

# 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 Canal  
& River Trust**

**The Planning Act 2008**

**Applicant: Keadby Generation Limited**

**Date: April 2022**

## DOCUMENT HISTORY

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<b>Author</b>	AECOM Limited		
<b>Signed</b>	Susan Evans	<b>Date</b>	March 2022
<b>Approved By</b>			
<b>Signed</b>	Richard Lowe	<b>Date</b>	March 2022
<b>Document Owner</b>	AECOM Limited		

## GLOSSARY

<b>Abbreviation</b>	<b>Description</b>
AIL	Additional Abnormal Indivisible Load
AGI	Above ground installation
CCGT	Combined Cycle Gas Turbine
CCP	Carbon dioxide capture plant
CEMP	Construction Environment Management Plan
DCO	Development Consent Order
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
ES	Environmental Statement
HRSG	Heat Recovery Steam Generator
HP	High pressure
LWS	Local Wildlife Site
MW	megawatts
NLC	North Lincolnshire Council
NSIP	Nationally Significant Infrastructure Project
PCC	Proposed Power and Carbon Capture
PINS	Planning Inspectorate
PEI	Preliminary Environmental Information
SoCG	Statement of Common Ground
SoS	The Secretary of State
ZCH	Zero Carbon Humber

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## 1.0 INTRODUCTION

### 1.1 Overview

- 1.1.1 This Statement of Common Ground ('SoCG') with Canal & River Trust ('the Trust') (**Application Document Ref. 8.8**) 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 construction) 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 Zero Carbon Humber (ZCH) Partnership export pipeline and gathering network for onward transport to the Endurance saline aquifer 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 the

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 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');
- 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 above ground installation (AGI) for National Grid Carbon's 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 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. 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 Ventures.

- 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**).

### 1.3 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 (under commissioning Keadby 2 Power Station 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 National Grid Gas's (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 crossing 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 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.

## **1.5 The Purpose and Structure of this Document**

- 1.5.1 The purpose of this document is to summarise clearly the agreements reached between the Applicant and the Canal & River Trust ('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).

- 1.5.2 This version of the document summarises the agreements reached between the Parties regarding matters listed below:

- Water resources;
- Water quality;
- Water abstraction;
- Biodiversity and habitat enhancements along the canal corridor;
- Noise and vibration impacts;
- Navigation of the Stainforth and Keadby Canal and the River Trent;
- Landscape and visual effects;
- Mitigation, risk management and enhancement measures, including Construction Environmental Management Plan/ Code of Construction Practice; and
- Draft DCO and any relevant Protective Provisions, including the content and adequacy of the draft Deemed Marine Licence (DML).

## **1.6 Status of this version**

- 1.6.1 This is the first draft of this SoCG.

- 1.6.2 The document is structured as follows:

- Section 2 – summarises the role of the Trust;
- Section 3 – sets out details of consultation with the Trust to date;

- Section 4 – sets out the matters agreed between the parties in respect of the Application; and
- Section 5 – sets out any matters that are yet to be agreed and where discussions are on-going between the parties and summarises next steps.

## 2.0 THE ROLE OF THE TRUST

- 2.1.1 The Canal & River Trust own and manage the Stainforth & Keadby Canal, which lies partly within the location plan boundary of the NSIP proposal. The canal enters the River Trent at Keadby Lock, which is also operated and managed by the Trust.
- 2.1.2 Although Keadby Lock is Managed by The Trust, the Trust are not the navigation authority on the River Trent north of Gainsborough Road Bridge. ABP Ports are the navigation authority. The section of the River Trent outside of Keadby Lock is not managed by the Trust.
- 2.1.3 The Trust has a duty under the Trust Agreement with the Secretary of State for Environment, Food and Rural Affairs (28 June 2012) to operate and manage the waterways and towpaths for public use and enjoyment. Additionally, the Trust has a duty under S105 Transport Act 1968 to maintain commercial and cruising waterways in a suitable condition for use.
- 2.1.4 The Trust is a prescribed consultee on NSIP proposals which are likely to have an impact on inland waterways or land adjacent to inland waterways. Applicants and the Planning Inspectorate are required to consult the Trust at various stages of the process. The Trust is also a statutory undertaker for the purpose of Section 127 of the 2008 Act.
- 2.1.5 Where works may or will affect the property of the Trust, it is the established practice of the Trust to require third parties to comply with the Code of Practice for Works Affecting the Canal & River Trust (most recent version: April 2021) (the “Code of Practice”). The Code of Practice includes dedicated provisions (based on many years of experience from the Trust’s engineers) to specifically address the risks and issues that arise in relation to engineering works in or adjacent to the canal network. It also provides relevant procedures and protections for the canal infrastructure and ordinarily forms the basis of the relationship between the Trust and the relevant third party.

