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

Your Ref:

Our Ref: EN010114

Date: 12 May 2022

Dear Sir/ Madam

Planning Act 2008 – section 89; and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 8(3), 9 and 17

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

Procedural Decisions following a request to make changes to the Application, variation to the Examination Timetable, and request for further information

This letter provides Procedural Decisions in relation to the Applicant's request to make changes to the Application; a variation to the Examination Timetable; and a request for further information from the Applicant, the Canal and River Trust, Keadby with Althorpe Parish Council, National Grid Carbon Limited (part of National Grid Ventures), National Grid Electricity Transmission Plc/ National Grid Gas Plc, Natural England, Network Rail, Northern Powergrid, United Kingdom Health Security Agency, North Lincolnshire Council, and the Environment Agency under Rule 17 of the Infrastructure Planning (Examination Procedures) Rules 2010 (EPR 2010).

Further information and all documentation associated with this project can be found on the Planning Inspectorate's National Infrastructure website using this link:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/keadby-3-carbon-capture-power-station/>

Applicant's request to make changes to the Application

Background

In the Examining Authority's (ExA's) letter dated 29 April 2022 [[PD-019](#)], a number of concerns were raised with the Applicant in regard to its change request submitted at Deadline 5 [[REP5-019](#)] ('Original Change Request'), as sought to be modified by the Applicant in its letter dated 26 April 2022 [[REP6-018](#)] ('Modified Change Request').

These concerns included the Applicant's:

- approach to the 'Original' and 'Modified Change Request' appearing to be piecemeal, unclear and confusing;
- failure to incorporate certain updated documents with the 'Modified Change Request'; and
- indication of the intention to submit a number of documents/ plans at Deadline 7, which would not allow adequate time within the remaining Examination Timetable for Interested Parties (IP) to respond and provide comment.

In the light of the ExA's concerns, the Applicant has submitted a letter [[REP6a-032](#)] withdrawing its 'Original Change Request' [[REP5-019](#)] and 'Modified Change Request' [[REP6-018](#)] and their related documents (documents [[REP5-020 – REP5-048](#)] and [[REP6-019 – REP6-029](#)]). The Applicant's letter, submitted at Deadline 6a [[REP6a-032](#)], also made a new change request, referred to hereafter as the 'Change Request Resubmission', and provided a summary of four proposed changes to the scheme, comprising:

- i. the inclusion of the riverbed within the Waterborne Transport Offloading Area (Railway Wharf);
- ii. an increase to the maximum heights of the carbon dioxide absorbers/ stacks, if two are installed;
- iii. an increase to the maximum height of the carbon dioxide stripper column; and
- iv. an increase in proposed soil import volumes to create a suitable development platform.

In accordance with the requirements of the [Planning Inspectorate's Advice Note 16: How to request a change which may be material](#), the Applicant's formal 'Change Request Resubmission' includes:

- a written statement describing the proposed changes [see [REP6a-065](#)];
- the Applicant's reasons and need case for the proposed changes [see [REP6a-062](#) and [REP6a-063](#)];
- a list of the required consequential revisions to Examination documents [[REP6a-059](#)];
- an updated draft Development Consent Order (DCO) in clean [[REP6a-034](#)] and tracked change [[REP6a-035](#)] versions, and an updated draft Explanatory Memorandum in clean [[REP6a-036](#)] and tracked change [[REP6a-037](#)] versions;
- consent from Keadby Developments Limited to the Compulsory Acquisition (CA) of any land under its ownership [[REP6a-061](#)], and an updated Book of Reference in clean [[REP6a-038](#)] and tracked change [[REP6a-039](#)] versions;
- other environmental information, including:

- 5.10 Landscaping and Biodiversity Management and Enhancement Plan in clean [[REP6a-011](#)] and tracked change [[REP6a-012](#)] versions;
 - 10.6 Proposed Development Changes: Environmental Statement (ES) Addendum Non-Technical Summary - Rev 3 [[REP6a-064](#)];
 - 10.7 Proposed Development Changes: ES Addendum - Volume I (Main Volume) - Rev 3 [[REP6a-065](#)];
 - 10.8 Proposed Development Changes: ES Addendum - Volume II (Chapters and Appendices) - Rev 3 [[REP6a-066](#)];
 - 10.9 Proposed Development Changes: ES Addendum - Volume III (ES Figures) - Rev 3 [[REP6a-067](#)]; and
- a Consultation Statement confirming who has been consulted in relation to the proposed changes [[REP6a-060](#)].

