

The Keadby Next Generation Power Station Project

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The Keadby Next Generation Power Station Development Consent Order [year]

Land at, and in the vicinity of, the existing Keadby Power Station (Trentside, Keadby, Scunthorpe DN17 3EF)

Applicant's Comments on Relevant Representations

The Planning Act 2008

The Infrastructure Planning (Environmental Information Assessment) Regulations 2017

Applicant: Keadby Next Generation Limited

Date: January 2026

Contents

1. Introduction	1
1.1. Overview	1
2. Response to Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited.....	2
3. Response to Associated British Ports	6
4. Response to Canal and River Trust.....	7
5. Response to Defence Infrastructure Organisation	14
6. Response to E-Plane Ltd.....	15
7. Response to Fisher German LLP on behalf of National Gas Transmission Limited.....	16
8. Response to Historic England (HBMCE).....	19
9. Response to Isle of Axholme & North Nottinghamshire Water Level Management Board	20
10. Response to Leeds City Council	25
11. Response to National Grid Electricity Transmission Plc.....	26
12. Response to North Lincolnshire Council.....	32
13. Response to UK Health Security Agency.....	35
14. Response to Weightmans LLP on behalf of Northern Powergrid (Yorkshire) Plc	36

1. Introduction

1.1. Overview

- 1.1.1. This document is the Applicant's Comments on Relevant Representations (**Application Document Ref 8.1**), prepared by DWD on behalf of Keadby Next Generation Limited ('the Applicant') which is a subsidiary of SSE plc. It forms part of the application for a Development Consent Order (DCO) ('the Application'), that has been submitted to the Secretary of State (SoS) for Energy Security and Net Zero under Section 37 of 'The Planning Act 2008'.
- 1.1.2. 24 Relevant Representations ('RR') were received during the consultation period. This document provides the Applicant's response to those received from:
- Section 2 – Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited (RR-017)
 - Section 3 – Associated British Ports (RR-001)
 - Section 4 – Canal and River Trust (RR-002)
 - Section 5 – Defence Infrastructure Organisation (RR-005)
 - Section 6 – E-Plane Ltd (RR-007)
 - Section 7 – Fisher German LLP on behalf of National Gas Transmission Limited (RR-014)
 - Section 8 – Historic England (RR-008)
 - Section 9 – Isle of Axholme & North Nottinghamshire Water Level Management Board (RR-009)
 - Section 10 – Leeds City Council (RR-011)
 - Section 11 – National Grid Electricity Transmission Plc (RR-015)
 - Section 12 – North Lincolnshire Council (RR-018)
 - Section 13 – UK Health Security Agency (RR-023)
 - Section 14 – Weightmans LLP on behalf of Northern Powergrid (Yorkshire) Plc (RR-024)
- 1.1.3. The full text of the RRs and the Applicant's comments are provided in separate sections of this document.
- 1.1.4. An additional submission will be provided by Deadline 1 on 4 February 2026 that will address all 24 RRs.

2. Response to Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited

2.1.1. The RR provided by Network Rail Infrastructure Limited (RR-017) is as follows:

“This is the section 56 representation of Network Rail Infrastructure Limited (Network Rail) provided in respect of Keadby Next Generation Limited (the Promoter) application for a development consent order (the Order) for the construction of the Keadby Next Generation Power Station Development Consent Order (the Scheme). Network Rail is a statutory undertaker and owns, operates and maintains the majority of the rail infrastructure of Great Britain (the Railway).

The Order sought by the Promoter includes development consent for a combined cycle gas turbine electricity generating station designed to run on 100% hydrogen (the ambition is that this would be the fuel used from inception) and able to run on 100% natural gas of up to 910 megawatts net electrical output; hydrogen and natural gas supply infrastructure, water supply and electricity connections; above ground installations; utilities connections; construction laydown areas; access; and other associated and ancillary development (the Scheme).

The Promoter seeks authority and powers in the draft Order to:

a) permanently acquire rights over land in the ownership and occupation of Network Rail; b) temporary use of land over which Network Rail is an occupier in respect of rights; c) permanently acquire land over which Network Rail is an occupier in respect of rights; and d) permanently acquire rights over land in which Network Rail is an occupier in respect of rights.

The affected plots are as summarised below:

Plot 2-34 - Acquisition of new rights over 63.17 square metres of private road (Keadby Two Lane) and bridge structure over railway (South Humberside Main Line); south of Ealand Road, Keadby, Scunthorpe

Plot 3-159 - New Rights over 2489.61 square metres of unnamed private road, woodland and grassland; east of Chapel Lane, Keadby, Scunthorpe; and overhead cables – Occupier in respect of Rights

Plot 3-161 - Acquisition of new rights over 228.26 square metres of water pumping station; east of Chapel Lane, Keadby, Scunthorpe

Plot 3-168 - Permanent acquisition of 2105.76 square metres of woodland; east of Chapel Lane, Keadby, Scunthorpe

Plot 3-193 - Temporary Use of 68.72 square metres of unnamed drain and grassland; west of Trent Side, Keadby, Scunthorpe

Plot 3-194 - New Rights over 55.15 square metres of unnamed drain and grassland; west of Trent Side, Keadby, Scunthorpe

Plot 3-195 - Temporary Use of 4415.59 square metres of hardstanding forming part of commercial premises known as PD Ports, Station Road, Scunthorpe DN17 3BN

Network Rail wishes to ensure that the Scheme will not have a detrimental impact on the operation of the Railway and that the safety of the Railway is maintained during the construction, operation and ongoing maintenance requirements of the Scheme.

As the Promoter proposes to compulsorily acquire new rights over railway land as well in close proximity to railway assets, Network Rail hereby objects to the making of the Order in principle on the ground that the powers sought are likely to interfere with the safe and efficient operation of the Railway and cause a serious detriment to the carrying on of Network Rail's statutory undertaking.

In order for Network Rail to be in a position to withdraw its objection Network Rail will require adequate protective provisions to be included within the Order (and for the avoidance of doubt Network Rail require these Protective Provisions to be in the form set out at Appendix 1 to this Relevant Representation) and an agreement with the Promoter to ensure that the new rights sought are exercised in regulated manner to prevent adverse impacts to the Railway.

Network Rail is continuing to review the Promoter's plans, draft Order and application documents, and will continue to work constructively with the Promoter to clarify any issues raised. The Examining Authority and the

Secretary of State will need to be satisfied that railway safety and operations will not be compromised by the making of the Order.

Network Rail hereby requests that the Examining Authority treats Network Rail as an Interested Party for the purposes of the Examination and Network Rail reserves the right to produce additional and further grounds of concern when further details of the Scheme and its effects on Network Rail's assets are available.”