### 3.0 SUMMARY OF CONSULTATION

#### 3.1 Overview

3.1.1 Consultation and technical engagement has been ongoing with the Trust since the scoping stage for the Proposed Development (June 2020). Consultation comments received from the Trust for the Proposed Development are presented in Table 3.1 below.

**Table 3.1: Consultation Summary**

Date	Details
<p>June 2020 (consultation on Environmental Impact Assessment (EIA) Scoping)</p>	<p>The Trust was consulted in respect of a request made by the Applicant for an EIA Scoping Opinion for the Proposed Development.</p> <p>Response by The Trust on 5 June 2020 provided advice on the scope of the EIA, including the following:</p> <ul style="list-style-type: none"> <li>• The need to scope for biodiversity enhancement as a means of screening the Proposed Development Site.</li> <li>• Suggested that details should be provided on how construction vibrations will not have an adverse effect on canal structures, including the Keadby Lock scheduled monument, and requested the submission of evidence that the access bridge across the Stainforth &amp; Keadby canal would be capable of accommodating the weight of access traffic.</li> <li>• The Trust welcomed the proposed inclusion of a Construction Environment Management Plan (CEMP), and recommended that the CEMP should include technical information which includes details of dust generating works, the</li> </ul>

Date	Details
	<p>location of damping down and wheel wash areas, and details of protective measures to limit the risk of materials being blown to the canal.</p> <ul style="list-style-type: none"> <li>• The need for details of the anticipated size and loading times of vessels on the River Trent, so that the impact on access to the Stainforth &amp; Keadby Canal could be fully assessed and balanced against the needs of existing users of the canal.</li> </ul> <p>The Trust also requested that a future Development Consent Order (DCO) should include provisions for the protection of the Trust in their role as Landowner and Navigation Authority.</p>
December 2020	A meeting between the Trust and the Applicant took place to discuss the proposals presented at formal consultation.

Date	Details
<p>January 2021 (formal Stage 2 Consultation/response)</p>	<p>The Trust provided the following comment at Stage 2 formal consultation (on the Preliminary Environmental Information (PEI) Report):</p> <p><b>Biodiversity and Nature Conservation:</b></p> <ul style="list-style-type: none"> <li>The Trust suggested habitat enhancement should be considered to mitigate the Proposed Development’s effect on wildlife in the canal corridor and abstraction installation. It was also suggested that precautions should be taken to avoid construction dust and waste reaching the canal.</li> </ul> <p><b>Impact of Construction Works to the Water Environment and upon Land Stability:</b></p> <ul style="list-style-type: none"> <li>It was noted that consent and a grant of licence would be required from The Trust in order to install the abstraction point within the Stainforth &amp; Keadby Canal. The Trust stated that the grant of licence would depend upon an assessment of the provision of sufficient water resources in the canal and that further information was needed to determine whether the abstraction design could be safely accommodated. The Trust noted that they will provide input on how navigational safety can be maintained during installation. The Trust outlined that they would need full details of the works to be submitted and</li> </ul>

Date	Details
	<p>approved by them prior to the commencement of works.</p> <ul style="list-style-type: none"> <li>• The Trust requested clarification that no piling would be undertaken in the Waterborne Transport Offloading Area.</li> <li>• The Trust requested further information on the proposed uses of the construction laydown area to the south of the Stainforth and Keadby Canal, and the ability of the bridge over the canal from the A18 to accommodate the weight of construction traffic.</li> </ul> <p><b>Traffic and Transport:</b></p> <ul style="list-style-type: none"> <li>• The Trust raised concerns relating to the proximity of the waterborne offloading area to the access point for Stainforth and Keadby Canal at Keadby Lock which could result in obstruction for mariners using the Stainforth and Keadby Canal at the canal entrance.</li> </ul> <p>The Trust welcomed the consideration of freight using the waterways for the transport of materials.</p>
February 2021 technical engagement	A joint workshop was held with ABP Humber/ The Trust, the Applicant and AECOM focussed on issues of navigational safety and lessons learned from Keadby 2 Construction in order to inform the Navigation Risk Assessment submitted with the application.
April 2021 (Publicity of Draft Application and Targeted Re-	The Trust clarified the importance of ensuring the Proposed Development

