

The Keadby 3 Low Carbon Gas Power Station

Document Ref: 3.2

Planning Inspectorate Ref: EN010114

The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order

Land at and in the vicinity of the Keadby Power Station site, Trentside, Keadby, North Lincolnshire

Statement of Reasons

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Regulation 5(2)(h)

Applicant: Keadby Generation Limited

Date: May 2021

DOCUMENT HISTORY

Document Ref	3.2
Revision	VP1.0
Author	DWD

GLOSSARY

Abbreviation	Description
2008 Act	The Planning Act 2008
AGI	Above Ground Installation
AIL	Abnormal Indivisible Load
APFP Regulations	Application (Prescribed Forms and Procedure) Regulations 2009
CCGT	Combined Cycle Gas Turbine
CCUS	Carbon Capture, Utilisation and Storage
DCO	Development Consent Order
EIA Regulations	Environmental Impact Assessment Regulations 2017
ES	Environmental Statement
HP	High pressure
MW	Megawatts
NEP	Northern Endurance Partnership
NLC	North Lincolnshire Council
NSIP	Nationally Significant Infrastructure Project
The Order	The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order
PCC	Power and Carbon Capture
PINS	Planning Inspectorate
SoS	Secretary of State for Business, Energy and Industrial Strategy
ZCH	Zero Carbon Humber

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EXECUTIVE SUMMARY

1.1.1 This Statement of Reasons relates to the Application for a DCO made by the Applicant for powers to construct, operate and maintain the Proposed Development. In particular, this Statement explains that it is necessary, proportionate and justifiable for the Applicant to be granted powers of compulsory acquisition and the basis upon which it is considered that there is a compelling case in the Public Interest for such grant.

1.1.2 The matters addressed in this Statement are summarised below.

1.2 Introduction (Section 1)

1.2.1 This Statement of Reasons forms part of the Application for a Development Consent Order by the Applicant pursuant to the Planning Act 2008 for the requisite powers to construct, operate and maintain the Proposed Development.

1.2.2 As explained within this Statement, the Applicant considers that it is necessary, proportionate and justifiable to seek powers of compulsory acquisition and there is a compelling case in the public interest for the grant of such powers.

1.3 The Proposed Development (Section 2)

1.3.1 The Proposed Development is set out at Schedule 1 to the Order (**Application Document Ref. 2.1**) and the Works Plans (**Application Document Ref. 4.3**) provides further details in respect of the location and situation of the Proposed Development.

1.3.2 The Proposed Development comprises 'Works' that can be summarised as follows:

- **Work No. 1** – a carbon capture enabled electricity generating station comprising a combined cycle gas turbine plan (Work No. 1A), cooling infrastructure (Work No. 1B), carbon dioxide capture plant (Work No. 1C), natural gas reception facility (Work No. 1D), generating station support uses (Work No. 1E) together with associated works;
- **Work No. 2** – a high pressure gas supply pipeline for the transport of natural gas to Work No. 1 comprising a high pressure steel pipeline of up to 800 millimetres (nominal bore) in diameter and approximately 0.3km in length including cathodic protection posts and marker posts, running between the Keadby Power Station site between Work No. 1D and Work No. 2B and above ground installation comprising a compound for National Grid's Gas apparatus (Work No. 2A), a compound for the undertaker's apparatus (Work No. 2B) and associated works;
- **Work No. 3** – electrical connection works for the import and export of electricity including 400 kilovolt cables (Work No. 3A) and 132 kilovolt cables (Work No. 3B);

- **Work No. 4** – water supply connection works (Work Nos. 4A or 4B);
- **Work No. 5** – water discharge works;
- **Work No. 6** – towns water connection;
- **Work No. 7** – high pressure carbon dioxide pipeline, carbon dioxide compression and export infrastructure (Work Nos. 7A and 7B);
- **Work No. 8** – permanent vehicular access (Work Nos, 8A, 8B and 8C);
- **Work No. 9** – temporary construction and lay down areas including access (Works Nos. 9A, 9B and 9C);
- **Work No. 10** – temporary haulage route and waterborne transport offloading facilities (Works No. 10A and 10B);
- **Work No. 11** – landscaping, planting and boundary treatment (Works Nos 11A and 11B)

1.3.3 In addition, further associated development may come forward as set out in further detail at paragraph 3.2.14.

1.3.4 Permanent access to the Proposed Development Site would be via the existing road access from the A18. Emergency access is proposed to be provided via an existing private track between the Low Carbon Gas Power Station and Chapel Lane together with three further access as described in further detail at paragraphs 3.3.1 to 3.3.8.

1.4 Construction Programme and Management (Section 3)

1.4.1 Whilst a detailed construction programme is not currently available, it is anticipated that the construction of the Proposed Development will be completed within 4 years.

1.4.2 The Applicant will be responsible for the construction, operation, maintenance and eventual decommissioning of the Proposed Development with the exception of the National Grid Gas compound works, works within the National Grid Electricity Transmission 400kV substation and the Northern Powergrid 132kV substation, and the National Grid Carbon compound works which will be the responsibility of those named beneficiaries.

1.5 Description of the Site and Order Land (Section 4)

1.5.1 The Proposed Development Site (the ‘Order Limits’) is located within and near to the existing Keadby Power Station site near Scunthorpe, Lincolnshire and lies within the administrative boundary of North Lincolnshire Council (NLC). The majority of land is within the ownership or control of the Applicant (or SSE associated companies) and is centred on national grid reference 482351, 411796.

- 1.5.2 The existing Keadby Power Station site currently encompasses the operational Keadby 1 and (under construction) Keadby 2 Power Station sites, including the Keadby 2 Power Station Carbon Capture and Readiness reserve space.
- 1.5.3 The Proposed Development Site encompasses an area of approximately 69.4 hectares (ha). This includes an area of approximately 18.7ha to the west of Keadby 2 Power Station in which the generating station (CCGT plant, cooling infrastructure and CCP) and gas connection will be developed (the Proposed PCC Site).
- 1.5.4 The Proposed Development Site includes other areas including:
- Previously developed land, along with gas, towns water and other connections, and access routes, within the Keadby Power Station site;
 - National Grid 400kV Substation located directly adjacent to the Proposed PCC Site, through which electricity generated by the Proposed Development will be exported;
 - Emergency Vehicle Access Road and Potential Electrical Connection to Northern Powergrid Substation, the routes of which utilise an existing farm access track towards Chapel Lane and land within the existing Northern Powergrid substation on Chapel Lane;
 - Water Connection Corridors:
 - Canal Water Abstraction Option which includes land within the existing Keadby Power Station site with an intake adjacent to the Keadby 2 Power Station intake and pumping station and interconnecting pipework;
 - River Water Abstraction Option which includes a corridor that spans Trent Road and encompasses the existing Keadby Power Station pumping station, below ground cooling water pipework, and infrastructure within the River Trent; and
 - Water Discharge Corridor which includes an existing discharge pipeline and outfall to the River Trent and follows a route of an existing easement for Keadby 1 Power Station;
 - The existing river wharf at Railway Wharf (the Waterborne Transport Offloading Area) and existing temporary haul road into the into the existing Keadby 1 Power Station Site (the 'Additional Abnormal Indivisible Load (AIL) Route');
 - A number of temporary Construction Laydown Areas on previously developed land and adjoining agricultural land; and
 - Land at the A18 Junction and an existing site access road, including two existing private bridge crossing of the Hatfield Waste Drain lying west of Pilfrey Farm (the western of which is known as Mabey Bridge, to be replaced, and the eastern of which is termed Skew Bridge) and an existing temporary gatehouse, to be replaced in permanent form.

1.5.5 In the vicinity of the Proposed Development Site the River Trent is tidal, therefore parts of the Proposed Development Site are within the UK marine area. No harbour works are proposed.

1.5.6 The Proposed Development Site is divided into the following areas of permanent and temporary land use (the proposed use described in more detail in Chapter 4: Proposed Development (ES Volume I - **Application Document Ref. 6.2.4**):

- Proposed Power Station and Carbon Capture Site (Proposed PCC Site);
- Electrical Connection Area to National Grid 400 kilovolt (kV) Substation;
- Emergency Vehicle Access Road;
- Potential 132kV Electrical Connection to Northern Powergrid Substation;
- Land within the Keadby Power Station site for the purposes of facilitating connections to the Proposed Development for natural gas supply, and other necessary infrastructure (including 'Water Connection Corridor');
- Water Connection Corridors including River Water Abstraction Option and Canal Water Abstraction Option);
- Water Discharge Corridor;
- Waterborne Transport Offloading Area;
- Additional Abnormal Indivisible Load (AIL) Route;
- Construction Laydown Areas;
- A18 Junction Improvement Option;
- Construction and Operational Vehicular Site Access Route, Mabey Bridge replacement and gatehouse; and · Additional Area for Landscaping and Biodiversity Provision.

1.6 Compulsory Acquisition Powers (Section 6)

1.6.1 Section 120 Planning Act 2008 provides that 'an order granting development consent may make provision relating to, or matters ancillary to, the development for which consent is granted.'

1.6.2 The ancillary matters referred to at Section 120 are listed in schedule 5 Planning Act 2008 and include, inter alia, the acquisition of land, compulsorily or by agreement, and the creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement.

1.6.3 Section 122 Planning Act 2008 provides that an '...order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State...' in respect of the Application, is satisfied that the land is required for the development to which the DCO relates and that such

land is required to facilitate that development or is incidental to that development or is replacement land.

1.6.4 In addition, the Secretary of State must be satisfied that ‘...there is a compelling case in the public interest for the land to be acquired compulsorily.’

1.7 Need for Compulsory Acquisition Powers (Section 7)

1.7.1 Section 122 Planning Act 2008 provides that powers of compulsory acquisition may only be granted if the Secretary of State is satisfied that the land identified within the Order is required for the Proposed Development, or is required to facilitate it, or is incidental to it and there is a compelling case for that land to be compulsorily acquired.

1.7.2 The Guidance also provides that there must be a clear idea as to how the Applicant intends to use the land, it must be no more than is reasonably required, there must be compelling evidence that the public benefit would outweigh any private loss, all reasonable alternatives to compulsory acquisition have been explored, there are reasonable prospects of the required funds for the acquisition being made available, and the proposed interference with the rights of those with an interest in the land if for a legitimate purpose, necessary and proportionate.

1.7.3 The position in respect of the provision of funding is set out within the Funding Statement (**Application Document Ref. 3.3**). The remaining matters are addressed in this Statement at **Section 7**.

1.7.4 In order that the Government’s policy in relation to the delivery of new generating capacity is met within a timely manner the Applicant requires the grant of powers to compulsorily acquire the required land and/or interests, create new interests and extinguish existing interests. The powers sought are in respect of:

- **All interests (including freehold)** – The Applicant relies upon Article 19 of the Order to acquire the freehold interest in land where other powers (such as, inter alia, the acquisition of new rights, overriding of rights, acquisition of subsoil only or temporary occupation) would not be sufficient or appropriate to enable the construction, operation and/or maintenance of the Proposed Development.
- **Extinguishment and Overriding of Rights** – The Applicant relies upon Articles 20 and 23 for the extinguishment and/or overriding of rights to facilitate the construction, operation and/or maintenance of the Proposed Development.
- **New Rights** – The Applicant relies upon Article 22 for the creation of new rights as well as the acquisition of existing rights to enable the construction, operation and/or maintenance of the Proposed Development.
- **Subsoil and airspace** – Article 25 allows the Applicant to acquire interests in the subsoil and/or airspace where this is considered sufficient to enable

the construction, operation and/or maintenance of the Proposed Development without needing to acquire the entirety of the freehold interest.

- **Temporary Use** – Article 28 is relied upon by the Applicant to take temporary possession of land for the carrying out of the Proposed Development and Article 29 is relied upon for the taking of temporary possession for the purposes of maintenance.
- **Rights under or over streets** – Article 27 allows the Applicant to enter upon and appropriate, so much of the subsoil or airspace under or over any street within the Order limits as may be required for the purposes of the Proposed Development, or any purpose ancillary to the Proposed Development.

1.7.5 The implementation and delivery of the Proposed Development in a timely manner is dependent upon the acquisition of land and/or rights, the extinguishment and/or variation of rights and the creation of new rights together with temporary occupation. There is therefore no alternative but to seek to powers of compulsory acquisition in order to ensure that the Proposed Development can be delivered within a timely manner.

1.7.6 Whilst the Order includes powers of compulsory acquisition, the Applicant will actively engage in negotiations to secure voluntary agreements wherever practicable in parallel with the exercise of such powers in order to ensure that the Proposed Development can be delivered in a timely manner. This approach is in accordance with paragraph 26 of the Guidance.

1.7.7 In addition to the powers detailed above, Article 33 of the Order includes the standard provision for the overriding of easements and other rights together with the payment of compensation for injurious affection arising as a result of the exercise of such powers.

1.7.8 Compulsory purchase powers are required in order to provide certainty that the Applicant is able to construct, operate and maintain the Proposed Development and thereby release the resultant public benefits which are considered to be significant.

1.7.9 This Statement sets out the position in respect of discussions and negotiations undertaken with affected owners, occupiers and others at paragraph 7.4.

1.7.10 The Applicant has considered alternatives to the exercise of compulsory purchase powers but, in the absence of such powers, there would be no certainty that the Proposed Development would be deliverable.

1.7.11 In this regard, a 'do nothing' scenario is inappropriate as it would mean that:

- a first of a kind gas-fired power station with carbon capture would not be developed, meaning that dispatchable low carbon generating plant would not be available to support the increased deployment of renewables onto the UK transmission system, and

- there would be a lack of additional investment in the local economy, since the Proposed Development would not be developed.

1.7.12 The Applicant has also considered alternative sites and solutions during the evolution of the Proposed Development and design process. However, none of these alternatives would provide comparative compelling benefits in the public interest to the Proposed Development and were less desirable having regard to environmental and technical issues including contiguous space availability and the presence of existing infrastructure.

1.8 Justification For The Grant Of Compulsory Purchase Acquisition Powers (Section 8)

1.8.1 The principal justification for the use of powers of compulsory acquisition arises from the following, that the Proposed Development:

- meets an established urgent need for new energy infrastructure;
- is equipped with carbon capture plant on its full generating capacity from the outset;
- will be a key enabler of a wider carbon capture, usage and storage network, the development of such networks being supported by recent government policy;
- is a form of economic development that is suitable in its local context;
- minimises or mitigates adverse impacts to an acceptable degree;
- is compliant with the National Policy Statements (NPS) EN-1, NPS EN-2, NPS EN-4 and NPS EN-5 and in accordance with other decision-making factors specified in Section 104 of the 2008 Act.

1.8.2 EN-1 clearly confirms the need that exists for all types of nationally significant energy infrastructure, including new fossil fuel generating stations that are carbon capture ready (CCR); and makes clear that the SoS should assess applications on the basis that this need, and its scale and urgency, has been proven.

1.8.3 Furthermore, EN-1 confirms that the SoS should give substantial weight to the contribution that all developments would make toward satisfying this need.

1.8.4 The Applicant considers that the Proposed Development will make a major contribution toward addressing the need that exists for new electricity generating capacity in the UK, as comprehensively established in EN-1, and it will contribute significantly to the security, diversity, decarbonisation, and resilience of UK electricity supplies. In addition, the Proposed Development goes beyond the carbon capture readiness requirements of EN-1 and EN-2 by incorporating carbon capture plant from the outset, to provide a significant amount (910MW) of reliable and dispatchable low carbon electricity generation, capable of capturing around 2Mt CO₂e per year from the mid to late 2020s (one

fifth of the national target in the Energy White Paper), facilitating and connecting into a wider Carbon Capture Utilisation and Storage (CCUS) network, and thereby enabling the significant regional and national economic benefits of the Zero Carbon Humber cluster to be realised while contributing substantially to the national need to decarbonise power and industry and achieve statutory Net Zero targets.