The Applicant considers the changes to be material when taken together, but considers that the proposed changes are not individually or collectively so substantial or different in character as to constitute a different project, and that the proposed changes do not give rise to any new or additional significant environmental effects. The Applicant has also confirmed that no additional Compulsory Acquisition (CA) of third-party land is provided for within the change request. Additional Crown land plots are proposed to be acquired as part of the change request, however the Applicant has confirmed that CA powers are not sought for the acquisition of these plots.

The ExA's reasoning and decision

The ExA has reviewed the information provided as part of the Applicant's formal Change Request Resubmission, and has assessed the Applicant's request in accordance with paragraphs 109 to 115 of [DCLG Guidance Planning Act 2008: Examination of Applications for Development Consent](#) and the [Planning Inspectorate's Advice Note 16: How to request a change which may be material](#).

The ExA recognises that in considering whether or not to accept the proposed changes for examination it needs to act reasonably and in accordance with the principles of natural justice. The ExA must be satisfied that anybody affected by the proposed changes would have a fair opportunity to make their views on them known and to have their views properly taken into account.

The ExA agrees with the Applicant that when taken cumulatively the proposed changes are material. The ExA is however content that the environmental impact assessment's conclusions around significance of effects would remain the same. The ExA has also considered the Applicant's Habitats Regulations Assessment (HRA) Appropriate Assessment (AA) Report and concludes that the proposed changes would make no difference to the outcome of a Habitats Regulations Assessment. The ExA agrees that the development now being proposed remains in substance that which was originally applied for. The ExA is therefore satisfied that the proposed changes would not amount to a different project being proposed.

Having reviewed the information provided by the Applicant at Deadline 6a the ExA does not consider that the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regulations) would be engaged by the Applicant's change request for the following reasons:

- The additional land identified in the Applicant's change request which is under the ownership of the Crown cannot be subject to CA, and therefore cannot engage the CA Regulations.
- Consent has been received from Keadby Developments Limited to the CA of any land under its ownership (although the Applicant states that this consent is no longer required as additional land is no longer sought from Keadby Developments Limited [see [REP6a-032](#)]).
- The Applicant's formal change request letter [[REP6a-032](#)], submitted at Deadline 6a, confirms that no other third-party land CA is provided for within the change request.

Overall, the ExA is content that the supporting information provided with the notification of the proposed changes is of a satisfactory standard for examination. The ExA has carefully considered the remaining time in the Examination, and whether the proposed changes could be properly and fairly examined. Deadline 7 (Tuesday 24 May 2022) provides an opportunity for IPs to submit written comments on the Applicant's 'Change Request Resubmission' documentation that was submitted at Deadline 6a.

After consideration, the ExA has decided to accept the proposed changes in the Applicant's 'Change Request Resubmission' in to the application for examination on the basis they represent a material change. The Examination will therefore be completed on the basis that the application to be reported upon is as changed by the Applicant's 'Change Request Resubmission' dated 12 May 2022 and submitted into the Examination at Deadline 6a [[REP6a-032](#)].

