



**Date:** 05<sup>th</sup> February 2016

**Our Ref:** 2419B

Secretary of State for Energy and Climate Change  
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Dear Mr Welford,

## THE ELECTRICITY ACT 1989

## TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) ("THE 1990 ACT")

## THE ELECTRICITY GENERATING STATIONS (VARIATION OF CONSENTS) (ENGLAND AND WALES) REGULATIONS 2013 ("THE 2013 REGULATIONS")

## KEADBY II, KEADBY, NORTH LINCOLNSHIRE

By this letter and accompanying documents Keadby Developments Ltd, being the person for the time being entitled to the benefit of a section 36 consent, granted on 10 September 1993 under Section 36 of the Electricity Act 1989 to construct and operate a combined cycle gas turbine (CCGT) generating station of about 710 megawatt (MW), known as Keadby II, situated on land at Ealand Road, Keadby, North Lincolnshire (the Original Consent)) applies to the Secretary of State for Energy and Climate Change (the Secretary of State) pursuant to section 36C of the Electricity Act 1989 for the consent to be varied and also requests that pursuant to his powers under section 90(2) and (2ZA) of the 1990 Act the Secretary of State either gives a direction for planning permission to be deemed to be granted, or gives a direction for the existing planning permission to be deemed to be granted by virtue of the direction under section 90(2) made on 10<sup>th</sup> September 1993 be varied. The Original Consent describes the Development as "about 710MW capacity".

This application requests that the Secretary of State consents to a variation under Section 36C of the Electricity Act 1989 (the Variation Application) for a generating capacity of the Development permitted of "up to 820MW". The Variation Application further requests the Secretary of State to issue a direction under section 90(2ZA) of the 1990 Act that the conditions in the deemed planning permission be varied or to issue a direction under section 90(2) of the 1990 Act that planning permission be deemed to be granted and that the variation includes approval for:

- (i) a total generating capacity of up to 820 MW with either a single-shaft or multi-shaft configuration;
- (ii) either a single bank of 12 no. cooling towers or back to back bank of 16 no. cooling towers; and
- (iii) an increase in the application site area (the Application Site) to accommodate a temporary contractors work area associated infrastructure and possible future carbon capture equipment.

Partners  
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This Variation Application letter is accompanied by the Variation Application Keadby Developments Environment Statement (2016), which includes all the information required to be provided in a variation application by regulation 3 of the 2013 Regulations (see Appendix A). The Environmental Statement explains the rationale for the development of Keadby II to vary the section 36 consent and deemed planning permission on the basis of conditions specified.

Chapter 4 of the Environmental Statement provides a summary of the pre-application consultation undertaken by Keadby Developments Ltd.

Appendix A attached to this letter identifies how each requirement contained in regulation 3 of the 2013 Regulations is complied with.

The following documents are submitted in support of the application:

1. Application Letter (this letter) and Appendix A
2. Application Site Plan (Red line/Blue line) – Drawing ref: Keadby2\_DWD\_001
3. Site Location Plan – Drawing ref: Keadby2\_DWD\_002
4. Ownership Plan – Drawing ref: Keadby2\_DWD\_003
5. Consolidated Parameter Layout Plan – Drawing Ref: 105\_0805\_0040
6. Keadby Developments Ltd Environmental Statement and Non-technical Summary (2016)
7. The Original Section 36 Consent including Section 90 deemed planning permission with Original Site. Boundary Drawing Number 6517/Sk100 (10 September 1993)
8. Section 36 Consent and Deemed Planning Permission – Tracked Changes (a draft of the variations which the application proposes to the Original Consent of 10 September 1993)
9. SSE Generation Ltd Carbon Capture Readiness Feasibility Study (2015)
10. SSE Generation Ltd Keadby 2 Combined Cycle Gas Turbine Generating Station Combined Heat and Power Assessment (2015)
11. Schedule of Proposed Consultees
12. SSE Generation Ltd Illustrative Drawings

In accordance with the July 2013 “Guidance Note on varying consents granted under section 36 for generating stations in England and Wales”, no fee is payable for an application to vary a section 36 consent.

Should the Secretary of State consider the variation application is suitable for publication and give notice of her decision pursuant to regulation 4(6), Keadby Developments Ltd will comply with the publicity and advertising requirements set out at regulation 5 of the 2013 Regulations. We will write on behalf of Keadby Developments Ltd to the consultees listed in the attached Schedule of Proposed Consultees and place one notice of the application in The London Gazette and notices for two consecutive weeks in local newspapers; the Scunthorpe Telegraph and Epworth Bell. The application documents will also be published and available in electronic form at the following website: <http://sse.com/whatwedo/ourprojectsandassets/thermal/keadby2/>

Please will you kindly confirm receipt of this application. If you have any queries regarding the enclosed please contact Rob Booth ([rb@dwllp.com](mailto:rb@dwllp.com)) Tel: 020 7489 4830 or Keith Dalton ([kd@dwllp.com](mailto:kd@dwllp.com)) or Switchboard 020 7489 0213.

