

KEADBY 3 CARBON CAPTURE POWER STATION

A collaboration between **SSE Thermal** and **Equinor**

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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 Common Ground with Network Rail

The Planning Act 2008

Applicant: Keadby Generation Limited

Date: December 2021

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GLOSSARY

Abbreviation	Description
ADMS	Atmospheric Dispersion Modelling System
AGI	Above ground installation
AIL	Additional Abnormal Indivisible Load
AQMAU	Air Quality Modelling and Assessment Unit
BAT	Best available techniques
CCGT	Combined Cycle Gas Turbine
CCP	Carbon dioxide capture plant
CEMP	Construction Environmental Management Plan
CHP	Combined heat and power
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
FFL	Finished floor level
FRA	Flood Risk Assessment
HP	High pressure
HRSG	Heat Recovery Steam Generator
MW	megawatts
NLC	North Lincolnshire Council
NSIP	Nationally Significant Infrastructure Project
PCC	Proposed Power and Carbon Capture
PINS	Planning Inspectorate
SoCG	Statement of Common Ground

Abbreviation	Description
WFD	Water Framework Directive
ZCH	Zero Carbon Humber

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1.0 INTRODUCTION

1.1 Overview

- 1.1.1 This Statement of Common Ground ('SoCG') (**Application Document Ref. 8.9**) 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').
- 1.1.2 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').
- 1.1.3 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 commissioning) 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 – APP-047)**.
- 1.1.4 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.
- 1.1.5 The DCO, if made by the SoS, would be known as 'The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order' ('the Order').

1.2 The Proposed Development

- 1.2.1 The Proposed Development will work by capturing carbon dioxide emissions from the gas-fired power station and connecting into the Zero Carbon Humber (ZCH) Partnership export pipeline and gathering network for onward transport to the Endurance saline aquifer under the North Sea.
- 1.2.2 The Proposed Development would comprise a low carbon gas fired power station with a gross electrical output capacity of up to 910MWe and associated buildings, structures and plant and other associated development defined in the Schedule 1 of the draft DCO (**APP-005**) as Work No. 1 – 11 and shown on the Works Plans (**APP-012**).

1.2.3 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.

1.2.4 The Proposed Development will include:

- a carbon capture equipped electricity generating station including a CCGT plant (**Work No. 1A**) with integrated cooling infrastructure (**Work No. 1B**), and carbon dioxide capture plant (CCP) including conditioning and compression equipment, carbon dioxide absorption unit(s) and stack(s) (**Work No. 1C**), natural gas receiving facility (**Work No. 1D**), supporting uses including control room, workshops, stores, raw and demineralised water tanks and permanent laydown area (**Work No. 1E**), and associated utilities, various pipework, water treatment plant, wastewater treatment, firefighting equipment, emergency diesel generator, gatehouse, chemical storage facilities, other minor infrastructure and auxiliaries/ services (all located in the area referred to as the 'Proposed Power and Carbon Capture (PCC) Site' and which together form **Work No. 1**);
- natural gas pipeline from the existing National Grid Gas high pressure (HP) gas pipeline within the Proposed Development Site to supply the Proposed PCC Site including an above ground installation (AGI) for National Grid Gas's apparatus (**Work No. 2A**) and the Applicant's apparatus (**Work No. 2B**) (the 'Gas Connection Corridor');
- electrical connection works to and from the existing National Grid 400kV Substation for the export of electricity (**Work No. 3A**) (the 'Electrical Connection Area to National Grid 400kV Substation');
- electrical connection works to and from the existing Northern Powergrid 132kV Substation for the supply of electricity at up to 132kV to the Proposed PCC Site, and associated plant and equipment (**Work No. 3B**) (the 'Potential Electrical Connection to Northern Powergrid 132kV Substation');
- Water Connection Corridors to provide cooling and make-up water including:
 - underground and/ or overground water supply pipeline(s) and intake structures within the Stainforth and Keadby Canal, including temporary cofferdam (**Work No. 4A**) (the 'Canal Water Abstraction Option');
 - in the event that the canal abstraction option is not available, works to the existing Keadby 1 power station cooling water supply pipelines and intake structures within the River Trent, including temporary cofferdam (**Work No. 4B**) (the 'River Water Abstraction Option');

