

# KEADBY 3 CARBON CAPTURE POWER STATION

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A collaboration between **SSE Thermal** and **Equinor**

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**The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order**

**Land at and in the vicinity of the Keadby Power Station site,  
Trentside, Keadby, North Lincolnshire**

**Statement of Common Ground with North  
Lincolnshire Council (Deadline 6)**

**The Planning Act 2008**

**Applicant: Keadby Generation Limited**

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## GLOSSARY

<b>Abbreviation</b>	<b>Description</b>
ADMS	Atmospheric Dispersion Modelling System
AGI	Above ground installation
AIL	Additional Abnormal Indivisible Load
AQMAU	Air Quality Modelling and Assessment Unit
BAT	Best available techniques
CCGT	Combined Cycle Gas Turbine
CCP	Carbon dioxide capture plant
CEMP	Construction Environmental Management Plan
CHP	Combined heat and power
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
FFL	Finished floor level
FRA	Flood Risk Assessment
HP	High pressure
HRSG	Heat Recovery Steam Generator
LBMEP	Landscaping and Biodiversity Management and Enhancement Plan
MW	megawatts
NLC	North Lincolnshire Council
NSIP	Nationally Significant Infrastructure Project
PCC	Proposed Power and Carbon Capture

Abbreviation	Description
PINS	Planning Inspectorate, The
SoCG	Statement of Common Ground
WFD	Water Framework Directive
ZCH	Zero Carbon Humber

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## 1.0 INTRODUCTION

### 1.1 Overview

- 1.1.1 This Statement of Common Ground ('SoCG') (**Application Document Ref. 8.1**) has been prepared on behalf of Keadby Generation Limited ('the Applicant') which is a wholly owned subsidiary of SSE plc and North Lincolnshire Council ('NLC'). It forms part of the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy, under Section 37 of 'The Planning Act 2008' (the '2008 Act').
- 1.1.2 The Applicant is seeking development consent for the construction, operation and maintenance of a new low carbon Combined Cycle Gas Turbine (CCGT) Generating Station ('the Proposed Development') on land at, and in the vicinity of, the existing Keadby Power Station, Trentside, Keadby, Scunthorpe DN17 3EF (the 'Proposed Development Site').
- 1.1.3 The Proposed Development is a new electricity generating station of up to 910 megawatts (MW) gross electrical output, equipped with carbon capture and compression plant and fuelled by natural gas, on land to the west of Keadby 1 Power Station and the (under commissioning) Keadby 2 Power Station, including connections for cooling water, electrical, gas and utilities, construction laydown areas and other associated development. It is described in **Chapter 4: The Proposed Development of the Environmental Statement (ES) (ES Volume I - APP-047)**.
- 1.1.4 The Proposed Development falls within the definition of a 'Nationally Significant Infrastructure Project' (NSIP) under Section 14(1)(a) and Sections 15(1) and (2) of the 2008 Act, as it is an onshore generating station in England that would have a generating capacity greater than 50MW electrical output (50MWe). As such, a DCO application is required to authorise the Proposed Development in accordance with Section 31 of the 2008 Act.
- 1.1.5 The DCO, if made by the SoS, would be known as 'The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order' ('the Order').

### 1.2 The Proposed Development

- 1.2.1 The Proposed Development will work by capturing carbon dioxide emissions from the gas-fired power station and connecting into the Humber Low Carbon Pipelines project pipeline network, being promoted by National Grid Carbon Limited (NGCL), for onward transportation to the Endurance storage site under the North
- 1.2.2 The Proposed Development would comprise a low carbon gas fired power station with a gross electrical output capacity of up to 910MWe and associated buildings, structures and plant and other associated development defined in

Schedule 1 of the draft DCO (**APP-005**) as Work No. 1 – 11 and shown on the Works Plans (**APP-012**).

1.2.3 At this stage, the final technology selection cannot yet be made as it will be determined by various technical and economic considerations and will be influenced by future UK Government policy and regulation. The design of the Proposed Development therefore incorporates a necessary degree of flexibility to allow for the future selection of the preferred technology in the light of prevailing policy, regulatory and market conditions once a DCO is made.

1.2.4 The Proposed Development will include:

- a carbon capture equipped electricity generating station including a CCGT plant (**Work No. 1A**) with integrated cooling infrastructure (**Work No. 1B**), and carbon dioxide capture plant (CCP) including conditioning and compression equipment, carbon dioxide absorption unit(s) and stack(s) (**Work No. 1C**), natural gas receiving facility (**Work No. 1D**), supporting uses including control room, workshops, stores, raw and demineralised water tanks and permanent laydown area (**Work No. 1E**), and associated utilities, various pipework, water treatment plant, wastewater treatment, firefighting equipment, emergency diesel generator, gatehouse, chemical storage facilities, other minor infrastructure and auxiliaries/ services (all located in the area referred to as the 'Proposed Power and Carbon Capture (PCC) Site' and which together form **Work No. 1**);
- natural gas pipeline from the existing National Grid Gas high pressure (HP) gas pipeline within the Proposed Development Site to supply the Proposed PCC Site including an above ground installation (AGI) for National Grid Gas's apparatus (**Work No. 2A**) and the Applicant's apparatus (**Work No. 2B**) (the 'Gas Connection Corridor');
- electrical connection works to and from the existing National Grid (National Grid Electricity Transmission) 400kV Substation for the export of electricity (**Work No. 3A**) (the 'Electrical Connection Area to National Grid 400kV Substation');
- electrical connection works to and from the existing Northern Powergrid 132kV Substation for the supply of electricity at up to 132kV to the Proposed PCC Site, and associated plant and equipment (**Work No. 3B**) (the 'Potential Electrical Connection to Northern Powergrid 132kV Substation');
- Water Connection Corridors to provide cooling and make-up water including:
  - underground and/ or overground water supply pipeline(s) and intake structures within the Stainforth and Keadby Canal, including temporary cofferdam (**Work No. 4A**) (the 'Canal Water Abstraction Option');

- in the event that the canal abstraction option is not available, works to the existing Keadby 1 power station cooling water supply pipelines and intake structures within the River Trent, including temporary cofferdam (**Work No. 4B**) (the 'River Water Abstraction Option'); and
  - works to and use of an existing outfall and associated pipework for the discharge of return cooling water and treated wastewater to the River Trent (**Work No. 5**) (the 'Water Discharge Corridor');
  - towns water connection pipeline from existing water supply within the Keadby Power Station for potable water (**Work No. 6**);
  - above ground carbon dioxide compression and export infrastructure comprising an above ground installation (AGI) for the undertaker's apparatus including deoxygenation, dehydration, staged compression facilities, outlet metering, and electrical connection (**Work No. 7A**) and an (AGI) for NGCL apparatus (**Work No. 7B**);
  - new permanent access from A18, comprising the maintenance and improvement of an existing private access road from the junction with the A18 including the western private bridge crossing of the Hatfield Waste Drain (**Work No. 8A**) and installation of a layby and gatehouse (**Work No. 8B**), and an emergency vehicle and pedestrian access road comprising the maintenance and improvement of an existing private track running between the Proposed PCC Site and Chapel Lane, Keadby and including new private bridge (**Work No. 8C**);
  - temporary construction and laydown areas including contractor facilities and parking (**Work No. 9A**), and access to these using the existing private roads from the A18 and the existing private bridge crossings, including the replacement of the western existing private bridge crossing known as 'Mabey Bridge' over Hatfield Waste Drain (**Work No. 9B**) and a temporary construction laydown area associated with that bridge replacement (**Work No. 9C**);
  - temporary retention, improvement and subsequent removal of an existing Additional Abnormal Indivisible Load Haulage Route (**Work No. 10A**) and temporary use, maintenance, and placement of mobile crane(s) at the existing Railway Wharf jetty for a Waterborne Transport Offloading Area (**Work No. 10B**);
  - landscaping and biodiversity enhancement measures (**Work No. 11A**) and security fencing and boundary treatments (**Work No. 11B**); and
  - minor associated development.
- 1.2.5 The Applicant will be responsible for the construction, operation (including maintenance) and eventual decommissioning of the Proposed Development, with the exception of the National Grid Gas compound works (**Work No. 2A**) within the gas reception facility, the works within the National Grid Electricity Transmission 400kV substation (part of **Work No. 3A**), the works within the



Northern Powergrid 132kV substation (part of **Work No. 3B**), and the National Grid Carbon compound works (**Work No. 7B**), which will be the responsibility of those named beneficiaries.

- 1.2.6 The Proposed Development includes the equipment required for the capture and compression of carbon dioxide emissions from the generating station so that it is capable of being transported off-site. NGCL will be responsible for the development of the carbon dioxide pipeline network linking onshore power and industrial facilities, including the Proposed Development, in the Humber Region. The carbon dioxide export pipeline does not, therefore, form part of the Proposed Development and is not included in the Application but will be the subject of separate consent application(s) to be taken forward by NGCL
- 1.2.7 The Proposed Development is designed to be capable of operating 24 hours per day, 7 days a week, with plant operation dispatchable to meet electricity demand and with programmed offline periods for maintenance. It is anticipated that in the event of CCP maintenance outages, for example, it could be necessary to operate the Proposed Development without carbon capture, with exhaust gases from the CCGT being routed via the Heat Recovery Steam Generator (HRSG) stack.
- 1.2.8 Various types of associated and ancillary development further required in connection with and subsidiary to the above works are detailed in Schedule 1 'Authorised Development' of the draft DCO (**APP-005**). This along with **Chapter 4**: The Proposed Development in the ES Volume I (**APP-047**) provides further description of the Proposed Development. The areas within which each numbered Work (component) of the Proposed Development are to be built are defined by the coloured and hatched areas on the Works Plans (**APP-012**).

### 1.3 The Proposed Development Site

- 1.3.1 The Proposed Development Site (the 'Order Limits') is located within and near to the existing Keadby Power Station site near Scunthorpe, Lincolnshire and lies within the administrative boundary of North Lincolnshire Council (NLC). The majority of land is within the ownership or control of the Applicant (or SSE associated companies) and is centred on national grid reference 482351, 411796.
- 1.3.2 The existing Keadby Power Station site currently encompasses the operational Keadby 1 and Keadby 2 Power Station (under commissioning) sites, including the Keadby 2 Power Station Carbon Capture and Readiness reserve space.
- 1.3.3 The Proposed Development Site encompasses an area of approximately 69.4 hectares (ha). This includes an area of approximately 18.7ha to the west of Keadby 2 Power Station in which the generating station (CCGT plant, cooling infrastructure and CCP) and gas connection will be developed (the Proposed PCC Site).

1.3.4 The Proposed Development Site includes other areas including:

- high pressure gas pipeline to supply the CCGT including a gas compound for NGG apparatus and a gas compound for the Applicant's apparatus;
- the National Grid 400kV Substation located directly adjacent to the Proposed PCC Site, through which electricity generated by the Proposed Development will be exported;
- Emergency Vehicle Access Road and Potential Electrical Connection to Northern Powergrid Substation;
- Water Connection Corridors:
  - Canal Water Abstraction Option which includes land within the existing Keadby Power Station site with an intake adjacent to the Keadby 2 Power Station intake and pumping station and interconnecting pipework;
  - River Water Abstraction Option which includes a corridor that spans Trent Road and encompasses the existing Keadby Power Station pumping station, below ground cooling water pipework, and infrastructure within the River Trent; and
  - a Water Discharge Corridor which includes an existing discharge pipeline and outfall to the River Trent and follows a route of an existing easement for Keadby 1 Power Station;
- an existing river wharf at Railway Wharf (the Waterborne Transport Offloading Area) and existing temporary haul road into the into the existing Keadby 1 Power Station Site (the 'Additional Abnormal Indivisible Load (AIL) Route');
- a number of temporary Construction Laydown Areas on previously developed land and adjoining agricultural land; and
- land at the A18 Junction and an existing site access road, including two existing private bridge crossings of the Hatfield Waste Drain lying west of Palfrey Farm (the western of which is known as Mabey Bridge, to be replaced, and the eastern of which is termed Skew Bridge) and an existing temporary gatehouse, to be replaced in permanent form.

1.3.5 In the vicinity of the Proposed Development Site the River Trent is tidal. Therefore, parts of the Proposed Development Site are within the UK marine area. No harbour works are proposed.

1.3.6 Further description of the Proposed Development Site and its surroundings is provided in **Chapter 3: The Site and Surrounding Area** in ES Volume I (**APP-046**).

## 1.4 The Proposed Development Changes

1.4.1 On 5 April 2022 the Applicant submitted a request for the following changes to the Proposed Development, together known as ‘the Proposed Development Changes’.

1.4.2 The Proposed Development Changes have resulted from design contractor involvement, which has continued to refine the detail of this ‘First of a Kind’ Project implementation.

- Change No. 1 - Inclusion of riverbed within the Waterborne Transport Offloading Area (Railway Wharf)
- Change No. 2 - Changes to the Additional Abnormal Indivisible Load Route, largely within SSE land and all within existing Order Limits (subsequently withdrawn by the Applicant on 26 April 2022).
- Change No. 3 - Increase to the maximum heights of the carbon dioxide absorbers/ stacks, if two are installed.
- Change No. 4 - Increase to the maximum heights of the carbon dioxide stripper column.
- Change No. 5 - Increase in proposed soil import volumes to create a suitable development platform.

