

The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Date: 31 January 2022
Your ref: 342777.000125
Our ref: EDGEWOC\342777-000125
Direct: +44 161 831 8456
Email: [REDACTED]@eversheds-sutherland.com

Dear Sirs

Responses by National Grid Electricity Transmission Plc and National Grid Gas Plc in relation to the Keadby 3 Low Carbon Gas Power Station Project ("the Project")

We write in connection with the abovenamed Project and submit the following responses to your written questions on behalf of National Grid Electricity Transmission Plc and National Grid Gas Plc.

Q1.6.5: The BoR [APP-007] includes a number of Statutory Undertakers with interests in land. The ExA would ask the Applicant to:

- i) **Provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement with them;**
- ii) **ii) State whether there are any envisaged impediments to the securing of such agreements; and 1 Planning Act 2008, Guidance related to procedures for the compulsory acquisition of land, DCLG, September 2013 ExQ1: 14 December 2021 Responses due by Deadline 2: Tuesday 1 February 2022 Page 26 of 56 ExQ1 Question to: Question:**
- iii) **iii) State whether any additional Statutory Undertakers have been identified since the submission of the BoR and whether the latest version of the BoR includes any recently identified Statutory Undertakers**

Q1.6.5 As well as agreeing Protective Provisions, it is currently anticipated that agreements will be required to grant an easement option as well as rights for temporary working areas to the Promoter. Once National Grid have undertaken its full assessment of the Project's impacts, it will confirm whether any further agreements are required.

Q1.6.10: Protective Provisions - A number of Statutory Undertakers, including Network Rail (NR); National Grid Electricity Transmission PLC (NGET); National Grid Gas PLC (NGG), Etc., have either noted: i) that Protective Provisions in their favour have not been included within the dDCO; ii) that their standard Protective Provision wording has not been used; or iii) that site specific circumstances in regard to Protective Provisions have not been taken into account. The ExA would ask all Statutory Undertakers to:

- a) **provide copies of their preferred wording or, if they have previously provided wording to the Applicant, explain why the wording in the current version of the dDCO should not be used;**
- b) **where relevant, advise what site specific circumstances, in regard to Protective Provisions, have not been taken into account; and**

man_003\5359596\1\edgewoc

Eversheds Sutherland (International) LLP is a limited liability partnership, registered in England and Wales (number OC304065), registered office One Wood Street, London EC2V 7WS. Authorised and regulated by the Solicitors Regulation Authority. A list of the members' names and their professional qualifications is available for inspection at the above office.

Eversheds Sutherland (International) LLP is part of a global legal practice, operating through various separate and distinct legal entities under Eversheds Sutherland. For a full description of the structure and a list of offices, please visit www.eversheds-sutherland.com.

c) provide confirmation that the parties are willing to enter into a side agreement, or has commenced preparation of such a side agreement, or already entered into such a side agreement to the satisfaction of the relevant parties. Please note that the above information will be published on our website, so commercial and/ or confidential details need not be given.

Q1.6.10 National Grid note that protective provisions have been included for its benefit in the draft DCO [substantially on its standard terms]. National Grid are currently undertaking a full review of the protective provisions and will confirm to the ExA as soon as possible whether there is any issue with the wording.

Q1.6.12: NGET and NGG in their RR [RR-008] indicate that their primary concern is to meet their statutory obligations and ensure that any development does not impact in any adverse way upon these statutory obligations. The ExA would ask NGET and NGG to inform it of whether:

**i) they have undertaken any assessment of the Proposed Development's impact on their statutory obligation(s) or are currently doing such an assessment(s); and
ii) they have identified any such concerns and, if so, what those concerns are**

Q1.6.12 National Grid are currently undertaking a detailed assessment of the Project's impact on its undertaking. This involves an assessment of impacts on its land interests, apparatus and any access concerns as well as checking that the land and rights included by the Promoter for connections into the gas and electricity systems are adequate to allow the connections to be undertaken effectively and in compliance with National Grid's procedures and requirements. As soon as the review is concluded National Grid will report any concerns which have arisen to the ExA.

National Grid object to powers of compulsory acquisition or extinguishment of rights being exercised over its land interests due to the impact this could have on the electricity and gas transmission networks.

Q1.6.13: Pursuant to the above question (Q1.6.12), the ExA would ask the Applicant, NGET and NGG whether any discussions about the NGET and/ or NGG's concerns, especially those related to them being able to meet their statutory obligations have occurred and, if so, what progress has been made by these parties with regard to addressing those concerns.

National Grid and the Promoter have held discussions to enable National Grid to understand fully the rights being sought by the Applicant to aid the assessment referred to in Q1.6.12. National Grid will remain in discussion with the Promoter and will discuss any concerns which arise to seek a mutually acceptable way forward if possible.

Q1.16.12 Art 6 (Benefits of the Order) – Bearing the above in mind, the ExA would ask whether any other Work No. or Statutory Undertakers/ other bodies should be identified and listed in this Art. As such the Applicant and Statutory Undertakers are asked to review this matter and amend the Art as necessary.

Q1.16.12 National Grid do not currently have any requested amendments to Article 6 but reserve the right to report any concerns or issue with the wording of the Article, that may arise, to the ExA.

Q1.16.15 Art 10 (Power to alter layout, etc., of streets) – The ExA notes that Schedule 9 relates to the procedure for discharge of Rs and that it incorporates an appeal process. The ExA would ask the Applicant what Appeal provisions are being incorporated within the dDCO in relation to Art 10 (Power to alter layout, etc., of streets), in the event of a failure to notify of a decision, or the refusal of a submission, occurs.

Additionally, the ExA would ask the Applicant, NLC and Statutory Undertakers whether such an appeal process be referenced in regard to Art 10 (Power to alter layout, etc., of streets); Art 12 (Access to works) or any other Arts within the dDCO?

Q1.16.15 National Grid do not currently have comments in this regard but reserve the right to report any concerns or issue with the wording of the Article, that may arise, to the ExA.

Yours faithfully

A solid black rectangular box used to redact the signature of Clemmie Edgeworth.

Clemmie Edgeworth
Associate
Eversheds Sutherland (International) LLP