ADDLESHAW GODDARD

Dated 9 November 2026

APPLICATION TO MAKE A NON-MATERIAL AMENDMENT TO THE PROGRESS POWER (GAS FIRED POWER STATION) ORDER 2015

RESPONSE
submitted on behalf of National Grid Electricity Transmission plc

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1 Introduction

1.1 This submission is made on behalf of National Grid Electricity Transmission plc (**NGET**) in response to the application by Progress Power Limited (**PPL**) for a non-material change application (**NMC3**) to the Progress Power (Gas Fired Power Station) Order 2015 (as amended) (**Order**).

1.2 We understand that PPL sought to consult NGET in relation to the application for the NMC3 and sent the relevant documentations to NGET's offices on 5 August 2026. Unfortunately, this documentation was not received by the appropriate person and NGET only became aware of the NMC3 on 5 October 2026 following correspondence between NGET's solicitors and PPL's solicitors on a related matter. As such, NGET requests that the Secretary of State considers the comments in the following submission on the basis that NGET is a consultee for the purposes of Regulation 7(2) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011.

1.3 NMC3 proposes two changes to the Order for which NGET has a material interest given the implications for its electricity transmission undertaking:

(a) **Change to Work No. 7** – it is proposed to retain the provisions in the Order relating to the access between Leys Lane and the substation constructed under Work No. 5 (**Yaxley Substation**), but to remove the access works which are not required, and not yet undertaken, in relation to A140 to Leys Lane from Work No 7; and

(b) **Change to Work No. 5** – it is proposed to transfer the benefit of Work No. 5 (being Yaxley Substation and associated infrastructure) from NGET and PPL to NGET as sole beneficiary, and insofar as the amended Order proves, the party responsible for compliance with all relevant requirements relating to that work.

2 Change to Work No. 7

2.1 In May 2019 PPL was granted planning permission for, "*the creation of a temporary access road between A140 and Leys Lane, Yaxley for use during the construction of Progress Power Station Limited Power Station"* (Planning Permission Reference: DC/19/02267) which has negated the need for the access works between the A140 and Leys Lane authorised under Work No. 7 (**Temporary Access Road**). Planning permission for the, "*construction and operation of Synchronous Condensers with ancillary infrastructure, and associated works including access and landscaping*" (Planning Permission Reference: DC/22/04021) was secured by Conrad Energy (Developments Ltd) (**Conrad Energy)** in February 2023 for temporary use of the Temporary Access Road.

2.2 NGET understands that Conrad Energy intend to submit a planning application to make the Temporary Access Road permanent., which NGET has provided a letter of support for.

2.3 A further planning application has been submitted to the local planning authority, by Connectid 2 Limited (Regener8 Power Limited) for, *"Construction and operation of a Battery Energy Storage System, together with related infrastructure, access, drainage, landscaping and other associated works"* (**Planning Application**) which awaits determination. Paragraphs 3.5 to 3.7 of the Transport Statement for the Planning Application alludes to the application by Conrad Energy to make the Temporary Access Route permanent, but they have requested that the local planning authority make the Temporary Access Route permanent under the Planning Application as it is also required to provide access to their proposed battery storage proposal.

2.4 NGET notes that Suffolk County Council (**SCC**) in its August 2026 submissions considered that the original configuration of Work No. 7 (save for changes with regards to the restoration of junction improvements to the A140 under Requirement 6 of the Order) should be the adopted arrangement, and also made permanent. Alternatively, SCC considered that a planning application should be made to make the Temporary Access Road permanent. In submissions made by Mid Suffolk District Council (**MSDC**) in August 2026, MSDC noted that liability for Work No. 7 could be transferred to NGET.

2.5 NGET uses the Temporary Access Route for all vehicle movement including HGVs and abnormal indivisible load movements and is engaging with the relevant landowners in relation to ongoing access to Yaxley Substation. Whilst NGET is able to access Yaxley Substation for everyday servicing and maintenance in cars and small vans via Leys Lane, such use is opposed by local residents and would not be appropriate for access in an emergency situation which might require the use of larger vehicles which are unsuited to Leys Lane.

