

Date: 6 June 2022
PINS Ref: EN010114
DWD Ref: 14592



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Dear George,

KEADBY 3 CARBON CAPTURE POWER STATION PROJECT – APPLICATION BY KEADBY GENERATION LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE KEADBY 3 CARBON CAPTURE POWER STATION – LAND AT THE KEADBY POWER STATION SITE, TRENTSIDE, KEADBY, SCUNTHORPE, LINCOLNSHIRE, DN17 3EF

THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010, RULES 8 AND 17

The Applicant writes in response to the ExA's 'Rule 8' letter dated 14 December 2021 [PD-008] and the ExA's Rules 8(3), 9 and 17 letter dated 12 May 2022 [PD-020] which introduced Deadline 7a on Monday 6 June 2022 and set out the following matters requested:

- Comments on responses submitted for Deadline 7;
- Response to any further information requested by the ExA;
- A final update regarding progress that has been made with Affected Persons in respect of Compulsory Acquisition (CA) and Temporary Possession (TP) (or confirmation that no changes have been made since Deadline 6a);
- The final Book of Reference (or confirmation that no changes have been made since Deadline 6a);
- The final CA/ TP schedule (or confirmation that no changes have been made since Deadline 6a);
- The final Guide to the Application (or confirmation that no changes have been made since Deadline 6a);
- Final preferred version of the Applicant's DCO in the SI template validation report and validated copy of the DCO (or confirmation that no changes have been made since Deadline 6a);
- Final preferred version of the Applicant's DCO in word format (or confirmation that no changes have been made since Deadline 6a).

Partners

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Response to Rules 8(3), 9 and 17 Letter [PD-020]

Comments on responses submitted for Deadline 7

Our only comment is that the UK HSA position statement dated 19 May 2022 (REP7-019) is responded to (and superseded by the agreements contained) in the agreed final SoCG with UKHSA (REP7-010).

Response to any further information requested by the ExA

Three questions in the Rule 17 Letter dated 26 May 2022 (PD-022) are directed at the Applicant and these are responded to as follows:

Question number	To	Summary of question	Applicant's response
1.	The Applicant	Provide an updated Schedule of Other Consents and Licences (Document 5.4).	The Applicant has submitted an updated Schedule of Other Consents and Licences (Document Ref. 5.4) in clean and tracked versions on 31 May 2022.
2.	The Applicant	Provide a response to ExQ2 Q2.16.13(i).	The Applicant's response to the Rule 17 Questions dated 12 May 2022 (document Ref 9.23) (question 2) provided a response to ExQ2.16.13(i) which confirmed that the dDCO has been amended to incorporate the requested amendments within the deemed MMO Licence (schedule 13).
5.	The Applicant	Resolve outstanding matters with statutory undertakers and provide an update at Deadline 7a as to withdrawal of outstanding objections, agreeing finalised protective provisions; and/ or concluding any side agreements.	<p>The Applicant is pleased to report progress with various statutory undertakers. We understand that several SUs will be writing before the close of examination to withdraw their objection, although this is not in our control. Accordingly we provide a multi part response to this question as follows:</p> <ol style="list-style-type: none"> 1. The summary table at the end of this letter provides a non technical overview or signposting as to the position as to PPs, side agreements, and removal of objections. 2. The updated document 9.12 enclosed at this deadline sets out further detail as to the latest position reached on land agreements. 3. In view of the fact that the objection withdrawals by third parties are not in the Applicant's control and the examination closes within days, following several months of

			<p>negotiations with SUs, we also enclose counsel opinion on the legal tests around serious detriment in s127 Planning Act 2008 (Document Ref. 9.24). The opinion lists the SUs subject to the provisions of S127, which does not (for the avoidance of doubt) include National Grid Carbon Limited, nevertheless the Applicant hereby confirms the protective provisions are now in an agreed form and have been included in the final form dDCO. The opinion concludes that the Secretary of State can be satisfied that no serious detriment applies in relation to those statutory undertakers who, at the date of this letter, have representations outstanding.</p>
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A final update regarding progress that has been made in respect of Compulsory Acquisition and Temporary Possession

The Applicant submits alongside this letter a Final Update on the progress that has been made with Affected Persons in respect of Compulsory Acquisition and Temporary Possession (Document Ref. 9.6)

Final Book of Reference

The Applicant can confirm there have been no updates made to the Book of Reference since the version submitted at Deadline 6a [REP6a-007] and therefore requests that the ExA considers this the final version.