- 1.8.5 There is therefore a clear and compelling national need for the development of a new carbon capture equipped gas-fired electricity generating station and its associated development, and the Applicant has selected an acceptable Site on which to develop this type of infrastructure for appropriate reasons.

1.9 Policy Support (Section 9)

- 1.9.1 The Secretary of State has designated six energy NPSs, setting out policy relevant to the examination and determination of energy related NSIPs. Notably, where a NPS has effect in relation to a type of NSIP development (such as energy generation), section 104 of the 2008 Act requires the Secretary of State to determine applications for NSIPs in accordance with the relevant NPSs and Marine Policy Statements (MPSs), unless doing so would mean that one of the matters set out in section 104 would be triggered (such as the adverse impacts of the development outweighing its benefits).
- 1.9.2 **Section 8** outlines the strong policy support in EN-1, and which is supported and updated by recent law, government policy and official evidence, as to the need for the type of infrastructure comprised in the Proposed Development.
- 1.9.3 Part 4 of EN-1 sets out a number of 'assessment principles' that must be taken into account by the Secretary of State in determining applications for nationally significant energy infrastructure. General points include, given the level and urgency of need for the infrastructure covered by the energy NPSs, the requirement for the Secretary of State to start with a presumption in favour of granting consent for applications for energy NSIPs. This presumption applies unless any more specific and relevant policies set out in the relevant NPS clearly indicate that consent should be refused or any of the considerations referred to in section 104 of the 2008 Act apply.
- 1.9.4 Other assessment principles include the matters considered in the ES; the Conservation of Habitats and Species Regulations 2010; the consideration of alternatives; criteria for 'good design'; consideration of the feasibility of combined heat and power; consideration of carbon capture readiness; grid connection; climate change adaptation; pollution control and environmental regulatory regimes; safety; hazardous substances; health; common law and statutory nuisance and security, amongst others.
- 1.9.5 Part 5 of EN-1 lists a number of generic impacts that are relevant to various types of energy infrastructure.

- 1.9.6 The other relevant NPS (here EN-2, EN-4 and EN-5) set out the factors and considerations relevant to site selection choices by applicants, and the determination of applications, for fossil fuel generating stations, gas pipelines and electricity networks infrastructure respectively.
- 1.9.7 Parts of some temporary activities (Work 10C) and permanent minor components (parts of Works 4B and 5) are located within the tidal part of the River Trent, therefore marine policy documents are also relevant to the Application, namely the UK Marine Policy Statement ('MPS') (Defra, 2011) and the East Inshore and East Offshore Marine Plan (Defra, 2014).
- 1.9.8 Other national planning and local policy may be considered 'important and relevant' to the Secretary of State's consideration of the Application, and therefore be taken into account under section 104. It is clear though, from the terms of section 104 and EN-1, that in the event of any conflict between the NPS and development plan documents, the NPS prevails. Policy of relevance includes the National Planning Policy Framework, the statutory development plan (made up of a number of documents adopted by North Lincolnshire Council) and other local policy.
- 1.9.9 The Applicant considers that section 104 of the 2008 Act and the relevant NPS and MPS documents provide a strong justification for its Application to be granted and moreover that powers of compulsory acquisition should be included.

1.10 Special Considerations (Section 10)

- 1.10.1 There are Crown interests within the Order limits. The Order includes the standard article providing that the Order does not prejudicially affect the Crown.
- 1.10.2 There is no open space, common land, fuel or field garden allotment affected by the Order.
- 1.10.3 The Applicant has identified a number of statutory undertakers having an interest in land or rights and/or apparatus located within the Order limits. The Applicant has included protective provisions within the Order and is seeking to agree terms.

1.11 Other Consents (Section 11)

- 1.11.1 The Applicant requires various other consents, as well as a DCO, in order to build and operate the Proposed Development. These include an environmental permit for the generating station, water abstraction licence, flood risk activity permit(s), temporary traffic regulation order(s), hazardous substance consent (if necessary), building regulations approval, and protected species licences.
- 1.11.2 The Applicant has included provision for a deemed marine licence in Schedule 13 to the draft DCO (**Application Document Ref. 2.1**) with the MMO having had the opportunity to review and input into the draft licence provisions.

1.11.3 The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the Proposed Development proceeding.

1.12 Human Rights (Section 12)

1.12.1 The Applicant has considered the potential of the Order to infringe upon the human rights of persons who have an interest in the Order lands.

1.12.2 It is considered that the Proposed Development is of significant public benefit that can only be realised if the Order includes powers of compulsory acquisition and that such infringement is proportionate, legitimate and is in accordance with the relevant provisions.

1.12.3 The Applicant considers that there is a compelling case in the public interest for the exercise of powers of compulsory acquisition. It would, therefore, be appropriate and proportionate for the Secretary of State to make the Order, including the grant of compulsory acquisition powers.

1.13 Further Information (Section 13)

1.13.1 Anyone likely to be affected by the exercise of compulsory purchase powers who require further information or wish to progress negotiations with the Applicant should contact Jade Fearon (Tel:+44 7584 313526 or email jade.fearon@sse.com)

1.13.2 Compensation will be paid in accordance with the statutory provisions and the compensation code. This is a complex area and MCHLG have issued a series of helpful booklets explaining the compulsory purchase system and providing guidance.

1.13.3 The Royal Institution of Chartered Surveyors provides a compulsory purchase helpline which entitles callers to 30 minutes of free advice from a local compulsory purchase expert on telephone number 024 7686 8555.

1.14 Conclusions (Section 14)

1.14.1 The Applicant considers that the grant of powers of compulsory acquisition in the Order for the purposes of the Proposed Development is in accordance with Section 122 Planning Act 2008 Act and meets the tests as set out in the Guidance.

1.14.2 Furthermore, the acquisition of land and rights, the suspension or extinguishment of private rights, creation of new rights and the temporary use of land, is proportionate and is reasonably required.

1.14.3 In addition, the interests identified as being subject to the exercise of compulsory powers are no more than is reasonably necessary.

- 1.14.4 The need for the Proposed Development, suitability of the Site and the support for such projects is clearly set out in policy which conclusively demonstrates that there is a compelling case in the public interest for the land to be acquired compulsorily.
- 1.14.5 All reasonable alternatives to compulsory acquisition have been explored. Given the national and local need for the Proposed Development and the support for it found in policy, as well as the suitability of the Order Land (for the reasons outlined above), compulsory acquisition of the land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights is justified.
- 1.14.6 The proposed interference with the rights of those with an interest in the Order Land is for a legitimate purpose, namely the Proposed Development, and is necessary and proportionate to that purpose. The Applicant considers that the very substantial public benefits to be derived from the proposed compulsory acquisition would decisively outweigh the private loss that would be suffered by those whose land or interests are to be acquired, and therefore justifies interfering with that land or rights.
- 1.14.7 The Applicant has set out clear and specific proposals for how the Site will be used.
- 1.14.8 The Applicant has full access to the funding necessary to deliver the Proposed Development and meet its statutory obligations in respect of compensation due to affected parties. There is therefore no financial impediment to the delivery of the Proposed Development.

2.0 INTRODUCTION

2.1 Overview

- 2.1.1 This Statement of Reasons (**Application Document Ref. 3.2**) has been prepared on behalf of Keadby Generation Limited ('the Applicant') which is a wholly owned subsidiary of SSE plc. It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy, under Section 37 of 'The Planning Act 2008' (the '2008 Act').
- 2.1.2 The Applicant is seeking development consent for the construction, operation and maintenance of a new low carbon Combined Cycle Gas Turbine (CCGT) Generating Station ('the Proposed Development') on land at, and in the vicinity of, the existing Keadby Power Station, Trentside, Keadby, Scunthorpe DN17 3EF (the 'Proposed Development Site').
- 2.1.3 The Proposed Development is a new electricity generating station of up to 910 megawatts (MW) gross electrical output, equipped with carbon capture and compression plant and fuelled by natural gas, on land to the west of Keadby 1 Power Station and the (under construction) Keadby 2 Power Station, including connections for cooling water, electrical, gas and utilities, construction laydown areas and other associated development. It is described in **Chapter 4: The Proposed Development of the Environmental Statement (ES)** (ES Volume I - **Application Document Ref. No. 6.2**).
- 2.1.4 The Proposed Development falls within the definition of a 'Nationally Significant Infrastructure Project' (NSIP) under Section 14(1)(a) and Sections 15(1) and (2) of the 2008 Act, as it is an onshore generating station in England that would have a generating capacity greater than 50MW electrical output (50MWe). As such, a DCO application is required to authorise the Proposed Development in accordance with Section 31 of the 2008 Act.
- 2.1.5 The DCO, if made by the SoS, would be known as 'The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order' ('the Order').

2.2 The Applicant

- 2.2.1 The Applicant, Keadby Generation Limited, is the freehold owner of a large part of the Proposed Development Site and is a wholly owned subsidiary of the FTSE 100-listed SSE plc, one of the UK's largest and broadest-based energy companies, and the country's leading developer of renewable energy generation.
- 2.2.2 Over the last 20 years, SSE plc has invested over £20bn to deliver industry-leading offshore wind, onshore wind, CCGT, energy from waste, biomass, energy networks and gas storage projects. The Applicant owns and operates the adjacent Keadby 1 Power Station and is in the process of constructing Keadby 2 Power Station. SSE operates the Keadby Windfarm which lies to the

north and south of the Proposed Development Site and generates renewable energy from 34 turbines, with a total installed generation capacity of 68MW.

- 2.2.3 SSE has produced a 'Greenprint' document (SSE plc, 2020a) that sets out a clear commitment to investment in low carbon power infrastructure, working with government and other stakeholders to create a net zero power system by 2040. This includes investment in flexible sources of electricity generation and storage for times of low renewable output which will complement other renewable generating sources, using low carbon fuels and/ or capturing and storing carbon emissions. SSE is working with leading organisations across the UK to accelerate the development of carbon capture, utilisation and storage ('CCUS') clusters, including Equinor and National Grid Carbon.
- 2.2.4 The design of the Proposed Development demonstrates this commitment. The Proposed Development will be built with a clear route to decarbonisation, being equipped with post-combustion carbon capture technology, consistent with SSE's commitment to reduce the carbon intensity of electricity generated by 60% by 2030, compared to 2018 levels (SSE plc, 2020b). It is intended that the Proposed Development will connect to infrastructure that will be delivered by the Zero Carbon Humber (ZCH) Partnership¹ and Northern Endurance Partnership (NEP)² for the transport and offshore geological storage of carbon dioxide.

2.3 The Proposed Development Site

- 2.3.1 The Proposed Development Site (the 'Order Limits') is located within and near to the existing Keadby Power Station site near Scunthorpe, Lincolnshire and lies within the administrative boundary of North Lincolnshire Council (NLC). The majority of land is within the ownership or control of the Applicant (or SSE associated companies) and is centred on national grid reference 482351, 411796.
- 2.3.2 The existing Keadby Power Station site currently encompasses the operational Keadby 1 and (under construction) Keadby 2 Power Station sites, including the Keadby 2 Power Station Carbon Capture and Readiness reserve space.
- 2.3.3 The Proposed Development Site encompasses an area of approximately 69.4 hectares (ha). This includes an area of approximately 18.7ha to the west of Keadby 2 Power Station in which the generating station (CCGT plant, cooling infrastructure and CCP) and gas connection will be developed (the Proposed PCC Site).
- 2.3.4 The Proposed Development Site includes other areas including:

¹ <https://www.zerocarbonhumber.co.uk/the-vision/>

² <https://www.zerocarbonhumber.co.uk/news/northern-endurance-partnership/>

- Previously developed land, along with gas, towns water and other connections, and access routes, within the Keadby Power Station site;
- National Grid 400kV Substation located directly adjacent to the Proposed PCC Site, through which electricity generated by the Proposed Development will be exported;
- Emergency Vehicle Access Road and Potential Electrical Connection to the Northern Powergrid Substation, the routes of which utilise an existing farm access track towards Chapel Lane and land within the existing Northern Powergrid substation on Chapel Lane;
- Water Connection Corridors:
 - The existing river wharf at Railway Wharf (the Waterborne Transport Offloading Area) and existing temporary haul road into the into the existing Keadby 1 Power Station Site (the 'Additional Abnormal Indivisible Load (AIL) Route');
 - A number of temporary Construction Laydown Areas on previously developed land and adjoining agricultural land; and
 - Land at the A18 Junction and an existing site access road, including two existing private bridge crossing of the Hatfield Waste Drain lying west of Pilfrey Farm (the western of which is known as Mabey Bridge, to be replaced, and the eastern of which is termed Skew Bridge) and an existing temporary gatehouse, to be replaced in permanent form.

2.4 The Proposed Development

2.4.1 The Proposed Development includes the following elements (references to 'Work No.' is to the corresponding work numbers in Schedule 1 of the draft DCO (**Application Document Ref 2.1**) and the location of each Work No. within the Proposed Development Site is shown on the Works Plans (**Application Document Ref. No. 4.3**):

- a new build carbon capture enabled electricity generating station fuelled by natural gas and with a gross output capacity of approximately 910 megawatts (MWe) unabated ('the Low Carbon Gas Power Station' - **Work No. 1**) comprising:
 - Combined Cycle Gas Turbine (CCGT) plant (**Work No. 1A**);
 - cooling infrastructure for the CCGT (**Work No. 1B**);
 - Carbon Dioxide Capture Plant (CCP) (**Work No. 1C**);
 - natural gas reception facility (**Work No. 1D**);
 - generating station supporting uses including administration and control buildings, raw water storage tanks and permanent laydown areas for operation and maintenance activities (**Work No. 1E**);
- A high-pressure natural gas pipeline to supply the CCGT including a gas compound for National Grid Gas's apparatus (**Work No. 2A**) and a gas

compound for the Applicant's apparatus (**Work No. 2B**) (**Natural Gas Connection**);

- Electrical power export lines from the Low Carbon Gas Power Station to the existing 400 kilovolt National Electricity Transmission Systems substation located adjacent to Keadby Power Station, including works within the substation (which would be undertaken by National Grid) (**Work No. 3A – Electrical Connection Area to National Grid 400 kilovolt (kV) Substation**); and up to 132 kilovolt underground electrical cables to the Low Carbon Gas Power Station from the existing Northern Powergrid substation located at Chapel Lane, including works within the substation (**Work No. 3B - Potential Electrical Connection to Northern Powergrid Substation**);
- Water supply connections works (**Water Connection Corridor**) to provide cooling and make-up water to the Low Carbon Gas Power Station, comprising either:
 - intake structures and underground and/ or overground water supply pipeline(s) running between Work No. 1E and the Stainforth and Keadby Canal (**Work No. 4A – Canal Water Abstraction Option**); or
 - in the event that the canal abstraction option is not available, works to the existing cooling water supply pipelines running between Work No. 1E and existing intake structures within the River Trent (**Work No. 4B – River Water Abstraction Option**);
- Use of an existing outfall and associated pipework for the discharge of used cooling water and treated wastewater to the River Trent (**Work No. 5 - Water Discharge Corridor**);
- Towns water connection to supply towns water to Work No. 1 (**Work No. 6**);
- Above ground carbon dioxide compression and export infrastructure comprising deoxygenation, dehydration, and staged compression facilities, outlet metering, and electrical connection (**Work No. 7A and 7B**);
- New permanent access to the Low Carbon Gas Power Station (**Work No. 8**), comprising:
 - maintenance and improvement of an existing private access road from the junction with the A18, including A18 Junction Improvement, replacement of private bridge (Mabey Bridge); (**Work No. 8A - Construction and Operational Vehicular Site Access Route, Mabey Bridge Replacement and Gatehouse**); and
 - installation of layby and gatehouse with barriers, enclosures, drainage and lighting north of the A18 junction (**Work No. 8B**);
 - emergency access route comprising the maintenance and improvement of an existing private track running between the Low Carbon Gas Power Station and Chapel Lane, Keadby and including new private bridge, (**Work No. 8C – Emergency Vehicle Access Road**);

- Temporary construction and laydown areas (**Work No. 9A**) and the maintenance and improvement of the existing paved haulage routes running between the construction laydown areas including the skew bridge (**Works No. 9B and 9C**);
- Retention, construction and subsequent removal of existing temporary haulage route (**Work No. 10A – Additional Abnormal Indivisible Load Route**) and the maintenance, strengthening and improvement of the existing jetty, and placement of mobile cranes (**Work No. 10B – Waterborne Transport Offloading Area**);
- Landscaping, planting and biodiversity enhancement measures (**Work No. 11A**); and security fencing and boundary treatment (**Work No. 11B**).