1.4.1 With the Proposed Development Changes, the Proposed Development Site would cover an area of 69.7 hectares (ha) (a minor increase of 0.3ha in the amount of the Applicant’s land required).

1.4.2 At the time of writing the Examining Authority has not determined whether to accept the Proposed Development Changes into examination and has issued questions to the Applicant and Canal and River Trust and Natural England dated 13 April 2022 (PD-017).

## 1.5 The Development Consent Process

1.5.1 As a NSIP project, the Applicant is required to seek a DCO to construct, operate and maintain the generating station, under Section 31 of the 2008 Act. Sections 42 to 48 of the 2008 Act govern the consultation that the promoter must carry out before submitting an application for a DCO and Section 37 of the 2008 Act governs the form, content and accompanying documents that are required as part of a DCO application.

1.5.2 An application for development consent for the Proposed Development has been submitted to and accepted for examination by the Planning Inspectorate (PINS) acting on behalf of the Secretary of State. PINS is now examining the Application and will make a recommendation to the Secretary of State, who will then decide whether to make (grant) the DCO.

## 1.6 The Purpose and Structure of this Document

1.6.1 The purpose of this document is to summarise clearly the agreements reached between the parties on matters relevant to the examination of the Application and to assist the Examining Authority. It has been prepared with regard to the guidance in 'Planning Act 2008: examination of application for development consent' (Department for Communities and Local Government, March 2015).

1.6.2 This version updates and supersedes the SoCG submitted at Deadline 1.

1.6.3 The document is structured as follows:

- Section 2 – sets out the correspondence sent by both parties up until the submission of the Application;
- Section 3 – sets out the matters agreed between the parties during the pre-application stage in respect of the Application;
- Section 4 - sets out the matters agreed between the parties during the pre-examination stage in respect of the Application;
- Section 5 – sets out the matters agreed between the parties during the examination stage in respect of the Application; and
- Section 6 –sets out the matters agreed between the parties in relation to the Proposed Changes Application.

## 2.0 SUMMARY OF CORRESPONDENCE

2.1.1 The below Table 2.1 contains a record of key correspondence between the Applicant and NLC pertinent to this Statement of Common Ground. Correspondence and engagement since the start of examination is not included.

**Table 2.1: Summary of Correspondence**

Date	Correspondence
26/06/2020	<p>NLC response to PINS EIA Scoping Opinion Consultation.</p> <p>A copy of the response can be found at pages 148 – 161 of the Environmental Statement Volume II – Appendix 1B: Scoping Opinion (Application Document Ref. 6.3.2) (Examination Library Ref. APP-066).</p>
24/11/2020	<p>Applicant Section 42 consultation.</p> <p>A copy of the letter template sent for the Section 42 consultation can be found at pages 336 – 342 of the Consultation Report (Application Document Ref. 5.1) (Examination Library Ref. APP-030).</p>
01/2021	<p>Engagement with NLC Historic Environment Officer to agree the proposed scope and Written Scheme of Investigation (WSI) for a programme of archaeological investigations to be undertaken prior to submission of the application.</p>
19/01/2021	<p>NLCH Environment Officer was contacted via telephone to confirm the scope of works for the hand auger survey, the results of which are presented in Appendix 15B (Examination Library Ref. APP-094).</p>
20/01/2021	<p>Section 42 Consultation response from NLC. Comprised a summary consultation response along with copies of responses from internal technical consultees including Spatial Planning, Environmental Health, Ecology/ Landscape, Highways, Historic Environment Record and the Lead Local Flood Authority.</p> <p>A copy of the consultation response can be found at pages 400 – 403 of the Consultation Report (Application Document Ref. 5.1) (Examination Library Ref. APP-030).</p>
11/03/2021	<p>Following the completion of the geoarchaeological hand auger survey, the HEO for NLC was contacted</p>

Date	Correspondence
	to discuss the results and agree the requirement for additional investigation, prior to submission of the DCO.
29/03/2021	Applicant Section 42 re-consultation.  A copy of the letter template sent for the Section 42 consultation can be found at pages 550 – 557 of the Consultation Report (Application Document Ref. 5.1) (Examination Library Ref. APP-030).
12/05/2021	Response from the NLC Highways Team following meeting.  A copy of this response is included at Appendix 1 of this Statement.
19/05/2021	Responses from NLC Planning Officer regarding planning history and the discharge of requirements.  Copies of these emails can be found at Appendix 2 of this Statement.
23/06/2021	Response from LLFA on review of concept drainage strategy for Proposed Development.
27/07/2021	Applicant Section 56 Notification.  A copy of the letter template sent for the Section 56 Notice can be found at Examination Library Ref. OD-005.
07/2021 – 08/2021	Post-submission engagement with technical consultees including NLC Historic Environment and Contaminated Land Officers to help with signposting of documents and other clarifications.

### 3.0 MATTERS AGREED DURING PRE APPLICATION STAGE

3.1.1 The below Table 3.1 contains a list of ‘matters agreed’ correct at the date of the submission of the Application (1 June 2021) along with a concise commentary of what the item refers to and how it came to be agreed between the two parties.

**Table 3.2: List of Matters Agreed during Pre-Application Stage**

Matter Agreed	Commentary
Need for and principle of the development at this location	<p>NLC confirmed by letter on 20 January 2021 (in response to the Section 42 Consultation) that it did not wish to raise any objection to the principle of the proposed scheme at that time.</p> <p>Furthermore, NLC confirmed their support for the principle of low carbon energy production and its role in achieving the policies set out in the NPPF, UK Clean Growth Strategy, Environmental Bill, Humber Clean Growth Strategy, North Lincolnshire Core Strategy and North Lincolnshire Local Plan Preferred Options.</p>
Principles regarding the proposed access arrangements	<p>The Applicant’s preference is to use the A18 Mabey Bridge access (and skew bridge access at the A18, grid reference 480445,410012) for construction. The principle of using the existing A18 Mabey Bridge access (grid reference 480330,410021) for permanent operational traffic is acceptable as is the replacement of the current temporary bridge with a broadly like for like replacement, as agreed with NLC in January 2021.</p> <p>The Applicant has acknowledged that some Abnormal Indivisible Loads (AIL) might be brought into the site via the A161 Bonnyhale Road, however in January 2021 NLC has expressed a preference the number of these movements to be limited and the skew bridge access prioritised for these, where it is practical to do so and other abnormal load routes are unsuitable. NLC is also supportive of proposals to transport the AILs by water as much as possible.</p> <p>Designs tabled by the Applicant with NLC in May 2021 for this junction are broadly acceptable subject to agreement of slight deviations from DMRB standard, and future agreement regarding permanent speed limit. The junction design is suitable for 60mph operation and this is NLC’s preference (because the road is designed for this speed)</p>



Matter Agreed	Commentary
	<p>but the Applicant's stage 1 road safety audit recommendation of a 40mph permanent limit is being considered further by the Applicant. It is agreed that TTRO powers will not be included in the Draft DCO.</p>
<p>Adequacy of consultation</p>	<p>NLC was consulted informally and formally by the Applicant ahead of its Stage 1 (Non Statutory) and Stage 2 (Statutory) consultation exercises, in regards the content and scope of consultation strategy and the Statement of Community Consultation (SoCC) respectively. Comments were not received and these strategies were implemented unaltered, with no material difficulties encountered. It is agreed that the Applicant consulted an appropriate geographical area using newsletters and an appropriate variety of traditional and digital methods, with appropriate flexibility of methods given the ongoing practical limitations afforded by the coronavirus pandemic, and allowed considerably longer timescales for responses than the statutory minimum. The Applicant provided NLC with information on the statutory consultation carried out for the project under sections 42, 47 and 48 of the Planning Act 2008 on 10 May 2021. NLC has formed the view (e-mail, 26 May 2021) as follows: <i>"the pre-application consultation undertaken in respect of the Keadby 3 project is acceptable and adequate to comply with the statutory requirements in this regard set out in the Planning Act 2008. The SoCC produced for this scheme applies an appropriate flexible approach to consultation given the unusual circumstances that have been presented by the COVID-19 virus and the associated Government restrictions. Furthermore, I can confirm that the LPA are content that the more recent, targeted s42 consultation undertaken in respect of the minor changes to the order limits was both adequate and proportionate to the nature of the changes proposed."</i> This is set out in the NLC Adequacy of Consultation Representation (Examination Library Ref. AoC-005).</p>
<p>Planning history of the Proposed Development Site</p>	<p>NLC have reviewed and confirmed (19 May 2021) the list of previous planning applications prepared by the Applicant. The Applicant has set this out in Table 2.1 of the Planning Statement (Application Document Ref. 5.5) (Examination Library Ref APP-034).</p>



<b>Matter Agreed</b>	<b>Commentary</b>
Cumulative scheme list for EIA	It is agreed that the list of schemes of relevance to the cumulative effects assessment in Chapter 19 of ES Volume 1 (Application Document Ref. 6.2) (Examination Library Ref. APP-043) is comprehensive with respect to those within NLC's area, as set out by NLC in January 2021.
Interpretation of planning policy hierarchy and key policies of relevance	NLC provided relevant planning policies from the Local Plan 2003 and Core Strategy in their response to the Section 42 consultation on 18 January 2021. This has been reflected in the Planning Statement (Application Document Ref. 5.5) (Examination Library Ref. APP-034) in the application.
Planning History	The Applicant provided a list of past planning decisions for the land within the proposed Order Limits on 5 May 2021 based on the online public register along with information held by the Applicant relating to historical consents at Keadby Power Station. This has been reviewed and NLC have confirmed they do not have further substantive information to add to this list.
The general acceptability of extending the time-limited haul road planning permission and the Pilsfrey laydown planning permission through the DCO	Separately to the DCO application, on 1 April 2021 NLC approved a variation to the Haul Road planning permission (Ref. PA/2021/188) which permitted the extended use of the road until such a time as either Keadby 3 construction is finished or the DCO is not taken forward by the Applicant. It is desirable in planning terms that this haul road is retained so long as is reasonably necessary for the use of the Keadby 3 project and thereby facilitate the movement of abnormal indivisible loads by water, reducing road transport. In addition, NLC approved (on 23 November 2018, reference PA/2018/1950) a time limited permission for the surfacing and use of an area of land for parking and construction laydown, adjacent to the North Pilsfrey Bridge. It is desirable in planning terms that this surfaced area is retained so long as is reasonably necessary for the use of the Proposed Development and thereby maximise the use of previously developed land. Decision notices for both of the above-mentioned planning applications can be found appended to the Planning Statement (Application Document Ref. 5.5) (Examination Library Ref. APP-034). It is therefore agreed that it is appropriate in principle to provide powers within the Draft DCO (Application

<b>Matter Agreed</b>	<b>Commentary</b>
	<p>Document Ref. 2.1) (Examination Library Ref. APP-005) to retain and not restore this land until the Proposed Development has been commissioned. It is agreed that a power that requires restoration in the event that the Proposed Development does not come forward, and requirements that carry over of the controls and mitigations within the conditions on these planning permissions, are appropriate in the Draft DCO.</p>
<p>EIA &amp; TA methodology</p>	<p>The comments provided by NLC in their scoping response and S42 consultation response, and TA scoping response, constitute NLC's views on EIA and TA methodology. NLC is satisfied with the EIA and TA methodology employed.</p>
<p>Overall approach to biodiversity net gain</p>	<p>The Applicant has provided appropriate opportunities to the NLC ecology officer to comment on the overall landscaping and biodiversity management and enhancement plan. NLC is supportive of the siting choices made with regard to biodiverse habitats on the SSE estate in Keadby; the biodiversity led approach that seeks up to 10% net gain on the V2.0 Defra metric available at the time of assessment; and the pre application technical engagement carried out.</p>
<p>Procedure for discharge of DCO requirements</p>	<p>The Applicant provided a draft of the procedure for the discharge of DCO requirements to NLC during the pre application stage. This is based on a procedure that was agreed for a recent DCO in NLC's administrative area (Schedule 10 of the Immingham Open Cycle Gas Turbine Order 2020). NLC provided comments (19 May 2021) requesting a 21-day period to request additional information regardless of whether external consultation is necessary. This suggestion has been accepted by the Applicant and is reflected in the procedure set out in Schedule 9 of the Draft DCO submitted with the DCO Application (Application Document Ref. 2.1) (Examination Library Ref. APP-005).</p>

## 4.0 MATTERS AGREED PRIOR TO EXAMINATION

4.1.1 The below sections contain matters agreed correct at the date of the Preliminary Meeting for the Application (07 December 2021) along with a concise commentary of what the item refers to and how it came to be agreed between the two parties.

### 4.2 Planning Policy of Relevance

4.2.1 The national planning and local development plan policy considered to be relevant to the consideration of the Application is set out below.

