

Date: 26 November 2021
Your Ref: EN010114
Our Ref: 14592



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Dear Liam

KEADBY 3 LOW CARBON GAS POWER STATION PROJECT – APPLICATION BY KEADBY GENERATION LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE KEADBY 3 LOW CARBON GAS 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

We write on behalf of Keadby Generation Limited ('KGL') ('the Applicant') in response to the Examining Authority's (ExA's) 'Rule 6' letter dated 8 November 2021 to confirm the position on a number of procedural matters and to submit a document in advance of the Preliminary Meeting.

Document Submission

The Applicant requests that the Examining Authority exercises their discretion to accept the enclosed updated Flood Risk Assessment before or at the Preliminary Meeting. This has been updated in response to points raised in the Environment Agency ('EA') Relevant Representation and has gone through a technical review with the EA. In summary, the updated Flood Risk Assessment incorporates the results from modelling of a site specific breach scenario adjacent to the proposed site, using the latest available detailed hydraulic modelling. The opportunity has also been undertaken to update the relevant climate change allowances (published in July 2021) and to undertake sensitivity tests using the Humber Extreme Water Levels (HEWL) for the Trent released since submission of the Application by the Environment Agency. The Applicant intends to deal with any consequential drafting updates to the Draft Development Consent Order at a later deadline.

Procedural Matters

Request for Changes to Examination Timetable

The Applicant has reviewed the draft examination timetable provided at Annex D of the Rule 6 letter and requests the ExA consider a limited number of specific changes to the timetable.

A copy of the draft examination timetable is enclosed (Appendix 1) with a column added setting out the Applicant's requested changes to the examination deadlines and dates. To aid comparison between the ExA's draft, and Applicant's requested, timetables the time periods between each

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deadline have also been added to both. A further column has been added setting out the difference between the Applicant's requested dates and the Rule 6 dates.

The reason for the Applicant's requested changes relate to a first-of-a-kind submission to BEIS on 21 January 2022 which places high information requirements across its organisation. The Applicant is participating in the government competition run for emitters seeking to connect to Track 1 CCUS clusters. These Track 1 clusters were announced in the wake of the Governments' Ten Point Plan for a Green Industrial Revolution which established a commitment to deploy CCUS in two industrial clusters by the mid-2020s, and a further two clusters by 2030. Phase 1 of the process was to identify the Track-1 Clusters. Phase-2 of the process, which the Applicant is currently partaking in, focusses on individual projects across capture applications would connect to a Track-1 or Reserve Cluster. Projects selected in Phase-2 will have the first opportunity to be considered to receive any necessary support under the government's CCUS Programme, which is critical for the success of the Proposed Development.

An extract showing the competition timetable is appended to this letter (Appendix 2). The competition by its nature involves high information requirements regarding project planning, and places demands across the Keadby 3 project and the SSE organisation. SSE wishes to ensure that its responses to ExQ1 are as comprehensive - and consistent with this crucial BEIS submission - as possible by providing for a modest extension to the Deadline 2 date.

Importantly, the requested changes will not lengthen the overall examination timetable. The Applicant has set out a range of dates below that follow on from this deadline move but which 'make up' the time by deadline 7, well before the end of examination, thereby retaining the existing space at the end of examination in case further deadlines are later found by the ExA to be necessary.

The requested date changes also take account of bank holidays around Christmas and Easter, in the interests of the abilities of all interested parties to participate in the examination, taking into account the likely constraints on resources among many examination participants during school holiday periods.

The requested changes have been discussed with North Lincolnshire Council (the relevant planning authority) and agreed to. They are copied on this letter.

In setting the requested new dates the Applicant has had regard to the number of relevant representations, the information and evidence to be provided at each deadline, its own resources, interested parties' input and likely resources, review of submissions by the Examining Authority, procedural steps (including hearing notices), and overall, to the need to ensure that the process remains fair and efficient.

Examinations during Coronavirus (COVID-19)

The Applicant agrees with the approach taken by the ExA that the Preliminary meeting should be carried out virtually and welcomes a flexible approach. The Applicant believes virtual meetings should remain the standard for this project for consistency unless specific considerations dictate that a physical meeting is required.

