

Mr Christopher Butler
The Planning Inspectorate
(submitted via online portal only)

Our ref: AN/2021/132101/01-L01

Your ref: EN010114

Date: 15 February 2022

Dear Sir

Keadby 3 Low Carbon Gas Power Station - Deadline 3 Representations Environment Agency Unique Interested Party Ref - KDB3-SP091

In accordance with the Examination Timetable, please find below the Environment Agency's submissions in respect of:

- Comments on Responses to ExQ1
- Comments on the “*Update on the progress that has been made with Affected Persons in respect of Compulsory Acquisition and Temporary Possession*” ([REP-010](#)).

1.0 Comments on Responses to ExQ1

- 1.1 Applicant's response to Q1.1.4: the Environment Agency notes the Applicant's answer to Q1.1.4 in respect of the environmental permit variation application submitted in July 2021. The Environment Agency wishes to make clear (as per paragraph 3.1 of its Written Representation [[REP2-022](#)]) that it does not issue a ‘*Permit-in Principle*’ and will only issue a permit to operate to a specific design. If the design changes, then an additional application to vary the permit will be required. The Applicant also refers to the Draft Statement of Common Ground (SoCG) submitted at Deadline 1 – please note the Environment Agency had not been able to provide any feedback on this document at the time of its submission and the ‘*Permit-in Principle*’ term has now been removed from the agreed SoCG to be submitted at Deadline 3.
- 1.2 Applicant's response to Q1.6.5: we note that the Applicant does not list the Environment Agency as a statutory undertaker in answer to this question. As per advice provided in paragraph 10.1 of our Written Representation ([REP2-022](#)), the Environment Agency is a statutory undertaker within the meaning at s.127(8)(a) of the Planning Act 2008. Section 165 of the Water Resources Act 1991 (as amended) sets out its powers to carry out flood defence and drainage works (to the extent that it has a power and not a duty).

2.0 Comments on the “*Update on the progress that has been made with Affected Persons in respect of Compulsory Acquisition and Temporary Possession*” ([REP2-010](#))

- 2.1 We note the information provided by the Applicant in respect of the Environment

Agency's land interests. Some of the information recorded in this document does not align with the current position submitted in Appendix B to our Written Representation ([REP2-022](#)). However, we are engaging with the Applicant on this matter, with a view to reaching agreement as soon as possible. As such, we no longer consider it necessary to make any oral representations at the Compulsory Acquisition Hearing to be held on 16 March 2022.

If you have any questions regarding these representations, please do not hesitate to contact me.

Yours faithfully

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