#### National planning policy

4.2.2 It is agreed that the following National Policy Statements ‘NPSs’ are relevant to the Application:

- The Overarching NPS for Energy (EN-1);
- The NPS for Fossil Fuel Electricity Generating Infrastructure (EN-2);
- The NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4); and
- The NPS for Electricity Networks Infrastructure (EN-5).

4.2.3 It is agreed that the above NPSs provide the primary basis for decisions by the SoS in relation to the Application.

4.2.4 It is agreed that the following planning policy documents may also be relevant to the consideration of the Application:

- National Planning Policy Framework (July 2021); and
- Planning Practice Guidance.

4.2.5 It is acknowledged that there is a suite of draft NPSs which were published on 6 September 2021 and consulted on until 29 November 2021. However, paragraph 1.6.2 of the Draft Overarching NPS for Energy states:

*“Applications for development consent will have been prepared, and may already be in examination, in reliance upon the 2011 suite of NPSs (or for nuclear development based on the position set out in the Written Ministerial Statement of 7 December 2017<sup>10</sup>). The Secretary of State has decided that for any application accepted for examination before designation of the 2021 amendments, the 2011 suite of NPSs should have effect in accordance with the terms of those NPS. The 2021 amendments will therefore have effect only in relation to those applications for development consent accepted for examination after the designation of those amendments.”*

### Local development plan policy

- 4.2.6 It is agreed that section 104 of the PA 2008 states that the SoS must have regard to other matters that are 'important and relevant', and it is agreed that that includes local development plan documents. It is also agreed that EN-1 is clear that in the event of any conflict between a NPS and a local development plan document, the NPS prevails for the purpose of SoS decision-making given the national significance of the infrastructure concerned.
- 4.2.7 It is agreed that the following NLC planning policy documents are most relevant to the Proposed Development:
- North Lincolnshire Core Strategy (Adopted June 2011);
  - North Lincolnshire Local Plan (Adopted May 2003) – Saved Policies; and
  - North Lincolnshire Housing and Employment Land Allocations Development Plan Document (Adopted March 2016).
- 4.2.8 It is further agreed that the following policies from each of the above documents are most relevant to the Proposed Development. This list is substantially consistent with the list provided to the Applicant by NLC on 20 January 2021.

### **Core Strategy (2011)**

- Spatial Objective 1 – An Area Wide Renaissance;
- Spatial Objective 4 – Creating Greater Economic Success;
- Spatial Objective 6 – Protecting and Enhancing the World Class Environment;
- Spatial Objective 7 – Efficient Use and Management of Resources;
- Spatial Objective 10 – Creating a Quality Environment;
- CS1 – Spatial Strategy for North Lincolnshire;
- CS2 – Delivering More Sustainable Development;
- CS3 – Development Limits;
- CS5 – Delivering Quality Design in North Lincolnshire;
- CS6 – Historic Environment;
- CS11 – Provision and Distribution of Employment Land;
- CS16 – North Lincolnshire's Landscape, Greenscape and Waterscape;
- CS17 – Biodiversity;

- CS18 – Sustainable Resource Use and Climate Change;
- CS19 – Flood Risk;
- CS20 – Sustainable Waste Management;
- CS25 – Promoting Sustainable Transport;

### **Local Plan (2003)**

- IN10 – Wharves;
- RD2 – Development in the Open Countryside;
- T1 – Location of Development;
- T2 – Access to Development;
- T5 – Green Travel Plans;
- T6 – Pedestrian Routes and Footpaths;
- T8 – Cyclists and Development;
- T14 – The North Lincolnshire Strategic Road Network (NLSRN);
- T18 – Traffic Management;
- T19 – Car Parking Provision and Standards;
- T23 – Water Freight;
- T24 – Road Freight;
- LC1 – Special Protection Areas, Special Areas of Conservation and Ramsar Sites;
- LC2 – Sites of Special Scientific Interest and National Nature Reserves;
- LC4 – Development Affecting Sites of Local Nature Conservation Importance;
- LC5 – Species Protection;
- LC6 – Habitat Creation;
- LC7 – Landscape Protection;
- LC12 – Protection of Trees, Woodland and Hedgerows;
- HE5 – Development affecting Listed Buildings;

- HE9 – Archaeological Evaluation;
- DS1 – General Requirements;
- DS7 – Contaminated Land;
- DS10 – New Hazardous Installations and Pipelines;
- DS11 – Polluting Activities;
- DS12 – Light Pollution;
- DS13 – Groundwater Protection and Land Drainage;
- DS14 – Foul Sewage and Surface Water Drainage;
- DS15 – Water Resources;
- DS16 – Flood Risk; and
- DS17 – Overhead Power Lines and High-Powered Electrical Installations.

4.2.9 It is agreed that there are no policies relevant to the Application in the Humber Area Local Aggregate Assessment Document (2017).

4.2.10 The North Lincolnshire Council SuDS and Flood Risk Guidance Document (2017) was also a key document.

#### Local planning designations

4.2.11 It is agreed that the North Lincolnshire Local Development Framework Core Strategy does not contain any allocations or designations relevant to the Proposed Development or its Site, however, it does denote Keadby Wharf as one of the area's "Ports and Wharves" and policies CS1, CS11, CS12 and CS6 are of relevance.

4.2.12 It is agreed that Keadby Wharf is allocated as a "Wharf Location" in the North Lincolnshire Local Development Framework Housing and Employment Land Allocations DPD, meaning policy IN10 is of relevance. It is agreed that the Proposed Development Site is located largely outside of settlement boundaries although parts of connection routes lie within the settlement limit of Keadby.

4.2.13 The Inset and Proposals Maps related to the North Lincolnshire Local Plan were superseded by the Housing and Employment Land Allocations DPD explained above.

4.2.14 It is agreed that the local development plan is not discouraging of the principle of new energy generating infrastructure at this Site, as confirmed by NLC

confirming they do not wish to raise any objection to the principle of the proposed scheme in their Section 42 response (20 January 2021).

#### North Lincolnshire Emerging Local Plan

- 4.2.15 It is noted that North Lincolnshire Council are currently preparing a New Local Plan and the Regulation 19 Publication Draft has been issued and consultation concluded on 3 December 2021. The current expectations of the Spatial Planning Team regarding the publication of the adopted New Local Plan are December 2022 (at the earliest) to June 2023.
- 4.2.16 Within the spatial vision it is stated that ‘Our economy will be strong and diverse; part of an energy corridor stretching east to west, (encompassing energy production and consumption, steel and process engineering, chemicals and associated logistics) and a food belt corridor from north to south (encompasses growing, logistics, processing and research and development).’
- 4.2.17 It is agreed that the North Lincolnshire’s draft Local Plan is not important or relevant to the Proposed Development.

### **4.3 Environmental Impact Assessment Findings and Committed Mitigation (Construction)**

- 4.3.1 The assessment of environmental effects during the construction of the Proposed Development is set out in the chapters of ES Volume I (Application Document Ref. 6.2) (Examination Library Ref. APP-043) and its appendices in ES Volume II (Application Document Ref. 6.3) (Examination Library Ref. APP-064). The impact assessment findings and committed mitigation related to each chapter is set out below:

#### Air quality

- 4.3.2 Chapter 8: Air Quality (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043) considers potential impacts and effects from the Proposed Development on both human health and ecological receptors. A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 8.6 of said chapter.
- 4.3.3 It is agreed that through the use of standard construction management measures, which reduce dust and emissions from site clearance and site preparation activities, emissions to air from construction activities are assessed to have no significant adverse effects on human or ecological receptors. Such measures would include standard best practice construction measures such as appropriate storage of materials, suppression of dust from soil movement and material storage, cleaning of vehicles and locating construction plant away from sensitive receptors; through control of emissions in the Final CEMP, effects of construction dust are assessed as not significant.



- 4.3.4 It is agreed that based on expected vehicle movements, construction traffic air impacts are considered to be negligible at all human receptors and the effect is therefore assessed as not significant.
- 4.3.5 It is agreed that the impact of abnormal loads (waterborne transport) is considered to be negligible (not significant) due to the limited number of vehicles and river vessels requiring access and the limited duration of activities and the intermittent hours.
- 4.3.6 It is agreed that the environmental effects on air quality from construction of the Proposed Development have therefore been identified as not significant. No additional mitigation other than the use of the CEMP has been identified as necessary for the construction phase of the Proposed Development.
- 4.3.7 It is therefore agreed that there would be no unacceptable impacts upon air quality as a result of the construction of the Proposed Development.
- 4.3.8 It is agreed that the assessment carried out is in accordance with the principles set out in section 5.2 of NPS EN-1, along with any comparable section in EN-2, EN-4 and EN-5.

#### Noise and Vibration

- 4.3.9 A noise and vibration assessment has been undertaken and is presented in Chapter 9: Noise and Vibration (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043). A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 9.3 of said chapter.
- 4.3.10 It is agreed that construction noise effects at all residential NSR during construction of the Proposed PCC Site within core working hours are predicted to be not significant due largely to the distances between the works and the NSR.
- 4.3.11 It is agreed that it may be necessary for some construction activities to take place continuously over day, evening and night periods during peak construction times of the Proposed Development, although the exact nature of the works is unknown at this stage. If construction works take place continuously over night-time periods, assuming the same intensity of working as for the daytime, there would be the potential for significant adverse noise effects at some NSR for works to replace Mabey Bridge, on the Proposed PCC Site and potential connection to the Northern Powergrid 132 kV Substation. Construction activities taking place outside core working hours will therefore be planned, managed and controlled appropriately so they do not exceed the significant observed adverse effect level (SOAEL) threshold values or relevant limit agreed with North Lincolnshire Council.



- 4.3.12 Without mitigation, daytime working in the vicinity of properties on Trent Road, (NSR 4) is predicted to result in significant adverse effects in the short-term during sheet piling in the event that the River Water Abstraction Option is selected during cofferdam installation. This is largely due to the short distance between the closest of the properties in this NSR group to the noise source. Additional mitigation is therefore proposed and may include use of a temporary acoustic barrier, enclosure or other measures.
- 4.3.13 The control of construction noise is proposed to be secured by a Requirement in the draft DCO (Application Document Ref. 2.1) (Examination Library Ref. APP-005). The preferred approach for controlling construction noise and vibration is to reduce levels at source, where reasonably practicable and to use best practicable means (BMP) for construction noise mitigation. On the basis that mitigation is employed such that the relevant noise limits are met and the mitigation measures set out in the CEMP are followed, it is agreed that residual (after mitigation) effects are assessed as minor (not significant). Construction noise will be controlled by the CEMP which will also be secured through a Requirement of the draft DCO. A Framework CEMP is included as Application Document Ref. 7.1 (Examination Library Ref. APP-161).
- 4.3.14 It is agreed that vibration effects resulting from the required sheet piling for cofferdam installation/ removal for both the River Water Abstraction option and Canal Water Abstraction Option are classified as not significant.
- 4.3.15 It is anticipated that there will be either no change or a very low change in road traffic noise due to traffic flows along the construction traffic routes of the Proposed Development. Therefore, it is agreed that effects at local residential NSR are predicted to be not significant.
- 4.3.16 It is agreed that the assessment carried out is in accordance with the principles set out in section 5.11 of NPS EN-1, along with any comparable section in EN-2, EN-4 and EN-5.

#### Biodiversity and Nature Conservation

- 4.3.17 An assessment has been undertaken of the potential effects of the construction, operation (including maintenance) and decommissioning of the Proposed Development on biodiversity and nature conservation in Chapter 11: Biodiversity and Nature Conservation (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043). A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 11.2 of said chapter.
- 4.3.18 The baseline information has been determined through a combination of desk studies and field surveys, detailed within Appendices 11C to 11H (ES Volume II – Application Document Ref. 6.3) (Examination Library Ref. APP-064).

