

KEADBY 3 CARBON CAPTURE POWER STATION

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

Document Ref: 9.23

Planning Inspectorate Ref: EN010114

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**

**Response to Rule 17 Questions dated 12
May 2022 and Additional Submission
published 16 May 2022**

The Planning Act 2008

**The Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009**

Applicant: Keadby Generation Limited

Date: May 2022

DOCUMENT HISTORY

Document Ref	9.23		
Revision	1.0		
Author	DWD, AECOM, Dentons, Ardent, SSE		
Signed	CT	Date	May 2022
Approved By	CT		
Signed	CT	Date	May 2022
Document Owner	DWD		

GLOSSARY

Abbreviation	Description
ADMS	Atmospheric Dispersion Modelling System
AGI	Above ground installation
AIL	Additional Abnormal Indivisible Load
AQMAU	Air Quality Modelling and Assessment Unit
AS	Additional Submissions
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
MW	Megawatts
MWe	Megawatts electrical
NLC	North Lincolnshire Council
NSIP	Nationally Significant Infrastructure Project
PCC	Proposed Power and Carbon Capture
PINS	Planning Inspectorate
RR	Relevant Representation

SoS	Secretary of State
WFD	Water Framework Directive
ZCH	Zero Carbon Humber

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1.0 INTRODUCTION

1.1 Overview

- 1.1.1 This 'Applicant's Responses to Rule 17 Questions dated May 12 2022' document (**Application Document Ref. 9.23**) has been prepared on behalf of Keadby Generation Limited ('the Applicant') which is a wholly owned subsidiary of SSE plc. 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 NGCL, for onward transportation to the Endurance storage site under the North Sea.
- 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 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 Water 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 the 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) along with the inclusion of riverbed within the Waterborne Transport Offloading Area (Railway Wharf) (Work No. 10C)
- 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 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.

1.2.6 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.

1.2.7 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].

1.2.8 Four changes to the Proposed Development (the 'Proposed Development Changes') have resulted from design contractor involvement since the submission of the DCO Application, 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 – not used¹.
- 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.

1.2.9 The Examining Authority accepted the Proposed Development Changes into the examination in a letter dated 12 May 2022 [PD-020] and these form part of the Proposed Development.

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 The Applicant previously consulted on and, at Deadline 5, proposed another change ("Change No. 2 - Changes to the Additional Abnormal Indivisible Load Route largely within SSE land and all within existing Order Limits". This was subsequently withdrawn by the Applicant by letter dated 26 April 2022 (REP6-018) and forms no part of the DCO examination.

- 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:
- a 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 Pilfrey 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 Development Consent Process

1.4.1 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.

1.4.2 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 SoS. PINS is now examining the Application and will make a recommendation to the SoS, who will then decide whether to make (grant) the DCO.

1.5 The Purpose and Structure of this Document

1.5.1 This document sets out the Applicant's response to Applicant's Responses to Rule 17 Questions dated 12 May 2022 and to the Additional Submission by an interested party, John Carney, published on 16 May 2022.

2.0 APPLICANT'S RESPONSES TO RULE 17 QUESTIONS DATED 12 MAY 2022 AND ADDITIONAL SUBMISSION PUBLISHED 16 MAY 2022

2.1.1 The Applicant's responses to the Applicant's Responses to the above matters in the tables below.

Table 1.1: Response to Rule 17 Questions dated 12th May 2022

	QUESTION TO:	QUESTION	APPLICANT'S RESPONSE
1.	The Applicant	<p>The Applicant's 'Responses to D6 Submissions, Rule 17 Request of 25 April 2022, and ExQ 1.16.32, 2.1.1, 2.6.4 and 2.6.5' [REP6a-028] is noted. However, this response does not appear to address the comment of NLC in regard to the current drafting of the noise complaints procedure and its comment that it would only apply to any complaint made to the undertaker in breach of the threshold specified in the Requirement and as this is +3dB higher than background levels:</p> <p><i>"...NLC do not consider it realistic that a third party would be able to identify whether noise emitted from the site exceeds this threshold and are of the opinion that the complaints procedure should apply to all noise complaints to the undertaker." NLC goes on to advise: "NLC has discussed this point with the Applicant and it is understood that the drafting of R29 is to be updated to address our concerns."</i></p> <p>In the light of the above comment, please could the Applicant respond to NLC's concern in this regard and explain how it has addressed this matter.</p>	<p>The Applicant provided an update on this matter at paragraph 5.4.3 of the signed SoCG with North Lincolnshire Council at deadline 6:</p> <p><i>"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."</i></p> <p>Hence, to confirm, the draft DCO was amended at Deadline 6 to remove the stipulation that a complaint would have to breach the +3dB threshold. The relevant extract from REP6-020 is shown below. This drafting remains in all versions of the draft DCO submitted at deadline 6a.</p> <p>The drafting requires the complainant to submit only basic information such as contact details, date, time</p>

