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2 April 2026

By email: [REDACTED]

Dear [REDACTED],

PLANNING ACT 2008

PROPOSED NON-MATERIAL CHANGE TO THE NORTH KILLINGHOLME (GENERATING STATION) DEVELOPMENT CONSENT ORDER 2014 - S.I. 2014 NO. 2434. AS CORRECTED BY THE NORTH KILLINGHOLME (GENERATING STATION) (CORRECTION) ORDER 2015 – S.I. 2015 NO. 1829 AND AS AMENDED BY THE NORTH KILLINGHOLME (GENERATING STATION) (AMENDMENT) ORDER 2021 – S.I. 2021 NO. 1055

1. I am directed by the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) to advise you that consideration has been given to the Application (“the Application”) which was made by Uniper UK Ltd (“the Applicant”) on 31 July 2025 for changes which are not material to be made to the North Killingholme (Generating Station) Development Consent Order (SI 2014/2434) (which was subject to a Correction Order dated 26 October 2015 (SI 2015/1829) and an Amendment Order on 16 September 2021 (S.I. 2021/1055)) (“the Order”) under section 153 of, and Schedule 6 to, the Planning Act 2008 (“PA2008”). This letter is the notification of the Secretary of State’s decision in accordance with Regulation 8 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) (“the 2011 Regulations”).
2. The original application for development consent under PA2008 was granted consent on 11 September 2014 [EN010038-001494-Decision Letter and Statement of Reason.pdf](#) and gave development consent for the construction and operation of the North Killingholme Generating Station. On 26 October 2015, the Secretary of State issued a Correction Order: https://www.legislation.gov.uk/ukxi/2015/1829/pdfs/ukxi_20151829_en.pdf. The Order was amended to make a change that is not material by an Amendment Order issued by the Secretary of State on 16 September 2021 <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010038-002006->

[NMC%20Decision%20Placeholder.pdf](#). In December 2024, the Applicant acquired the land and development rights, including the benefits of the Order, from the former applicants, C.GEN.

3. The Applicant is seeking consent for the following changes:
 - a. to the wording of Schedule 1 Part 1 to the Order, which refers to the authorised development in Work No. 1, to allow for an increase of output capacity for the Combined Cycle Gas Turbine (“CCGT”) from 470 MWe to 550 Mwe to maximise the benefits of improvements in turbine technology and align with the grid export connection limit;
 - b. to the footprint of Work No. 1 and to the land previously reserved for CCR compliance in order to optimise the CCGT layout and make best use of the site area;
 - c. to the building/infrastructure parameters specified in Schedule 1 Part 2 to take into account the engineering design that has now been undertaken for the CCGT;
 - d. to enable the reprovizion of a site reserved for post-combustion carbon capture in the works plan approved by the North Killingholme (Generating Station) Amendment) Order 2021.
4. The Applicant seeks these changes in connection with the implementation of the CCGT generating station. Further design work identified opportunities for minor and non-material changes to the design of the consented CCGT which will enable it to be implemented with an optimised layout and to facilitate development of the generating station as a carbon capture enabled CCGT. The Applicant proposes that the land currently reserved to meet the Carbon Capture Readiness requirements is reprovizioned, to enable its location and extent to be sufficient to accommodate the proposed CCS infrastructure and optimise the layout of the CCGT and the CCS plants. For these reasons, the application seeks approval for the relocation of the CCR reserved land to land immediately west of Work No. 1 (i.e. west of the CCGT infrastructure), outside of the Order limits. The extant DCO does not include powers to develop any carbon capture infrastructure and therefore, planning permission is being sought separately for these works under the Town and Country Planning Act 1990 regime (North Lincolnshire Council Planning Application Reference: PA/2025/1146).
5. The Applicant provides an assessment of materiality against The Planning Act 2008: Guidance on Changes to Development Consent Orders (2015) in Table 6-1 of their Application document and concludes that:
 - a. An updated Environmental Statement is not required;
 - b. there is no requirement for a new or updated HRA or European Protected Species licence;
 - c. no new compulsory acquisition powers are being sought; and
 - d. the proposed changes would not have a material impact on local residents and businesses.