- 2.1.2. The Applicant’s response to Network Rail’s Relevant Representation is provided below.
- 2.1.3. In accordance with 'Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land' (September 2013) the Applicant has a clear idea of how it intends to use the land, and the land and interests sought are no more than is reasonably required to build and operate the Project. Whilst the draft DCO contains powers of compulsory acquisition, the Applicant continues to actively engage in negotiations to secure voluntary agreements wherever possible in parallel with the exercise of such powers to ensure that the Proposed Development can be delivered in a timely manner.
- 2.1.4. The Applicant has included bespoke protective provisions in the draft DCO [AS-003] for the benefit of Network Rail (Part 6 of Schedule 9). These provisions provide Network Rail with significant protections in relation to the carrying out of the Proposed Development. For example, paragraph 64 states that the undertaker must not prevent access to any railway property without Network Rail’s consent and must not do anything which would result in railway property being incapable of being used or maintained, or which would affect the safe running of trains on the railway. It also requires the undertaker to enter into an asset protection agreement if requested by Network Rail prior to the commencement of construction of any ‘specified work’ (defined as any work situated within 15 metres of, or which may adversely affect, railway property). Paragraph 65 provides for Network Rail to be provided with plans prior to the carrying out of any specified work and requires Network Rail’s approval of such plans before the specified work may commence. Paragraph 65 also provides for Network Rail to require protective works in connection with any specified works, should that be considered reasonably necessary.
- 2.1.5. The Applicant is in ongoing discussions with Network Rail regarding the protective provisions and will continue to engage with Network Rail to agree the protective provisions for the benefit of Network Rail prior to the close of the Examination. In line with Government Guidance “*Guidance on the content of a Development Consent Order required for a Nationally Significant Infrastructure Project*”, the Applicant is seeking to ensure that

the protective provisions accurately reflect the Proposed Development and does not consider it correct that Network Rail's preferred form of protective provisions should simply be included without being adapted appropriately for the Proposed Development.

3. Response to Associated British Ports

3.1.1. The RR provided by Associated British Ports (RR-001) is as follows:

“Good morning, I represent Associated British Ports as the Harbour Authority on the Humber Estuary. Our boundary line for the River Trent stems from the Apex at the confluence with the River Humber as far as Gainsborough Stone Bridge. These proposed works fall within our jurisdictional boundary. We have already held consultation meetings with the developers, offering opinions on viable operations and structures within an actively used part of the Trent. We would like to register as an interested party with the Planning Inspectorate for any operational contributions.”

3.1.2. The Applicant acknowledges the representation from Associated British Ports. The Applicant would like to take the opportunity to thank them for their inputs to the Navigational Risk Assessment (Appendix 12C, APP-075) which clarified that the activities in the River Trent relate to the use of the existing berth at Railway Wharf for the delivery of Abnormal Indivisible Loads during the construction phase of the development. It is not considered that any further response is required at this time.

4. Response to Canal and River Trust

4.1.1. The RR provided by the Canal and River Trust (RR-002) is as follows:

“The Canal & River Trust is a charitable organisation and is the landowner and navigation authority for the Stainforth & Keadby Canal within the proposed Order Limits of the Project. The Trust has a duty under the Trust Agreement with the Secretary of State for Environment, Food and Rural Affairs (28 June 2012) to operate and manage the waterways for public use and enjoyment. Additionally, the Trust has a duty under section 105 Transport Act 1968 to maintain commercial waterways in a suitable condition for use. This duty applies to the relevant part of the Canal.

The proposed Order Limits of the Project extend up to and includes part of the Stainforth & Keadby Canal to the east of Bridge 83, Keadby Rail Drawbridge, as part of Work Number 5. We understand that this relates to proposals to abstract water from the canal. To the south east, we note that it is proposed to utilise an existing mooring location on the River Trent to the north of Keadby Lock. Whilst the Trust is not Navigation Authority for the River Trent in this location, we do manage Keadby Lock, which has the potential to be impacted by moorings in this location. The proposed Order Limits for the project includes parts of the River Trent surrounding Keadby Lock, which would need to be crossed by vessels accessing the canal from the river.

The following matters are of interest to the Trust, and we request that the examination considers these points.

Traffic and Transport: Access to and from the Stainforth & Keadby Canal: The Stainforth & Keadby Canal is utilised by leisure users and associated tourist related business. It is also used by freight transport. It is the primary waterway providing access between the River Trent towards South Yorkshire. No practical diversionary route exists for waterway users on vessels that cannot travel through the Humber Estuary. The entrance to the canal from the River Trent is through Keadby Lock.

Paragraph 10.7.11 from Chapter 10: Traffic and Transport [APP-044] confirms that delivery of Abnormal Indivisible Loads (AIL) to the Project site will use the same routes as those used for the delivery of AIL associated with the construction of Keadby 2 Power Station. It is expected that the

largest AIL will be received at the Port of Immingham and barged down the River Trent to the Waterborne Transport Offloading Area at Keadby Railway Wharf, next to Keadby Lock. Previously, for the Keadby 2 project (consented under s36 of the Electricity Act 1989), it was agreed with the Applicant that the Trust would issue Notices to Mariners (Notices and Stoppages) to provide mariners with forewarning of closures.

During the development of Keadby 2, it was observed that some vessels arrived at the offloading point outside of times agreed by the Trust, often due to delays occurring at sea. This resulted in unscheduled closures of Keadby Lock, which prevented craft entering or leaving the canal. Unscheduled closures of the lock can result in boats becoming stranded on the River Trent, which is tidal at the location next to the lock, which has significant health and safety implications. This Navigational Safety risk is not assessed in Appendix 12C: Navigational Risk Assessment [APP-075] (e.g. 12C.9), and we suggest that this risk is assessed and addressed by the Applicant.

During the Keadby 2 project, Covid-19 restrictions meant that vessel movements into Keadby Lock were limited, reducing the risk at that time. It is expected that this health and safety risk will be more pertinent during the construction of the Project.

In response to concerns raised by the Trust at pre-application, the Applicant's Outline Construction and Environmental Management Plan (CEMP) [APP-166] states that 'notices to Mariners ('Notices and Stoppages') will be requested through the Canal and River Trust to provide forewarning to mariners of closures' (page 90). We have concern that this is the same process that was employed for the Keadby 2 project, and that it was not fully adhered to as vessels arrived outside of agreed times, with little notice given to the Trust. Whilst we broadly welcome the Applicant's statement that they will work closely with the Trust to minimise disruption (Outline CEMP page 28), no detail has been provided to confirm how the issue identified during the Keadby 2 project of vessels arriving outside of agreed hours will be rectified.