			<p>and nature of the complaint. This basic level of information is necessary to provide a starting point for the necessary investigation and response by the undertaker required in paragraph 5 subparagraphs (a) & (b). Sub paragraph (c) provides that the undertaker may make reference to the threshold of +3dB within a response (i.e. may refer to whether the noise was within or above the threshold) but is not absolved of making a response.</p> <p>29.—(1)a No part of the authorised development may be brought into commercial use until a scheme for management and monitoring of noise during operation of the authorised development has been submitted to and approved by the relevant planning authority.</p> <p>(2) The scheme submitted pursuant to sub-paragraph (1) must include the results of daytime and night time baseline noise monitoring that has been carried out by the undertaker for the purposes of this requirement as agreed with the relevant planning authority</p> <p>(3) Noise (in terms of the BS4142:2014+A1:2019 rating level) from the operation of the authorised development must be no greater than +3dB higher than the defined representative background sound level during each of the daytime and the night time adjacent to the nearest residential properties at such locations as agreed with the relevant planning authority.</p> <p>(4) The scheme must be implemented as approved unless in an emergency or otherwise agreed with the relevant planning authority.</p> <p>(5) Any complaint to the undertaker in breach of the thresholds agreed pursuant to paragraph (2) above in relation to operational noise must include contact details for the complainant and the date, time and nature of the noise and must then be:</p> <ul style="list-style-type: none"> (a) acknowledged by the undertaker within 3 working days of receipt of complaint; (b) investigated within 7 working days of the date of acknowledgement referred to in sub-paragraph (a); and (c) a response provided within 7 working days of the date of completion of period for the investigations referred to in sub-paragraph (b) by reference to the threshold in paragraph (3) above. <p>(6) In this Requirement—</p> <ul style="list-style-type: none"> (a) “daytime” means the period from 0700 to 2300 and “night time” means the period from 2300 to 0700; and (b) “defined representative background sound level” means the sound level measured during the monitoring secured by sub-paragraph (2).
2.	The Applicant	The Applicant’s response to ExQ2 2.16.13 [REP6-016] is noted, but the ExA notes the response does not appear to respond to ExQ2 2.16.13(i). Please could the Applicant respond stating where, or otherwise, the amended dDCO (Schedule 13, Part 3(10) and Part 3(11))	The Applicant can confirm that the dDCO was updated to include the wording requested by the MMO (now paragraphs (9) and (10) of Part 3 of Schedule 13). The MMO has also confirmed in its submission [REP6-035] that the amendments requested have been

		requires the respective documents (the CEMP and the Marine Method Statement) to be submitted to the relevant specified bodies 'in writing'.	incorporated. For completeness (whilst not a response to this question) the Applicant can also confirm that the final point outstanding for the MMO (as set out in REP6-035]) has also been addressed.
3.	The Applicant	<p>The Applicant's 'Responses to D6 Submissions, Rule 17 Request of 25 April 2022, and ExQ 1.16.32, 2.1.1, 2.6.4 and 2.6.5' [REP6a-028] is noted, as is the EA response to ExQ2 Q2.2.8 [REP6-033], where it states:</p> <p><i>"...Draft DCO, Work No. 1C – carbon dioxide capture plant, - does not explicitly cover water washes or acid scrubbers and so consideration should be given to the need to expand on "(ii) carbon dioxide absorber unit(s) and associated stack(s);"</i></p> <p>The ExA would ask the Applicant to respond to the EA's response to ExQ2 Q2.2.8 [REP6-033] and whether there is a need to expand the description of Work No. 1C – carbon dioxide capture plant. If there is no need to expand the description, please explain why.</p>	<p>We would wish to clarify that this is the same item that was added at the request of Natural England in the drafting submitted at Deadline 6a for all versions of the dDCO – see extract below. This is described in Document Ref. 9.7 ('Schedule of Updates') which explains:</p> <p><i>"New paragraph (iv) added ... to respond to the request by Natural England to specifically include this provision (previously treated as falling within associated development pursuant to S115(2)). This is further explained in paragraph 6.1.2 of the Explanatory Memorandum (Document Ref. 2.2)."</i></p> <p>The paragraph added specifies "ammonia emissions monitoring and control equipment and associated chemical storage". This follows drafting convention used to describe other emissions abatement (e.g. NOx) in this Order (in Work 1A) and in other thermal generating station Orders (see Work 1A in the he Eggborough Gas Fired Generating Station Order 2018, or Work 1 in the Immingham Open Cycle Gas Turbine Order 2020).</p> <p>This wording has been agreed with Natural England in the SoCG signed and submitted at Deadline 7 (see page 19).</p>