Yours sincerely

*Dalton Warner Davis LLP*

**Dalton Warner Davis LLP**

**APPENDIX A – SSE Keadby**

**Compliance with Regulation 3**

**The Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013**

<b>Reg.</b>	<b>Regulation Requirement</b>	<b>Applicant's Compliance with Regulation</b>
(1)	A variation application must -	
(a)	Be made in writing;	The variation application on behalf of Keadby Developments Limited (the Company) is made in writing in a letter with this Appendix A (Document 1); Application Site Plan (ref: Keadby2_DWD_001) of the Proposed Development (Document 2); the Site Location Plan (Ref: Keadby 2_DWD_002) (Document 3); Ownership Plan (ref:Keadby2_DWD_003) (Document 4); The Consolidated Parameter Layout Plan (Ref: 105_0805_0040) (Document: 5); the Environmental Statement and Non-Technical Summary 2016 (Document 6); the Original Consent including deemed planning permission (Document 7) and the accompanying documents listed below at regulation 3(4). This application is made under section 36C of the Electricity Act 1989 for a direction under section 90(2ZA) or under section 90(2) of the Town and Country Planning Act 1990 in respect of the Original Consent to vary the extant consent and granted on 10 September 1993 (Document 8).
(b)	describe the location of the proposed development by reference to a map;	The location of the Proposed Development is shown edged red on the Application Site Plan (ref: Keadby2_DWD_001) (Document 2), which replaces the Original Consent drawing 6517/Sk100.
(c)	state – (i) why it is proposed that the relevant section 36 consent should be varied;  (ii) what account has been taken of views expressed by persons who have been consulted by the applicant about the proposed variation;	(i) The Variation Application Environmental Statement 2016 (Variation Application ES), section 1 (Terms of Reference for this Environmental Statement) states why it is proposed that the Section 36 consent should be varied, in particular in order to take advantage of modern turbine design. Modern turbine units are larger than those in operation at the time that the Section 36 Consent was granted. The larger units now commonly available and in use benefit from economies of scale allowing improved efficiency and a reduction in environmental effects.  (ii) The Variation Application ES Chapter 4 (Approach to Environmental Impact Assessment) refers to consultation by the Applicant with the Department of Energy and Climate Change (DECC) and others in the composition of the Scoping Report (18.03.15), including North Lincolnshire Council (NLC), Environment Agency, Natural England, The Highways Agency,

		Historic England, NATs, CAA, Ministry of Defence, Met Office, HSE, Anglian Water and to the identification of key issues in the Scoping Report, the scoping opinion issued by NLC on 7.05.15 and the formal scoping opinion issued by DECC on 24.07.15 along with responses from stakeholders on the proposed variation application and proposals by the Company to undertake further consultation during this variation application process.
(d)	include – (i) a draft of the variations which the applicant proposes should be made to the relevant section 36 consent; and  (ii) copies of any maps or plans not referred to in the relevant section 36 consent but which the applicant proposes that the relevant section 36 consent should refer to after it is varied; and	(i) The draft of the proposed variations to the section 36 consent is contained in the letter on behalf of the Company accompanying this application (Document 1) and in Document 6 which comprises the Original Consent with tracked changes to the description of the Proposed Development and conditions.  (ii) It is requested that the section 36 consent when varied should refer to the new site location drawing 'the Application Site Plan' (Ref: Keadby_DWD_001) (Document 2) and the new consolidated parameter drawing (ref: 105_0805_0040) (Document 5).
(e)	If the application relates to an offshore generating station, identify which of the bodies referred to in paragraph (b) of the definition of "relevant planning authority" in regulation 2(1) are, in the applicant's opinion, likely to have an interest in the variation application.	(i) Not relevant to this application.
(2)	A variation application must include particulars of -	
(a)	the relevant section 36 consent, and, if that consent was not granted to the applicant, how the applicant has the benefit of that consent;	Keadby Developments Limited is applying to the Secretary of State to vary the Original Consent granted on 10 September 1993 under Section 36 of the Electricity Act 1989. A copy of the Original section 36 consent accompanies this Application (Document 7). The relevant section 36 consent was granted to the applicant, Keadby Developments Limited and the applicant retains the benefit of that consent.
(b)	where the appropriate authority is the Secretary of State, any section 90 direction given on granting the relevant section 36 consent;	The Secretary of State in exercise of the powers conferred by section 90(2) of the Town and Country Planning Act 1990 directed that planning permission for the Development be deemed to be granted subject to conditions as specified in the Consent (Document 8).
(c)	any permit, licence, consent or other authorisation (other than the relevant section 36 consent) given in connection with the construction or operation of the proposed development (a "relevant authorisation"), including any variation or replacement of a	(i) The 1992 Environmental Assessment referred to other consents and agreements to be obtained at the appropriate time regarding associated infrastructure including emissions to the atmosphere and other discharges. The Company is not aware of