Date	Details
Consultation under Section 42 of the Planning Act 2008)	has no adverse impact on waterway or towpath users.
Post-submission technical engagement (ongoing)	<p>The Applicant and the Trust confirm that they remain actively engaged since submission of the Application and are working closely and constructively together, and with other parties (including the Environment Agency and Historic England) on matters relating to the Water Abstraction Licence Application submitted by the Trust to the Environment Agency (December 2021).</p> <p>Weekly meetings are being held between the Applicant and the Trust's Water Development Team in relation to Water Abstraction licencing matters alone.</p> <p>The Trust and the Applicant are in agreement that a separate Water Sales Agreement with the Trust would be required for the abstraction of water from the canal. Discussions are being carried out in relation to this Agreement.</p>
Canal & River Trust Relevant Representation September 2021 (AS-001)	<p>The Trust's Relevant Representation provided comments on the scheme, summarised below:</p> <ul style="list-style-type: none"> <li>Concerns that the proposed compulsory purchase of the Trust's land as indicated in the Book of Reference and associated Land Plans documents are not necessary or justified. The Trust is also concerned that the Applicant has not taken reasonable steps to acquire all of the land and rights included in the Order by agreement.</li> </ul>



Date	Details
	<ul style="list-style-type: none"> <li>• Comments on the proposed Protective Provisions for the protection of the Canal &amp; River Trust (schedule 10, part 2); including requests that the protective provisions are expanded to include other Work Areas in proximity to the canal. The Trust has also stated that they consider a proposed cap on the Applicant's indemnity as inappropriate, which sets a lower limit that is accepted within the Trust's Code of Practice</li> <li>• Request for consideration to be given to the need to manage the unscheduled arrivals of boats that could result in unplanned obstructions to Keadby Lock</li> <li>• Other matters concerning the proposed abstraction from the Stainforth &amp; Keadby Canal, the impact of construction on stability of the Trust's assets, and the impact of works on the biodiversity of the Stainforth and Keadby Canal..</li> </ul>

## 4.0 MATTERS AGREED

4.1.1 The below Table 4.1 contains a list of ‘matters agreed’ along with a concise commentary of what the item refers to and how it came to be agreed between the two parties.

**Table 4.2: List of Matters Agreed between the Applicant and the Trust**

Matter Agreed	Commentary
<b>Consultation</b>	<p>A summary of pre-application consultation is contained in the Consultation Report (<b>APP-030</b>) and in Chapter 10: Traffic and Transport (<b>APP-053</b>), Chapter 11: Biodiversity and Nature Conservation (<b>APP-054</b>) and Chapter 12: Water Environment and Flood Risk (<b>APP-055</b>) in ES Volume I. It is agreed that the consultation summary in Section 3 of this SoCG provides an accurate record of consultation with the Trust on the Application.</p> <p>It is agreed that the summary in Section 3 also provides an accurate reflection of post-submission technical engagement between the Parties on the related matter of the Water Abstraction Licence application which has now been submitted to the Environment Agency (December 2021).</p>
<b>Water Resources (Cooling Water Abstraction – Water Abstraction Licence)</b>	<p>It is agreed that the Parties, together with the Environment Agency, undertook pre-application engagement on 5 November 2021 in order to agree details of the WAL application that was submitted by the Trust to the Environment Agency on 3 December 2021 for the provision of water under an abstraction licence from the canal to supply the Proposed Development. The Trust has yet to receive a substantive response from the Environment Agency.</p> <p>The Parties agree that sufficient water can potentially be made available from the Stainforth and Keadby Canal to supply the operational Proposed Development over its lifetime, subject to the offsite works, and associated required permissions being secured, as referred to above from the Environment Agency, the Canal &amp; River Trust, and below from the Secretary of State for Digital, Culture, Media and Sport, advised by Historic England. It is agreed that the proposed cooling water abstraction from the Stainforth and Keadby Canal has been adequately assessed in the EIA.</p>