The submitted plans include the inclusion of areas of the River Trent in front of Keadby Lock. The submitted draft DCO [AS-003], within Article 19, would give powers to the undertaker to close this section of the river to traffic, which would prevent passage between the canal and the river. This goes

beyond what was sought in the previous consent for the Keadby 3 Carbon Capture Power Station Project (EN010114). These powers pose a risk to users of the canal unless suitable mitigation can be secured.

In addition, for Keadby 3, the DCO was subject to a requirement for the provision of a Wharf Management Plan under Requirement 25(1)(c). The Trust welcomes the Applicant's confirmation that a Wharf Management Plan will be a Requirement of the draft DCO for the Project as is set out in Appendix 12C: Navigational Risk Assessment [APP-075]. However, the Trust's position is that the aim of the Wharf Management Plan should be to prevent all arrivals outside of scheduled times. The Trust accepts that in a very limited number of cases that may be unavoidable and would welcome any plan also including detail of the procedures to be followed in those instances.

The Trust intends to work with the Applicant to confirm how the Trust's concerns regarding access to Keadby Lock can be addressed.

Impact on navigation along the Keadby & Stainforth Canal:

The proposals include the temporary use of a cofferdam within the Stainforth & Keadby Canal in order to facilitate the construction of abstraction pipelines. This will restrict the navigable width of the canal whilst the cofferdam is in place. Paragraph 10A.5.9 in Appendix 10A: Transport Statement [APP-065] highlights that it is proposed to use a temporary cofferdam projecting 10m from the north bank of the Stainforth & Keadby Canal with an additional 10m temporary working area beyond this (total area of 20m), which will reduce the navigable space by between 10m and 20m. Although this paragraph states that the Trust has agreed to this, this is incorrect and we have raised this with the Applicant. A loss of 20m in width for navigable passage would not allow for vessels to pass safely next to the site. We request that the total restriction in navigable width should be limited to 10m. We wish to highlight that the Keadby 2 project utilised abstraction equipment built using cofferdams extending within 10m of the north bank of the canal and no justification has been provided to confirm why an additional projection is required.

We note that the submitted Land Plans [APP-014] include the proposed use of land parcels 3-163 and 3-164, which extends more than 10m into the canal. As presently drafted, Article 19 of the draft DCO [AS-003], would give

powers to the Applicant to close this section of the canal to traffic, which would limit safe east-west passage on the canal for indefinite periods which is unacceptable without suitable mitigation.

Impact on the Canal During Construction:

Appropriate precautions are required to ensure that no significant vibrations occur alongside works to install the cofferdam in the canal. This is necessary as vibrations could result in damage to the canal structure, and could result in localised landslips to the canal in a worst case scenario. We note that the Outline CEMP [APP-166] does identify mitigation that may be employed. Appropriate mitigation includes the use of resonance free piling techniques (i.e. not driven piling) and vibration monitoring.

Construction works are proposed to take place both in and next to the canal with regards to the proposed construction of the abstraction equipment. Risks of silt mobilisation from the construction of coffer dams, and the scour of the canal bed and canal banks would need to be addressed during the construction phase. The submitted Outline CEMP does identify that appropriate mitigation will be adopted in the Final CEMP (e.g. page 72). Due to the direct interaction of works with the canal, the Trust would wish to review the Final CEMP documentation prior to its adoption to ensure that the proposed mitigation will be effective and can be accommodated on site.

Visual Impact on the Canal: The Landscape and Visual Impact Assessment (LVIA) [APP-048] and baseline views confirm that the primary issue for the canal concerns the loss of amenity for recreational users. Existing trees play a role in screening the lower parts of the power station, a positive, natural quality of the canal side, which helps reduce the prominence of outward views towards the power plant complex. We acknowledge that the upper sections of the Keadby 1 and 2 power station structures are prominent and visible, as shown in views 2, 2a, and 14. There are also visible areas of infrastructure directly along the canal side.

The Project would include the loss of established trees to the west of the abstraction site. Section 14.7.2 of the LVIA [APP-048] states that “It is considered that the addition of landscape features such as trees and woodland would not be effective in reducing these effects on visual amenity.” However, we believe that this is inaccurate, as observations on site by the Trust at this location highlight that existing trees and vegetation

effectively soften the impact of the extensive infrastructure at lower levels from the canal side; and replanting trees would achieve the same positive benefit.

We therefore request that it is ensured that replacement trees are incorporated in this location. The Trust would need to review a further landscape plan of the proposed planting locations if they differ from the current location. Any new trees would need to be native, be able to effectively soften the development, and require root protection to prevent damage to infrastructure.

We anticipate that new boundary treatments may be required in proximity to the canal in connection with the development of the abstraction equipment, which corresponds with the description of the development within paragraph 4.2.2 Chapter 4: The Proposed Development [APP-038]. The final appearance and siting of any new boundary treatment could have a significant impact on the outward appearance of the canal, and we request that full details of this are secured as part of the DCO if granted. The use of a mesh style fence with a green or black finish could help reduce the prominence of any new fence, helping to retain the semi-naturalistic landscape character between the canal and the main power station complex.

Abstraction from the canal: The incorporation of an additional abstraction point from the Stainforth & Keadby Canal is proposed as part of Work No. 5 (Water Supply Connection Works) in the draft DCO [AS-003]. The works to install the abstraction require the consent of and grant of a licence from the Trust, as landowner and statutory undertaker for the waterway. Canal improvement works are necessary to enable the proposed abstraction to take place. These include works to Keadby Lock, which are discussed in the submitted Environment Statement.

An existing abstraction licence from the canal is in place. This does, however, require to be renewed before 31 March 2026. The Trust are in discussions with the applicant about this, and we understand a new application for this will be submitted by the promoter to the Trust by the end of 2025. The current abstraction licence can be used for either the previously approved Keadby 3 scheme or the Project, but not both.

The proposed abstraction apparatus has the potential to impact upon navigational safety, ecology and the outward character and appearance of the canal corridor. We therefore request that the exact details of abstraction, notably with regards to the angle of flow, and any eel screen details are made a requirement of the DCO if granted so that the full impact can be assessed by the Trust, and that the Trust are included as a consultee within any such wording. We note that Requirement 5 of the draft DCO requires the submission of details of Work No 5, which could include this information, and includes the Trust as prescribed consultee.