- works to and use of an existing outfall and associated pipework for the discharge of return cooling water and treated wastewater to the River Trent (**Work No. 5**) (the ‘Water Discharge Corridor’);
- towns water connection pipeline from existing water supply within the Keadby Power Station for potable water (**Work No. 6**);
- above ground carbon dioxide compression and export infrastructure comprising an above ground installation (ail) for the undertaker’s apparatus including deoxygenation, dehydration, staged compression facilities, outlet metering, and electrical connection (**Work No. 7A**) and an above ground installation (AGI) for National Grid Carbon’s apparatus (**Work No. 7B**);
- new permanent access from A18, comprising the maintenance and improvement of an existing private access road from the junction with the A18 including the western private bridge crossing of the Hatfield Waste Drain (**Work No. 8A**) and installation of a layby and gatehouse (**Work No. 8B**), and an emergency vehicle and pedestrian access road comprising the maintenance and improvement of an existing private track running between the Proposed PCC Site and Chapel Lane, Keadby and including new private bridge (**Work No. 8C**);
- temporary construction and laydown areas including contractor facilities and parking (**Work No. 9A**), and access to these using the existing private roads from the A18 and the existing private bridge crossings, including the replacement of the western existing private bridge crossing known as ‘Mabey Bridge’ over Hatfield Waste Drain (**Work No. 9B**) and a temporary construction laydown area associated with that bridge replacement (**Work No. 9C**);
- temporary retention, improvement and subsequent removal of an existing Additional Abnormal Indivisible Load Haulage Route (**Work No. 10A**) and temporary use, maintenance, and placement of mobile crane(s) at the existing Railway Wharf jetty for a Waterborne Transport Offloading Area (**Work No. 10B**);
- landscaping and biodiversity enhancement measures (**Work No. 11A**) and security fencing and boundary treatments (**Work No. 11B**); and
- minor associated development.

1.2.5 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 Ventures.

- 1.2.6 The Proposed Development is designed to be capable of operating 24 hours per day, 7 days a week, with plant operation dispatchable to meet electricity demand and with programmed offline periods for maintenance. It is anticipated that in the event of CCP maintenance outages, for example, it could 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.
- 1.2.7 Various types of associated and ancillary development further required in connection with and subsidiary to the above works are detailed in Schedule 1 'Authorised Development' of the draft DCO (**APP-005**). This along with **Chapter 4: The Proposed Development in the ES Volume I (APP-047)** provides further description of the Proposed Development. The areas within which each numbered Work (component) of the Proposed Development are to be built are defined by the coloured and hatched areas on the Works Plans (**APP-012**).

1.3 The Proposed Development Site

- 1.3.1 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.
- 1.3.2 The existing Keadby Power Station site currently encompasses the operational Keadby 1 and Keadby 2 Power Station (under commissioning) sites, including the Keadby 2 Power Station Carbon Capture and Readiness reserve space.
- 1.3.3 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).
- 1.3.4 The Proposed Development Site includes other areas including:
- a high pressure gas pipeline to supply the CCGT including a gas compound for National Grid Gas's (NGG) apparatus and a gas compound for the Applicant's apparatus;
 - the 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;
 - 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
- a 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;
- an 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 Piffrey 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.

1.3.5 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.

1.3.6 Further description of the Proposed Development Site and its surroundings is provided in **Chapter 3: The Site and Surrounding Area** in ES Volume I (**APP-046**).

1.4 The Development Consent Process

1.4.1 As a NSIP project, the Applicant is required to seek a DCO to construct, operate and maintain the generating station, under Section 31 of the 2008 Act. Sections 42 to 48 of the 2008 Act govern the consultation that the promoter must carry out before submitting an application for a DCO and Section 37 of the 2008 Act governs the form, content and accompanying documents that are required as part of a DCO application.

