

Keadby 2 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 17 of ‘The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017’

Regulation 3 of The Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013		
Paragraph	Requirement	Applicant’s Compliance
(1)	A variation application must -	
	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 ‘Applicant’ or the ‘Company’) in writing, and comprises the following documents (2 x hard copies and 4 x CD copies):</p> <p>An Application Cover Letter dated 10 July 2018 (Document 1);</p> <p>Schedule 1 - ‘Compliance with Regulation 3 ‘Content of variation applications’ of ‘The Electricity Generating Stations (Variation of Consents) (England and Wales) Regulations 2013’ (the ‘Variation Regulations’) & Regulation 17 of ‘The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017’ (the ‘EIA Regulations’) demonstrating how the Variation Application complies with Variation Regulation 3 and EIA Regulation 17 (this document) (Document 2);</p> <p>Schedule 2 - ‘Consultees’ listing those bodies and organisations consulted prior to the submission of the Variation Application (Document 3);</p> <p>The Variation Consent dated 21 December 2017 (the ‘2017 Consent’) (Document 4);</p> <p>The ‘Proposed Variation Consent’ showing the changes proposed to the 2017 Consent in underlined italics (Document 5);</p> <p>Site Location Plan Ref. Keadby2_DWD_002 showing the</p>

		<p>location of the Application Site (the 'Site') (Document 6);</p> <p>Application Site Plan (red line) Ref. Keadby2_DWD_001 (Document 7);</p> <p>Ownership Plan Ref. Keadby2_DWD_003 (Document 8);</p> <p>Multi-shaft Layout Plan Ref. 105_0805_0035_Sheet 01 Rev 02 - showing the layout of Keadby 2 as proposed to be built (Document 9);</p> <p>Multi-shaft Elevations (Consented vs Proposed) Plan Ref. 105_0805_0037_Sheet 00 Rev 00 – showing the elevations of the main buildings and structures of Keadby 2 as proposed to be built and providing a comparison of these with the 2017 consented plans (Document 10);</p> <p>Keadby 2 Environmental Impact Assessment ('EIA') Update Report dated 13 June 2018 (Document 11);</p> <p>The Variation Application also includes the 2017 Consent documents (2 x CD copies) (Document 12).</p>
(a)	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 6). The Site is located immediately to the west of the existing Keadby 1 Power Station Site and south of the existing National Grid 400 kilovolt Substation, at Trentside, Keadby, North Lincolnshire. A description of the location of the Proposed Development is provided at Section 1.3 of the EIA Update Report (Document 11). The extent of the Site is shown edged in red on 'Application Site Plan' Ref: Keadby2_DWD_001 (Document 7). The extent of the Site includes all the land required for a multi-shaft plant.</p>
(b)	state – why it is proposed that the relevant Section 36 consent should be varied;	<p>The Application Cover Letter (Document 1) confirms that the principal reason it is proposed that the 2017 Consent should be varied is associated with the Company's decision to choose a technology provider and proceed with a multi-shaft plant configuration. As a result of the multi-shaft selection, 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_Rev 02 and 105_0805_0037_Rev 00 that form part of the Variation Application (Documents 9 and 10).</p>

	<p>what account has been taken of views expressed by persons who have been consulted by the applicant about the proposed variation;</p>	<p>The Company has consulted a number of bodies and organisations on the proposed variation of the 2017 Consent. Those bodies and organisations are listed at Schedule 2 'Consultees' (Document 3).</p> <p>The consultees were requested to provide comments by 29 June 2018. The comments that were received are summarised in the table included in the Application Cover Letter (Document 1) and a copy of the full consultation responses accompanies the Variation Application.</p>
(c)	<p>include –</p> <p>a draft of the variations which the applicant proposes should be made to the relevant Section 36 consent; and</p> <p>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>The proposed variations to the 2017 Consent are described in the Application Cover Letter (Document 1), and are produced in full within the 'Proposed Variation Consent' (Document 5), which comprises the 2017 Consent with the proposed variations shown in underlined italics.</p> <p>It is requested that the Section 36 consent, if varied, refers to the 'Multi-shaft Layout - Plan Ref: 105_0805_0035 Rev 02 (Document 9) and Multi-shaft Elevations (Consented Vs Proposed) Plan - Drawing Ref: 105_0805_0037 Rev 00 (Document 10) in place of the currently referenced Consolidated Parameter Layout Plan Ref: 105_0805_0040_00_03</p>
(d)	<p>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.</p>	<p>The Variation Application does not relate to an offshore generating station. Regulation 3(1)(e) is not therefore relevant.</p>