- 4.3.19 It is agreed that through embedded mitigation including restrictions on construction timings, methods (particularly 'soft start' piling), and the duration of and restrictions on the progression of piling should a cofferdam be required in the River Trent, which would be secured in the Final CEMP to be prepared in accordance with the Framework CEMP (Application Document Ref. 7.1) (Examination Library Ref. APP-160), the assessment concludes that there are no likely pathways for significant impacts on the conservation status of relevant fish species using the River Trent.
- 4.3.20 It is agreed that overall, the potential construction effect on the Humber Estuary SSSI, SAC and Ramsar site is assessed as not significant. Any construction works within the (tidal) River Trent would be controlled by a deemed Marine Licence (DML) – a draft of which has been agreed with the Marine Management Organisation (MMO) and is included in the draft DCO (Application Document Ref. 2.1) (Examination Library Ref. APP-005).
- 4.3.21 It is agreed that the highest value habitats within the wider Keadby Power Station have been largely avoided as the Proposed Development Site boundary has been refined. These include nationally important open mosaic habitat (OMH) and acid grassland although very small scale losses of these, and other habitats such as scattered scrub would occur as a result of site clearance. The effect of these minor habitat losses is assessed as not significant.
- 4.3.22 Construction of the Main Site would result in the loss of one minor field drain which is of local biodiversity and nature conservation value. It is agreed that the localised and relatively small-scale permanent construction impacts on other drains would not affect the wider nature conservation status of drain habitats and effects on watercourses is therefore assessed as not significant.
- 4.3.23 It is agreed that no significant effects are predicted on terrestrial species or their conservation status as a consequence of construction activities, based on the absence (or in the case of bats and water vole, low levels of) activity of such species within and near the Proposed Development Site. The potential construction effect on all species is therefore assessed as not significant.
- 4.3.24 It is agreed that the approach to hedgerows losses and gains outline in Chapter 11 of the ES [APP-054] is acceptable. According to sections 4.3.29-4.3.30 of the submitted Preliminary Ecological Appraisal report [APP-078], none of the hedgerows recorded on-site would qualify as "Important" under the Hedgerow Regulations 1997 for ecological reasons. Hedgerows in North Lincolnshire require fewer species to class as "Important", when compared to many other counties. Nevertheless, the hedgerows are all either very young or described as "dominated by common hawthorn", so this assessment appears likely to be correct.
- 4.3.25 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 5.3 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

### Water Environment and Flood Risk

- 4.3.26 An assessment has been undertaken which considers the potential effects of the Proposed Development on the water environment and flood risk, presented in Chapter 12: Water Environment and Flood Risk (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043). A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 12.2 of said chapter.
- 4.3.27 Construction activities such as earthworks, excavations, site preparation, levelling and grading operations can result in the disturbance of soils, and changes to groundwater and surface water runoff and flows which result in impacts upon groundwater and surface water resources. There is a risk that leaks and spillages of hazardous substances could pollute nearby surface watercourses if their use is not carefully controlled and spillages enter existing waterbodies. Through the use of a CEMP and embedded mitigation, including water quality monitoring, no significant adverse effects are predicted for the water environment during construction. It is agreed that the effect on all waterbodies is considered not significant.
- 4.3.28 The localised and temporary impacts on the morphology (shape) of the River Trent and Keadby Canal habitats has been assessed during construction as a result of a cofferdam that would need to be installed in one of these watercourses for the proposed cooling water intake works. It is agreed that the effects are assessed as not significant. Where physical works to other watercourses are required, such as the need for new bridge or service crossings, localised, temporary adverse impacts may occur but the effects of these are assessed as not significant.
- 4.3.29 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 5.7 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

### Geology, Hydrogeology and Land Contamination

- 4.3.30 An assessment has been undertaken which considers the potential effects of the construction, operation (including maintenance) and decommissioning of the Proposed Development on geology, groundwater and land contamination and is presented in Chapter 13: Geology, Hydrogeology and Land Contamination (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043). A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 13.3 of said chapter. A desk-based assessment of historical ground conditions information and information from historical site investigations has been used to identify the potential effects associated with ground conditions using a source-pathway-receptor risk-based approach. This is presented in Appendix 13A: Phase 1 Desk-based Assessment (ES Volume II – Application Document Ref. 6.3) (Examination Library Ref. APP-064).

- 4.3.31 Best practice measures would be adopted to minimise pollution risks including the adoption of working methods to manage contamination risk to soils, groundwater, surface water, implementation of appropriate pollution incident control plans and procedures and the safe storage of fuel, oils and equipment. Requirements of the draft DCO (Application Document Ref. 2.1) (Examination Library Ref. APP-005) provide a scheme to deal with any contamination of land, including groundwater, likely to cause significant harm.
- 4.3.32 It is agreed that impacts will be managed by appropriate construction mitigation measures (which will be outlined in the final CEMP) and as such adverse effects are not anticipated and have been assessed as not significant.
- 4.3.33 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 5.15 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

#### Landscape and Visual Amenity

- 4.3.34 An assessment has been undertaken which considers the potential effects of the construction, operation (including maintenance) and decommissioning of the Proposed Development on landscape character and visual amenity and is presented in Chapter 14: Landscape and Visual Amenity (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043). A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 14.2 of said chapter.
- 4.3.35 The potential landscape impacts of the Proposed Development primarily relate to the visibility of proposed structures (temporary and permanent), including how this affects the overall landscape character of the area. The Proposed Development is assessed as likely to result in a low or very low impact on landscape character during construction, opening and operation because the additional built form is similar to that already within the Keadby Power Station. It is agreed effects on landscape character are assessed as not significant.
- 4.3.36 Changes in views may give rise to adverse or beneficial visual effects, through obstruction in views, alteration of the parts of the view and the opening up of new views by removal of screening. To help to interpret the visual effects of the Proposed Development, a number of photomontages have been prepared which indicate existing baseline views and also representations of the Proposed Development using the maximum proposed heights of key elements in the Proposed Development.
- 4.3.37 A total of 13 agreed viewpoints have been assessed; it is agreed that the majority would experience visual amenity effects that are classified as adverse, but not significant during construction and operation of the Proposed Development. It is agreed that at three of the closest receptors at Viewpoint 1 (Chapel Lane West, Keadby), Viewpoint 2 (Gate Keepers Residence, Vazon

Bridge, Keadby) and Viewpoint 4 (PRoW KEAD9 and KEAD10), effects would be classified as significant due to the introduction of built structures against the skyline, making them more prominent and extending the amount of the view which includes large scale development.

- 4.3.38 It is agreed that opportunity for mitigation of visual amenity effects is limited due to the size and scale of the Proposed Development and construction plant. An integrated design approach for Proposed PCC Site to minimise potential effects has the potential to reduce visual impacts of the Proposed Development.
- 4.3.39 A Landscaping and Biodiversity Management and Enhancement Plan (Application Document Ref. 5.10) (Examination Library Ref. APP-039) accompanies the DCO application which presents proposals for planting, although such planting would not reduce the significance of visual effects at these locations. This is covered below in Section 3.11 of this report.
- 4.3.40 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 5.9 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

#### Cultural Heritage

- 4.3.41 The cultural heritage assessment addresses the potential effects of the Proposed Development on cultural heritage assets. It identifies the location, type and significance of cultural heritage assets and their setting, and reports on the predicted impacts of the Proposed Development on these resources. The assessment considers the likely significance of effects upon cultural heritage assets by reference to their significance and the magnitude of any impacts and is presented in Chapter 15: Cultural Heritage (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043). A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 15.3 of said chapter. A detailed desk-based assessment is presented in Appendix 15A: Cultural Heritage Desk Based Assessment (ES Volume II - Application Document Ref. 6.3) and the results of field investigation undertaken comprising hand augering and geophysical survey are presented in Appendix 15B and Appendix 15C (ES Volume II – Application Document Ref. 6.3) (Examination Library Ref. APP-064).
- 4.3.42 The geophysical survey undertaken identified a number of possible partial enclosures located within the Main Site (Proposed PCC Site). Construction of the Proposed PCC Site would result in permanent ground disturbance due to ground levelling, piling and installation of below ground structures and pipework. This could result in assets being destroyed, resulting in an effect that would be classified as significant.

Mitigation would either comprise preservation in situ (where reasonably practicable to avoid assets through detailed design) or if this is not reasonably



practicable, excavation would provide mitigation in the form of preservation by record. Further stages of archaeological evaluation are proposed by the Applicant to determine the final mitigation strategy. [Socio-economics](#)

- 4.3.43 An assessment has been undertaken of the potential socio-economic impacts of the Proposed Development which considers the potential effects of construction and operation of the Proposed Development. The assessment has taken into account the demographics of the area surrounding the Proposed Development when considering the impacts which are likely to occur. The assessment is presented in Chapter 16: Socioeconomics (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043) and this is accompanied by Appendix 16A: Population and Health signposting (ES Volume II – Application Document Ref. 6.3) (Examination Library Ref. APP-064). A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 16.2 of said chapter.
- 4.3.44 Based on experience of similar projects, the Proposed Development is anticipated to create an average of approximately 776 temporary construction jobs, with a peak of circa 1,300 during the construction period. It is agreed that the net construction employment created by the construction phase of the Proposed Development is predicted to have a major beneficial (significant) short-term effect in the local area through the creation of jobs directly and indirectly, and across a wide range of sectors and skills and benefits for the local economy. Although these jobs are temporary, they would provide a positive economic impact over the circa four-year construction programme. The direct expenditure involved in the construction phase would lead to increased output generated in the local economy (Scunthorpe Travel to Work Area (TTWA)).
- 4.3.45 It is agreed that minor disruption on the local community, businesses and amenity is expected during construction but effects of this are not significant.
- 4.3.46 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 5.12 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

#### Major Accidents and Disasters

- 4.3.47 Chapter 18: Major Accidents and Disasters (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043) presents the assessment of major accidents and disasters (MA&D) that have the potential to arise during the construction and operation of the Proposed Development. A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 18.1 of said chapter. The assessment considers the vulnerability of the Proposed Development to existing hazards and assesses the potential for the Proposed Development to cause significant environmental effects as a result of a major accident.

4.3.48 It is agreed that the engineering design, construction and operation of the Proposed Development will incorporate appropriate standards and mitigation measures necessary to reduce the risks of MA&D to an acceptable level, i.e. as low as is reasonably practicable (ALARP), which is the standard expected by the regulatory authorities (Health and Safety Executive (HSE) and Environment Agency). As well as an Environmental Permit, if appropriate, the operational plant will be regulated under a Control of Major Accident Hazards (COMAH) Licence regulated by the HSE.

4.3.49 It is agreed that it is anticipated that through implementation of appropriate mitigation measures to reduce risks to ALARP (described in Chapter 18: Major Accidents and Disasters (ES Volume I), residual effects on sensitive receptors are not considered likely and effects are therefore assessed as not significant.

3.3.54 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 4.13 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5

#### Cumulative and Combined Effects

4.3.50 The purpose of Chapter 19: Cumulative and Combined Effects (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043) is to provide an assessment of the potential for cumulative and combined effects to occur as a result of the Proposed Development being built and operated at the same time as other committed developments. A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 19.3 of said chapter.

4.3.51 The assessment of combined effects has considered the potential for the effects of minor significance and above, identified within each of the technical assessments reported within Chapters 8 to 18 (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043) to interact and combine to affect common receptors, and it is agreed that there would be no new significant combined effects during either construction or operation of the Proposed Development.

4.3.52 NLC confirm that the short list of developments presented in ES Chapter 19 [APP-062] is agreed. In their Response to the ExA's Written Questions (ExQ1) NLC stated their agreement with the short list presented in "ES Chapter 10" (sic).

4.3.53 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 4.2 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

#### 4.4 Environmental Impact Assessment Findings and Committed Mitigation (Operation)

4.4.1 The assessment of environmental effects during the operation of the Proposed Development is set out in the chapters of ES Volume I (Application Document Ref. 6.2) (Examination Library Ref. APP-043) and its appendices in ES Volume II (Application Document Ref. 6.3) (Examination Library Ref. APP-064). The impact assessment findings and committed mitigation related to each Chapter is set out below:

##### Air Quality

4.4.2 Chapter 8: Air Quality (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043) considers potential impacts and effects from the Proposed Development on both human health and ecological receptors. A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 8.6 of said chapter.

4.4.3 It is agreed that emissions from operational road traffic are considered negligible based on predicted traffic volumes and the effect is therefore assessed as not significant.

4.4.4 Predicted ground level concentrations of relevant air pollutants (principally nitrogen oxides, ammonia and amines) due to air emissions from the operation of the Proposed Development have been assessed. It is agreed that effects as a result of the Proposed Development at the identified human receptors are assessed as not significant.

4.4.5 The deposition of nutrient nitrogen on sensitive ecological receptors from the air emissions of nitrogen oxides and ammonia has also been calculated. It is agreed that effects from Proposed Development emissions are assessed to be not significant.

4.4.6 It is agreed that emissions from the Proposed Development during operation will be carefully controlled and regulated by the Environment Agency through the Environmental Permit and in accordance with the use of Best Available Techniques (BAT). The Permit must be granted prior to operation of the Proposed Development. The Applicant is working with the Environment Agency and other parties to determine BAT for carbon capture plants given the first of a kind nature of the Proposed Development. An application for a permit in principle is being prepared by the Applicant for submission to the Environment Agency for determination alongside the DCO application.

4.4.7 An assessment of visible plume formation from the cooling plant has been undertaken which indicates that a short (less than 5m) visible plume may be present for the around one-quarter of the time the Proposed Development is operational which it is agreed would be classified as not significant.



- 4.4.8 It is agreed that the assessment carried out is in accordance with the principles set out in section 5.2 of NPS EN-1, along with any comparable section in EN-2, EN-4 and EN-5.

#### Noise and Vibration

- 4.4.9 A noise and vibration assessment has been undertaken and is presented in Chapter 9: Noise and Vibration (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043). A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 9.3 of said chapter.
- 4.4.10 During operation, the Proposed Development will include a CCGT and other plant and equipment that is similar to the Keadby 2 Power Station, together with the CCP for capture of carbon dioxide emissions. Modelling software has been used to assess the likely effects of operational noise at NSR using conservative assumptions to provide a worst-case assessment. It is agreed that without additional mitigation, there could be significant effects at some properties, particularly at night when background noise levels are lower.
- 4.4.11 Application of practical sound mitigation to reduce relevant noise at source within the Proposed PCC Site will therefore be undertaken during detailed design, and an operational noise control scheme (including agreed noise limits) will be prepared and is proposed to be secured by a Requirement of the draft DCO (Application Document Ref 2.1) (Examination Library Ref. APP-005). Mitigating through detailed design to limits to be agreed with North Lincolnshire Council will result in effects that are classified as not significant. These measures would demonstrate use of Best Available Techniques (BAT) for the control of noise for the Environmental Permit.
- 4.4.12 It is agreed that the assessment carried out is in accordance with the principles set out in section 5.11 of NPS EN-1, along with any comparable section in EN-2, EN-4 and EN-5.

