

Keadby II Power Station Project

Schedule 1 - Compliance with Regulation 3 'Content of variation applications' of 'The Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013'

Regulation 3	Requirement	Applicant's Compliance
(1)	A variation application must -	
(a)	Be made in writing;	<p>The Variation Application is made under Section 36C of 'The Electricity Act 1989' (the '1989 Act') on behalf of Keadby Developments Limited (the 'Company' or the 'Applicant') in writing, and comprises the following documents (2 x hard copies and 4 x CD copies):</p> <ol style="list-style-type: none"> 1. An Application Cover Letter dated 25 July 2017 (Document 1); 2. Schedule 1 - 'Compliance with Regulation 3 'Content of variation applications' of 'The Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013' (the '2013 Regulations') demonstrating how the Variation Application complies with Regulation 3 (this document) (Document 2); 3. Schedule 2 - 'Consultees' listing those bodies and organisations consulted prior to the submission of the Variation Application (Document 3); 4. The Section 36 consent and deemed planning permission dated 10 September 1993 (the 'Original Consent') (Document 4); 5. The Section 36 consent and deemed planning permission variation dated 3 November 2016 (the '2016 Consent') (Document 5); 6. A 'track change' version of the 2016 Consent showing the proposed changes (the 'Variation Consent') (Document 6); 7. Site Location Plan Ref: Keadby2_DWD_002 showing the location of the Application Site (the 'Site') (Document 7); 8. Application Site Plan (red line) Ref: Keadby2_DWD_001 (Document 8); 9. Ownership Plan Ref: Keadby2_DWD_003 (Document 9); 10. Consolidated Parameter Layout Plan Ref: 105_0805_0040_00_03 (Document 10); 11. Condenser (Cooling Tower) Layout In-Line (1 x

Regulation 3	Requirement	Applicant's Compliance
		<p>12) Plan Ref: 105_0805_0016_00_06 (Document 11);</p> <p>12. Single-Shaft Layout Plans (Document 12);</p> <p>13. Multi-Shaft Layout Plans (Document 13);</p> <p>14. Keadby II Supporting Statement (Document 14);</p> <p>15. Keadby II Environmental Impact Assessment ('EIA') Report and Non-Technical Summary dated July 2017 (Document 15);</p> <p>16. Information to inform Habitats Regulations Assessment (EIA Report - Annex C) (part of Document 15);</p> <p>17. Keadby II Combined Heat and Power Report (EIA Report - Annex F) (part of Document 15); and</p> <p>18. Keadby II Carbon Capture Readiness Report (EIA Report - Annex G) (part of Document 15).</p> <p>The Variation Application also includes the documents that formed part of the previous variation application (2 x CD copies) (Document 16).</p>
(b)	describe the location of the proposed development by reference to a map;	<p>The location of the 'Proposed Development' is shown on 'Site Location Plan' Ref: Keadby2_DWD_002 (Document 7). The Site is located immediately to the west of the existing Keadby I Power Station Site and south of the existing National Grid 400 kilovolt Substation, at Trent Side, Keadby, near Scunthorpe, North Lincolnshire, DN17 3EF. A description of the location of the Proposed Development is provided at Chapter 2 of the EIA Report (Document 15). The extent of the Site is shown edged in red on 'Application Site Plan' Ref: Keadby2_DWD_001 (Document 8). The extent of the Site includes all the land required for either a single-shaft plant or a multi-shaft plant.</p>
(c)	<p>state –</p> <p>(i) why it is proposed that the relevant Section 36 consent should be varied;</p>	<p>(i) The Application Cover Letter (Document 1) confirms that the principal reason it is proposed that the 2016 Consent should be varied is to allow for an increase in the electrical output of Keadby II from 820 megawatts ('MW') to 910 MW. Recent advances in the design of combined cycle gas turbines ('CCGTs') have resulted in the availability on the market of larger, more efficient CCGT units, which due to their improved efficiencies, offer both economic and environmental benefits. The increase in electrical output is therefore required to allow for the latest CCGT units to be deployed on Keadby II and to provide sufficient flexibility to accommodate future improvements in CCGT technology. The</p>