Variation to the Examination Timetable

The Examination Timetable has been amended to accommodate any comments on responses to the ExA's request for further information set out at **Annex B** to this letter, and to ensure there is a period after Deadline 7 (Tuesday 24 May 2022) for the ExA to seek any further information from the Applicant and/ or any IPs in response to submissions made at Deadline 7. It has also been amended to allow final and completed (signed and dated) versions of the Statements of Common Ground (SoCG) between the Applicant and Natural England, Northern Powergrid, the United Kingdom Health Security Agency, the Canal and River Trust, Network Rail, and Keadby with Althorpe Parish Council to be resolved and submitted by Deadline 7 or, should it not be possible to submit the final and completed (signed and dated) versions of the SoCG(s) by Deadline 7, the Applicant and relevant IP(s) are asked to provide a detailed explanation as to why this has not been possible. This explanation should be submitted by the same Deadline (Deadline 7, Tuesday 24 May 2022).

The remaining portion of the Examination Timetable, being those parts outstanding after Deadline 6a (Tuesday 10 May 2022), is set out at **Annex A** to this letter. This supersedes the remaining portion of the Examination Timetable after Deadline 6a which was annexed to the ExA's Rule 8 letter dated 14 December 2021 [[PD-008](#)], as amended by the ExA's Rule 8(3) letters of the 14 February 2022 [[PD-012](#)] and 25 April 2022 [[PD-018](#)].

A new Deadline 7a (Monday 6 June 2022) has been added to provide for:

- i. a period after Deadline 7 (Tuesday 24 May 2022) for any IPs to comment on information submitted in response to the request for further information, as set out in **Annex B** to this letter, by 12:00pm (noon) at Deadline 7a (Monday 6 June 2022);
- ii. a further period for the submission of responses to any further information requested by the ExA made pursuant to Rule 17 of the EPR 2010;
- iii. a final update regarding progress that has been made with Affected Persons in respect of Compulsory Acquisition (CA) and Temporary Possession (TP) (or confirmation that no changes have been made since Deadline 6a);
- iv. the final Book of Reference (or confirmation that no changes have been made since Deadline 6a);
- v. the final CA/ TP schedule (or confirmation that no changes have been made since Deadline 6a);
- vi. the final Guide to the Application (or confirmation that no changes have been made since Deadline 6a);
- vii. a final preferred version of the DCO in the SI template validation report and validated copy of the DCO (or confirmation that no changes have been made since Deadline 6a); and
- viii. a final preferred version of the DCO in word format (or confirmation that no changes have been made since Deadline 6a).

Any submissions made at Deadline 7a (Monday 6 June 2022) that do not fall into any of the above categories will not be seen by the ExA.

Request for further information

The ExA has considered the Deadline 6a submissions and has decided to seek further information and comments. Questions under Rule 17 of the EPR 2010 are set out in **Annex B** to this letter. They are addressed to the Applicant and to named IPs. However, other IPs wishing to respond may do so.

The deadline for the submission of the information sought is **Deadline 7 (Tuesday 24 May 2022)**. Any IP wishing to respond to the ExA's questions should do so at Deadline 7.

Any IP wishing to comment on information submitted in response to this request at Deadline 7 may do so by Deadline 7a (Monday 6 June 2022).

All responses should be marked as relating to Rule 17 Questions of 12 May 2022. Responses to the questions in this letter will be published shortly after Deadline 7.

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**

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Annexes

Annex A – Amended Examination Timetable

Annex B – Questions under Rule 17 of the EPR 2010

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 letters of 14 February 2022 [[PD-012](#)] and 25 April 2022 [[PD-018](#)], from item 16 onwards and with amendments underlined in red and deleted text struck through and underlined in red.