4.	The Applicant/EA	<p>The EA’s response to ExQ2 Q2.6.6 [REP6-033] is noted, especially in regard to the mention of an ‘Options Agreement’. The Applicant’s response to this matter, contained in its ‘Responses to D6 Submissions, Rule 17 Request of 25 April 2022, and ExQ 1.16.32, 2.1.1, 2.6.4 and 2.6.5’ [REP6a-028] is also noted. However, the ExA would urge the Applicant and the EA to resolve these matters as a matter of urgency and would remind them that the ExA will be unable to consider any matters resolved after the close of the Examination in its Recommendation Report to the Secretary of State. This would include any confirmation from the Applicant and/ or EA of the completion of an Options Agreement that is received after the close of the Examination.</p>	<p>The Applicant will continue to work with the EA in order to resolve all matters that may remain outstanding following the close of the Examination.</p> <p>It is understood that there are no fundamental issues preventing agreement but there remain matters of detail that require further consideration. In this regard, the Applicant requires CA powers in order to ensure that the required land and/or rights are secured within a timely manner. Should it be necessary to exercise CA powers, the EA, in common with all other Affected Persons, will become a claimant with the ability to refer any disputes in respect of compensation and/or valuation matters to the Upper Tribunal Lands Chamber for determination which is the appropriate body to deal with these issues.</p> <p>The use of CA powers is a standard feature of schemes reliant upon a DCO and the Applicant is of the opinion that such powers are entirely proportionate and appropriate in these circumstances in order to ensure that there are no impediments to the implementation and delivery of the proposed scheme. This is supported in “The Planning Act 2008: Guidance related to CPO” which acknowledges that “as a contingency measure, [applicants] should plan for compulsory acquisition at the same time as conducting negotiations”. Examples of DCOs which have been granted including CA powers include:</p> <ul style="list-style-type: none"> • The M25 Junction 28 Development Consent Order 2022
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			<ul style="list-style-type: none"> • Southampton to London Pipeline Development Consent Order 2020 • The Immingham Open Cycle Gas Turbine Order 2020 • Eggborough Gas Fired Generating Station Order 2018 <p>It remains the applicant's intention that CA powers would only be implemented as a matter of last resort.</p>
5.	The Applicant	<p>In the response from NGET, submitted at D6a [REP6a-070], it indicates the following matters still need to be resolved with NGET:</p> <ol style="list-style-type: none"> an option for cable easement with a provision to adopt either Route 1 to the North, or, Route 2 to the South; the surrender and re-grant of lease to Keadby Power Ltd with provisions to call upon the following amendments: (a) upgrade to the cooling water discharge pipe; (b) installation of river water supply connection; and/ or (c) temporary haul road; and the Promoter entering into a side agreement, prior to the close of the Examination, to ensure the Promoter's commitment to entering into the above agreements following the close of Examination. <p>Bearing the above in mind the ExA would ask the Applicant to advise on the progress of resolving the matters listed in Items i. to iii. (above) prior to the close of the Examination and when these agreements or</p>	<p>The Applicant has contacted NGET to consider likely terms of a side agreement and whether one is needed at this stage. A draft has been prepared by NGET's lawyers and the Applicant is waiting for this to be provided for review.</p>

		<p>confirmation of their completion is anticipated to be entered into the Examination.</p> <p>The ExA would remind the parties involved that failure to submit these completed items or confirmation of their agreement into the Examination prior to its close means that the ExA would not be able to take them into account in its Recommendation Report to the Secretary of State.</p>	
6.	The Applicant	<p>The NGET letter, submitted at D6a, [REP6a-070] states:</p> <p><i>“NGET will request that the Promoter commits to limiting the extent of the rights to be acquired as part of Works No 3A so that the connection on main & reserve bar 3 of the substation (using their existing bay and CB X1205) as opposed to the entirety of the substation... which is in accordance with the connection request received from the Promoter.”</i></p> <p>NGET illustrates the area concerned in its letter, outlining it in yellow.</p> <p>The ExA would ask for the Applicant’s response to NGET’s request outlined above.</p>	<p>The Applicant remains committed to continued dialogue with NGET to put in place the necessary agreements required for the development proposals and to refine the scope of rights.</p> <p>The connection request is not representative of all rights which may be required by the undertaker to facilitate this development. The undertaker therefore requires the rights and identified land to remain in the form applied for.</p>
7.	The Applicant	<p>The EA in its D6a submission [REP6a-069] entitled ‘Final update regarding progress that has been made with Affected Persons in respect of Compulsory Acquisition (CA) and Temporary Possession (TP)’ advises that it continues</p> <p><i>“...to liaise with the Applicant’s Agent in respect of its land interests and some progress has been made. Our Estates team is working to provide information required</i></p>	<p>The EA and the Applicant discussed these matters on 20 May 2022. It was agreed during this meeting that the EA and the Applicant are aligned as to the intention of the various agreements that are required. Further discussions took place on 23 May 2022.</p> <p>The EA does not object to the grant of the requested rights in respect of North Pilfrey, Mabey and Skew bridges and has been provided with draft</p>

