

Mr Christopher Butler
National Infrastructure Planning
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: AN/2021/132101/06-L01
Your ref: EN010114
Date: 24 May 2022

Dear Sir

**Keadby 3 Carbon Capture Power Station – Deadline 7 Representation, response to Rule 17 Questions of 12 May 2022
Environment Agency Unique Interested Party Ref – KDB3-SP091**

In accordance with the Examination Timetable, please find below the Environment Agency's submission in relation to the Examining Authority's Rule 17 Questions of 12 May 2022, Question 4, which reads:

The EA's response to ExQ2 Q2.6.6 [\[REP6-033\]](#) is noted, especially in regard to the mention of an 'Options Agreement'. The Applicant's response to this matter, contained in its 'Responses to D6 Submissions, Rule 17 Request of 25 April 2022, and ExQ 1.16.32, 2.1.1, 2.6.4 and 2.6.5' [\[REP6a-028\]](#) is also noted. However, the ExA would urge the Applicant and the EA to resolve these matters as a matter of urgency and would remind them that the ExA will be unable to consider any matters resolved after the close of the Examination in its Recommendation Report to the Secretary of State. This would include any confirmation from the Applicant and/ or EA of the completion of an Options Agreement that is received after the close of the Examination.

The Environment Agency has been liaising with the Applicant's Agent on a regular basis to try and resolve these matters as quickly as possible. Appendix A attached summarises the updated position (from that attached to the Environment Agency's Written Representation, submitted on 1 February 2022 [\[REP2-022\]](#)) in regards to plots where the Environment Agency has a land interest. You will see that significant progress has been made in providing clarity on the implications for the Environment Agency's flood risk management operations. However, the Applicant has only provided draft deeds of variation recently (on 20 May 2022) in respect of Plots 3, 10 and 26 and a draft easement/options agreement is still to be received in respect of Plot 52, the canal abstraction option. We are currently considering the details of those drafts received and we will strive to conclude these matters as soon as possible.

In relation to the answer given to the Examining Authority's Q2.6.7, we have established that the introduction of (and activities proposed within) Plot 172 will not impact the Environment Agency's flood risk management operations.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours faithfully

Annette Hewitson
Principal Planning Adviser



APPENDIX A

**Table summarising the current situation in respect of
Environment Agency land holdings/interest**

Plot number	EA Interest	Rights etc. which may be acquired	Action required
3	Freehold - HS372002 This comprises Mabey Bridge which is to be replaced.	New Rights – permanent easement in connection with Work Nos. 8A, 8B, and 9B and temporary possession in connection with Work No. 9A, 9B and 9C	Rights granted under existing easement to be extended to benefit the Applicant, subject to negotiation. 20/5/22 Draft Deed of Variation received by EA – now under consideration.
10	EA Freehold - HS372002 Skew Bridge.	New Rights – temporary possession in relation to (Work No. 8A) access and construction worksite; (Work No. 9A, 9B and 9C) access and construction worksite, use of the land for temporary laydown areas including any ancillary works necessary to facilitate the use of that land, storage, placing of temporary cranes and works associated with the reinstatement of the land. Works compound and welfare facilities, storage, laydown areas, and re-instatement of laydown areas.	Rights granted under existing easement to be extended to benefit the Applicant, subject to negotiation, and temporary use (covering plots 10, & 26). 20/5/22 Draft Deed of Variation received by EA – now under consideration.
26	EA Freehold - HS371900 Skew Bridge.	New Rights – temporary possession in relation to (Work No. 8A) access and construction worksite; (Work No. 9A, 9B and 9C) access and construction worksite, use of the land for temporary laydown areas including any ancillary works necessary to facilitate the use of that land, storage, placing of temporary cranes and works associated with the reinstatement of the land. Works compound and welfare facilities, storage, laydown areas, and re-instatement of laydown areas.	Rights granted under existing easement to be extended to benefit the Applicant, subject to negotiation, and temporary use (covering plots 10, & 26). 20/5/22 Draft Deed of Variation received by EA – now under consideration.
27	EA carries out maintenance works under powers contained in Water Resources Act 1991 s165	New Rights – permanent easement in connection with Work No. 8A and 8B, and temporary possession in relation to (Work Nos. 9A, 9B and 9C) access and construction worksite, use of the land for temporary laydown areas including any ancillary works necessary to facilitate the use of that land, storage, placing of temporary cranes and works associated with the reinstatement of the land. Works compound and welfare facilities, storage, laydown areas, and re-instatement of laydown areas.	EA will continue to carry out maintenance works under WRA – no issues to resolve

