



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer
Services: 0303 444 5000
Email: Keadby3@planninginspectorate.gov.uk

To the Applicant, Natural England,
and the Canal and River Trust

Your Ref:

Our Ref: EN010114

Date: 13 April 2022

Dear Sir/ Madam

Planning Act 2008 – section 89; and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17

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

Request for Further Information

I am writing in relation to the Applicant's confirmation of a formal request to make material changes to its application for a Development Consent Order (DCO) for the Keadby 3 Carbon Capture Power Station. The request was made at Deadline 5 and is contained in submissions referenced in the [Examination Library](#) at [REP5-019] to [REP5-048].

The Examining Authority (ExA) has reflected on matters raised by the submissions and has decided to seek further information and comments under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010. A response is sought from the Applicant, Natural England and the Canal and River Trust (where appropriate) to the questions below, however other Interested Parties (IP) wishing to respond may do so.

Please note that questions regarding the change request and/ or any supplementary information/ documentation that forms part of that request does not indicate that the proposed change has been accepted by the Examining Authority.

Background to questions 1 to 4

Regulation 4 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 provides that Regulations 5 to 19 only apply where:

(a) it is proposed to include in an order granting development consent a provision authorising the compulsory acquisition of additional land; and

(b) a person with an interest in the additional land does not consent to the inclusion of the provision.

The tracked change version of the Book of Reference (BoR) submitted as part of the Applicant's Deadline 5 change request [[REP5-024](#)] signifies increases to the size of several plots over which Compulsory Acquisition (CA) of land or rights is sought, including (but not necessarily limited to) plots 116, 118, 156 and 172.

If additional land is sought, then Regulations 5 to 19 are engaged unless consents are obtained and provided from all relevant land interests pertaining to that additional land.

The Applicant has provided consent to the CA of any land from Keadby Developments Limited [[REP5-043](#)]; however, the BoR [[REP5-024](#)] shows that other parties have an interest in the changed plot entries beside Keadby Developments Limited/ the Applicant/ the Crown. For example, plot 156 appears to show an increase in land take; although the freehold interest in this plot vests in the Crown, the Environment Agency and the Canal and River Trust also have a Category 1 interest, and Severn Trent Water Limited has a Category 2 interest. No consent from any land interest other than Keadby Developments Limited has been received.

Question 1 to the Applicant

Please would the Applicant provide clarification of its position in relation to the changed plot entries in the updated BoR [[REP5-024](#)] in terms of whether additional land has been identified as sought as part of its request to make changes to the DCO application.

Question 2 to the Applicant

If the response to question 1 confirms that additional land has been identified as sought, please would the Applicant confirm whether it has obtained consents from all those parties with an interest in the additional land to the CA of the additional land sought?

Question 3 to the Applicant

Please would the Applicant confirm why the BoR [[REP5-024](#)] appears to show an increase in land take for certain plots (such as plot 156) where parties other than Keadby Developments Limited/ the Applicant/ the Crown have an interest, and how the interests of those parties in the changed plot entries for which no consent has been provided would not engage Regulations 5 to 19 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010.

Question 4 to the Applicant

Please would the Applicant confirm that it has complied with sections 56 and 58 of the Planning Act 2008 in respect of any changes to land interests identified in the BoR submitted as part of the Applicant's Deadline 5 change request [[REP5-024](#)].

Question 5 to Natural England

In terms of the change request and the additional Abnormal Indivisible Loads (AIL) Route, does Natural England have any comments in regard to:

- i. the proposed grassland habitat creation and enhancement measures ([[REP5-034](#)] paragraphs 5.2.15 to 5.2.17); and
- ii. the creation and reinstatement of plantation woodland and new tree plantings ([[REP5-034](#)] paragraphs 5.2.40 to 5.2.46).

Question 6 to Natural England and the Canal and River Trust

The ExA would invite Natural England and the Canal and River Trust to comment on the proposals set out as part of the Biodiversity Net Gain Assessment, which forms Appendix D of the Landscaping and Biodiversity Management and Enhancement Plan [[REP5-034](#)], particularly with respect to the identified permanent and temporary habitat losses, and compensation for those losses, biodiversity net gain (BNG), and the BNG management and monitoring plan and whether these proposals are acceptable.

Responses

The deadline for the submission of the information sought is **Deadline 6 (Tuesday 26 April 2022)**. Any IP wishing to respond to the ExA's questions should do so by this date. Any IP wishing to comment on information submitted in response to this request may do so by **Deadline 7 (Tuesday 24 May 2022)**.

If you have any further queries, please do not hesitate to contact the Case Team using the email address above.

Yours faithfully

Christopher Butler

Christopher Butler
Examining Authority

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.