(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 2017 Consent granted on 21 December 2017 under Section 36C of the 1989 Act. A copy of the 2017 Consent (Document 4), along with the documents for the 2017 variation application (Document 12), are provided as part of the Variation Application. The 2017 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 2017 Consent is provided as part of the Variation Application (Document 4).
(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 a relevant authorisation.	The Company is in the early stages of initiating discussions with the Environment Agency in order to discuss the preparation an application for an 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	The Company is applying to the SoS for BEIS under Section 36C of the 1989 Act to vary the 2017 Consent dated 21 December 2017 and for the variation of the direction given under Section 90(2ZA) of the Town and

	reference to a map;	<p>Country Planning Act 1990 Act giving deemed planning permission for a CCGT generating station of up to 910 MW.</p> <p>The location of the ‘Proposed Development’ is shown on ‘Site Location Plan’ Ref. Keadby2_DWD_002 (Document 6). 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 Trentside, Keadby, North Lincolnshire. A description of the location of the Proposed Development is provided at Section 1 of the EIA Update Report (Document 11). The extent of the Site is shown edged in red on ‘Application Site Plan’ Ref: Keadby2_DWD_001 (Document 7). The extent of the Site includes all the land required for a multi-shaft plant.</p>
(b)	<p>state –</p> <p>why it is proposed that the direction should be made; and</p> <p>what account has been taken of views expressed by persons who have been consulted by the applicant about the proposed direction; and</p>	<p>The response to Regulation 1(c)(i) above (Application Cover Letter - Document 1) confirms that the principal reason it is proposed that the 2017 Consent should be varied is to allow for minor design changes incorporated following the selection of the multi-shaft plant option. The reasons for the Variation Application are explained in further detail at Section 1.3 of the EIA Update Report (Document 11).</p> <p>The Company met with the BEIS to introduce the proposed variation of the 2017 Consent on 17 May 2018. The Company issued consultation letters to the consultees listed at Schedule 2 (Document 3) detailing the proposed changes to the 2017 Consent on 13 June 2018. The consultees were asked to provide comments by 29 June 2018. The comments that were received are summarised in Application Cover Letter (Document 1) and a copy of the full consultation responses accompanies the Variation Application.</p>
(c)	<p>include –</p> <p>a draft of the proposed direction; and</p>	<p>A draft of the proposed variation to the Section 90 direction is provided within Document 5, which forms part of the Variation Application. This comprises the 2017 Consent with the proposed variations, including those to the Section 90 direction, shown in underlined italics.</p> <p>It is requested that the Section 90 direction, if varied,</p>

	<p>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>refers to the Multi-shaft Elevations (Consented vs Proposed) Plan Ref: 105_0805_0037 Rev 00 (Document 10) and the Multi-shaft Layout Plan Ref: 105_0805_0035 Rev 02 (Document 9) in place of the currently referenced Consolidated Parameter Layout Plan Ref: 105_0805_0040_00_03</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 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 ‘EIA Regulations’), which came into effect on 16 May 2017.</p> <p>The previous variation application that resulted in the 2017 Consent included an Environmental Impact Assessment (‘EIA’) Report (July 2017) that was prepared in accordance with the EIA Regulations (the 2017 regulations). A copy of this EIA Report is provided as part of Document 12.</p> <p>Regulation 17 of the 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</i></p>

		<p><i>application for that variation;”</i></p> <p>In accordance with Regulation 17, the EIA Report (Document 12) was prepared to determine the likely significant effects of the Proposed Development to the extent that these differed from those reported in the Environmental Statement (‘ES’) that accompanied the variation application that resulted in the November 2016 Variation Consent.</p> <p>The Company has prepared an EIA Update Report (Document 11) that considers the proposed changes to the 2017 Consent 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 2016 Variation Consent.</p>
<p>Regulation 17 of The Electricity Works (Environmental Impact Assessment) (England and Wales) Regulations 2017</p>		
Paragraph	Requirement	Applicant’s Compliance
(1)	For the purposes of these Regulations, an EIA report is a report prepared by the person (the “developer”) applying for a section 36 or 37 consent, or a section 36 variation, for development that includes at least the following information –	<p>The Company has prepared an EIA Update Report (Document 11) that considers the proposed changes to the 2017 Consent 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 2016 Variation Consent. 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.</p> <p>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 EIA Report dated July 2017 are still valid.</p>
(a)	a description of the development comprising information on the location, design, size and other relevant features of the development;	A description of the Proposed Development is set out in Chapter 2 of the EIA Report (Document 12). A description of the proposed variation is set out at Section 1.3 of the EIA Update Report (Document 11) and a comparison of the proposed variation with the 2017 Consent is provided at Section 2.
(b)	a description of the likely significant effects of the	This is set out in Chapters 4 to 8 of the EIA Report (Document 12). A comparison of the likely significant