2.4.2 To the extent that it does not form part of any such works, further associated development within the meaning of the 2008 Act is proposed and has been assessed within the ES comprising:

- surface water drainage systems, storm water attenuation systems including storage basins, oil water separators, including channelling and culverting and works to existing drainage systems;
- electrical, gas, potable water supply, foul water drainage and telecommunications infrastructure connections and works, and works to alter the position of such services and utilities connections;
- hard standings and hard landscaping;
- soft landscaping, including bunds, embankments and planting;
- biodiversity enhancement measures;
- fencing, gates, boundary treatment and means of enclosure;
- external lighting, including lighting columns;
- gatehouses and weighbridges;
- closed circuit television cameras and columns and other security measures;
- site establishment and preparation works, including site clearance (including vegetation removal, demolition of existing buildings and structures); earthworks (including soil stripping and storage and site levelling and formation of embankments) and excavations; the creation of temporary construction access points; the alteration of the position of services and utilities; and works for the protection of buildings and land;
- temporary construction laydown areas and contractor facilities, including materials and plant storage and laydown areas; generators; concrete batching facilities; vehicle and cycle parking facilities; pedestrian and cycle routes and facilities; offices and staff welfare facilities; security fencing and gates; external lighting; roadways and haul routes; wheel wash facilities; and signage;

- vehicle parking and cycle storage facilities;
- accesses, roads and pedestrian and cycle routes;
- tunnelling, boring and drilling works;
- demolition
- temporary works associated with the maintenance of the authorised development including laydown for outages, contractor facilities, offices and staff welfare facilities; security fencing and gates; external lighting; wheel wash facilities; and signage;
- and, to the extent that it does not form part of such works, further associated development comprising such other works (i) as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development and (ii) which fall within the scope of the works assessed in the environmental statement.

2.5 The Purpose and Structure of this Document

- 2.5.1 This Statement should be read together with all documents submitted by the Applicant in support of the Application.
- 2.5.2 This Statement is submitted in accordance with Regulation 5(2)(h) for the purpose of explaining the need to permanently or temporarily acquire land and/or rights or other interests in land, extinguish or suspend rights affecting land and/or create new rights in, under and over land for the purposes of implementing the Proposed Development by, if necessary, compulsion.
- 2.5.3 The Applicant considers that there is a compelling case in the public interest, in accordance with Section 122 of the Planning Act 2008, for the making of the Order and the inclusion of the powers of compulsory acquisition to enable the Proposed Development to be constructed, operated and maintained as set out within this Statement.

3.0 THE PROPOSED DEVELOPMENT

- 3.1.1 This section describes the Proposed Development. The development to which the Order applies is set out at Schedule 1 to the Order (**Application Document Ref. 2.1**) and is referred to as the 'Authorised Development'. The Works Plans (**Application Document Ref. 4.3**) provide further detail as to the location and situation of the Proposed Development.
- 3.1.2 The Proposed Development is described within Chapter 4 of the Environmental Statement (**Application Document Ref. 6.2.4**) as comprising the construction, operation (including maintenance) and decommissioning of a low carbon Combined Cycle Gas Turbine (CCGT) generating station with an unabated capacity of approximately 910MW (gross) electrical output to be located on land in the vicinity of the Keadby Power Stations (the existing Keadby 1 power station and Keadby 2, which is under construction) near Scunthorpe in North Lincolnshire (the Proposed Development Site).
- 3.1.3 The low carbon CCGT generating station (the Proposed Development) will require natural gas (as a fuel source), electricity and cooling water connections and will be designed to operate with post-combustion carbon capture and compression plant (CCP) installed such that the plant will generally be operated as a dispatchable low carbon generating station.
- 3.1.4 The Proposed Development includes the equipment required for the capture and compression of carbon dioxide emissions from the generating station so that it is capable of being transported off-site. ZCH Partnership will be responsible for the construction, operation and decommissioning of the carbon dioxide gathering network linking onshore power and industrial facilities including the Proposed Development in the Humber Region. The carbon dioxide export pipeline does not, therefore, form part of the Proposed Development and is not included in the Application but will be the subject of separate consent applications by third parties, such as the Humber Low Carbon Pipeline DCO Project by National Grid Carbon.
- 3.1.5 The Proposed Development will operate 24 hours per day, 7 days per week with programmed offline periods for maintenance. It is anticipated that in the event of CCP maintenance outages, for example, it may be necessary to operate the Proposed Development without carbon capture, with exhaust gases from the CCGT being routed via the Heat Recovery Steam Generator (HRSG) stack.

3.2 The 'Works'

- 3.2.1 Schedule 1 of the Order describes the Proposed Development by reference to 'Works'. These Works are described in the following terms.

Work No. 1

- 3.2.2 This comprises a carbon capture enabled electricity generating station located on land at the Keadby Power Station site, west of Scunthorpe, gas fuelled, and

with a gross output capacity of up to 910 megawatts (MWe) at ISO standard reference conditions comprising:

- Work No. 1A – a combined cycle gas turbine plant, comprising—
 - a combined cycle gas turbine;
 - a steam turbine;
 - gas turbine hall and steam turbine hall;
 - heat recovery steam generator;
 - gas turbine air intake filters;
 - emissions stack;
 - transformers;
 - deaerator and feed water pump house buildings;
 - nitrogen oxide emissions control equipment and chemical storage;
 - chemical sampling / dosing plants; and
 - continuous emissions monitoring system
- Work No. 1B – combined cycle gas turbine plant cooling infrastructure, comprising:
 - hybrid cooling towers;
 - cooling water pumps, plant and buildings; and
 - cooling water dosing and sampling plant and buildings.
- Work No. 1C – carbon dioxide capture plant, comprising:
 - flue gas pre-treatment plant, including cooling and scrubbing plant and flue gas blower;
 - carbon dioxide absorption unit(s) and associated stack(s);
 - carbon dioxide stripper and solvent regenerator;
 - carbon dioxide conditioning and compression plant; and
 - ancillary equipment, including air compressors, pumps, heat exchangers, water treatment plant and pipework.
- Work No. 1D – natural gas reception facility, comprising:
 - above and below ground valves, flanges and pipework;
 - gas supply pipeline connection works;
 - gas receiving area;
 - gas de-compression equipment and maintenance building and pipeline internal gauge launcher;
 - an above or below ground isolation valve;
 - gas vents;
 - gas metering, dehydration, and pressure reduction equipment;
 - instrumentation and electrical kiosk(s);
 - telemetry equipment kiosk(s); and
 - standby generator sockets.
- Work No. 1E - generating station supporting uses, comprising:

- administration and control buildings;
 - raw water storage tank(s);
 - demineralised water treatment plant, including storage tanks; and
 - permanent plant laydown area(s) for operation and maintenance activities.
- In connection with and in addition to Work Nos. 1A, 1B, 1C and 1D:
 - administration and control buildings;
 - auxiliary plant, buildings, enclosures and structures;
 - auxiliary boiler;
 - emergency diesel generators and bunded diesel storage tank(s);
 - chemical storage facilities;
 - demineralised water treatment plant, including storage tank;
 - firefighting equipment and building;
 - fire storage tank(s);
 - fire water retention basin;
 - gatehouses;
 - mechanical, electrical, gas, telecommunications and water networks, pipework, pipe runs, cables, racks, infrastructure, instrumentation and utilities including connections between Work Nos 2, 3, 4, 5, 6, 7 and 8, and parts of Work Nos. 1A, 1B, 1C, 1D and 1E;
 - permanent plant laydown area(s) for operation and maintenance activities;
 - waste water treatment facilities; and
 - workshop and stores building.

Work No. 2

3.2.3 This is associated development within the meaning of section 115(2) of the Planning Act 2008 in connection with the nationally significant infrastructure project referred to in Work No. 1,

3.2.4 This development comprises a high pressure gas supply pipeline for the transport of natural gas to Work No. 1, comprising a high pressure steel pipeline of up to 800 millimeters (nominal bore) in diameter and approximately 0.3km in length, including cathodic protection posts and marker posts, running within the Keadby Power Station site between Work No. 1D and Work No. 2B, and above ground installation comprising:

- Work No. 2A – a compound for National Grid Gas’s apparatus, comprising—
 - an offtake connection from the National Transmission System;
 - above and below ground valves, flanges and pipework;
 - an above or below ground remotely operated valve;
 - an above or below ground remotely operated valve bypass;
 - an above or below ground pressurisation bridge;
 - instrumentation and electrical kiosks;

- pipeline inspection gauge receiving facility; and
- telemetry equipment kiosks and communications equipment.
- Work No. 2B – a compound for the undertaker’s apparatus, comprising:
 - above and below ground valves, flanges and pipework;
 - an above or below ground isolation valve;
 - an above or below ground pipeline inline gauge launching facility;
 - instrumentation and electrical kiosks; and
 - telemetry equipment kiosks and communications equipment,
- in connection with Work Nos. 2A and 2B, access works, vehicle parking, electrical and telecommunications connections, surface water drainage, security fencing and gates and closed-circuit television cameras.

Work No. 3

3.2.5 Electrical connection works for the export of electricity to national electricity transmission networks and the import of electricity from district electricity transmission networks, comprising:

- Work No. 3A – up to 400 kilovolt overground and/or underground electrical cables and control systems cables running from Work No. 1A to the existing National Grid Electricity Transmission substation located west of Chapel Lane, including works within the substation; and
- Work No. 3B – up to 132 kilovolt underground electrical cables running from Work No. 1A to the existing Northern Powergrid 132kV substation located at Chapel Lane, including above ground infrastructure works within the substation.

Work No. 4

3.2.6 Water supply connection works to provide cooling and make-up water to Work No. 1, comprising either:

- Work No. 4A – underground and/or overground water supply pipeline running between Work No. 1E and the canal including, as necessary, a temporary cofferdam structure, new, upgraded or replacement pipeline, plant, buildings, enclosures, intake structures screens and other structures, cable, temporary moorings, temporary repositioning of existing moorings, access works, vehicle parking, screening, lighting, and signage; or
- Work No. 4B – works to the existing cooling water supply pipelines running between Works No. 1E and the existing intake structures within the River Trent, including, as necessary, a temporary cofferdam structure, new, upgraded or replacement pipelines, plant, enclosures, intake structures, cable placement of material, temporary moorings, installation and repositioning of existing hazard dolphins, access works, screening, lighting, and signage.

Work No. 5

3.2.7 Works to discharge used cooling water and treated wastewater comprising works to the existing cooling water discharge pipeline(s) running from Work No. 1B to the existing outfall structures within the River Trent including, as necessary new, upgraded or replacement pipelines, plant, enclosures, outfall structures and other structures and cable.

Work No. 6

3.2.8 Towns water connection to supply towns water to Work No. 1 from the supply point east of Chapel Lane, including works to the existing towns water pipelines, replacement and new pipelines, plant, buildings, enclosures and structures.

Work No. 7

3.2.9 A high-pressure carbon dioxide pipeline for the export of carbon dioxide from Work No. 1C to the National Grid Carbon Gathering Network and above ground carbon dioxide compression and export infrastructure on land at Keadby Power Station, comprising:

- Work No. 7A – compressor station comprising deoxygenation, dehydration, and staged compression facilities, and outlet metering and electrical connection; and
- Work No. 7B – National Grid above ground infrastructure compound, comprising export connection to the National Grid Carbon Gathering Network, above and below ground valves, flanges and pipework, above or below ground remotely operated valve, above or below ground remotely operated valve bypass, compression facilities, instrumentation and electrical kiosks, electrical connection, inlet metering and telemetry equipment kiosks and communications equipment;
- In connection with Work Nos. 7A and 7B, access works, vehicle parking, electrical and telecommunications connections, surface water drainage, security fencing and gates, and closed circuit television cameras and columns.

Work No. 8

3.2.10 New permanent accesses to Work Nos. 1, 2 and 7 comprising:

- Work No. 8A – access route comprising the maintenance and improvement of an existing private track running between Work Nos. 1 and 2 including private bridge and the existing junction with the A18 nearby to the west of Pilfrey Farm, comprising surfacing works and signage, and creation of on and off-slips;
- Work No. 8B – installation of laybys and gatehouse building nearby to the north of the junction with the A18, barriers, enclosures, drainage and lighting;

- Work No. 8C - emergency access route comprising the installation of a bridge crossing of an existing drainage channel, the maintenance and improvement of an existing private track running between Work No. 1 and Chapel Lane, Keadby, surfacing and strengthening works, drainage, enclosures and lighting.

Work No. 9

3.2.11 Temporary construction and laydown areas and access to these, comprising:

- Work No. 9A – temporary construction and laydown areas comprising hard standing, earthworks and levelling, laydown and open storage areas, contractor compounds and construction staff welfare facilities, surface water drainage and gatehouse and weighbridge.
- Work No. 9B – the maintenance and improvement of the existing private tracks connecting the existing junctions with the A18 to the west of Pilfrey Farm with Work No. 9A via two existing private bridge crossings of the Hatfield Waste Drain, including the replacement, widening, improvement and maintenance of the westernmost existing private bridge crossing, surfacing, drainage and strengthening works, barriers and enclosures.
- Work No. 9C - temporary construction and laydown area in association with the replacement of the private bridge in Work No. 9B , comprising laydown and open storage areas, hard standing, and the placement of mobile cranes.

Work No. 10

3.2.12 Temporary haulage route and waterborne transport offloading facilities on land east of the Keadby Power Station site and at the River Trent comprising:

- Work No. 10A – the maintenance and improvement of the existing temporary paved haulage route and ditch crossings and their subsequent removal; and
- Work No. 10B – the inspection and repair of the existing jetty, and temporary placement of mobile cranes including the temporary oversailing of crane arms above the river.

Work No. 11

3.2.13 Landscaping and planting and boundary treatment comprising:

- Works 11A -soft landscaping including planting and biodiversity enhancement measures; and
- Works 11B - security fencing, gates, boundary treatment and other means of enclosure;

Further associated development.