Matter Agreed	Commentary
<p><b>Water Resources (Cooling Water Abstraction – Scheduled Monument consent)</b></p>	<p>The Cooling Water Abstraction will require water efficiency measures to be undertaken, which will require minor physical modifications to Keadby Lock to be undertaken. Such physical modifications will require consent from the Secretary of State for Digital, Culture, Media and Sport, advised by Historic England as these works would occur within the curtilage of the Scheduled Monument. Discussions took place with Historic England on 9/12/2021..</p>
<p><b>Water Environment (Water Quality and Flood Risk)</b></p>	<p>The assessment of the effects of the Proposed Development in relation to water environment and flood risk is set out in Chapter 12: Water Environment and Flood Risk (<b>APP-055</b>) and its accompanying Appendices 12A – 12C (<b>APP-084 – APP-086</b>) and Figures 12.1 – 12.6 (<b>APP-123 – APP-128</b>).</p> <p>The Trust takes no issue with the approach taken by the Applicant to assess the effects of the Proposed Development (with regards to works included in the Works Plan documents) on the canal water environment and flood risk is appropriate (including methodology of assessment, baseline data, approach to assessment and analysis).</p> <p>The Trust takes no issue with the detail of the consideration that has been given to the likely potential effects that could impact on the quality of water in the Stainforth and Keadby Canal in Chapter 12: Water Environment and Flood Risk (<b>APP-055</b>).</p> <p>The Trust note and take no issue with the specific mitigation beyond the design, approach to construction and impact avoidance measures set out in Chapter 12: Water Environment and Flood Risk (<b>APP-055</b>), Appendix 12B (<b>APP-085</b>) and Chapter 5: Construction Programme and Management (<b>APP-048</b>) are required. The Trust note that the mitigation and management control measures outlined within the Framework Construction Environmental Management Plan (CEMP) (<b>APP-160</b>) include relevant controls to manage risks to water quality associated with construction of the Proposed Development to the Stainforth and Keadby Canal. The Trust takes no issue with the measures outlined in the CEMP, on the</p>

Matter Agreed	Commentary
	<p>understanding that a final CEMP document will be submitted and approved prior to the commencement of works as per requirement 17 of Schedule 2 of the draft DCO.</p>
<p><b>Biodiversity and Nature Conservation</b></p>	<p>The assessment of the effects of the Proposed Development in relation to biodiversity and nature conservation is set out in Chapter 11: Biodiversity and Nature Conservation (<b>APP-076</b>) and it's accompanying Appendices 11A – 11H (<b>APP-076 – APP-083</b>) (excluding 11D – Badger Survey Report (<b>APP-079</b>) and Figures 11.1 – 11.2 (<b>APP-121 – APP-122</b>).</p> <p>The Trust takes no issue with the approach taken by the Applicant to assess the effects of the Proposed Development on nature conservation designations, habitats and species present within the Stainforth and Keadby Canal is appropriate (including methodology, data collection methods (in respect of aquatic ecology in Appendix 11G), baseline data, approach to assessment and analysis).</p> <p>The Trust takes no issue with the consideration that has been given to all potential effects that could impact upon nature conservation designations, habitats and species within the Stainforth and Keadby Canal as a result of construction and operation of the Proposed Development.</p> <p>The Trust note and take no issue with the proposed landscape and biodiversity enhancements outlined in Landscaping and Biodiversity Management and Enhancement Plan (LBMEP) (<b>APP-039</b>) including enhancements proposed which include the development of new flower rich native grassland habitat directly connected to (and therefore enhancing) the Stainforth and Keadby Canal Corridor Local Wildlife Site (LWS) within the Stainforth and Keadby Canal.</p> <p>The Trust notes that the Proposed Development has sought to minimise impact on canal-side habitat that has previously occurred during vegetation clearance for the Keadby 2 Project by siting the proposed Canal Water Abstraction (Work 4A) within the compound area that has previously been disturbed for the Keadby 2 Project. It is</p>