#### Biodiversity and Nature Conservation

- 4.4.13 An assessment has been undertaken of the potential effects of the construction, operation (including maintenance) and decommissioning of the Proposed Development on biodiversity and nature conservation in Chapter 11: Biodiversity and Nature Conservation (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043). A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 11.2 of said chapter.
- 4.4.14 The baseline information has been determined through a combination of desk studies and field surveys, detailed within Appendices 11C to 11H (ES Volume II – Application Document Ref. 6.3) (Examination Library Ref. APP-064).

- 4.4.15 It is agreed that should the preferred Canal Water Abstraction be selected, the intake would be constructed within the Stainforth and Keady Canal Corridor LWS, designated for its aquatic and wetland plant interest, in a similar way to the works recently completed for Keadby 2 Power Station. It is agreed that the potential construction effect on the LWS is assessed as not significant.
- 4.4.16 It is agreed that there are no likely significant direct or indirect construction impacts and effects on any other statutory nature conservation designations.
- 4.4.17 It is agreed that based on the findings of the air quality impact assessment, effects from NO<sub>x</sub> are anticipated to be not significant when taking into consideration the existing pollutant levels and wider context of status of the condition of the designated sites. It is agreed that effects of nitrogen deposition from emissions from the Proposed Development are also assessed as not significant at all relevant designated sites.
- 4.4.18 Works required for cooling water abstraction, whether within the Stainforth and Keadby Canal, or within the River Trent will be agreed with regulators and undertaken to provide compliance with the Eels Regulations. It is agreed that no impact pathways would be likely to result in an adverse operational effect on the conservation status of fish populations in either the River Trent or the Stainforth and Keadby Canal. The effect is therefore assessed as not significant.
- 4.4.19 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 5.3 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

#### Water Environment and Flood Risk

- 4.4.20 An assessment has been undertaken which considers the potential effects of the Proposed Development on the water environment and flood risk, presented in Chapter 12: Water Environment and Flood Risk (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043). A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 12.2 of said chapter.
- 4.4.21 It is agreed that a range of mitigation measures are proposed to mitigate this residual risk so that the occupiers of the Proposed Development Site are safe and critical operational infrastructure associated with the CCGT can continue to operate. The modelling has been used to set the final development platform level and finished floor levels for the Proposed PCC Site which would be secured via a Requirement of the draft DCO (Application Document Ref. 2.1) (Examination Library Ref. APP-005) to ensure that the Proposed Development remains safe throughout its lifetime. Other measures such as a Flood Emergency Response Plan and allocation of a place of safe refuge in case of flooding are also proposed.

- 4.4.22 It is agreed that with the detailed drainage strategy including SuDS attenuation, the effects on surface water drainage and flood risk as a result of the Proposed Development are anticipated to be not significant.
- 4.4.23 One minor field drain would be lost on Proposed PCC Site. Waterbodies directly to the west and north-west of the Proposed PCC Site, including Keadby Boundary Drain LWS, would not be affected by the loss. It is agreed that through the implementation of habitat creation opportunities which focus on enhancement of field drains and use of SuDS, effects are assessed as not significant.
- 4.4.24 Cooling water from the Proposed Development Site will discharge to the River Trent under an Environmental Permit, regulated by the Environment Agency and be subject to monitoring and limit values on chemical and thermal releases. It is agreed that the effects of thermal discharges have been considered in the design of the Proposed Development and assessed as having a negligible (not significant) impact on the temperature status of the River Trent that would not provide a barrier to migratory routes for fish.
- 4.4.25 It is agreed that connections into existing infrastructure within the Proposed Development Site will be made for foul water and it is anticipated this would be treated at the local treatment works on Chapel Lane. The impact of foul water discharge is therefore considered to be not significant.
- 4.4.26 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 5.7 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

#### [Geology, Hydrogeology and Land Contamination](#)

- 4.4.27 An assessment has been undertaken which considers the potential effects of the construction, operation (including maintenance) and decommissioning of the Proposed Development on geology, groundwater and land contamination and is presented in Chapter 13: Geology, Hydrogeology and Land Contamination (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043). A desk-based assessment of historical ground conditions information and information from historical site investigations has been used to identify the potential effects associated with ground conditions using a source-pathway-receptor risk-based approach. This is presented in Appendix 13A: Phase 1 Desk-based Assessment (ES Volume II – Application Document Ref. 6.3) (Examination Library Ref. APP-064). A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 13.3 of said chapter.
- 4.4.28 Potential impacts to soil quality, groundwater and watercourses could potentially occur during operation as a result of accidental spills from the handling or leakage of fuels, lubricants, stored chemicals and process liquids. However, it is agreed that with appropriate management, housekeeping and preventative

maintenance practices (such as appropriate storage of potentially contaminating chemicals), as required by the Environmental Permit that will be needed for the operational Site, potential impacts to soil and groundwater will be minimised. As such, effects have been assessed as not significant.

It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 5.15 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

#### Landscape and Visual Impact

4.4.29 The Landscape and Visual Impact of both the construction and operation of the Proposed Development is covered above in Section 4.3 of this report.

#### Cultural Heritage

4.4.30 The cultural heritage assessment addresses the potential effects of the Proposed Development on cultural heritage assets. It identifies the location, type and significance of cultural heritage assets and their setting, and reports on the predicted impacts of the Proposed Development on these resources. The assessment considers the likely significance of effects upon cultural heritage assets by reference to their significance and the magnitude of any impacts and is presented in Chapter 15: Cultural Heritage (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043). A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 15.3 of said chapter. A detailed desk-based assessment is presented in Appendix 15A: Cultural Heritage Desk Based Assessment (ES Volume II - Application Document Ref. 6.3) and the results of field investigation undertaken comprising hand augering and geophysical survey are presented in Appendix 15B and Appendix 15C (ES Volume II – Application Document Ref. 6.3) (Examination Library Ref. APP-064).

4.4.31 It is agreed impacts on built heritage for a range of receptors have been assessed. Impacts to the setting of Keadby Lock (scheduled monument and Grade II listed) and other designated assets such as listed buildings and conservation areas are assessed as not significant. The exception to this is the effect on the Isle of Axholme Area of Special Historic Landscape Interest (non-designated heritage asset) as a consequence of the Proposed Development, including a new permanent security gatehouse close to the A18 which have the potential to be significant. Impacts will be mitigated through the detailed design of the gatehouse through agreement of matters including siting, layout, scale and external appearance, including the colour, materials and surface finishes' which are proposed to be secured by a Requirement of the draft DCO (Application Document Ref. 2.1) (Examination Library Ref. APP-005).

4.4.32 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 5.8 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

#### Socio-economics

4.4.33 An assessment has been undertaken of the potential socio-economic impacts of the Proposed Development which considers the potential effects of construction and operation of the Proposed Development. The assessment has taken into account the demographics of the area surrounding the Proposed Development when considering the impacts which are likely to occur. The assessment is presented in Chapter 16: Socioeconomics (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043) and this is accompanied by Appendix 16A: Population and Health signposting (ES Volume II – Application Document Ref. 6.3) (Examination Library Ref. APP-064). A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 16.2 of said chapter.

4.4.34 During the Proposed Development operational phase, employment would be generated in operative, management and maintenance roles. Operation of the Proposed Development is anticipated to create up to 50 full-time operational roles. Temporary and contractor employees associated with maintenance activities would also be employed as required. It is agreed that these operational effects are assessed as beneficial, although, not significant.

4.4.35 There are not anticipated to be any impacts on businesses from the operation of the Proposed Development. The businesses in the area are currently located within close proximity to the existing Keadby Power Station and it is not anticipated they would experience any change from their current interaction with the wider Keadby site. It is agreed that the impact on local businesses would be not significant.

4.4.36 The Proposed Development incorporates embedded mitigation measures to avoid any significant human health effects that are described within the ES Chapters 8 – 18 (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043). It is agreed that these measures will help to ensure that impacts on the health and wellbeing of the local population, as well as construction workers and operational staff, are not significant. It is agreed that in summary significant effects relating to population and human health are restricted to beneficial construction employment effects. No significant adverse human health effects have been identified.

4.4.37 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 5.12 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

#### Climate Change and Sustainability



- 4.4.38 The Climate Change and Sustainability the assessment presented in Chapter 17: Climate Change and Sustainability (ES Volume I – Application Document Ref. 6.3) (Examination Library Ref. APP-064) addresses the potential effects of the Proposed Development on climate change and considers the potential impact of future climate change on the Proposed Development and the surrounding environment. A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 17.1 of said chapter.
- 4.4.39 Emissions associated with the Proposed Development have been examined for their significance against the UK Carbon Budgets for the ES. However, the Proposed Development is a low carbon generating station designed to be capable of capturing over 90% of the carbon that would otherwise be emitted. It has been concluded that the magnitude of impact of the Proposed Development is considered 'low' i.e. GHG emissions would amount to less than 1% of the current UK carbon budgets. It is agreed that the overall significance of effect is considered not significant and therefore the operations of the Proposed Development are not expected to affect the UK in meeting its current Carbon Budgets.
- 4.4.40 It is agreed that no potential ICCI impacts or effects during construction, operation or decommissioning of the Proposed Development have been identified and effects are therefore assessed as not significant.
- 4.4.41 The potential impacts and effects of projections for climate change to the Proposed Development have been assessed and resilience measures assumed to be built into the design taken into account. These include use of Sustainable Drainage Systems (SuDS) to mitigate flood risk. It is agreed that the embedded design measures are sufficient to reduce the likelihood or consequence of an impact occurring as a result of projected climate hazards. As such, it is agreed that no significant resilience risks have been identified and effects are therefore assessed as not significant.
- 4.4.42 It is agreed that the assessment carried out and its conclusions are compliant with the policy set out in section 4.8 of NPS EN-1, along with any comparable sections in NPS EN-2, EN-4 and EN-5.

#### Major Accidents and Disasters

- 4.4.43 The Major Accidents and Disasters impact of both the construction and operation of the Proposed Development are covered above in Section 4.3 of this report.

#### Cumulative and Combined Effects

- 4.4.44 The Cumulative and Combined Effects of both the construction and operation of the Proposed Development are covered above in Section 4.3 of this report.

## 4.5 Transport Assessment Findings and Committed Mitigation (Construction)

- 4.5.1 An assessment has been undertaken which considers the potential effects of the construction, operation (including maintenance) and decommissioning of the Proposed Development on traffic and transport; this is presented within Chapter 10: Traffic and Transportation (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043) and is supported by Appendix 10A: Transport Assessment (ES Volume II - Application Document Ref. 6.3) (Examination Library Ref. APP-064). A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 10.2 of said chapter.
- 4.5.2 The assessment considers the predicted number of vehicle movements generated during the construction and operation of the Proposed Development, and the sensitivity (including pedestrian and cyclist safety) and capacity of the local road network. Public rights of way (PRoW), including footpaths and cycle route networks, that cross roads within the study area have also been considered and have helped define the sensitivity of the road links.
- 4.5.3 As baseline traffic flows on the road network are projected to increase year on year, to undertake a worst-case assessment, a future year for baseline traffic flows of 2031 has been modelled. This is the anticipated ‘peak construction’ year for traffic if the DCO consent was not implemented until 7 years after being granted (2022).
- 4.5.4 The additional traffic due to Proposed Development construction activities would result in temporary increases of traffic flows, including HGV, on the roads leading to the Proposed Development Site. The effects of construction traffic on pedestrian amenity, severance, fear and intimidation, highway safety, driver delay and hazardous loads have been assessed using relevant guidance. It is agreed that effects at all road sections and junctions within the study area are anticipated to be not significant.
- 4.5.5 It is agreed that a number of traffic management measures would be implemented during the Proposed Development construction phase to minimise traffic impacts upon the local road network. This would include both a CTMP and CWTP that the appointed contractors would need to adhere to – framework versions of these documents are included with the DCO Application (Application Document Ref. 7.3 and Application Document Ref. 7.2) (Examination Library Ref. APP-162 and Examination Library Ref. APP-163).
- 4.5.6 It is agreed that as has been implemented during construction of Keadby 2 Power Station, a Temporary Traffic Regulation Order (TTRO) would likely be sought to reduce speed on the A18 in the vicinity of the Proposed Development during construction, to be secured at the appropriate time prior to construction via North Lincolnshire Council as highway authority.

4.5.7 It is agreed that the assessment carried out is in accordance with the principles set out in section 5.13 of NPS EN-1, along with any comparable section in EN-2, EN-4 and EN-5.

