

Date: 10 July 2018
Our Ref: 2941J



The Secretary of State for Business, Energy and Industrial Strategy
c/o Ms N Williams
Department for Business, Energy and Industrial Strategy
Level 3 Orchard 2
1 Victoria Street
London
SW1H 0ET

6 New Bridge Street
London EC4V 6AB
T: 020 7489 0213
F: 020 7248 4743
E: info@dwdllp.com
W: dwdllp.com

Dear Ms Williams

THE ELECTRICITY ACT 1989 (AS AMENDED) - SECTION 36C 'VARIATION OF CONSENTS UNDER SECTION 36 - CONSENT REQUIRED FOR THE CONSTRUCTION ETC. OF GENERATING STATIONS'

THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) - SECTION 90(2ZA) 'DEVELOPMENT WITH GOVERNMENT AUTHORISATION'

THE ELECTRICITY GENERATING STATIONS (VARIATION OF CONSENTS) (ENGLAND AND WALES) REGULATIONS 2013 (THE 'VARIATION REGULATIONS' & THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2017 (THE 'EIA REGULATIONS')

APPLICATION ON BEHALF OF KEADBY DEVELOPMENTS LIMITED TO VARY THE SECTION 36 CONSENT DATED 21 DECEMBER 2017 FOR THE KEADBY 2 POWER STATION PROJECT, ON LAND AT THE KEADBY POWER STATION SITE, TRENTSIDE, KEADBY, NORTH LINCOLNSHIRE, DN17 3EF

We write on behalf of Keadby Developments Limited (the 'Applicant' or 'Company'), a wholly owned subsidiary of SSE Plc, in respect of the Section 36 consent granted on 21 December 2017 (the '2017 Consent') for the construction and operation of a gas-fired electricity generating station (the 'Keadby 2') of up to 910 megawatts ('MW') on land at the existing Keadby Power Station site, Trentside, Keadby, North Lincolnshire.

By this letter and accompanying documents, the Company, being the person entitled to the benefit of the 2017 Consent, applies to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy ('BEIS') pursuant to Section 36C of the 1989 Act for that consent to be varied. In addition, the Company requests that the SoS pursuant to his powers under Section 90 (2ZA) of the Town and Country Planning Act 1990 (the '1990 Act') directs that the deemed planning permission granted on 21 December 2017 be varied.

The Variation Application seeks minor changes to the 2017 Consent for Keadby 2. The changes will not materially alter the scale of the proposed electricity generating station or its environmental effects as reported within the Environmental Impact Assessment ('EIA') Report dated July 2017 or the Environmental Statement ('ES') dated February 2016, which accompanied the earlier variation applications.

Partners

N M Fennell BSc MRICS
R J Greeves BSc (Hons) MRICS
A R Holden BSc (Hons) FRICS

G Bullock BA (Hons) BPI. MRTPI
A Vickery BSc MRICS IRRV (Hons)
G Denning B.Eng (Hons) MSc MRICS
B Murphy BA (Hons) MRUP MRTPI

A Meech BSc MRICS
S Page BA MA (Cantab) MSc MRTPI
S Price BA (Hons) DipTP MRTPI
P Roberts FRICS CEnv



The Variation Application comprises two hard copies of the following documents in addition to two electronic copies (CDs):