1.4.2 An application for development consent for the Proposed Development has been submitted to and accepted for examination by the Planning Inspectorate (PINS) acting on behalf of the Secretary of State. PINS is now examining the Application and will make a recommendation to the Secretary of State, who will then decide whether to make (grant) the DCO.

1.5 The Purpose and Structure of this Document

1.5.1 The purpose of this document is to summarise clearly the agreements reached between the parties on matters relevant to the examination of the Application and to assist the Examining Authority. It has been prepared with regard to the guidance in 'Planning Act 2008: examination of application for development consent' (Department for Communities and Local Government, March 2015).

1.5.2 The document is structured as follows:

- Section 2 – sets out the role of Network Rail with particular regards to the DCO process;
- Section 3 – sets out key correspondence sent by both parties up until the submission of the Application;
- Section 4 – sets out the powers and matters in the DCO Application of relevance to Network Rail's interests; and
- Section 5 – sets out the matters that are not yet to be agreed and where discussions are on-going between the parties, and summarises next steps.

2.0 THE ROLE OF NETWORK RAIL

- 2.1.1 Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate.
- 2.1.2 Network Rail owns and operates Great Britain's railway network and has statutory and regulatory obligations in respect of it.
- 2.1.3 Network Rail's role in relation to the DCO process derives from the PA 2008 and secondary legislation made under the same.
- 2.1.4 Network Rail is a consultee under sections 42 and 56 of the PA 2008, meaning applicants must consult with Network Rail before submitting a DCO application and once an application has been accepted for examination.
- 2.1.5 Network Rail has registered as an interested party in the DCO examination process by submitting a Relevant Representation to the Planning Inspectorate ('PINS').

3.0 SUMMARY OF CORRESPONDENCE

3.1.1 The below Table 3.1 contains a record of key correspondence between the Applicant and Network Rail pertinent to this Statement of Common ground.

Table 3.1: Summary of Correspondence

Date	Correspondence
15/06/2020	Network Rail response to PINS EIA Scoping Opinion Consultation. A copy of the response can be found at pages 133 of the Environmental Statement Volume II – Appendix 1B: Scoping Opinion (APP-066).
24/11/2020	Applicant Section 42 consultation. A copy of the letter template sent for the Section 42 consultation can be found at pages 336 – 342 of the Consultation Report (APP-030).
20/01/2021	Section 42 response from Network Rail relating to the impact on Network Rail Infrastructure. A copy of the consultation response can be found at page 399 of the Consultation Report (APP-030).
17/03/2021	SSE contacts Network Rail
18/03/2021	SSE responds to request for information
29/03/2021	Applicant Section 42 re-consultation. A copy of the letter template sent for the Section 42 consultation can be found at pages 550 – 557 of the Consultation Report (APP-030).
30/03/2021	Network Rail requests further information
23/04/2021	Section 42 response from Network Rail relating to the impact on Network Rail Infrastructure. A copy of the consultation response can be found at pages 595 – 596 of the Consultation Report (APP-030).
05/05/2021	The Applicant sent a response to the points raised in Network Rail's Section 42 response.

Date	Correspondence
	A copy of this letter can be found at Appendix 1 of this SoCG.
06/05/2021	SSE inform Network Rail that a communications cable may need to be attached to the bridge.
10/06/2021	SSE followed up with Network Rail
27/07/2021	Applicant Section 56 Notification. A copy of the letter template sent for the Section 56 Notice can be found at Examination Library Ref. OD-005.
08/08/2021	DWD contact Network Rail providing further information
31/08/2021	New contact at Network Rail, DWD point of contact confirmed. Eversheds confirmed as Network Rail's advisors
01/09/2021	Multiple email communications between Network Rail and DWD
02/09/2021	Multiple email communications between Network Rail and DWD
13/09/2021	Multiple email communications between Network Rail and DWD
17/09/2021	Network Rail contact with DWD
20/09/2021	DWD response to Network Rail
22/09/2021	DWD provide further information to Network Rail
29/09/2021	DWD provide further information to Network Rail
08/10/2021	Network Rail further request. DWD responds.
12/10/2021	Network Rail further request DWD responds.
13/10/2021	DWD provides documents to Network Rail
16/11/2021	Network Rail further request.
23/11/2021	Network Rail follow up.
26/11/2021	Network Rail follow up.
29/11/2021	DWD provides documents to Network Rail.