#### **4.6 Transport Assessment Findings and Committed Mitigation (Operation)**

4.6.1 An assessment has been undertaken which considers the potential effects of the construction, operation (including maintenance) and decommissioning of the Proposed Development on traffic and transport; this is presented within Chapter 10: Traffic and Transportation (ES Volume I – Application Document Ref. 6.2) (Examination Library Ref. APP-043) and is supported by Appendix 10A: Transport Assessment (ES Volume II - Application Document Ref. 6.3) (Examination Library Ref. APP-064). A summary of the relevant consultation responses from North Lincolnshire Council and how they have been addressed can be found in Table 10.2 of said chapter.

4.6.2 The assessment considers the predicted number of vehicle movements generated during the construction and operation of the Proposed Development, and the sensitivity (including pedestrian and cyclist safety) and capacity of the local road network. Public rights of way (PRoW), including footpaths and cycle route networks, that cross roads within the study area have also been considered and have helped define the sensitivity of the road links.

4.6.3 During the operational phase during up to 50 staff would be employed, working two shifts. Additionally, during planned maintenance and outages which may occur infrequently (once every 2-5 years) and be short-lived (approximately 3 months), approximately 200 additional staff could be on-site on any one day. Additional HGV traffic would also be generated by deliveries associated with operations and maintenance plant/ equipment. Traffic flows during operation would be considerably lower than those during construction. It is agreed that overall, traffic effects during operation would be not significant.

4.6.4 The Council's Highway Development Officer has reviewed the Framework Construction Traffic Management Plan [APP-161] and the Framework Construction Workers Travel Plan [APP-162] and is satisfied with the content of these documents.

4.6.5 It is agreed that the assessment carried out is in accordance with the principles set out in section 5.13 of NPS EN-1, along with any comparable section in EN-2, EN-4 and EN-5.

#### **4.7 Highway Works and Powers**

4.7.1 The Proposed Development will include junction works for the A18 access area will see it enhanced and widened at its bell mouth for use by construction and operational vehicles. The works will accommodate a ghost island for traffic turning right into the Proposed Development Site from the A18, permitting traffic



to continue along the highway. Junction works will be designed to allow for speeds of 60mph on the A18 can be retained.

- 4.7.2 The detailed design of said junction works is shown in the Highway Works Plans (General Arrangements: Key Plan and Sheets 2- 3; Chainages & Cross Sections: Key Plan and Sheets 2-3; Long Sections; Cross Sections; Utilities Layout: Key Plan and Sheets 2-3; Site Clearance: Key Plan and Sheets 2-3; Drainage Layout: Key Plan and Sheets 2-3) (Application Document Ref. 4.6) (Examination Library Ref. APP-015).
- 4.7.3 The general principle of this access appears acceptable but NLC is currently seeking clarifications from the Applicant regarding the departures from the Design Manual for Roads and Bridges (DMRB). It is agreed that the powers set out in part 3 of the Draft DCO (Application Document Ref. 2.1) (Examination Library Ref. APP-005) relating to streets, namely relating to Street works, power to alter layout, etc., of streets, Construction and maintenance of new or altered means of access, Access to works, and Agreements with street authorities, are considered to be acceptable.
- 4.7.4 It is agreed that Requirements 5 (Detailed design), 8 (Highway accesses) of the draft DCO (Application Document Ref. 2.1) (Examination Library Ref. APP-005) are adequate to control highway works.
- 4.7.5 The Council's Highway Development Officer has confirmed that they are satisfied with the content of Art 11 of the draft DCO.
- 4.7.6 The Council's Highway Development Officer has confirmed that they are satisfied with the content of Art 12. Art 12 (1) appears to be acceptable. Drafting changes to Art 12(2) to ensure deliverability are discussed in Section 5 of this document.

#### **4.8 Parameters and Design**

- 4.8.1 The detailed design of the Proposed Development is not yet completed. However, the final design will be within the parameters assessed within the ES (Application Document Ref. 6.2 – 6.4) (Examination Library Ref. APP-043 – APP-156) and presented in the draft DCO (Application Document Ref. 2.1) (Examination Library Ref. APP-005).
- 4.8.2 Where design details cannot yet be finalised, a conservative approach has been adopted whereby the option that gives rise to the worst-case potential environmental impacts and effects has been assessed in the ES (Application Document Ref. 6.2 – 6.4) (Examination Library Ref. APP-043 – APP-156). This is known as the Rochdale Envelope approach. Where an element of flexibility has been maintained, alternatives have been assessed and the worst-case impacts reported in the ES. It is agreed that this approach is appropriate for assessments related to the Proposed Development.

- 4.8.3 The Applicant has submitted a number of indicative plans (Application Document Refs. 4.7 – 4.15) (Examination Library Ref. APP-016 – APP024), including the ‘Proposed Power and Carbon Capture Layout, Elevations and Sections’, that provide an indication of how the Proposed Development would appear based on the design parameters. Furthermore, the ‘Design and Access Statement’ (Application Document Ref. 5.6) (Examination Library Ref. APP-035) provides information on the key design components for the Proposed Development.
- 4.8.4 It is agreed that the gatehouse building near the A18 is a relatively small building commensurate with its proposed use. Its height and landscaping are discussed in Section 5 of this document.
- 4.8.5 It is agreed that the design of the Proposed Development is acceptable in terms of design subject to requirements securing matters relating to external materials, hard and soft landscaping, lighting and the final position of buildings, floor level and elevations.
- 4.8.6 It is agreed that Requirements 5 (Detailed design), 6 (Landscaping and biodiversity protection management and enhancement), 7 (External lighting), 8 (Highway accesses) and 9 (Means of enclosure) included at Schedule 2 of the draft DCO (Application Document Ref: 2.1) would appropriately control the detailed design of the Proposed Development.

## **4.9 Carbon Capture**

- 4.9.1 It is agreed that the Proposed Development includes the equipment required for the capture and compression of carbon dioxide emissions from the generating station so that it is capable of being transported off-site. It is agreed that the ZCH Partnership will be responsible for the construction, operation and decommissioning of the carbon dioxide gathering network linking onshore power and industrial facilities including the Proposed Development in the Humber Region. The carbon dioxide export pipeline does not, therefore, form part of the Proposed Development and is not included in the Application but will be the subject of separate consent applications by third parties, such as the Humber Low Carbon Pipeline DCO Project by National Grid Carbon.
- 4.9.2 Requirement 33 (Carbon capture plant) requires that no part of the authorised development may commence, save for the permitted preliminary works, until details of the following have been submitted to and approved by the relevant planning authority:
- a) evidence that development consent is in place for the construction of the National Grid Carbon Gathering Network;
  - b) evidence that a carbon dioxide storage licence for the intended storage site for the National Grid Carbon Gathering Network is in place; and

- c) evidence that an environmental permit is in place for the authorised development.

4.9.3 It is agreed that the above contains adequate controls to ensure that the generating station is not constructed or commencing operation until a suitable connection the abovementioned carbon dioxide gathering network is secured.

#### **4.10 Incorporation of Extant Planning Permissions**

4.10.1 Two existing construction facilities (the 'Pilfrey laydown area' and the 'haul road') are being utilised for the Keadby 2 Power Station project, each subject to a dedicated extant planning permission, decision notices for which are appended to this document. These facilities are to be retained for use by the Proposed Development then the land subsequently restored.

4.10.2 Requirements worded similarly to those in the Keadby 2 Power Station project are included in Schedule 2 of the Draft DCO (Requirements 19 – 24), which reference approved material from the extant planning permissions. It is agreed that these requirements ensure that the conditions applicable to these existing permissions are adequately reflected in the Application.

4.10.3 It is agreed that Article 38 of the draft DCO is adequate to require the Applicant to restore the land comprised in these two facilities in the event that the DCO is made but not implemented.

#### **4.11 Landscaping and Biodiversity Management and Enhancement**

4.11.1 It is agreed that proposals to enhance the biodiversity, landscape and green infrastructure value of the Proposed Development, which are described in the Landscaping and Biodiversity Management and Enhancement Plan ('LBMEP') (Application Document Ref. 5.10), achieve an overall net gain for biodiversity for the Proposed Development.

4.11.2 It is agreed that opportunity for mitigation of visual amenity effects is limited due to the size and scale of the Proposed Development and construction plant. An integrated design approach for Proposed PCC Site to minimise potential effects has the potential to reduce visual impacts of the Proposed Development. It is agreed that planting outlined in the LBMEP would not reduce the significance of visual effects at these locations though could provide important screening of low level structures for visual amenity.

4.11.3 It is agreed that Requirement 6 (Landscaping and biodiversity protection management and enhancement) included at Schedule 2 of the draft DCO (Application Document Ref: 2.1) would appropriately control the implementation of landscaping and biodiversity protection management and enhancement of the Proposed Development.

## 4.12 Requirements in the Draft DCO

- 4.12.1 It is recognised that some power station projects request and obtain more than 5 years' validity due to the inherent uncertainties around securing capacity market contracts and other funding decisions and procurement timescales that follow on from the consent process. These reasons apply to the Proposed Development, and in addition, the Applicant's position is that "any new gas power station built today has a clear low-carbon pathway" (Greenprint, May 2020) which means that construction of Keadby 3 will not commence until suitable revenue mechanisms are in place (as identified in the Energy White Paper) and suitable commercial and fiscal arrangements are in place regarding the provision of the likely Carbon Capture, Usage and Storage (CCUS) network/cluster. The Humber Low Carbon Pipelines project, a separate DCO application, on published information will be determined around 18 months later than Keadby 3's.
- 4.12.2 The Applicant's position is that the above matters justify a two year extension to the typical five year validity period, which strikes the appropriate balance of certainty and maximising the project's chances of delivery. The Applicant also considers it is acceptable and clearly envisaged in the Energy White Paper that CCUS clusters are delivered by different actors under a range of consents and therefore the promotion of a Keadby 3 DCO in advance of the National Grid pipeline DCO is acceptable provided that cumulative effects assessment of the later project includes the earlier project. NLC agrees with the above position and will consider the implications of this in terms of controls in the DCO during examination.
- 4.12.3 It is agreed that the remainder of the requirements included at Schedule 2 of the draft DCO (Application Document Ref: 2.1) would appropriately control the design, construction, operation and decommissioning of the Proposed Development subject to specific comments and limited concerns as set out in Section 5 of this document.
- 4.12.4 It is agreed that the shortfall in Open Mosaic Habitat (OMH) stated in paragraph 6.2.2 of appendix D of Document 5.10 - Landscaping and Biodiversity Management and Enhancement Plan [APP-039 / REP5-034] will be addressed through the enhancement of improved grassland to native flower-rich grassland habitat.

## 4.13 Land and Other Powers in the Draft DCO

- 4.13.1 It is agreed that the powers of acquisition included in Part 4 of the draft DCO (Application Document Ref. 2.1) are proportionate and appropriate for the Proposed Development.
- 4.13.2 NLC and the Applicant agree that Article 16 (Removal of Human Remains) should be removed from the draft Development Consent Order which has been shown in the version submitted at Deadline 2 (REP2-003).

4.13.3 It is agreed that the scope of the other powers being sought through the draft DCO (Application Document Ref: 2.1) are appropriate subject to the comments in Section 5.

#### **4.14 Alternatives**

4.14.1 It is agreed that alternatives have been considered during the evolution of the Proposed Development including

- alternative technologies and fuels;
- alternative sites;
- alternative design options and design evolution;
- alternative layouts and temporary construction laydown areas within the Proposed Development Site; and
- alternative layouts and design options within the Proposed Development Site.

4.14.2 It is agreed that the environmental effects of these alternatives have been compared to inform the Proposed Development's layout and design.

4.14.3 It is agreed that the Proposed Development includes an appropriate degree of flexibility in the dimensions of buildings and structures to allow for the selection of the preferred technology and contractors. In order to ensure a robust assessment, a maximum built 'envelope' (also referred to as the 'Rochdale envelope') has been defined to accommodate this necessary flexibility and to enable the EIA to consider the 'worst-case'. For example, the landscape and visual impact assessment has assessed the largest massing of buildings and tallest structures that could be required.

## 5.0 MATTERS AGREED SINCE THE DEADLINE 1 SOCG

5.1.1 The below sections contain matters agreed correct at the date of the submission of this SoCG along with a concise commentary of what the item refers to and how it came to be agreed between the two parties.

### 5.2 Archaeology

5.2.1 The NLC officer view in the Local Impact Report ( ) was that the proposal to defer the completion of the archaeological evaluation to the post-consent stage would not be satisfactory and contrary to national and local planning policy, and given that, the scope and content of the submitted Outline Written Scheme of Investigation (OWSI) is not satisfactory. NLC agreed to, a staged programme of archaeological evaluation as set out in the HER Scoping Response. NLC considered it was clear that completion of the archaeological evaluation would be necessary to adequately identify the significance of the heritage assets, and inform the EIA and preparation of an appropriate mitigation strategy. NLC's view was that the submitted OWSI conflates the undertaking of archaeological evaluation and mitigation works, when the latter cannot be known until the former is completed and properly reported on. Furthermore, it is considered clear from the OWSI that the evaluation is not programmed to take place in time to inform the detailed design process, but would be deferred to a later stage once the main Site Contractor is appointed ready for the preliminary construction work to be underway.