3.2.14 In connection with and in addition to Works Nos. 1 to 11, further associated development including:

- surface water drainage systems, storm water attenuation systems including storage basins, oil water separators, including channelling and culverting and works to existing drainage systems;
- electrical, gas, potable water supply, foul water drainage and telecommunications infrastructure connections and works, and works to alter the position of such services and utilities connections;
- hard standings and hard landscaping;
- soft landscaping, including bunds, embankments and planting;
- biodiversity enhancement measures;
- fencing, gates, boundary treatment and means of enclosure;
- external lighting, including lighting columns;
- gatehouses and weighbridges;
- closed circuit television cameras and columns and other security measures;
- site establishment and preparation works, including site clearance (including vegetation removal, demolition of existing buildings and structures); earthworks (including soil stripping and storage and site levelling and formation of embankments) and excavations; the creation of temporary construction access points; the alteration of the position of services and utilities; and works for the protection of buildings and land;
- temporary construction laydown areas and contractor facilities, including materials and plant storage and laydown areas; generators; concrete batching facilities; vehicle and cycle parking facilities; pedestrian and cycle routes and facilities; offices and staff welfare facilities; security fencing and gates; external lighting; roadways and haul routes; wheel wash facilities; and signage;
- vehicle parking and cycle storage facilities;
- accesses, roads and pedestrian and cycle routes;
- tunnelling, boring and drilling works;
- demolition
- temporary works associated with the maintenance of the authorised development including laydown for outages, contractor facilities, offices and staff welfare facilities; security fencing and gates; external lighting; wheel wash facilities; and signage;
- and, to the extent that it does not form part of such works, further associated development comprising such other works (i) as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development and (ii) which fall within the scope of the works assessed in the environmental statement.

3.3 Access

- 3.3.1 Permanent access to the Proposed Development Site would be via the existing road access from the A18 which passes via the existing North Pilfrey Bridge over the Stainforth and Keadby Canal and the Scunthorpe to Doncaster passenger rail line. Vehicles would access the Proposed Development Site from the A18, via this existing access road/ Bonnyhale Road/ existing private access roads and a new main access road to be constructed into the Proposed PCC Site. The route was previously used for the construction of the Keadby Wind Farm and most recently for construction movements associated with Keadby 2.
- 3.3.2 As part of the Proposed Development, Work No. 8 comprises of maintenance and improvement of this existing private access road from the junction with the A18, including A18 Junction Improvement, replacement of private bridge (Mabey Bridge); installation of layby and gatehouse. Operational traffic movements are detailed within the Transport Assessment (TA) (**Appendix 10A**, ES Volume II - **Application Document Ref. 6.3**).
- 3.3.3 The Mabey Bridge (a structure which enables access from the A18 over the Hatfield Waste Drain) is proposed to be replaced as part of the Proposed Development. This is required for the new structure to support the necessary loads associated with the construction and operation lifespan of the project.
- 3.3.4 The proposed gatehouse, which is required for security purposes, is to be constructed on the foundations/area of the existing Keadby 2 gatehouse at the entrance to the Proposed Development Site off the A18.
- 3.3.5 The Proposed PCC site includes a main car park, including muster point (upwind of the CCP) in the event of emergency, a manned gatehouse and a control building which shall be designed as a place of safety in the event of emergency.
- 3.3.6 Emergency access is proposed via an existing private track running between the Low Carbon Gas Power Station and Chapel Lane, Keadby and including new private bridge. Three further emergency accesses are proposed as follows:
- western emergency exit (pedestrian only), located south-west of the CCP and therefore in an emergency scenario, upwind of a potential release;
 - an eastern emergency exit (pedestrian only), located adjacent to the northern perimeter fence and existing 400kV National Grid Substation; and
 - the southerly route main access (described in paragraph 7.2 above) – (pedestrian and two-lane vehicular). This main access to the Proposed Development Site that would also be available for emergency purposes.
- 3.3.7 Secure cycle parking facilities will be provided within the PCC Site close to the Administration Block and there will be shower and changing facilities for those cycling to work.

3.3.8 Where possible, pedestrian routes, parking areas and buildings within the PCC Site will be designed to provide for inclusive access. This will need to take account of operational and safety considerations given the nature of the use and operations.

3.4 Flexibility

3.4.1 At this stage, the final technology selection cannot yet be made as it will be determined by various technical and economic considerations and will be influenced by future UK Government policy and regulation. The design of the Proposed Development therefore incorporates a necessary degree of flexibility to allow for the future selection of the preferred technology in the light of prevailing policy, regulatory and market conditions once a DCO is made.

3.5 Carbon Capture Ready and Combined Heat and Power Ready

3.5.1 The development is designed to meet the requirements of Sections 4.6 and 4.7.10 of the 'Overarching National Policy Statement for Energy (EN-1)' and Section 2.33 of the 'National Policy Statement for Fossil Fuel Electricity Generating Infrastructure (EN-2)'.

3.5.2 Full details are set out in the Combined Heat and Power Readiness Assessment (**Application Document Ref. 5.7**) and Carbon Capture Statement (**Application Document Ref. 5.8**).

3.5.3 As explained within the Combined Heat and Power Readiness Assessment together with the Carbon Capture Statement, the Proposed Development is designed with a clear route to decarbonisation being equipped with post-combustion carbon capture technology, consistent with SSE's commitment to reduce the carbon intensity of electricity produced by 60% by 2030, compared to 2018 levels.

3.5.4 Furthermore, it is intended that the Proposed Development will connect to infrastructure that will be delivered by the Zero Carbon Humber (ZCH) Partnership and Northern Endurance Partnership (NEP) for the transport and offshore geological storage of carbon dioxide.

4.0 CONSTRUCTION PROGRAMME AND MANAGEMENT

- 4.1.1 Chapter 5 of the Environmental Statement (**Application Document Ref. 6.2.5**) explains the construction phase of the Proposed Development setting out details of the anticipated construction programme, timings and methods of working.
- 4.1.2 It is explained that, at this stage, a detailed construction programme is not available, as this is normally determined by the Engineering, Procurement and Construction contractor who has yet to be appointed. Where construction details cannot be confirmed at this stage, reasonable worst-case estimates have been made based on experience of similar developments and professional judgement.
- 4.1.3 The Proposed Development could, subject to the necessary consents being granted and an investment decision being made, potentially start shortly after Quarter 4 2022 when it is anticipated that the consent would be granted. An early works phase, including the A18 carriageway improvements and Mabey Bridge replacement, would be undertaken over a circa 6-month period. Construction activities for the main works phase are expected to be completed within approximately three years, followed by commissioning and testing over a 9-month period. In total the Proposed Development is anticipated to take 4 years.
- 4.1.4 The Applicant will be responsible for the construction, operation (including maintenance) and eventual decommissioning of the Proposed Development, with the exception of the National Grid Gas compound works (Work No. 2A), the works within the National Grid Electricity Transmission 400kV substation (part of Work No. 3A), the works within the Northern Powergrid 132kV substation (part of Work No. 3B), and the National Grid Carbon compound works (Work No. 7B), which will be the responsibility of those named beneficiaries.

5.0 DESCRIPTION OF THE SITE AND ORDER LAND

- 5.1.1 The Proposed Development Site (the 'Order Limits') is located within and near to the existing Keadby Power Station site near Scunthorpe, Lincolnshire and lies within the administrative boundary of North Lincolnshire Council (NLC). The majority of land is within the ownership or control of the Applicant (or SSE associated companies) and is centred on national grid reference 482351, 411796.
- 5.1.2 The existing Keadby Power Station site currently encompasses the operational Keadby 1 and (under construction) Keadby 2 Power Station sites, including the Keadby 2 Power Station Carbon Capture and Readiness reserve space.
- 5.1.3 The Proposed Development Site encompasses an area of approximately 69.4 hectares (ha). This includes an area of approximately 18.7ha to the west of Keadby 2 Power Station in which the generating station (CCGT plant, cooling infrastructure and CCP) and gas connection will be developed (the Proposed PCC Site).
- 5.1.4 The Proposed Development Site includes other areas including:
- Previously developed land, along with gas, towns water and other connections, and access routes, within the Keadby Power Station site;
 - National Grid 400kV Substation located directly adjacent to the Proposed PCC Site, through which electricity generated by the Proposed Development will be exported;
 - Emergency Vehicle Access Road and Potential Electrical Connection to Northern Powergrid Substation, the routes of which utilise an existing farm access track towards Chapel Lane and land within the existing Northern Powergrid substation on Chapel Lane;
 - Water Connection Corridors:
 - Canal Water Abstraction Option which includes land within the existing Keadby Power Station site with an intake adjacent to the Keadby 2 Power Station intake and pumping station and interconnecting pipework;
 - River Water Abstraction Option which includes a corridor that spans Trent Road and encompasses the existing Keadby Power Station pumping station, below ground cooling water pipework, and infrastructure within the River Trent; and
 - Water Discharge Corridor which includes an existing discharge pipeline and outfall to the River Trent and follows a route of an existing easement for Keadby 1 Power Station;
 - The existing river wharf at Railway Wharf (the Waterborne Transport Offloading Area) and existing temporary haul road into the into the existing Keadby 1 Power Station Site (the 'Additional Abnormal Indivisible Load (AIL) Route');

- A number of temporary Construction Laydown Areas on previously developed land and adjoining agricultural land; and
- Land at the A18 Junction and an existing site access road, including two existing private bridge crossing of the Hatfield Waste Drain lying west of Pilfrey Farm (the western of which is known as Mabey Bridge, to be replaced, and the eastern of which is termed Skew Bridge) and an existing temporary gatehouse, to be replaced in permanent form.

5.1.5 In the vicinity of the Proposed Development Site the River Trent is tidal, therefore parts of the Proposed Development Site are within the UK marine area. No harbour works are proposed.

5.1.6 The Proposed Development Site is divided into the following areas of permanent and temporary land use (the proposed use described in more detail in Chapter 4: Proposed Development (ES Volume I - **Application Document Ref. 6.2**):

- Proposed Power Station and Carbon Capture Site (Proposed PCC Site);
- Electrical Connection Area to National Grid 400 kilovolt (kV) Substation;
- Emergency Vehicle Access Road;
- Potential 132kV Electrical Connection to Northern Powergrid Substation;
- Land within the Keadby Power Station site for the purposes of facilitating connections to the Proposed Development for natural gas supply, and other necessary infrastructure (including 'Water Connection Corridor');
- Water Connection Corridors including River Water Abstraction Option and Canal Water Abstraction Option);
- Water Discharge Corridor;
- Waterborne Transport Offloading Area;
- Additional Abnormal Indivisible Load (AIL) Route;
- Construction Laydown Areas;
- A18 Junction Improvement Option;
- Construction and Operational Vehicular Site Access Route, Mabey Bridge replacement and gatehouse; and · Additional Area for Landscaping and Biodiversity Provision.

5.2 The 'Proposed PCC Site'

5.2.1 The Proposed PCC Site, on which the built development associated with the combined cycle gas turbine (CCGT) and carbon capture plant (CCP) is proposed, is located approximately 4.1km to the west of the town of Scunthorpe. The village of Keadby is the nearest settlement which lies immediately adjacent to the Proposed Development Site boundary and approximately 1km east of the

Proposed PCC Site at its closest point (refer to Figure 3.2 (ES Volume III - **Application Document Ref. 6.4**)).

- 5.2.2 The Proposed PCC Site covers an area of approximately 18.7ha of the Keadby Power Station site that is located within an area called Keadby Common, although this is not defined as Common Land and is not afforded any special category status. This part of the Keadby Common was historically associated with a former coal-fired power station that was demolished in the 1990's. Until circa 2017/ 2018, this area was used for arable production but has since been re-seeded.
- 5.2.3 The northern areas of Keadby Common where the CCGT and CCP are proposed (referred to as the 'Main Site') are occupied by improved grassland. Keadby Common has a drain on each boundary (four drains in total). The drain across the north of the Main Site is referred to in the ES as 'Drain 1'; it forms part of Glew Drain and is designated as a local wildlife site (LWS) immediately north-east of the Main Site. A further field drain crosses the Common between a northern field and the southern area of the Main Site which is currently temporarily being used for soil storage during construction of the Keadby 2 Power Station.
- 5.2.4 The Proposed PCC Site is bisected by overhead electricity transmission lines associated with the existing National Grid 400kV Substation to the east of the Proposed PCC Site. In the vicinity of the overhead lines a swathe of unmanaged semi-improved grassland and pockets of scattered scrub occur within the Proposed PCC Site. To the south of these areas, existing land within the Proposed PCC Site comprises extensive hardstanding areas associated with the Keadby 2 Power Station laydown and construction site.
- 5.2.5 The southern extent of the Proposed PCC Site, north of North Soak Drain includes an existing high pressure gas pipeline which runs along Bonnyhale Road and is operated by National Grid ('7 Feeder Eastoft'). Subject to agreement with National Gas Grid (NGG), natural gas will be supplied via a tie-in to this HP gas transmission network. It is proposed that a minimum off-take connection (MOC) will be constructed, and natural gas will be transferred via a below ground pipeline corridor within the Proposed PCC Site from a new National Grid above ground installation (AGI) and gas receiving area, where the gas would be metered and conditioned to that required for the Proposed Development. The indicative pipeline route is wholly within the Proposed Development Site, with the proposed AGI located on the Proposed Development Site within Works Area 2A is shown on Figure 3.3 (ES Volume III **Application Document Ref. 6.4**).
- 5.2.6 The approximate central point of the area where the main operational components of the Proposed Development would be sited in the Proposed PCC Site is NGR 482019, 412027.

5.3 Electrical Connection Area to National Grid 400kV Substation

5.3.1 The existing 400kV Sub-station owned and operated by National Grid is included within the Proposed Development Site for the purposes of providing an electrical connection for the Proposed Development into the National Grid electricity transmission system. The 400kV Substation comprises electrical generation and transmission equipment on a hardstanding surface within a secure fenced compound. Any works undertaken within the substation would be the responsibility of National Grid.

5.4 Potential Electrical Connection from Northern Powergrid Substation

5.4.1 An existing substation owned by Northern Powergrid on Chapel Lane is included within the Proposed Development Site boundary for the purposes of providing an option for lower voltage electrical connection to supply the Proposed PCC Site during plant start-up (refer to Chapter 4: The Proposed Development (ES Volume I **Application Document Ref. 6.2**)). This compound includes existing buildings and an adjacent area of compacted hardstanding. Two potential routes for the connecting cable between the compound and the Proposed PCC Site are included within the Proposed Development Site boundary and illustrated on Figure 3.3 (ES Volume III - **Application Document Ref. 6.4**).

5.4.2 One route crosses Chapel Lane – an adopted highway - and runs through an area of semi-improved grassland south of existing overhead electricity transmission lines associated with the existing National Grid 400kV Substation to the north. The alternative cable route runs along Chapel Lane and north and west towards the Main Site, utilising farm access tracks previously used during the existing SSE Renewables Keadby Windfarm. Keadby Common Drain and Glew Drain are present within this corridor, which is also crossed by overhead electricity transmission lines associated with the existing National Grid 400kV Substation to the south.

5.5 Emergency Vehicle Access Road

5.5.1 An emergency vehicle access road from the northern boundary of the Proposed PCC Site is also included in the Proposed Development Site boundary. This route would cross the existing Drain 1 (Glew Drain) bounding the north of Keadby Common using a new bridge crossing and then utilise existing farm access tracks previously used during the existing SSE Renewables Keadby Windfarm, connecting towards Chapel Lane.

5.5.2 This access track and new bridge would not be utilised during construction or normal operation of the Proposed Development; it would only be utilised as a secondary point of access and egress for emergency vehicles and/ or pedestrians in the event of an emergency.