Other Comments: The Trust is a statutory undertaker which has specific duties in relation to the Keadby & Stainforth canal. Accordingly, we have a duty to resist the use of compulsory purchase powers which may negatively affect our land or undertaking. Disposals by the Trust of operational land require internal approvals to satisfy its own policies and Charity Commission rules and time should be allowed for this in the transaction process.

Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects and should only be made where there is a compelling case in the public interest. Accordingly, the Applicant will need to demonstrate that they have taken reasonable steps to acquire all of the land and rights required for the Project by agreement.

The Applicant has not yet specifically engaged the Trust in negotiations for the land and rights it requires, but we understand it is instructing agents to engage with the Trust's agents. We expect voluntary agreements for the land and rights required for the Project will be in place before the close of the examination.

The Trust is in the process of agreeing Protective Provisions with the Applicant. Those submitted within the draft DCO [AS-003] are not yet agreed, but there are few issues outstanding and we expect Protective Provisions to be agreed during the examination.

The Trust reserves the right to raise additional points or issues during Examination and looks forward to engaging further on the Application.”

- 4.1.2. The Applicant's initial response to the Canal and River Trust's Relevant Representation is provided below. This relates to protective provisions only; the Applicant's full response will be provided at Deadline 1.
- 4.1.3. The Applicant is in ongoing discussions with CRT regarding their concerns around Keadby Lock. Protective provisions have been included for the benefit of CRT in Part 3, Schedule 9 of the draft DCO. These provisions provide CRT with significant protections in relation to the carrying out of the Proposed Development. For example, paragraph 32 provides that various powers under the DCO may only be exercised in relation to CRT's interests with CRT's consent, including interference with access; the discharge, supply and drainage of water; surveys; and the compulsory acquisition and temporary use of land and rights. Paragraph 33 provides for CRT to be provided with plans prior to the carrying out of any 'specified works' (defined as works taking place in, on, under or over the waterway or which may affect the waterway or any function of CRT) and requires CRT's approval of such plans before the specified works may commence. Paragraph 33 also provides for CRT to require protective works on land it holds or controls in connection with any specified works, should that be considered reasonably necessary.
- 4.1.4. The Applicant will continue to engage with CRT to agree the protective provisions prior to the close of the Examination. In line with Government Guidance "*Guidance on the content of a Development Consent Order required for a Nationally Significant Infrastructure Project*", the Applicant is seeking to ensure that the protective provisions accurately reflect the Proposed Development.

5. Response to Defence Infrastructure Organisation

5.1.1. The RR provided by the Defence Infrastructure Organisation (RR-005) is as follows:

“DIO representing the Ministry of Defence has no safeguarding objection to the proposed development, but assessments will need to be completed to consider the impact on low flying military activity.”

5.1.2. The Applicant notes the representation provided by the Defence Infrastructure Organisation (DIO).

5.1.3. The Applicant confirms that the assessments have factored in impacts on overflying aircraft as detailed in ES Chapter 2: Assessment Methodology (APP-036) paragraphs 2.1.8 to 2.1.15 which set out the consultation undertaken with the Civil Aviation Authority, NATS and the MoD Defence Infrastructure Organisation in relation to the Proposed Development. The Applicant confirms that as the stack falls below the threshold of 91.4m Above Ground Level there will be no restriction on overflying aircraft.

5.1.4. It is also noted that related guidance provided to the Applicant by the CAA has also been taken into account within Requirement 33 (Aviation warning lighting) and Requirement 34 (Air Safety) of the draft DCO (AS-003).

6. Response to E-Plane Ltd

6.1.1. The RR provided by E-Plane Ltd (RR-007) is as follows:

“E-Plane Ltd owns Sandtoft Aerodrome, which is within the 5km impact zone. Winds in the UK are normally North Westerly, which means that runway 23 is the preferred landing runway. Projecting a line from the runway to the proposed site indicates that a poor weather approach would need to route over the site. The questions that then arise are - what is the maximum stack height and location, is there likely to be a restriction on overflying aircraft, and has the potential impact on safe flight been considered? I could not find it in any of the studies so far.”

6.1.2. The Applicant acknowledges the queries raised by E-Plane Ltd and references Table 4.1 contained within ES Chapter 4: The Proposed Development (APP-038) which sets out the maximum design parameters for the Proposed Development. The maximum stack height is given as 85m above ground level (AGL) or 88m Above Ordnance Datum (AOD).

6.1.3. The location of the stack will be within the Main Site (Work No. 1) which is shown on Figure 3.3: Indicative Parts of the Site Plan (APP-095) and the Works Plans (AS-005).

6.1.4. The Applicant refers E-Plane Ltd to ES Chapter 2: Assessment Methodology (APP-036) paragraphs 2.1.8 to 2.1.15 which set out the consultation undertaken with the Civil Aviation Authority, NATS and the MoD Defence Infrastructure Organisation in relation to the Proposed Development. In addition, as noted in paragraph 2.1.13 of Chapter 2, Sandtoft Airport was consulted on the Proposed Development and confirmed that there would be no impact on the airfield. The Applicant confirms that as the stack falls below the threshold of 91.4m Above Ground Level there will be no restriction on overflying aircraft. Related guidance provided to the Applicant by the CAA has been taken into account within the Requirements of the draft DCO (AS-003).

7. Response to Fisher German LLP on behalf of National Gas Transmission Limited

7.1.1. The RR provided on behalf of National Gas Transmission Plc (NGT) is as follows:

“This relevant representation is submitted on behalf of NGT Gas Plc (“NGT”) in respect of the The Keadby Next Generation Power Station Project DCO, and in particular NGT’s infrastructure and land which is within or in close proximity to the proposed Order Limits.

NGT will require appropriate protection for retained apparatus including compliance with relevant standards for works proposed within close proximity of its apparatus.

NGT’s rights of access to inspect, maintain, renew and repair such apparatus must also be maintained at all times and access to inspect and maintain such apparatus must not be restricted. Further, where the Applicant intends to acquire land or rights, or interfere with any of NGT’s interests in land or NGT’s apparatus, NGT will require appropriate protection and further discussion is required on the impact to its apparatus and rights. Further detail is set out below.

NGT have infrastructure within the proposed Order Limits. The transmission pipeline forms an essential part of the gas transmission network in England, Wales and Scotland. NGT owns or operates the following infrastructure within the proposed Order Limits for the Project:

Transmission Pipelines: Feeder 7 – Eastoft to Keadby PS

Protection of NGT Assets

As a responsible statutory undertaker, NGT’s primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. As such, NGT has a duty to protect its position in relation to infrastructure and land which is within or in close proximity to the draft Order Limits.