Date	Correspondence
30/11/2021	Various DWD and Network Rail exchanges of emails.
08/12/2021	New contact at Network Rail.
17/12/2021	Network Rail contact with DWD.

4.0 RELEVANT DCO POWERS AND NETWORK RAIL ASSETS

4.1 Relevant Network Rail Assets

4.1.1 The draft DCO includes powers for the Promoter to acquire compulsorily new rights to enable access over plots 28 and 29 as shown on the Land Plans and set out in the Book of Reference. These plots comprise airspace occupied by a bridge over the railway that was constructed by SSE pursuant to a lease. SSE also maintain and use the bridge. Network Rail is the freehold owner of this airspace.

4.1.2 The rights to be acquired over these plots are to facilitate the following works:

- 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; and
- 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.

4.1.3 The proposed works provide for the following:

- the routing of construction traffic (including HGVs and abnormal loads) over the railway using the existing North Pilfrey Bridge in connection with the construction of the Proposed Development (Work Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9A, 10, 11);
- the potential resurfacing, maintenance or improvement of the existing track passing over the North Pilfrey Bridge but no replacement, rebuilding or widening of the bridge or its parapets; and
- the continued use of a compound to the south of the railway which benefits from an existing planning permission with North Lincolnshire Council reference PA/2018/1950, dated 23 November 2018, defined as the 'Pilfrey laydown planning permission' in the draft DCO (APP-005).

4.2 Impacts on Network Rail Assets

4.2.1 Chapel Lane level crossing will not be utilised by Keadby 3 construction or operational traffic, since it is located well away from the designated HGV route and no part of the Proposed Development lies on the strip of land that is accessed by the level crossing. The nearest part of the Proposed Development (the canal water supply connection, Work No. 4A) would be constructed at least

25 meters to the north of the level crossing and on the other side of the South Soak Drain, and access during construction of this work would be via land to the north that is owned by the Applicant.

- 4.2.2 The proposed generating station (Work No. 1) is to be sited some 200m north of the railway, beyond the overhead lines. No new overhead lines or towers near to the railway are proposed. Small associated development works such as underground water pipelines, roadways and administration buildings may be situated closer but at least 100m away.
- 4.2.3 Conformity with the Framework CTMP is controlled by Requirement 25 in the draft DCO (APP-005).

5.0 MATTERS AGREED PRIOR TO EXAMINATION

- 5.1.1 Network Rail are currently fully assessing the impact of the DCO on its land, assets and infrastructure, as summarised in section 4.

6.0 MATTERS NOT AGREED AND NEXT STEPS

6.1.1 Matters not yet agreed between the parties are summarised below:

Table 5.2: Summary of Matters Not Yet Agreed

Matter Not Yet Agreed	Network Rail Position	Applicant Position
Existing Agreements	<p>It is noted that there is an existing agreement between the Promoter and Network Rail in relation to the proposed haulage route which imposes certain limitations which would not be suitable for the proposed DCO Scheme. Network Rail are currently reviewing and assessing the position and considering whether any further asset protection agreements are required.</p>	<p>The use of SSE’s North Pilfrey Bridge is unlikely to be materially different to the existing uses authorised by an existing agreement. The Applicant is working with NR to widen the definition of land benefitting from the easement in connection with future use by SSE companies in relation to Keadby Power Stations, and hope we will be able to reach voluntary agreement to the variation on reasonable terms that are no worse than that available pursuant to the Compensation Code. In this regard, Heads of Terms have been provided to NR. Until such time that terms are agreed, acquisition of the right of access and the right to lay a communication cable across this bridge will be included in our Book of Reference (APP-007).</p>
Concerns over use of bridge	<p>Network Rail are currently considering the impacts of the use of the bridge on the operational railway and seeking further information from the Promoter in relation to the following:</p> <ul style="list-style-type: none"> • any impacts of increased use; 	<p>The Applicant understands NR is currently reviewing the application documents but is willing to discuss these points.</p> <p>As demonstrated in the Environmental Statement (APP-043) and Framework CTMP (APP-161) the Proposed Development will not impact upon any Network Rail assets.</p>