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
16.	<p>Deadline 7</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <u>The submission of final and completed (signed and dated) versions of the Statements of Common Ground (SoCG) between the Applicant and Natural England, Northern Powergrid, the United Kingdom Health Security Agency, the Canal and River Trust, Network Rail, and Keadby with Althorpe Parish Council; or submission of a detailed explanation from both the Applicant and relevant Interested Party(ies) as to why it has not been possible to submit the final and completed (signed and dated) versions of the relevant SoCG(s);</u> Comments on responses submitted for Deadline 6a; Responses to any further information requested by the ExA; Comments on the RIES (if required). 	<p>Tuesday 24 May 2022</p>
<u>17.</u>	<p><u>Deadline 7a</u></p> <p><u>Deadline for receipt by the ExA of:</u></p> <ul style="list-style-type: none"> <u>Comments on responses submitted for Deadline 7;</u> <u>Response to any further information requested by the ExA;</u> <u>A final update regarding progress that has been made with Affected Persons in respect of Compulsory Acquisition (CA) and Temporary Possession (TP) (or confirmation that no changes have been made since Deadline 6a);</u> 	<p><u>Monday 6 June 2022</u> <u>12:00pm (noon)</u></p>

	<ul style="list-style-type: none"> • <u>The final Book of Reference (or confirmation that no changes have been made since Deadline 6a);</u> • <u>The final CA/ TP schedule (or confirmation that no changes have been made since Deadline 6a);</u> • <u>The final Guide to the Application (or confirmation that no changes have been made since Deadline 6a);</u> • <u>Final preferred version of the Applicant's DCO in the SI template validation report and validated copy of the DCO (or confirmation that no changes have been made since Deadline 6a);</u> • <u>Final preferred version of the Applicant's DCO in word format (or confirmation that no changes have been made since Deadline 6a).</u> 	
<u>1817.</u>	<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>	Tuesday 7 June 2022

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.

Questions under Rule 17 of the EPR 2010

The Applicant's Deadline (D) 6a covering letter can be seen at this link: [\[REP6a-001\]](#).

The Applicant's 'Responses to D6 Submissions, Rule 17 Request of 25 April 2022, and ExQ 1.16.32, 2.1.1, 2.6.4 and 2.6.5', submitted at D6a, can be seen at this link: [\[REP6a-028\]](#).

The Applicant's 'Response to the Examining Authority's Further Written Questions' (ExQ2), submitted at D6, can be seen at this link: [\[REP6-016\]](#).

The Applicant's Outline Written Scheme of Investigation, submitted at D6a, can be seen at this link: [\[REP6a-018\]](#).

The letter from National Grid Electricity Transmission Plc (NGET), submitted at D6a, can be seen via the following link: [\[REP6a-070\]](#).

The letter from the Environment Agency (EA), submitted at D6a, can be seen via the following link: [\[REP6a-069\]](#).

The most recent versions of the draft Statements of Common Ground for The Canal and River Trust (C&RT), Keadby with Althorpe Parish Council, Natural England (NE), Network Rail (NR), Northern Powergrid, and United Kingdom Health Security Agency (UKHSA) can be seen via the following respective links: [\[REP3-014\]](#); [\[REP2-005\]](#); [\[REP6-006\]](#); [\[REP1-015\]](#); [\[REP6a-021\]](#) and [\[REP6-011\]](#).

Northern Powergrid's D6a submission, together with its attachment, can be seen at this link: [\[REP6a-072\]](#).

The Statements of Common Ground (SoCG) between The Applicant/ NGET/ National Grid Gas Plc (NGG), submitted at D6, can be seen at this link: [\[REP6-009\]](#).

North Lincolnshire Council's (NLC) response to ExQ2, submitted at D6, can be seen at this link: [\[REP6-030\]](#).

The C&RT's D6 submission can be seen at this link: [\[REP6-032\]](#)

	Question to:	Question:
1.	The Applicant	<p>The Applicant's 'Responses to D6 Submissions, Rule 17 Request of 25 April 2022, and ExQ 1.16.32, 2.1.1, 2.6.4 and 2.6.5' [REP6a-028] is noted. However, this response does not appear to address the comment of NLC in regard to the current drafting of the noise complaints procedure and its comment that it would only apply to any complaint made to the undertaker in breach of the threshold specified in the Requirement and as this is +3dB higher than background levels:</p> <p><i>"...NLC do not consider it realistic that a third party would be able to identify whether noise emitted from the site exceeds this threshold and are of the opinion that the complaints procedure should apply to all noise complaints to the undertaker."</i> NLC goes on to advise: <i>"NLC has discussed this point with the Applicant and it</i></p>

