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Your Ref:

Our Ref: EN010114

Date: 01 October 2021

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Dear Sir/ Madam

**Application by Keadby Generation Limited for an Order Granting Development Consent for the Keadby 3 Low Carbon Gas Power Station Project**

**Opportunity to submit a Statement of Representation**

On 1 June 2021 the Planning Inspectorate, on behalf of the Secretary of State, received an application from Keadby Generation Limited for the Keadby 3 Low Carbon Gas Power Station Project in accordance with the Planning Act 2008 (as amended) (PA2008).

The application is a Nationally Significant Infrastructure Project and is an Environmental Impact Assessment development<sup>1</sup>. It proposes the construction, operation and maintenance of a new low carbon combined cycle gas turbine electricity generating station of up to 910 megawatts gross electrical output, equipped with a carbon capture and compression plant, 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.

The application was accepted for Examination on 28 June 2021. I am the Examining Authority (ExA) appointed to examine and report on the application prior to the Secretary of State taking the final decision.

Following acceptance of an application for Examination, an applicant is required to notify certain Persons of the application and make them aware of the opportunity to submit Relevant Representations. An applicant is then required to provide a certificate to the Secretary of State, confirming this notification has been completed as

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<sup>1</sup> "Environmental Impact Assessment development" has the same meaning as given to "EIA development" by regulation 3(1) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

required<sup>2</sup>. Making a Relevant Representation entitles a person to become an Interested Party<sup>3</sup> and be involved in the Examination process.

The Applicant submitted its certificate of compliance to the Secretary of State confirming that it had complied with the notification requirements on 8 September 2021. However, they have subsequently informed me that they no longer consider that they have notified all persons as required by law. Following a review carried out by the Applicant, they have suggested that you are one of the Persons that they should have notified but did not.

The Applicant's failure to notify means it is possible that you may not have been aware that the application had been made or accepted. Further, you may not have been aware of your right to make a Relevant Representation to the Secretary of State and the time by which to do so.

I am conscious that the Applicant has indicated that they have already written to you as a person/ company affected by its failure to notify. However, it is important that I afford a reasonable opportunity for all who are entitled to participate in the Examination, should they wish to do so.

I note you are a person/ party included within the Applicant's Book of Reference, (submitted Application Document [[APP-007](#)]) within one or more of the Categories (Categories 1, 2, and/ or 3) specified within s57 of the PA2008. As such, if correctly identified by the Applicant, you would be an "Affected Person"<sup>4</sup>, with the rights afforded to them<sup>5</sup>. Therefore, under s102(A)(4) of the PA2008 I hereby inform you that you may be eligible to become an Interested Party under s102(1)(ab) of the PA2008.

Bearing the above in mind, before I make any Procedural Decisions to guide the Examination of the application going forward, I wish to afford you a reasonable opportunity to:

- a) make your views known, via a statement of representation; and/ or
- b) request to become an Interested Party under section 102A(1) of the PA2008.

This opportunity is afforded to you in order to ensure that you are provided an opportunity to make comments on and/ or become involved in the Examination process. It is also to ensure the Examination has regard to all important and relevant issues. If you wish to make, a statement of representation and/ or seek to request to become an Interested Party under section 102A(1) of the PA2008, the Planning Inspectorate, must receive your statement of representation and/ or your request to become an Interested Party no later than **01 November 2021**.

In the meanwhile, I have decided to postpone the setting of a date for the Preliminary Meeting, as well as delaying other Pre-Examination arrangements, including the issuing of a letter under Rule 6 of the Infrastructure Planning (Examination Procedure) Rules 2010.

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<sup>2</sup> Section 58(2) of the PA 2008.

<sup>3</sup> Sections 102 of the PA 2008

<sup>4</sup> As defined by s59 of the PA2008

<sup>5</sup> See s92 of the PA2008

To assist you in deciding whether to:

- i) make a statement of representation and/ or
- ii) request to become an Interested Party,

Annex A to this letter advises where the electronic deposit locations of the application documents can be found, as well as how to obtain a hard copy or a USB data stick of the application documents and any relevant charges. If you decide to make a statement of representation, Annex B to this letter provides advice relating to the information that you may wish to include, the form it might take and where it should be sent.

If you submit a statement of representation, I will take it into account throughout the Examination.

If you have no issues to raise and do not wish to participate in the Examination of this application, you need take no further action.

Once the process of enabling people to make statements of representation and/ or request to become an Interested Party is complete, I will contact you again with a draft timetable for the Examination and a date for the Preliminary Meeting, enabling you to participate, if you wish. I anticipate that you will hear from me again by the middle of November 2021.

### **Management of information**

The Planning Inspectorate has a commitment to transparency. Therefore, all information submitted for this project (if accepted by the ExA) and a record of any advice which has been provided, is published on the [project page](#) of the National Infrastructure Planning website for this proposed development.

All Examination documents can also be viewed electronically at the web site locations listed in **Annex A**.

Please note that in the interest of facilitating an effective and fair examination, the Planning Inspectorate consider it necessary to publish some personal information. Before sending information to the Planning Inspectorate and to find out how we handle your personal information, please view our [Privacy Notice](#).

