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To all Interested Parties

Your Ref:

Our Ref: EN010114

Date: 17 February 2022

Dear Sir/ Madam

Planning Act 2008 (as amended) – section 89(3); and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 9

Application by Keadby Generation Limited for an Order Granting Development Consent for the Keadby 3 Carbon Capture Power Station (formerly known as Keadby 3 Low Carbon Gas Power Project)

Matters related to archaeology

Pursuant to North Lincolnshire Council's (NLC) Local Impact Report (LIR) [[REP1-022](#)], the Examining Authority (ExA) issued a Rule 17 letter [[PD-010](#)] requesting, amongst other matters, additional information in regard to archaeology. Having considered the Deadline 2 submissions responding to that letter, especially the responses from the Applicant [[REP2-012](#)] and Historic England [[REP2-023](#)], it is clear to the ExA that Historic England's response raises concerns in regard to the Applicant's approach to archaeology, and especially unknown archaeological remains.

Amongst other things Historic England advise:

- the availability of proper reporting to inform sequential phases of investigation and mitigation is crucial for a proportionate approach to importance consistent with the National Policy Statements and National Planning Policy Framework to be achieved. Not only should early investigations be done in a timely manner but to be useful their results need to be analysed and made available to inform the design of subsequent phases of intervention;
- having considered NLC's LIR [[REP1-022](#)], an individual Written Scheme of Investigation (WSI) for the outstanding evaluation stages should be prepared for the works to be commissioned and undertaken as soon as possible and that the Applicant should commission the second stages of the evaluation, as recommended in the NLC Historic Environment Record (HER) pre-application advice (June 2020); and

- a separate WSI for appropriate mitigation should be produced once the above evaluation is completed.

The ExA notes the advice provided by Historic England and its role as the government's statutory advisor on the historic environment. It also notes the content of the 'Further Applicant's Response to the Rule 17 Letter' [REP3-022], received at Deadline 3. The ExA will carefully consider the advice provided by Historic England and the Applicant's responses to that advice when the ExA concludes on matters in relation to archaeology in its recommendation report to the Secretary of State. The ExA's considerations will have regard to Historic England's status and expertise and to the evidence provided to the Examination on this matter by the Applicant and other parties.

Based on the information before it, the ExA is currently minded to conclude that the mitigation measures suggested by Historic England are reasonable and proportionate. Clearly it is for the Applicant to decide whether to progress with the works and whether to follow Historic England's advice. However, the ExA notes that the need for the works were advised to the Applicant in June 2020 and that there is now limited time remaining for them to be completed, reported on, and consulted on before the end of the Examination. The ExA considers it wise for the Applicant to have carefully consider the potential implications of its chosen approach on this matter and notes its intentions in this regard, as set out in their 'Further Applicant's Response to the Rule 17 Letter' [REP3-022] received at Deadline 3.

Applicant's requested adjustment to the project name, seeking it to become known as 'Keadby 3 Carbon Capture Power Station'

The Applicant in its letter dated 21 December 2021 [REP1-001] sought an adjustment to the project name from the "Keadby 3 Low Carbon Gas Power Station Project" to the "Keadby 3 Carbon Capture Power Station". The Applicant stated that the change sought was "...for consistency with the (separate) submission to the Department of Business, Energy and Industrial Strategy competition that the Applicant described during the Preliminary Meeting."

The ExA issued a Rule 17 letter on the 17 January 2022 [PD-010] seeking comments from Interested Parties (IP) in regard to this request from the Applicant, allowing until 1 February 2022 (Deadline 2 in the Examination Timetable) for responses to be received. The ExA also allowed until 15 February 2022 (Deadline 3 in the Examination Timetable) for the Applicant and IPs to reply to any responses regarding this matter received at Deadline 2.

No IPs raised any objections to the Applicant's request, nor indicated any dates upon which the change, if agreed, should take place. The Applicant made a representation that confirmed in their opinion that the adjustment to the project name was non-material. They also confirmed that they were not aware of any potential prejudice that could arise from their request. No responses to the representation on this matter received at Deadline 2 were received at Deadline 3.

Procedural Decision regarding the adjustment to the project name

Having considered the Applicant's request in regard to the potential adjustment to the project name, the ExA does not consider that any prejudice will arise especially when



considering that the change comprises modified wording between 'Keadby 3' and 'Power Station' thus not altering the core geographical and typological descriptors of the project. As such the ExA does not consider the adjustment to the project name would be perceived by any reasonable person as a different project. Therefore, the ExA has made the Procedural Decision to adjust the project name, as requested by the Applicant with immediate effect, to the Keadby 3 Carbon Capture Power Station.

Other matters

If you have any further queries, please do not hesitate to contact the Case Team using the details at the top of this letter.

Yours faithfully

Christopher Butler

Examining Authority

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