5.6 Land within the wider Keadby Power Station site

5.6.1 The Proposed Development Site includes land within both Keadby 1 and Keadby 2 Power Stations for the purposes of facilitating connections to the Proposed Development for electricity, water and other necessary infrastructure as well as to provide temporary access during construction for AIL. A description of land use within the wider Keadby Power Station Site is provided in Section 3.4 below. As the design has progressed, the Applicant has refined the Order Limits in these areas, noting that all these areas are within the control of the Applicant.

5.7 Water Connection Corridors and Water Discharge Corridor

5.7.1 The Applicant has assessed two potential cooling options for the Proposed Development. Both are therefore included within the Proposed Development Site boundary and have been considered within the assessments presented in this ES. The preferred option is to utilise water abstracted from the Stainforth and Keadby canal; the alternative option is to utilise water abstracted from the River Trent. Whichever water source is utilised, treated return cooling water will be directed to the River Trent and discharged through the existing Keadby 1 Power Station outfall which is also proposed to be utilised for treated water from Keadby 2 Power Station, once operational.

5.7.2 The Proposed Development Site therefore includes pipework corridors currently associated with the cooling operations for the Keadby 1 Power Station. One corridor relates to the potential water abstraction from the River Trent. The other corridor relates to the intended water discharge back to the River Trent. The indicative pipeline routes are shown on Figure 3.3 (ES Volume III - **Application Document Ref. 6.4**).

5.7.3 The existing discharge pipeline and outfall to the River Trent follows a route of an existing easement north-east referred to herein as the 'Water Discharge Corridor'. The Water Discharge Corridor crosses Chapel Lane adjacent to the curtilages of residential properties before crossing fields which are managed for arable crop production, and traversing beneath a number of unnamed dry ditches and/ or wet drains including Eastoft Moors Drain/ Warming Drain, an ordinary watercourse maintained by the Isle of Axholme and North Nottinghamshire Water Level Management Board (IoAaNNWLMB) ('the IDB') before its outfall location on the western bank of the River Trent. No construction works are proposed on the existing discharge pipeline, although some maintenance works may be undertaken (refer to Chapter 5: Construction Programme and Management (ES Volume I – **Application Document Ref. 6.2**)).

5.7.4 A second corridor running east-west from the existing cooling water intake from the River Trent is also included in the Proposed Development Site (referred to herein as the 'River Water Abstraction Option'). This corridor spans Trent Road and encompasses the existing Keadby Power Station pumping station and below ground cooling water pipework beneath areas of improved grassland and

Trent Road. An engineered flood embankment maintained by the Environment Agency is present along the eastern bank of the River Trent in this location. The River Water Abstraction Option extends into the River Trent to allow for a cofferdam to be installed, should this be required for upgrade works to the intake to make it compliant with the Eels (England and Wales) Regulations 2009 (HMSO, 2009). The River Trent is a large tidal navigable river (circa 150m wide at this location) with marginal mud banks exposed at low tide and is subject to several statutory nature conservation designations described in Section 3.6. Further detail on the 'River Water Abstraction Option' is provided in Chapter 4: The Proposed Development and Chapter 12: Water Environment and Flood Risk (ES Volume I – **Application Document Ref. 6.2**).

- 5.7.5 Additional land associated with the potential cooling water intake from the Stainforth and Keadby Canal is included in the Proposed Development Site to facilitate the option to use this infrastructure for the Proposed Development (referred to herein as the 'Canal Water Abstraction Option'). The canal will also supply cooling water to Keadby 2 Power Station via a new pumping station and interconnecting pipework.
- 5.7.6 The channel of the canal is navigable, approximately 35m wide and several metres deep with low vertical artificial banks formed of stone. This part of the canal falls within the boundary of the Stainforth and Keadby Canal Corridor local wildlife site (LWS), which is designated for its aquatic flora and associated bankside habitats.

5.8 Waterborne Transport Offloading Area

- 5.8.1 This existing level hardstanding area of the Proposed Development Site comprises a river wharf owned by PD Port Services Ltd with a short stretch of access road, bounded by grassed earth embankments directly adjacent to the River Trent and to the north of Keadby Lock which provides access to the Stainforth and Keadby Canal. The area incorporates a reinforced concrete slab which can be used for the positioning of temporary cranes for lifting and transfer of AIL components/ equipment. Use of this area for the Proposed Development would be consistent with the existing use of this area for AIL deliveries during construction of Keadby 2 Power Station. The Waterborne Transport Offloading Areas includes a small (circa 5m wide) section of the River Trent to allow for temporary over sail associated with the unloading by crane from moored vessels.

5.9 Additional Abnormal Indivisible Load (AIL) Route

- 5.9.1 The Proposed Development Site incorporates land currently used as a temporary construction haul road for Keadby 2 Power Station from the Waterborne Transport Offloading Area into the Keadby Power Station site for the purposes of transporting AIL that have been delivered and unloaded at the Waterborne Transport Offloading Area.

- 5.9.2 This Additional AIL route commences at the Waterborne Transport Offloading Area, crosses a short section of the B1392 and then incorporates an existing temporary haul road that runs to the east of PD Port Services freight yard, through an agricultural field (owned by the Applicant). The temporary haul road has been constructed using geotextile separation membrane with granular compacted stone laid on top, using temporary steel bridges to span over drainage ditches. The additional AIL route then crosses the existing hardstanding 'Outage' car park and into the existing Keadby 1 Power Station Site.
- 5.9.3 This temporary haul road is the subject of a planning permission granted by North Lincolnshire Council ('NLC') which requires its restoration following completion of construction of Keadby 2 Power Station; the Applicant has submitted an application under Section 73 of the Town and Country Planning Act 1990 (as amended) to vary conditions of the extant permission to enable temporary retention of the haul road following completion of Keadby 2 Power Station construction in order that it can be beneficially used for the Proposed Development, prior to its restoration. It is therefore included within the indicative Order Limits and effects associated with its retention as a temporary haul road, use for the Proposed Development AIL deliveries and subsequent restoration are included in the environmental assessments of this ES (Chapters 8-19 (ES Volume I – **Application Document Ref. 6.2**)).

5.10 Construction Laydown Areas

- 5.10.1 A number of construction laydown areas are included within the Proposed Development Site boundary (refer to Chapter 5: Construction Programme and Management (ES Volume I – **Application Document Ref. 6.2**)). It is anticipated that up to approximately 20.7ha of land will be required for construction laydown (refer to Figure 3.3 and Figure 5.1 (ES Volume III – **Application Document Ref. 6.4**)) which would be provided in different parts of the Proposed Development Site.
- 5.10.2 To the south of the Stainforth and Keadby Canal, adjacent to the construction and operational access road from the A18, an area of farmland under intensive arable management is included within the Proposed Development Site boundary for use as temporary construction laydown. South of the Stainforth and Keadby Canal and west of North Pilfrey Bridge, an area of mown improved grassland and land used for Keadby 2 Power Station laydown is also included as a laydown area. It is anticipated that these areas would be used as a contractor's compound and include construction staff car parking, with a park and ride system to transport workers between this compound and the Proposed PCC Site.
- 5.10.3 The existing hardstanding construction laydown areas currently utilised by Keadby 2 Power Station are also included in the Proposed Development Site. The former site of the previous substation for Keadby 1 Power Station is also included for laydown where all equipment has been removed and the remaining

site is flat and mostly concrete. An overhead line crosses this land and a pylon within the area would provide some constraints for working.

5.11 Construction and Operational Access Route and Gatehouse

5.11.1 Access to the Proposed Development Site during construction and operation would be via the existing access roads from the A18. Perpendicular and skewed construction access points off the A18, built for construction vehicles during construction of Keadby Wind Farm and currently used by all construction vehicles associated with the Keadby 2 Power Station, would be used to access the Proposed Development Site. The skewed access would be used, where required, to transport certain oversized AIL into the Proposed Development Site during construction. Other than the replacement of Mabey Bridge, it is not anticipated that the existing carriageway of the access road requires improvement for the Proposed Development. Circa 1.5km of recently planted hawthorn hedgerow runs for along the access road between the A18 and North Pilfrey Bridge; this will be undisturbed by the Proposed Development.

5.11.2 North Pilfrey Bridge has a capacity of circa 40 tonnes and was constructed in 2012/3 for the Keadby Windfarm Project. It passes over the Scunthorpe to Doncaster passenger rail line, the Stainforth and Keadby Canal and towpath, and North and South Soak Drains (Main Rivers) and is proposed to be utilised for construction and permanent access into the Proposed Development Site. Site access continues via Bonnyhale Road and onwards towards the Proposed Development Site along existing private access roads.

5.11.3 Alongside the access road to the Proposed Development Site from the A18, a small permanent gatehouse/ security building is proposed to replace the current temporary building utilised by Keadby 2 Power Station on this road. This gatehouse would include a vehicle waiting area.

5.12 A18 Junction Improvement and Mabey Bridge replacement

5.12.1 The A18 is an adopted highway subject to the National Speed Limit. It is bordered on its southern carriageway by North Engine Drain and the River Torne (Main Rivers). It is proposed that this will form the primary new permanent access for the Proposed Development, with the existing access via the village being a secondary access. The existing junction with the A18 will be widened in the vicinity of Mabey Bridge along the north of the existing A18 carriageway alignment in order to accommodate a ghost island for traffic turning right into the Proposed Development Site from the A18, permitting traffic to continue along the carriageway. This northern carriageway is bordered by grass verge habitats and beyond this an existing bridge, Mabey Bridge, which provides access over Hatfield Waste Drain (Main River). Mabey Bridge will be replaced in order that it is capable of serving the development over its 25-year lifetime. Further details are provided in Chapter 4: The Proposed Development and Chapter 5: Construction Programme and Management (ES Volume I -

Application Document Ref. 6.2). Additional Area for Landscaping and Biodiversity Provision

- 5.12.2 An area of existing road verge along the site access road and additional areas of improved grassland south of the South Soak Drain and the Stainforth and Keadby Canal are included in the Proposed Development Site boundary for landscaping and biodiversity provision. The road verge is in parts bounded by existing hedgerow. Areas to the south of the canal comprise species poor improved grassland. These additional areas are within the Applicant's ownership.
- 5.12.3 Further description of the Proposed Development Site and its surroundings is provided in **Chapter 3: The Site and Surrounding Area** in ES Volume I (**Application Document Ref. 6.2**).

6.0 COMPULSORY ACQUISITION POWERS

6.1.1 Section 120 (3) Planning Act 2008 states:

‘An order granting development consent may make provision relating to, or to matters ancillary to, the development for which consent is granted.’

6.1.2 Section 120 (4) Planning Act 2008 states:

‘The provision that may be made under subsection (3) includes in particular provision for or relating to any of the matters listed in Part 1 of Schedule 5’.

6.1.3 The matters listed at Part 1 Schedule 5 Planning Act 2008 lists include, inter alia:

- (1) The acquisition of land, compulsorily or by agreement.
- (2) The creation, suspension or extinguishment of, or interference with, interests in or rights over land (including rights of navigation over water), compulsorily or by agreement.
- (3) The abrogation or modification of agreements relating to land.
- (5) The operation of a generating station.
- (6) Keeping electric lines installed above ground.
- (7) The use of underground gas storage facilities.
- (10) the protection of the property or interests of any person.
- (12) Carrying out surveys or taking soil samples.
- (13) cutting down, uprooting, topping or lopping trees or shrubs or cutting back their roots.
- (14) The removal, disposal or re-siting of apparatus.
- (15) carrying out civil engineering or other works.
- (16) The diversion of navigable or non-navigable watercourses.
- (26) The discharge of water into inland waters or underground strata.
- (30A) deeming a marine licence under Part 4 of the Marine and Coastal Access Act 2009 to have been given by the Secretary of State for activities specified in the order and subject to such conditions as may be specified in the order.
- (36) The payment of compensation.
- (37) the submission of disputes to arbitration.

6.1.4 Section 122 Planning Act 2008 states:

‘(1) An order granting development consent may include provision authorising the compulsory acquisition of land only if the Secretary of State is satisfied that the conditions in subsections (2) and (3) are met.

(2) The condition is that the land

- (a) is required for the development to which the development consent relates,
- (b) is required to facilitate or is incidental to that development, or
- (c) is replacement land which is to be given in exchange for the order land under section 131 or 132.

(3) The condition is that there is a compelling case in the public interest for the land to be acquired compulsorily'

6.1.5 The Order includes powers of compulsory acquisition for the purpose of acquiring land and/or rights together with the creation of new rights in land necessary for the implantation of the Proposed Development. For the reasons set out within this Statement it is considered that these powers are justifiable, proportionate and in the public interest.

7.0 NEED FOR COMPULSORY ACQUISITION POWERS

7.1.1 An Order which includes provision for the exercise of compulsory acquisition powers may only be granted if the conditions set out at Section 122 (2) and (3) Planning Act 2008, as set out at **Section 6** above are met.

7.1.2 These conditions can be summarised as follows:

- The land subject to the compulsory acquisition powers is required for the development to which the Order relates or is required to facilitate or is incidental to that development or is replacement land (section 122(2)).
- There is a compelling case in the public interest for the land to be compulsorily acquired (section 122(3)).

7.1.3 Paragraph 11 of the 'Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land' (the 'Guidance') comments in respect of the first condition (Section 122 (2) Planning Act 2008) as follows:

'Section 122 of the Planning Act sets out two conditions which must be met to the satisfaction of the Secretary of State before compulsory acquisition can be authorised. The first of these is related to the purpose for which compulsory acquisition is sought. These three purposes are set out in section 122(2):

(i) the land is required for the development to which the development consent relates

For this to be met, the applicant should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought. The Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.

(ii) the land is required to facilitate or is incidental to the proposed development.

An example might be the acquisition of land for the purposes of landscaping the project. In such a case the Secretary of State will need to be satisfied that the development could only be landscaped to a satisfactory standard if the land in question were to be compulsorily acquired, and that the land to be taken is no more than is reasonably necessary for that purpose, and that is proportionate.

(iii) the land is replacement land which is to be given in exchange under section 131 or 132 of the Planning Act.

This may arise, for example, where land which forms part of an open space or common is to be lost to the scheme, but the applicant does not hold other land in the area which may be suitable to offer in exchange. Again, the Secretary of State will need to be satisfied that the compulsory acquisition is needed for replacement land, that no more land is being taken than is reasonably necessary for that purpose, and that what is proposed is proportionate.'

7.1.4 With regard to the second condition (Section 122(3)), paragraphs 12 and 13 of the Guidance states:

‘In addition to establishing the purpose for which compulsory acquisition is sought, section 122 requires the Secretary of State to be satisfied that there is a compelling case in the public interest for the land to be acquired compulsorily.

For this condition to be met, the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. Parliament has always taken the view that land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss.’

7.1.5 Paragraph 14 of the Guidance considers the balance between the public interest and private loss stating that:

‘In determining where the balance of public interest lies, the Secretary of State will weigh up the public benefits that a scheme will bring against any private loss to those affected by compulsory acquisition.’

7.1.6 In addition to the statutory requirements of Section 122(2) and (3) Planning Act 2008, the Guidance also sets out further considerations at paragraphs 8 to 10.

7.1.7 Paragraph 8 requires there to have been consideration of alternatives to compulsory acquisition stating:

‘The applicant should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored. The applicant will also need to demonstrate that the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate.’

7.1.8 Paragraph 9 requires the Applicant to demonstrate that they have a clear intention and ability to deliver the proposed development stating:

‘The applicant must have a clear idea of how they intend to use the land which it is proposed to acquire. They should also be able to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available. Otherwise, it will be difficult to show conclusively that the compulsory acquisition of land meets the two conditions in section 122 (see paragraphs 11-13 below).’