1. Application Cover Letter (this letter) - **Document 1.**
2. Schedule 1 - 'Compliance with Regulation 3 'Content of variation applications' of the Variation Regulations & Regulation 17 of the EIA Regulations' - **Document 2.**
3. Schedule 2 - 'Consultees' listing those bodies and organisations consulted prior to the submission of the Variation Application - **Document 3.**
4. The 2017 Consent - **Document 4.**
5. The 'Proposed Variation Consent' - this is based on the 2017 Consent and shows the changes proposed to the consent in underlined italics - **Document 5.**
6. Site Location Plan - Plan Ref. Keadby2_DWD_002 - **Document 6.**
7. Application Site Plan - Plan Ref. Keadby2_DWD_001 - **Document 7.**
8. Ownership Plan - Plan Ref. Keadby2_DWD_003 - **Document 8.**
9. Multi-shaft Layout Plan Ref. 105_0805_0035_Sheet 01 Rev 02 - this shows the layout of Keadby 2 as proposed to be built - **Document 9.**
10. Multi-shaft Elevations (Consented vs Proposed) Plan Ref. 105_0805_0037_Sheet 00 Rev 00 - this shows the elevations of the main buildings and structures of Keadby 2 as proposed to be built and provides a comparison of these with the 2017 consented plans (the buildings and structures as consented are outlined by the red dashed lines) - **Document 10.**
11. An update to the EIA Report dated July 2017 (the 'EIA Update Report') - this document considers the proposed changes within the context of the assessment of the environmental effects of Keadby 2 set out in the EIA Report dated July 2017 and the ES for the original variation of the consent dated February 2016 - **Document 11.**

In addition, two electronic copies (CDs) of the 2017 Consent application documents accompany the Variation Application (**Document 12**).

The Variation Application is not accompanied by a fee as in accordance with the guidance note 'Varying consents granted under section 36 of the Electricity Act 1989 for generating stations in England and Wales, July 2013', no fee is payable for such an application.

Background to the Variation Application

The original Section 36 consent (the 'Original Consent') for Keadby 2 was granted by the SoS for the Department of Trade and Industry in 1993. That consent allowed for the construction and operation of a gas-fired generating station of about 710 MW on land at the Keadby Power Station site.

On 3 November 2016, the SoS for BEIS varied the Original Consent under Section 36C to provide for the construction and operation of a generating station with a capacity of up to 820 MW (the '2016 Consent').

A further variation application was submitted to the SoS for BEIS in July 2017 (the '2017 Consent') to increase the capacity of the generating station to 910 MW. This was in response to advances in gas turbine technology that had resulted in the availability of larger, more efficient combined cycle gas turbine ('CCGT') units and the economic and environmental benefits of being able to deploy such units. The July 2017 variation application also encompassed changes to the location of the emissions stack, the dimensions of some of the main buildings and structures and the inclusion of a Selective Catalytic Reduction system. The consent was granted on 21 December 2017.

Both the 2016 Consent and the 2017 Consent allow for Keadby 2 to be constructed and operated in either single-shaft or multi-shaft plant configuration. Both consents reference a 'Consolidated Parameter Layout Plan' that accommodates either a single or multi-shaft plant configuration and Condition 13 'Layout and design' of the 2017 Consent states that the generating station must be constructed within the limits defined by that plan and not exceed the dimensions for the main buildings and structures identified in the EIA Report dated July 2017 at Table 2.1 'Dimensions of Main Structures of the Proposed Development in comparison with the Consented Development' and Table 2.2 'Dimensions of Other Structures of the Proposed Development in comparison with the Consented Development'.

Since the 2017 Consent was granted the Company has taken the decision to proceed with the multi-shaft plant configuration and a technology provider has been selected. Further detailed design work has also been undertaken on the plan. This has resulted in some minor changes to the plant layout and the dimensions of the main buildings and structures, as illustrated by multi-shaft plan refs. 105_0805_0035_Sheet 01 Rev 02 and 105_0805_0037_Sheet 00 Rev 00 that form part of the Variation Application.

In view of the decision to proceed with the multi-shaft plant configuration and the further detailed design work that has been undertaken, the Company is proposing to simplify the consent by changing Condition 13 (proposed to become Condition 10) so that instead of referencing the Consolidated Parameter Layout Plan it references the latest multi-shaft plans (refs. 105_0805_0035_Sheet 01 Rev 002 and 105_0805_0037_Sheet 00 Rev 00). It is also proposed that Condition 13 refers to the updated building/structure dimensions within the EIA Update Report where these supersede the dimensions at Tables 2.1 and 2.2 of the EIA Report dated July 2017. The changes to Condition 13 will allow for the minor changes to the plant layout and building/structure dimensions and provide greater certainty and clarity to the local planning authority as to the details it will be asked to approve under the condition and the plant that will be built at the site.

