KEADBY
NEXT GENERATION
POWER STATION
Hydrogen-enabled flexible power

A collaboration between SSE Thermal and Equinor

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 Deadline 1 Submissions (submitted at Deadline 2)

The Planning Act 2008

Applicant: Keadby Next Generation Limited

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1. Introduction

1.1. Overview

1.1.1 This document ‘Applicant’s Comments on Deadline 1 Submissions’ This document ‘Applicant’s Comments on Deadline 1 Submissions’ **(Document Ref. 8.8, Rev. 0)** has been prepared on behalf of the Applicant, Keadby Next Generation Limited, in respect of an application (the ‘Application’) for a Development Consent Order (DCO) in respect of the Keadby Next Generation Power Station (the ‘Proposed Development’) that was submitted to the Secretary of State (SoS) for Energy Security and Net Zero under Section 37 of ‘The Planning Act 2008’ on 29 August 2025. The Application was accepted for examination by the SoS on 22 September 2025. The Examination of the Application commenced on 21 January 2026.

1.1.2 The Applicant is seeking a DCO for the construction, operation and maintenance of a new combined cycle gas turbine (CCGT) electricity generating station on land at, and in the vicinity of, the existing Keadby Power Station, Trentside, Keadby, Scunthorpe, DN17 3EF (‘the Site’).

1.1.3 The Proposed Development is a new CCGT electricity generating station with a capacity of up to 910 megawatts electrical output. The CCGT electricity generating station will be designed to run on 100% hydrogen and able to run on 100% natural gas or a blend of natural gas and hydrogen and will be located on land to the west of the existing Keadby 1 and Keadby 2 power stations. The Proposed Development includes connections for cooling water, electricity, hydrogen, natural gas, and construction laydown areas and other associated development. It is described in full in Environmental Statement (ES) Volume I Chapter 4: The Proposed Development [APP-038]

1.1.4 The DCO, if made by the SoS, would be known as ‘The Keadby Next Generation Power Station Order' (‘the Order’).

1.2. The Purpose and Structure of this Document

1.2.1 The purpose of this document is to set out the Applicant’s comments on the Deadline 1 submissions made by Interested Parties (Ips) to the Examining Authority (ExA).

1.2.2 The key points raised by Ips in their Deadline 1 submissions have been tabulated and are set out in the following sections of this document along with the Applicant’s response to those points:

- Section 2 - Asa Briggs **[REP1-059]**
- Section 3 - Canal and River Trust **[REP1-055]**
- Section 4 - Climate Emergency Science Law **[REP1-038 to REP1-050]**
- Section 5 - Defence Infrastructure Organisation **[REP1-037]**
- Section 6 - James Hewitt **[REP1-057]**
- Section 7 - John Carney **[REP1-060]**
- Section 8 - Maritime and Coastguard Agency **[REP1-054]**
- Section 9 - National Gas Transmission Plc **[REP1-051]**
- Section 10 - National Grid Electricity Transmission **[REP1-052]**
- Section 11 - Natural England **[REP1-035 & REP1-036]**
- Section 12 – Network Rail **[AS-020]**
- Section 13 - North Lincolnshire Council **[REP1-034]**
- Section 14 - PD Ports **[REP1-056]**
- Section 15 - Robert Palgrave **[REP1-058]**

2. Written Representation from Asa Briggs

Table 2.1: Summary of Written Representation [REP1-059]

Issue no.	Summary of Issues
1	Misapplication of the 15km search radius for Applicant's Combined Heat and Power (CHP) Assessment – the Environmental Permitting (England and Wales) Regulations 2016 requires the Applicant to explain why CHP is not feasible based on economics rather than an arbitrary distance.
2	Erroneous use of Primary Energy Savings (PES) in Applicant's CHP Assessment to justify not performing a Cost-Benefit Assessment

2.1.1 The Applicant's response is set out in Table 2.2 below.

Table 2.2: Applicant's Response to Written Representation from Asa Briggs

Issue no.	Applicant's Response
1	A 15km search radius is considered by the Applicant to be appropriate for the reasons set out below. National Policy Statement EN-1 (2023 and 2025) does not specify the search radius to be applied for generating stations such as the Proposed Development, nor does the Environmental Permitting (England and Wales) Regulations 2016, Schedule 24. EN-1 states that "To be economically viable as a CHP plant, a generating station needs to be located sufficiently close to industrial, non-domestic or domestic customers with heat demands. The distance will vary according to the size and type of the generating station and the nature of the heat demand" (per paragraph 4.8.6). In these circumstances, the Applicant has considered appropriate guidance and practice. The Environment Agency's CHP Ready Guidance for Combustion and Energy from Waste Power Plants[1] states the requirement for "*A description of the likely extent and nature of CHP opportunities (i.e. potential heat loads) in*

[1] Environment Agency (2013) CHP Ready Guidance for Combustion and Energy from Waste Power Plants, V1.0 February 2013, available at Heading 1

	the area (an indicative search radius of 10 km should be used for plants less than 300 MW, and 15 km for plants greater than 300 MW)". The draft Cost-Benefit Assessment for Combustion Installations[2] also sets out the methodology for cost-benefit assessment in Diagram 1 with reference to a 15km radius and achievement of a minimum 10% PES (in the context of high-efficiency cogeneration). This is consistent with the approach taken by the Applicant. The Applicant notes that this approach is accepted practice which has been applied to CHP Assessments for many DCO applications, including Keadby 3 CCS Power Station DCO and Net Zero Teesside DCO. Whilst the CHP Readiness Assessment **[AS-011]** explores the potential for the Proposed Development to operate in CHP mode and indicates that there are a number of theoretical identified heat users within the vicinity of the Site, it is the dispatchable operation of the Proposed Development that is considered to present a significant barrier to viable CHP installation. Dispatchable operation means that the Proposed Development will not be able to provide a regular supply of heat to users. Nonetheless the Proposed Development will be designed to be CHP-Ready in accordance with BAT and draft DCO Requirement 29 **[REP1-003]** requires periodic update of the CHP Readiness Assessment (as per BAT requirements). In particular, there is a requirement to ensure that the plans "consider the opportunities that reasonably exist for the export of heat from the authorised development at the time of submission". In the Applicant's view, this ensures ongoing consideration of reasonable opportunities, with appropriate controls should any potential opportunities arise.
2	The approach to only prepare a detailed cost-benefit analysis where the minimum 10% PES is achieved is considered by the Applicant to be accepted practice which has been applied to CHP Assessments for many DCO applications, including Keadby 3 CCS Power Station DCO. The Environmental Permitting (England and Wales) Regulations 2016 Schedule 24, paragraph 2 (Electricity generating installations' states "*a cost-benefit analysis is required which assesses the costs and benefits of*

[2] Environment Agency (2015) Cost-Benefit Assessment for Combustion Installations: Draft guidance on completing cost-benefit assessments for installations under Article 14 of the Energy Efficiency Directive V0.9 April 2015. Available at

	providing for the operation of the installation as a high-efficiency cogeneration installation". 'High-efficiency cogeneration' is defined with reference to Annex II of the Energy Efficiency Directive as cogeneration providing PES of at least 10%. Based on the expected operational mode of the generating station (as outlined above) the PES has been calculated to be less than 10% and therefore the Proposed Development has not been identified as a high-efficiency cogeneration installation. Therefore, the Applicant's CHP Readiness Assessment does not include a detailed cost-benefit analysis. It is already clear that the costs would outweigh the benefits given the dispatchable nature of the Proposed Development.

3. Written Summary of Oral Submission given by Canal and River Trust at Issue Specific Hearing 1 (ISH1)

Table 3.1: Summary of Oral Submissions at ISH1 [REP1-055]

Issue no.	Summary of Issues
1	Landscape and Visual Effects: The likely need for tree removal for construction of the canal water abstraction apparatus was noted but the CRT would like the Applicant to consider mitigation such as tree replacement to reduce the visual impacts to canal users at this location.
2	Restrictions to Width of Canal during Construction: A 20m projection of the temporary cofferdam works into the canal would now allow sufficient navigation width for the safe passage of vessels during the works, causing disruption to boat users. The cofferdam used in the construction of Keadby 2 Power Station extended only 10m from the north bank and the Keadby 3 DCO allowed for the same. The Applicant has highlighted that the draft Protective Provisions give the Trust control over diversion of access/ navigation which CRT is reviewing.
3	Obstructions at Keadby Lock: Large vessels delivering AILs via Railway Wharf could obstruct Keadby Lock. Notices to Mariners are proposed to inform boats of closure times, but during use of the Wharf for Keadby 2 Power Station construction the vessels would often arrive outside of previously agreed times with limited notice. This poses a safety risk to boat users who may become stranded on the River Trent at low tide. A Wharf Management Plan will be provided but the CRT would like the principles of procedures to prevent and/or minimise unplanned obstructions to the Lock to be agreed in an Outline Wharf Management Plan.
4	Draft DCO: Wording of Protective Provisions to be settled. CRT is engaging with the Applicant's solicitors on this matter.

3.1.1 In relation to issue 1 (the CRT's comments on landscape and visual effects and replacement of trees in the vicinity of the canal water abstraction infrastructure), the Applicant confirms that replacement

woodland planting is identified in this area on the Indicative Landscape and Biodiversity Plan (area C5) **[AS-007]** The Outline Landscaping and Biodiversity Management and Enhancement Plan (LBMEP) Report **(Document Ref. 5.10, Rev. 2)** describes area C5 as 0.08ha of 'Other woodland; broadleaved' in Appendix D Biodiversity Net Gain, Annex A.

3.1.2 In relation to issue 2 (the CRT's comments on restrictions to the navigation width of the canal during construction of the canal water abstraction infrastructure), the Applicant has confirmed that the temporary cofferdam required for the Proposed Development is not expected to extend more than 10m into the canal but an additional area was included in the draft Order limits for access to the outside of the cofferdam during its installation and removal. The Applicant also submitted an updated draft DCO at Deadline 1 **[REP1-003]** which included updated wording at Schedule 9, Part 3, Paragraph 32 preventing the Applicant from exercising powers to divert any right of access or navigation along the canal (Article 19) without the consent of the CRT. This provides the CRT with appropriate control over the exercise of the powers.

