



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

Customer
Services: 0303 444 5000
Email: keadby3@planninginspectorate.gov.uk

To all Interested Parties, Affected Persons,
Statutory Parties, Other Persons invited to
the Preliminary Meeting, and the Applicant

Your Ref:

Our Ref: EN010114

Date: 25 April 2022

Dear Sir/ Madam

Planning Act 2008 – section 89; and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 8(3) and 17

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

Amendments to the Examination Timetable and a Request for Further Information

This letter responds to a request from the Applicant, in its [letter dated 22 April 2022](#), that seeks to vary the Examination Timetable, and seeks further information in regard to submissions received at Deadline 5 (Tuesday 5 April 2022).

Amendments to the Examination Timetable

The Examining Authority (ExA) recognises the practical difficulties, set out in the above mentioned letter, that result from the Applicant's change request, formally submitted at Deadline 5, and the ExA's request for further information issued in its Procedural Decision [[PD-017](#)] published on 13 April 2022. The ExA also notes the Applicant's comments in regard to:

- i) meetings with the Crown Estate and the Canal and River Trust;
- ii) negotiations on protective provisions; and
- iii) the potential need for other submissions after Deadline 6, depending on the ExA's decision regarding the Applicant's change request, that would require a further Deadline to be introduced allowing a period for comments/ representations to be made.

Please note that this letter, including its annexes, does not indicate that the proposed change request has been accepted by the ExA.

Bearing in mind all of the above, the ExA has made the Procedural Decision to amend the Examination Timetable, as set out at Annex A of the ExA's Rule 8 letter [[PD-008](#)]

dated 14 December 2021 and amended by the ExA's Procedural Decision [[PD-012](#)], as follows:

- i) A new Deadline 6a of Tuesday 10 May 2022 has been inserted, which will include deleted items from Deadline 6, as set out below:
- the final Guide to the Application;
 - the final update regarding progress that has been made with Affected Persons in respect of Compulsory Acquisition (CA) and Temporary Possession (TP);
 - the final Book of Reference;
 - the final CA/ TP schedule;
 - a signed and dated s106 Agreement (if required);
 - the Applicant's preferred DCO in the SI template validation report and a validated copy of the DCO; and
 - the Applicant's preferred DCO in word format.

The new Deadline 6a will also include comments on responses submitted for Deadline 6.

- ii) Reference to Deadline 6 within Deadline 7 has been corrected to refer to Deadline 6a;
- iii) Deadline 6 has been further amended in the sections that currently read 'final Guide to the Application' and 'final update regarding progress that has been made with Affected Persons in respect of Compulsory Acquisition and Temporary Possession' by removing/ changing the word 'final' and, where required, replacing it with the word 'updated'.

No other changes to the Examination Timetable have been made at this time.

The Examination Timetable from item 13 onwards can be found at **Annex A** of this letter, with amendments shown underlined in red and deleted text struck through and underlined in red (ie ~~struck through~~).

Rule 17 - Request for Further Information

Questions under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR) in relation to submissions made at Deadline 5 are set out in **Annex B** (questions 1 to 5 inclusive). They are addressed to the Applicant and to named Interested Parties (IPs). However, other IPs wishing to respond may do so.

The deadline for the submission of all the information sought is **Deadline 6a, Tuesday 10 May 2022**, and any submissions will be published shortly after this Deadline on the project webpage of the National Infrastructure Planning website. Any IP wishing to respond to the ExA's questions should do so at Deadline 6a. Any IP wishing to comment on information submitted in response to this request at Deadline 6a may do so by Deadline 7, Tuesday 24 May 2022.

Any responses to the Rule 17 questions set out in Annex B should be titled 'Rule 17 Questions of 25 April 2022'.

Queries regarding the content of this letter should be addressed to the Case Team using the details listed at the top of this letter.

Yours faithfully

Christopher Butler

Examining Authority

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Annexes

Annex A – Amended Examination Timetable

Annex B – Questions under EPR Rule 17

Amended Examination Timetable

Please see below the Examination Timetable, as published in Annex A of the ExA's Rule 8 letter [[PD-008](#)] and amended by the ExA's previous Procedural Decision letter [[PD-012](#)], from item 13 onwards and with amendments underlined in red and deleted text struck through and underlined in red (ie ~~struck through~~).

The ExA is under a duty to **complete** the examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

| Item | Matters | Due Dates |
|------|--|---|
| 13. | <p>Deadline 6</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to ExQ2 (if required); • Comments on the ExA's proposed schedule of changes to the dDCO (if required); • Final SoCG; • Final Statement of Commonality of the SoCG; • <u>Final-Updated</u> Guide to the Application (<u>if required</u>); • <u>Final-u</u>Update regarding progress that has been made with Affected Persons in respect of Compulsory Acquisition and Temporary Possession; • Final Book of Reference; • Final CA/ TP schedule; • Signed and dated s106 Agreement (if required); • Comments on any information submitted for Deadline 5; <u>and</u> • Applicant's preferred DCO in the SI template validation report and a validated copy of the DCO; • Applicant's preferred DCO in word format; and • Responses to any further information requested by the ExA. | <p>Tuesday 26 April 2022</p> |

