



The Planning Inspectorate

National Infrastructure
Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
Email: keadby3@planninginspectorate.gov.uk

To the Applicant

Your Ref:

Our Ref: EN010114

Date: 29 April 2022

Dear Sir/ Madam

Planning Act 2008 – section 89; and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17

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

Request for Further Information

The Examining Authority (ExA) is writing to request further information from the Applicant under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010.

Rule 17 - Request for Further Information – Change Request

The ExA notes the Applicant's original Change Request submitted at Deadline 5 [[REP5-019](#)] ('Original Change Request'), together with documentation that accompanied that 'Original Change Request' [[REP5-020 – REP5-048](#)]. Pursuant to this 'Original Change Request' the ExA issued a Rule 17 letter, dated 13 April 2022, [[PD-017](#)] seeking further information.

The ExA also notes the Applicant's letter, dated 26 April 2022 [[REP6-018](#)], that seeks to modify its 'Original Change Request' of the 5 April 2022 ('Modified Change Request'). Appendix 2 of that letter sets out the Applicant's response to the Rule 17 letter mentioned above and those responses are noted.

The 'Modified Change Request' letter [[REP6-018](#)] was accompanied by a number of documents [[REP6-019 – REP6-029](#)] that appear to supersede some, but not all, of the documentation that accompanied the 'Original Change Request'

[[REP5-020 – REP5-048](#)]. However, some remain unaltered and others appear to have been withdrawn, with the documents reverting back to the documents originally submitted.

In terms of the 'Original Change Request' the Applicant's letter, dated 26 April 2022 [[REP6-018](#)] and titled 'Modification to the Change Request of the 5 April 2022', formally withdrew Change Item 2 (Changes to the Additional Abnormal Indivisible Load Route...) leaving the following proposed changes within the proposed change request:

Change No.	Proposed Change
1.	Inclusion of riverbed within the Waterborne Transport Offloading Area (Railway Wharf).
3.	Increase to the maximum heights of the carbon dioxide absorbers/ stacks, if two are installed.
4.	Increase to the maximum heights of the carbon dioxide stripper column.
5.	Increase in proposed soil import volumes to create a suitable development platform.

With the formal withdrawal of Item 2 (Changes to the Additional Abnormal Indivisible Load Route...) the ExA is currently minded to accept the 'Modified Change Request' as set out in the Applicant's letter, dated 26 April 2022 [[REP6-018](#)]. However, prior to agreeing or rejecting the Applicant's Change Request, the ExA has a number of concerns as listed below:

- i) the way the Applicant has sought the 'Original Change Request' and the 'Modified Change Request' appears piecemeal, unclear and confusing;
- ii) the Applicant has failed to submit the following updated documents:
 - Proposed Development Changes - Rationale and Needs Statement; and
 - Proposed Development Changes - Explanatory Memorandum

with its 'Modified Change Request' [[REP6-018](#)].

As such the Applicant appears to be relying on documents of the same name submitted at Deadline 5 ([[REP5-044](#)] and [[REP5-022](#)], respectively) submitted as part of the 'Original Change Request'. The documents submitted as part of the 'Original Change Request' including those detailed above were prepared with the inclusion of Change Item 2 (Changes to the Additional Abnormal Indivisible Load Route...). As this change item is now withdrawn, the ExA considers that the documents submitted at Deadline 5, as part of the 'Original Change Request', are confusing and could lead to Interested Parties (IP) being uncertain as to what is being proposed as part of the change request; and

- iii) the document entitled 'Proposed Development Changes: Document Schedule' [[REP6-029](#)] indicates that a number of documents are to follow at Deadline 6a (2 documents) and Deadline 7 (14 documents/ plans). The submission of such documents/ plans at Deadline 7 would not allow adequate time within the remaining Examination Timetable for IPs to respond and provide comment.

In the light of the above, the ExA encourages the Applicant to consider withdrawing the 'Original Change Request' and 'Modified Change Request' and their related documents ([\[REP5-019\]](#) and documents [\[REP5-020 – REP5-048\]](#) and [\[REP6-018\]](#) and documents [\[REP6-019 – REP6-029\]](#)). These should then be submitted as a new Change Request that clearly sets out the proposed changes, together with a full suite of all the necessary and associated documents to be submitted at **Deadline 6a (Tuesday 10 May 2022)**.

If the Applicant does withdraw the 'Original Change Request' and 'Modified Change Request', the Planning Inspectorate will update the Examination Library to clearly mark documents that have been withdrawn, in order to assist all parties. Given the uncertainty surrounding the status of documents as set out above, it would be helpful if the Applicant could provide the Examination Library references for those documents that have been withdrawn.

Furthermore, documentation currently identified in the document entitled 'Proposed Development Changes: Document Schedule' [\[REP6-029\]](#) as being submitted at Deadline 7 must be submitted into the Examination on or before **Deadline 6a (Tuesday 10 May 2022)**. Failure to provide the outstanding information to accompany the request may result in the 'Original Change Request' as modified by the 'Modified Change Request' being rejected by the ExA, for reasons of Natural Justice, as it would be likely that inadequate time would remain in the Examination for IPs to respond should such information not be received by Deadline 6a.

It would be helpful if a response to this letter could be provided as soon as possible and by **Deadline 6a (Tuesday 10 May 2022)**.

Any other business

Queries regarding the content of this letter should be addressed to the Case Team using the details listed at the top of this letter.

Yours faithfully

Christopher Butler

Examining Authority

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.