3.1.3 In relation to issue 3 (obstructions at Keadby Lock), the Applicant is preparing an Outline Wharf Management Plan, which will be discussed with the CRT prior to being submitted to the ExA at the earliest available Examination deadline.

3.1.4 In relation to issue 4 (draft DCO), the Applicant is continuing to engage with the CRT with regard to Protective Provision wording and expects agreement on the limited number of outstanding matters before the end of the Examination.

4. Written Representation from Climate Emergency Science Law

Table 4.1: Summary of Written Representation {REP1-038 to REP1-050]

Issue no.	Summary of Issues
1	**The Applicant's ES methodology and the "reasonable worst-case" in EIA** A core contention is that the GHG assessment relies on fixed, single-value assumptions for upstream emissions (most notably the DESNZ well-to-tank (WTT) factors for natural gas and a 20 gCO_2e/MJ (LHV) cap for hydrogen) and uses them as a reasonable worst-case bound. CESL argues these factors represent historically anchored averages and policy thresholds not designed to act as upper-bound parameters within an EIA. Because the GHG assessment then carries these factors forward unaltered to 2055, CESL says the assessment precludes higher-emission outcomes and therefore fails to demonstrate the legally required worst-case scenario. CESL emphasises that the ES itself acknowledges uncertainty in Scope 3 calculations and upstream leakage but performs no sensitivity analysis to test higher values that recent literature suggests are plausible. On that basis, CESL suggests the ES has not provided decision-makers with full knowledge of likely significant effects.
2	**Upstream natural gas emissions: evolving supply, LNG and methane** CESL states that UK gas supply is evolving toward greater reliance on imported LNG, particularly from the United States, as domestic Continental Shelf output declines and import dependence increases. In CESL's view, incremental demand associated with CCGT operation (and blue-hydrogen production) is likely to be met largely by LNG, which carries substantially higher upstream methane emissions than pipeline gas. Because the GHG assessment applies a single national average factor, CESL says it does not capture the upper-range upstream intensities associated with LNG-dominated periods over the Proposed Development's lifetime. CESL argues that alternative upper-bound scenarios exist for LNG supply chains that materially exceed the GHG assessment's upstream factors. CESL presents indicative calculations (using US-to-UK LNG routes) to suggest possible alternative upstream factors.

	CESL also argues that the use of GWP100 (100-year global warming potential) masks methane's short-term warming, because methane's warming potential is higher in the first 20 years after release, compared to the first 100 years.
3	**Hydrogen scenarios (A–F): plausibility, assessment basis and the LCHS threshold** CESL argues that green hydrogen supply is not evidenced at relevant scale or on credible timelines for use by the Proposed Development, implying the hydrogen scenarios would predominantly rely on blue hydrogen. Because blue hydrogen lifecycle emissions are dominated by upstream gas conditions and dependant on CO_2 capture rates, CESL argues that assumed compliance with the LCHS (20 gCO_2e/MJ) cannot be taken as given. The GHG assessment, however, applies that value uniformly across all hydrogen scenarios and years, effectively capping the assessed impacts rather than testing what happens when hydrogen does not meet that intensity. Citing recent analyses suggesting LNG-based blue hydrogen can exceed the LCHS under certain methane and operational assumptions, CESL concludes that Scenarios A–F are not plausibly assessed. In its view, the GHG assessment should either demonstrate that hydrogen procured for the project will meet the LCHS across the lifetime or sensitivity-test non-compliant hydrogen footprints in order to represent a reasonable worst-case.
4	**Response to the legal points (Rochdale and NZT)** On Rochdale, CESL argues that the numerical choices for upstream emission factors and hydrogen intensity act as Rochdale Envelope-defining parameters, because they mathematically determine the scale of reported GHG effects. Where such parameters are uncertain, CESL says the GHG assessment must either demonstrate they bound reasonable worst-case outcomes or perform sensitivity testing to show higher impacts would not alter conclusions. CESL's position is that the GHG assessment does neither, adopting single values (e.g. DESNZ factors and the LCHS threshold) that constrain the envelope, while omitting sensitivity to higher-emission futures. On the Net Zero Teesside (NZT) decision, CESL maintains that the ExA's reasoning and SoS decision were time-bound (2023–2024) and the DESNZ factors used only represented the "*best data and understanding available at the current time*". and relied on the evidential records then available. CESL argues that the present examination involves more recent science and different arguments (e.g., non-spatial parameters acting as envelope bounds), and therefore, the NZT decision does not determine the present issues.

4.1. Overview

4.1.1 CESL makes various submissions regarding the approach to EIA, the use of the Rochdale Envelope and the approach to assessment of "reasonable worst-case" environmental effects. The Applicant rejects the apparent criticisms made of the approach to EIA that the Applicant and its experts have adopted. CESL's submission somewhat confuses, mischaracterises or conflates the relevant obligations in respect of EIA contained in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) and applicable guidance. For example, the process of EIA is concerned with the assessment of "likely significant effects" (so not effects which are not likely), as determined following the application of topic-specific, nationally recognised guidance and professional judgment by competent experts. The fact that CESL may disagree with that methodology does not mean that it is deficient. The Applicant can address the well-established legal principles governing EIA under the EIA Regulations further if and to the extent necessary, but focuses here on responding to the key themes of CESL's response.

4.1.2 The Applicant signposts to its submissions made at Issue Specific Hearing 1 **[REP1-030]** in relation to the precedented approach it has followed, and notes that the Applicant's response to CESL's Relevant Representation addresses many of the points made in CESL's Written Representation.

4.1.3 The Applicant addresses the issues raised in further detail, but as noted at ISH1, the Applicant highlighted that the Applicant's methodology, assessments and calculations are consistent with, and follow the approach taken in, the granted NZT and Keadby 3 DCOs. The Secretary of State, and Examining Authorities in those cases, accepted that as the correct approach. The Applicant has not sought to replicate the extracts from those decisions, but restates its position as articulated at ISH1 in full.

4.1.4 Since ISH1, the Applicant notes that the Planning Inspectorate has published the Recommendation Report for H2Teesside. That application was withdrawn by the promoter, and the Secretary of State did not make a final determination on that project. Nonetheless, the Recommendation Report provides yet another precedent from an Examining Authority on endorsing the approach taken in relation to the Proposed Development. In particular, the Applicant wishes to highlight the following that in that case, Climate Emergency Planning and Policy had raised issues relating to *"the principal of full knowledge and whether the applicant had identified all GHG effects", "adequacy of the Environmental Permit to control and monitor GHG emissions," and whether "emissions factors for upstream*

fugitive emissions from the natural gas supply are based on out-of-date data." In their conclusion, the ExA concluded :

4.1.5 In relation to the assessment of GHG emissions, *"the ExA considers the ES provides a complete assessment of climate change impacts, including upstream and downstream effects. Furthermore, the ExA considers that a reasonable level of information was presented in the ES, and across the examination, to enable it to conclude the applicant carried out a proportionate assessment of GHG emissions, including downstream and upstream emissions."*

4.1.6 In relation to the calculation of GHG emissions, including alignment with Low Carbon Hydrogen Standard (LCHS), *"The ExA is satisfied that that the applicant's submissions on this issue adequately explains and clarifies the differences noted by CEPP... and demonstrates how the calculation method adopted by the applicant in the ES aligns with the LCHS. In this regard the ExA considers the applicant has carried out a proportionate assessment of operational emissions for the anticipated life span of the proposed development."*

4.1.7 In relation to fugitive emissions, and the use of WGP100, the ExA concluded *"On the basis of the evidence before it, the ExA is satisfied with the applicant's approach to fugitive emissions... In reaching this view, the ExA acknowledges the applicant's arguments... that the phrase 'full knowledge' is not a mandate for any applicant or decision-maker to seek out every conceivable piece of environmental information about a particular project and that there is no abstract state or threshold of knowledge which must be obtained"*.

4.1.8 In relation to reliance on the Environmental Permit, the ExA concluded that *"The ExA is satisfied that this matter will be adequately addressed through the Environmental Permitting Regime and note NPS EN-1, paragraph 4.12.10, regarding working on the assumption that the relevant pollution control regime and other environmental regulatory regimes will be properly applied and enforced by the relevant regulator and advising such controls should not be duplicated"*

4.1.9 The Applicant appreciates the ExA is not bound by these findings, but they underline the following general points.

4.1.10 The Applicant notes, in particular, that *"conjecture and speculation have no place in the EIA process"* (Finch [2024] UKSC 20), and that an EIA does not need to include *"every conceivable scrap of environmental information about a particular project"* (R v Cornwall County Council ex p Hardy [2001] Env LR 26). The Applicant's approach has been to provide a

compliant EIA, following accepted practice, and to ensure that there is sufficient information to allow for a reasoned conclusion to be made.

4.1.11 Case law also establishes that challenges to specific projects should not be used to challenge underlying Government policy (R (Spurrier) v Secretary of State for Transport [2020] P.T.S.R. 240 at paras. 92 – 110; R (oao ClientEarth) v Secretary of State for Business, Energy and Industrial Strategy [2021] P.T.S.R. 1400 at para. 101). Government policy includes the National Policy Statements but also its overall approach to promoting low carbon hydrogen projects through the development of the Low Carbon Hydrogen Business Model and the LCHS.

4.1.12 Those Government policies are underpinned by an appropriate evidence base and assumptions derived from that evidence base, and it is upon that evidence base and assumptions that the Applicant's assessments are built. The robustness of the Applicant's approach must therefore be seen in that context, and it is important that the Examination is not used as a means effectively to seek to challenge Government policy by the 'back door'.

