

keadby3@planninginspectorate.gov.uk

26th 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.

Response to request for information for Deadline 6

Pollock associates are the duly appointed agents on behalf of the Mssrs Strawson and Severn

You requested in your response to Deadline 5 submissions (and our letter of the 1st April 2022), if “Being mindful of sections 122 and 123 of the Planning Act 2008, as well as advice set out by the Government’s 2013 publication, ‘Planning Act 2008: guidance related to procedures for the compulsory acquisition of land [whether IPs] consider all reasonable alternatives to CA/ Temporary Possession have been explored?’ Together with evidence.

You have made a further request for details of the planning applications and so forth by Deadline 6(a). Please could you confirm whether a planning application has been formally made for this proposed.

In responding, where possible, please supply:

- 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.

We propose to answer both requests in this letter, and are happy to follow up with details of any progress towards agreement between ourselves and the applicant on these matters by Deadline 6(a).

Providing evidence of our client’s position is hampered somewhat by the confidentiality agreements between various parties.

With respect to your 6(a) request for information:

- i. Planning application – the land in question is subject to two separate option agreements for two separate solar schemes. The screening requests for these schemes can be found on the North Lincolnshire Council Planning portal at: <https://apps.northlincs.gov.uk/application/pa-scr-2021-8> and <https://apps.northlincs.gov.uk/application/pa-scr-2021-7> These screening requests were submitted on the 15th and 25th November respectively and the site location plans are attached. (“Ealand Solar Scheme Site location Plan/ Keadby Solar Scheme Site location Plan”) Screening response from the LPA has not yet been issued.
- ii. Planning Decision: As the screening request has not yet been received there is no planning decision
- iii. Details of the proposed The proposed depth of the cables have not yet been confirmed but we understand from the solar developers that they are proposing two 33kv export only cables. We understand that there are still ongoing discussions with Northern Power Grid for both solar schemes and the Keadby 3 scheme about the details of these connections but that connection offers have been made and accepted. We do not have evidence of these connection agreements that we

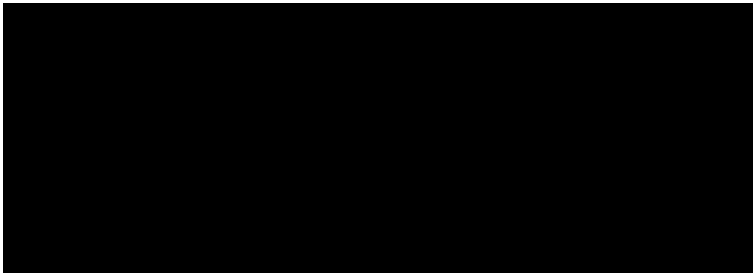
can share. However, we do have consent from the solar developers to share the Option plans that clearly show the intended Easement corridors (“Option Keadby 20 08 21 Strawson....plan” and “Signed Option Ealnad 5 11 21 Plan”).

- iv. Discussions continue between the Solar developer and Keadby 3 including a conference call hosted by Pollock associates on the 21st April 2022 to try to work through how both sets of cables can be accommodated within the easement corridor. However, lack of detailed engineering information from both parties (and from Northern Power Grid is hampering final agreement. The parties are all hopeful of a resolution to this.

In answer to your question at Deadline 5 response, as to whether we consider the procedures for the compulsory acquisition of land have been followed and enough time to negotiate agreement has been allowed, we refer you to our previous correspondence setting out timeframes of our negotiations. (repeated below) The evidence of a cable requirement was only provided after submission of the scheme. The suggestion of the permanent acquisition of land for bridge footings was only made in December 2021 as well as use of the land for laydown. Clearly not long enough for parties to agree in principle, when detailed information on these proposals is still not forthcoming, let alone to document these requirements in tri- or quad-party agreements. Contrary to the Government guidance related to procedures for the compulsory acquisition of land, no alternative dispute resolution has been proposed. (Although given the lack of information on cable separation distances and crossing and the related lack of information from Northern Power Grid, a resolution to these issues may have been challenging at an earlier date).

We continue to discuss terms with the Applicant and feel confident that a resolution allowing all projects to progress should be achievable but probably not by the time of Deadline 6(A).

Yours sincerely



Josh Pollock MRICS FAAV
For and on behalf of Pollock Associates



Attachments:

Ealand Solar Scheme Site location Plan
Keadby Solar Scheme Site location Plan
Option Keadby 20 08 21 Strawson....plan and
Signed Option Ealnad 5 11 21 Plan

Extract of 1 4 2022 letter of objection:

Diary of key events as part of the negotiations for rights for Keadby 3

Feb 2020: Our client and neighbours entered negotiations with a solar developer for a development on their land,

May 2020 terms agreed for a solar development

20th May 2020 Our clients and the DSolar developer then started discussions with the applicant’s sister company Keadby Windfarm on for a triparty agreement to allow the solar scheme to operate alongside the windfarm. (See email 1 attached)

14th December 2020 SSE thermal first approach our client about the use of their track as an emergency access. Please note the request at that stage was only for an “emergency access track” Our solar scheme clearly proposed an export power cable in the area. We saw no reason for not having a cable buried under or beside an emergency access track. The parties agreed a link between agreeing terms for the solar with the grant of the emergency access so that the interplay of the two schemes could be considered

1st June 2021 DCO Application submitted

5th August 2021 was the first time that the applicant asked for rights for their cable. This was prompted by our inspection of the DCO application. This was the first time SSE mentioned an underground cable. The requirement for the cable only came to light when we enquired as to why the plan

K_PEIR_Fig3_2_SiteLayout_A3 20201104_R02 referred to “Emergency Vehicle Access Road and Electrical Connection to 132kV Substation” AFTER the DCO Application had been submitted. (see email 2 attached)

20th August 2021 Legal option for solar schemes completed

September 2021 We requested details of the separation distances between Keadby 3 export cables and solar cables to ensure there was space for both. We still await separation distances and

2nd December 2021 First request from SSE thermal for Permanent acquisition of land for bridge footings and construction laydown areas. Some 6 months AFTER the DCO had been submitted. (Email 3 attached)