

Date: 26 April 2022
PINS Ref: EN010114
DWD Ref: 14592

George Harrold
Case Manager
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol BS1 6PN

6 New Bridge Street
London EC4V 6AB
T: 020 7489 0213
F: 020 7248 4743
E: info@dwdllp.com

Dear George,

KEADBY 3 CARBON CAPTURE POWER STATION PROJECT – APPLICATION BY KEADBY GENERATION LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE KEADBY 3 CARBON CAPTURE POWER STATION – LAND AT THE KEADBY POWER STATION SITE, TRENTSIDE, KEADBY, SCUNTHORPE, LINCOLNSHIRE, DN17 3EF

THE PLANNING ACT 2008

MODIFICATION TO THE CHANGE REQUEST SUBMITTED 5 APRIL 2022

The Applicant writes in relation to the Proposed Development Changes which were formally submitted to the Examining Authority ('ExA') on 5 April 2022 in a Cover Letter [REP5-019] and associated documents. The ExA issued a Rule 17 letter dated 13 April 2022 [PD-017] which acknowledged the formal request to make changes to its application for a Development Consent Order (DCO) and sought further information from the Applicant in a series of questions 1-4 to the Applicant along with questions to other interested parties.

Following further internal discussions and considerations of the Proposed Development Changes the Applicant hereby withdraws Proposed Development Change No. 2 (Changes to the Additional Abnormal Indivisible Load Route). The remaining Proposed Development Changes as applied for on 5 April 2022 are unchanged and a summary of the Change Request as hereby modified is provided in Table 1 below.

Table 1: Summary of Proposed Development Changes

Change No.	Proposed Change
1	Inclusion of riverbed within the Waterborne Transport Offloading Area (Railway Wharf).
2	Changes to the Additional Abnormal Indivisible Load Route, largely within SSE land and all within existing Order Limits.
3	Increase to the maximum heights of the carbon dioxide absorbers/ stacks, if two are installed.
4	Increase to the maximum heights of the carbon dioxide stripper column.
5	Increase in proposed soil import volumes to create a suitable development platform.

Partners

R J Greeves BSc (Hons) MRICS
G Bullock BA (Hons) BPL MRTPI
A Vickery BSc MRICS IRRV (Hons)
S Price BA (Hons) DipTP MRTPI

A R Holden BSc (Hons) FRICS
G Denning B.Eng (Hons) MSc MRICS
B Murphy BA (Hons) MRUP MRTPI
A Meech BSc MRICS
S Page BA MA (Cantab) MSc MRTPI

P Roberts FRICS CEnv
T Lodeiro BA (Hons) PGDip MSc MRICS
A Pilbrow BSc (Hons) MRICS IRRV(Hons)
C Turnbull BSc (Hons) MSc MRTPI



The Applicant submits alongside this letter:

- A resubmitted Proposed Development Changes: Document Schedule (Document Ref. 10.2) which sets out the documents previously submitted as part of the Proposed Development Changes Application that have been, or are to be, updated as a result of the removal of Proposed Development Change No. 2, and those that remain as per the 5 April submitted, or are reverting to the previous version (ie withdrawn). For those updated documents not submitted alongside this letter, it also sets out when they will be submitted to the ExA following a decision on the Change Request. This replaces the previously submitted Document Schedule (Document Ref. 10.2) submitted at Deadline 5;
- Resubmitted Site Location Plan, Works Plans, Access and Rights of Way Plans, Land Plans, Crown Land Plans, and SSE Land Ownership Plans (as detailed in the Document Schedule);
- Resubmitted Book of Reference (Tracked and Clean);
- A resubmitted Proposed Development Changes Draft Development Consent Order (Tracked and Clean versions). This also includes various updates in respect of submissions at Deadline 5 by MMO and discussions with NLC arising during SoCG finalisation;
- At Appendix 1 to this letter, a statement from AECOM in relation to EIA and Biodiversity Net Gain considerations regarding the withdrawal of Change No. 2.