Principal Issues

The Applicant is agreeable to the list of Principal Issues set out at Annex C of the Rule 6 Letter.

List of Statements of Common Ground

The Applicant confirms they agree with the identification of Statements of Common Ground ('SoCG') parties at Annex E of the Rule 6 Letter although would point out that we are currently clarifying with Doncaster Metropolitan Borough Council ('DMBC') and the Health and Safety Executive ('HSE') whether they believe SoCGs are necessary while offering to prepare SoCGs if they would like. This is because DMBC do not appear to have any concerns with the application and HSE did not agree to SoCGs on other projects which members of the project team are familiar with. We will of course prepare SoCGs if they are amenable to this.

Applicant Team Members

The Applicant will continue to engage with the case team on the exact arrangements for the livestreaming, however to ensure a smooth running of events it is noted that the applicant team will typically comprise one barrister from Francis Taylor Building, one or two representatives of KGL, two Planning Consultants from DWD, two environmental consultants from AECOM and two legal advisors from Dentons.

We will be happy to provide the names and e-mail addresses for the specific attendees for each hearing to the case manager directly in advance of each hearing. The Applicant team intends to attend and speak at the Preliminary Meeting.

Response to Section 51 Advice

In the ExA's Section 51 advice to the Applicant (Examination Library reference PD-002) a number of consultees were identified, namely certain gas undertakers and internal drainage boards, under s42(1)(a) of PA2008 who on a precautionary basis should be consulted on the application to ensure that all persons potentially affected by, or potentially likely to have an interest in the application are given the opportunity to participate fully in the Examination of the application. The Applicant can confirm these consultees were included within the Section 56 notification.

The Section 51 advice also identified that the Environmental Statement did not contain an estimate of quantities of waste arising from construction, or an estimate of types and quantities of waste arising during operation and decommissioning. The Applicant provided estimates of types and quantities of waste arising from construction, operation and decommissioning, as well as the information requested in Table 4.15 of the Scoping Opinion. The Applicant included and consulted on these details along with the Section 56 notification, pending formal acceptance by the ExA in order to provide appropriate consultation opportunities. We note this was subsequently accepted and carries Examination Library reference OD-003.

Regarding the advice on annotations of street names in the Access and Rights of Way Plans, we will combine this into an update of these plans at a later deadline.

Unaccompanied Site Inspection

We consider the USI to have visited an appropriate coverage of locations and have no comments to make on the notes.

SSE Group Company Update

The Examining Authority identified (letter, 1 October 2021, Examination Library reference PD-005) that three SSE group companies may be affected or potentially affected landowners with land interests within or adjoining the Project Site and had not been notified by the Applicant under Section 56. These

companies have the same parent company as the Applicant. The Examining Authority believed they needed to be notified and as such sent a letter (Examination Library reference PD-006) to these companies providing an opportunity to submit a Statement of Representation on 1 October 2021, requiring said representations no later than 1 November 2021.

We note that responses were received from each of these parties by the due date confirming that they do not wish to participate in the examination.

The Applicant will provide periodic updates on the position in relation to land acquisition, including a refresh of our book of reference and any matters of relevance in relation to the SSE group companies, at later deadlines.

Should you have any questions with regard to the Application, please do not hesitate to contact Colin Turnbull at this office using the details provided.

Yours sincerely,

A handwritten signature in black ink that reads 'DWD'.

DWD

For and on behalf of Keadby Generation Limited

Cc. Andrew Law, North Lincolnshire Council

Appendix 1 – Applicant’s Requested Amendments to the Examination Timetable

Item	Matters	Draft Timetable Dates	Applicant’s Requested Date	Weeks behind current draft timetable (approx.)
1.	Procedural Deadline Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Written submissions on the Examination procedure including any submissions about the use of virtual procedures; and • Requests to be heard orally at the Preliminary Meeting 	Friday 26 November 2021	No change	0
2.	Preliminary Meeting	Tuesday 7 December 2021 at 10:00	No change	0
3.	Issue by the ExA of: <ul style="list-style-type: none"> • Examination Timetable; • The ExA’s Written Questions (ExQ1). 	As soon as practicable after the Preliminary Meeting	No change, however, it would be desirable for the applicant, if not all interested parties, to have a date for this and we would like to suggest 14 December.	0
4.	Deadline 1 Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Local Impact Reports (LIRs) from Local Authorities (See Annex E); • Statements of Common Ground (SoCG) (See Annex E); • Updated Guide to the Application (See Annex E); • Notification of wish to speak at an Open Floor Hearing; • Notification of wish to speak at a Compulsory Acquisition Hearing; 	Tuesday 21 December 2021	No change	0

