

Georgie Hannigan

From: [REDACTED]
Sent: 11 January 2026 20:35
To: Keadby Next Generation
Subject: the email went into junk. it ex

Further to telephone conversation with Ms Mellor

The Planning Inspectorate
National Infrastructure Directorate
Re: Keadby Next Generation Generating Station – DCO Application
Applicant: Keadby Generation Ltd (SSE)
PINS Reference: [insert reference if known]
Submission of Evidence: Statutory Highway Status of Bonnyhale Road / Ealand Road, Keadby

Dear Sir or Madam,

I am writing to submit the enclosed Statement of Highway Status concerning the route historically known as Bonnyhale Road (renamed Ealand Road by SSE), running between North Pilferry and Chapel Lane in the Parish of Keadby with Althorpe.

This evidence is directly relevant to the Keadby Next Generation Generating Station Development Consent Order (DCO) application, which the Planning Inspectorate has accepted for examination on behalf of the Secretary of State for Energy Security and Net Zero, The Rt Hon Ed Miliband MP.

Purpose of this submission

The enclosed statement demonstrates, using statutory, historical, and cartographic evidence, that the route serving Keadby Generating Station is a public highway created by statute under Section 53 of the Stainforth & Keadby Canal Act 1793, and that this public right:

- has continued through successive diversions (1861 railway works and 1952–56 BEA works),
- has never been lawfully stopped up,
- is not dependent on adoption, and
- remains legally enforceable despite private ownership and private maintenance.

This evidence is material to the DCO examination because:

1. The applicant refers to the route as private, despite its statutory public highway status.
2. Lawful public passage are relevant considerations in assessing the impacts and requirements of the proposed development.
3. Any DCO provisions affecting this route must take account of its existing statutory highway rights, which cannot be extinguished except by Act or lawful stopping-up.

Summary of the enclosed evidence

The Statement of Highway Status sets out:

- The statutory dedication of the canalside road under the 1793 Act
- Ordnance Survey parish boundary evidence from Belton, Crowle, and Keadby
- The 1861 railway diversion and continuity of public rights
- The 1952–56 BEA diversion and absence of any stopping-up order
- The non-adoption status and its irrelevance to highway rights
- The unlawful nature of later private gates or obstructions

The conclusion is that the route is a public highway not maintainable at public expense, and that the public retains a legal right of passage with vehicles, horses, and cattle.(Sec 53)

Request to the Examining Authority

I respectfully request that the Examining Authority:

- Acknowledge the statutory public highway status of the route described,

- Ensure that the DCO examination takes this status into account, and
- Require the applicant to address the implications of this existing public right in their submissions and proposed works.

I would be grateful if this evidence could be placed on the examination record.

Please confirm receipt of this submission.

Yours faithfully,

John Carney

Scunthorpe, North Lincolnshire

Date: 12 January 2026

For the attention of Harry

YOUR email went into junk expired

This email is to confirm I am an interested party

And have been involved

I Have Teams

John Carney

.STATEMENT OF HIGHWAY STATUS

I make this statement in support of the assertion that the route known as Bonnyhale road (now renamed Ealand road by SSE) located in the Parish of Keadby from North Pilferry to Chapel lane is and has been since 1802 a public highway not maintainable at public expense. In most Canal Act as Stainforth and Keadby Canal Act (1793) parliament require where the canal intersected roads new roads and ways had to be provided before the old road closed. The S&K Canal had 9 bridges and roads and ways were diverted alongside the Soke Drains.