4.2. The Applicant's ES methodology and the "reasonable worst-case" in EIA.

Use of national datasets and policy-consistent methods

4.2.1 The GHG assessment uses the most up-to-date UK Government's DESNZ (formerly BEIS/DEFRA) GHG conversion factors and the associated well-to-tank (WTT) factors, which are widely recognised to be appropriate for exactly this purpose, and which represents standard practice for EIAs in the UK. This dataset represents the current standard to be used and applied across operators, installations, companies and projects. Moreover, its use allows the carbon data generated to be directly and meaningfully compared between projects. This would not be possible in the same way if assessments were to be carried out using disparate datasets applied differently on a project-by-project basis.

4.2.2 The use of the UK Government's own emissions factor dataset within GHG assessments of this kind is specifically approved by the Institute of Environmental and Sustainability Professionals (ISEP; formerly IEMA) in Appendix A to their 2022 guidance document *"Assessing Greenhouse Gas Emissions and Evaluating their Significance"*: *"The Government conversion factors for greenhouse gas reporting are suitable for use by UK*

based organisations of all sizes, and for international organisations reporting on UK operations."

4.2.3 It is also explicitly approved by the Examining Authority in their Recommendation Report for NZT (February, 2023), where it says in Paragraph 5.3.47 *"We regard use of the BEIS/Defra emissions factor, which represents the national average carbon intensity for the fuel in commercial use, is a reasonable approach and we are satisfied that this represents the best data and understanding available at the current time. We acknowledge the considerable uncertainty over the future source of natural gas and that the well-to-tank emissions could be higher for imported fuel. However, we also recognise a concerted international effort to reduce methane emissions, including leakage, which could lead to reduction in carbon intensities. Based on this, we do not consider it necessary or reasonable to require annual projections for the lifetime of the Proposed Development to meet the requirements of the EIA Regulations."*

4.2.4 This consistent approach of using Government published emissions factors leads to transparency, replicability, and consistency across sectors. **Chapter 18 Climate Change [APP-052]** explains the study area (Scope 1 and relevant Scope 3), the datasets used, and the treatment of uncertainty. These inputs are applied consistently across the assessment period to provide a stable and auditable basis for decision-making.

Reasonable worst-case vs theoretical extremes

4.2.5 The requirement for a *"reasonable worst-case"* assessment within EIA is not a requirement to adopt speculative or unconstrained global-system extremes, particularly where those lie outside the control or influence of the Proposed Development, and where authoritative national factors exist that already incorporate the best available national inventory methods. As such, the Applicant considers the use of UK Government emissions factors and policy-aligned intensity thresholds to represent the most appropriate and robust approach.

4.3. Upstream natural gas emissions: evolving supply, LNG and methane

DESNZ factors and LNG in the supply chain

4.3.1 CESL suggests the DESNZ factors are *"historically anchored"* and that LNG-heavy futures will raise upstream emissions materially beyond the ES envelope. The use of DESNZ factors aligns the GHG assessment with the UK's official inventory methodology, which reflects a composite of sources supplying the UK gas grid and one that is updated periodically to reflect the change in natural gas supplies to the UK. The factors from

2025 were used in this assessment, which were the most recent factors available at the time of preparing the assessment. The Applicant considers nationally recognised factors to be appropriate, unless and until those factors are officially revised, as this maintains consistency and avoids selective adoption of academic or other estimates that have not been evaluated for national inventory purposes.

4.3.2 It is also important to note that the UK Government's WTT factor already takes into account the relative proportions of different sources of natural gas into the UK gas network. So, for example, an increase in the proportion of LNG in the UK gas network in 2019 was reflected in a corresponding rise in the upstream carbon intensity published in 2021[3]. Since that time, the published WTT factor for natural gas has fallen slightly, but it has remained constant since the dataset published in summer 2023.

4.3.3 It is known that LNG is not the only source of imported gas into the UK. Indeed, the UK benefits from two large capacity gas pipelines from Norway – Langeled and Vesterled – which allow the UK direct access to Norwegian gas production fields with low transport costs. Natural gas produced in the Norwegian sector of the North Sea also has an upstream carbon intensity which is around 70% lower than that of domestic UK production[4].

4.3.4 Norway has proven gas reserves an order of magnitude larger than those of the UK[5], meaning that the role of Norway as the UK's dominant source of imported gas is likely to be maintained over the operational life of the Proposed Development, particularly as the UK's overall demand for natural gas is projected to decline steeply over the operational lifetime of the Proposed Development, to a level between 50% and 80% lower than current demand by 2050[6]. Increases in the proportion of Norwegian gas in the UK network would result in lower overall WTT carbon emissions.

4.3.5 The Applicant also notes that there is a range of international initiatives aimed at identifying and reducing emissions of methane, including within the energy sector. These include the Global Methane Pledge[6], the Oil and Gas Methane Partnership[7], the World Bank Global Flaring and Methane

[3] https://assets.publishing.service.gov.uk/media/61ee7e198fa8f5058d5a7771/2021-ghg-conversion-factors-methodology.pdf

[4] https://www.nstauthority.co.uk/media/nupk5sx1/emissions-intensity-of-producing-natural-gas-factsheet-sept-2025.pdf

[5] https://www.opec.org/assets/assetdb/asb-2025.pdf

[6] https://www.globalmethanepledge.org/

[7] https://www.ogmpartnership.org/

Reduction Partnership[8], the Global Methane Initiative[9], and the International Methane Emissions Observatory[10]. Within the UK, the North Sea Transition Deal[11] contains measures to decarbonise the oil and gas industry, while the Carbon Budget and Growth Delivery Plan[12] also contains policies to control upstream emissions of methane from the energy sector.

4.3.6 Across these national and international initiatives, there is considerable scope to achieve significant reductions in upstream methane emissions using existing technology.

4.3.7 For all these reasons, it is simply not realistic, and certainly not a requirement of any assessment for EIA purposes, to project a future in which the UK becomes entirely or even largely reliant on LNG imported from the US in the way that CESL is purporting to do in requesting the sensitivity test.

4.3.8 In summary, the Applicant acknowledges that the UK gas mix can vary over time and that LNG could make up an increasing proportion of this. However, it is not possible to know the extent to which this will or will not happen. The ES openly recognises uncertainties in upstream emissions and, conservatively, does not assume supply-chain decarbonisation over time, which could equally happen. Instead, the GHG assessment fixes WTT factors across the operational period to avoid understating emissions. There are no government projections around future mixes to inform a reasonable assessment, and attempting such an assessment, would be no more than conjecture and speculation. The Secretary of

[8] https://www.worldbank.org/en/programs/gasflaringreduction

[9] https://www.globalmethane.org/

[10] https://www.unep.org/topics/energy/methane/international-methane-emissions-observatory

[11] https://assets.publishing.service.gov.uk/media/605b148ce90e0724c7d30c2b/north-sea-transition-deal_A_FINAL.pdf

[12] https://www.gov.uk/government/publications/carbon-budget-and-growth-delivery-plan/carbon-budget-and-growth-delivery-plan-section-14-report-accessible-webpage

State has been explicit about their approach on this issue in the NZT DCO (as set out at paragraph of section 4.54 of the decision letter):

"CEPP reiterated its concerns with the emissions factors used by the Applicants, questioning whether the emissions factors provided by BEIS/DESNZ are the correct ones to use and further questioned the use of the natural gas factor as the fuel supply for the Proposed Development will also include a proportion of liquefied natural gas. The Secretary of State, taking into account information gathered through the Examination and previous consultation responses, remains satisfied with the approach taken by the Applicant, notwithstanding the likelihood of variation in future emission factors"

4.3.9 Whilst CEPP seek to argue that matters have 'moved on' since the NZT decision, that decision specifically recognised that there may be future variations, but that following the Government approach to emissions factors, as they develop, is still the correct approach.

Literature-based upper bounds (e.g., Howarth 2024)

4.3.10 CESL cites a selection of recent literature to derive higher WTT intensities for LNG. We note that these studies are not the basis of the UK's official factors and that they are designed for academic exploration of scenario ranges rather than for standardised project EIAs. While such literature is valuable for broader policy debates, it would be methodologically inconsistent to substitute these bespoke values for the nationally specified factors used across the UK planning system.

GWP100 vs GWP20

4.3.11 The ES follows established practice using GWP100 for reporting CO_2e; this ensures comparability with national budgets, policy instruments and other NSIPs. While the Applicant recognises the academic discussion around near-term metrics, the application of GWP20 in isolation would break alignment with UK reporting norms and would not provide a like-for-like comparison with other projects or with national policy targets, such as the carbon budgets which have been used within the GHG assessment to contextualise the significance of the GHG impact of the Proposed Development.

4.3.12 The methodology report[13] for the Seventh Carbon Budget proposed by the CCC in February 2025 states that *"In line with current UNFCCC reporting and as applied in the UK's emissions inventory, we use GWP100, which*

[13] https://www.theccc.org.uk/publication/methodology-report-uk-northern-ireland-wales-and-scotland-carbon-budget-advice/

compares the warming effects of gases over a 100-year time horizon. Also in line with current international practice, we use the GWP values reported in the IPCC's Fifth Assessment Report without climate-carbon feedbacks. The use of these GWP values allows us to aggregate our sectoral modelling outputs up into our overall Balanced Pathway."

4.3.13 In addition, the selection of a standard 100-year time horizon for Global Warming Potentials by the IPCC, and national governments, is not an arbitrary choice. This value was selected because it is better oriented towards understanding the warming impacts of carbon dioxide and other long-lived greenhouse gases. Long-term temperature increases, such as the limit of 2°C to which the Paris Agreement seeks to limit global warming, is controlled almost entirely by cumulative emissions of CO_2, rather than by shorter lived gases such as methane.