Regulation 3	Requirement	Applicant's Compliance
	<p>(ii) what account has been taken of views expressed by persons who have been consulted by the applicant about the proposed variation;</p>	<p>reasons for the Variation Application are explained in further detail at Chapter 1 of the EIA Report (Document 15).</p> <p>(ii) The Company met with the Department of Business, Energy and Industrial Strategy ('BEIS') to introduce the proposed variation of the 2016 Consent on 5 May 2017 and met with North Lincolnshire Council ('NLC') on the 23 May 2017. The Company issued consultation letters to the consultees listed at Schedule 2 (Document 3) detailing the proposed changes to the Consented Development (to which the 2016 Consent relates) on 30 June 2017 and issued 3,766 copies of a community newsletter to all the properties within Keadby and the North Axholme Ward area on the same date. The consultees and residents were asked to provide comments by 14 July 2017. In addition, the Company 'informally' consulted (a formal scoping opinion was not sought) BEIS on the structure and scope of the EIA Report in early July 2017. The 'Keadby II Supporting Statement' (Document 14) describes the consultation that has been undertaken and details the responses received to the consultation and how any comments received have been taken into account.</p>
(d)	<p>include –</p> <p>(i) a draft of the variations which the applicant proposes should be made to the relevant Section 36 consent; and</p> <p>(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</p>	<p>(i) The proposed variations to the 2016 Consent are described in the Application Cover Letter (Document 1), and are produced in full within the 'track change' version of the 2016 Consent (Document 6), which comprises the 2016 Consent with the proposed variations shown in blue text. The proposed variations relate primarily to the description of the Proposed Development and are described at Section 3 of the Keadby II Supporting Statement (Document 14).</p> <p>(ii) It is requested that the Section 36 consent, if varied, refers to the 'Application Site Plan' Ref: Keadby2_DWD_001 (Document 8) in place of the currently referenced Site Location Plan Ref: Keadby2_DWD_002 and 'Consolidated Parameter Layout Plan' Ref: 105_0805_0040_00_03 (Document 10) in place of the currently referenced Consolidated Parameter Layout Plan Ref: 105_0805_0040.</p>

Regulation 3	Requirement	Applicant's Compliance
(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.	The Variation Application <u>does not</u> relate to an offshore generating station. Regulation 3(1)(e) is not therefore relevant.
(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;	The Company is applying to the Secretary of State ('SoS') for BEIS to vary the 2016 Consent granted on 03 November 2016 under Section 36 of the 1989 Act. A copy of the 2016 Consent (Document 5), along with the documents for the previous variation application (which resulted in the 2016 Consent) (Document 16), are provided as part of the Variation Application. The 2016 Consent was granted to the Company and the Company 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 Section 90 (2ZA) (of the Town and Country Planning Act 1990) direction given that forms part of the 2016 Consent is provided as part of the Variation Application (Document 5).
(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 relevant authorisation; and	The Environment Agency has granted an Abstraction License (date 14 June 2017) for the abstraction of water from the Keadby and Stainforth Canal for cooling purposes.
(d)	any application that has been made for a relevant authorisation or variation of	The Company is in the early stages of initiating discussions with the Environment Agency in order to discuss the preparation an application for an

Regulation 3	Requirement	Applicant's Compliance
	a relevant authorisation.	Environmental Permit.
(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;	<p>The Company is applying to the SoS for BEIS under Section 36C of the 1989 Act to vary the Section 36 consent granted on 3 November 2016 (the '2016 Consent') and for the variation of the direction given under Section 90(2ZA) of the Town and Country Planning Act 1990 Act giving deemed planning permission for a CCGT generating station of up to 820 MW.</p> <p>The location of the 'Proposed Development' is shown on 'Site Location Plan' Ref: Keadby2_DWD_002 (Document 7). The Site is located immediately to the west of the existing Keadby I Power Station Site and south of the existing National Grid 400 kilovolt Substation, at Trent Side, Keadby, near Scunthorpe, North Lincolnshire, DN17 3EF. A description of the location of the Proposed Development is provided at Chapter 2 of the EIA Report (Document 15). The extent of the Site is shown edged in red on 'Application Site Plan' Ref: Keadby2_DWD_001 (Document 8). The extent of the Site includes all the land required for either a single-shaft plant or a multi-shaft plant.</p>
(b)	<p>state –</p> <p>(i) why it is proposed that the direction should be made; and</p> <p>(ii) what account has been taken of views expressed by persons who have been consulted by the applicant about the</p>	<p>(i) The response to Regulation 1(c)(i) above (Application Cover Letter - Document 1) confirms that the principal reason it is proposed that the 2016 Consent should be varied is to allow for an increase in the electrical output of Keadby II from 820 megawatts ('MW') to 910 MW. Recent advances in the design of combined cycle gas turbines ('CCGTs') have resulted in the availability on the market of larger, more efficient CCGT units, which due to their improved efficiencies, offer both economic and environmental benefits. The increase in electrical output is therefore required to allow for the latest CCGT units to be deployed on Keadby II and to provide sufficient flexibility to accommodate future improvements in CCGT technology. The</p>