	Question to:	Question:
		<p><i>is understood that the drafting of R29 is to be updated to address our concerns."</i></p> <p>In the light of the above comment, please could the Applicant respond to NLC's concern in this regard and explain how it has addressed this matter.</p>
2.	The Applicant	<p>The Applicant's response to ExQ2 2.16.13 [REP6-016] is noted, but the ExA notes the response does not appear to respond to ExQ2 2.16.13(i). Please could the Applicant respond stating where, or otherwise, the amended dDCO (Schedule 13, Part 3(10) and Part 3(11)) requires the respective documents (the CEMP and the Marine Method Statement) to be submitted to the relevant specified bodies 'in writing'.</p>
3.	The Applicant	<p>The Applicant's 'Responses to D6 Submissions, Rule 17 Request of 25 April 2022, and ExQ 1.16.32, 2.1.1, 2.6.4 and 2.6.5' [REP6a-028] is noted, as is the EA response to ExQ2 Q2.2.8 [REP6-033], where it states:</p> <p><i>"...Draft DCO, Work No. 1C – carbon dioxide capture plant, - does not explicitly cover water washes or acid scrubbers and so consideration should be given to the need to expand on "(ii) carbon dioxide absorber unit(s) and associated stack(s);"</i></p> <p>The ExA would ask the Applicant to respond to the EA's response to ExQ2 Q2.2.8 [REP6-033] and whether there is a need to expand the description of Work No. 1C – carbon dioxide capture plant. If there is no need to expand the description, please explain why.</p>
4.	The Applicant/ EA	<p>The EA's response to ExQ2 Q2.6.6 [REP6-033] is noted, especially in regard to the mention of an 'Options Agreement'. The Applicant's response to this matter, contained in its 'Responses to D6 Submissions, Rule 17 Request of 25 April 2022, and ExQ 1.16.32, 2.1.1, 2.6.4 and 2.6.5' [REP6a-028] is also noted. However, the ExA would urge the Applicant and the EA to resolve these matters as a matter of urgency and would remind them that the ExA will be unable to consider any matters resolved after the close of the Examination in its Recommendation Report to the Secretary of State. This would include any confirmation from the Applicant and/ or EA of the completion of an Options Agreement that is received after the close of the Examination.</p>
5.	The Applicant	<p>In the response from NGET, submitted at D6a [REP6a-070], it indicates the following matters still need to be resolved with NGET:</p> <ul style="list-style-type: none"> i. an option for cable easement with a provision to adopt either Route 1 to the North, or, Route 2 to the South;

	Question to:	Question:
		<p>ii. the surrender and re-grant of lease to Keadby Power Ltd with provisions to call upon the following amendments: (a) upgrade to the cooling water discharge pipe; (b) installation of river water supply connection; and/ or (c) temporary haul road; and</p> <p>iii. the Promoter entering into a side agreement, prior to the close of the Examination, to ensure the Promoter's commitment to entering into the above agreements following the close of Examination.</p> <p>Bearing the above in mind the ExA would ask the Applicant to advise on the progress of resolving the matters listed in Items i. to iii. (above) prior to the close of the Examination and when these agreements or confirmation of their completion is anticipated to be entered into the Examination.</p> <p>The ExA would remind the parties involved that failure to submit these completed items or confirmation of their agreement into the Examination prior to its close means that the ExA would not be able to take them into account in its Recommendation Report to the Secretary of State.</p>
6.	The Applicant	<p>The NGET letter, submitted at D6a, [REP6a-070] states:</p> <p><i>"NGET will request that the Promoter commits to limiting the extent of the rights to be acquired as part of Works No 3A so that the connection on main & reserve bar 3 of the substation (using their existing bay and CB X1205) as opposed to the entirety of the substation... which is in accordance with the connection request received from the Promoter."</i> NGET illustrates the area concerned in its letter, outlining it in yellow.</p> <p>The ExA would ask for the Applicant's response to NGET's request outlined above.</p>
7.	The Applicant	<p>The EA in its D6a submission [REP6a-069] entitled 'Final update regarding progress that has been made with Affected Persons in respect of Compulsory Acquisition (CA) and Temporary Possession (TP)' advises that it continues <i>"...to liaise with the Applicant's Agent in respect of its land interests and some progress has been made. Our Estates team is working to provide information required by the Applicant and vice-versa. We expect further progress to be made during May and</i></p>

