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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 Applicant writes in response to the Deadline 7a Submission – Comments on Responses submitted for Deadline 7 [REP7a-017] submitted by Marine Management Organisation (MMO) on 6 June 2022, and in relation to the withdrawals dated 7 June 2022 of objections by National Grid Electricity Transmission and National Grid Gas, and by Northern Powergrid.

We request this letter is accepted as an Additional Submission before the close of examination.

For the avoidance of doubt the Applicant does not consider that new matters are raised in the other Deadline 7a submissions, and has no further comments to make on these.

Response to paragraph 1.1.1 of REP7a-017

The Applicant is of the view that the final form of draft DCO contains the form of Deemed Marine Licence (DML) was previously agreed with the Marine Management Organisation (MMO) and did not expect to receive further comment regarding paragraph 27 (not 28) of the DML. The following is drawn to the attention of the Examining Authority:

- a) A revised version of the DML incorporating the MMO's requested amendments was provided to the MMO for comment by email from the Applicant on the 21 April 2022. The MMO responded to the Applicant by email on 22 April 2022 confirming that the only matter which the MMO required amendment was the removal of paragraph 27(2) which contained a deeming provision for approval if approval was not forthcoming within the 3 month period stipulated as paragraph 27(1).
- b) The MMO's comments at Deadline 5, [REP5 -053], confirmed this position where at paragraph 1.1.21 it stated:

"While the MMO consider 3 months to be a reasonable period for determination, any restriction set out in (2)) hinders the ability of the MMO to carry out its regulatory responsibility."

Partners

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This confirms it was the deeming element at paragraph 27(2) the MMO requested be removed from the DML. In any event, the DML forming part of the DCO as submitted at deadline 5 had been amended by the Applicant to remove the deeming provision at paragraph 27(2).

The MMO's comment at a much later deadline now seeks the removal of the three month period for approving documents (paragraph 27) on the basis that it hinders its ability to carry out its regulatory responsibility. This position is at odds with the previously approved form of DML and directly conflicts with the MMO's submission at deadline 5 [REP5-053] in which (as stated above) it confirmed the 3 month period was a reasonable period for determination.

This is notwithstanding the additional flexibility included within paragraph 27 which allows both parties to agree an alternative time frame for approval of plans/documents etc where appropriate.

The Applicant's position is that paragraph 27 of the DML, as drafted, is reasonable and has previously been accepted as such by the MMO. Some obligation to approve details within a prescribed time frame is important to the programming and delivery of this nationally significant infrastructure project. This approach is also consistent with the protective provisions which also include timeframes for documents/plans to be approved.

Response to paragraph 1.2.1 of REP7a-017

We note the MMO's comments regarding its reluctance to remove any mitigation from the DML. The Applicant would have no objection to paragraph 19 of the DML being clarified to include reference to wintering birds, on the basis that this is not removing any mitigation, so that it reads as follows (new text underlined):

"(19) Piling must not be undertaken between 01 September and 31 November, inclusive, in order to minimise any potential effects on the upstream migration of adult Salmon during their most sensitive migratory period and on wintering birds. Piling will be restricted between 0700 and 1900 hours."

Northern Powergrid

We note the email correspondence dated 7 June 2022 from the legal advisors to the above to the Examining Authority confirming the withdrawal of the objection in their relevant representation (RR-012). This updates the position set out in our deadline 7a submissions (in particular the cover letter REP7a-001, schedule REP7a-013, and legal submission REP7a-014).

National Grid Electricity Transmission and National Grid Gas

We understand that correspondence has been submitted via the website portal today 7 June 2022 by the legal advisors to the above to the Examining Authority confirming the withdrawal of the objection in their relevant representation (RR-008). This updates the position set out in our deadline 7a submissions (in particular the cover letter REP7a-001, schedule REP7a-013, and legal submission REP7a-014).

Conclusions

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