	development on the environment;	effects of the proposed variation with the 2017 Consent is set out at Section 3 of the EIA Update Report (Document 11) .
(c)	a description of the features of the development and any measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;	Information on the likely significant impacts of the Proposed Development are set out in Chapters 4 to 8 of the EIA Report (Document 12) . As confirmed above, a comparison of the likely significant effects of the proposed variation with the 2017 Consent is set out at Section 3 of the EIA Update Report (Document 11) .
(d)	a description of the reasonable alternatives studied by the developer that are relevant to the development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment;	This is set out at Chapter 2 (Section 2.7) of the EIA Report (Document 12) .
(e)	<p>where the application is for a section 36 variation, 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—</p> <p>(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</p> <p>(ii) if the section 36 consent has previously been varied by a section 36 variation, any EIA report or environmental statement prepared in connection with the</p>	A comparison of the likely significant effects of the proposed variation with the 2017 Consent is set out at Section 3 of the EIA Update Report (Document 11) .

	application for that variation;	
(f)	a non-technical summary of the information referred to in sub-paragraphs (a) to (e);	The EIA Report (Document 12) includes a non-technical summary.
(g)	any other information set out in Schedule 4 relevant to the specific characteristics of the development and the environmental features likely to be affected	N/A
(2)	If the relevant authority has given a scoping opinion under regulation 18 in respect of the development, the EIA report must be based on the most recent scoping opinion (so far as the development remains materially the same as the development in respect of which the scoping opinion was given).	As the proposed variation does not result in any material difference in environmental effects from those reported in the EIA Report (Document 12) the Company took the view that a further EIA was not necessary. Therefore a scoping opinion was not sought from the relevant authority.
(3)	The EIA report must include any information that may reasonably be required to reach a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment.	The Company considers that the EIA Update Report (Document 11) and the EIA Report (Document 12) include the necessary information reasonably required to reach a reasoned conclusion on the significant effects of the Proposed Development on the environment, taking account of current knowledge and methods of assessment.
(4)	In preparing the EIA report, the developer must, with a view to avoiding duplication of assessments, take into account any available results of other relevant	The EIA Report (Document 12) has taken into account the results of other relevant assessments undertaken, notably the Information to Inform a Habitats Regulations Assessment at Annex C of the EIA Report. In Chapter 6 it also considers potential cumulative or combined effects

	assessments undertaken under requirements imposed in accordance with European Union legislation or under domestic legislation.	<p>with other committed developments.</p> <p>As confirmed above, a comparison of the likely significant effects of the proposed variation with the 2017 Consent is set out at Section 3 of the EIA Update Report (Document 11). 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</p>
(5)	In order to ensure the completeness and quality of the EIA report –	
(a)	the developer must ensure that the EIA report is prepared by competent experts; and	Chapter 1 (Table 1.2) of the EIA Report (Document 12) confirms that the EIA Report and the EIA Update Report (Document 11) have been prepared by ERM. ERM is a member of the Institute of Environmental Management and Assessment's (IEMA's) EIA Quality Mark, a scheme which allows organisations to make a commitment to excellence in their EIA activities, and have this commitment independently reviewed.
(b)	the EIA report must be accompanied by a statement from the developer outlining the relevant expertise or qualifications of the experts.	<p>The Company considers that ERM are competent experts in the field of EIA. ERM has extensive experience within the UK of undertaking EIA work and preparing EIA reports and environmental statements for a range of major developments, including within the power generation sector. This has included work on a number of Development Consent Order applications for new power stations in addition to Section 36C variation applications.</p> <p>As confirmed above, the EIA Report (Document 12) and the EIA Update Report (Document 11) have been prepared by ERM. ERM is a member of the Institute of Environmental Management and Assessment's (IEMA's) EIA Quality Mark, a scheme which allows organisations to make a commitment to excellence in their EIA activities, and have this commitment independently reviewed.</p> <p>ERM has developed a proprietary ERM Impact Assessment Standard, which draws on decades of experience and ensures a consistent, high-quality approach to EIA work. Each technical chapter of the EIA Report has been written by a competent professional qualified in the discipline concerned and reviewed by an experienced senior professional in the same discipline.</p>