Summary of the Secretary of State's decision

6. The Secretary of State has decided under paragraph 2(1) of Schedule 6 to PA2008 to make non-material changes (“NMCs”) to the Order to authorise the changes as detailed in the Application.
7. The Secretary of State has given consideration to whether the Application is for a material or non-material change. In doing so, the Secretary of State has had regard to paragraph 2(2) of Schedule 6 to the PA2008 which requires the Secretary of State to consider the effect of the change on the Order as originally made.
8. There is no statutory definition of what constitutes a 'material' or 'non-material' amendment for the purposes of Schedule 6 to the PA2008 and Part 1 of the 2011 Regulations.
9. To assist in determining whether a proposed change is material or non-material, guidance has been produced by the Department for Communities and Local Government (now the Ministry of Housing, Communities and Local Government), entitled the “Planning Act 2008: Guidance on Changes to Development Consent Orders” (December 2015) (“the Guidance”)¹. The Guidance makes the following points:
 - (a) given the range of infrastructure projects that are consented through the Planning Act 2008, and the variety of changes that could possibly be proposed for a single project, the Guidance cannot, and does not attempt to, prescribe whether any particular types of change would be material or non-material;
 - (b) however, there may be certain characteristics that indicate that a change to a consent is more likely to be treated as a material change. Four examples are given in the Guidance as a starting point for assessing the materiality of a proposed change, namely:
 - i. whether an update would be required to the Environmental Statement (“ES”) (from that at the time the Order was made) to take account of new, or materially different, likely significant effects on the environment;
 - ii. whether there would be a need for a Habitats Regulations Assessment (“HRA”), or a need for a new or additional licence in respect of European Protected Species (“EPS”);
 - iii. whether the proposed change would entail compulsory acquisition of any land that was not authorised through the Order; and
 - iv. whether the proposed change would have a potential impact on local people and business (for example, in relation to visual amenity from changes to the size and height of buildings; impacts on the natural and historic environment; and impacts arising from additional traffic).

¹ <https://www.gov.uk/government/publications/changes-to-development-consent-orders>

- (c) although the above characteristics indicate that a change to a consent is more likely to be treated as a material change, these only form a starting point for assessing the materiality of a change. Each case must depend on thorough consideration of its own circumstances.
10. The Secretary of State notes that the Guidance serves as an initial framework for assessing the materiality of any proposed changes and has therefore evaluated the scheme against these specific criteria. His assessment in relation to each is set out below:
- (a) The Secretary of State notes that the information provided by the Applicant supports the Applicant's conclusions that there are no new, or materially different, likely significant effects from those assessed in the 2013 ES (the Applicant notes that the 2021 non-material change application documents concluded that there would be no new, or materially different, likely significant effects on the environment resulting from the amendments made to the Order at that time, therefore considers the proposed changes against the 2013 ES). Considering the analysis supplied by the Applicant and responses to the consultation (as discussed further at paragraphs 21 to 25 below), the Secretary of State has concluded that no update is required to the ES as a result of the proposed amendments to the Order.
 - (b) In respect of the HRA, the Secretary of State has considered the nature and impact of the change proposed (as discussed further at paragraphs 26 to 27 below). The Secretary of State is satisfied that there is no change to the conclusions of the HRA as a result of the proposed amendments and therefore a new HRA is not required. The Secretary of State is also satisfied that the proposed changes do not bring about the need for a new or additional licence in respect of EPS as the amendments sought are not anticipated to give rise to any new or different effects from an ecological perspective than those assessed for the original application.
 - (c) In respect of compulsory acquisition, the Secretary of State notes that the proposed changes do not require any additional compulsory purchase of land.
 - (d) In respect of impacts on local people and businesses, the Secretary of State notes that the Applicant's conclusion that the proposed changes would not have a material impact on local residents and businesses.
11. The Secretary of State therefore concludes that none of the specific indicators referred to in the guidance, or other relevant considerations, suggest that the changes considered in this letter are a material change.
12. Taking the information contained in the application and responses received from consultees into account, the Secretary of State is therefore satisfied that the changes considered in this letter are not material and should be dealt with under the procedures for NMCs.

Consultation and responses

13. In accordance with Regulation 7 of the 2011 Regulations, the Secretary of State agreed to a reduced consultee list on 22 July 2025. The Applicant consulted 159 parties including the relevant Local Authorities, the Environment Agency, Natural England, Historic England, Health

and Safety Executive, and the National Air Traffic Services. In accordance with the requirements of Regulation 7 of the 2011 Regulations, the specified parties were notified of the Application by email on.

