

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

**Rule 17 (Archaeology) Questions of 17
January 2022**

The Planning Act 2008

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

Applicant: Keadby Generation Limited

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GLOSSARY

Abbreviation	Description
ASI	Accompanied Site Inspection
DCO	Development Consent Order
ES	Environmental Statement
ExA	Examining Authority
HER	Historic Environment Record
NLC	North Lincolnshire Council
NPPF	National Planning Policy Framework
NPS	National Policy Statement
OWSI	Outline Written Scheme of Investigation
WSI	Written Scheme of Investigation

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1.0 RULE 17 QUESTIONS OF 17 JANUARY 2022

1.1 The Applicant's Response to the Rule 17 Letter [PD-010] dated 17 January 2022 – Question 1.

- 1.1.1 *The ExA has asked the Applicant to explain why it considers the Geoarchaeological Hand Auger Survey [APP-094] and Geophysical Survey [APP-095] provides “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.” (National Policy Statement (NPS) EN-1 (Paragraph 5.8.8)).*
- 1.1.2 *The Applicant has been asked to consider, when responding to the above question, 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 “...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.”*
- 1.1.3 The Applicant notes that it has undertaken a staged programme of archaeological field evaluation comprising a desk-based assessment which includes a detailed deposit model which identified the archaeological potential of the Site, followed by further stages of evaluation comprising a hand-auger survey and geophysical survey, the scope of which were agreed, via a Written Scheme of Investigation (WSI) with North Lincolnshire Council (NLC) Historic Environment Record (HER) on 25 January 2021.
- 1.1.4 The deposit model included the results of previous investigations, which included trial trenching for Keadby 2 Power Station within the footprint of the Proposed Development Site. Taken together, these stages of archaeological evaluation enabled the Applicant to identify the potential heritage assets within the Proposed Development Site. The results of both stages of field evaluation undertaken were provided to NLC HER in April 2021 for review and comment, although no comments were received in relation to these stages, or any further stages of evaluation, until July 2021, (which was after the Application had been submitted for examination on 1 June 2021 and subsequently accepted).
- 1.1.5 The 2021 evaluation surveys identified two possible enclosures within the Proposed Development Site and based on known archaeological remains and previous archaeological investigations in the study area, the possible enclosures have been assessed as being of possible Iron Age/ Roman date which would be of medium value based on National Planning Policy Framework (NPPF) criteria for assessing heritage significance, as outlined in Table 15.4 in the Environmental Statement (ES) Chapter 15 (Cultural Heritage) [APP-058]. The surveys also identified organic (peaty) deposits within the Proposed Development Site which have also been assessed as being of medium value

due to their palaeoenvironmental potential. There is no evidence from either the 2021 or previous phases of investigations on-site and within the Study Area to suggest that these assets would be of any higher importance/ value.

1.1.6 The assessment of likely impacts and effects of the Proposed Development on heritage assets and their setting presented in Section 15.6 of the ES Chapter recognises the potential for a major adverse effect on these assets (paragraph 15.6.12). Section 15.7 (para 15.7.1 – 15.7.8) presents a strategy for mitigation of this significant effect which recognises the need for further stages of archaeological evaluation, with a commitment to these being undertaken prior to construction. An outline written scheme of investigation (OWSI) has been produced [APP-163] that the Applicant has offered to agree in detail with NLC HER during the pre-examination and/ or examination stages of the DCO via and in parallel with the wider Statement of Common Ground agreement process with NLC.

1.1.7 NPS EN-1 requires Applicants for Development Consent to:

5.8.8 As part of the ES (see Section 4.2) the applicant should provide a description of the significance of the heritage assets affected by the proposed development and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset.

5.8.9 Where a development site includes, or the available evidence suggests it has the potential to include, heritage assets with an archaeological interest, the applicant should carry out appropriate desk-based assessment and, where such desk-based research is insufficient to properly assess the interest, a field evaluation.

1.1.8 Taking the above into account, it is the Applicant's view that the level of detail provided in the assessment i.e.

- A desk-based assessment which has outlined the baseline archaeological conditions of the site and study area and identified the potential heritage assets within the Proposed Development Site;
- Completion of two phases of evaluation (intrusive and non-intrusive) within the Proposed Development Site, the results of which have identified three heritage assets, peaty (organic deposits) and two possible enclosures, all of medium value;
- Provision of an ES chapter that establishes the significance of the identified assets within the Proposed Development Site and the potential impact of the Proposed Development on these assets using reasonable worst-case assumptions and including a strategy to mitigate significant effects to be executed prior to construction; and

- Commitment to undertaking additional intrusive archaeological investigation prior to construction, in accordance with a scheme to be agreed with the local authority and secured through a requirement of the draft DCO;

is proportionate to the significance of the assets identified and represents an appropriate level of evaluation and investigation prior to submission of the DCO Application, based on the risks identified. It is noted that Historic England has also agreed to this proposed approach and has agreed a Statement of Common Ground [REP1-011] with the Applicant on this basis.