5.2.2 The Applicant's view is that NPS EN-1 is the applicable policy and states (5.8.8 – 9) that the description of the significance of the heritage assets affected should be at a "proportionate" level of detail and "no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset", and in relation to the potential for archaeological interest, where "desk-based research is insufficient to properly assess the interest, a field evaluation" should be carried out. The Applicant agreed a strategy for the first phase of intrusive investigation works that would be required prior to submission of the application i.e. geophysical survey and auger survey in order to inform the baseline and archaeological potential used for assessment in the EIA. The Applicant had carried out: a desk-based assessment which has outlined the baseline archaeological conditions of the site and study area and identified the potential heritage assets within the Proposed Development Site; completed two phases of evaluation (intrusive and non-intrusive) within the Proposed Development Site, the results of which have identified three heritage assets, peaty (organic deposits) and two possible enclosures. ES Chapter 15 establishes the significance of the identified assets within the Proposed Development Site (Table 15.4) and the potential magnitude of impact of the Proposed Development on these assets using reasonable worst-case assumptions (Table 15.5). The assessment of effects on heritage assets and their setting presented in Section 15.6 of Chapter 15 recognises the potential,



in the absence of mitigation, for a major adverse effect on these assets (paragraph 15.6.12). Any subsequent stages of evaluation, as are committed to in Document 7.4: the OWSI and will be secured by Requirement, such as trial trenching, (even if they as a worst-case were to reveal 'high heritage value' assets), would still result in a major adverse effect in EIA terms in accordance with Table 15.6 of Chapter 15 i.e. the findings of the EIA would not change as a result of these subsequent stages of evaluation.

5.2.3 Nevertheless the Applicant has proceeded during examination to carry out further archaeological evaluation on the field and it is agreed that the Applicant's approach is appropriate overall.

5.2.4 In particular, it is agreed that the scope of the archaeological evaluation has been agreed with NLC via a Written Scheme of Investigation; that during completion of the fieldwork, NLC HER has visited site twice and was satisfied with the way that the archaeological contractor (York Archaeology) has completed the fieldwork, with all areas 'signed off'; that NLC HER has received weekly updates throughout the course of the fieldwork and has been kept fully aware of the progress of works and finds.

5.2.5 The fieldwork was completed on 14 April, 2 weeks ahead of schedule. An interim report from the archaeological contractor is anticipated on 26 April 2022.

5.2.6 It is agreed that following completion of the archaeological evaluation, it is envisaged that there are now two potential scenarios that are dependent on the findings published by York Archaeology:

- Scenario 1 – entails forming agreement that no further mitigation is required – if this is the case, the Applicant is likely to update the ES Chapter 15 using Addenda style and submit this into examination. It is possible that the OWSI (Document 7.4) would then be withdrawn from examination although we would seek to agree this formally with NLC and anticipate that NLC would also be asked to confirm that they are in agreement with this to the ExA and make consequential drafting updates to the draft DCO.
- Scenario 2 – entails forming agreement that further mitigation remains necessary to be secured via the OWSI – in this event, the OWSI would be updated, as well as the ES Chapter 15 (Addenda style).

5.2.7 The Applicant and NLC agree that it is desirable that the updated documents referred to in paragraph 5.2.6 are submitted into examination on or around 10<sup>th</sup> May 2022. This is two weeks after Deadline 6 and two weeks before Deadline 7, to allow for any (albeit limited) wider consultation/review by IP before Deadline 7.

5.2.8 NLC expected the archaeological contractor to deal with all such discoveries within the order limits and under Section 25 of the Burial Act 1857 obtain a licence from Secretary of State to remove human remains on behalf of the

applicant. The Outline WSI (APP-163) states “The removal of human remains will only take place in accordance with a licence from the Ministry of Justice and under the appropriate Environmental Health regulations and the Burial Act 1857”. It is agreed that compliance is secured by Requirement 16.

### 5.3 Dust

- 5.3.1 NLC expect to see all mitigation measures detailed in Section 8.2 of the IAQM guidance for ‘high risk’ sites to be included within a CEMP for this development. NLC agree that it is considered that these mitigation measures are sufficient to ensure no significant effect.
- 5.3.2 The Applicant has since submitted an updated Framework CEMP – Revision 2 [REP3-010], section 8.2 of which features a number of the mitigation measures of the aforementioned IAQM guidance.
- 5.3.3 It is therefore agreed that the Framework CEMP provides adequate mitigation.

### 5.4 Construction Environmental Management Plan (‘CEMP’)

- 5.4.1 NLC requested a more detailed complaints procedure, as set out in Q1.9.2 of the ExQ1 response.
- 5.4.2 The Applicant notes that details of the proposed monitoring and investigation of complaints during the construction phase has been described in the Framework CEMP – Revision 1 [REP3-010]. The Applicant has a robust procedure for managing complaints and a dedicated Stakeholder Manager with responsibility for liaising with members of the local community – details of which could be added to the Framework CEMP, if required. Following notification to the Applicant’s Representative for immediate investigation, the Applicant’s procedures in summary, involves obtaining the nature of the concern and name and contact details of the complainant and subsequent follow up investigation to seek further information, where required. The Applicant and the appointed contractor work together to address the complaint (with remedial action, where required). The process for investigation of complaints during commissioning and operation is a matter for control under the Environmental Permit.
- 5.4.3 Furthermore, the Applicant has included a step by step process for the Applicant to carry out noise complaint investigation and response in requirement 29 of the draft Development Consent Order [REP5-003 (Clean) – REP5-004 (Tracked)]. This is agreed to be adequate for dealing with noise complaints subject to the removal of the words “in breach of the thresholds agreed pursuant to paragraph (3) above” from paragraph 5, and the insertion of the words “that includes contact details for the complainant and the date, time, and nature of the noise, must then be” in the same place. The words “by reference to the thresholds in paragraph (3) above” should also be inserted at the end of paragraph 5(c). This updated wording will be submitted in the draft DCO at Deadline 6.

5.4.4 Additionally, it is agreed that the wording in the updated CEMP is adequate to ensure no burning of waste on Site.

## 5.5 Traffic and Transport

5.5.1 It is agreed that the Applicant excluding works 9B and 9C from Requirement 33 of the draft Development Consent Order is appropriate and ensures that the Applicant can construct the replacement Mabey Bridge and establish the A18 access before commencing the main works at Keadby 3.

5.5.2 As set out in NLCs Response to the Action Points from the Issue Specific and Compulsory Acquisition Hearings held between 15 and 17 March 2022 document [REP5-049], comparable data from North Lincolnshire showed variation in traffic numbers compared to pre-pandemic levels. It is therefore agreed that the approach adopted within the Transport Assessment is robust and does provide a worst case scenario for traffic flows.

5.5.3 The Applicant has provided further information to NLC confirming that the modifications to the existing A18 junction have been designed following the parameters on the Design Manual for Roads and Bridges Standards CD109/CD123 for a 60mph road, and outlines the justification regarding the proposed departure from standard (DfS). As set out in NLC's response to ISH1-AP10 [REP5-049] the Highway Authority has broadly accepted the departures in principle, but have raised a few points requiring their clarification. These points have since been clarified and the DfS is now agreed.

5.5.4 NLC is not yet able to agree that the Transport Assessment provides a robust assessment with respect to the number of HGV movements associated with removing construction waste from Site but notes that this is the subject of an examiner's further written question and expects that this matter is capable of being resolved via clarification/response to that question into examination, outside of the SoCG process.

## 5.6 A18 Gatehouse Building

5.6.1 The indicative details show a relatively small building commensurate with its proposed use. However, the maximum height parameter could result in an intrusive structure within the open landscape. It was suggested by NLC that a reduction in the height of the building should be considered, if possible, as well as the potential for use of intermittent roadside tree planting to soften the approach on the A18.

5.6.2 The Applicant notes that the building scale is controlled legally via Schedule 11, using the same dimensions as the indicative details. The Applicant has also updated Schedule 11 of the draft DCO to show a maximum permitted height for the gatehouse of 4m AGL or 5.5m AOD, this is a 2m reduction on both measurements. It is agreed that the latest draft DCO secures a suitable maximum height for the gatehouse building.

## 5.7 Draft Development Consent Order

- 5.7.1 NLC believed that the Article 12(2) 28-day period could be problematic in practice if the DfS has not been accepted prior to an application for approval being submitted'. The DfS has therefore been justified within examination and as set out at 5.5.3 above is agreed, therefore the timeframe of 28 days is agreed as being workable.
- 5.7.2 NLC were of the opinion (in response to ExQ 1.16.15) that an appeal process should be referenced with regards to Art 10 and Art 12. The Applicant notes that Article 10(5) (Power to alter layout, etc., of streets) and Article 12(2) (Access to works) contain deeming provisions in the event that the relevant highway authority does not provide consent within the defined period of time. It is therefore agreed that an appeal process is not required.
- 5.7.3 It is agreed that the latest draft Development Consent Order (**REP5-003**) satisfactorily controls powers around the lopping of trees in article 33 of the draft Development Consent Order by ensuring that it only applies on routes where required to facilitate AIL passage.
- 5.7.4 NLC believed the requirement for Art 42 to be unclear as the defence to proceedings are contained within Section 82(9) of the Act itself. With reference to the Explanatory Memorandum, it is agreed that this matter has been clarified and no change is required.
- 5.7.5 NLC stated in their response to Deadline 2 Submission - Responses to the ExA's Written Questions (ExQ1) [**REP2-015**] that they expected the majority of the net gain in biodiversity to be delivered on-site. The Applicant has set out evidence that shows that net gain will be deliverable on-site, see for example the net gain assessment at appendix D of the LBMEP (**APP-039/ REP5-034**) and has updated Requirement 6 to clarify drafting about delivery outside of the Order Limits or Applicant controlled land within the district. Since delivery on site is proven, the purpose of including additional drafting about off-site delivery is merely to provide an alternative option for delivery of net gain, if an (as yet undeveloped) future off site strategic net gain scheme were to be developed in the district by others. It is relevant to include this optionality as this could present benefits relevant to planning compared to on site delivery (e.g. greater public access compared to the Keadby Power Station site; potentially quicker delivery). The drafting of Requirement 6 in the latest draft DCO (**REP5-003**) is therefore agreed.
- 5.7.6 NLC were of the opinion that the Proposed Development coming into commercial use is not an appropriate trigger point for the submission of design details of any permanent highway accesses. This trigger was used to retain flexibility for the Applicant to submit details at the most appropriate point of the construction of the Proposed Development, which is not necessarily early on. It may be that traffic movements will be lower later on in the construction phase.

Further, construction traffic will make use of temporary construction accesses controlled under Requirement 5 of the draft DCO. It is therefore agreed that Requirements 5 and 8 in the latest draft DCO (**REP5-003**) adequately control Highway Accesses.

- 5.7.7 NLC were of the view that the requirement to allow for space and routes for pass-outs within the design of the development is a matter that needs to be considered and agreed as part of the detailed design approval process. The Applicant notes that there are currently no economically viable opportunities to create a heat network. CHP is therefore not proposed to be installed from the outset; however, the Proposed Development will be CHP-Ready with sufficient space allocated for future retrofit of a heat offtake within the Proposed Development Site should that be required. The Applicant notes that these spaces may not be present during the construction of the Proposed Development where land may be used for temporary purposes. It is therefore agreed that Requirement 22 adequately controls the future provision of Combined Heat and Power.
- 5.7.8 NLC believed that for the most part R33 appears both precise and enforceable. However, R33(2)(b) was considered to be open to some interpretation. Schedule 2 of the latest draft Development Consent Order [Clean version REP5-003, Tracked version REP5-004] includes a definition of 'carbon dioxide storage licence'. It is therefore agreed that Requirement 33 adequately controls Carbon Capture and Compression Plant.

## 5.8 Landscape and Biodiversity Management and Enhancement Plan

- 5.8.1 It is agreed that the methodology for periodic review set out in para. 7.2.1 of the LBMEP [APP-039], which requires a revision of management requirements as necessary at least once every five years, is sufficient given the long timescales involved and the potential for environmental conditions, policies and priorities to change in that time.

## 5.9 Construction Hours

- 5.9.1 It is agreed that on such a large construction programme a restriction of construction hours could significantly extend the construction period; which in turn could have an adverse impact upon the amenity of local residents. It is further agreed that the construction hours proposed do not exceed those that were imposed upon the Keadby 2 Section 36 Consent and that they align with other similar projects the construction of the Keadby 2 Power Station has been well managed and has not generated complaints to the local authority. NLC note the restriction of activities in the 30 minute start-up and shut-down periods which address their concerns. For these reasons NLC are now content with the justification provided for the proposed construction hours set out in Requirement 27 and it is therefore agreed that the construction hours latest draft DCO (**REP5-003**) are acceptable.