Final CA/TP Schedule

The Applicant submits alongside this letter a Final CA/TP Schedule alongside this application (Document Ref. 9.12).

Final Guide to the Application

The Applicant submits alongside this letter a Final Guide to the Application (Document Ref. 2.1).

Final preferred version of the Applicant's DCO

The Applicant submits alongside this letter the Final preferred version of the Applicant's DCO in the SI template validation report and validated copy of the DCO (in clean pdf, tracked pdf and clean word version). The Applicant also submits an updated Schedule of Updates to the Draft Development Consent Order (Document Ref. 9.7) and an updated Explanatory Memorandum (Document Ref. 2.2).

Documents Submitted at Deadline 7a

The Applicant requests that the ExA accepts the following documents submitted at Deadline 7a:

- Document 1.2 – Application Guide [Revision 11.0];
- Document 2.1 – Final preferred version of the Applicant’s DCO [Revision 8.0] (in clean pdf, tracked pdf and clean word versions and validation report with output);
- Document 2.2 – Explanatory Memorandum [Revision 4.0];
- Document 9.6 – Update on the progress that has been made with Affected Persons in respect of Compulsory Acquisition and Temporary Possession [Revision 8.0];
- Document 9.7 – Schedule of Updates to Draft DCO [Revision 5.0];
- Document 9.12 – Updated Compulsory Acquisition/ Temporary Possession Schedule [Revision 3.0]; and
- Document 9.24 – Legal submission in relation to Question 5 of the Examining Authority's request for further information for deadline 7A [Revision 1.0].

Should you have any questions with regard to the Application or this Deadline 7a submission package, please do not hesitate to contact Colin Turnbull and Jordan Martin at this office using the details provided.

Yours sincerely,



DWD

Appendix 1: Applicant's overview of progress withdrawal of outstanding objections in response to question 5 of the Rule 17 letter

Statutory Undertaker	PPs agreed and finalised in the draft DCO submitted at Deadline 7a?	Side agreement made if relevant?	Objection removed?
Canal & River Trust	Yes. Confirmation that the PPs are fully agreed is to be provided by the Trust's legal advisors to the ExA directly at Deadline 7a.	A side agreement to secure the withdrawal of the Trust's representation is in an agreed form and has been signed by the Applicant. It is with CRT for signing.	This is anticipated to be withdrawn by the Trust before the close of Examination.
Environment Agency	Not requested or included.	Not requested or required. A legal undertaking has been offered by the Applicant to provide comfort on alternative parking provision currently used by the EA, to remove their concerns around use of plot 80a. We understand the EA will write to the ExA to update on this before the close of examination.	We anticipate that the representation will be withdrawn soon, but that EA are not able to confirm this before the close of Examination.
National Grid Electricity Transmission	Yes.	A side agreement to secure the withdrawal of NGET's representation is in an agreed form and has been signed by the Applicant. It is with NGET for signing.	This is anticipated to be withdrawn by NGET before the close of Examination.
Northern Powergrid	Yes.	A side agreement to secure the withdrawal of Northern Powergrid's	This is anticipated to be withdrawn by Northern Powergrid before the close of Examination.

		<p>representation is in an agreed form and has been signed by the Applicant. It is with Northern Powergrid for signing.</p>	
<p>Network Rail</p>	<p>Applicant's preferred form of PPs included in final preferred form of DCO.</p>	<p>Whilst heads of terms on the land interests are now agreed with Network Rail (NR), NR still requires the Applicant to commit to not using powers of compulsory acquisition in both the PP's and in a side agreement. As the documentation securing the agreed property terms has not been entered into, the Applicant cannot commit to fettering its powers of compulsory acquisition at this stage.</p>	<p>Representation not withdrawn.</p>