

keadby3@planninginspectorate.gov.uk

Your Ref EN010114

Our Ref IPP-117

Monday 04 April 2022

Dear Mr Christopher Butler

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

Canal & River Trust Response Submission for Deadline Five (Unique Reference : KDB3-SP090)

Further to the Hearings held during the week commencing 14 March, the Trust wish to provide the following comments with respect to Issue Specific Hearing 2 held on 17 March 2022.

We hope these comments are of use, and would be happy to respond further should any additional clarification be required.

Session 1 – Wording of Schedule 10, Article 16

We are satisfied that the wording of the Protective Provisions (Schedule 10, Part 2), notably the wording of paragraph 19(4), enable the Trust to have adequate ability to co-ordinate activities on the canal so as to ensure that the canal and the Trust's charitable objectives are protected.

The Trust are aware from the Hearing that the applicant may choose to amend the wording of Schedule 10, Article 16 and the Trust will review any amendments received at Deadline 5, and will be happy to provide comments at Deadline 6.

Session 2 - Schedule 10, Part 2

Paragraph 18(2) Code of Practice.

The Trust are due to update the Code of Practice document. An April 2022 update will be published prior to the closure of the examination.

Paragraph 18(3) Application of the Code of Practice where there is an inconsistency with the Protective Provisions

The Trust are generally content with the wording of this part of the Draft Development Consent Order. The Protective Provisions offer reasonable protection for the Trust's Assets where they apply. Inconsistencies with the Code of Practice are not considered significant, and relate primarily to procedural activities. However, as set out the Trust's deadline 4 submission, the Trust consider that these provisions could be made more robust by including a further provision to the effect that, where the Applicant considers that that there are elements of the Code of Practice that it will be unable to comply with in delivering the works authorised by the DCO, it will identify and agree with the Trust the areas of the Code of Practice that will not apply.

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Paragraph 20 Fencing

The Trust anticipate that this relates to the Trust's engineer. To ensure that the Trust are able to safeguard access to the canal as necessary to carry out any works in our capacity as owner and navigation authority, it is essential that any fencing works are undertaken in accordance with the Trust's engineer's agreement.

Paragraph 32(6) Cap on Liability

The Trust can confirm that a revised cap of £15m has been agreed with the applicant.

Session 2 - Schedule 2 (paragraph 25) Construction Traffic Management Plan

The Trust note that the applicant seeks to amend the wording of 25(3)(c) in response to comments made by the Trust at Deadline 4.

The proposed offloading area associated with Work No 10B lies to the immediate north of Keadby Lock, and the arrival of larger vessels for ALL deliveries could require the closure of the lock. Vessels seeking to utilise the facility need to pre-book slots for assisted passage. It is agreed with the applicant that Notices to Mariners (Notices and Stoppages) through the Trust can be used to provide mariners with forewarning of closures.

During the development of Keadby 2, it was observed that some vessels arrived at the offloading point outside of times agreed by the Trust, often due to delays occurring at sea. This resulted in unscheduled closures of Keadby Lock, which prevented craft utilising this structure. Unscheduled closures of the lock can result in boats becoming stranded, which could have health and safety implications should they become stranded on the River Trent, which is a tidal river.

At deadline 4, the Trust suggested that paragraph 25(3)(c) be re-worded to state:

"A wharf management plan. The wharf management plans shall include amongst other things, provision for notification to CRT of abnormal load deliveries, and processes to avoid abnormal load deliveries resulting in obstructions to Keadby Lock outside of times agreed with the Trust."

The Trust consider that a suitably worded management plan could prevent unexpected closures. At the hearing, the applicant commented that the requirements for the Wharf Management Plan will be made more precise by including a requirement for the Plan to identify procedures to 'reduce' the number of events where vessels may arrive outside of scheduled times. The Trust's position is that the aim of the Wharf Management Plan should be to prevent all arrivals outside of scheduled times. The Trust accept that in a very limited number of cases that may be unavoidable and would welcome the plan also including detail of the procedures to be followed in those instances.

We hope that the above comments by the Trust help to clarify the existing position of the Trust on the above matters.

Yours sincerely,

Simon Tucker MRTPI

Area Planner

[REDACTED]@canalrivertrust.org.uk

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