4.3.14 As Working Group III of the IPCC state in their Technical Summary[14] to the 6th Assessment Report (AR6) in 2023: "*The choice of GWP100 was made* inter alia *for consistency with decisions under the Rulebook for the Paris Agreement and because it is the dominant metric used in the literature assessed by WGIII. Furthermore, for mitigation pathways that limit global warming to 2°C (>67%) or lower, using GWP100 to inform cost-effective abatement choices between gases would achieve such long-term temperature goals at close to least global cost within a few percent (high confidence).*"

4.3.15 Both the Applicant and the IPCC recognise that a GWP with a 100-year time horizon is less well suited to reflect the short-lived warming effects of gases such as methane. But this does not justify not using it, or requiring the sensitivity test suggested. Ultimately, GWP100 is much better suited to modelling and understanding the impacts of carbon dioxide and other gases that control long-term global temperature increases.

4.3.16 The application of GWP100 is therefore considered entirely appropriate in the context of the GHG assessment. The Applicant notes that the issue of the use of GWP20 vs. GWP100 was a matter which was, again, raised in previous DCO applications. The Examining Authority in the H2Teesside Recommendation Report considered these arguments, and rejected them (see paragraph 3.5.71, with the Examining Authority's rejection of these arguments at 3.5.73). The Applicant stresses there is no support for an alternative approach within the context of the ISEP/IEMA methodology.

Materiality and conclusions

[14] https://www.ipcc.ch/report/ar6/wg3/chapter/technical-summary/

4.3.17 Importantly, the ES already identifies, quantifies and reports upstream emissions using recognised factors, and it refrains from assuming progressive reductions. CESL's proposition that higher emissions might occur in particular global-market circumstances does not, in itself, render the ES non-compliant; rather, it reflects system-level variability that is more appropriately handled by national policy, inventories and market regulation than by a single project EIA replacing official factors with bespoke literature scenarios.

4.4. Hydrogen scenarios (A–F): plausibility, assessment basis and the LCHS threshold

Use of the Low-Carbon Hydrogen Standard (LCHS)

4.4.1 For lifecycle emissions attributable to hydrogen, the ES applies 20 gCO_2e/MJ (LHV)—the LCHS compliance threshold—as a conservative bounding value for assessment purposes. The LCHS is the UK Government's framework for ensuring low-carbon hydrogen used in UK applications meets a consistent and verifiable carbon intensity at the point of production. Employing this standard in the ES is appropriate and provides a clear and policy-aligned reference point. As set out above in our general comments, it is not appropriate, necessary, precedented or proportionate to depart from this approach.

On supply provenance and blue/green split

4.4.2 CESL argues green hydrogen is unlikely to be available at scale and that blue hydrogen could exceed LCHS under certain upstream conditions. However, the GHG assessment does not rely on speculative guarantees of green supply (and indeed the Applicant's view is that it is likely to be predominantly blue hydrogen that is available for use in the Proposed Development). Rather, it assesses hydrogen on a standard, policy-compliant basis, consistent with how hydrogen will be procured and certified in the UK.

4.4.3 Hydrogen supplied to the Proposed Development is expected to be compliant with the LCHS. The purpose of this standard is to define and support the production of low carbon hydrogen. Under the standard, hydrogen production can be considered *"low-carbon"* if it has lifecycle emissions less than 20 gCO_2e/MJLHV at the point of production. The standard is technology-neutral in that it does not discriminate between hydrogen from different sources, e.g. blue, green, pink etc.

4.4.4 Applying UK Government emissions factors for the upstream natural gas supply chain together with Best Available Techniques (BAT) carbon

capture rates[15] means that blue hydrogen from steam methane reformation with CCS can be considered compliant with the LCHS. In fact, a carbon intensity of 16.62 gCO_2e/MJLHV was calculated for the H2Teesside in its ES, based on hydrogen production with a carbon capture rate of 95%. If a significant proportion of green hydrogen was also in the hydrogen supply mix, this would be expected to reduce the carbon intensity of the hydrogen supply further below the threshold for the LCHS.

Plausibility of Scenarios A–F

4.4.5 The argument that Scenarios A–F are *"not plausible"* because some supply routes (e.g. green) may be constrained overlooks the purpose of scenario testing in EIA for infrastructure with flexibility designed in. The GHG assessment explicitly acknowledges uncertainty about future hydrogen availability and does not assume unconstrained volumes. It assesses the environmental performance of hydrogen if and when it is used, applying the national standard for intensity, which is considered the appropriate basis for assessment within EIA.

4.1. Response to the legal points (Rochdale and NZT)

Rochdale Envelope and non-spatial parameters

4.1.1 For the reasons provided in the various CESL responses above, the DESNZ factors and LCHS threshold are considered appropriate factors to use, and are aligned with best practice and UK policy.

4.1.2 The Applicant recognises the importance of the Rochdale reasoning to assess significant effects within defined parameters. The ES is considered to do exactly this by clearly defining the Proposed Development's physical envelope and potential range of operating modes, and applying recognised national emission factors and a Government hydrogen standard to quantify lifecycle effects. The LCHS is not a speculative cap, but a UK Government policy-aligned factor. At this point in time, it would be conjecture to speculate what any changes to that GHG intensity may be and to take an approach which would, through the backdoor, challenge the validity of Government policy.

Proportionality and "full knowledge"

4.1.3 The words *"full knowledge"* or *"full information"* do not impose some abstract state or threshold of knowledge which must be obtained, the word *"full"* in this context meaning sufficient to meet the requirements of the

[15] Post-combustion carbon dioxide capture: emerging techniques - GOV.UK

legislation and not full to capacity or exhaustive (R (Suffolk Energy Action Solutions SPV Ltd. v. Secretary of State for Energy Security and Net Zero [2023] EWHC 1796 (Admin) at [60]. In R (Blewett) v Derbyshire County Council [2004] Env.L.R. 29, the court specifically noted that:

"...those words [i.e., "full knowledge"] should not be regarded as imposing some abstract state or threshold of knowledge which must be attained. The legislation seeks to ensure that "as much knowledge as can reasonably be obtained, given the nature of the project, about its likely significant effect on the environment is available to the decision taker."

4.1.4 This has been a clear and consistent theme in the caselaw on EIA (R v Rochdale MBC ex parte Tew [2000] Env.L.R.1 at p.29; R v Rochdale MBC ex parte Milne [2000] Env.L.R. 406 at [134]; R v Cornwall County Council ex parte Hardy [2001] Env.L.R.25 at [41]; Friends of the Earth v Secretary of State for Levelling Up, Housing and Communities [2024] EWHC 2349 (Admin) at [61])

4.1.5 The EIA Regulations require that decision-makers are provided with proportionate, reliable information on the likely significant effects of the project. They do not require a project to undertake bespoke re-modelling of national inventories, nor to scenario-test all conceivable global commodity pathways. The ES explains uncertainties and adopts conservative choices (such as holding WTT values constant rather than assuming reductions over time in line with Government targets). This provides the *"full knowledge"* required for project decision-making without departing from national methods.

<u>On Net Zero Teesside references</u>

4.1.6 CESL suggests the NZT decision[16] is not determinative for the Proposed Development. The Applicant agree that each examination turns on its own evidence, but maintains that the NZT decision nonetheless shows that using the most recent Government factors available, and applying a proportionate, transparent approach is an acceptable EIA methodology.

4.1.7 Although there are of course differences between NZT and the Proposed Development, the Applicant considers the point made previously by CESL (CEPP at the time), and subsequently rejected by the SoS, to fundamentally be the same as the point being made here. In both cases, CESL's argument is that the government-published, policy-aligned GHG emissions factors are inadequate, and that cherry-picked data extrapolated from literature should be used instead to reach the

[16] EN010103-002914-Decision Letter_Net Zero Teesside Project.pdf

“reasonable worst-case" scenario. There is nothing in the ExA's recommendation report or the SoS' decision letter that indicate that they might reconsider things if there was some more evidence presented.

4.1.8 By previously confirming that the DESNZ emissions factors a represent the *“best data and understanding available at the current time”*, the SoS effectively confirmed that the latest available UK Government factors should be used in lieu of cherry-picked data from the literature. The Applicant therefore considers this decision to still be relevant in this case as that conclusion can still be applied here.

5. Written Representation from Defence Infrastructure Organisation

Table 5.1: Summary of Written Representation [REP1-037]

Issue no.	Summary of Issues
1	The Proposed Development falls within the Ministry of Defence's (MOD) Low Flying Area 11 (LFA 11) where fixed wing aircraft may operate as low as 250 feet (76.2 metres) above ground level. Tall and narrow structures such as flues and chimneys have the potential to introduce a physical obstruction to low flying aircraft in this area. The fitting of MOD accredited Infrared (IR) aviation safety lighting is recommended.

5.1.1 The Applicant notes the above points and thanks the Defence Infrastructure Organisation for its written representation [REP1-037]. The Applicant considers that the request has been accommodated in Requirements 32 and 33.

5.1.2 Requirement 32 'Aviation warning lighting' of the draft DCO [REP1-003] secures the installation of aviation warning lighting. The requirement states that no part of Work No. 1 (the electricity generating station), apart from permitted preliminary works, may commence until (a) the timetable for construction and retention of any tall structures or the placement and deployment of any construction equipment or temporary structure; and (b) the specification and installation timetable for aviation warning lighting during construction and operation has been submitted to and after consultation with the Civil Aviation Authority (CAA) and Ministry of Defence Safeguarding, approved by the relevant planning authority. This applies to any tall structures, construction equipment or temporary equipment which is 50 metres or more in height.

5.1.3 Requirement 33 'Air safety' of the draft DCO secures the submission of details (including details of the heights of structures and temporary cranes) required by the CAA and Defence Geographic Centre of the Ministry of Defence for the charting of the site for aviation purposes prior to the commencement of Work No. 1.