The Applicant has therefore submitted all of the necessary information to include in a request to make a material change to an application after it has been accepted for examination, as set out in Figure 3 of Advice Note 16: How to request a change which may be material, as previously set out in the Proposed Development Changes Application Cover Letter [REP5-019] dated 5 April 2022.

The Applicant also is pleased to provide at Appendix 2 to this letter its responses to the ExA's Rule 17 Letter – Request for Further Information [PD-017] dated 13 April 2022.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

DWD

Appendix 1 – Statement from AECOM in relation to EIA and Biodiversity Net Gain regarding the withdrawal of Change No. 2

This document highlights the detail for the Resubmitted Change Request to the change application submitted at D5, 5th April 2022.

Due to the Rule 17 letter received 13th April 2022, we wish to withdraw Change 2: Changes to the Additional AIL Route (Work No. 10A) (Contractor/ outage compound area, east of Keadby 1 Power Station and north of Keadby 1 Power Station);

The impact of the removal of this requested change has been considered for all EIA ES Addendum chapters and the updated Biodiversity Net Gain assessment. All assessments have been undertaken on a worst case basis and for the ES Addendum chapters, the proposed removal of this change either reduces the environmental effects from those presented in the ES Addendum or results in no change in the reported effects. Similarly, for the Biodiversity Net Gain calculations, the proposed removal of Change 2 would not change the level of BNG enhancement achieved on site, as the area of the Site associated with Change 2 does not include any area identified for habitat improvement.

Appendix 2 – Applicant’s Response to ExA’s Rule 17 Questions dated 13 April 2022 [PD-017]

1 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.

1.1 The altered plot entries in the BoR [REP5-24] can be summarised as follows:

- (a) Plots 116, 118 and 119 were increased to accommodate the extension to the Abnormal Indivisible Load route proposed as part of the scheme changes application; and
- (b) Plot 156 and 172 was increased to accommodate larger delivery vessels, which if moored for the full tide cycle, could require the use of the seabed; this land is Crown Land.

1.2 The Applicant has reviewed the need for the extended ALL route and, on the basis it was sought as an additional resilience measure for construction purposes, has concluded it will not pursue this element of the change application. Plots 116, 118 and 119 will therefore revert to the original scope of land take and the Book of Reference and Land Plans will be updated accordingly.

2 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?

2.1 As identified above, on the basis that the ALL extended route is being removed from plots 116, 118 and 119 and reverting to the original position, no additional land is being sought.

2.2 In relation to Plots 156 and 172, the Land Plan and Book of Reference will be updated to identify the additional land as a separate plot, known as 156a and 172a. The extent of the rights of the Environment Agency (for maintenance of the River Trent) and for the Canal and River Trust relate only to rights of access. Notwithstanding these interests, as plots 156a and 172a are Crown Land, the Applicant cannot compulsorily acquire an interest in the Crown Land, none of the Crown Land plots are therefore identified in Schedule 6 (*New Rights*) or Schedule 8 (*Land of which Temporary Possession may be taken*). Accordingly no powers of compulsory acquisition are included in the Order over these plots and there is no need for consent to be obtained. The use of Crown Land is subject to on-going private treaty discussions.

3 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.

- 3.1 The Applicant can confirm that the remaining additional land is plot 156a and 172a. As explained above, this is Crown Land and powers of compulsory acquisition are not sought over this land. Regulation 2 of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (IPC Regulations) defines "additional land" as

"land which it is proposed shall be subject to compulsory acquisition and which was not identified in the book of reference submitted with the application as land."

- 3.2 Accordingly, as the land is not proposed to be subject to compulsory acquisition, Regulations 6 to 19 of the IPC Regulations are not engaged.

4 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].

- 4.1 The Applicant can confirm that, in accordance with the requirements of Section 58 of the Planning Act 2008, it submitted a certificate confirming compliance with S56 of the Planning Act on 8 September 2021. There is no statutory provision which requires additional S56 certificates to be issued in relation to changes made to the application. The Applicant considers that the requirements of S56 and S58 have therefore been met.