	<ul style="list-style-type: none"> • Submission of suggested locations to be included in any Accompanied Site Inspection (ASI); • Notification of wish to attend ASI; • Comments on Relevant Representations; • Comments on Additional Submissions (See Annex E); and • Any further information requested by the ExA. 			
5.	<p>Deadline 2 Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on any information submitted for Deadline 1; • Written Representations (WRs) with summaries of all WRs exceeding 1500 words; • Comments on LIR(s); • Responses to the ExA's Written Questions (ExQ1); • An updated Statement of Commonality of SoCG (See Annex E); • Updated Guide to the Application (See Annex E); • An updated version of the draft Development Consent Order (dDCO) in clean, tracked and word versions; • Schedule of changes to the dDCO (see Annex E); • Applicant's draft itinerary for the ASI; and • Any further information requested by the ExA. 	<p>Tuesday 11 January 2022 (Three weeks after Deadline 1, five weeks after Preliminary Meeting, four+ weeks after ExQ1)</p>	<p>Tuesday 1 February 2022 (four business weeks / six calendar weeks after Deadline 1, five business weeks / seven calendar weeks after issue of ExQ1).</p> <p>The Applicant has a first-of-a-kind submission to BEIS on 21 January (see body of letter for more information) which places high information requirements across its organisation. SSE wishes to ensure that its responses to the ExQs are as comprehensive and consistent with its submission as possible through this modest delay.</p> <p>Importantly, this delay will not lengthen the overall examination timetable. The</p>	3

			Applicant has set out a range of dates below that follow on from this deadline move but which 'make up' the time by deadline 7, well before the end of examination.	
6.	Deadline 3 Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Comments on Responses to ExQ1. • Comments on WRs; • Comments on Applicant's draft itinerary for the ASI; • Comments on any information submitted for Deadline 2; • Any updated SoCG requested by the ExA; • An updated Statement of Commonality of SoCG (See Annex E); • Updated Guide to the Application (See Annex E); • Updated Book of Reference; • A Compulsory Acquisition/ Temporary Possession Schedule, including s127 Statutory Undertakers' Land and Rights Schedule and s138 Statutory Undertakers' Apparatus Schedule; • An updated version of the dDCO in clean, tracked and word versions; and • Any further information requested by the ExA. 	Tuesday 1 February 2022 (Three weeks after Deadline 2)	Tuesday 15 February 2022 (Two weeks after Deadline 2)	2

7.	Issue by the ExA of: <ul style="list-style-type: none"> • Notification of Hearings to be held during the week commencing 7 and/ or 14 March 2022 (if required). 	Friday 4 February 2022	Friday 18 February 2022	2
8.	Deadline 4 Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Comments on any information submitted for Deadline 3; • An updated version of the dDCO in clean, tracked and word versions; • Schedule of changes to the dDCO (see Annex E); • An updated Statement of Commonality of SoCG (See Annex E); • Updated Guide to the Application (See Annex E); and • Any further information requested by the ExA. 	Tuesday 15 February 2022 (Two weeks after Deadline 3)	Tuesday 1 March 2022 (Two weeks after Deadline 3)	2
9.	Hearings Dates reserved for: <ul style="list-style-type: none"> • Compulsory Acquisition Hearing(s) (if required); • Issue Specific Hearing(s) (if required); and • Open Floor Hearing(s) (if required). 	Week commencing 7 March and/ or week commencing 14 March 2022 (if required) (four and a half weeks after notification of hearings, three weeks after Deadline 4)	Week commencing 14 March and/or 21 March 2022 (if required) (three and a half weeks after Notification of hearings, two weeks after deadline 4)	1
10.	Deadline 5 Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Written summaries of oral submissions made at any Hearings held during 	Friday 25 March 2022 (Five and a half weeks after Deadline 4)	Tuesday 5 April 2022 (Five weeks after Deadline 4)	1.5