Matter Agreed	Commentary
	<p>agreed that (as noted in paragraph 4.10.8 of the LBMEP (<b>APP-039</b>)) no re-instatement of the canal-side habitat was required under the Keadby 2 Power Station Section 36 Consent and therefore no new impacts on semi-natural habitats are anticipated for construction of Work 4A for the Proposed Development. As such, there is no habitat present that requires reinstatement as part of the Proposed Development. Notwithstanding, the Parties agree that as the Applicant proposes to undertake a review of biodiversity enhancement proposals using the Defra Metric 3.0, opportunities for additional enhancement of the canal-side, will be considered (especially in the previously disturbed area), taking into consideration The Trust’s request to secure suitable additional habitat creation.</p>
<p><b>Noise and Vibration (including impact on stability of assets)</b></p>	<p>The assessment of the effects of the Proposed Development in relation to noise and vibration are set out in Chapter 9: Noise and Vibration (<b>APP-052</b>) and its accompanying Appendices 9A (<b>APP-072</b>) and 9B (<b>APP-073</b>) and Figures 9.1 – 9.3b (<b>APP-117 – APP-120</b>).</p> <p>The Trust did raise concerns at earlier rounds of consultation with regards to the potential impact of vibrations from construction equipment in proximity to the canal edge, or from activities associated with the potential construction of new craning facilities in proximity to Keadby Lock. These impacts have been discussed in the submitted Environment Statement, and the Parties agree that the approach taken by the Applicant to assess noise and vibration effects of the Proposed development on the canal walls and Keadby Lock is appropriate (including methodology, data collection methods, baseline data, approach to assessment and analysis).</p> <p>The Trust note and take no issue with the consideration that has been given in Section 9.6 Chapter 9: Noise and Vibration (<b>APP-052</b>) to potential vibration effects associated with construction of the main power plant (Proposed PCC Site) and potential construction and removal of a cofferdam within the Stainforth and Keadby Canal for the canal water abstraction option (Work 4A) on the Keadby Canal wash walls and Keadby Lock, a scheduled monument (NSR11). The Trust note that</p>

Matter Agreed	Commentary
	<p>vibration effects on these structures as assessed in Chapter 9 (including Table 9.27), are anticipated to be negligible (not significant). On the basis that no new piling works will be undertaken alongside Work No. 10B, the Trust do not take any issue with the assessment.</p> <p>The Parties agree that Requirement 28 (control of noise and vibration – construction) of the draft DCO (<b>APP-005</b>) and provisions in the Framework CEMP (<b>APP-160</b>) provide appropriate controls to mitigate construction related vibration effects of the Proposed Development on canal infrastructure.</p>
<p><b>Navigation of the Stainforth and Keadby Canal and Freight</b></p>	<p>The assessment of navigational risks is set out in Appendix 12C: Navigational Risk Assessment (<b>APP-086</b>) of ES Volume II. The Trust is the statutory navigation authority for the Stainforth and Keadby Canal and operates Keadby Lock which controls passage onto the River Trent.</p> <p>The Trust takes no issue with the approach taken by the Applicant to engage with the Trust and to assess the potential navigational risk and safety within the Canal (including methodology, data collection methods, baseline data, approach to assessment, analysis and suitability of the risk controls proposed to minimise disruption to and provide safe passage for mariners).</p> <p>Comments have been made by the Trust in their Relevant Representation on the need for improvements to the abnormal loads notification system used for the Keadby 2 project, in order to provide more timely and accurate information and regular updates to avoid obstructions to boat passage for the delivery of abnormal loads to the Proposed Development. It is agreed by the Parties that the need to build upon lessons-learned from Keadby 2 Power Station abnormal load deliveries is acknowledged in the Application (Table 8 of Appendix 12C: Navigation Risk Assessment) and the proposals by the Applicant to request Notices to Mariners (Notices and Stoppages) through the Trust will be used to provide mariners with forewarning of closures. In addition, notification of the schedule of AIL movements will be provided by the Applicant (rather than the contractor); this will help to</p>