		<p><i>by the Applicant and vice-versa. We expect further progress to be made during May and we will provide an update to you on this matter prior to the close of the Examination.”</i></p> <p>The ExA would ask the Applicant what endeavour it is undertaking to ensure that these matters are resolved prior to the close of the Examination and would remind the parties involved that the ExA would be unable to consider any matters resolved after the close of the Examination in its Recommendation Report to the Secretary of State.</p>	<p>documentation the completion of which would remove any need to exercise CA powers in respect of these plots. As part of this, the Applicant has made financial offers that go beyond the compensation that it considers would be awarded by the Upper Tribunal Lands Chamber in recognition of its desire to avoid having to exercise CA powers. The EA is considering these offers but requested that the Applicant provides a further explanation as to the basis of the financial terms to support the obtaining of internal instructions / approvals. This was provided on 20th May 2022 by email followed by a further email and telephone conversation on 23rd May.</p> <p>The Applicant has proposed a 5-year option for a subsoil easement in respect of the canal abstraction pipe. The financial offer is in accordance with the Compensation Code and other settlements reached within the dDCO land. The EA has requested that the Applicant sets out further detail to justify that offer in order that it may seek internal instructions.</p> <p>The use of the proposed haul road may necessitate encroachment into air space over certain plots owned by the EA. The applicant is proposing a 5-year option for a licence and a financial offer for this has been made. However, the EA have requested further clarity as to the nature and extent of such encroachment in order to consider the appropriate legal means of documenting agreement in this regard.</p> <p>The EA questioned (on 20th May) if the acquisition of Plot 80A from C&RT may interfere with an easement right benefitting the EA. The Applicant has investigated</p>
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			<p>this and it has been identified that plot 80a will occupy a small amount of land relating to this easement (a right of way). The EA have advised that they would be prepared to agree to a variation of the easement to permit the intended use of Plot 80a and Applicant is therefore considering the documentation required to agree the variation. Further discussions took place in this regard on 23 May.</p> <p>There is an approvals process that would need to be completed before the proposed terms can be formally completed. As such, it is unlikely that formal completion can be achieved prior to closure of the examination. The Applicant is therefore of the opinion that it is necessary to benefit from CA powers in the event that agreement cannot be reached. Whilst the Applicant has every confidence that terms will be finalised prior to the dDCO being implemented, CA powers are required should this understanding prove to be mistaken.</p>
8.	The Applicant/ NE/ Northern Powergrid/ UKHSA/ C&RT/ NR/ Keadby with Althorpe Parish Council	<p>The ExA has reviewed the D6a submissions and notes the following with regard to the SoCG between the Applicant and the following IPs:</p> <ul style="list-style-type: none"> i. NE [REP6-006] remains unsigned; ii. Northern Powergrid [REP6a-021] is unsigned/ undated by the Applicant; iii. The UKHSA [REP6-011] remains unsigned/ undated; iv. The C&RT [REP3-014] remains unsigned/ undated; v. NR [REP1-015] remains unsigned/ undated; and vi. Keadby with Althorpe Parish Council [REP2-005] remains unsigned/ undated. 	<p>The Applicant has continued with its efforts to obtain signed (i.e. dual signed and dated) SoCGs and make updates to SoCGs where possible to assist the Examining Authority, and is pleased to update on each point in turn as follows:</p> <ul style="list-style-type: none"> (i) The Natural England SoCG was signed shortly after the last deadline. This is submitted into the examination at this deadline. (ii) The Applicant has signed an updated SoCG with Northern Powergrid and this is submitted at this deadline. (iii) An updated SoCG with UKHSA has now been agreed (they have advised they do not sign