As noted, NGT’s rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in

close proximity to the Order Limits should be maintained at all times and access to inspect and maintain such apparatus must not be restricted.

NGT will require protective provisions to be included within the draft Development Consent Order (the “Order”) for the Project to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards. NGT is liaising with the Applicant in relation to such protective provisions, along with any supplementary agreements which may be required.

NGT requests that the Applicant continues to engage with it to provide explanation and reassurances as to how the Applicant’s works pursuant to the Order (if made) will ensure protection for those NGT assets which will remain in situ, along with facilitating all future access and other rights as are necessary to allow NGT to properly discharge its statutory obligations.

NGT will continue to liaise with the Applicant in this regard with a view to concluding matters as soon as possible during the DCO Examination and will keep the Examining Authority updated in relation to these discussions.

Compulsory Acquisition Powers in respect of the Project As noted, where the Applicant intends to acquire land or rights, or interfere with any of NGT’s interests in land, NGT will require further discussion with the Applicant.

NGT reserves the right to make further representations as part of the Examination process in relation to specific interactions with its assets but in the meantime will continue to liaise with the Applicant with a view to reaching a satisfactory agreement.”

- 7.1.2. The Applicant is in ongoing discussions with National Gas Transmission Limited (NGT) regarding the protective provisions included in Part 2, Schedule 9 of the draft DCO. These provisions provide NGT with significant protections in relation to the carrying out of the Proposed Development. For example, paragraph 19 maintains NGT’s rights of access to maintain apparatus in temporarily stopped up streets. Paragraph 21 prevents the compulsory acquisition of NGT’s interests without NGT’s agreement. Paragraph 22 requires alternative apparatus to be installed before any existing NGT apparatus is removed and paragraph 24 provides a procedure for the protection of existing NGT apparatus that is to be retained which requires the undertaker to submit information about the proposed works to NGT at least 56 days in advance, with approval by NGT required before those works commence.

- 7.1.3. The Applicant will continue to engage with NGT to agree the protective provisions prior to the close of the Examination. In line with Government Guidance “*Guidance on the content of a Development Consent Order required for a Nationally Significant Infrastructure Project*”, the Applicant is seeking to ensure that the protective provisions accurately reflect the Proposed Development.

8. Response to Historic England (HBMCE)

8.1.1. The RR provided by Historic England (RR-008) is as follows:

“Historic England The Historic Buildings and Monuments Commission for England (HBMCE) is better known as Historic England, and we are the Government’s adviser on all aspects of the historic environment in England, including historic buildings and areas, archaeology and historic landscapes. We have a duty to promote conservation, public understanding and enjoyment of the historic environment. We are an executive Non-Departmental public body and we answer to Parliament through the Secretary of State for Culture, Media and Sport (DCMS).

Proposal Keadby Next Generation is a combined cycle gas turbine electricity generating station designed to run on 100% hydrogen and able to run on 100% natural gas of up to 910 megawatts net electrical output. The application is for the generating station and associated connections and works.

Representation We engaged in positive pre-application discussion with the applicant and have provided brief comments on the Preliminary Environmental Impact Report at S42 stage, where we confirmed our comments at Scoping had been largely addressed, we referred the applicant to the expertise of the Local Authority Archaeological Officer. We note the submission of a heritage impact assessment and Outline Written Scheme of Investigation. We look forwards to further constructive engagement with the applicant through a Statement of Common Ground where necessary. As a Statutory Consultee we will be happy to address any questions the ExA may have in respect of heritage matters. We can also continue to offer technical advice as appropriate to the applicant and local authority archaeological officer through our science advisor.”

8.1.2. The Applicant acknowledges the response from Historic England and would like to take the opportunity to thank them for their inputs in the pre-application stage. No further response is considered to be required at this stage.

9. Response to Isle of Axholme & North Nottinghamshire Water Level Management Board

9.1.1. The RR provided by the Isle of Axholme and North Nottinghamshire Water Level Management Board (RR-009) is as follows:

With regard to the request for consultation response regarding the above project I would advise that the proposed development crosses areas under the control of The Isle of Axholme and North Nottinghamshire Water Level Management Board. I can confirm that some early stage discussions have taken place with the applicant. There are numerous watercourses that are likely to be impacted by the development, principally by the proposed route of any cables but also potentially above ground installations and accommodation works. I feel that it is important to raise some specific issues that will need to be considered further and in detail as a part of the DCO process.

All Board watercourses are subject to Byelaws, which are intended to protect the watercourses and the Board's ability to maintain them. With this in mind I would advise the following.

Byelaw Number 3 states that:

No person shall as a result of development (within the meaning of section 55 of the Town and Country Planning Act 1990 as amended ("the 1990 Act")) (whether or not such development is authorised by the 1990 Act or any regulation or order whatsoever or none of them) for any purpose by means of any channel, siphon, pipeline or sluice or by any other means whatsoever introduce any water into any watercourse in the District so as to directly or indirectly increase the flow or volume of water in any watercourse in the District (without the previous consent of the Board)."

Consent will only be granted for the increase in flow to a watercourse where the Board is happy that in doing so no demonstrable harm will be caused. It may be the case that appropriate mitigations are required to be put in place to either attenuate flow or to enhance the existing watercourse to ensure no detriment. If this is not possible alternative outfall locations may need to be considered.

Byelaw Number 10 states that:

No person without the previous consent of the Board shall erect any building or structure, whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within nine metres of the landward toe of the bank where there is an embankment or wall or within nine metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within nine metres of the enclosing structure.

This will relate primarily to any above ground installations and their proximity to any Board maintained watercourses.

Byelaw number 17 states that:

No person shall without the previous consent of the Board -

(a) place or affix or cause or permit to be placed or affixed any gas or water main or any pipe or appliance whatsoever or any electrical main or cable or wire in, under or over any watercourse or in, over or through any bank of any watercourse;

(b) cut, pare, damage or remove or cause or permit to be cut, pared, damaged or removed any turf forming part of any bank of any watercourse, or dig for or remove or cause or permit to be dug for or removed any stone, gravel, clay, earth, timber or other material whatsoever forming part of any bank of any watercourse or do or cause or permit to be done anything in, to or upon such bank or any land adjoining such bank of such a nature as to cause damage to or endanger the stability of the bank;

(c) make or cut or cause or permit to be made or cut any excavation or any tunnel or any drain, culvert or other passage for water in, into or out of any watercourse or in or through any bank of any watercourse;

(d) erect or construct or cause or permit to be erected or constructed any fence, post, pylon, wall, wharf, jetty, pier, quay, bridge, loading stage, piling, groyne, revetment or any other building or structure whatsoever in, over or across any watercourse or in or on any bank thereof;

(e) place or fix or cause or permit to be placed or fixed any engine or mechanical contrivance whatsoever in, under or over any watercourse or in, over or on any bank of any watercourse in such a manner or for such length

of time as to cause damage to the watercourse or banks thereof or obstruct the flow of water in, into or out of such watercourse.