7.1.9 Paragraph 10 has regard to the balance between the private and public interest stating:

‘The Secretary of State must ultimately be persuaded that the purposes for which an order authorises the compulsory acquisition of land are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected. In particular, regard must be given to the provisions of

Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of acquisition of a dwelling, Article 8 of the Convention.’

7.2 Need for Compulsory Acquisition of Land and Rights and Creation of New Rights

- 7.2.1 The construction, operation and maintenance of the Proposed Development is dependent upon the acquisition of land and rights, together with the extinguishment of existing rights and creation of new rights.
- 7.2.2 In order that the Government’s policy in relation to the delivery of new generating capacity is met within a timely manner the Applicant requires the grant of powers to compulsorily acquire the required land and/or interests, create new interests and extinguish existing interests.
- 7.2.3 The Order Land, which is proposed to be subject to compulsory powers, is edged by a solid red line on the Land Plans (**Application Document Reference. 4.2**).
- 7.2.4 The land edged red and shaded blue denotes the Order Land within which new rights are to be acquired..
- 7.2.5 The land edged red and shaded pink denotes the Order Land within which the freehold interest is to be acquired permanently in relation to which existing easements, servitudes and other private rights would be extinguished.
- 7.2.6 The land edged red and shaded yellow denotes the Order Land required for temporary use in respect of which easements, servitudes and other private rights would be extinguished whilst the Applicant remains in temporary possession of the land.
- 7.2.7 There are 6 broad categories of land powers included within the Order. These can be summarised as follows.
- **All interests (including freehold)** – The Applicant relies upon Article 19 of the Order to acquire the freehold interest in land where other powers (such as, inter alia, the acquisition of new rights, overriding of rights, acquisition of subsoil only or temporary occupation) would not be sufficient or appropriate to enable the construction, operation and/or maintenance of the Proposed Development.
 - **Extinguishment and Overriding of Rights** – The Applicant relies upon Articles 20 and 23 for the extinguishment and/or overriding of rights to facilitate the construction, operation and/or maintenance of the Proposed Development.
 - **New Rights** – The Applicant relies upon Article 22 for the creation of new rights as well as the acquisition of existing rights to enable the construction, operation and/or maintenance of the Proposed Development.

- **Subsoil and airspace** – Article 25 allows the Applicant to acquire interests in the subsoil where this is considered sufficient to enable the construction, operation and/or maintenance of the Proposed Development without needing to acquire the entirety of the freehold interest.
- **Temporary Use** – Article 28 is relied upon by the Applicant to take temporary possession of land for the carrying out of the Proposed Development and Article 29 is relied upon for the taking of temporary possession for the purposes of maintenance.
- **Rights under or over streets** – Article 27 allows the Applicant to enter upon and appropriate, so much of the subsoil or airspace under or over any street within the Order limits as may be required for the purposes of the Proposed Development, or any purpose ancillary to the Proposed Development.

7.2.8 Each plot within the Order Land as detailed on the Land Plans is described in the Book of Reference (**Application Document Ref. 3.1**).

7.2.9 The Applicant has been seeking to negotiate the acquisition of each required interests, new rights and temporary use of land by private treaty in order to enable the implementation of the Proposed Development and will continue to do so. However, the Applicant does not have certainty that all the required acquisitions will be completed in a timely manner.

7.2.10 It is therefore necessary for the Applicant, in accordance with the provisions of the Planning Act 2008 to secure powers of compulsory acquisition in order to ensure that the Proposed Development is delivered within a reasonable commercial time period.

7.2.11 In this regard the powers, land and interests sought together with the authorised use of temporary land are proportionate and no more than required to enable the construction, operation and maintenance of the Proposed Development.

7.3 Intended Use of the Order Lands and Status of Negotiations

7.3.1 The intended purposes for which land is subject to the powers of compulsory acquisition and to possess land temporarily (in accordance with Articles 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 of the Order) are summarised at paragraph 7.4 below.

7.3.2 These are described by reference to the Work Nos. as set out in Schedule 1 to the Order and shown on the Works Plans (**Application Document Ref. 4.3**) and by plot number as reference in the Book of Reference and Land Plans (**Application Document Ref. 3.1 and 4.2** respectively). For completeness, paragraph 7.4 should be considered together with these documents.

7.3.3 The majority of the land required for the implementation of the Project is owned freehold by SSE and its wholly owned subsidiary companies comprising the Applicant (Keadby Generation Limited), Keadby Developments Limited, SSE Generation Limited and Keadby Wind Farm Limited.

- 7.3.4 The Applicant has taken the view that no formal consultation was needed to be taken within the group companies, but all plots controlled by Applicant and SSE subsidiary companies have been included within the Order to remove any perceived potential, however remote, for any impediment to delivery to arise on account of ownership and/or control issues.
- 7.3.5 The development of the Project requires the acquisition of additional interests in land, acquisition and creation of new rights under and over land, and the temporary use of land, as further described in the Statement of Reasons (Application Document Ref. 3.2).
- 7.3.6 Many of the plots are listed under more than one owner/occupier due to there being more than one interest in those plots and/or multiple persons benefitting from rights thereon.
- 7.3.7 The Applicant has undertaken Stage 1 (non-statutory) and Stage 2 (statutory) consultation together with targeted re-consultation full details of which are set out within the Consultation Report (**Application Document Ref. 5.1**). Feedback received from consultees has been taken into account in refining the extent of land and rights required from landowners/occupiers and persons deriving benefits from the required land.
- 7.3.8 Paragraph 7.4 sets out a summary of discussions and negotiations undertaken by the Applicant with each identified affected party to secure the required interest by negotiation. In this regard further details in respect of those interests held by statutory undertakers and Crown Land are set out at **Section 10**.

7.4 Land in respect of which powers of compulsory acquisition or temporary possession are sought.

Plot Nos.	Work Nos.	Reason for temporary or permanent acquisition or possession	Owner/occupier and status of negotiations
111, 121, 122, 125, 126	4B 5	River Water Supply Works. Cooling Water Discharge Pipeline.	Amy Sarah Maclean Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
40, 40a, 40b, 41, 42, 43, 44, 45, 55, 55a,	3B 8C	Electrical Cable Works to 132kV Northern Powergrid Substation. Emergency Operational Access.	Andrew Clive Severn Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.

Plot Nos.	Work Nos.	Reason for temporary or permanent acquisition or possession	Owner/occupier and status of negotiations
55b, 56, 56a, 60			
71, 97	4A	Canal Water Supply Connection Works.	Angela Way Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
66, 88, 91, 92, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 113, 171	3A	Above or below ground connection to NG 400kV substation.	Ann Ida Madge Radford Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
	3B	Electrical cable works to 132kV NP substation.	
	4A	Canal water supply connection works.	
	4B	River water supply connection works.	
	5	Cooling water discharge pipeline.	
	6	Towns water connection.	
	10A	Temporary haulage route.	
135	10A	Temporary haulage route.	Associated Waterway Services Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.

Plot Nos.	Work Nos.	Reason for temporary or permanent acquisition or possession	Owner/occupier and status of negotiations
125	5	Cooling water discharge pipeline.	Barclays Security Trustee Limited Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
12, 13, 14, 34, 34a, 35, 47, 52, 53, 54, 65, 66, 71, 73, 78, 79, 82, 83, 85, 89, 90, 91, 94, 95, 100, 104, 105, 106, 108, 109, 110, 111, 112, 115, 118, 132, 136, 138, 144, 145, 146, 147, 150, 151, 165, 165a, 166,	2A	National Grid Gas natural gas compound.	British Telecommunications Public Limited Company Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
	3A	Above or below ground connection to NG 400kV substation.	
	3B	Electrical cable works to 132kV NP substation.	
	4A	Canal water supply connection works.	
	4B	River water supply connection works.	
	5	Cooling water discharge pipeline.	
	6	Towns water connection.	
	8A	Vehicular site access.	
	9A	Temporary construction and laydown area.	
	9B	Temporary access to the temporary construction and laydown area.	
10A	Temporary haulage route.		
10B	Maintenance of existing jetty and placement of		

Plot Nos.	Work Nos.	Reason for temporary or permanent acquisition or possession	Owner/occupier and status of negotiations
167, 169		crane for offloading of waterborne transport.	
27, 37, 38, 39, 66, 75, 80, 80a, 81, 88, 91, 92, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 113, 156, 157, 158, 162, 163, 171	3A 3B 4A 4B 5 6 8A 9B 10B	Above or below ground connection to NG 400kV substation. Electrical cable works to 132kV NP substation. Canal water supply connection works. River water supply connection routes. Cooling water discharge pipeline. Towns water connection. Vehicular site access. Temporary access to the temporary construction and laydown area. Maintenance of existing jetty and placement of crane for offloading of waterborne transport.	Canal and River Trust Negotiations are underway in respect of a water abstraction licence, but formal terms are yet to be agreed.
112, 127, 128, 129, 130, 133, 142, 143	5	Cooling water discharge.	David Glew Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
120	5	Cooling water discharge.	Donna Wall

Plot Nos.	Work Nos.	Reason for temporary or permanent acquisition or possession	Owner/occupier and status of negotiations
			Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 26, 27, 28, 30, 31, 46, 47, 52, 53, 54, 66, 75, 76, 77, 80, 80a, 81, 88, 91, 92, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 113, 156, 157, 171	2A	NGG natural gas compound.	Environment Agency
	3A	Above or below ground connection to NG 400kV substation.	Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
	3B	Electrical cable works to 132kV NP substation.	
	4A	Canal water supply connection works.	
	4B	River water supply connection works.	
	5	Cooling water discharge.	
	6	Towns water connection.	
	8A	Vehicular site access.	
	9B	Temporary access to the temporary construction and laydown area.	
	9C	Temporary construction and laydown area in association with replacement of private bridge.	
	10A	Temporary haulage route.	
	10B	Maintenance of existing jetty and placement of	

Plot Nos.	Work Nos.	Reason for temporary or permanent acquisition or possession	Owner/occupier and status of negotiations
		crane for offloading of waterborne transport.	
127, 130, 143	5	Cooling water discharge.	Glew J R Junior & Co Limited Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
23, 25, 45, 55, 55a, 55b, 56, 56a, 60	3B	Electrical cable works to 132kV NP substation.	Jonathan Belton Wright The Applicant has engaged with the affected party and has sought to agree an option for lease of the land. The Applicant has held various meetings with the affected party since 9 December 2020 in addition to undertaking a joint accompanied site visit on 20 May 2021. Principal terms have been agreed subject to completion of documentation. The Applicant will see to completed terms at the earliest opportunity.
	8C	Emergency operational access.	
	9A	Temporary construction and laydown area.	
	9B	Temporary access to the temporary construction and laydown area.	
140, 141, 142	5	Cooling water discharge.	Julie Ellen Albans Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
136	10A	Temporary haulage route.	Mammoet UK Limited Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement. The Applicant already uses the required land in connection with Keadby 2 Power Station.
	10B	Maintenance of existing jetty and placement of crane for offloading of waterborne transport.	

Plot Nos.	Work Nos.	Reason for temporary or permanent acquisition or possession	Owner/occupier and status of negotiations
140	5	Colling water discharge.	Metro Bank plc Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
11, 12, 13, 14, 16, 16a, 17, 17a, 17b, 32, 32a, 41, 48, 49, 49a, 50, 51, 54, 61, 64, 65, 67, 68, 69, 70, 72, 72a, 73, 74, 76, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 90, 94, 98, 100, 101, 102, 103, 106, 107, 110, 111, 112,	1A 1B 1C 1D 1E 2A 2B 3A 3B 4A 4B	CCGT Plant. CCGT cooling infrastructure. Carbon capture plant. Natural gas reception facility. Generating station supporting uses. NGG natural gas compound. Undertaker natural gas compound. Above or below ground connection to NG 400kV substation. Electrical cable works to 132kV NP substation. Canal water supply connection works. River water supply connection works.	National Grid Electricity Transmission plc Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.

Plot Nos.	Work Nos.	Reason for temporary or permanent acquisition or possession	Owner/occupier and status of negotiations
120, 121, 124, 125,	5	Cooling water discharge pipeline.	
127, 128, 129, 130, 132, 133, 134, 140,	6	Towns water connection.	
141, 142, 143,	7A	Carbon dioxide conditioning and compression facilities.	
147, 148,	7B	NG high pressure carbon dioxide apparatus.	
152, 153, 159,	8A	Vehicular site access.	
160, 161, 162,	8C	Emergency operational access.	
165, 165a, 166,	9A	Temporary construction and laydown area.	
167	9B	Temporary access to the temporary construction and laydown area.	
	10A	Temporary haulage route.	
	11A	Landscaping and biodiversity management and enhancement area.	
	11B	Boundary treatment.	
12, 13, 14, 16, 16a, 17, 17a, 17b, 46, 49, 49a, 50, 50a,	2A	Undertaker natural gas compound.	National Grid Gas plc Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
	4A	Canal water supply connection works.	
	4B	River water supply connection works.	

Plot Nos.	Work Nos.	Reason for temporary or permanent acquisition or possession	Owner/occupier and status of negotiations
51, 72a, 79, 84, 98, 100, 165a	5	Cooling water discharge.	
	8A	Vehicular site access.	
	9A	Temporary construction and laydown area.	
	9B	Temporary access to the temporary construction and laydown area.	
	10A	Temporary haulage route.	
	11B	Boundary treatment.	
28, 29	8A	Vehicular site access.	Network Rail Infrastructure Limited The Applicant has the benefit of a Lease of easement for a 125-year term from 7 June 2001. The Applicant made contact with Network Rail on 17 March 2021 and has been in regular correspondence seeking to vary this easement to encompass the Keadby 3 proposals. Terms have not yet been agreed and the Applicant will continue negotiations in this regard.
	9B	Temporary access to the temporary construction and laydown area.	
140, 141, 142	5	Cooling water discharge pipeline.	Nigel David Albans Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
1, 2, 4, 5, 6, 7, 8, 9, 66, 88,	3A	Above or below ground connection to NG 400kV substation.	North Lincolnshire Council Terms are not yet agreed, The Applicant will pursue negotiations to

Plot Nos.	Work Nos.	Reason for temporary or permanent acquisition or possession	Owner/occupier and status of negotiations
91, 93, 95, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 135, 136, 137, 138, 144, 145, 146, 147, 149, 150, 151, 153, 154, 155, 171	3B 4A 4B 5 6 8A 9B 10A 10B	Electrical cable works to 132kV NP substation. Canal water supply connection works. River water supply connection works. Cooling water discharge pipeline. Towns water connection. Vehicular site access. Temporary access to the temporary construction and laydown area. Temporary haulage route Maintenance of existing jetty and placement of crane for offloading of waterborne transport	acquire the relevant interests by agreement.
42, 83, 88, 89, 90, 94, 108, 109, 115, 116, 117, 119, 121, 122, 123, 124,	3B 4B 5 10A	Electrical cable works to 132kV NP substation. River water supply connection works. Cooling water discharge pipeline. Temporary haulage route.	Northern Powergrid (Yorkshire) plc Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.