	Question to:	Question:
		<p><i>we will provide an update to you on this matter prior to the close of the Examination.”</i></p> <p>The ExA would ask the Applicant what endeavour it is undertaking to ensure that these matters are resolved prior to the close of the Examination and would remind the parties involved that the ExA would be unable to consider any matters resolved after the close of the Examination in its Recommendation Report to the Secretary of State.</p>
8.	The Applicant/ NE/ Northern Powergrid/ UKHSA/ C&RT/ NR/ Keadby with Althorpe Parish Council	<p>The ExA has reviewed the D6a submissions and notes the following with regard to the SoCG between the Applicant and the following IPs:</p> <ul style="list-style-type: none"> i. NE [REP6-006] remains unsigned; ii. Northern Powergrid [REP6a-021] is unsigned/ undated by the Applicant; iii. The UKHSA [REP6-011] remains unsigned/ undated; iv. The C&RT [REP3-014] remains unsigned/ undated; v. NR [REP1-015] remains unsigned/ undated; and vi. Keadby with Althorpe Parish Council [REP2-005] remains unsigned/ undated. <p>The ExA is disappointed to note the absence of the submission of completed SoCGs between the Applicant and these IPs, which were required to be submitted at D6 (Tuesday 26 April 2022) as sought in the Examination Timetable issued with the Rule 8 letter dated 14 December 2021 [PD-008], as amended by the ExA’s Rule 8(3) letters of 14 February 2022 [PD-012] and 25 April 2022 [PD-018]. Bearing this in mind, the ExA asks, where possible, for outstanding matters in the SoCGs, between the Applicant and the relevant IPs listed above, to be resolved. Subject to those outstanding matters being resolved, the ExA would request signed and dated versions of the final SoCGs, between the Applicant and IPs listed above, be submitted at D7 (Tuesday 24 May 2022). Should it not be possible to submit the signed and dated copies of these SoCGs by D7 (Tuesday 24 May 2022), the Applicant and relevant IPs are asked to provide a detailed explanation as to why by the same Deadline (D7, Tuesday 24 May 2022).</p>

	Question to:	Question:
9.	The Applicant/ Northern Powergrid	<p>The SoCG between the Applicant and Northern Powergrid [REP6a-021], which is currently unsigned and undated by the Applicant (see question above), is noted; as is the Applicant's D6a covering letter [REP6a-001]. Northern Powergrid's D6a submission [REP6a-072], including its attachment, is also noted.</p> <p>The SoCG [REP6a-021] sets out matters not agreed and indicates concerns remain over the proposed protective provisions, whilst the Applicant's D6a covering letter [REP6a-001] states: <i>"Since the Northern Powergrid SoCG was signed the Protective Provisions have largely been agreed and we understand a representative of Northern Powergrid is updating ExA directly to confirm the position."</i></p> <p>In contrast Northern Powergrid's D6a submission [REP6a-072] advises: <i>"A revised form of protective provisions have now been agreed with the applicant for inclusion within the dDCO. It is understood that the applicant is submitting this agreed form of wording today as part of the D6a submission (copy attached). However, it should be noted that there are still further details relating to these protective provisions outstanding, which are to be agreed in a side agreement and until such time as this side agreement is completed, my clients' representation remains in place."</i></p> <p>In the light of the above, the ExA would ask:</p> <ol style="list-style-type: none"> i. The Applicant to confirm that the protective provisions contained in the current preferred version of the draft Development Consent Order (DCO) [REP6a-034] are identical to those provided by Northern Powergrid in its attachment sent with its D6a submission; ii. If the protective provisions referred to in i. above are not identical, the Applicant is asked to justify why or to submit an updated final version of the draft DCO, which includes Northern Powergrid's identical protective provisions; iii. The Applicant and Northern Powergrid what further details relating to these protective provisions remain outstanding; and iv. The Applicant and Northern Powergrid for clarification in regard to the side agreement referred to in Northern Powergrid's D6a submission and whether it has been completed.