		<p>The ExA is disappointed to note the absence of the submission of completed SoCGs between the Applicant and these IPs, which were required to be submitted at D6 (Tuesday 26 April 2022) as sought in the Examination Timetable issued with the Rule 8 letter dated 14 December 2021 [PD-008], as amended by the ExA's Rule 8(3) letters of 14 February 2022 [PD-012] and 25 April 2022 [PD-018]. Bearing this in mind, the ExA asks, where possible, for outstanding matters in the SoCGs, between the Applicant and the relevant IPs listed above, to be resolved. Subject to those outstanding matters being resolved, the ExA would request signed and dated versions of the final SoCGs, between the Applicant and IPs listed above, be submitted at D7 (Tuesday 24 May 2022). Should it not be possible to submit the signed and dated copies of these SoCGs by D7 (Tuesday 24 May 2022), the Applicant and relevant IPs are asked to provide a detailed explanation as to why by the same Deadline (D7, Tuesday 24 May 2022).</p>	<p>SoCGs but have issued a letter to be appended in lieu of signature) and is submitted into examination (Document Ref. 8.13 including letter at the end of appendix 4 thereof) at Deadline 7.</p> <ul style="list-style-type: none"> (iv) An updated SoCG with Canal and River Trust has been signed and is submitted at this deadline. (v) An updated signed SoCG with Network Rail is submitted at this deadline. (vi) Signing of a SoCG was attempted on 17 May 2022 via an offer of in person attendance at and presentation to the parish council meeting of 18 May 2022 but this came after agendas had been published and attendance was not permitted. No further parish council meetings are scheduled during the time in examination and the working group is unable to sign SoCGs. <p>In order to assist the Examining Authority an updated draft SoCG is submitted at this deadline. This provides both clarifications of previous 'matters not yet agreed' (using evidence contained in the parish council's published material) and updates (i.e. the position reached on the same environmental topics with key environmental consultees such as Environment Agency, North Lincolnshire Council and Canal and River Trust). The Applicant considers the enclosed draft SoCG and appended evidence fairly and clearly presents the impact of the Proposed Development and the limited extent of matters that were not agreed in the January SoCG with the parish council. Two of these centre on matters that have been resolved to the satisfaction of consultees such as Environment Agency (air quality) and Canal and River Trust (canal water levels) while the third has</p>
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			<p>been addressed via inclusion of the parish council on relevant planting proposals, which is secured in requirement 6 of the draft DCO (and was included at deadline 6a).</p> <p>In addition, an updated and signed SoCG with National Grid Carbon Limited is submitted at this deadline.</p>
9.	The Applicant/ Northern Powergrid	<p>The SoCG between the Applicant and Northern Powergrid [REP6a-021], which is currently unsigned and undated by the Applicant (see question above), is noted; as is the Applicant's D6a covering letter [REP6a-001]. Northern Powergrid's D6a submission [REP6a-072], including its attachment, is also noted.</p> <p>The SoCG [REP6a-021] sets out matters not agreed and indicates concerns remain over the proposed protective provisions, whilst the Applicant's D6a covering letter [REP6a-001] states: <i>"Since the Northern Powergrid SoCG was signed the Protective Provisions have largely been agreed and we understand a representative of Northern Powergrid is updating ExA directly to confirm the position."</i></p> <p>In contrast Northern Powergrid's D6a submission [REP6a-072] advises: <i>"A revised form of protective provisions have now been agreed with the applicant for inclusion within the dDCO. It is understood that the applicant is submitting this agreed form of wording today as part of the D6a submission (copy attached). However, it should be noted that there are still further details relating to these protective provisions outstanding, which are to be agreed in a side agreement and until such time as this side agreement is completed, my clients' representation remains in place."</i></p>	<p>The Applicant submits an updated signed and dated SoCG with Northern Powergrid at this deadline. This confirms that the Protective Provisions are agreed. The agreed form of protective provisions were included in the preferred form of dDCO submitted at deadline 6a and the Applicant can confirm the protective provisions annexed to [REP6a-034) are identical. Accordingly there are no outstanding matters relating to the Northern Powergrid protective provisions.</p> <p>Discussions on the side agreement are progressing well and both parties are intending to enter into this before close of examination. It is anticipated that confirmation that the side agreement has been entered into will be submitted to the Examining Authority at Deadline 7a. Once entered into, the side agreement will secure the withdrawal of Northern Powergrid objection in their relevant representation [RR-012].</p>

		<p>In the light of the above, the ExA would ask:</p> <ul style="list-style-type: none"> i. The Applicant to confirm that the protective provisions contained in the current preferred version of the draft Development Consent Order (DCO) [REP6a-034] are identical to those provided by Northern Powergrid in its attachment sent with its D6a submission; ii. If the protective provisions referred to in i. above are not identical, the Applicant is asked to justify why or to submit an updated final version of the draft DCO, which includes Northern Powergrid’s identical protective provisions; iii. The Applicant and Northern Powergrid what further details relating to these protective provisions remain outstanding; and iv. The Applicant and Northern Powergrid for clarification in regard to the side agreement referred to in Northern Powergrid’s D6a submission and whether it has been completed. <p>The ExA would urge the Applicant and Northern Powergrid to resolve these matters as a matter of urgency and would remind them that the ExA will be unable to consider any matters resolved after the close of the Examination in its Recommendation Report to the Secretary of State. This would include any confirmation from the Applicant and/ or Northern Powergrid of the completion of a side agreement that is received after the close of the Examination.</p>	
10.	The Applicant/ National	The SoCG between the Applicant and National Grid Carbon Ltd [REP6a-020] is noted, but the ExA is disappointed at the progress made in regard to protective	The protective provisions are now in an agreed form between the Applicant and NGCL. The agreed form of the protective provisions are annexed to the signed