Regulation 3	Requirement	Applicant's Compliance
	<p>proposed direction; and</p>	<p>reasons for the Variation Application are explained in further detail at Chapter 1 of the EIA Report (Document 15).</p> <p>(iii) As confirmed above in the response to Regulation 1(c)(ii), the Company met with the BEIS to introduce the proposed variation of the 2016 Consent on 5 May 2017 and met with North Lincolnshire Council ('NLC') on the 23 May 2017. The Company issued consultation letters to the consultees listed at Schedule 2 (Document 3) detailing the proposed changes to the Consented Development on 30 June 2017 and also issued 3,766 copies of a community newsletter to all the properties within Keadby and the North Axholme Ward area on the same date. The consultees and residents were asked to provide comments by 14 July 2017. In addition, the Company 'informally' consulted (a formal scoping opinion was not sought) BEIS on the structure and scope of the EIA Report in early July 2017. The 'Keadby II Supporting Statement' (Document 14) describes the consultation that has been undertaken and details the responses received to the consultation and how any comments received have been taken into account.</p>
(c)	<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;</p>	<p>(i) A 'track change' version of the proposed variation to the Section 90 direction is provided within Document 6, which forms part of the Variation Application. This comprises the 2016 Consent with the proposed variations, including those to the Section 90 direction, shown in blue text.</p> <p>(ii) It is requested that the Section 90 direction, if varied, refers to the 'Consolidated Parameter Layout Plan' Ref: 105_0805_0040_00_03 (Document 10) at planning condition 13 in place of the currently referenced Consolidated Parameter Layout Plan Ref: 105_0805_0040.</p>

Regulation 3	Requirement	Applicant's Compliance
	<p>or</p> <p>(bb) included in the application in accordance with paragraph (1)(d)(ii).</p>	
(4)	<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>Paragraph (4) of Regulation 3 of the 2013 Variation Regulations has been removed by Schedule 5 'Amendments to other Regulations' of 'The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017 (the '2017 EIA Regulations'), which came into effect on 16 May 2017.</p> <p>The previous variation application that resulted in the 2016 Consent included an Environmental Statement ('ES') that was prepared in accordance with 'The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2000 (the '2000 EIA Regulations')'. A copy of this ES is provided as part of Document 16.</p> <p>The Variation Application includes an EIA Report that has been prepared in accordance with 2017 EIA Regulations. Regulation 17 of the 2017 EIA Regulations 'EIA report: requirements' sets out the requirements for EIA Reports prepared in relation to variation applications and confirms that these should cover:</p> <p><i>"... the main respects in which the developer thinks that the likely significant effects on the environment of the development, as varied, will differ from those set out in-</i></p> <p><i>(i) any EIA report or environmental statement prepared in connection with the application for the section 36 consent that it is proposed be varied; and</i></p> <p><i>(ii) if the section 36 consent has previously been varied by a section 36 variation, any EIA report or environmental statement prepared regarding the application for that variation;"</i></p> <p>In accordance with Regulation 17, an EIA Report has been prepared (Document 15) to determine the likely significant effects of the Proposed Development to the extent that these differ from those reported in the ES for the Consented Development (to which the 2016 Consent relates).</p> <p>Chapter 2 of the EIA Report provides a detailed comparison of the Proposed Development with the</p>

Regulation 3	Requirement	Applicant's Compliance
		<p>Consented Development in order to identify the key design and other changes. Chapter 3 sets out the informal scoping exercise undertaken in the preparation of the EIA Report. It highlights the topics where likely significant environmental effects have been reassessed and those where reassessment is not considered necessary and the justification for this. Notably, Chapter 8 sets out a comparison of effects for the Proposed Development and Consented Development.</p>