	relevant authorisation; and	any such consents being given in relation to Keadby II but the ES 2016 Chapter 2 addresses provision for future connections to gas transmission infrastructure, the National Grid 400 kV electricity transmission system, pipelines to water abstraction and discharge points and the need for an environmental permit to be sought in due course from the Environment Agency (Variation Application ES Chapter 2).
(d)	any application that has been made for a relevant authorisation or variation of a relevant authorisation.	No application has been made for a relevant authorisation or variation of a relevant authorisation at the time. At a future date applications will be made for related infrastructure.
(3)	Where the appropriate authority is the Secretary of State and the applicant requests the Secretary of State to make a section 90 direction on varying the relevant section 36 consent, the application must-	
(a)	identify the section 90 development in respect of which that request is made and describe its location by reference to a map;	Keadby Developments Limited is applying to the Secretary of State under section 36C of the Electricity Act to vary the consent granted on 10 September 1993 (the Original Consent) and for the variation of a direction under section 90(2ZA) of the Town and Country Planning Act 1990 as amended in respect of the existing deemed planning permission for a combined cycle gas turbine generating station, known as Keadby II. The Application Site Plan (Drawing ref: Keadby2_DWD_001) shows the location of the application site boundary of the Proposed Development and related development (Document 2). This is a new drawing which incorporates the Original Application site plus additional land that will enable the installation of carbon capture equipment, should this be required in the future, as well as land for infrastructure to facilitate the Proposed Development, including both existing infrastructure associated with Keadby I and for future connections of gas, electricity transmission and cooling water intake and discharge.
(b)	state – (i) why it is proposed that the direction should be made; and  (ii) what account has been taken of views	(i) The Variation Application ES as with the response to regulation 1(c) (i) explains the rationale for the development of Keadby II and explains why it is proposed that the Secretary of State should be requested to issue a direction under section 90(2) or 90(2ZA) of the Town and Country Planning Act 1990 to vary the deemed planning permission on the basis of conditions specified (Document 8). The reason why the Secretary of State is requested to make the direction is so as to provide that planning

	<p>expressed by persons who have been consulted by the applicant about the proposed direction; and</p>	<p>permission is deemed to be granted for the generating station as now proposed. That generating station will take advantage of modern turbine technology.</p> <p>(ii) The Variation Application ES Chapter 4 (Approach to Environmental Impact Assessment) refers to consultation by the Applicant with the Department of Energy and Climate Change (DECC) and others in the composition of the Scoping Report (18.03.15), including North Lincolnshire Council (NLC), Environment Agency, Natural England, The Highways Agency, Historic England, NATs, CAA, Ministry of Defence, Met Office, HSE, Anglian Water and to the identification of key issues, the scoping opinion issued by NLC on 7.05.15 and the formal opinion issued by DECC on 24.07.15 along with responses from stakeholders on the proposed variation application and proposals by the Company to undertake further consultation during this variation application process</p>
<p>(c)</p>	<p>Include –</p> <p>(i) a draft of the proposed direction; and</p> <p>(ii) copies of any maps or plans to which it is proposed that the section 90 direction should refer which are not –</p> <p>(aa) referred to in the relevant section 36 consent or any section 90 direction given on granting the relevant section 36 consent; or</p> <p>(bb) included in the application in accordance with paragraph (1)(d)(ii).</p>	<p>(i) The draft of the proposed variation to the Section 90 Direction is contained within the Keadby Developments Limited section 36 Consent and section 90 Direction - Variation Track Change document which is contained within this application (Document 6).</p> <p>(ii) The Application Site Plan (Drawing ref: Keadby2_DWD_001) shows the location of the application site boundary of the Proposed Development and related development; this is a new drawing which incorporates additional areas of land.</p>
<p>(4)</p> <p>1.</p> <p>2.</p> <p>3.</p>	<p>If, under the EIA Regulations as modified by regulation 7, an environmental statement has been prepared, or is required to be prepared, in relation to the proposed development, the environmental statement must accompany the application.</p>	<p>An environmental statement along with other documents accompanies this Variation Application (see below)</p> <p><u>Environmental Statement 2016</u></p> <p>– Non-Technical Summary of the Environmental Statement</p>

4.		<ol style="list-style-type: none"><li>1. Carbon Capture Readiness Report</li><li>2. Transport Assessment</li><li>3. Breach Analysis</li><li>4. Combined Heat and Power Assessment</li></ol>
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