Matter Not Yet Agreed	Network Rail Position	Applicant Position
	<ul style="list-style-type: none"> • any mitigation measures required to prevent falling material; • how the cable will be affixed to the bridge, the impacts of this and any required mitigation measures or asset protection agreements; • the appropriate level of public liability insurance will be required; • any weight restrictions required; and . • any traffic management over the bridge which needs be identified 	<p>We make some specific points below.</p> <p>The use of SSE’s North Pilfrey Bridge is unlikely to be materially different to the existing uses authorised by an existing agreement. The Applicant is working with NR to widen the definition of land benefitting from the easement in connection with future use by SSE companies in relation to Keadby Power Stations, and hope we will be able to reach voluntary agreement to the variation on reasonable terms that are no worse than that available pursuant to the Compensation Code. In this regard, Heads of Terms have been provided to NR. Until such time that terms are agreed, acquisition of the right of access and the right to lay a communication cable across this bridge will be included in our Book of Reference (APP-007).</p> <p>The proposed use of SSE’s North Pilfrey Bridge by AILs is set out in the Framework CTMP is appropriate and suitable alternatives have been considered and/or provided for within the Framework CTMP (APP-161). The proposed usage of North Pilfrey Bridge is consistent with previous usage, within its weight limit, and unavoidable.</p>

Matter Not Yet Agreed	Network Rail Position	Applicant Position
<p>Other concerns in relation to DCO impact on railway</p>	<p>Network Rail are currently considering reviewing other potential impacts on the railway as a result of the DCO including:</p> <ul style="list-style-type: none"> • the potential increased risk of trespass; • any risk associated with unloading / loading in areas adjacent to railway infrastructure including any crane operations, piling operations and increased vibration; • any indirect impact on the Chapel Lane Level Crossing; or • any other operations which could impact on the safety of the railway. 	<p>The Applicant understands NR is currently reviewing the application documents but is willing to discuss these points.</p> <p>As demonstrated in the Environmental Statement (APP-043) and Framework CTMP (APP-161) the Proposed Development will not impact upon any Network Rail assets. We make some specific points below.</p> <p>A range of security measures including a permanent gatehouse at the A18 junction are included on the Works Plans. The scheme has been consulted on substantially prior to the submission of the DCO application.</p> <p>The continued use of a compound to the south of the railway benefits from an existing planning permission with North Lincolnshire Council reference PA/2018/1950, dated 23 November 2018, defined as the 'Pilfrey laydown planning permission' in the draft DCO (APP-005).</p> <p>Chapel Lane level crossing will not be utilised by Keadby 3 construction or operational traffic, since it is located well away from the designated HGV route and no part of the Proposed Development lies on the strip of land that is</p>

