

Written Representation of Network Rail Infrastructure Limited in relation to The Keadby Next Generation Power Station Development Consent Order 202[X]

Planning Inspectorate Reference Number: EN010115

Unique Identification Number: [REDACTED]

Further to Network Rail Infrastructure Limited's (**Network Rail/NR**) relevant representation submitted on 27 November 2025 (**NR's Relevant Representation**), NR wishes to make this written representation in relation to Keadby Next Generation Limited's (the **Promoter**) application (**Application**) for the above development consent order (**DCO**).

The draft DCO submitted with the Application includes powers which would, if granted, authorise the Promoter to carry out works on, under and in close proximity to operational railway land in the control of Network Rail and to use such land temporarily, permanently acquire new rights over such land.

Proposed Compulsory Acquisition of Permanent Rights

As set out in NR's Relevant Representation, the Promoter is seeking powers to acquire permanent rights over the following land, the unregistered freehold interest of which is owned by NR:

1. 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 2-34 comprises part of the operational track of the South Humberside Main Line. NR objects to the use of compulsory powers to acquire permanent rights over Plot 2-34 on the ground that such rights need to be subject to NR's prior consent.

The Protective Provisions "For the protection of railway interests" at Schedule 9, Part 6 of the draft Order submitted on 6 February 2026 do not reflect Network Rail's required form of protective provisions and crucially **do not** restrict the compulsory acquisition of permanent rights over NR's operational land unless NR's prior consent is obtained.

NR must maintain its objection to the DCO unless and until its required form of Protective Provisions (as per those appended to NR's Relevant Representation) are included in the Order (if granted) on the basis that the proposed compulsory acquisition of rights over railway property does not satisfy the test in section 127 of the Planning Act 2008 in that:

- (a) the rights cannot be acquired without serious detriment to the carrying on of the undertaking; and
- (b) such detriment cannot be made good by Network Rail by use of other railway property.

The reason for this is that:

- 1) Plot 2-34 (over which rights are proposed to be compulsorily acquired) comprises an operational railway line;
- 2) unless NR has the ability to require its prior consent and require the Applicant to enter into an easement containing the rights, restrictions and obligations necessary to properly regulate access to operational railway land for the purposes of constructing and maintaining the

authorised development, it gives rise to a risk that NR will breach its obligations to maintain standards of safety required by the Network Licence granted to it by the Office of Rail and Road. It is inconceivable that a third party should have compulsory powers to acquire rights to access railway land without first seeking NR's consent as it introduces a risk to public safety which cannot be accepted under any circumstances; and

- 3) as this is an operational railway line such detriment cannot be made good as the line cannot be relocated to other land in the possession of NR (and not least to say requiring NR to relocate its operational railway to facilitate such rights would be entirely disproportionate both in cost and nature).

Accordingly, the section 127 test is failed on the basis of the current form of Protective Provisions "For the protection of railway interests".

Proposed Extinguishment of NR's rights

The Promoter is seeking powers in the Order to compulsorily acquire and/or temporarily possess third party land over which NR owns rights. This will have the effect of extinguishing those rights (in the case of compulsory acquisition) or impeding NR's exercise of those rights (in the case of temporary possession).

NR's rights over the plots set out below are required for the purposes of carrying on NR's railway undertaking and so **must not** be extinguished or impeded (as applicable) by the Promoter through powers granted under the Order.

1. Plot 3-168 - Permanent acquisition of 2105.76 square metres of woodland; east of Chapel Lane, Keadby, Scunthorpe
2. Plot 3-193 - Temporary Use of 68.72 square metres of unnamed drain and grassland; west of Trent Side, Keadby, Scunthorpe
3. 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

NR objects to the granting of the Order on the basis that the current form of Protective Provisions "For the protection of railway interests" do not ensure that NR's rights over these plots are not extinguished and/or its ability to exercise the rights is not impeded without its prior consent. NR's required form of Protective Provisions contain the necessary safeguards to ensure that this does not happen and so must be included on the Order in order to preserve NR's ability to carry on its statutory undertaking.

NR submits that the proposed extinguishment of its rights over Plot 3-168 and the impediment of its rights over Plot 3-193 and 3-195 will cause a serious detriment to NR's statutory undertaking and so do not satisfy the test in section 138 of the Planning Act 2008.

Network Rail continues to investigate the extent of the risk to its assets and is liaising with the Promoter with regards to the form of Protective Provisions to be included in the Order. Until satisfactory agreement has been reached with the Promoter on the form of Protective Provisions, Network Rail will not be in a position to withdraw its objection to the granting of the DCO and hereby respectfully requests that should the Inspector and Secretary of State determine to grant the DCO that NR's required form of Protective Provisions are included and not the form of Protective Provisions included by the Promoter for the reasons set out in this Written Representation.