## 5.10 Vibration monitoring at Keadby Lock

5.10.1 It is agreed that NSR12 is a vibration sensitive receptor only for the purposes of the assessment presented in Chapter 9: Noise and Vibration and has confirmed that the assessment of assessment of effects related to Keadby Lock as a designated heritage assets presented in Chapter 15: Cultural Heritage [APP-058], including consideration of aspects such as noise during construction and operation of the Proposed Development, is appropriate.

## 5.11 Flood Risk Assessment

5.11.1 It is agreed that the safe access assessment/evacuation plan in the updated Flood Risk Assessment submitted at the Procedural Deadline [AS-010] is acceptable in terms of flood risk and drainage.

## 5.12 Air Quality Assessment of Amine Degradation Products

5.12.1 The Applicant notes the following in response to the points raised by NLC at paragraph 10.9 of their Local Impact Report [REP1-022]:

1. The direct N-amines have been modelled at the highest annual mean concentration provided by the technology licensors, as a worst case.
2. The average annual wind speed was calculated from the hourly meteorological data sourced for use in the ADMS modelling assessment. The average was calculated for each of the 5 years of meteorological data taken from Doncaster Robin Hood airport, and then the average of these values used.
3. The years of baseline data used match those of the years of meteorological data used in the assessment. As such, the worst case results were obtained from the model which ran with 2016 meteorological data, and this used baseline data for 2016; likewise the same approach was used for all years. This is required in the ADMS model set-up for the amines chemistry module model to run.
4. The sensitivity of the model to different inputs was detailed in Annex A of the Appendix 8C, which provides the range of values obtained when input parameters to the model are varied. A numerical level of uncertainty has not been provided, as there is variation in the uncertainty in the data itself, which is derived from numerous sources. This includes uncertainty in the reaction rate constants as well as the modelling of dispersion of gases from a stack. However, by assessing five years of meteorological data and running multiple sensitivity scenarios a credible worst case assessment has been provided with actual results expected to be less than the concentrations predicted.



5.12.2 In light of the above, it is agreed that the numerous conservative assumptions used in the assessment carried out in ES Appendix 8C [**APP-071**] results in predicted impacts that represent a reasonable worst case assessment and NLC has no remaining queries.

## **6.0 MATTERS AGREED IN RELATION TO PROPOSED DEVELOPMENT CHANGES APPLICATION**

6.1.1 The below sections contain matters agreed in relation to the Proposed Development Changes Application (also known as the 'Change Request').

6.1.2 The matters in sections 6.2-6.8 below are as set out within NLC's response to the Proposed Development Changes Consultation which is published in Appendix 5.5 of the Applicant's Deadline 5 Submission - Change Request - 10.3 Proposed Development Changes: Consultation Statement [REP5-042].

6.1.3 Section 6.9 concludes on the overall acceptability of the materials submitted by the Applicant as part of the Change Request submitted on 5 April 2022.

### **6.2 Air Quality**

6.2.1 An updated air quality assessment has been submitted as part of the application for the Proposed Development Changes, allowing NLC the opportunity to review and comment.

### **6.3 Noise and Vibration**

6.3.1 An updated noise and vibration assessment has been submitted as part of the application for the Proposed Development Changes, allowing NLC the opportunity to review and comment.

### **6.4 Contamination**

6.4.1 It is agreed that the re-use of excavated materials during construction will be governed by either a Materials Management Plan developed in accordance with relevant guidance including 'The Definition of Waste: Development Industry Code of Practice' (CL:AIRE, 2011), an environmental permit or a relevant exemption. It is agreed that any imported soil will also need to be suitable for use at the proposed development site.

### **6.5 Ecology**

6.5.1 It is agreed that the inclusion of riverbed within the Waterborne Transport Offloading Area is addressed in the updated Habitats Regulations Assessment (REP5-036).

### **6.6 Traffic and Transport**

6.6.1 With regards to the proposed changes to the additional AIL route the Local Highway Authority has no concerns to raise as the amendments are predominantly within the applicant's land and it is agreed do not impact the adopted highway.

6.6.2 With regards to the proposal to increase the volume of imported soils by up to 50,000 cubic tonnes an updated traffic and transport assessment has been submitted as part of the application for the Proposed Development Changes, allowing NLC the opportunity to review and comment.

## 6.7 Landscape and Visual Impact

6.7.1 An updated landscape and visual impact assessment has been submitted as part of the application for the Proposed Development Changes, allowing NLC the opportunity to review and comment.

## 6.8 Cultural Heritage

6.8.1 It is agreed that due to previous ground disturbance the archaeological evaluation is not required to be extended along the new AIL route or other land included as part of the Proposed Development Changes Application.

## 6.9 The Change Request


6.9.1 It is agreed that the documents and drawings submitted with the Change Request on 5 April 2022 (**REP5-019 to REP5-048**) are acceptable in relation to overall content and methodology, and adequate consultation is demonstrated in the Proposed Development Changes: Consultation Statement (**REP5-042**) while rationale and need are demonstrated adequately in the Proposed Development Changes: Rationale and Need Statement (**REP5-044**). It is agreed that the Proposed Development Changes are minor in scale and appropriate in nature in the context of the overall development, and their scale and limited impacts are controlled acceptably in the Change Request draft DCO (**REP5-021**).

## 7.0 SIGNATURES

7.1.1 This Statement of Common Ground is agreed:

**On behalf of North Lincolnshire Council:**


Name Andrew Law

Signature 

Date 26 April 2022

**On behalf of the Applicant:**

Name C Turnbull

Signature 

Date 26 April 2022

## APPENDIX 1: RESPONSE FROM NLC HIGHWAYS MAY 21

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Keadby 3  
**Date:** 12 May 2021 15:20:43

---

Afternoon Susan/Colin,

Thank you for your time on Friday. We have discussed the proposals with other colleagues within Highways and our views are as follows.

1. We are not supportive of the proposals for the powers relating to TTROs/Traffic Management as part of the development to be passed to yourselves as part of the DCO. The council has a duty under the Traffic Management Act to ensure the expeditious movement of vehicles on the highway, which would be affected by this temporary transfer of powers
2. Whilst the proposed junction improvements would appear to be acceptable in principle, we would need the following assurances, before we are in a position to agree the design:
  - a. The junction is designed to a 60 mph speed limit, or that a design to this speed can be achieved
  - b. Design statement, which provides details of:
    - i. that the proposed scheme has been designed in accordance with DMRB and if not, why not
    - ii. are there any departures from standards, and the details of these
  - c. Agreement to resurface the carriageway within the extent of the works, to facilitate clearer lining.
3. We are not supportive of the 40mph speed limit on the A18 being made permanent. Whilst we can see the benefits that the temporary speed limit offers for the construction phase, in our opinion it is not required for the operational phase. There is no evidence to suggest that it is required on safety grounds and the existing nature of the road does not lend itself to supporting a permanent 40mph speed limit. Additional physical mitigation works would be required to support the creation of a permanent 40mph speed limit and we would be reluctant to approve the installation of these on what is essentially a high speed road. It is our intention that the existing order for the 40mph limit will be revoked when works at Keadby 2 are completed.

Kind regards

Louisa Simpson  
Highway Development Services Team Leader  
Assets & Infrastructure  
North Lincolnshire Council

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## **APPENDIX 2: RESPONSES FROM NLC PLANNING OFFICER REGARDING PLANNING HISTORY AND DISCHARGE OF REQUIREMENTS**

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** RE: LLFA contact details  
**Date:** 19 May 2021 09:20:04

---

Hi Colin,

Thanks for sending the draft across.

I don't have any major concerns with the proposed procedure for discharge of requirements. The only point that jumps out to me is that as an LPA our standard procedure when dealing with any discharge of condition or requirement would be to give all internal and external consultee's 21 days to respond to us. The draft procedure allows 21 days to request additional information if external consultee's need to be consulted, but only 14 days if not. I would prefer it if the procedure allowed a 21 day period to request additional information regardless of whether external consultation is necessary. Other than this the draft looks generally agreeable.

Kind Regards

Andrew Law  
Development Management Specialist

Development Management  
North Lincolnshire Council  
30-40 High Street  
SCUNTHORPE  
DN15 6NL

[REDACTED]

---

**From:** Colin Turnbull [REDACTED]  
**Sent:** 05 May 2021 12:14  
**To:** Andrew Law [REDACTED]  
**Subject:** RE: LLFA contact details

Andrew

I am attaching the draft requirement discharge procedure which is based on the VPI OCGT procedure as requested. Please let me know any comments by 19 May. There will of course be plenty opportunity to discuss in examination but we wanted to give you the opportunity to comment pre application also.

Kind regards

Colin

---

**From:** Colin Turnbull

**Sent:** 16 April 2021 11:04

**To:** Andrew Law <[REDACTED]>

**Subject:** [Pending]RE: LLFA contact details

Dear Andrew

I am attaching the s48 notices for the latest stage of consultation in case these assist with your adequacy of consultation commentary.

I also had a question regarding whether and how you would like to involve your legal advisors. One discussion that could be useful is regarding the temporary 40mph speed limit on the A18 which we could need from the earliest point in construction (for works associated with replacing the existing 'Mabey Bridge' on the construction access track) and I would like to discuss with NLC whether it would be acceptable in principle to incorporate temporary TRO powers into the DCO itself for this specific purpose in order to provide a comprehensive consent. Perhaps the best thing would be to set up a meeting specifically about the junction in May to discuss it in the round.

Kind regards

Colin

---

**From:** Colin Turnbull

**Sent:** 09 April 2021 12:52

**To:** Andrew Law <[REDACTED]>

**Subject:** RE: LLFA contact details

Andrew

Thank you, I am glad it was useful.

Please see slides attached to pass on to Louisa Simpson and Annie Ward and any other technical colleagues who may wish to see them.

In terms of our actions:

- I've passed on these contact details onto the team and ask them to send over highways design, archaeological evaluation, biodiversity proposals, and drainage design information when they can.
- In terms of information to support your Adequacy of Consultation comment, the majority of the information is set out in slides 36-41 of the attached, however I will send you some information on the recent s48 notices too in a separate email next week. It would be helpful to have your informal comment on our compliance with s42/47/48 by **7<sup>th</sup> May 2021**. A short email (new email chain perhaps) would be simplest I think. In the unlikely event you have any concerns please let me know as soon as possible, however.
- The draft requirements & discharge procedure and draft works plans should be with you in a couple of weeks' time.
- I will send a draft SoCG at the end of this month. If we keep it quite short then perhaps it will be possible to include a draft with the application, but otherwise we can just keep it

as a working document between ourselves until some time during the pre-examination period (July ish).

Kind regards

Colin

---

**From:** Andrew Law [REDACTED]  
**Sent:** 09 April 2021 11:16  
**To:** Colin Turnbull [REDACTED]  
**Subject:** LLFA contact details

Hi Colin,

Once again I would like to say thank you for the presentation this morning, I found it very useful.

As discussed the email address for our drainage team is as follows:

[LLFAdrainageteam@northlincs.gov.uk](mailto:LLFAdrainageteam@northlincs.gov.uk)

Louisa Simpson is the best contact in our Highways team should you wish to make contact to discuss the proposed alterations to the A18 access point. Louisa can be contacted at:

[REDACTED]

Kind Regards

Andrew Law  
Development Management Specialist

Development Management  
North Lincolnshire Council  
30-40 High Street  
SCUNTHORPE  
DN15 6NL

[REDACTED]

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**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** RE: LLFA contact details  
**Date:** 19 May 2021 12:16:57  
**Attachments:** [210505 Keadby 3 Planning History.docx](#)

---

Hi Colin,

I have checked our system and the site history appears robust. I have added in site locations where appropriate and there were just a couple of little errors/typo's that I have corrected on some of the older applications (all via tracked changes).

Kind Regards

Andrew Law  
Development Management Specialist

Development Management  
North Lincolnshire Council  
30-40 High Street  
SCUNTHORPE  
DN15 6NL

[REDACTED]

---

**From:** Colin Turnbull [REDACTED]  
**Sent:** 05 May 2021 17:12  
**To:** Andrew Law [REDACTED]  
**Cc:** Rob Booth [REDACTED]; Jordan Martin [REDACTED]  
**Subject:** RE: LLFA contact details

Andrew

With apologies for the flurry of emails I am attaching our list of the planning history of the site (by site we mean our entire red line / order limits, which is attached in pdf and shapefile versions).

It seems fairly complete to us, nevertheless we would be grateful for any comments you may have by the 19th. The pre 2005 information on the public register online also is lacking information on site locations, hence we would be grateful for addresses/site descriptions for these.

This is also something we could note in the SoCG in due course.

Kind regards  
Colin

---

**From:** Colin Turnbull  
**Sent:** 05 May 2021 12:14  
**To:** Andrew Law [REDACTED]  
**Subject:** RE: LLFA contact details

Andrew

I am attaching the draft requirement discharge procedure which is based on the VPI OCGT procedure as requested. Please let me know any comments by 19 May. There will of course be plenty opportunity to discuss in examination but we wanted to give you the opportunity to comment pre application also.

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**To:** Colin Turnbull [REDACTED]  
**Subject:** LLFA contact details

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Kind Regards

Andrew Law  
Development Management Specialist

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