

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

Our ref: AN/2021/132101/07-L01
Your ref: EN010114
Date: 06 June 2022

Dear Sir

**Keadby 3 Carbon Capture Power Station – Deadline 7a Representation, response to Rule 17 Questions of 26 May 2022
Environment Agency Unique Interested Party Ref – KDB3-SP091**

In accordance with the Examination Timetable, please find below the Environment Agency's submission in relation to the Examining Authority's Rule 17 Questions of 26 May 2022, Question 4, which reads:

The ExA would invite all Interested Parties to whom this question is directed to summarise their position at Deadline 7a (12.00pm (noon) on Monday 6 June 2022), especially in regard to:

- i) any outstanding objection(s);*
- ii) protective provisions;*
- iii) compulsory acquisition/ temporary possession; and*
- iv) the status of any side agreement, interface agreement or other relevant agreements they consider necessary to provide relevant protections or mitigations from the Proposed Development.*

The Environment Agency has an outstanding objection (lodged on 2 September 2021 – see additional submission [AS-002](#)) in respect of the Applicant's intention to acquire rights affecting several plots of land where existing easements will be impacted etc. At the time the objection was lodged it was unclear if/how the proposed acquisitions would affect the Environment Agency's flood risk management operations.

Since this time, we have worked with the Applicant's Agent to gain clarity on these matters and the table in Appendix 1 attached provides the latest position in relation to the various plots where the Environment Agency has a land interest. In summary, we have received and are currently considering:

1. a draft Deed of Variation relating to plots 3, 10 and 26 (received 20 May 2022);
2. a draft Deed of Variation relating to plot 30 (received 26 April 2022).

Outstanding documents are still to be drafted/agreed relating to:

1. an easement/options agreement in respect of plot 52;
2. securing access around plot 80a;
3. temporary possession in relation to plots 31, 46, 47, 53 and 54.

The Environment Agency is of the view that all the outstanding issues are capable of resolution by agreement. Accordingly, we will continue to work on finalising the required agreements during the decision period and we will write directly to the Secretary of State when we are in a position to withdraw the outstanding objection.

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

Yours faithfully

Annette Hewitson
Principal Planning Adviser

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APPENDIX 1

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

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

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

	Canal and south of Bonnyhale Road		agreement from the Applicant in respect of this plot.
53	EA Freehold - HS357580 land north of Stainforth & Keadby Canal and south of Bonnyhale Road	Temporary possession in relation to (Work No. 10A) access and construction worksite, including temporary haul road and any ancillary works necessary to facilitate the use of that land as a temporary haul road and reinstatement of the land.	Temporary possession agreement to be negotiated with the Applicant
54	EA Freehold - HS357580 land north of Stainforth & Keadby Canal and south of Bonnyhale Road	Temporary possession in relation to (Work No. 10A) access and construction worksite, including temporary haul road and any ancillary works necessary to facilitate the use of that land as a temporary haul road and reinstatement of the land.	Temporary possession agreement to be negotiated with the Applicant
75	EA agreed that it has no interest in this plot.	New permanent right in relation to Work No. 4A and 4B	Confirmed that the EA has no compensatable interest in this plot – issue resolved
76	EA right of way over track	New permanent right in relation to Work No. 4A and 4B	EA will retain right to pass along track, to undertake flood defence maintenance – issue resolved
77	EA right of way over track	New permanent right in relation to Work No. 4A and 4B	EA will retain right to pass along track, to undertake flood defence maintenance – issue resolved
80	EA right of way and easement	New permanent right in relation to Work No. 4A and 4B	EA interest protected by existing easement – issue resolved
80a	EA right of way	The Applicant is seeking the freehold interest for this plot from CRT, in relation to the construction of a new pumping station (Work No. 4A)	EA awaiting receipt of a draft agreement to secure access for continued maintenance of North Soak Syphon
81	EA has the benefit of an easement	New permanent right in relation to Work No. 4A and 4B	EA interest protected by existing easement – issue resolved
96	EA right of way	New permanent right in relation to Work No. 4A and 4B	Access will be maintained for EA to undertake flood

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