Matter Agreed	Commentary
	<p>provide all mariners with information on any planned or required closures.</p> <p>It is agreed that a Wharf Management Plan will be developed between the Parties to agree the approach to notification and management of abnormal load deliveries, including procedures to avoid unscheduled obstructions to Keadby Lock and to include regular liaison meetings between the Applicant and the Trust during the construction of the Proposed Development.</p> <p>The Applicant notes that in their relevant representation, the Trust wishes to explore <i>‘the potential for mitigation to limit the potential of any unscheduled obstruction to Keadby Lock. This could include alterations to the mooring so that ships move away from the Lock when moored up, but not offloading’</i>. The Applicant notes that mooring of vessels other than for unloading is not proposed and we have not sought any rights for doing so.</p> <p>The Parties accept that detailed design of the abstraction point, and permanent structures cannot yet be finalised, but that detailed design is secured by Requirement 5 of the draft DCO (<b>APP-005</b>). Comments made by the Trust regarding changes to wording in the draft DCO (APP-005) are noted below.</p>
<p><b>Landscape and Visual Amenity</b></p>	<p>The assessment of the effects of the Proposed Development in relation to landscape and visual amenity (which includes consideration of both effects on dynamic views for users of the canal and recreational value of the canal as well as assessment of effects at Keadby Lock (Viewpoint 3)) has been considered in Chapter 14: Landscape and Visual Amenity (<b>APP-057</b>) and its accompanying Appendices 14A – 14C (<b>APP-090 – APP-092</b>) and Figures 14.1 – 14.24 (<b>APP-131 – APP-154</b>).</p> <p>The Trust does not take issue with the approach taken by the Applicant to assess the effects of the Proposed Development on the landscape character and visual amenity is appropriate (including methodology of assessment, data collection methods, choice of baseline data, approach to assessment and analysis).</p>

Matter Agreed	Commentary
	<p>The Trust note and do not take issue with the consideration that has been given to all potential effects upon the landscape character and visual amenity of The Trust’s assets, including relevant viewpoints within the Canal corridor. The Parties are agreed on these viewpoints.</p> <p>The Trust note and take no issue with the specific mitigation beyond an integrated design approach that considers massing and the disposition of taller structures, as set out in Chapter 14: Landscape and Visual Amenity (<b>APP-057</b>); however, the final design and appearance of works associated with the installation of the abstraction equipment (to be submitted for approval as outlined in draft Requirement 5(4c)); is still required.</p>
<p><b>Mitigation, risk management and enhancement measures, including Construction Environmental Management Plan/ Code of Construction Practice</b></p>	<p>The Trust note that the mitigation and management control measures outlined within the Framework CEMP (<b>APP-160</b>) include the principal controls to manage risks of pollution to the Canal, associated with construction of the Proposed Development. The final CEMP will be submitted for approval as outlined in draft Requirement 17 and it is agreed that this is suitably secured by the draft DCO (<b>APP-005</b>) and that no wording changes to that section of the DCO are required.</p> <p>It has been agreed that the following changes are made to the Framework CEMP following comments received by the Trust:</p> <ul style="list-style-type: none"> <li>• The inclusion of “covering or seeding of soil stockpiles if left for extended periods” within Table 2 (Air Quality);</li> <li>• Inclusion of “fish rescue prior to dewatering” within Table 5 (Biodiversity and Nature Conservation);</li> <li>• Inclusion of “Relevant staff will be Spill Response Trained and any spillage incidents would be reported to Environment Agency and/ or Canal and River Trust emergency numbers, as appropriate” in Table 7 (Geology, Hydrogeology and Land Contamination);</li> <li>• Inclusion of “the Canal and River Trust (for any works associated with the canal)” [in the consultation on any water quality monitoring to be undertaken], in Table 8 (Water Environment and Flood Risk);</li> </ul>



Matter Agreed	Commentary
	<ul style="list-style-type: none"> <li>• Clarifying that silt could be harmful to aquatic organisms in its own right in Table 8 (Water Environment and Flood Risk);</li> <li>• Inclusion of “or the Canal and River Trust if to the canal” [relating to seeking consent of the Trust for any proposed discharges to the canal] in Table 8 (Water Environment and Flood Risk); and</li> <li>• Inclusion of “bunded” relating to refuelling on any impermeable surface so as to prevent contaminated run-off in Table 8 (Water Environment and Flood Risk).</li> </ul>
<p><b>Draft DCO, DML and Protective Provisions</b></p>	<p>A number of changes are sought by the Trust in relation to the wording of requirements within the draft DCO (<b>APP-005</b>). In relation to the points raised, it is agreed that:</p> <ul style="list-style-type: none"> <li>- The Applicant will comply with the Trust’s Code of Practice and this will be reflected in the next update to the draft DCO (APP-005);</li> <li>- Requirement 5(4c) (Detailed Design) which secures the method of construction, siting, layout, scale and external appearance of any new, upgraded or replacement intake structures within the waterway, including the screens to be installed to those structures in accordance with the Eel (England and Wales) Regulations 2009(a) and any ancillary plant, buildings, enclosures or structures shall be amended to include ‘<i>angle of flow</i>’;</li> <li>- Requirement 5(4) shall be amended to secure, in relation to Work 4A, that details are to be submitted to and <i>in consultation with the Canal &amp; River Trust</i> approved by the relevant planning authority;</li> <li>- It is agreed that details of any eel screen required are adequately secured by the wording of Requirement 5(4c) and that other than adding the Trust in as a consultee on this requirement, no further wording changes are required;</li> <li>- It is agreed that Requirement 5(4c) and 5(4d) subject to the inclusion of the Trust as a consultee, noted above as agreed, adequately controls the extent, timings and location of construction of any cofferdam within the Stainforth and Keadby Canal. It is further agreed that no changes to Schedule 13</li> </ul>