Provided that this Byelaw shall not apply to any temporary work executed in an emergency but a person executing any work so excepted shall, as soon as practicable, inform the Board in writing of the execution and of the circumstances in which it was executed and comply with any reasonable directions the Board may give with regard thereto.

The Board will require all watercourses to be crossed by means of an appropriate trenchless method at a depth no less than 2 metres PLUS the safe working distance below the hard bed level of all watercourses (to ODN if EA or IDB maintained). The purpose of this requirement is to allow the IDB to maintain and have the flexibility to improve watercourses in the future due to climate change (works will include deepening & widening of watercourses).

Any culverting or other works within the bed of any Board maintained watercourse be they temporary or permanent will require consent. It will usually be assumed that these structures will be temporary measures to accommodate haul roads etc.

It is anticipated that the above requirements would be covered by SOCGs, MOU, and via Protective Provisions within the DCO. This matter should be discussed further and in more detail as the proposed route is refined.

Any culverting or other works within the bed of any riparian watercourse within the Board's district or extended area, be they temporary or permanent will also require consent.

It should be noted that the Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/ culvert or the Board's machinery access to the watercourse/ culvert which is required for annual maintenance, periodic improvement and emergency works. The Board would not look to be disapplying these powers unless they have been suitably agreed and covered within the protected provisions embedded within the DCO.

I hope that the above is of assistance and I look forward to further ongoing detailed discussions with regard to the proposal.

- 9.1.2. The Applicant's initial response to the Isle of Axholme and North Nottinghamshire Water Level Management Board's Relevant Representation is provided below. This relates to protective provisions only; the Applicant's full response will be provided at Deadline 1.
- 9.1.3. The Applicant acknowledges the Board's statutory powers conferred on it by virtue of the byelaws dated 29 June 2018 pursuant to section 66 of the Land Drainage Act 1991, and the Board's request for its interests to be protected by way of protective provisions under the DCO. The Applicant considers that protective provisions are not necessary for the Board in the context of the proposed development as Article 8 (application and modification of statutory provisions) of the DCO does not disapply or modify the position of any byelaws enacted under section 66 of the Land Drainage Act 1991. Any powers or rights granted to the Board under these byelaws continue to apply and provide the necessary and required regulatory framework to protect the Board's interests in it undertaking its statutory functions. Furthermore, in respect of drainage works, Article 21 (maintenance of drainage works) of the draft of the DCO sets out that nothing in the DCO (including the construction, operation or maintenance of the proposed development) shall affect any responsibility or maintenance of any works connected with the drainage of land unless otherwise agreed between the Applicant and the responsible person (including the Board).
- 9.1.4. The established approach with NSIPs is that protective provisions are usually only granted under the DCO where an existing statutory or regulatory regime is disapplied or modified by the DCO, and where such provisions are necessary to compensate for any gaps in the legal rights created by such disapplication. Where statutory controls and byelaws remain in force (such as in this situation where the Board retains its powers under the relevant byelaws), the precedented approach has been to rely on those existing frameworks rather than to introduce parallel controls through the DCO.
- 9.1.5. In light of the above points, the Applicant considers that protective provisions are not necessary in this instance as there is no gap in the legal protections afforded to the Board which threatens its ability to carry out its duties. To the contrary, the inclusion of such protective provisions could create overlapping, duplicative consent procedures, unnecessary delay,

operational uncertainty, and added costs to the implementation of the proposed development.

- 9.1.6. The Applicant is open to further engagement with the Board should any regulatory gap be identified, that cannot be addressed through existing statutory controls which would be materially impacted by the proposed development. The Applicant will liaise with the Board further to determine if the Board's preferred approach would be for the DCO to disapply the byelaws and include protective provisions.

10. Response to Leeds City Council

10.1.1. The RR provided by Leeds City Council (RR-011) is as follows:

“The proposed development is supported in principle for its ability to positively address climate change. The site is geographically set well away from the Leeds administrative district so there are unlikely to be any direct adverse effects on our population or environment. Detailed planning considerations, together with any require mitigations, should be considered and agreed with the Host Authority and the direct Neighbouring Authorities.”

10.1.2. The Applicant notes the representations provided by Leeds City Council and agrees that there are unlikely to be any direct adverse effects on the Leeds population or environment.

11. Response to National Grid Electricity Transmission Plc

11.1.1. The RR provided by National Grid Electricity Transmission Plc is as follows:

“This relevant representation is submitted on behalf of National Grid Electricity Transmission Plc (“NGET”) in respect of the Project, and in particular NGET’s existing and proposed infrastructure and land interests which will be located within and in close proximity to the proposed Order Limits.

The Project proposes the construction, operation and maintenance of a new low carbon Combined Cycle Gas Turbine (CCGT) connecting into NGET’s existing Keadby substation located to the east of the proposed Keadby Next Generation Power Station.

The Applicant is seeking temporary and permanent rights over a number of plots containing NGET rights for its 400kV overhead line routes which traverse land around the 400kV substation. NGET also notes that its operational land at Keadby substation (plot 2-63, 2-64, 2-65 and 2-104) has been included within the Order limits for the purposes of Work No. 4A & 4B (works to connect into the substation) and this land is subject to the compulsory acquisition of permanent rights.

Further, the Order limits include several plots required for NGET’s critical North Humber to High Marnham overhead line project (the “NHHM Project”). Access will be required across these plots in future to facilitate NGET’s construction work for the NHHM Project.

NGET’s Statutory Duties

As a responsible statutory undertaker, NGET’s primary concern is to meet its statutory obligations and to ensure that any development does not adversely affect those statutory obligations. NGET has a duty to protect its position in relation to apparatus and land which is within or in close proximity to the draft Order Limits. Additionally, NGET must protect its ability to deliver, operate and maintain its future proposed infrastructure.

NGET will therefore require appropriate protection for retained or proposed infrastructure, including compliance with relevant standards for works proposed within close proximity of its apparatus or proposed apparatus.

NGET's rights of access to inspect, maintain, renew and repair such apparatus must be maintained at all times and access to inspect and maintain such apparatus must not be restricted. Further, where the Applicant intends to acquire land or rights, or interfere with any of NGET's interests in land or NGET's apparatus, NGET will require appropriate protection. Further discussion and agreement with the Applicant is required in relation to the impact on its apparatus and rights.