Matter Not Yet Agreed	Network Rail Position	Applicant Position
		<p>accessed by the level crossing. The nearest part of the Proposed Development (the canal water supply connection, Work No. 4A) would be constructed at least 25 meters to the north of the level crossing and on the other side of the South Soak Drain, and access during construction of this work would be via land to the north that is owned by the Applicant.</p>
<p>DCO Powers</p>	<p>Whilst Network Rail does not object in principle to the DCO, Network Rail does object to the powers contained in articles 20 (statutory authority to override easements and other rights), 22 (compulsory acquisition of rights etc.), 23 (private rights), 28 (temporary use of land for carrying out the authorised development, 29 (temporary use of land for maintaining the authorised development) and 33 (statutory authority to override easements and other rights) of the draft DCO authorising the Promoter to compulsory acquire rights in or over land, or temporarily use land, which forms part of Network Rail's operational railway land and which Network Rail relies upon for the carrying out of its statutory undertaking.</p>	<p>As noted above acquisition of the right of access and the right to lay a communication cable across the existing North Pilfrey Bridge, which is owned and maintained by SSE will be included in our Book of Reference (APP-007) until such a time as reasonable terms are agreed. Heads of terms have been provided to NR.</p> <p>No other railway land or airspace is included in the Book of Reference.</p>
<p>Temporary and Permanent Rights</p>	<p>Any temporary use of or entry upon Network Rail's operational railway can only be granted with Network Rail's consent as any such use of the</p>	<p>The required right of access is over a bridge owned and maintained by SSE. As noted above acquisition of the right of access and the right to lay a</p>

Matter Not Yet Agreed	Network Rail Position	Applicant Position
	<p>railway must be in accordance with the statutory requirements imposed on Network Rail as operator of the railway network and all requirements necessary to ensure the safe operation of the railway.</p> <p>Any acquisition of permanent rights could only be granted with Network Rail's consent and would require an easement agreed with Network Rail. It would also need to go through Network Rail's land clearance process as required by Network Rail's Network Licence.</p> <p>Network Rail are currently reviewing whether there are any other rights over the DCO Land which would need to be retained.</p>	<p>communication cable across the existing North Pilfrey Bridge will be included in our Book of Reference (APP-007) until such a time that terms are agreed. Compulsory purchase powers will only be exercised as a matter of last resort. In this regard, Heads of Terms have been provided to NR.</p> <p>No other railway land or airspace is included in the Book of Reference.</p>
<p>Protective Provisions</p>	<p>Network Rail's Protective Provisions Network Rail notes that the Promoter has not included Protective Provisions for the protection of Network Rail in the draft DCO.</p> <p>The inclusion of Network Rail's standard form Protective Provisions in both TWAOs and DCOs is well precedented and includes, for example, protections for compulsory purchase of Network Rail's land and interests and processes for approving works on or affecting the railway. Network Rail requires its standard form</p>	<p>Based on the design and assessment carried out, which has involved engagement with Network Rail asset engineers, and the inclusion of appropriate DCO requirements, there is no likelihood of impacts upon Network Rail's undertaking and therefore the inclusion of Network Rail's own protective provisions is unnecessary and would represent an impediment on the delivery of the Proposed Development. The use of plots 28 and 29 for the Proposed Development does not affect the operation of the railway.</p>

Matter Not Yet Agreed	Network Rail Position	Applicant Position
	Protective Provisions in the DCO.	
Asset Protection Agreement and other agreements	<p>In addition to protective provisions for the benefit of Network Rail being included in the Order, Network Rail also requires the Promoter to enter into an asset protection agreement to ensure the appropriate and necessary technical, engineering and safety requirements for working on or near Network Rail’s operational railway are applied to the DCO Scheme.</p> <p>Network Rail will also require the Promoter to enter into a Framework Agreement and any required property agreements.</p>	<p>As demonstrated in the Environmental Statement (APP-043) and Framework CTMP (APP-161) the Proposed Development will not impact upon any Network Rail assets and as such an Asset Protection Agreement is not required. No works are to be undertaken on or near operational railway.</p>

6.1.2 Network Rail and the Applicant will continue to engage constructively and regularly and seek to reach agreement on the above matters prior to and during examination while keeping the examining authority updated through periodic updates of this Statement of Common Ground.