Plot Nos.	Work Nos.	Reason for temporary or permanent acquisition or possession	Owner/occupier and status of negotiations
143, 158, 162			
66, 88, 91, 92, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 113, 171	3A	Above or below ground connection to NG 400kV substation.	Owen Peter Roe Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
	3B	Electrical cable works to 132kV NP substation.	
	4A	Canal water supply connection works.	
	4B	River water supply connection works	
	5	Cooling water discharge pipeline	
	6	Towns water connection	
	10A	Temporary haulage route	
131, 135, 144	10A	Temporary haulage route.	PD Ports Properties Limited Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
136, 145, 154, 156	10A	Temporary haulage route.	Railway Wharf (Keadby) Limited Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement. The Applicant already uses the required land in connection with Keadby 2 Power Station.
	10B	Maintenance of existing jetty and placement of crane for offloading of waterborne transport	
66, 88, 91, 92, 93, 95, 96, 97,	3A	Above or below ground connection to NG 400kV substation.	Raymond Radford

Plot Nos.	Work Nos.	Reason for temporary or permanent acquisition or possession	Owner/occupier and status of negotiations
98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 113, 171	3B	Electrical cable works to 132kV NP substation.	Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
	4A	Canal water supply connection works.	
	4B	River water supply connection works	
	5	Cooling water discharge pipeline	
	6	Towns water connection	
	10A	Temporary haulage route	
40, 40a, 40b, 41, 42, 43, 44, 45, 55, 55a, 55b, 56, 56a, 60	3B	Electrical cable works to 132kV NP substation.	RES Developments Limited
	8C	Emergency operational access.	Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
112, 127, 128, 129, 130, 133, 142, 143	5	Cooling water discharge pipelines.	Richard Glew Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
40, 40a, 40b, 41, 42, 43, 44, 45, 55, 55a,	3B	Electrical cable works to 132kV NP substation.	Richard Henry Strawson SSE has engaged with the affected party and has sought to agree an easement of the land. SSE has held various meetings and negotiations
	8C	Emergency operational access	

Plot Nos.	Work Nos.	Reason for temporary or permanent acquisition or possession	Owner/occupier and status of negotiations
55b, 56, 56a, 57, 58, 59, 60, 108			with the landowner’s agent, Josh Pollock, since 10 December 2020. Regular follow up meetings are planned. Principal terms are not yet agreed. SSE will continue negotiations to seek to acquire the relevant interests by agreement.
128, 129, 134	5	Cooling water discharge pipeline.	Ruth Pauline Humphrey Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
66, 88, 91, 92, 93, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 113, 171	3A 3B 4A 4B 5 6 10A	Above or below ground connection to NG 400kV substation. Electrical cable works to 132kV NP substation. Canal water supply connection works. River water supply connection works Cooling water discharge pipeline Towns water connection Temporary haulage route	Scunthorpe Sea Cadets Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
135, 136, 137, 138,	5	Cooling water discharge pipeline.	Severn Trent Water Terms are not yet agreed, The Applicant will pursue negotiations to

Plot Nos.	Work Nos.	Reason for temporary or permanent acquisition or possession	Owner/occupier and status of negotiations
154, 156			acquire the relevant interests by agreement.
111, 121, 122, 126	4B 10A 10B	River water supply connection works. Temporary haulage route. Maintenance of existing jetty and placement of crane for offloading of waterborne transport.	Simon Alistair Laclea Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
132	5	Cooling water discharge pipeline.	Stephen Dent Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
112, 127, 128, 129, 130, 133, 142, 143,	5	Cooling water discharge pipeline.	Stephen Glew Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
159, 160	4B	River water supply connection works.	The Crown Estate Commissioners The Applicant wrote on 4 March 2021 and 30 March 2021 requesting the opportunity to discuss the proposed works and agree terms for the acquisition of the identified requirements. No response has been received. The Applicant will continue to invites negotiations and hope to acquire the relevant interests by agreement.

Plot Nos.	Work Nos.	Reason for temporary or permanent acquisition or possession	Owner/occupier and status of negotiations
41, 57, 58, 59, 66, 67, 104, 106, 108, 110, 132, 133, 141,	3A	Above or below ground connection to NG 400kV substation.	The Isle of Axholme and North Nottinghamshire Water Level Management Board
	3B	Electrical cable works to 132kV NP substation.	Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
	5	Cooling water discharge pipeline.	
	6	Towns water connection.	
	8C	Emergency operational access.	
154, 156, 157, 158, 163,	4B	River water supply connection works.	The Queen's Most Excellent Majesty in Right of Her Crown
	5	Cooling water discharge pipeline.	The Applicant wrote on 4 March 2021 and 30 March 2021 requesting the opportunity to discuss the proposed works and agree terms for the acquisition of the identified requirements. No response has been received. The Applicant will continue to invite negotiations and hope to acquire the relevant interests by agreement.
	10B	Maintenance of existing jetty and placement of crane for offloading of waterborne transport.	
120, 121	5	Cooling water discharge pipeline.	Vivien Anne Wall Terms are not yet agreed, The Applicant will pursue negotiations to acquire the relevant interests by agreement.
136, 138, 144, 150	4B	River water supply connection works.	Yorkshire Water
	10A	Temporary haulage route.	Terms are not yet agreed, The Applicant will pursue negotiations to

Plot Nos.	Work Nos.	Reason for temporary or permanent acquisition or possession	Owner/occupier and status of negotiations
	10B	Maintenance of existing jetty and placement of crane for offloading of waterborne transport.	acquire the relevant interests by agreement.

- 7.4.1 There is unregistered land where it has not yet been possible to establish ownership nor definitively establish the full extent of persons benefitting from rights despite. The Applicant has made active attempts to establish the identity of interested persons (refer to Notices for Statutory Publicity **Application Document Ref. 1.4**) and will continue to seek to acquire the required land and/or rights by negotiation.
- 7.4.2 Whilst the Order includes powers of compulsory acquisition, the Applicant will actively engage in negotiations to secure voluntary agreements wherever practicable in parallel with the exercise of such powers in order to ensure that the Proposed Development can be delivered in a timely manner. This approach is in accordance with paragraph 26 of the Guidance.
- 7.4.3 In addition to the powers detailed above, Article 33 of the Order includes the standard provision for the overriding of easements and other rights together with the payment of compensation for injurious affection arising as a result of the exercise of such powers.
- 7.4.4 Compulsory purchase powers are required in order to provide certainty that the Applicant is able to construct, operate and maintain the Proposed Development and thereby release the resultant public benefits which are considered to be significant.

7.5 Alternatives to the Exercise of Compulsory Purchase Powers

- 7.5.1 The implementation and delivery of the Proposed Development is dependent upon the acquisition of land and/or rights, the extinguishment and/or variation of rights and the creation of new rights together with temporary occupation. There is therefore no alternative but to seek to powers of compulsory acquisition in order to ensure that the Proposed Development can be delivered within a timely manner.
- 7.5.2 It is considered that a ‘do nothing’ scenario is not appropriate given the established national need for new low carbon dispatchable energy generation to meet the UK’s Net Zero targets (refer to Chapter 7: Legislative Context and Planning Policy Framework (ES Volume I – **Application Document Ref. 6.2**).
- 7.5.3 A ‘do nothing’ alternative would mean that this ‘first of a kind’ gas-fired power station with carbon capture would not be developed, meaning that dispatchable

low carbon generating plant would not be available to support the increased deployment of renewables onto the UK transmission system.

7.5.4 Another key disadvantage of a 'do nothing' scenario would be the lack of additional investment in the local economy since the Proposed Development would not be developed.

7.5.5 For these reasons the do-nothing scenario is not considered appropriate, although it has been assessed as part of the baseline conditions in the EIA presented in the topic specific chapters of this ES (**Chapters 8-18** of ES Volume I – **Application Document Ref. 6.2**).

7.6 Site Selection and Consideration of Alternative Solutions

7.6.1 Chapter 6 of the Environmental Statement (**Application Document Ref. 6.2.6**) sets out the alternatives that have been considered during the evolution of the Proposed Development and design process.

7.6.2 The Keadby Power Station site has been selected by the Applicant for the development of a Low Carbon Gas Generating Station, as opposed to other potentially available sites for the following reasons:

- the Proposed Development Site has excellent existing electrical grid, gas, water and transport links, specifically the National Grid electricity and natural gas transmission networks;
- the Proposed Development Site is in close proximity to the ZCH Partnership cluster and discussions with National Grid Ventures have determined that their proposed carbon dioxide pipeline can directly connect into the Proposed Development Site to enable the transport of captured carbon dioxide from the Proposed Development to permanent geological storage in the southern North Sea;
- the Proposed PCC Site is a brownfield site which is considered more appropriate in general planning terms to redevelop for large scale power generation than a greenfield one;
- the location of the Proposed PCC Site minimises interference with the Landscape and Creative Conservation Plan for Keadby 2 Power Station and specifically, the Habitat Management Areas secured via Conditions 31-34 inclusive of the Section 36 consent for Keadby 2 Power Station;
- the Proposed PCC Site provides sufficient space to accommodate the required scale of power generation and carbon capture infrastructure (in particular, a single high efficiency CCGT unit and a CCP), without encroaching on the exclusion areas for the Keadby Wind Farm turbines to the north and the existing overhead lines to the south and east;
- the Proposed PCC Site (and the majority of the Proposed Development Site) is wholly in the ownership of the Applicant; and

- the Proposed PCC Site is located in close proximity to the existing Keadby 1 and proposed Keadby 2 Power Stations, providing opportunities for synergies, efficiencies, and thus economic and environmental benefits for the Proposed Development.
- 7.6.3 A number of different locations within the wider Keadby Power Station Site boundary were considered for the Proposed Development but have been discounted for various environmental and technical reasons including contiguous space availability and presence of existing infrastructure.
- 7.6.4 Within the EIA Scoping Report (**Application Document Ref. 6.3**), an area was included in the Proposed Development Site boundary to the south-west of the Proposed PCC Site for ‘construction laydown and biodiversity’. This area is currently unused and vegetated, with mounds and spoil heaps which are anticipated to contain Pulverised Fuel Ash (PFA) associated with historic coal-fired power use. Over time, semi-natural habitat has become established on this disturbed ground associated with the former Keadby Ash Tip.
- 7.6.5 In view of the value of this land for biodiversity the Applicant has chosen to maximise use of existing land of lower biodiversity value that may be suitable for temporary laydown under their control, supplemented by additional land that is currently used as farmland, to be leased from the landowner. These areas are illustrated on Figure 5.1 (ES Volume III – **Application Document Ref. 6.4**) and include: -
- Area 1 – an unused parcel of land owned by the Applicant adjacent to the A18 junction improvement option;
 - part of Area 2 north of the existing access road and south of the Stainforth and Keadby Canal which is in part already in use as temporary laydown for Keadby 2 Power Station construction;
 - Area 2* - also in use as temporary laydown for Keadby 2 Power Station construction; and
 - Area 3 – within the Proposed PCC site.
- 7.6.6 In order to avoid impacts on biodiversity and leave higher value habitats undisturbed, the Applicant has also investigated and secured additional alternative areas for temporary construction laydown comprising both brownfield land (Area 4) and other areas of land under intensive agricultural management (Area 2) shown in Figure 5.1 (ES Volume III – **Application Document Ref. 6.4**). These areas are described in **Chapter 3: The Site and Surrounding Areas** (ES Volume I – **Application Document Ref. 6.2**) and have been assessed the relevant topic specific chapters of this ES (**Chapters 8-18** (ES Volume I – **Application Document Ref. 6.2**)).
- 7.6.7 An option was presented in the EIA Scoping Report (**Appendix 1A** (ES Volume II - **Application Document Ref. 6.3**)) to site the Proposed Development on land currently used for Keadby 2 laydown area which has been allocated for future

carbon capture readiness (CCR), with the CCP co-located in this area or the former tank farm. This has now been discounted to safeguard the existing CCR provision for Keadby 2 Power Station and allow this area to temporarily be used for maintenance works for Keadby 2 Power Station and the Proposed Development in the future.

- 7.6.8 The Proposed Development maximises the compelling benefit in the public interest and minimises impacts in respect of, inter alia, land take, environmental and existing infrastructure.

7.7 Funding Matters

- 7.7.1 As confirmed within the Funding Statement (**Application Document Ref. 3.3**) the Applicant is able to fund the implementation of the Proposed Development.
- 7.7.2 In addition, funding will be available to meet all obligations and liabilities arising in respect of statutory compensation entitlements arising to landowners and interested parties arising as a result of the implementation of the project.
- 7.7.3 Such funding will also be available to discharge any claims for blight albeit such claims are not currently considered to be likely.

8.0 JUSTIFICATION FOR THE GRANT OF COMPUSLORY ACQUISITION POWERS

8.1.1 The principal justification for the use of powers of compulsory acquisition arises from the following, that the Proposed Development:

- meets an established urgent need for new energy infrastructure;
- is equipped with carbon capture plant on its full generating capacity from the outset;
- will be a key enabler of a wider carbon capture, usage and storage network, the development of such networks being supported by recent government policy;
- is a form of economic development that is suitable in its local context;
- minimises or mitigates adverse impacts to an acceptable degree;
- is compliant with the National Policy Statements (NPS) EN-1, NPS EN-2, NPS EN-4 and NPS EN-5 and in accordance with other decision-making factors specified in Section 104 of the 2008 Act.

8.1.2 EN-1 clearly confirms the need that exists for all types of nationally significant energy infrastructure, including new fossil fuel generating stations that are carbon capture ready (CCR); and makes clear that the SoS should assess applications on the basis that this need, and its scale and urgency, has been proven.

8.1.3 Furthermore, EN-1 confirms that the SoS should give substantial weight to the contribution that all developments would make toward satisfying this need.

8.1.4 In addition, a body of recent energy and climate change law, government policy, and official studies and guidance is of relevance, which provides support to the urgent need for new energy infrastructure set out in EN-1, and additional imperatives regarding energy security and enabling the development of CCUS clustering in support of a net zero economy. These include:

- The Energy White Paper – Powering our Net Zero Future (HM Government, 2020) – which includes a requirement for “*the deployment of CCUS in four industrial clusters including at least one power CCUS project, to be operational by 2030 and putting in place the commercial frameworks required to help stimulate the market to deliver a future pipeline of CCUS projects*” and “*to facilitate the deployment of CCUS in two industrial clusters by the mid-2020s, and a further two clusters by 2030, supporting our ambition to capture 10Mt CO₂e per year by the end of the decade*”.
- Reducing UK emissions: 2020 Progress Report to Parliament (Committee for Climate Change, 2020) – which provides official advice to government on how to achieve statutory Net Zero targets, and recommends (p28, *ibid*) that government choose a preferred funding model and mechanism for delivering carbon dioxide infrastructure, plans for carbon capture plant to be

operational at multiple clusters by the mid-2020s, and supports business models for CCS designed for use in industry, electricity production and GHG removals. At p152 it states that a key priority for infrastructure investment includes “... new ... carbon capture and storage (CCS) infrastructure which will be needed to support the next phase of the net-zero transition.”

- National Infrastructure Strategy: Fairer, faster, greener (HM Treasury, 2020) – this underlines the role of CCS (pp 50 – 53) recognising that even by 2050, given the intermittent nature of renewables, there will still be requirement for more reliable sources of power, from nuclear or power stations that burn hydrogen or gas with CCS. Power stations with CCS could provide valuable low carbon electricity when renewables are not generating by capturing the emissions from biomass or gas-fired generation. CCS is also seen as essential to decarbonising large parts of industry, producing low carbon hydrogen and in delivering GHG removal technologies permanently locking away carbon dioxide.

8.1.5 The Applicant considers that the Proposed Development will make a major contribution toward addressing the need that exists for new electricity generating capacity in the UK, as comprehensively established in EN-1, and it will contribute significantly to the security, diversity, decarbonisation, and resilience of UK electricity supplies. In addition, the Proposed Development goes beyond the carbon capture readiness requirements of EN-1 and EN-2 by incorporating carbon capture plant from the outset, to provide a significant amount (910MW) of reliable and dispatchable low carbon electricity generation, capable of capturing around 2Mt CO₂e per year from the mid to late 2020s (one fifth of the national target in the Energy White Paper), facilitating and connecting into a wider CCUS network, and thereby enabling the significant regional and national economic benefits of the Zero Carbon Humber cluster to be realised while contributing substantially to the national need to decarbonise power and industry and achieve statutory Net Zero targets.