6. Written Representation from James Hewitt

Table 6.1: Summary of Written Representation [REP1-057]

Issue no.	Summary of Issues
1	Procurement of fuel to be burned by the proposed project – price versus availability: The mix of fuel would presumably be influenced by the price of blue hydrogen relative to natural gas, which is likely to make use of blue hydrogen prohibitive. Also there are currently no power stations in the world which can burn 100% hydrogen and it is likely that no generating units of the size proposed will be available for the Applicant to procure until well into the 2040s, making the Application a decade or more in advance of its purpose. The impact of unabated GHG emissions will rise steeply over time as the global carbon budget to remain well below 2 degrees C approaches exhaustion.
2	Availability of surplus blue hydrogen: It is well established that one of the lowest value uses of hydrogen is as fuel for power stations. The Applicant does not discuss the quantity of surplus blue hydrogen that can foreseeably be assumed. The lack of blue hydrogen production worldwide suggests the quantities produced may be less than promoted for planning and publicity reasons. Equinor indicates its H2H Saltend proposal would displace 30% of the methane burned by a 1200MW power station. The Applicant does not set out the amount of blue hydrogen that would be burned when the fuel is 100% hydrogen. Equinor plans to establish at least 1.8GW of hydrogen production capacity in the Humber region by 2030 suggesting there is no shortage of demand for hydrogen and no need to create additional demand with the Proposed Development.
3	The alternative of retrofitting Keadby 2: East Coast Hydrogen recognise the potential to supply two power stations once they have been retrofitted. The Applicant does not consider the feasibility of retrofitting Keadby 2 to use hydrogen, which would serve the same purpose as the Proposed Development of helping to establish a hydrogen market in the Humber region.,
4	Dispatchability: The Applicant's proposal indicates its purpose is to supply baseload power. This is contrary to government policy to decarbonise electricity supply by

	2030. The Clean Power 2030 Action Plan refers to "retaining existing unabated gas capacity" which is not to exceed 5% total supply. Hydrogen is to be used dispatchably and the amount of dispatchable power will decrease as wind and solar increase. The Applicant's proposal does not reflect this.
5	Compliance with the low-carbon standard: The Applicant does not provide estimates of the GHG emissions associated with each component of the supply chain for hydrogen or methane. The estimates might be subject to significant doubt given the lack of examples of blue hydrogen production operating worldwide. It would be helpful if the Applicant set out estimates for the volumes of fuel. Imports of LNG are likely to increase in the methane supply chain so the GHG intensity of blue hydrogen is likely to rise.
6	20-year Global Warming Potential: The Applicant identifies the Global Warming Potentials of both methane and hydrogen over 100 years and 20 years. The Applicant chooses to adopt the GWP which is most favourable for the analysis. That choice neglects that the year by which the UK is legally bound to achieve Net Zero is 2050 (in 25 years). For the purposes of comparison and good practice the Applicant should present the analysis based on both 25[sic] and 100 year GWP. Table 18-10 shows Scope 3 GHG emissions intensity associated with Scenario A (100% hydrogen) is 119tCO2e/GWh (33gCO2e/MJ assuming 3.6 million MJ are equivalent to 1GWh) - this is 50% greater than the maximum for compliance with the Low Carbon Hydrogen Standard.
7	Biodiversity Net Gain: The Applicant washes it hands of BNG beyond the term of the project. This is inconsistent with BNG which requires foreseeable permanence. The Applicant's proposals should reflect the foreseeable impacts of climate change. The Applicant should submit examples of where comparable attempts at BNG have been a success and an indication of the extent to which their success represents the norm.

6.1. Procurement of Fuel

6.1.1 The Proposed Development is currently required to demonstrate that it is Carbon Capture Ready although this will change to a condition of the environmental permitting regime to demonstrate Decarbonisation Readiness on 1 March 2026. A Decarbonisation Readiness Statement will need to be submitted by the Applicant to the Environment Agency every

two years setting out the feasibility of either retrofitting carbon capture or firing on hydrogen. The Applicant therefore considers there are appropriate safeguards, and processes established by Government, which ensure the ongoing steps required in connection with the procurement of fuel.

6.1.2 The Carbon Capture Readiness Statement **[APP-160]** sets out how the Proposed Development is Carbon Capture Ready and also provides a statement on its Hydrogen Readiness, in anticipation of the forthcoming Decarbonisation Readiness requirements. The Proposed Development is considered to meet the Hydrogen Readiness tests, as summarised below:

- Sufficient Space – space has been allocated for the installation of a hydrogen Above Ground Installation (AGI) to receive hydrogen fuel and space for blending and other supporting infrastructure;
- Technical Feasibility – the Applicant is working with technology providers to demonstrate that a 100% hydrogen-fired CCGT can be delivered, including design and optimisation of burners;
- Access to Hydrogen Fuel – the Applicant is working with third party hydrogen producers and suppliers as well as developing its own hydrogen production and storage infrastructure to help the commercial deployment of hydrogen fuel nationally and in proximity to the Proposed Development, retaining close links with East Coast Hydrogen and Project Union which aim to develop a hydrogen supply network, and engaging with Government on the development of supportive policy frameworks to establish hydrogen production, transport and storage;
- Economic Assessment – use of hydrogen fuel will need a combination of support through a Capacity Market agreement or Availability Payment as part of a Hydrogen to Power business model (H2PBM) contract and either price support to enable hydrogen-fired plant to displace natural gas fired plant in the electricity market as part of a H2PBM contract or a high and stable carbon price which will incentivise the dispatch of low carbon electricity generation plant such as hydrogen-fired plant relative to higher carbon alternatives such as natural gas-fired plant.

6.1.3 SSE engages regularly with the Department for Energy Security and Net Zero (DESNZ) on policy development on the Capacity Market and the development of the H2PBM, including through DESNZ's Hydrogen to Power Industry Working Group.

6.2. Availability of Fuel

6.2.1 Government policy supports the use of hydrogen for power generation, in order to provide dispatchable low carbon electricity to complement renewables and provide security of supply. The Applicant will be an offtaker of fuel from a national hydrogen supply network, rather than being reliant on a single production facility such as H2H Saltend so the statements made in relation to the H2H Saltend development are not directly relevant to the Proposed Development. The hydrogen entering the supply network could be a combination of blue and green hydrogen, and the mix may change over time.

6.2.2 As noted in paragraph 6.1.2 above, the Applicant is working with third party hydrogen producers and suppliers (such as Equinor) as well as developing its own hydrogen production and storage infrastructure to help the commercial deployment of hydrogen fuel nationally and in proximity to the Proposed Development. The Applicant retains close links with Project Union and East Coast Hydrogen which aim to develop national and regional scale hydrogen supply networks to supply industrial and power generation offtakers, and engaging with Government on the development of supportive policy frameworks to establish hydrogen production, transport and storage in partnership with Equinor and others to progress hydrogen production, storage and transport infrastructure.

6.2.3 All components of the hydrogen economy must be developed in parallel to stimulate the whole, so offtakers such as the Proposed Development need to be ready for when production, storage and transport infrastructure is also ready, to avoid delay. Without this synchronised approach, each component would wait for others to take the first step, and the hydrogen economy would stall.

6.3. Alternative of Retrofitting Keadby 2

6.3.1 As set out in ES Volume I Chapter 7: Legislation and Planning Policy **[APP-041]**, the need for the Proposed Development is established in planning policy including National Policy Statements EN-1 and EN-2 and the Clean Power 2030 Action Plan[17], which states that "*Hydrogen to Power can play a key role in our electricity system at a range of scales and is the primary low carbon technology capable of providing low carbon inter-seasonal storage, whilst providing a decarbonisation pathway for unabated gas*."

[17] Clean Power 2030: Action Plan: A new era of clean electricity

6.3.2 For security of supply, the Proposed Development is required in addition to the ongoing operation of Keadby 2 Power Station. Keadby 2 Power Station is currently Carbon Capture Ready, but SSE could decide to switch to a hydrogen pathway for decarbonisation if this is considered to be most feasible. However, this would be in addition to, not instead of, the Proposed Development. In this context, the Applicant notes paragraph 4.3.24 of EN-1 which makes clear that the Secretary of State "*should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals."*

6.4. Dispatchability

6.4.1 Paragraph 4.1.6 of ES Volume I Chapter 4: The Proposed Development **[APP-038]**, clearly states that the Proposed Development is expected to operate in dispatchable mode:

> *"It will be designed to operate as both a baseload or flexible (dispatchable) generating station, but it is expected that the Proposed Development will operate in flexible mode. Baseload mode refers to power generation that generally runs continuously throughout the year and whereby the CCGT plant is operated at stable power output levels. Dispatchable mode generation refers to highly flexible operation when the Proposed Development will be on demand and dispatched according to market conditions and needs – generally to provide electricity when intermittent renewable technologies cannot meet demand."*

6.4.2 The Proposed Development is therefore in accordance with national policy including the Clean Power 2030 Action Plan.

6.5. Compliance with LCHS

6.5.1 ES Volume I Chapter 18: Climate Change **[APP-052]** states the assumptions made in the GHG assessment in Section 18.3, paragraphs 18.3.45 to 18.3.75, including in relation to GHG emissions associated with the upstream natural gas and hydrogen supply chain:

- *"Scope 1 (direct) and scope 3 (upstream) emissions from natural gas*
- *consumption have been estimated using the UK Government's conversion factor for natural gas and the associated 'well-to-tank' factor (DESNZ, 2025b), respectively.[18]" (paragraph 18.3.56); and*

[18] 9 In the DESNZ 2025 conversion factors:

- *"Due to uncertainties surrounding the future supply of hydrogen in the UK, it is not possible to know at this stage how the hydrogen fuel for the Proposed Development will be produced, and therefore what level of upstream GHG emissions will be associated with it. However, the Low Carbon Hydrogen Standard (DESNZ, 2023a), introduced as part of the UK's Hydrogen Strategy, states that to be compliant with the standard, hydrogen must have a carbon intensity of no more than 20 gCO2e/ MJLHV. This maximum carbon intensity has been used for the GHG assessment to estimate scope 3 emissions associated with hydrogen consumption." (paragraph 18.3.57)*

6.5.2 As noted by the Applicant in Issue Specific Hearing 1 **[REP1-030]**, the UK Low Carbon Hydrogen Standard (LCHS) sets out the government's position on the maximum carbon intensity of various aspects of hydrogen production as a standard they expect the market to abide by. The LCHS is achievable for blue hydrogen if the upstream WTT emissions factors for natural gas from the UK government data set is applied, together with carbon capture infrastructure. It is more easily achieved by green hydrogen produced from electrolysis of water using renewable power sources. The higher the proportion of the green hydrogen in the fuel mix, the lower the overall carbon intensity of the hydrogen fuel that is used. The government, in the LCHS, has stated its commitment to achieving low carbon hydrogen production by 2030, and that document has been issued to market, who have responded positively to complying with the standards therein.