In addition to Condition 13, the Company is proposing to change Condition 70 'Flood Risk'. Condition 70 (iii) (proposed to become Condition 59(iii)) currently requires the Company to undertake the site raising element of Keadby 2 (required for flood risk mitigation) and to notify the local planning authority that those works have been completed prior to the commencement of the 'Main Development'. The 'Main Development' is defined in the 2017 Consent as *"the construction work commencing with the placing of the first concrete for the main plant foundations of the Development"*. However, as the plant needs to be set at an appropriate level to mitigate flood risk, the site raising works and Main Development are interconnected. It is therefore proposed that Condition 70 (iii) is amended so the requirement to notify the local planning authority that the site raising works have been completed is prior to the commissioning of Keadby 2.

Environmental Impact Assessment

The original variation application (resulting in the 2016 Consent) included an ES that set out the findings of the EIA of Keadby 2 (as proposed to be varied). The subsequent variation application

(resulting in the 2017 Consent) included an EIA Report that provided an assessment of the differences in environmental effects between what was described as the 'Consented Development' (the 2016 Consent) and the 'Proposed Development' (the '2017 Consent').

As illustrated by the multi-shaft layout and elevation plans (refs. 105_0805_0035_Sheet 01 Rev 02 and 105_0805_0037_Sheet 00 Rev 00) the changes to the footprint and layout of the generating station are minor in nature, as indeed are those to the dimensions of the main buildings and structures. Table 2.1 of the EIA Update Report compares the latest building/structure dimensions (shown on plan refs. 105_0805_0035_Sheet 01 Rev 02 and 105_0805_0037_Sheet 00 Rev 00) with the dimensions set out in Table 2.1 of the EIA Report dated July 2017 and those used in the topic assessments (e.g. air quality and landscape and visual). Section 2 of the EIA Update Report considers the proposed changes against the assessment of environmental effects contained within the EIA Report dated July 2017. The EIA Update Report concludes that there will be no material difference between Keadby 2 as now proposed to be built and the 2017 Consent in terms of environmental effects.

In view of there being no material difference in terms of environmental effects between Keadby 2 as proposed to be built and the 2017 Consent, the Company does not consider that it is necessary to undertake a further EIA in respect of the Variation Application and considers that the conclusions of the July 2017 EIA Report are still valid.

Carbon Capture Readiness (CCR)

'The Carbon Capture Readiness (Electricity Generating Stations) Regulations 2013' introduced the need for applicants for new fossil fuel generating stations of 300 MW electrical output and above to consider carbon capture and demonstrate that such generating stations are 'carbon capture ready' and that sufficient land has been set aside to accommodate carbon capture plant, should the deployment of such plant become feasible in the future.

The previous variation application (resulting in the 2017 Consent) included a CCR Report (July 2017) that demonstrates that Keadby 2 would be carbon capture ready and that sufficient land has been set aside for any future carbon capture plant. The Variation Application has no implications in terms of the ability for Keadby 2 to be CCR and therefore the CCR Report remains valid.

Consultation on the Variation Application

The Company has met with BEIS on 17 May 2018 to discuss the proposed variation of the 2017 and has also consulted a number of bodies and organisations on the proposed variation. Those bodies and organisations are listed on Schedule 2, which forms part of the Variation Application.

Letters were sent to each of the consultees on the 13 June 2018. An example copy of the letter is appended to this letter. The consultation letter set out the background to and the reasons for the proposed variation and was accompanied by the following documents:

1. The Proposed Variation Consent.
2. Multi-shaft Layout Plan Ref. 105_0805_0035_Sheet 01_Rev 02.
3. Multi-shaft Elevations (Consented vs Proposed) Plan Ref. 105_0805_0037_Sheet 00 Rev 00.
4. The draft EIA Update Report.

The consultees were requested to provide comments by 29 June 2018. The comments that were received are summarised in the table below.