APPENDIX 1 – LETTER FROM APPLICANT TO NR

Date: 5 May 2021
Your Ref: 14592



Network Rail Property - Eastern Region
George Stephenson House
Toft Green
York
YO1 6JT

6 New Bridge Street
London EC4V 6AB
T: 020 7489 0213
F: 020 7248 4743
E: info@dwdllp.com
W: dwdllp.com

Dear

Thank you for your S42 response letter dated 23 April 2021 in response to our current targeted consultation, and earlier S42 response dated 20 January 2021. The consultation documents included a comprehensive Preliminary Environmental Impact Report (PEIR) including a draft Transport Assessment which assessed construction, AIL and operational traffic routes and junction capacity using appropriate assumptions regarding traffic generation and assessment years.

In relation to AIL routing we have previously engaged with eastern region asset engineers (and , 22 February 2021, e-mails with AECOM) to determine the weight limits for each bridge so that we can ensure we reflect this in our abnormal loads routing strategy and their advice has guided our proposals.

In relation to the letter comments regarding the use of the existing privately owned and purpose built bridge over the railway (North Pilfrey Bridge, with axle load limit of 16.5t and NR asset number DOW/26AA), this is the proposed principal vehicular access to the site during construction and operations. This will not be used for larger AILs given its loading limits and because we are prioritising the use of water freight. The intended usage is outlined in chapters 5 and 10 of the PEIR and will be described further in our Framework Construction Traffic Management Place (CTMP)), conformity with which is to be secured via a requirement in the DCO.

The use of this bridge in terms of vehicle types is unlikely to be materially different to the existing uses that are authorised by an existing easement dated 7 June 2001 between Railtrack Plc (1) and Scottish and Southern Energy Plc (2), with a term of 125 years, for a right of way over the bridge with vehicles (or without) at all times and for all purposes in connection with the extension of Keadby Power Station. There is also a second bridge easement dated 16 January 2012 between Network Rail Infrastructure Limited (1) and SSE Generation Limited (2) which is specific to the wind farm. We have contacted Network Rail (17 March 2021, – SSE estate surveyor, made initial contact and has had subsequent email correspondence with , Network Rail Chartered Valuation Surveyor) to seek a variation of the 2001 easement to widen the definition of SSE's land benefitting from the easement in connection with future use by SSE in relation to the Keadby Power Stations, and hope we will be able to reach voluntary agreement to the variation on reasonable commercial terms. Until such time, acquisition of the right of access and the right to lay a communication cable across this bridge will be included in our Book of Reference. We do not propose further works such as the laying of utility connections.

We can confirm that the Chapel Lane level crossing will not be utilised by Keadby 3 construction or operational traffic. It is located well away from our designated HGV route and no part of the Proposed

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Development lies on the strip of land that is accessed by the level crossing. The nearest part of the Proposed Development (the canal water supply connection) would be constructed at least 25 meters to the north of the level crossing and on the other side of the South Soak Drain, and access during construction of this work would be via land to the north that is owned by the Applicant.

Further in relation to asset protection, the proposed generating station is to be sited some 200m north of the railway, beyond the overhead lines. No new overhead lines or towers near to the railway are proposed. Small associated development works such as underground water pipelines, roadways and administration buildings may be situated closer but at least 100m away. An alternative AIL route in our Framework CTMP is via Bonnyhale Road and the A161 Crowle Bridge which has a 32t/axle limit and has NR asset number DOW/25C. This is a public highway and the bridge is owned by NLC. The PEIR and our Framework CTMP explains this proposal and notes that it was used for 10 AILs for the Keadby 2 construction project. It would be used for a low number of movements for the Keadby 3 project.

Based on the design and assessment carried out, which has involved engagement with Network Rail asset engineers, and the inclusion of appropriate DCO requirements, there is no likelihood of impacts upon Network Rail's undertaking and we do not regard inclusion of Network Rail's own protective provisions as necessary.

I trust the above information is helpful. In order to progress negotiations on the easement variation, I would be grateful if you could liaise with _____ and confirm your requirements in respect of the easement variation to the SSE estate surveyor, _____, and the SSE in-house solicitor, _____ as soon as possible.

Kind regards,

Senior Associate
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