6.5.3 The Applicant has provided a full lifecycle assessment of GHG emissions associated with 100% natural gas and 100% hydrogen operating scenarios (Scenarios G and A respectively).

6.6. 20 Year Global Warming Potential

6.6.1 The ES follows established practice using GWP100 for reporting CO_2e; this ensures comparability with national budgets, policy instruments and other NSIPs. While the Applicant recognises the academic discussion around near-term metrics, the application of GWP20 in isolation would break alignment with UK reporting norms and would not provide a like-for-like comparison with other projects or with national policy targets, such as the carbon budgets which have been used within the GHG assessment to contextualise the significance of the GHG impact of the

- scope 1 is 2.0891 kgCO2e/m3;

- scope 3 is 0.3366 kgCO2e/m3

Proposed Development. The application of GWP100 is therefore considered entirely appropriate in the context of the GHG assessment.

6.6.2 The selection of a standard 100-year time horizon for Global Warming Potentials by the IPCC, and national governments, is not an arbitrary choice. This value was selected because it is better oriented towards understanding the warming impacts of carbon dioxide and other long-lived greenhouse gases. Long-term temperature increases, such as the limit of 2°C to which the Paris Agreement seeks to limit global warming, is controlled almost entirely by cumulative emissions of CO_2, rather than by shorter lived gases such as methane.

6.6.3 More detail on this is provided in Section 4.3 above, in response to CESL's submission.

6.7. Biodiversity Net Gain

6.7.1 For schemes which are subject to statutory BNG requirements the maintenance period is 30 years. As Nationally Significant Infrastructure Projects (NSIP) are not currently subject to statutory BNG, there is no legal basis to require 30 years of maintenance on the Proposed Development. However, as noted in paragraph 5.2.3 of the Outline Landscape and Biodiversity Management and Enhancement Plan (LBMEP) Report **[REP1-010]**, the Proposed Development has committed to maintaining any new habitats for a minimum period of 25 years which is the design life of the Proposed Development and still represents a substantive period of time. This commitment is also secured by Requirement 6 (2)(g) of the draft DCO **[REP1-003]**. At the end of the operation phase, there will be a decommissioning phase of approximately 3-5 years, which is not likely to require the removal of habitats as there is no requirement to return vegetated areas back to their original baseline state. It is anticipated that habitats would remain in place, even if not actively managed, at least until the end of the decommissioning phase. As such habitats would continue to provide biodiversity value beyond the minimum period of 25 years.

7. Written Representation from John Carney

Table 7.1: Summary of Written Representation [REP1-060]

Issue no.	Summary of Issues
1	That Bonnyhale Road is a public highway not maintainable at public expense and that the public have a legal right of passage with vehicles, horses and cattle. This right of passage is not extinguished by the later erection of gates or obstructions.

7.1.1 Mr Carney's written representation **[REP1-060]** does not identify any specific issues related to the Proposed Development or the DCO Application, nor any procedural elements related to the draft DCO **[REP1-003]**.

7.1.2 The Proposed Development utilises existing private road and highway infrastructure which already serves the existing Keadby Power Station site. In this respect the DCO Application proposes no significant alterations to the status of the existing private roads or public highway serving or comprised in the application site.

7.1.3 The Access and Rights of Way (ARoW) Plans **[AS-006]** that form part of the DCO Application, identify the status of the various roads within and adjoining the Order limits, which comprise private roads (not accessible to the public) and public highway. The ARoW Plans have been prepared using publicly available information from North Lincolnshire Council regarding the status of the highway network in the area. As set out in those plans, this road is assumed to be a private road. The ARoW Plans are accurate in terms of identifying the status of the various roads within and adjoining the Order limits. Notwithstanding its assumed status, there is therefore no proposal to affect any existing use of 'Bonnyhale Road' (shown as Ealand Road) for the purposes of access and so far as any existing use or right is concerned, the draft DCO does not propose this.

7.1.4 The Applicant notes that substantially the same representation relating to the application of the Stainforth & Keadby Canal Act 1793 was made in relation to the Keadby 3 DCO project by Mr Carney.[19] In their decision letter, the Secretary of State noted that *"The Secretary of State has considered these representations and has taken the view that these late representations do not lead the Secretary of State to disagree with the*

[19] EN010114-001192-20221207_EN010114_Keadby.pdf

ExA's conclusions" on any matters. The ExA for the Keadby 3 DCO commented on Mr Carney's representations at paragraph 4.20.73 of the Recommendation Report:

"Having fully considered the RR [RR-015] and AS [AS-027], including the imagery within the AS, submitted by Mr Carney, together with the responses of the Applicant [REP1-021 and REP7-014] and the Applicant's completed SoCG with NLC [REP6-005], I see no reason to disagree with the Applicant's position in this regard. I am not persuaded the objection identifies any specific issues on the Proposed Development or relates to any specific procedural elements of the DCO. As such I find no merit in the objection raised by Mr Carney in regard to the alleged closure of a highway."

7.1.5 There is no reason to reach a different conclusion in response to the Proposed Development.

7.1.6 The Applicant notes, for the avoidance of doubt, that the DCO (if made, and development consent is granted) would provide lawful authority for the authorised development (the Proposed Development). In particular, Part 3 of the draft DCO provides lawful authority for works in relation to streets.

8. Written Representation from The Maritime and Coastguard Agency

Table 8.1: Summary of Written Representation [REP1-054]

Issue no.	Summary of Issues
1	The Maritime and Coastguard Agency (MCA) welcomes the proposed risk mitigation measures in the Navigation Risk Assessment, noting that these will ensure that any identified risks are As Low As Reasonably Practicable (ALARP).
2	The MCA recommends that agreement is reached with the Canal and River Trust (CRT), as the body with jurisdiction over the Stainforth and Keadby Canal, regarding the availability of sufficient space for navigation while the proposed cofferdam is in place.
3	The MCA welcomes the commitment to consult with the CRT on a Construction Traffic Management Plan (CTMP) before works begin.
4	The MCA encourages the development of a Safety Management System with the Statutory Harbour Authorities and relevant navigation authorities.

8.1.1 The Applicant notes the above points and thanks the MCA for its comments **[REP1-054]**.

8.1.2 The Applicant is engaged in ongoing dialogue with the CRT and would refer to its response to the CRT's Deadline 1 submissions **[REP1-055]** at Section 3.0.

9. Written Representation from National Gas Transmission Plc

Table 9.1: Summary of Written Representation [REP1-052]

Issue no.	Summary of Issues
1	Where the Applicant intends to acquire land or interfere with any of NGT's interests in land or NGT's apparatus, protection from compulsory acquisition must be explicitly included in the Protective Provisions. NGT require that all NGT interests and rights, including rights of access to its apparatus including Feeder Mains and any other Above-Ground Installations are unaffected by the powers of compulsory acquisition, and the grant and/or extinguishment of rights as set out in the Draft Order.
2	NGT'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, any such powers would cause serious detriment to NGT's ability to comply with its statutory duties. Further, where the Applicant intends to extinguish or otherwise interfere with any of NGT's rights over its land and NGT apparatus, the relevant protections must be secured in the Protective Provisions. NGT require protective provisions to be put in place to protect NGT Assets (and any other NGT infrastructure located within the current Order limits, or in close proximity to the Authorised Development and associated works). NGT also require appropriate protection for apparatus including Feeder Mains, AGI's and any other retained apparatus is maintained during and after construction of the Authorised Development in accordance with both the protective provisions and the relevant safety standards. NGT welcomes the form of protective provisions included on the face of the draft Order (Part 2 of Schedule 9). However, the current protective provisions are inadequate insofar as they do not contain the robust protections that NGT requires and accordingly the current form of protective provisions require amending for NGT to be able to withdraw its objection.

9.1.1 The Applicant notes that NGT does not object in principle to the Proposed Development. The draft DCO **[REP1-003]** includes bespoke protective

provisions for NGT and the Applicant continues to engage with NGT to address their concerns.

Issue 1: Controls on compulsory acquisition powers

9.1.2 The Applicant notes NGTs comment that "protection from compulsory acquisition must be explicitly included in the protective provisions", however, Government guidance, 'Guidance on the content of a Development Consent Order required for a Nationally Significant Infrastructure Project' states: *"Most statutory undertakers have now developed their own preferred form of protective provisions which is very helpful to the preparation of the draft DCO. However, these must be adapted as necessary so they accurately reflect the proposed development. They should also not simply negate other provisions of the DCO, particularly concerning proposed compulsory acquisition of statutory undertakers' land*."

9.1.3 Despite the above, the draft protective provisions currently included in the draft DCO include paragraph 21(1), which in summary prevents the Applicant from appropriating, acquiring or taking temporary possession of any NGT land or apparatus or from appropriating, acquiring, extinguishing, interfering with or overriding any easement, other interest or right and/or apparatus of NGT otherwise than by agreement. In essence this means the Applicant cannot exercise compulsory acquisition powers over NGT's land or apparatus, or otherwise interfere with such land or apparatus, without NGT's consent.

9.1.4 The Applicant therefore considers that the current draft protective provisions in Part 2 of Schedule 9 to the draft DCO adequately address the concerns NGT has raised regarding the potential for compulsory acquisition of its interests.