Matter Agreed	Commentary
	<p>(referred to in the Relevant Representation as Schedule 12) Part 3, 11b to include the Trust are necessary as Work 4A is a licensable activity within the UK Marine Area and therefore not subject to the Deemed Marine Licence. It is agreed that it is not therefore appropriate to add the Canal &amp; River Trust into Schedule 13; and</p> <ul style="list-style-type: none"> <li>- It is agreed that Schedule 10 (Protective Provisions) Part 2, for the Protection of the Canal &amp; River Trust, (Paragraph 22) drafting will be amended to refer to the Code of Practice for Works Affecting the Canal &amp; River Trust (Most Recent Version: April 2021).</li> </ul> <p>In relation to land interests, the Applicant can confirm that initial contact was made by the Applicant’s representative, with a representative of the Trust, on 10<sup>th</sup> September 2021. The Trust responded swiftly to this initial response. Discussions are ongoing between the Parties’ representatives. A record has been kept of communications between the representatives. The efforts of the Applicant’s and the Trust’s representatives to reach an agreement (in respect of the acquisition of land and rights) are ongoing and the Applicant’s position is that compulsory purchase remains a last resort to secure the and rights required.</p> <ul style="list-style-type: none"> <li>• The property being sought for freehold acquisition, from the Trust, is plot 80a.</li> <li>• The property being sought for rights acquisition from the Trust are plots 27, 37, 38, 39, 75, 80 and 81.</li> </ul> <p>The Applicant can confirm that seeking a negotiated agreement with the Trust’s representative is ongoing. Discussions are also ongoing in relation to other plots not listed above (against which the Trust has been identified as having an interest). The Applicant considers the use of compulsory purchase to be a matter of last resort.</p>

## 5.0 MATTERS NOT AGREED AND NEXT STEPS

5.1.1 This SoCG sets out the agreements that have been reached between the Parties to date in respect of the matters relating to the Proposed Development requested by the ExA outlined in Section 1.7 of this SoCG.

5.1.2 The Parties confirm that engagement will continue on the matters not yet agreed with the Trust in relation to:

- The proposed use of Compulsory Purchase (CPO) powers and the scope of those powers sought within the Book of Reference (APP-007); including clarification over the extent of rights sought over the Trust's property, acknowledging that:
  - the property being sought for freehold acquisition from the Trust is plot 80a;
  - The property being sought for rights acquisition from the Trust are plots 27, 37, 38, 39, 75, 80 and 81; and
  - seeking a negotiated agreement with the Trust's representative is ongoing (in relation to all the plots against which the Trust is named as being an interested party) and the Applicant's position remains that use of any compulsory purchase powers would be a matter of last resort by the Applicant
- Protective provisions for Work 9A, 9B and 11A;

5.1.3 The Parties are both committed to taking forward discussions on the matters above as necessary, so whilst they are not yet agreed, both Parties intend to conclude discussion in the near future.

Signed



Simon Tucker, Area Planner, Canal & River Trust

On behalf of Canal & River Trust

Date: 16<sup>th</sup> May 2022

Signed



Richard Lowe, Director, AECOM Ltd

On behalf of Keadby Generation Ltd

Date: 9<sup>th</sup> March 2022

## 6.0 REFERENCES

HM Government (2020a) *Energy White Paper, Powering our Net Zero Future.*

SSE (2020) *A Greenprint for Building a Cleaner More Resilient Economy.*

SSE plc (2020b) *Our Strategy.*