If you have any questions arising from this correspondence, please contact our helpline or the email address at the head of this letter.

Yours faithfully

*Christopher Butler*

### **Examining Authority**

This communication does not constitute legal advice.

## **Annexes**

Annex A – Availability of Examination Documents

Annex B – Advice about making a statement of representation

## Annex A - Availability of Examination Documents

The application documents are available on the [project webpage on the National Infrastructure Planning website](#).

All further documents submitted in the course of the Examination will also be published under the [Documents](#) tab at the above location.

### The Examination Library

For ease of navigation, please refer to the Examination Library (EL) which is accessible by clicking the blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- Each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the project webpage is also provided.

**Please use the unique reference numbers applied in the EL when referring to any Examination Documents in any future submissions that you make.**

### Electronic deposit locations

In addition to documents being available to view electronically via the National Infrastructure Planning website for this application they can also be viewed using the Applicant's website for the Proposed Development at <https://www.ssethermal.com/keadby3>.

Due to the ongoing national restrictions to limit the spread of coronavirus the Applicant has stated that they are not depositing copies of the Application Documents at any local public venues (such as libraries and community centres) and that this approach is consistent with the amendments made to 'The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009'.

The Applicant has indicated that a paper copy of the Environmental Statement Non-Technical Summary and Application Guide can be obtained from them free of charge by contacting them via their Freephone number 0800 211 8194 (24 hour voicemail service) or email: [consultation@keadby3.co.uk](mailto:consultation@keadby3.co.uk). However, they state that all other Application Documents, and the Further Environmental Information, including plans, reports, and any chapters, appendices and plans from the full Environmental Statement, will be charged based on page count up to a maximum of £400 or, alternatively can be provided on a USB stick (containing the Application Documents) supplied and posted free of charge upon request (one free USB stick per address). They advise to allow a week for receipt of documents via this method.

The Applicant also advises that any details provided by you to them are subject to their Privacy Notice which is available on their Project Website.



## **Annex B**

### **Advice about making a statement of representation**

A statement of representation is a non-statutory document. The Examining Authority has agreed to consider such a statement of representation from you before making arrangements for the preliminary meeting, because a notification error by the applicant may have affected your right to make a statutory relevant representation and/ or register as an interested party.

By providing you with the opportunity to make a statement of representation and/ or make a request to become an Interested Party under Section 102A(1) of the Planning Act 2008, the Examining Authority aims to place you into a position equivalent to the one you would have been in if the applicant had given proper notice to you.

You do not have to make a statement of representation or request to become an Interested Party. You should only do so if you wish to but were not afforded to do so by virtue of the Applicant's error. You should not make a statement of representation if you have already made a Relevant Representation and/ or registered as an Interested Party with the Planning Inspectorate.

### **Information you should include in a statement of representation:**

#### **Contact details**

- The name, address, email and telephone number of the person making the statement of representation.
- Whether the person making the statement of representation is doing so on their own behalf, for an organisation that employs them or as an agent.
- If necessary:
  - (i) The name, address, email and telephone number of any contact person and the organisation that they represent.
  - (ii) The name, address, email and telephone number of any agent.
- A statement identifying which of these addresses should be used for the purpose of notifying the person of any matter.
- Where possible, agreement to use email for all communication.

#### **Land details**

- Whether or not the person making the statement of representation has an interest in any land which will be affected by the application, and, if so, the nature of that interest.

#### **Outline statement of issues**

- An outline of the principal submissions that the person proposes to make in respect of the application.
- An indication of what they agree with and disagree with about the application and any impacts they think it might have.
- Please do not include material that the Secretary of State as decision-maker may disregard, such as submissions that are vexatious or frivolous, that relate to compensation for Compulsory Acquisition or relate to the merits of policy in a designated National Policy Statement.
- If the Planning Inspectorate receives a statement of representation from you by **01 November 2021** or if you are otherwise an Interested Party under section

102 PA2008 the Examining Authority will provide an opportunity to make a Written Representation in due course – so the statement of issues only needs to be brief. 500 words is a guide.

### Participation details

- A statement as to whether or not the person making the statement of representation wishes to make oral representations in due course:
  - (i) at any Issue-Specific Hearing which might be held;
  - (ii) at an Open-Floor Hearing; or
  - (iii) if they are an Affected Person<sup>6</sup>, at a Compulsory Acquisition Hearing; as the case may be.

### Format in which to submit a statement of representation

The preferred method of submission is by email.

If you intend to submit a statement and/ or register as an Interested Party by email, please attach it as a word .doc or .pdf document. Your email should be titled 'statement of representation' and sent to: [keadby3@planninginspectorate.gov.uk](mailto:keadby3@planninginspectorate.gov.uk).

If you intend to submit a statement of representation and/ or register as an Interested Party by post, please ensure that the correspondence is titled 'statement of representation', marked for the attention of the Case Manager, Keadby3 and sent to The Planning Inspectorate, at the address set out above.

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<sup>6</sup> See s59 of the PA2008.