



The Planning Inspectorate

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To the Applicant, Historic England and
other Interested Parties

Your Ref:

Our Ref: EN010114

Date: 17 January 2022

Dear Sir/ Madam

Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17

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

Request for further information related to archaeology and the Applicant's request to adjust the project name from 'Keadby 3 Low Carbon Gas Power Station Project' to 'Keadby 3 Carbon Capture Power Station'

The Examining Authority (ExA) has considered the Deadline 1 submissions and has decided to seek further information and comments related to archaeology and the Applicant's request to adjust the project name.

Rule 17 - Archaeology

Questions under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR) in relation to archaeology are set out in **Annex A (Questions 1 to 3 inclusive)**. They are addressed to the Applicant and to named Interested Parties (IPs). However, other IPs wishing to respond may do so.

Rule 17 - Applicant's request to adjust the project name

The Applicant's letter dated 21 December 2021 [REP1-001] requested the above mentioned adjustment to the project name. They state the change is "*...for consistency with the (separate) submission to the Department of Business, Energy and Industrial Strategy competition that the Applicant described during the Preliminary Meeting.*"

Questions under Rule 17 of the EPR in relation to the Applicant's request to adjust the project name are set out in **Annex A (Questions 4 and 5)**. They are addressed to IPs but the Applicant may also respond should it wish.

In addition to Annex A Questions 4 and 5, the ExA considers that it would be in the Applicant's best interest for it to consult with anyone it had previously consulted on this Proposed Development in regard to its proposed adjustment to the project name, if not already covered by this letter. The ExA would suggest that such a consultation should include an explanation of its reasoning for the change to the project name and how views/ comments, Etc., can be made known to the ExA. The consultation should also specify a reasonable period for views/ comments to be submitted to the ExA.

Should the Applicant undertake the consultation referred to above, the ExA would ask the Applicant to confirm who it contacts in this regard, providing a date when they were contacted, as well as confirming how long it specified for responses to be made to the ExA.

Please note that in asking the questions set out in Annex A below the ExA is not indicating it has decided to adjust the project name as request or otherwise.

The deadline for the submission of all the information sought is **Deadline 2, Tuesday 1 February 2022**. Any IP wishing to respond to the ExA's questions should do so at **Deadline 2**.

Any IP wishing to comment on information submitted in response to this request at Deadline 2 may do so by **Deadline 3, Tuesday 15 February 2022**.

Any responses to the Rule 17 Questions set out in Annex A should be titled '**Rule 17 Questions of 17 January 2022**'.

Responses to the questions in this letter will be published shortly after Deadline 2 to enable them to be referred to where relevant in any Issue Specific Hearings, Compulsory Acquisition Hearings and/ or Open Floor Hearings programmed for weeks commencing 14 and 21 March 2022, where required.

Queries regarding the content of this letter should be addressed to the Case Team using the details listed at the top of this letter.

Yours faithfully

Christopher Butler

Examining Authority

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Annexes:

Annex A - Questions under EPR Rule 17

Questions under EPR Rule 17

North Lincolnshire Council's Local Impact Report can be seen at this link: [\[REP1-022\]](#).

The Applicant's covering letter that accompanied its Deadline 1 responses can be seen at this link: [\[REP1-001\]](#).

	Question to:	Question:
1.	The Applicant	<p>The ExA notes the Applicant's Environmental Statement (ES) Chapter 15 (Cultural Heritage) [APP-058], together with its Appendices [APP-093], [APP-094] and [APP-095]. However, in light of North Lincolnshire Council's (NLC) Local Impact Report (LIR) [REP1-022] the ExA would ask the Applicant to explain why it considers the Geoarchaeological Hand Auger Survey [APP-094] and Geophysical Survey [APP-095] provides <i>"the level of detail... proportionate to the importance of the heritage assets and [that they are] no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset."</i> (National Policy Statement (NPS) EN-1 (Paragraph 5.8.8)).</p> <p>When responding to the above question, please bear in mind the advice previously given by NLC's Historic Environment Record (HER) in response to the Environmental Impact Assessment Scoping Report of June 2020, where it was recommended to undertake <i>"...a staged programme of archaeological field evaluation [including] ...excavation of sample trial trenches to determine the nature, extent, state of preservation and importance of any archaeological remains, such as those associated with the warping channels mapped in this area, the peat deposits and the pre-peat landscape."</i></p>
2.	Historic England	<p>The Applicant's Statement of Common Ground with Historic England (HE) [REP1-011] is noted. However, in the light of NLC's LIR [REP1-022] and bearing in mind HE is the government's expert advisor on England's heritage and development proposals affecting the historic environment, the ExA would ask HE whether:</p> <ul style="list-style-type: none"> • it is satisfied with the Applicant's approach to archaeology, especially unknown archaeological remains, as set out in the ES Chapter 15 (Cultural Heritage) [APP-058], including its Appendices [APP-093], [APP-094] and [APP-095] and the submitted Outline Written Scheme of Investigation [APP-0163];

	Question to:	Question:
		<ul style="list-style-type: none"> • it has any concerns regarding archaeology, especially in regard to the excavation of trial trenching not having been undertaken at this stage in the Development Consent Order (DCO) process; • it considers the Applicant should commission the second stages of the evaluation recommended in the NLC HER pre-application advice prior to determination of the DCO, as opposed to dealing with this matter by Requirement should the DCO be made, and if so what form those remaining stages of evaluation should take/ comprise; • it considers the submitted Outline Written Scheme of Investigation [APP-163] "...conflates the undertaking of archaeological evaluation and mitigation works, when the latter cannot be known until the former is completed and properly reported...", as stated by NLC in their LIR [REP1-022] Paragraph 8.3.2); and • individual Written Scheme of Investigation (WSI) for the outstanding evaluation stages should be prepared for the works to be commissioned and undertaken as soon as possible, with a separate WSI for appropriate mitigation being produced once the above evaluation is completed, and prior to the determination of the DCO, as suggested by NLC in their LIR [REP1-022] (Paragraph 8.3.6).
3.	The Applicant	<p>Please provide the ExA with a timetable that demonstrates the commissioning and undertaking of the second stages of the evaluation, as recommended in the HER's pre-application advice and also accords with the comments of NLC as set out in its LIR [REP1-022] (especially those set out in Paragraph 8.2.14), can be undertaken in the remaining period of the Examination. The timetable should include, but not be limited to:</p> <ul style="list-style-type: none"> • allowing for specification of this work to be agreed with NLC's HER prior to commencement of fieldwork; • the undertaking and completion of the works; • consideration of the archaeological field evaluation findings once completed; • the submission of a draft report and findings to the Local Planning Authority for its consideration; • the preparation of a detailed mitigation strategy to be agreed with the Local Planning Authority; and • the submission of the agreed report, its findings and proposed mitigations into the Examination, allowing sufficient time for it to be published and for IPs to make representations on its contents/ findings, Etc.

	Question to:	Question:
4.	IPs	The ExA would ask IPs for their view(s) as to the Applicant's proposed adjustment to the project name change, including whether there are any concerns or objections in this regard. In making any views, concerns or objections known, the ExA would ask IPs to justify any response they may make; and
5.	IPs	The ExA would ask IPs for their opinion, should the ExA agree to the Applicant's request, as to when in the Examination process the adjusted project name should be adopted (ie at the next revision of the DCO, which would be Deadline 2 (Tuesday 1 February 2022), or at an alternative point in time). In replying to this question the ExA would ask IPs to provide reasoning for their suggested adoption point/ date.