant by emailing info@littlecrowsolar.co.uk or calling 01454 625 945.

A free digital copy of the Application documents can also be obtained from the Applicant using the contact details above. Alternatively, a paper copy can be obtained from the Applicant for a small charge of £25.00.

Please send any representations about the Application by email to LittleCrowSolarPark@planninginspectorate.gov.uk or in writing to: National Infrastructure Planning, The Planning Inspectorate, Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN. Please quote "Little Crow Solar Park project - Non-Material Change EN010101" on any correspondence. If you have difficulty in submitting a representation by email, please contact LittleCrowSolarPark@planninginspectorate.gov.uk or 0303 444 5000 and a member of the Planning Inspectorate's case team will be able to assist.

Representations will be made public by being published on the Planning Inspectorate's website at: <https://infrastructure.planninginspectorate.gov.uk/>.

Please note that the deadline for the receipt of representations by the Planning Inspectorate is 11.59pm on 14th November 2022.

Duty to Consult (Regulation 7)

Regulation 7 of the 2011 Regulations requires consultation with the persons set out below. Each person specified has been sent a copy of the Regulation 6 notice.

- (a) each person for whose benefit the development consent order, to which the application relates has effect;
- (b) each person that was, in accordance with section 56, notified of the application for the development consent order which is the subject of the application; and
- (c) any other person who may be directly affected by the changes to the proposed application.

The Applicant can confirm that the only person which falls within in category (a) of the above is the Applicant themselves - INRG Solar (Little Crow) Limited.

The Applicant confirms they do not consider any person to fall within category (c).

In respect of category (b), the Applicant confirms that a Regulation 6 notice has been sent by post on Tuesday 4th October 2022 to all persons who were notified of the original DCO application pursuant to section 56 of the Planning Act 2008.

Statement of Consultation

The above details of publicity and consultation have been provided to comply with the requirements of Regulation 7A of the 2011 Regulations and are intended as the Applicant's statement on the consultation undertaken for the non-material change application to the DCO.