	<p>Grid Carbon Ltd (part of National Grid Ventures)</p>	<p>provisions and any related side agreement(s). The ExA would urge both parties to resolve the matters between them as a matter of urgency and provide:</p> <ul style="list-style-type: none"> i. an agreed set of protective provisions, to be included within the final preferred version of the DCO and confirmation as to the completion of any necessary side agreement(s), to the satisfaction of the relevant parties, to be submitted at D7; or ii. to explain in detail why it has not been possible to agree the protective provisions and confirm the completion of any necessary side agreement(s). <p>The ExA would urge the Applicant and National Grid Carbon/ National Grid Ventures to resolve these matters as a matter of urgency and would remind them that the ExA will be unable to consider any matters resolved after the close of the Examination in its Recommendation Report to the Secretary of State. This would include any agreement as to protective Provisions, side agreement or interface agreement</p>	<p>Statement of Common Ground submitted at this deadline.</p>
<p>11.</p>	<p>The Applicant/ NGET/ NGG</p>	<p>The SoCG between The Applicant/ NGET and NGG submitted at D6 [REP6-009] states:</p> <p><i>“It is agreed that the protective provisions for electricity and gas in Schedule 10 of the dDCO adequately match the standard protective provisions of National Grid Electricity Transmission plc and National Grid Gas plc subject to the Applicant deleting it’s suggested additional provision at Schedule 10 clause 12(6) of the dDCO and including an additional protection so that if a street in, on, under of over which it has apparatus is temporarily stopped up pursuant to Article 13 (Agreement with Street Authorities)...”.</i></p>	<p>The Applicant is checking the reference with NGET. In relation to the request that additional protection be included where a street is temporarily stopped up, a new para 3(2) will be added to Part 1 of Schedule 10 to incorporate NGET’s preferred form of wording in this regard.</p>

		However, the ExA would question whether the parties mean Schedule 10 clause 12(6) as this clause does not appear to exist. Please clarify.	
12.	NLC	In the light of the Applicant's Outline Written Scheme of Investigation submitted at D6a [REP6a-018], can NLC confirm that it is now satisfied with the Applicant's approach in regard to archaeology and that the concerns raised in NLC's Local Impact Report related to archaeology have been adequately addressed.	In correspondence with NLC, the Applicant understands that the NLC Historic Environment Officer (HEO) is satisfied on archaeological matters and NLC is writing to the Examining Authority to confirm that the Applicant has addressed all their concerns in the Local Impact Report on archaeology.
13.	NLC	NLC's response to ExQ2 Q2.16.1 [REP6-030] is noted, as is the response from the Applicant [REP6-016]. The ExA would ask NLC to confirm whether it agrees with the Applicant's response in this regard.	In correspondence with NLC, the Applicant understands that NLC Highways Dept has accepted the departure from standard and is satisfied with the additional clarifications provided by the Applicant in relation to the Construction Traffic Management Plan (Document Ref. 7.2) and maintenance matters (Article 11 of the draft DCO). The Applicant understands that NLC is writing to the Examining Authority to confirm that the Applicant has addressed all outstanding matters.
14.	C&RT	The Applicant's 'Responses to D6 Submissions, Rule 17 Request of 25 April 2022, and ExQ 1.16.32, 2.1.1, 2.6.4 and 2.6.5' [REP6a-028] is noted, including its response to the C&RT's D6 submission [REP6-032] in regard to the Wharf Management Plan (See Table 2.2, Page 12/13). The ExA would ask the C&RT whether it is satisfied with the Applicant's response in this regard, and whether the current version of the preferred draft DCO [REP6a-034] adequately addresses its concerns in this regard.	The Applicant and the Trust have now signed a SoCG which confirms agreed wording in the draft DCO in relation to the Wharf Management Plan. This is submitted into examination at this deadline.

Table 1.2: Response to Additional Submission Published 16 May 2022 (AS-027)

PARAGRAPH	FULL TEXT	APPLICANT'S RESPONSE
n/a	Formal Objection to water abstraction alteration to lock gated level at Keadby and closure of Highway which SSE have done already in site plan. (Image) (Image)	It is overall unclear what specific concerns are being raised in relation to the Keadby 3 Carbon Capture Power Station Draft DCO or procedural points. The Applicant notes that a copy of plans provided within the Applicant's Document 9.16 Summary of Canal Water Abstraction Assessment (REP6a-058) are included in the additional submission and therefore our comments and clarifications are provided within the context of this document. The Additional Submission has been made close to the end of the examination and 5 months later than our response to the Relevant Representation contained in REP1-021 (on which we have not received comments), around 3.5 months following the ExA's deadline for Written Representations (1 February 2022) (no WR from the interested party is shown on the examination library) and following the public hearings. The Applicant provides below a summary of the position reached during examination on the topics raised.
1	The position of the proposed pumping station is in the Syphon (coloured red) the area	The proposed cooling water abstraction location from the Stainforth and Keadby Canal is similar to and adjoins that which has been constructed for the Keadby 2 CCGT power station, and has been adequately assessed in the EIA and agreed with the Canal and River Trust (CRT) in the signed SoCG with CRT. The Cooling Water Abstraction will require water efficiency measures to be undertaken, which will require minor physical modifications to Keadby Lock to be undertaken by the Canal and River Trust. Water levels will not alter, as reported on in "Summary of Canal Water Abstraction Assessment" (REP6a-058). The lock gate modifications may require consent from the Secretary of State for Digital, Culture, Media and Sport, being within a scheduled monument. The Flood Risk Assessment has been agreed by the Environment Agency through the Signed SoCG with the EA. Besides the DCO if made, the consents and licenses will be required to deliver
2	The (Stainforth and Keadby Canal Act (1793) Sections 64-69) parliament legislated the Proprietors shall make two Soke Drains parrel to the Canal, with a level bottom and Slopes and Batter of 1 in 2 feet (45 degree), from the Boating Dike at Thorne declining to two new Trent Sluices outlets to the River Trent at Keadby. The drain were and still are today to prevent seepage and overflow onto the Lincolnshire and Yorkshire Levels by River	