Issue 2: Protection of apparatus and protective provisions

9.1.5 As drafted, the protective provisions do provide for NGT to at all times take necessary access in temporarily restricted streets to maintain any apparatus (paragraph 19 of Part 2 of Schedule 9). Further, paragraphs 22-24 ensure that protections are in place in any instance where the Applicant may need to interfere with or undertake works in proximity to NGTs apparatus. For example, paragraph 22(1) provides that apparatus must not be removed, and any right of NGT to maintain that apparatus must not be extinguished, until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of NGT. Paragraph 23(1) notes that where the Applicant affords to or secures for NGT facilities and rights in land for the construction, use, maintenance and protection of alternative apparatus in substitution for apparatus to be removed, those facilities and rights must be granted upon such terms and

conditions as may be agreed with NGT and must be no less favourable to NGT to the facilities and rights enjoyed by it in respect of the apparatus to be removed unless otherwise agreed. Under paragraph 24 if the Applicant seeks to undertake Work Nos. 1C, 5 and 8A then it must provide detailed plans and information as specified in paragraph 24(2) to NGT and these works cannot be undertaken until NGT has approved said plans. When undertaking any works the Applicant must at all times comply with NGTs policies for safe working in proximity to gas apparatus.

9.1.6 As can be seen from the above summary, the protective provisions currently included in the draft DCO provide NGT with extensive protections against any potential interference with or disruption to its apparatus due to the authorised development. The Applicant's position is that these protections ensure there is no risk of serious detriment being caused to NGT's undertaking.

9.1.7 The Applicant will keep the ExA informed in relation to the progress of its discussions with NGT.

10. Written Representation from National Grid Electricity Transmission Plc

Table 10.1: Summary of Written Representation [REP1-052]

Issue no.	Summary of Issues
1	1.4 While NGET has been in contact with the Applicant in relation to its required protective provisions ("PPs"), the parties have not yet had any substantive discussions as to the amendments required to the draft DCO. NGET is currently awaiting a response from the Applicant. NGET is committed to seeking to agree the PPs with the Applicant and hopes that they will engage effectively from this point on. 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. 1.14 NGET requires PPs to ensure that the NETS is adequately protected and to ensure compliance with relevant safety standards. NGET is liaising with the Applicant in relation to such PPs, along with any supplementary agreements which may be required.
2	1.10 NGET is concerned that granting the powers of compulsory acquisition sought by the Applicant would cause serious detriment to NGET's undertaking.
3	1.11 NGET owns and operates substations and multiple 400 kV overhead lines that are located within and in close proximity to the Order Limits for the Project. 1.13 NGET'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 must be maintained at all times and access to inspect and maintain such apparatus must not be restricted.
4	1.15 In addition to the existing infrastructure set out above, NGET is proposing to bring forward other projects in the area which have the potential to interact with the Project. 1.17 Based on information currently available, NGET has identified potential interfaces between the Project and proposed NGET infrastructure projects as part of its Great Grid Upgrade. 1.19 The North Humber to High Marnham (NHHM) Project includes the replacement and realignment of a section of the existing 400kV ZDA

	overhead line between Ealand and west of the Keadby Next Generation project. 1.26 Given the critical national importance of the NHHM Project, PPs to protect and enable it are appropriate. PPs for the protection of assets that have not yet been built are well-precedented in previous DCOs, having been included in the Awel Y Mor ("AyM") and Mona Offshore Wind ("Mona") DCOs. 1.27 It is essential to avoid as far as possible any conflict arising between the carrying out, maintenance and operation of the Project and the carrying out, maintenance and operation of the Proposed NGET Project. NGET considers that the PPs must make provisions for this. 1.29 NGET suggested wording for protective provisions for future NGET assets set out. 1.30 NGET's proposed PPs are set out in full in the Appendix.
5	1.37 To prevent serious detriment to the carrying on of NGET's undertaking, protective provisions in the DCO must prevent the exercise of compulsory powers by the Applicant without NGET's consent. Allowing NGET to exercise control over the use of powers of compulsory acquisition will enable it to ensure that serious detriment does not occur. The restriction proposed by NGET is well-precedented and appears in NGET's protective provisions in almost all DCOs.

Issue 1: Engagement on protective provisions and supplementary agreements

10.1.1 The Applicant welcomes the engagement from NGET on the draft protective provisions. The Applicant will continue to engage with NGET with the aim of agreeing the protective provisions before the end of the examination and will also keep the ExA updated in this regard.

10.1.2 The Applicant notes the reference in NGET's representation (at 1.14) to supplementary agreements potentially being required. The Applicant is progressing land agreements with NGET as described in the Land and Rights Negotiation Tracker **[REP1-006]** and will continue to keep the ExA updated on the progress of these agreements during the Examination.

Issue 2: Serious detriment to NGET's undertaking

10.1.3 The Applicant notes NGET's concerns set out in its Written Representation. The Applicant is confident that the protective provisions in

favour of NGET ensure there is no risk of serious detriment being caused to NGET's undertaking.

10.1.4 The draft protective provisions currently included in Part 1 of Schedule 9 to the draft DCO [REP1-003] include the following summary protections for NGET:

a. Paragraph 4 provides that NGET may at all times take all necessary access across any highways altered under article 11 (power to alter layout, etc. of streets) and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain any apparatus in that highway.
b. Paragraph 5 provides that any works carried out by the Applicant under article 38 (protective works to buildings) must not obstruct or render less convenient the access to any NGET apparatus without the written consent of NGET.
c. Paragraph 6 prevents the Applicant from appropriating, acquiring or taking temporary possession of any NGET land or apparatus or from appropriating, acquiring, extinguishing, interfering with or overriding any easement, other interest or right and/or apparatus of NGET otherwise than by agreement. In essence this means the Applicant cannot exercise compulsory acquisition powers over NGET's land or apparatus, or otherwise interfere with such land or apparatus, without NGET's consent.
d. Paragraph 7 prescribes a process that is to be followed if any NGET apparatus needs to be diverted / removed for the Proposed Development. Alternative apparatus must be constructed and in operation to NGET's reasonable satisfaction before any such removal can take place. The Applicant is required to give written notice of its requirements to NGET, including details of the proposed alternative apparatus, and must endeavour to secure any necessary consents, facilities and rights required for the alternative apparatus. Paragraph 8 requires facilities and rights for alternative apparatus to be granted on such terms and conditions as may be agreed between the Applicant and NGET, but must be no less favourable on the whole to NGET than the facilities and rights enjoyed by it in respect of the apparatus to be removed unless otherwise agreed by NGET.
e. Paragraph 9 prescribes a process that is to be followed to ensure the protection of any NGET apparatus that is to be retained (i.e. that does not need to be diverted / removed) and that will or may require protection due to the Proposed Development. In summary, the Applicant must serve at least 56 days' notice on NGET before the

commencement of any 'specified works' (defined as Work Nos. 1, 4, 8A and 8D), such notice to include details of the proposed works and a method statement. Additional details are to be included if the works are within 10 metres of an electricity tower or between any two or more electricity towers. The Applicant must not commence any such works until NGET has given written approval of the submitted details. NGET's approval may be given subject to reasonable conditions for the protection of its apparatus, which may include modification of the plans or the carrying out of protective works. The works must be carried out in accordance with the approved details and NGET is entitled to watch and inspect the carrying out of the works. The Applicant is required to comply with National Grid's policies for development near overhead lines EN43-8 and HSE's guidance note 6 'Avoidance of Danger from Overhead Lines' at all times.

f. Paragraph 10 provides for the Applicant to pay various charges, costs and expenses reasonably and properly incurred by NGET in connection with the Proposed Development.
g. Paragraph 13 requires the Applicant to provide alternative means of access to apparatus if any existing access is materially obstructed.

10.1.5 As can be seen from the above summary, the protective provisions currently included in the draft DCO provide NGET with extensive protections against any potential interference with or disruption to its apparatus due to the Proposed Development. The Applicant's position is that these protections ensure there is no risk of serious detriment being caused to NGET's undertaking.

Issue 3: NGET's rights in respect of existing apparatus

10.1.6 The Applicant is aware of the presence of NGET's existing apparatus and has included the protective provisions in the draft DCO accordingly.

10.1.7 As summarised above, the protective provisions ensure that NGET's rights to access, inspect, maintain, renew and repair its existing apparatus will be protected during the construction and operation of the Proposed Development. The protective provisions prescribe a process to be followed should either party identify that any existing apparatus needs to be

diverted due to the Proposed Development. That process will ensure that NGET's undertaking is not disrupted.

Issue 4: Protective provisions for future assets (the North Humber to High Marnham (NHHM) Project)

10.1.8 The Applicant notes NGET's concerns about the potential for the Proposed Development to adversely affect the delivery of NGET's North Humber to High Marnham (NHHM) Project.

10.1.9 The Applicant has reviewed the documents published by NGET as part of its statutory consultation in February – April 2025, including the plans for route section 6 (Luddington to M180 motorway). The plans indicate that there is limited overlap between the two projects, with the route of the new overhead line passing to the west of the Proposed Development and the Order limits. The only potential overlap between the boundaries of the projects appears to be in relation to construction access routes and visibility splays.]

10.1.10 In principle, the Applicant supports NGET's desire to avoid conflict between the projects, and agrees that there should be cooperation and collaboration between the Applicant and NGET to ensure both projects can be delivered in an efficient manner. The Applicant acknowledges there is some precedent in previous orders for protective provisions in respect of future assets and the Applicant has no objection in principle to the inclusion of suitable protective provisions in the DCO. However, the Applicant is concerned that the provisions suggested by NGET offer protections for the NHHM Project but do not provide equivalent protections for the Proposed Development. The Applicant considers that any such requirements should apply equally to the projects, since both are Critical National Priority (CNP) infrastructure as confirmed by NPS EN-1.

10.1.11 The Applicant will engage with NGET regarding its suggested wording as part of the ongoing engagement on the protective provisions.

Issue 5: Controls on compulsory acquisition powers

10.1.12 As noted in 10.4(c) above, the effect of paragraph 6 of the protective provisions currently included in the draft DCO is that the Applicant cannot exercise compulsory acquisition powers over NGET's land or apparatus without NGET's consent. For that reason, and due to the inclusion of the other protective provisions summarised above, the Applicant does not consider there is any risk of serious detriment being caused to NGET's undertaking. The Applicant notes NGET's acknowledgement that allowing NGET to exercise control over the use of powers of compulsory

acquisition – which the current draft protective provisions provide for – will enable NGET to ensure that serious detriment does not occur.