14. The Applicant published a notice of the Application in accordance with Regulation 6 (publicising the application) of the 2011 Regulations (the “Regulation 6 notice”) for two consecutive weeks in the local press (the Scunthorpe Telegraph and the Grimsby Telegraph) and the Application was also made publicly available on the Planning Inspectorate’s (PINS) website, such that there was an opportunity for anyone not notified to also submit representations to PINS. The deadline for receipt of representations on the Application was 5 September 2025.
15. The Applicant submitted its Consultation and Publicity Report as section ‘2.2.2 Publication of the application’ in its Application Document as required by Regulation 7A of the 2011 Regulations on 31 July 2025, which states that the Applicant has complied with all necessary steps set out in Regulations 6 and 7 of the 2011 Regulations in respect of stakeholder consultation and its public engagement approach. This was published on the PINS website on 6 August 2025.
16. A total of 8 responses² were received during consultation from specified Interested Parties including Historic England, the Environment Agency, Associated British Ports, Maritime and Coastguard Agency, North Lincolnshire Council, West Lindsey District Council, Witham and Humber Drainage Boards and Anglian Water Services Limited who all did not raise any objections to the Application.

Consultation by the Secretary of State

17. In an information request issued by the Secretary of State on 18 December 2025 the Applicants were requested to update their Cumulative Assessment and Air Quality Assessment to include a cumulative assessment with the CCR development, to clarify the numbers and volume of emissions in the Air Quality Assessment and to outline their considerations of the HRA now that the new CCR TCPA planning application referred to in paragraph 4 above has been put forward for a scoping response. Natural England were also requested to provide a response on the Application, noting that they had not provided a response to the initial consultation that ran to 5 September 2025.
18. On 15 January 2026 the Applicant responded and confirmed that the CCR development had been taken into account in the revised Cumulative Assessment that was submitted with the NMC Application. The Applicant also clarified that as the TCPA application for the CCR development was submitted after the NMC Application, the TCPA application will consider the cumulative effects of the CCGT and proposed CCR development on air quality. With regard to the numbers and volume of emissions in the Air Quality Assessment and their considerations of the HRA, the Applicant confirmed that these were all included in the NMC Application.

² https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010038/documents?stage-post_decision=Non-Material%20Change%20&date-from-day=23&date-from-month=09&date-from-year=2025&date-to-day=23&date-to-month=09&date-to-year=2025&itemsPerPage=25

19. On 15 January 2026 Natural England responded and confirmed that they had not received the initial consultation that ran to 5 September 2025 and requested to be re-consulted following receipt of the Applicant's response. On 28 January 2026 the Secretary of State re-consulted Natural England, who responded on 11 February 2026 stating that it is unclear whether amines have been included in the nitrogen deposition calculations provided in the Air Quality Assessment and recommended that the methodology outlined by the Environment Agency's Air Quality Modelling and Assessment Unit (AQMAU) in their November 2021 guidance be used to ensure this contribution is accurately quantified. The Applicant provided a response on 13 February 2026 clarifying that the existing consent does not include any carbon capture equipment and therefore does not include the use of – or potential release of – any amines. Hence no assessment of amines has been included in the updated air impact assessment. Natural England provided a further response on 27 February 2026 confirming that all matters previously raised and outstanding queries have now been addressed and based on the information provided they do not require any updates to the HRA for this non-material change application.

The Secretary of State's consideration of the responses received to his consultation

20. With regard to the request for updates and clarifications concerning the Cumulative Assessment, the Air Quality Assessment and the HRA, the Secretary of State considers that the Applicant has provided sufficient information in the application to address these queries. The Secretary of State also notes that Natural England have withdrawn their concerns regarding the inclusion of amines in the Air Quality Assessment calculations following clarification provided by the Applicant. The Secretary of State considers that the Applicant has adequately addressed all matters raised by both the Secretary of State and Natural England.

Environmental Impact Assessment

21. The Secretary of State has considered whether the Application would give rise to any new significant or materially different effects when compared to the effects set out in the ES for the development authorised by the Order.
22. The Secretary of State is satisfied that the information provided by the Applicant is sufficient to allow him to make a determination on the Application.
23. The Secretary of State has considered all relevant information provided and the comments of consultees. The Secretary of State agrees with the Applicant's conclusion that there will not be any new or materially different likely significant effects when compared to the effects set out in the 2013 ES for the development. The Secretary of State is satisfied that that Applicant has demonstrated that any changes to air quality, landscape and visual effects and cumulative effects with other existing or approved projects / schemes will not result any new, or materially different, likely significant effects from those reported in the 2013 ES.
24. As there are no new significant environmental impacts as a result of the proposed changes, the Secretary of State considers that there is no requirement to update the ES.
25. As there are no new significant environmental impacts as a result of the proposed change, the Secretary of State does not consider that there is any need for consultation on likely significant

transboundary effects in accordance with Regulation 32 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

The Habitats Regulations

26. The Secretary of State has considered the relevant requirements as set out in the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”). The Habitats Regulations require the Secretary of State to consider whether the Development would be likely, either alone or in combination with other plans and projects, to have a significant effect on any site within the national site network, known as “protected sites”. If likely significant effects cannot be ruled out, then an Appropriate Assessment must be undertaken by the Secretary of State, pursuant to Regulation 63(1) of the Habitats Regulations, to address potential adverse effects on site integrity. The Secretary of State may only agree to the Application (subject to Regulation 64) if he has ascertained that it will not adversely affect the integrity of a protected site.
27. The Secretary of State has considered the information submitted in the Application and the comments of consultees and is satisfied that the proposed changes do not alter the conclusions set out in the Applicant’s ES and the Secretary of State’s HRA for the Order, and therefore a new HRA is not required.

