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To the Applicant

Your Ref:

Our Ref: EN010114

Date: 01 October 2021

Dear Sir/ Madam

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

The Planning Act 2008 (PA2008) – Section 58 (Certifying Compliance with Section 56) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations) – Regulation 17 (Certifying Compliance with Regulation 16).

The Examining Authority (ExA) has noted the Applicant's letter, dated 30 September 2021, that supersedes its preceding letter dated 27 September 2021 [AS-004], which confirms that a number of SSE group companies, who are Persons within one or more categories set out in Section (s) 57 (Categories for purposes of s56(2)(d)), were omitted from the notifications and publicity undertaken pursuant to s56 of the Planning Act 2008 as amended (PA2008) and Regulation 16 of the EIA Regulations. Hereafter, I refer to these SSE Group companies as the 'Omitted Companies'.

It is also noted that the Applicant's letter dated 30 September 2021 [AS-005] no longer seeks to withdraw the certificates of compliance with s56 of the PA2008 and Regulation 16 of the EIA Regulations, submitted on 8 September 2021, as originally sought by the Applicant's superseded letter dated 27 September 2021 [AS-004]. The ExA considers this to be correct as there is no mechanism within the PA2008 that allows the withdrawal of a certificate issued under s58 of the PA2008. However, attention is drawn to s58(3) and (4) of the PA2008 and Regulation 18 of the EIA Regulations.

It is noted that the 'Omitted Companies' are Persons/ Parties included within the Book of Reference, within one or more of the Categories (Categories 1, 2, and/ or 3) specified within s57 of the PA2008. As such the 'Omitted Companies' would each be an "Affected Person"¹, with the rights afforded under s92 of the PA2008.

¹ As defined by s59(4) of the PA2008

In the light of the Applicant's letter dated 30 September 2021 and in the interests of Natural Justice, I have taken steps to notify the 'Omitted Companies' of the application for an Order Granting Development Consent for the Keadby 3 Low Carbon Gas Power Station Project and that they may be eligible to become an Interested Party under s102(1)(ab) of the PA2008.

I am seeking to afford the 'Omitted Companies' a reasonable opportunity to participate in the Examination, if they wish to do so, before I make any Procedural Decisions to guide the Examination of the application going forward. I wish to ensure that the Examination has regard to all important and relevant issues, including any that they might wish to raise.

In the light of the above, 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.

I have afforded the 'Omitted Companies' until **01 November 2021** to submit a statement of representation and/ or request to become an Interested Party under s102A(1) of the PA2008. The submission of such a statement from any of the 'Omitted Companies' will be taken into account throughout the Examination, as though it had been made as a Relevant Representation.

In the interests of Natural Justice, regardless of whether the 'Omitted Companies' provide written confirmation that they have no issues and/ or do not wish to participate in the Examination of this application, I will await the expiry of the period specified to enable the 'Omitted Companies' to make a statement of representation and/ or request to become an Interested Party under s102A(1) of the PA2008.

Once the process of enabling the 'Omitted Companies' to make a statement of representation and/ or request to become an Interested Party is complete, I will issue the Rule 6 which will contain a draft timetable for the Examination and a Preliminary Meeting date. I anticipate that I will issue a further Procedural Decision 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 National Infrastructure Planning website on the [project page](#) for this proposed development.

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 the case team on the phone number or the email address provided at the head of this letter.

Yours faithfully

Christopher Butler

Examining Authority

This communication does not constitute legal advice.