This Statement determines the legal highway status of a road serving Keadby Generating Station constructed by the British Electricity Authority (BEA) between 1952 and 1956 as a diversion of an earlier routes associated with:

1. The Stainforth & Keadby Canal Act (1793), Section 53.
2. **South Yorkshire Keadby Extension Railway (1861), Rail 1066/2732 National Archives. Parliamentary Plans GL/PO/PB/3/PLAN1861/SI HL/PO/PB/3/plan1861/S11.**
3. Historic Belton parish Surveyor boundary returns to Ordnance Survey. **(Public Record Kew)**

1. Statutory Creation of Public Rights (Section 53)

Belton Parish boundary returns submitted to the Ordnance Survey held at The National Archives (Kew) show:

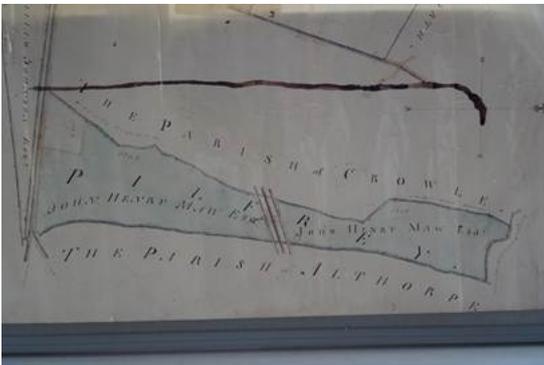
- The **Belton parish plan** includes the **Pilferry “pan-handle”** road at the intersection with the Stainforth & Keadby Canal.

The boundaries of **Belton, Crowle, and Keadby** all reference this route.

In OS practice:

- Parish boundaries follow **public highways**.
- Boundary returns reflect routes recognised locally as **publicly accessible**.

The S&K Canal intersected the “pan handle” in 1802 on the Belton Pilferry Inclosure Plan



This is strong corroborative evidence that the Pilferry route was a **public highway** at the time of survey.

4. Railway Diversion (1861)

The **Keadby Extension Railway Act 1861** diverted the earlier canal-side road.

Legal principle:

- A statutory highway cannot be extinguished except by statute or lawful stopping-up.
- When a statutory highway is diverted, the **public right transfers to the new alignment**.

No stopping-up order or statutory extinguishment has been found.

Therefore, the public right created in 1793 continued along the 1861 diversion.

5. BEA Diversion (1952–1956)

During construction of Keadby A Power Station, the BEA created a further diversion of the earlier route.

The BEA did **not** possess statutory powers to extinguish highways.

No stopping-up order has been identified.

Therefore:

The public right created in 1793 and carried through the 1861 diversion continues along the BEA diversion.

6. Adoption Status

6.1 North Lincolnshire Council List of Streets

The road is **not** recorded as a highway maintainable at public expense.

This confirms it is **not adopted** but does **not** determine whether it is a public highway.

6.2 Lindsey County Council Records

Historic minutes show the council **considered** adoption but did not adopt the road.

A discussion is not an adoption.

7. Maintenance and Ownership History

- 1952–1956: BEA constructed and maintained the road
- 1957–1990: CEGB maintained it.
- 1992–present: SSE plc / ManWeb / Keadby Generation Ltd maintain it.

Private maintenance does **not** extinguish statutory public rights.

8. Access Control

8.1 Historic Level Crossing

The only historic control was a **manned level crossing**, which:

- closed only during train movements the

8.2 Later Gates Installed by SSE

Gates erected by SSE/ManWeb were installed **after** privatisation.

A private company cannot lawfully obstruct a statutory highway.

The presence of gates does not extinguish public rights.

9. Legal Conclusion

Based on:

- Section 53 of the Stainforth & Keadby Canal Act,
- OS Parish boundary evidence from Belton, Crowle, and Keadby,
- The absence of any stopping-up order,
- The continuity of the route through successive diversions,
- The maintenance and ownership history, and
- The non-adoption status,

The road is a PUBLIC HIGHWAY created by statute (Section 53), but NOT a highway maintainable at public expense.

It is a public highway de jure, even though it lies on privately owned land and is privately maintained.

The public have a legal right of passage with vehicles, horses, and cattle.

Any gates or obstructions erected by later owners cannot lawfully extinguish or restrict this statutory right.

10. Statement of Truth

I believe that the facts stated in this document are true to the best of my knowledge and based on the evidence available.

[REDACTED]

Name: John Carney

Date: _10/1/2026