General Considerations

Equality Act 2010

28. The Equality Act 2010 includes a public sector equality duty. This requires a public authority, in the exercise of its functions, to have due regard to the need to (a) eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic (e.g. age; sex, sexual orientation, gender reassignment; disability; marriage and civil partnerships;³ pregnancy and maternity; religion or belief; and race) and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
29. The Secretary of State has had due regard to the need to achieve the statutory objectives referred to in s149 of the Equality Act 2010 and is satisfied that there is no evidence that granting this Application will affect adversely the achievement of those objectives.

Human Rights Act 1998

30. The Secretary of State has considered the potential infringement of human rights in relation to the European Convention on Human Rights, by the amended development. The Secretary of State considers that the grant of development consent would not violate any human rights as enacted into UK law by the Human Rights Act 1998.

³ In respect of the first statutory objective (eliminating unlawful discrimination etc.) only.

Natural Environment and Rural Communities Act 2006

31. The Secretary of State notes the “general biodiversity objective” to conserve and enhance biodiversity in England, section 40(A1) of the Natural Environment and Rural Communities Act 2006, and considers the application consistent with furthering that objective whilst having also had regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992, when granting development consent. The Secretary of State is of the view that biodiversity has been considered sufficiently in this application for an amendment to accord with this duty.

Secretary of State’s conclusions and decision

32. The Secretary of State has considered the ongoing need for the Development and considers that the project continues to conform with the policy objectives outlined in the Overarching National Policy Statement for Energy (EN-1). The Secretary of State considers this conformity applies to both 2011 and 2024 iterations, the latter of which is now in force. The need for the Development remains as set out in the Secretary of State’s letter of 11 September 2014.
33. The Secretary of State notes that the Carbon Capture Readiness (Electricity Generating Stations) Regulations 2013 continue to apply to this application, as it was made before the new Decarbonisation Readiness requirements for England came into force on 28 February 2026. For the reasons set out in the paragraphs above, the Secretary of State is satisfied that the Applicant’s request to relocate the land reserved for the CCR outside of the Order limits to optimise the layout of the CCGT and the CCS plants is acceptable. While he notes that the land reserved for the CCR would be located outside of the Order limits, he is satisfied that the DCO (as amended) would ensure that the undertaker is required to retain control over sufficient additional space on or near the site on which to install the carbon capture equipment and the ability to use it for that purpose, as required by NPS EN-1 4.9.34], and as required by the Carbon Capture Readiness Regulations 2013.
34. The Secretary of State is satisfied that the Applicant has demonstrated that the proposed changes will not result in changes to the conclusions of the ES that accompanied the original application.
35. For the reasons given in this letter, the Secretary of State considers that there is a compelling case for authorising the proposed changes to Schedule 1 Part 1, Schedule 1 Part 2, Schedule 1 Part 3 and the works plans of the Order. The Secretary of State is satisfied that the changes requested by the Applicant are not material changes to the Order and has decided under paragraph 2(1) of Schedule 6 to the Planning Act 2008 to make a NMC to the Order to authorise the changes detailed in the Application, with some minor drafting changes to the Amendment Order to reflect the Secretary of State’s drafting preferences.

Challenge to decision

36. The circumstances in which the Secretary of State's decision may be challenged are set out in the note attached at the Annex to this letter.

Publicity for decision

37. The Secretary of State's decision on this Application is being notified as required by Regulation 8 of the 2011 Regulations.

Yours sincerely,

John Wheadon

John Wheadon

Head of Energy Infrastructure Planning Delivery & Innovation

Department of Energy Security & Net Zero

ANNEX**LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS**

Under section 118 (5) of the Planning Act 2008, a decision under paragraph 2(1) of Schedule 6 to the Planning Act 2008 to make a change to an Order granting development consent can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of 6 weeks beginning with the day after the day on which the Order is published. The Amendment Order as made is being published on the date of this letter on the Planning Inspectorate website at the following address:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010038>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655).