	Question to:	Question:
		<p>The ExA would urge the Applicant and Northern Powergrid to resolve these matters as a matter of urgency and would remind them that the ExA will be unable to consider any matters resolved after the close of the Examination in its Recommendation Report to the Secretary of State. This would include any confirmation from the Applicant and/ or Northern Powergrid of the completion of a side agreement that is received after the close of the Examination.</p>
10.	The Applicant/ National Grid Carbon Ltd (part of National Grid Ventures)	<p>The SoCG between the Applicant and National Grid Carbon Ltd [REP6a-020] is noted, but the ExA is disappointed at the progress made in regard to protective provisions and any related side agreement(s). The ExA would urge both parties to resolve the matters between them as a matter of urgency and provide:</p> <ul style="list-style-type: none"> i. an agreed set of protective provisions, to be included within the final preferred version of the DCO and confirmation as to the completion of any necessary side agreement(s), to the satisfaction of the relevant parties, to be submitted at D7; or ii. to explain in detail why it has not been possible to agree the protective provisions and confirm the completion of any necessary side agreement(s). <p>The ExA would urge the Applicant and National Grid Carbon/ National Grid Ventures to resolve these matters as a matter of urgency and would remind them that the ExA will be unable to consider any matters resolved after the close of the Examination in its Recommendation Report to the Secretary of State. This would include any agreement as to protective Provisions, side agreement or interface agreement received after the close of the Examination.</p>
11.	The Applicant/ NGET/ NGG	<p>The SoCG between The Applicant/ NGET and NGG submitted at D6 [REP6-009] states:</p> <p><i>"It is agreed that the protective provisions for electricity and gas in Schedule 10 of the dDCO adequately match the standard protective provisions of National Grid Electricity Transmission plc and National Grid Gas plc subject to the Applicant deleting it's suggested additional provision at Schedule 10 clause 12(6) of the dDCO and including an additional protection so that if a street in, on, under of over which it has apparatus is</i></p>

	Question to:	Question:
		<p><i>temporarily stopped up pursuant to Article 13 (Agreement with Street Authorities)...”.</i></p> <p>However, the ExA would question whether the parties mean Schedule 10 clause 12(6) as this clause does not appear to exist. Please clarify.</p>
12.	NLC	In the light of the Applicant’s Outline Written Scheme of Investigation submitted at D6a [REP6a-018], can NLC confirm that it is now satisfied with the Applicant’s approach in regard to archaeology and that the concerns raised in NLC’s Local Impact Report related to archaeology have been adequately addressed.
13.	NLC	NLC’s response to ExQ2 Q2.16.1 [REP6-030] is noted, as is the response from the Applicant [REP6-016]. The ExA would ask NLC to confirm whether it agrees with the Applicant’s response in this regard.
14.	C&RT	The Applicant’s ‘Responses to D6 Submissions, Rule 17 Request of 25 April 2022, and ExQ 1.16.32, 2.1.1, 2.6.4 and 2.6.5’ [REP6a-028] is noted, including its response to the C&RT’s D6 submission [REP6-032] in regard to the Wharf Management Plan (See Table 2.2, Page 12/ 13). The ExA would ask the C&RT whether it is satisfied with the Applicant’s response in this regard, and whether the current version of the preferred draft DCO [REP6a-034] adequately addresses its concerns in this regard.