No.	Consultee	Summary of response	Action/change required
1.	North Lincolnshire Council	Confirms that the Council has no comments or objections to raise as the proposed variations are minor in nature and are not considered to materially alter the consented project or its environmental effects.	No action/change required.
2.	Environment Agency	Notes that none of the changes relate to the carbon capture plant nor is there any increase in the generating capacity. Confirms that as a result there is no change in the carbon capture readiness status of the site of the EA's view. Also confirms that there is no objection to the amendments proposed to Condition 59 regarding flood risk mitigation measures.	No action/change required.
3.	Historic England	States that it appears that Condition 44A which brought the project into the current planning practice in respect of the requirement for a developer funded archaeological mitigation strategy remains appropriate and necessary, and therefore KDL is referred to the advice on the Local Authority Archaeologist (North Lincolnshire Historic Environment Record).	Condition 44A is retained within the proposed Variation Consent. No action/change required.
4.	Health and Safety Executive	No comments to make.	No action/change required.
5.	NATS	Confirms that NATS's position remains unchanged from that previously communicated. As NATS operates no	No action/change required.

		infrastructure within 30km of the site, it anticipates that it will have no comments to make on the proposed Variation Consent.	
6.	Natural England	No comments to make.	No action/change required.
7.	Highways England	Changes to the type of plant, such as multi-shaft in place of single-shaft and the sizing of buildings will not have a material effect on the trips on the Strategic Road Network ('SRN'). All construction traffic should be routes through the M180/A18 roundabout. When the applicant develops the outline Construction Traffic Management Plan ('CTMP') into a full CTMP, they will need to provide additional details regarding the number of movements generated by the project to enable Highways England to understand the level of impact on the SRN. A full CTMP should be secured by planning condition to enable Highways England approval before development commences.	Condition 53 within the proposed Variation Consent secures a 'Construction Phase Traffic Management Plan'. This must be approved before development takes place with the exception of permitted preliminary works.

The consultees have not raised any concerns with regard to the proposed variation of the 2017 Consent and do not consider that the changes would result in any material difference in environmental effects from that consented. As such, no changes are sought by the consultees to the proposed variation of the 2017 Consent.

Summary

The Variation Application only seeks minor changes to the 2017 Consent for Keadby 2. The changes will not materially alter the scale of the proposed electricity generating station or its environmental effects as reported within the Environmental Impact Assessment ('EIA') Report dated July 2017 or the Environmental Statement ('ES') dated February 2016, which accompanied the earlier variation applications.

The EIA Update Report that form part of the Variation Application confirms that there is no material difference in terms of environmental effects between Keadby 2 as proposed to be built and the 2017

Consent. Therefore, the Company does not consider that it is necessary to undertake a further EIA in respect of the Variation Application and that the conclusions of the 2017 EIA Report are still valid.

The Company has consulted on the proposed variation. The consultees have not raised any concerns with regard to the proposed variation of the 2017 Consent and do not consider that the changes would result in any material difference in environmental effects from that consented. As such, no changes are sought by the consultees to the proposed variation of the 2017 Consent.

Should the SoS consider the Variation Application to be suitable for publication and give notice of this decision pursuant to Regulation 4(6) of the Variation Regulations, the Company will comply with the publicity and advertising requirements set out in Regulation 5 of those Regulations. In accordance with the Variation Regulations the application documents will first be published on the project website. Following this the Company will notify the consultees listed in Schedule 2 that the Variation Application has been accepted as suitable for publication and place a notice in The London Gazette and for two consecutive weeks in a local newspaper circulating within the vicinity of the site.

We would be grateful if you could kindly confirm receipt of the Variation Application. In the meantime, should you have any queries regarding the Variation Application please contact do not hesitate to contact either Geoff Bullock (geoff.bullock@dwdllp.com) or Rob Booth (rob.booth@dwdllp.com) in this office.

Yours sincerely



Geoff Bullock
Partner
DWD LLP
geoff.bullock@dwdllp.com
020 7489 4892

Encs.

- Example consultation letter
- Documents 1 to 12