Existing NGET Apparatus

NGET owns and operates the following assets located within and in close proximity to the Order Limits for the Project. These assets form an essential part of the electricity transmission network in England and Wales. The details of the electricity assets impacted are as follows:

Substation

KEADBY 400 kV Sub Station • Associated overhead and underground apparatus including cables

Overhead Lines

4KG 400 kV OHL KEADBY - KILLINGHOLME

4ZQ 400 kV OHL CREYKE BECK - HUMR – KEADBY

4ZDA 400 kV OHL DRAX - KEADBY - THORPE MARSH DRAX - KEADBY - THORPE MARSH

4TM 400 kV OHL KEADBY - WEST BURTON 1 KEADBY - WEST BURTON 2

Cable Apparatus

BLYTON CCT1 underground cable

BLYTON CCT2 underground cable

BROUGHTON CCT2 underground cable

BROUGHTON CCT3 underground cable

SGT3 underground cable

SCUNTHORPE CCT1 underground cable

SCUNTHORPE N-S1 underground cable

SANTON CCT1 underground cable

Future NGET Apparatus

The following NGET New Infrastructure projects are known to interact with the Proposed Development:

North Humber to High Marnham Overhead Line

The North Humber to High Marnham (NHHM) project ('the project') is a proposed 400 kv overhead line (the 4AF line) approximately 90km in length, running between two proposed substations, one at Birkhill Wood in the East Riding of Yorkshire and one at High Marnham in Nottinghamshire.

The NHHM project includes the replacement and realignment of a section of the existing 400 kv ZDA overhead line between Ealand and west of the Keadby Next Generation project. Other works, such as temporary access roads, highway works, temporary works compounds and utility diversions amongst others will be required to facilitate the construction of the NHHM project as well as access routes for maintenance of the existing and proposed overhead lines.

The main interaction between the NHHM project and Keadby Next Generation project will be the shared use of a proposed construction traffic route from the A18 via an existing vehicle entrance and road which will provide NHHM construction access for proposed towers 4AF124 and 4AF125 as well as access to the ZDA overhead line and towers ZDA122, ZDA123, ZDA124 and ZDA125. This access currently provides a route from the A18 to SSE Renewables Keadby Wind Farm.

The use of this access by the project is critical to the delivery of the NHHM project given the lack of alternative suitable vehicle access points and routes in this section of the NHHM route.

The NHHM project have engaged with SSE on the use of the access off the A18 and discussions are on-going between the parties in order to secure this as an access route for the NHHM project and to ensure that use of this access for both projects can be coordinated during construction.

NGET requires that all its existing and future assets, land, and rights are appropriately protected to ensure it can continue to meet its statutory obligations. This includes, but is not limited to, ensuring the deliverability of the NHHM Project. NGET must have adequate protection for its future projects, including protection for future assets and the reservation of future land and rights necessary for the delivery of those projects.

Protection of NGET Assets

NGET requires robust Protective Provisions to be included within the draft Development Consent Order (the "Order") for the Project. These provisions must ensure that all NGET assets, both existing and any anticipated future assets (including but not limited to those required for the NHHM Project), are adequately protected and that all works comply with relevant safety standards. There is clear precedent for the protection of future assets within DCOs, including the Protective Provisions secured by NGET in the Awel Y Mor DCO and those agreed with the undertaker in relation to the Outer Dowsing Offshore Wind DCO, which is awaiting the Secretary of State's decision.

NGET is liaising with the Applicant in relation to such Protective Provisions. Accordingly, NGET has not appended the version of the Protective Provisions it requires to be included in the Order to this Relevant Representation. However, NGET will submit these at Written Representation Stage, if not agreed between the parties by that point, with an explanation of any outstanding issues.

NGET requires ongoing engagement from the Applicant to agree how the Project works will protect NGET's proposed assets and facilitate all future access, land, and other rights necessary for NGET to deliver its statutory functions, including future projects such as the NHHM Project. NGET will

continue to liaise with the Applicant in this regard with a view to concluding matters as soon as possible during the DCO Examination and will keep the Examining Authority updated in relation to these discussions.

Compulsory Acquisition Powers in respect of the Project

Where the Applicant seeks powers of compulsory acquisition over NGET land, or land in which NGET holds rights or apparatus, the Protective Provisions must require the Applicant to obtain NGET's prior written consent to the exercise of such powers. This protection is critical not only for existing assets but also for land and rights required for NGET's future infrastructure, such as the NHHM Project, to ensure NGET is not impeded in the delivery of its statutory functions.

NGET reserves the right to make further representations as part of the Examination process in relation to specific interactions with any NGET projects identified during the Examination process, and as negotiations continue, but in the meantime will continue to liaise with the Project with a view to reaching a satisfactory agreement during the Examination process and will keep the Examining Authority updated in relation to these discussions.”

- 11.1.2. The Applicant's response to NGET's Relevant Representation is set out below.
- 11.1.3. The Applicant is in ongoing discussions with NGET regarding the protective provisions included for the benefit of NGET in Part 1, Schedule 9 of the draft DCO. These provisions provide NGET with significant protections in relation to the carrying out of the Proposed Development. For example, paragraph 4 maintains NGET's rights of access to maintain apparatus in temporarily stopped up streets. Paragraph 6 prevents the compulsory acquisition of NGET's interests without NGET's agreement. Paragraph 7 requires alternative apparatus to be installed before any existing NGET apparatus is removed and paragraph 9 provides a procedure for the protection of existing NGET apparatus that is to be retained which requires the undertaker to submit information about the proposed works to NGET at least 56 days in advance, with approval by NGET required before those works commence.
- 11.1.4. The Applicant will continue to engage with NGET to agree the protective provisions prior to the close of the Examination. In line with Government Guidance "*Guidance on the content of a Development Consent Order*

required for a Nationally Significant Infrastructure Project”, the Applicant is seeking to ensure that the protective provisions accurately reflect the Proposed Development and does not consider it correct that NGET’s preferred form of protective provisions should simply be included without being adapted appropriately for the Proposed Development.

12. Response to North Lincolnshire Council

12.1.1. The RR provided by North Lincolnshire Council (RR-018) is as follows:

“North Lincolnshire Council is aware that as the host Authority we will be automatically registered as an Interested Party in the Keadby Next Generation examination, under Section 102(1)(c) of the Planning Act 2008, and therefore the Council’s views will be considered for the duration of the examination.