- 1.1.9 The Applicant agreed to undertake the desk study and geophysics/ hand augering prior to Application submission and has completed both, in line with the understanding of what was agreed with the local authority in January 2021 following formal consultation. Notwithstanding this position, the Applicant is prepared to undertake a proportionate level of further evaluation under an agreed WSI during examination, if the examining authority is of the view that this stage of evaluation needs to proceed now and cannot be programmed to be undertaken before construction - as proposed to be secured by requirement of the draft DCO [APP-005], which demonstrates that the Applicant is fully committed to its implementation. It should be noted that the current OWSI [APP-163] states, as per Section 5, para 5.1.5, that all necessary archaeological works will be completed prior to construction activities commencing in the area of archaeological remains. There is sufficient time post consent and before construction to undertake any evaluation works that were not able to be completed prior to the end of the examination period.
- 1.1.10 It should also be noted that the archaeological evaluation would be undertaken by a third-party archaeological contractor, who would be appointed following submission and assessment of tender proposals. As such, the programme for and delivery of the requested work within the available timescale (set out in Table 1) is entirely dependent on the availability of a suitably qualified archaeological contractor.
- 1.1.11 If an archaeological contractor is not available to undertake the work within the timescale, the evaluation required would need to be agreed with NLC HER but the evaluation would have to be deferred until post-consent and instead. In this event, the Applicant would appoint a specialist geo-archaeological contractor to assist in the design of a detailed programme of evaluation and a trial trench layout drawing would be included in an updated OWSI to secure a commitment to the work via a requirement of the DCO.
- 1.1.12 The details of what is considered to be achievable within the timescales, pending acceptance of these timescales by a third-party archaeological contractor, are presented in response to Question 3 below.

1.2 The Applicant's Response to the Rule 17 Letter [PD-010] dated 17 January 2022 – Question 3.

1.2.1 *The ExA has asked the Applicant to provide 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:*

- *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 an interim 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 final report, its findings and proposed mitigation into the Examination, allowing sufficient time for it to be published and for IPs to make representations on its contents/ findings, Etc.*

1.2.2 As noted in the Applicant's response to Question 1, the successful delivery of a programme of archaeological evaluation during examination is dependent upon it being acceptable to the (yet to be appointed) archaeological contractor and is also subject to agreement with third party land owners.

1.2.3 Notwithstanding these matters, which are yet to be agreed, a draft timetable is set out in the Table 1 below and has been discussed with North Lincolnshire Council HER.

Table 1: Draft Timetable for Archaeological Evaluation During Examination

<i>Activity</i>	<i>Indicative Timescale</i>	<i>Examination Deadline</i>
Seek to agree approach with landowners, provide indicative scope of evaluation and issue to NLC for comment	1 week	Following Rule 17 letter
Meeting with NLC to discuss evaluation approach and potential programme. Initial input from geoarchaeological contractor regarding recommendations for scope of evaluation	1 week	On or around Deadline 2 (1 February 2022)
Applicant submits recommended scope to NLC HER and agrees scope of evaluation. Applicant drafts WSI for NLC approval and commences tenders for field evaluation	1 week	Before Deadline 3 15 February 2022
NLC HER approval of WSI required	2 weeks	On or around Deadline 4 1 March 2022
Site works planning/ health and safety risk and method statements	2 weeks	1 March 2022 – 11 March 2022
Site works commence (dependent upon contractor availability)	Circa 4 - 6 weeks to account for mobilising, opening trenches/ trial pits, excavating and recording the archaeology, consultation with NLC, closing the trenches/ test pits, demobilisation and interim reporting. The examination timescales do not permit this stage to extend beyond the indicative timescales provided. The Applicant notes that on the basis of this programme, the Accompanied Site Inspection (ASI) scheduled for week commencing 11 April 2022 would be likely to coincide with the field evaluation,	14 March 2022 To 26 April 2022 (Deadline 6)

<i>Activity</i>	<i>Indicative Timescale</i>	<i>Examination Deadline</i>
	providing opportunities to update the ExA on any initial findings, recognising this would also pose constraints in terms of access/Health and Safety for the ASI in areas of archaeological evaluation.	
Submission of interim report and findings to the Local Planning Authority for its consideration	1 week	2 May 2022
Update of OWSI / mitigation strategy and submission for agreement with the Local Planning Authority	1 week	9 May 2022
Submission of the agreed report, its findings and proposed mitigation into the Examination	3 days	13 May 2022

1.2.4 The indicative timetable above would allow 2 weeks for the ExA to review and publish the submitted information and for Interested Parties to make representations on its findings before Deadline 7 (24 May 2022). It is not considered that wider consultation on the findings is likely to be required as the Applicant intends to undertake detailed engagement with NLC HER throughout the programme.

Procedural Decisions Required

1.2.5 In order to achieve these timescales, the Applicant would need direction from the ExA by 8 February 2022 that these works are to be progressed.

Potential Limitations – Third Party Land

1.2.6 Notwithstanding the availability of a third-party archaeological contractor, the timings in Table 1 also require access to be agreed with third-party landowners in a timely manner. Should this not be achievable, the Applicant would propose that a first phase of trial trenching evaluation would be undertaken on land under the control of the Applicant (Keadby Common – **Work No. 1**), with a second phase of evaluation by trial trenching on third-party land delivered post-consent (i.e. early 2023), at which point, construction plans in relation to **Work No. 9A** are expected to also be further progressed.

1.2.7 Should a two-phase approach be required, the programme in Table 1 would be expedited by circa 2 weeks (i.e. complete by end-April 2022).