2.6 It is noted that Work No. 7 is for temporary construction use only and the scope of the NMC does not anticipate retention of this work or to make it permanent. Therefore, a solution to permanent ongoing access to Yaxley Substation needs to be implemented which NGET is exploring internally.

2.7 Whilst NGET does not oppose the proposed change to Work No. 7, NGET recognises that a permanent solution for access to Yaxley Substation is required, likely through a separate planning application. NGET does not have sufficient control over the surrounding land to be able to assist in provision of a solution and considers that either PPL or another body via a planning application should work with SCC and MSDC in order to provide a permanent route of access.

3 Change to Work No. 5

3.1 NGET owns and operates Yaxley Substation, and holds the freehold interest to the land on which Yaxley Substation is situated (registered at HM Land Registry with title number SK425872) (**NGET Land**). The land immediately to the south and immediately around the Yaxley Substation is owned by PPL and registered at HM Land Registry under title number SK412657) (**PPL Land**). The limits of Work No. 5 encompass both the NGET Land and the PPL Land.

3.2 NGET recognises that that as the statutory undertaker that it may be appropriate for it to assume responsibility for the substation infrastructure comprised in Work No. 5, so long as the necessary land rights and compliance arrangements are in place. However, the proposed amendment would make NGET the sole beneficiary of Work No. 5 and place responsibility upon NGET for compliance with the associated obligations under the Order without first ensuring that it has the legal and practical means to discharge those obligations

3.3 Without sufficient rights in land, as soon as the benefit of Work No. 5 is transferred to NGET alone, it would expose NGET to obligations which it would not have the practical ability to discharge, thereby exposing it to an unacceptable risk of non-compliance with the Order and its requirements. The relevant Requirements under the Order include:

(a) Requirement 4(i) (Provision and landscaping) – a scheme of maintenance for the life of the authorised development is to be complied with which will provide for joint annual inspections by the planning authority and NGET for 10 years from the implementation date;

(b) Requirement 5(3) (Implementation and maintenance of landscaping) – any tree or shrub that is removed, dies or becomes seriously damaged or diseased within 7 years after planting must be replaced within the first available plating season with a specimen of the same species and size unless approved by the planning authority;

(c) Requirement 7 (Fencing and Security) –-Compliance with details submitted for permanent means of enclosure;

(d) Requirement 8 (Surface and Foul Water Drainage) –-Compliance with details submitted for surface and foul water drainage system;

(e) Requirement 10 (Ecological Management Plan) – Compliance with details submitted for ecological management plan;

(f) Requirement 15 (Travel plan during operational phase – Compliance with operational travel plan; and

(g) Requirement 18 (Artificial Lighting) – Compliance with scheme for management and mitigation of artificial light emissions.

3.4 NGET has requested copies of the documents referred to under the Requirements which it must comply with from PPL but has not yet been supplied with these.

3.5 NGET is currently in negotiations with PPL in relation to the transfer of the relevant land and the grant of the necessary property rights to enable NGET be able to fulfil the requirements under the Order, but these have not yet been concluded.

3.6 On this basis, NGET must object to the proposed amendment in its current form.

3.7 Any transfer making NGET solely responsible for the relevant obligations should take effect only once the necessary land transfer and rights have been completed, thereby ensuring responsibility for compliance matters has been appropriately addressed. Pending those arrangements being put in place, the existing arrangements for responsibility for Work No. 5 should remain in place. The unconditional transfer of the benefit of Work No. 5 under the Order would expose NGET to an unacceptable risk of non-compliance with requirements in the Order which it does not presently have the means to discharge. Accordingly, the Secretary of State should not currently make the proposed change as it is premature.

4 Summary of NGET's position

4.1 NGET requests that the Secretary of State does not grant the change to Work No. 5 for the reasons set out above until such time that NGET has sufficient rights in land to comply with the relevant obligations under the Order.

4.2 NGET does not object to the change to Work No. 7 but considers that an alternative solution should be provided for ongoing access.

Addleshaw Goddard LLP on behalf of NGET

9 November 2026