	Don flash flooding of their land awarded under the Great Seal of England by Charles .	the project including from the Environment Agency as indicated in the Other Consents and Licences document (APP-033). As identified in the Water Framework Directive Screening of Waterbodies potentially impacted by the proposed Keady Lock modification works (Table 2), there is no identified pathway to impact this North Soak Drain from works to the Keady Lock.
3	The North Soke Drain is a flood Defence. What parliament has given only Parliament can take away. In plan and simple words.	
4	SSE companies at Keadby North Lincolnshire are stopping up 3 public Highways, with gates and fencing and bollard	This representation does not appear to identify any specific issues on the Proposed Development which is the subject of the DCO, nor any specific procedural elements related to the DCO. No permanent powers to stop-up highways are sought as part of the Development Consent Order.
4	Keadby Inclosure Map (Image) SSYN Act Plan (Image) Fired Power Station (Image) Keadby Coal (Image) Road closed (Image) (Image) (Image)	The Proposed Development utilises existing private road and highway infrastructure which already serves the existing Keadby Power Station and which has also been used for the purposes of constructing Keadby 2 which is now under commissioning. In this respect the DCO application proposes no significant alterations to the status of the existing private roads or public highway serving or comprised in the application site.
4	The "Brown Track" is a statutory road or way set out in 1802 to maintain the North Soke Drain. It was and still is a road or way to the ferries to/from Hull and Gainsborough from the Keadby Trent Wharf . I have with others gone to Hull on the Waverley. The law holds that a way to a ferry is a highway. (Image) (Image). Land sold did not include to the Syphon. Monument of Title. (Image) (Image).	The Access and Public Rights of Way plans, submitted with the application and updated in examination in minor respects such as labelling (see REP6a-045), identify the status of the various roads within and adjoining the application site which comprise private roads (not accessible to the public) and public highway. The Access and Public Rights of Way Plans have been prepared using publicly available information from North Lincolnshire Council regarding the status of the highway network in the area.
5	The Causeway predates the canal , from Chapel Lane across to the North Soak Drain This highway is a pre-1835 high Pasture Road is Chapel Lane today. (Image) (Image). The new allottees, heirs Joseph Ducker, Johnathan Bean and John Taylor, awards were bounded by the dash line feature and Philips and Davidsons road.	Highways related issues have been agreed with North Lincolnshire Council as per the signed NLC SoCG (REP6-005).

6	(Image) Phillips and Robinsons road is on Keadby Inclosure (1861 Awarded to be maintained in the same way as public roads in Keadby. It is a pre-inclosure road to ancient inclosure. Maintained the same as othe public highway in Keadby. Finance Act 1910 Number 146. .312 area is Philips and Davidsons road	
6	(Image) (Image)	
7	<p>Keadby Manor Between 1185-1565 Keadby was a Knights Templar Manor. Adam de Keadby had a strong association with Keadby and Temple Belwood. (English Seignorial Agriculture 1250-1450) B.M S. Campbell (J. Michael Jefferson The Templar Estates in Lincolnshire, page 85) (English Seignorial and Agriculture 1250- 1450) B.M S. Campbell relating to the Manor of Keadby.</p> <p>Keadby Manor Lincoln 19, and East Riding Archives Beverley, DDTR/443-656., 214 item).</p>	
8	The S& K Canal Act proprietors were required to fence the purchased Keadby Common from the Lord of the Manor of Keadby and his tenants.	
9	S&KC Act 1793 (Section 53) legislated “All Persons” Shall have Free Liberty to use the Roads and Ways belonging to the said Company of Proprietors with Horses, Cattle and Carriages, except the Towing Path. When the Canal opened in 1802 on the North side of the North Soke Drain	

