



Planning Inspectorate

[via PINS portal]

**Our ref:** XA/2026/100546

**Your ref:** EN0110001

**Date:** 25 February 2026

## **ENVIRONMENT AGENCY DEADLINE 2: KEADBY NEXT GENERATION POWER STATION.**

### **RESPONSE TO DOCUMENTS SUBMITTED AT DEADLINE 1.**

This response constitutes the Environment Agency's Deadline 2 submission.

We have reviewed the Deadline 1 submissions, including:

- [REP1-004] Draft Development Consent Order
- [REP1-015] Chapter 11 Biodiversity and Nature Conservation (Revision 1)
- [REP1-023] Outline Construction Environmental Management Plan (Revision 1)
- [REP1-028] Applicant's Comments on Relevant Representation
- [REP1-033] Statement of Commonality

#### **[REP1-033] Statement of Commonality**

- DCO ARTICLES & REQUIREMENTS / DISCHARGE PROCEDURE – We agree with the status “**Agreed**”.
- DESIGN APPROACH/ PARAMETERS - We agree with the status “**Subject to further discussions**”
- BIOLOGY ECOLOGY AND NATURE CONSERVATION – We disagree with the status “Agreed” and consider this to still be “**Subject to further discussion**”.
- WATER ENVIRONMENT – We agree with the status “**Subject to further discussions**”
- GEOLOGY HYDROGEOLOGY AND LAND CONTAMINATION – We disagree with the status “Agreed” and consider this to be still “**Subject to further discussion**”.

#### **[REP1-028] Applicant's Comments on Relevant Representation**

We respond to the comments regarding our Relevant Representation [RR-006] in turn below, and with reference to the REP1 documents as relevant.

**EA001** Resolved. We are satisfied with the changes made to the draft DCO.

**EA002** Resolved. We are satisfied with the changes made to the draft DCO regarding Requirement 8 – Means of enclosure

**EA003** Resolved. We are satisfied with the Applicant's response that confirms that there is unlikely to be any need for piled foundations as part of Work Nos. 4A and 4B.

**EA004** Resolved. We are satisfied with the changes made to the draft DCO regarding Requirement 37 (Decommissioning).

**EA005 Resolved** – we note oCEMP Table 8 [REP1-023] has been updated to state: “All groundwater dewatering required will be undertaken in line with the requirements of the Environment Agency”. Additionally, paragraph C.7.3 states: “For all dewatering activities, the appropriate licences, permits and consents will be obtained for the abstraction and discharge of groundwater.” Chapter 5 [APP-039] has not been updated in the equivalent section which creates inconsistency between documents, but we are satisfied that adherence to the CEMP is secured by a DCO requirement.

**EA006 Resolved** - we note oCEMP Table 8 has been updated to include the suggested guidance, but the other documents previously highlighted [APP-039], [APP-047], [APP-074] and [APP-090] have not been updated in the equivalent sections. This leads to inconsistency between documents. However, we are satisfied that adherence to the CEMP is secured by a DCO requirement, and we consider this issue to be resolved.

**EA007 Resolved.** We are satisfied with the relevant text added to oCEMP Table 7 [REP1-023].

**EA008 Unresolved.** Our comment specifically related to the WFD assessment which does not specifically mention landfill, the comment is not regarding other documents or mitigation. Furthermore, we consider excavation within a landfill would constitute “expected” rather than “unexpected” contamination, providing adequate assessment had been undertaken prior to works commencing. If historic landfills have not been identified or considered, then embedded mitigation cannot be employed to minimise or mitigate the risks prior to discovery. Adherence to piling and penetrative foundation design guidance would only apply where these specific activities are to be undertaken. Such controls may not be in place where other intrusive works are undertaken.

**EA009 Unresolved.** The oCEMP Table 7 [REP1-023] states that additional works have been undertaken, and the reader is referred to Chapter 13. We have identified no discussion of these further works in Chapter 13.

As noted in our consultation in March 2025 (see Chapter 13 Table 13.3), Chapter 13 only discusses the 2022 investigation. The applicant’s response in Table 13.3 confirms that “Recommendation to undertake additional monitoring and investigation is included in Section 13.6.3 and 13.8.2”. However this chapter has not been updated with results of any additional sampling since this date.

Additional survey requirements outlined in oCEMP Table 7 include: “Ground investigation will be undertaken before construction ... The ground investigation will validate the assumptions made in the initial Conceptual Site Model”. This reinforces the suggestion that further works have not yet been done.

Within the introduction of the 2025 ERM investigation, it establishes that the work was specifically targeted to “assess the serviceability of the existing groundwater wells and gather groundwater data”. The ERM investigation did not include additional intrusive works, or any ground gas monitoring. These were clearly set out as part of the recommended scope for further works in Appendix 13A, paragraph 13A.7.11. As such, we clearly stated the limited 2025 ERM sampling did not appear to meet the brief of the additional works as described in Chapter 13, Appendix 13A and the oCEMP.