| | | |
|-----|--|--|
| 14. | <p>Issue by the ExA of:</p> <ul style="list-style-type: none"> The Report on the Implications for European Sites (RIES) (if required). | <p>Tuesday 3 May 2022</p> |
| 15. | <p><u>Deadline 6a</u></p> <p><u>Deadline for receipt by the ExA of:</u></p> <ul style="list-style-type: none"> <u>Comments on Responses submitted at Deadline 6;</u> <u>Final Guide to the Application;</u> <u>Final update regarding progress that has been made with Affected Persons in respect of Compulsory Acquisition (CA) and Temporary Possession (TP);</u> <u>Final Book of Reference;</u> <u>Final CA/ TP schedule;</u> <u>Signed and dated s106 Agreement (if required);</u> <u>Applicant's preferred DCO in the SI template validation report and a validated copy of the DCO;</u> <u>Applicant's preferred DCO in word format; and</u> <u>Responses to any further information requested by the ExA.</u> | <p><u>Tuesday 10 May 2022</u></p> |
| 16. | <p>Deadline 7</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Comments on responses submitted for Deadline <u>6a-6</u>; Responses to any further information requested by the ExA; Comments on the RIES (if required). | <p>Tuesday 24 May 2022</p> |
| 17. | <p>The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months.</p> <p>Please note that the ExA may close the Examination before the end of the six month period if he is satisfied that all relevant matters have been addressed and discussed.</p> | <p>Tuesday 7 June 2022</p> |

Submission times for deadlines

The time for submission of documents at any deadline in the timetable is 23:59 on the relevant deadline date, unless instructed otherwise by the ExA.

Publication dates

All information received will be published on the [project webpage on the National Infrastructure Planning website](#) as soon as practicable after the deadlines for submissions.

Report on the Implications for European Sites (RIES)

Where an applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017 and/ or Regulation 28 of The Offshore Marine Regulations.

Questions under EPR Rule 17

The Applicant's Electricity Connection Statement can be seen at this link: [[REP5-010](#)].

The Applicant's Summary of Canal Water Abstraction Assessment, including its Appendix 'C' (Scheduled Monument Consent Application Heritage Impact Assessment) can be seen at this link: [[REP5-017](#)].

The letter and related attachments from Pollock Associates, made on behalf of Messrs Strawson and Severn, can be seen via the following links:

Letter [[REP5-057](#)]; Attachments [[REP5-058](#)], [[REP5-059](#)] and [[REP5-060](#)].

| | Question to: | Question: |
|----|--|--|
| 1. | The Applicant/ National Grid Electricity Transmission (NGET) | <p>The Electricity Connection Statement [REP5-010] states: "Engagement has been ongoing with <i>NGESO</i> (National Grid Electricity System Operator) and <i>NGET</i>..." and that "<i>NGESO has confirmed to the Applicant that there is sufficient capacity at the Keadby 400kV Substation and transmission system to accommodate the export from the Low Carbon Electricity Generating Station...</i>" (Paragraph 3.1.1). This document also states: "<i>A signed Bilateral Connection Agreement is in place between the Applicant and NGESO for the required export capacity</i>" (Paragraph 3.1.2).</p> <p>In the light of these statements, the Examining Authority (ExA) would ask what consents/ agreements are still required from NGET in relation to this Proposed Development and, if consents/ agreements from NGET are still required what stage has been reached in obtaining those consents/ agreements.</p> |
| 2. | Historic England (HE) | <p>The Summary of Canal Water Abstraction Assessment [REP5-017] is noted, as is the 'Scheduled Monument Consent Application Heritage Impact Assessment' that can be found at Appendix 'C' of the above mentioned document. Bearing these documents in mind, and without prejudice to HE's position in regard to these matters and any advice it would/ is providing to the Secretary of State, the ExA would ask NE to comment on these documents and whether it agrees with their content, especially paragraph 1.8.17 of the Applicant's Summary of Canal Water Abstraction Assessment [REP5-017].</p> |
| 3. | Pollock Associates (on behalf of Messrs Strawson and Severn) | <p>The Pollock Associates letter [REP5-057] and its attachments [REP5-058], [REP5-059] and [REP5-060], made on behalf of Messrs Strawson and Severn, are noted. The ExA would seek further information in regard to the proposed solar scheme mentioned within the letter. Please could you confirm whether a planning application has been formally made for this proposed</p> |

| | Question to: | Question: |
|----|---|---|
| | | <p>solar scheme. In responding, where possible, please supply:</p> <ul style="list-style-type: none"> i. the planning application reference number issued by the Local Planning Authority (LPA); ii. a copy of the planning decision issued by the LPA; iii. details of the proposed below ground cable connection/ corridor linking the proposed solar scheme with the local distribution network, including any details/ plans related to the line of the below ground cable, the size and depth of the cable, etc; and iv. an update on any discussions/ correspondence between you and the Applicant in relation to the separation distances between the 132kV thermal cable and the proposed ground cable that would link the proposed solar scheme with the local distribution network. |
| 4. | North Lincolnshire Council (NLC)/ The Applicant. | <p>Pursuant to Question 3 above, the ExA would ask the Applicant/ NLC (as the LPA) to confirm whether they are aware of any planning application(s) submitted to the LPA for the above mentioned proposed solar scheme. This includes any planning application(s) submitted to the LPA but not yet formally registered, for example any planning application(s) submitted to the LPA but deemed by them to be 'Invalid'.</p> <p>In the event of a formal planning application having been lodged please provide, where possible/ relevant:</p> <ul style="list-style-type: none"> i. the planning application reference number issued by the Local Planning Authority (LPA); and ii. a copy of the planning decision issued by the LPA. |
| 5. | The Applicant | <p>Please provide the ExA with information regarding separation distances required between the 132kV thermal cable and the proposed ground cable that would link the proposed solar scheme referred to in the letter from Pollock Associates (submitted on behalf of Messrs Strawson and Severn) [REP5-057] and the related attachments ([REP5-058], [REP5-059] and [REP5-060]), including any information such as discussions and correspondence between you and Pollock Associates (on behalf of Messrs Strawson and Severn) in relation to this matter.</p> |