	was a road or way from Crowle Wharf to Keadby wharf on the River Trent, it was not a Towing path, therefore the public had free liberty to use it	
10	That legislation is not an ab extra, it is duty, place on the Canal proprietors and their successors in perpetuity. The Roads or Ways on the Canal are pre-1835 .	
11	Each time the road or way was moved between 1861-1956 was by legislation	
12 (a)	The South Yorkshire Railway and River Dunn Act, Vic. Cap clxix (1861)	
12 (b)	HC/CL/PB/2/29/72 Manchester, Sheffield, and Lincolnshire Railway (MS&LR) Opposed Private Bill Committee Evidence, 1861, volume 72 South Yorkshire Railway (Keadby Extension) bill and Plans, Opposed Private Bill Committee Evidence, 1861, volume 72 South Yorkshire Railway (Keadby Extension) bill.	
12 (c)	Vic. Cap lxxxvi (1866) An Act to Authorize the South Yorkshire Railway and River Dunn Company to widen and improve a portion of their Railway and abandon other thereof; and other purposes relating to the same railway. 11th of June (Document (National Archives Kew. RAIL 825). The SYR and River Dunn Company was leased for 999 years to Manchester Sheffield and Lincolnshire Railway Company by South Yorkshire Railway and River Dun Company's Transfer Act 23rd June 1864. Under South Yorkshire Railway and River Dun Company's	

	Vesting Act of 16th July 1874, South Yorkshire Railway and River Dun Company was dissolved and vested in Manchester Sheffield and Lincolnshire Railway Company.	
12 (d)	The Sheffield and South Yorkshire Navigation Act 1889 Plans Following the Act 1889 transferring the Navigation from the Manchester, Sheffield and Lincolnshire Railway to the Sheffield and South Yorkshire Navigation Co. (Image) On the 31st March 1967 demarcation agreement.	
13	<p>Drainage North Soke is also Main River.</p> <p>Elmhurst Pumping Station at Thorne discharged into Thorne Waste Drain, which runs in a South Easterly direction to the New Zealand Pumping Station, owned and operated first by the NRA and now the Environment Agency. As well as taking the discharge from Elmhurst and some side flow into the Thorne , Waste Drain, the Soke Drain also caters for the remainder of the town area of Thorne and farm land adjacent to Thorne Peat Moor. It also takes the water at Medge Hall pumping station from Crowle Yorkshire common, Lovers Ground pumping from Godknow common, gravity feed from Nettle common and Elland common and Keadby common Boundary Drain North Soak Drain at Keadby syphon under the Canal to the South Soke Drain, and to Three Rivers lagoon at Keadby Pumping Station</p>	<p>The Flood Risk Assessment (FRA) has considered the impact of the Proposed Development on potential flood risk in the Environmental Statement – Appendix 12a (Document Ref. 6.3.20) which was accepted by the Examining Authority as an Additional Submission [AS-010]. The FRA demonstrates that the Proposed Development would remain safe during its lifetime and would not increase flood risk elsewhere. Document 9.16 Summary of Canal Water Abstraction Assessment (REP6a-058) presents an assessment of flood risk in relation to the water efficiency measures proposed at Keadby Lock and concludes a negligible impact on the flood risk of the canal as a result of the proposed works, with the mechanism remaining unchanged from the baseline flood risk given the SCADA technology in place which is designed to minimise variation from the normal maintained water level and automatic adjustments to the sluices to to maintain the required water level, thus mitigating flood risk.</p> <p>As stated previously, the FRA has been agreed by the Environment Agency through the Signed SoCG with the EA [REP5-014] and other parties with remit for flood management` including North Lincolnshire Council (the Lead Local Flood Authority) and the Isle of Axholme and North Nottinghamshire Water Level Management Board (the IDB) have</p>

14	The water management scheme on Thorne and Crowle Moor has use Plastic piling to maintain a water level.	also signed SoCG (REP6-005 and REP6-013 respectively) with the Applicant, accepting the conclusions of the FRA.
15	The North Soak from Crowle Railway Station back towards Thorne is over grown and restricts the water flow has flooded adjacent farm land. (Image)	
16	<p>The facts are that the River Don maintains the water level in the Stainforth and Keadby Canal. And it is notorious for flash floods. I have walked the Canal for the 20 years almost ever week and the level of the canal is to high, it already laps over piling in Keadby and on to the Towing path . 50 millimetre's will increase that overspill when a barge passes through the Basin. In many places it has already has undermined fishing pegs making the towing path dangerous. (Image) (Image) (Image) (image)</p> <p>From the overflow to Syphon the grass and weeds are about a metre high. After the Railway the grass is not cut hiding where the bank is undermined.</p>	
17	There is no report on the condition of the north side of the canal bank which the Soak drain flooded Godknow common. The North Soak Drain should be Cleared from before Crowle Station to Maud Bridge. The adjacent 14 feet wide Bank of the North Soke Drain from Crowle to Mauds, as this is the low ground that floods.	

18	The Secretary of State cannot give permission by including in new Site plans, to stop up highways they did not make section 247/8 TCPA application for previously Granted planning permission	Please refer to the above response to highways matters contained in paragraph 4.