We continue to look forward to seeing the results of the additional investigations as scoped in due course.

**EA010 Resolved.** We are satisfied that measures to ensure the protection of eels will be secured through the detailed design, and through permitting.

**EA011 Resolved.** We are satisfied that a detailed plan of works/method statement will be submitted in a detailed CEMP as part of the Flood Risk Activity Permit (FRAP) application for the cofferdam install. We are satisfied that the Fish Management Plan committed to in the oCEMP will contain required detail, and this should include details on how the watching brief will be conducted to ensure eel are not harmed during de-silts, and details regarding the eel regulations compliant screens on pumps where over-pumping of the coffer dam is required.

**EA012 Resolved.** This is a minor point that has not been completely addressed; however, we are satisfied to mark it as resolved. The applicant states that the document [APP-053] Environmental Statement Volume I: Chapter 19 Major Accidents and Disasters is *not* going to be updated as requested. However we note that the changes made to the dDCO in response to EA001 provide assurance that surface water will be considered.

**EA013 Resolved.** We are satisfied with the changes made in Table 7 and 8 of the OCEMP

**EA014 Resolved.** We are satisfied with the changes made in the OCEMP

**EA015 Resolved.** We are satisfied with the additional measures specified in the OCEMP and Appendix C Outline Water Management Plan.

**EA016 Unresolved.** We acknowledge that [REP1-023] page 87 now reads “Further details on mitigation measures for handling water from wheel washing will be provided within the final CEMP”, however the outline document should provide some information on how they intend to capture and dispose of wash water. (as per the details already provided regarding concrete washings). The oCEMP should ensure that the detailed CEMP identifies that a permit may be required if the intention is to discharge on site.

**EA017 Unresolved.** The Environment Agency requests that water quality monitoring is completed pre-construction to establish a water quality baseline, then regularly throughout construction to ensure that the mitigation measures are working, and finally for a few months into operation to ensure that as projects move into “business as usual” there are no residual activities that could impact water quality. The Keadby draft order limits border the designated main rivers River Torne, North Soak Drain and South Soak Drain, which then discharge into Three Rivers and the River Trent. We note the claim that there will be no works specifically in the River Trent itself. However we maintain that there will still be risk from vehicles and plant machinery on site, a high risk of sediments, and fuels, oils, chemicals on site - all of which could impact water quality during construction. These risks are associated with the construction phase and would not be covered by the permit that will control operational discharge into the River Trent.

**EA018 Unresolved.** Table 8 of the CEMP (Page 86-89) and C.4.6 of Appendix C (page 167) now includes most of the mitigation measures requested in our representation. However, it does not include our request that “*All (fuel and chemical) storage areas should be covered, to prevent the accumulation of rainwater and to prevent accidental damage.*”. We suggest that this is specified as it can help reduce the risk of rainwater getting into the materials or reducing bund capacity.

**EA019: Resolved.** The response addresses the issue raised by the EA at scoping, PEIR and in our relevant representations regarding lack of clarity over construction water demands and sources of supply available to the project. Whilst reassurances are provided that this will be clarified at

detailed design these demands can and should have been estimated during pre-application, and we would expect water company engagement to have been started much earlier.

Water company supply is not always guaranteed and often can't be formally agreed more than 12 months ahead of commencement. In the absence of a water company supply, alternatives such as 3<sup>rd</sup> party tankering adds vehicles which would need to be accounted for in traffic management plans; and the alternative of using existing abstraction licences would require amendments to make them fit for purpose. Furthermore, the current licence is restricted to levels in the Keadby pound above 2.6m AOD which may not be reliable during prolonged dry weather and drought conditions, particularly until improvements to Keadby lock are completed.

The Environment agency would draw attention to the advice of the Canal and Rivers Trust (CRT) in their relevant representation which the applicant has responded to in point 4.1.11. The renewal of the licence in March 2026 presents an opportunity to add purposes to the licence which cover the water demands during construction. Otherwise a separate application will need to be made thereafter. Licence determination timescales can be 4 months if advertising is required and will need to be programmed in good time of commencement.

**EA20: Resolved.** We are satisfied that the likelihood of affected drains being misrepresented by the information presented would appear limited. General comment: It would be good practice for survey reporting seeking to verify aquatic habitat conditions to include a statement of the survey brief, methods, and results alongside credentials of the surveyor.

**EA21: Unresolved.** We note that Requirement 16 (2(a)) of the dDCO commits to further survey work to establish whether any non-native species (INNS) are present and, where INNS are shown to be present, an invasive species management plan will be produced as part of the detailed CEMP. We are satisfied that this will be agreed in consultation with the Environment Agency. We welcome the statement that the Applicant considers that American mink control can be considered as part of this plan. This should be secured through specific reference to American mink control to protect biodiversity in Table 5 of the oCEMP, both with regards to mitigation measures for water vole and also specified in the Invasive Species Management Plan. This will secure the intention to discuss mink control measures with the Environment Agency at that stage.

Yours sincerely,

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