8.1.6 The site has been selected for a range of appropriate technical, environmental and commercial reasons including the availability of existing electrical grid, gas, water and transport links, minimising the need for new or long connection corridors; the close proximity to the Zero Carbon Humber cluster and geological storage for carbon dioxide; the partially brownfield character of the Proposed Development Site and the minimisation of the scale and duration of works on greenfield land; the availability of sufficient land for the Proposed Development, much of which is in the control of the Applicant or companies within the same group company and which is available and cost effective, given the proximity to the Keadby 2 Power Station, providing opportunities for synergies. These are appropriate site selection criteria being recognised in NPS EN-2 (Section 2.2).

8.1.7 In summary there is a clear and compelling national need for the development of a new carbon capture equipped gas-fired electricity generating station and its associated development, and the Applicant has selected an acceptable Site on which to develop this type of infrastructure for appropriate reasons.

9.0 POLICY SUPPORT

- 9.1.1 The Secretary of State has designated six energy NPSs, setting out policy relevant to the examination and determination of energy related NSIPs. Notably, where a NPS has effect in relation to a type of NSIP development (such as energy generation), section 104 of the 2008 Act requires the Secretary of State to determine applications for NSIPs in accordance with the relevant NPSs and Marine Policy Statements (MPSs), unless doing so would mean that one of the matters set out in section 104 would be triggered (such as the adverse impacts of the development outweighing its benefits).
- 9.1.2 **Section 8** above outlines the strong policy support in EN-1, and which is supported and updated by recent law, government policy and official evidence, as to the need for the type of infrastructure comprised in the Proposed Development.
- 9.1.3 Part 4 of EN-1 sets out a number of 'assessment principles' that must be taken into account by the Secretary of State in determining applications for nationally significant energy infrastructure. General points include, given the level and urgency of need for the infrastructure covered by the energy NPSs, the requirement for the Secretary of State to start with a presumption in favour of granting consent for applications for energy NSIPs. This presumption applies unless any more specific and relevant policies set out in the relevant NPS clearly indicate that consent should be refused or any of the considerations referred to in section 104 of the 2008 Act apply.
- 9.1.4 Other assessment principles include the matters considered in the ES; the Conservation of Habitats and Species Regulations 2010; the consideration of alternatives; criteria for 'good design'; consideration of the feasibility of combined heat and power; consideration of carbon capture readiness; grid connection; climate change adaptation; pollution control and environmental regulatory regimes; safety; hazardous substances; health; common law and statutory nuisance and security, amongst others.
- 9.1.5 Part 5 of EN-1 lists a number of generic impacts that are relevant to various types of energy infrastructure.
- 9.1.6 The other relevant NPS (here EN-2, EN-4, and EN-5) set out the factors and considerations relevant to site selection choices by applicants, and the determination of applications, for fossil fuel generating stations, gas pipelines and electricity networks infrastructure respectively.
- 9.1.7 Parts of some temporary activities (Work 10C) and permanent minor components (parts of Works 4B and 5) are located within the tidal part of the River Trent, therefore marine policy documents are also relevant to the Application, namely the UK Marine Policy Statement ('MPS') (Defra, 2011) and the East Inshore and East Offshore Marine Plan (Defra, 2014).

- 9.1.8 Other national planning and local policy may be considered 'important and relevant' to the Secretary of State's consideration of the Application, and therefore be taken into account under section 104. It is clear though, from the terms of section 104 and EN-1, that in the event of any conflict between the NPS and development plan documents, the NPS prevails. Policy of relevance includes the National Planning Policy Framework, the statutory development plan (made up of a number of documents adopted by North Lincolnshire Council) and other local policy.
- 9.1.9 The Applicant considers that section 104 of the 2008 Act and the relevant NPS and MPS documents provide a strong justification for its Application to be granted and moreover that powers of compulsory acquisition should be included.
- 9.1.10 More information on the policy of relevance to the Proposed Development, and how it has been taken into account by the Applicant, is set out in sections 6 and 7 of this Statement, the Environmental Statement Volume I (**Application Document Ref. 6.2**), and the Planning Statement (**Application Document Ref. 5.5**).

10.0 SPECIAL CONSIDERATIONS

10.1 Crown Land

10.1.1 There are Crown interests within the Order limits which are required in order that the Applicant may implement the following works:

- **Work 4B** – River water supply connection works.
- **Work 5** – Cooling water discharge pipeline.
- **Work 10B** – Maintenance of existing jetty and placement of crane for offloading of waterborne transport.

10.1.2 These are owned by The Queen’s Most Excellent Majesty and are therefore Crown Land. The areas are shown on the Crown Land Plans (**Application Document Ref. 4.5**)

10.1.3 The Order (**Application Document Ref. 2.1**) includes the standard article providing that the Order does not prejudicially affect the Crown and that the neither the undertaker nor any licensee may enter or take any Crown land without the consent of the appropriate Crown authority (Article 34).

10.2 Special Category – Open Space

10.2.1 There is no open space, common land, fuel or field garden allotment within or affected by the Order.

10.3 Statutory Undertaker’s Land

10.3.1 The Applicant has identified the following statutory undertakers as having an interest in land or rights and/or apparatus located within the Order limits:

- Canal and River Trust.
- Environment Agency.
- National Grid Gas plc.
- National Grid Electricity Transmission plc.
- Northern Powergrid (Yorkshire) plc.
- British Telecommunications Public Limited Company.
- Network Rail Infrastructure Limited.

10.3.2 It is anticipated that additional statutory undertakers may have apparatus within the Order lands which has yet to be fully identified.

10.3.3 The Applicant has taken full account of Section 127 (2) to (6) Planning Act 2008 which states:

'(2) An order granting development consent may include provision authorising the compulsory acquisition of statutory undertakers' land only to the extent that the Secretary of State is satisfied of the matters set out in subsection (3).

(3) The matters are that the nature and situation of the land are such that—

(a) can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or

(b) if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking.

(4) Subsections (2) and (3) do not apply in a case within subsection (5).

(5) An order granting development consent may include provision authorising the compulsory acquisition of a right over statutory undertakers' land by the creation of a new right over land only to the extent that the Secretary of State is satisfied of the matters set out in subsection (6).

(6) The matters are that the nature and situation of the land are such that—

(a) the right can be purchased without serious detriment to the carrying on of the undertaking, or

(b) any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them.'

10.3.4 The Proposed Development does not cause serious detriment to any statutory undertaker and the Applicant has limited the required rights and land to only that necessary to deliver the Proposed Development.

10.3.5 In this context, Article 22(3) and (4) of the Order (**Application Document Ref. 2.1**) sets out that, in respect of Works No.4 and Work No. 3B, the Applicant will, following approval by the relevant planning authority as to the details thereof, only exercise compulsory powers in respect of the land and interests required to implement the final form of development and will serve written in respect of those plots no longer required 'confirming that the undertaker no longer intends to implement any powers of compulsory purchase in relation to such plots.'

10.3.6 Furthermore, Article 30 of the Order (**Application Document Ref. 2.1**) permits the Applicant to compulsorily acquire land, extinguish or suspend rights and create and acquire new rights where such land or rights are for the benefit of statutory undertakers subject to the protective provisions set out at Schedule 10 of the Order as follows:

- Part 1 Schedule 10 of the Order sets out protective provisions for the protection of National Grid as electricity and gas undertaker.

- Part 2 Schedule 10 of the Order sets out protective provisions for the protection of the Canal and River Trust.
- Part 3 Schedule 10 of the Order sets out protective provisions for the protection of electricity, gas, water and sewerage undertakers as defined within the provisions of Part 1 Electricity Act 1989, Part 1 Gas Act 1986, Water Industry Act 1991 and Part 1 Water Industry Act 1991 respectively.
- Part 4 Schedule 10 of the Order sets out protective provisions for the protection of operators of electronic communications code networks.

11.0 OTHER CONSENTS

- 11.1.1 The Applicant requires various other consents, as well as a DCO, in order to build and operate the Proposed Development. These include an environmental permit for the generating station, water abstraction licence, flood risk activity permit(s), temporary traffic regulation order(s), hazardous substance consent (if necessary), building regulations approval, and protected species licences.
- 11.1.2 The Applicant has included provision for a deemed marine licence in Schedule 13 to the draft DCO (**Application Document Ref. 2.1**). The Applicant has included provision for a deemed marine licence in Schedule 13 with the MMO having had the opportunity to review and input into the draft licence provisions.
- 11.1.3 The Applicant is not aware of any reason why these and other consents required would not be granted and therefore does not consider that they represent an impediment to the Proposed Development proceeding.
- 11.1.4 Further details on these are set out in the Schedule of Other Consents and Licences (**Application Document Ref. 5.4**).

12.0 HUMAN RIGHTS

12.1.1 The Human Rights Act 1998 incorporates the European Convention on Human Rights ('the Convention'). The Convention includes Articles, the aim of which is to protect the rights of the individual.

12.1.2 The following Articles of the Convention, as set out at Schedule 1 of the Human Rights Act 1998 are relevant to the Secretary of State's decision as to whether the Order should be made so as to include powers of compulsory acquisition.

12.2 Article 6, Part 1, Schedule 1 “The Convention Rights and Freedoms”

12.2.1 This entitles those affected by the powers sought in the Order to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law of any relevant objections they may have to the granting of those powers. This includes property rights and can include opportunities to be heard in the decision-making process.

12.2.1 There has been opportunity to make representations regarding the preparation of the Application. In accordance with Part 5 of the 2008 Act, the Applicant has consulted with persons set out in the categories contained in Section 44 of the 2008 Act, which includes owners of land affected and those who may be able to make claims either under Sections 7 and 10 of the Compulsory Purchase Act 1965 in respect of injurious affection or under Part 1 of the Land Compensation Act 1973. The beneficiaries of rights overridden by the exercise of powers in the Order can make claims under Section 10 of the Compulsory Purchase Act 1965.

12.2.2 Following acceptance of the Application, 'relevant representations' can be made in response to the notice which EPL is obliged to give pursuant to Section 56 of the 2008 Act. These are then considered during the examination of the Application by the examining authority, in any written representations procedure which the examining authority decides to hold or at any compulsory purchase hearing held under Section 92 of the 2008 Act. There are further opportunities for affected persons to be involved in the examination process, including submitting detailed written representations, responding to matters raised by the examining authority and at other types of hearings that may be held. 10.12

12.2.3 Should the Order be made, any person aggrieved may challenge the Order in the High Court if they consider that there are grounds for doing so in accordance with Section 118 of the 2008 Act.

12.3 Article 8, Part 1, Schedule 1 “The Convention Rights and Freedoms”

12.3.1 This states that:

(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a

democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.'

12.3.2 This protects private and family life, home and correspondence. No public authority can interfere with these rights except in accordance with the law, and so far as is necessary in the interest of national security, public safety or the economic well-being of the country.

12.3.3 In preparing the Application, the Applicant has considered the potential infringement of these rights in consequence of the inclusion of compulsory acquisition powers within the Order. The Applicant considers that there would be a very significant public benefit arising from the grant of the Order, as set out in previous sections in this Statement and in the Planning Statement (**Application Document Ref. 5.5**). The benefits will only be realised if the Order is accompanied by the grant of powers of compulsory acquisition. The Applicant considers, on balance, that the significant public benefits outweigh the effects on persons who own interests in relevant land or who may be affected by the Proposed Development.

12.3.4 For those affected by expropriation or dispossession, compensation is payable in accordance with the statutory compensation code. The Funding Statement (**Application Document Ref. 3.3**) confirms the availability of funds to meet these liabilities.

12.3.5 In relation to matters of compensation for land to be acquired, affected persons have the right to apply to the Upper Tribunal (Lands Chamber) to determine the compensation payable.

12.1 Article 1, Schedule 1 Part 2 “The First Protocol”

12.1.1 This states that:

‘Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.’

12.1.2 The Order has the potential to infringe the rights of persons who hold interests in land within the Order limits under The First Protocol. Such an infringement is authorised by law so long as:

- the statutory procedures for making the Order are followed and there is a compelling case in the public interest for the inclusion of powers of compulsory acquisition in the Order; and
- the interference with the convention right is proportionate.

12.1.3 For the reasons as set out above, any infringement of the rights of those whose interests are affected by the inclusion in the Order of powers of compulsory acquisition, is proportionate and legitimate and is in accordance with the relevant provisions.

12.1.4 The Applicant considers that there is a compelling case in the public interest for the exercise of powers of compulsory acquisition.

12.1.5 The Applicant considers that it would, therefore, be appropriate and proportionate for the Secretary of State to make the Order, including the grant of compulsory acquisition powers.

13.0 FURTHER INFORMATION

13.1.1 Anyone likely to be affected by the exercise of compulsory purchase powers who require further information or wish to progress negotiations with the Applicant should contact Jade Fearon (Tel:+44 7584 313526 or email jade.fearon@sse.com)

13.1.2 Compensation will be paid in accordance with the statutory provisions and the compensation code. This is a complex area and MCHLG have issued a series of helpful booklets explaining the compulsory purchase system and providing guidance as listed below.

- 1 - Compulsory Purchase Procedure;
- 2 - Compensation to Business Owners and Occupiers;
- 3 - Compensation to Agricultural Owners and Occupiers;
- 4 - Compensation for Residential Owners and Occupiers; and
- 5 - Reducing the Adverse Effects of Public Development: Mitigation Works.

13.1.3 These booklets can be accessed using the internet link:

<https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>

13.1.4 The Royal Institution of Chartered Surveyors provides a compulsory purchase helpline which entitles callers to 30 minutes of free advice from a local compulsory purchase expert on telephone number 024 7686 8555.

14.0 CONCLUSIONS

- 14.1.1 The Applicant considers that the grant of powers of compulsory acquisition in the Order for the purposes of the Proposed Development is in accordance with Section 122 Planning Act 2008 Act and meets the tests as set out in the Guidance.
- 14.1.2 Furthermore, the acquisition of land and rights, the suspension or extinguishment of private rights, creation of new rights and the temporary use of land, is proportionate and is reasonably required.
- 14.1.3 In addition, the interests identified as being subject to the exercise of compulsory powers are no more than is reasonably necessary.
- 14.1.4 The need for the Proposed Development, suitability of the Site and the support for such projects is clearly set out in policy which conclusively demonstrates that there is a compelling case in the public interest for the land to be acquired compulsorily.
- 14.1.5 All reasonable alternatives to compulsory acquisition have been explored. Given the national and local need for the Proposed Development and the support for it found in policy, as well as the suitability of the Order Land (for the reasons outlined above), compulsory acquisition of the land and rights and the temporary use of land, together with the overriding of interests, rights and restrictive covenants and the suspension or extinguishment of private rights is justified.
- 14.1.6 The proposed interference with the rights of those with an interest in the Order Land is for a legitimate purpose, namely the Proposed Development, and is necessary and proportionate to that purpose. The Applicant considers that the very substantial public benefits to be derived from the proposed compulsory acquisition would decisively outweigh the private loss that would be suffered by those whose land or interests are to be acquired, and therefore justifies interfering with that land or rights.
- 14.1.7 The Applicant has set out clear and specific proposals for how the Site will be used.
- 14.1.8 The Applicant has full access to the funding necessary to deliver the Proposed Development and meet its statutory obligations in respect of compensation due to affected parties. There is therefore no financial impediment to the delivery of the Proposed Development.