To assist the Examining Authority in forming its initial assessment of principal issues in advance of the preparation of the draft examination timetable, and ahead of the submission of our Local Impact Report, North Lincolnshire Council wishes to make the following initial representation to identify its main areas of interest at this stage in relation to the Development Consent Order Application.

North Lincolnshire Council acknowledge that there is a recognised need and support for renewable and low carbon energy technology through national planning policy and that the proposed development would contribute towards the targets set for the UK’s greenhouse gas emission reduction and increasing the country’s energy supply from greener sources.

Notwithstanding this ‘in principle’ national policy support, the impacts of the proposal must be fully assessed in order to complete a full, fair and detailed planning balance assessment.

North Lincolnshire Council considers that the main issues arising at this stage from the proposal that need to be weighed in the planning balance are as follows:

- Landscape and visual impacts of the proposed development*
- Cultural heritage*
- Ecological impacts and considerations, including mitigation and enhancement*
- Amenity impacts*

- *Traffic and transport*
- *Air quality*
- *Noise*
- *Contamination*
- *Flood risk and drainage*
- *Socio-economic impacts*

With regards to local planning policy, the Application Site is not allocated for development as part of the Development Plan for North Lincolnshire and is located predominantly outside of defined development boundaries.

The site does benefit from extant consent for the construction of a combined cycle gas turbine (CCGT) power station, comprising a CCGT unit with a capacity of up to 910 megawatts electrical output (gross), carbon capture and compression plant, electrical, gas, and cooling water connections, and associated development under The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) (Correction) Order 2023. The currently proposed development represents an alternative to the consented CCGT development.

North Lincolnshire Council will, at the required time, be producing a Local Impact Report which will set out its position in full on the above and its view on the broader planning issues relating to this DCO application.

We will continue to engage with the applicant with the aim of providing a completed and signed Statement of Common Ground at the earliest opportunity.

North Lincolnshire Council has engaged in proactive and constructive pre-application discussions with the Applicant and as a result has no Principal Areas of Disagreement to raise at the pre-examination stage. Consequently no PADS has been provided with this Relevant Representation.”

- 12.1.2. The Applicant welcomes the comments from North Lincolnshire Council as the host local planning authority. The Applicant notes that NLC will be

producing a Local Impact Report and will comment upon this at the appropriate time.

- 12.1.3. The Applicant confirms that a Statement of Common Ground is in progress and anticipates this being agreed before the start of the in-person hearings in April 2026.

13. Response to UK Health Security Agency

13.1.1. The RR provided by the UK Health Secretary Agency is as follows:

“Thank you for your consultation regarding the above development. The UK Health Security Agency (UKHSA) welcomes the opportunity to comment on your proposals at this stage of the project. Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided is sent on behalf of both UKHSA and OHID. We can confirm that:

With respect to Registration of Interest documentation, we are reassured that earlier comments raised by us on 17 February 2025 have been addressed. In addition, we acknowledge that the Environmental Statement (ES) has not identified any issues which could significantly affect public health.

UKHSA is satisfied with the methodology used to undertake the environmental assessment.

Potential impacts arising from historic ground contamination have been considered in the draft development consent order and there is a requirement that a scheme to assess and manage these impacts, be agreed with the relevant local authority in consultation with the Environment Agency, as the relevant regulatory authorities with regards to contaminated land.

Following our review of the submitted documentation we are satisfied that the proposed development should not result in any significant adverse impact on public health. On that basis, we have no additional comments to make at this stage and can confirm that we have chosen NOT to register an interest with the Planning Inspectorate on this occasion.

Please do not hesitate to contact us if you have any questions or concerns.”

13.1.2. The Applicant acknowledges the Relevant Representation provided by the UK Health Secretary Agency (and Office for Health, Improvement and Disparities). No further response is considered to be required.

14. Response to Weightmans LLP on behalf of Northern Powergrid (Yorkshire) Plc

14.1.1. The RR provided by Northern Powergrid (Yorkshire) Plc is as follows:

“The following representations are submitted on behalf of Northern Powergrid (Yorkshire) Plc (‘Northern Powergrid’) as an electricity undertaker for the area within which the Keadby Next Generation Power Station Project is located: There is a significant amount of Northern Powergrid’s infrastructure within the red line boundary area of the Order. A substation within the ownership of Northern Powergrid, Keadby Substation, is situated just beyond the DCO’s current red line boundary. This results in extensive EHV cables and overheads which run through the DCO indicative plan being potentially affected, and thus the project has a direct impact on Northern Powergrid’s existing critical national infrastructure which serves significant numbers of customers in the local and wider area. Northern Powergrid’s rights for these assets are essential in maintaining an uninterrupted power supply to the customers they serve. Northern Powergrid has a statutory duty to provide its customers with an uninterrupted supply of electricity and thus rightly raises concerns to any scheme that would result in a breach to its duty. The proposed development seeks to interfere with Northern Powergrid’s existing apparatus. Northern Powergrid therefore reserves the right to review the position as the scheme progresses and protect its existing apparatus including with bespoke protective provisions in the Order, as at this stage, the specific details of the DCO infrastructure including the depth, diameter and respective easement strips are unknown. Northern Powergrid’s existing apparatus may need to be diverted to accommodate the DCO project and therefore Northern Powergrid requires bespoke protective provisions to protect its position and recover the costs of any required diversions or relocations. Northern Powergrid also has concerns over the currently proposed protective provisions contained within the draft Order as they do not take into account site specific issues and do not accord with Northern Powergrid’s standard protective provision requirements. The compulsory purchase powers incorporated into the DCO seeks to acquire land and interests which, if acquired, would adversely affect Northern Powergrid’s ability to use, access, maintain and where necessary upgrade its equipment. It is not necessary to acquire these interests where an agreement between the parties would be more appropriate. Northern Powergrid is keen to discuss

its concerns with Keadby Next Generation Limited (“the Applicant”) to reduce the project’s impacts on Northern Powergrid’s apparatus and agree bespoke protective provisions within the draft Order.”

- 14.1.2. The Applicant notes the comments in Northern Powergrid (Yorkshire) Plc’s Relevant Representation and has contacted Northern Powergrid (Yorkshire) Plc regarding protective provisions to be included in Schedule 9 of the draft DCO with a view to agreeing protective provisions for Northern Powergrid prior to the close of the Examination.
- 14.1.3. In line with Government Guidance “*Guidance on the content of a Development Consent Order required for a Nationally Significant Infrastructure Project*”, the Applicant is seeking to ensure that the protective provisions accurately reflect the Proposed Development and does not consider it correct that Northern Powergrid (Yorkshire) Plc’s preferred form of protective provisions should simply be included without being adapted appropriately for the Proposed Development