	<p>the week commencing 7 March 2022 and 14 March 2022;</p> <ul style="list-style-type: none"> • Comments on any information submitted for Deadline 4; • An updated version of the dDCO in clean, tracked and word versions; • Schedule of changes to the dDCO (see Annex E); • An updated Statement of Commonality of SoCG (See Annex E); • Updated Guide to the Application (See Annex E); and • Any further information requested by the ExA. 			
11.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • Further Written Questions (ExQ2) (if required); and • Proposed schedule of changes to the dDCO (if required). 	Friday 1 April 2022 (One week after Deadline 5)	Tuesday 12 April 2022 (One week after Deadline 5)	1.5
12.	Accompanied site inspection (if required)	Week commencing 4 April 2022	Week commencing 11 April 2022	1
13.	<p>Deadline 6</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to ExQ2 (if required); • Comments on the ExA's proposed schedule of changes to the dDCO (if required); • Final SoCG; • Final Statement of Commonality of the SoCG; • Final Guide to the Application; • Final Book of Reference; • Final CA/ TP schedule; • Signed and dated s106 Agreement (if required); 	Friday 15 April 2022 (three weeks after Deadline 5, two weeks after publication of ExQ2) (this date is currently on Good Friday bank holiday)	Friday 29 April 2022 (three and a half weeks after Deadline 5, two business weeks / two and a half calendar weeks after publication of ExQ2)	2

	<ul style="list-style-type: none"> • Comments on any information submitted for Deadline 5; • Applicant's preferred DCO in the SI template validation report and a validated copy of the DCO; • Applicant's preferred DCO in word format; and • Responses to 			
14.	Issue by the ExA of: <ul style="list-style-type: none"> • The Report on the Implications for European Sites (RIES) (if required). 	Tuesday 26 April 2022 (one and a half weeks after Deadline 6)	Friday 6 May 2022 (one week after Deadline 6)	1.5
15.	Deadline 7 Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Comments on responses submitted for Deadline 6; • Responses to any further information requested by the ExA; • Comments on the RIES (if required). 	Tuesday 17 May 2022 (four weeks from Deadline 6)	No change (two and a half weeks from Deadline 6, one and a half weeks from issue of the REIS)	0
16.	The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months. Please note that the ExA may close the Examination before the end of the six month period if he is satisfied that all relevant matters have been addressed and discussed.	Tuesday 7 June 2022 (three weeks from Deadline 7)	No change (three weeks from Deadline 7)	0

Appendix 2 – Extract of Phase 2 competition timetable showing 21 January 2022 deadline

Full document 'Cluster sequencing for carbon capture, usage and storage (CCUS) deployment: Phase-2' (112pp) available from the government notice published at:



Cluster Sequencing for Carbon Capture Usage and Storage Deployment: Phase-2

We expect formal support decisions to be made from Q2 2023, although this depends on the progress of commercial negotiations.

Table 1: Phase-2 Cluster Sequencing Timeline

Milestone	Date
Phase-2 Launch – Expression of Interest and call for capture Projects capable of connecting to the Track-1 and reserve cluster T&S Networks	w/c 8 November 2021
Phase-2 - Expression of Interest window closes	3 December 2021
Phase-2 Engagement sessions	w/c 6 December 2021 w/c 10 January 2022
Phase-2 submission deadline	21 January 2022
Phase-2 submission evaluation period	24 January – May 2022
Phase-2 decision – shortlisted Applicants are invited to participate in negotiation/due diligence stage	From May 2022
Decision in relation to allocation of support and Project offers allowing FID to take place	From Q2 2023

1.6 General Considerations

Without prejudice to any other rights reserved in this document, government reserves the right to discontinue discussions with an Applicant at any point. In particular, government may discontinue discussions with a particular Applicant where:

- the Applicant seeks to renegotiate elements of its Submission which would mean that it no longer satisfies government's eligibility criteria; or
- the Applicant seeks to renegotiate elements of its Submission which would have an adverse effect on the score awarded to the Submission at any stage of the Phase-2 process; or
- the Applicant does not comply or is not able to demonstrate during the negotiation stage, that it will be able to comply with the plans set out in its Submission (including in relation to its supply chain) and/or under any of the evaluation criteria; or