28	EA carries out maintenance works under powers contained in Water Resources Act 1991 s165	New Rights – permanent easement in connection with Work No. 8A and 8B, and temporary possession in relation to (Work Nos. 9A, 9B and 9C) access and construction worksite, use of the land for temporary laydown areas including any ancillary works necessary to facilitate the use of that land, storage, placing of temporary cranes and works associated with the reinstatement of the land. Works compound and welfare facilities, storage, laydown areas, and re-instatement of laydown areas.	EA will continue to carry out maintenance works under WRA – no issues to resolve
30	EA Freehold - HS357099, part of North Pilfrey Bridge	New Rights – permanent easement in respect of Work Nos. 8A and 8B, and temporary possession in relation to (Work Nos. 9A, 9B and 9C) access and construction worksite, use of the land for temporary laydown areas including any ancillary works necessary to facilitate the use of that land, storage, placing of temporary cranes and works associated with the reinstatement of the land. Works compound and welfare facilities, storage, laydown areas, and re-instatement of laydown areas.	Rights under an existing easement need extending to benefit the Applicant. 26/4/22 Draft Deed of Variation received by EA – now under consideration.
31	EA Freehold - HS357099 land north of Stainforth & Keadby Canal and south of Bonnyhale Road	Temporary possession in relation to (Work No. 10A) access and construction worksite, including temporary haul road and any ancillary works necessary to facilitate the use of that land as a temporary haul road and reinstatement of the land.	Temporary possession agreement to be negotiated with the Applicant
46	EA Freehold - HS357580 land north of Stainforth & Keadby Canal and south of Bonnyhale Road	Temporary possession in relation to (Work No. 10A) access and construction worksite, including temporary haul road and any ancillary works necessary to facilitate the use of that land as a temporary haul road and reinstatement of the land.	Temporary possession agreement to be negotiated with the Applicant
47	EA Freehold - HS357580 land north of Stainforth & Keadby Canal and south of Bonnyhale Road	Temporary possession in relation to (Work No. 2A and 10A) access and construction worksite, including temporary haul road and any ancillary works necessary to facilitate the use of that land as a temporary haul road and reinstatement of the land.	Temporary possession agreement to be negotiated with the Applicant.
52	EA Freehold - HS357580 land north of Stainforth & Keadby	New permanent right in relation to Work No. 4A and 4B	EA is awaiting receipt of a draft easement and options

	Canal and south of Bonnyhale Road		agreement from the Applicant in respect of this plot.
53	EA Freehold - HS357580 land north of Stainforth & Keadby Canal and south of Bonnyhale Road	Temporary possession in relation to (Work No. 10A) access and construction worksite, including temporary haul road and any ancillary works necessary to facilitate the use of that land as a temporary haul road and reinstatement of the land.	Temporary possession agreement to be negotiated with the Applicant
54	EA Freehold - HS357580 land north of Stainforth & Keadby Canal and south of Bonnyhale Road	Temporary possession in relation to (Work No. 10A) access and construction worksite, including temporary haul road and any ancillary works necessary to facilitate the use of that land as a temporary haul road and reinstatement of the land.	Temporary possession agreement to be negotiated with the Applicant
75	EA agreed that it has no interest in this plot.	New permanent right in relation to Work No. 4A and 4B	Confirmed that the EA has no compensatable interest in this plot – issue resolved
76	EA right of way over track	New permanent right in relation to Work No. 4A and 4B	EA will retain right to pass along track, to undertake flood defence maintenance – issue resolved
77	EA right of way over track	New permanent right in relation to Work No. 4A and 4B	EA will retain right to pass along track, to undertake flood defence maintenance – issue resolved
80	EA right of way and easement	New permanent right in relation to Work No. 4A and 4B	EA interest protected by existing easement – issue resolved
80a	EA right of way	The Applicant is seeking the freehold interest for this plot from CRT, in relation to the construction of a new pumping station (Work No. 4A)	Still under discussion as it has not yet been established if this will impact flood defence operations/maintenance works
81	EA has the benefit of an easement	New permanent right in relation to Work No. 4A and 4B	EA interest protected by existing easement – issue resolved
96	EA right of way	New permanent right in relation to Work No. 4A and 4B	Access will be maintained for EA to undertake flood

			management activities – issue resolved.
156	EA has the benefit of an easement	New temporary right in relation to (Work No. 10B) access, inspection and repair, construction worksite and placing of temporary cranes.	Access will be maintained for EA to undertake flood management activities and reference to this plot has been removed from the latest draft DCO – issue resolved
157	EA has the benefit of an easement	New permanent right in relation to Work No. 4A and 4B	Access will be maintained for EA to undertake flood management activities and reference to this plot has been removed from the latest draft DCO – issue resolved