11. Written Representation from Natural England

Table 11.1: Summary of Written Representation [REP1-035 & REP1-053]

Issue no.	Summary of Issues
1	The matters set out in Natural England's Written Representation are the same matters that were set out in Natural England's Relevant Representation.

11.1.1 The Applicant considers that the matters raised by Natural England have now been resolved by the updated documents provided at Deadline 1 namely, the Habitats Regulations Assessment Appropriate Assessment [REP1-007] and Outline Construction Environmental Management Plan [REP1-022]. The full written responses to each of the points raised by Natural England are provided in the Applicant's Comments on Relevant Representations [REP1-028] which was also provided at Deadline 1.

11.1.2 The Applicant is continuing to work with Natural England to confirm this understanding.

12. Written Representation from Network Rail

Table 12.1: Summary of Written Representation [AS-020]

Issue no.	Summary of Issues
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. 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 10-87967685-2\43283-4855 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”
2	Plots 3-168, 3-193 and 3-195 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. NR submits that the proposed extinguishment of its rights over Plot 3-168 and the impediment of its rights over Plots 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

3	As noted in relation to issue no. 1, NR submits that the Applicant cannot acquire permanent rights over operational railway land at plot 2-34 without causing a serious detriment to NR's undertaking. Where the Applicant intends to acquire such rights, protection from compulsory acquisition, in the form of a requirement for NR's consent to exercise the relevant power, must be explicitly included in the Protective Provisions. This is not provided for in the current protective provisions at Schedule 9 Part 6 of the draft Order submitted at Deadline 1 [REP1-003], in place of which NR seeks to substitute its preferred form protective provisions. The Applicant is liaising with NR with regards to the form of protective provisions to be included in the Order.
4	As noted in relation to issue no. 2, NR submits that the Applicant must not be granted powers of compulsory acquisition or temporary possession that extinguish or impede its own rights over plots 3-168, 3-193 and 3-195, because doing so would cause serious detriment to NR's statutory undertaking. Where the Applicant intends to extinguish or otherwise interfere with NR's rights over these plots, necessary safeguards must be secured in the protective provisions. This is not provided for in the current protective provisions at Schedule 9 Part 6 of the draft Order submitted at Deadline 1 [REP1-003], in place of which NR seeks to substitute its preferred form protective provisions. The Applicant is liaising with NR with regards to the form of protective provisions to be included in the Order.

Issue 1- Plot 2-34

12.1.1 This plot comprises the section of airspace occupied by the existing North Pilfrey Bridge above the railway. This bridge also passes through airspace above North Soak Drain, Stainforth and Keadby Canal and South Soak Drain which are owned by the Canal & River Trust and Environment Agency.

12.1.2 North Pilfrey Bridge was constructed by SSE PLC pursuant to a lease between Railtrack PLC (predecessors to Network Rail) and Scottish &

Southern Energy PLC dated 7 June 2001. The bridge therefore belongs to SSE PLC.

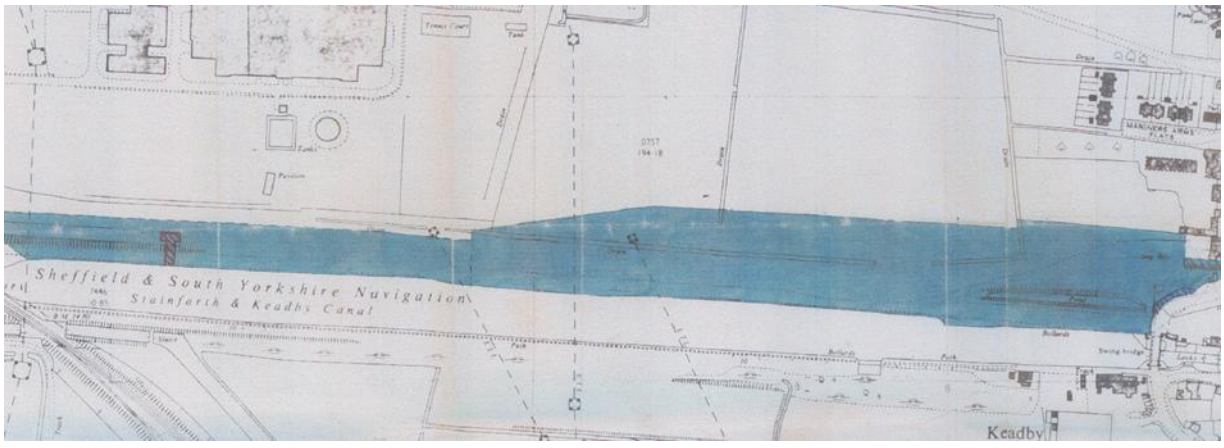
12.1.3 A final version of an agreed Deed of Variation was issued by SSE PLC to vary the terms of the 2001 lease to explicitly allow use of the existing bridge structure on 18 April 2023 and avoid the potential for any misunderstandings as to the permitted use in the future. The Deed of Variation, subject to minor amendments in respect of this dDCO, has been ready for engrossment and completion ever since.

12.1.4 The Applicant has been assured by Network Rail on a number of occasions that exchange and completion will occur imminently and are unaware of any outstanding concerns or issues that would prevent completion. The Applicant would invite Network Rail to expedite this process.

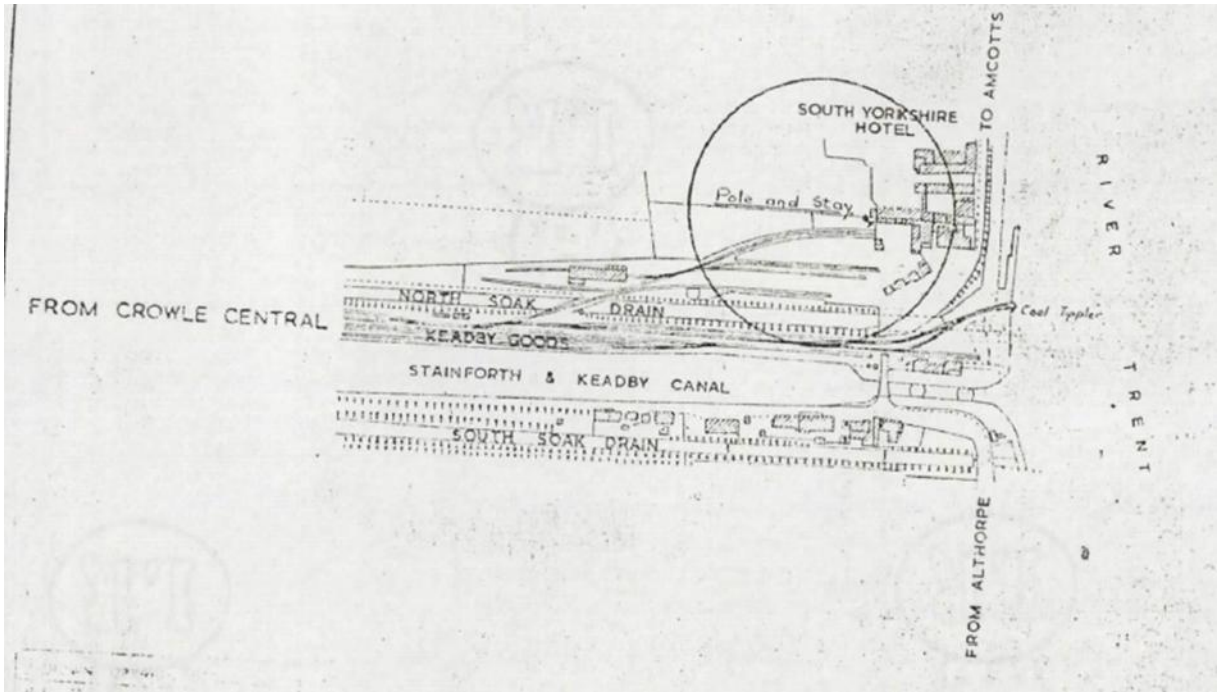
12.1.5 In essence, there are no physical changes to the existing bridge infrastructure and no acquisition of new rights; merely an updating of the existing rights. In the event that Network Rail complete the agreed terms, the Applicant would only seek to exercise compulsory acquisition powers for use as a matter of absolute last resort if, contrary to the terms of the revised lease, access over the bridge was prevented or disputed by Network Rail at a later date.

Issue 2 - Plots 3-168, 3-193 and 3-195

12.1.6 The British Transport Commission (predecessor to Network Rail) previously owned land along the northern boundary of the Stainforth and Keadby Canal for the purposes of a railway running west from Railway Wharf to link in with the main line known as the Keadby Jetty Branch line. They therefore owned the land coloured blue in the historic map extract below:



12.1.7 Further detail in respect of the position of the railway as it ran through the current PD Ports warehouse site is set out on a plan dated 7 May 1958 as replicated below:



12.1.8 However, this land was sold to various parties following the removal of the rail infrastructure and link to Railway Wharf. It is therefore now the case that Network Rail does not own any of this land but still benefits from historic rights that have no purpose.

12.1.9 In this regard, Plot 3-168 comprises part of the northern bank of the Stainforth and Keadby Canal located between the canal and the existing Keadby Power Station site and accessed from Chapel Lane. This plot is owned by the Environment Agency but Network Rail have retained historic rights pursuant to a conveyance dated 29 December 1975 for the purposes of inspecting, repairing and maintaining any accommodation including fences together with a right of way to access their adjoining land.

12.1.10 However, Network Rail do not own any adjoining land as it has all been sold off and any structures than may have existed in the past have long gone. Furthermore, as is acknowledged in this conveyance, the Keadby Jetty Branch line, which these rights had been intended to protect, had been removed. These retained rights are of therefore of obsolete and do not comprise any Operational Land.

12.1.11 Plot 3-193 comprises part of the drainage ditch along the western boundary between the PD Ports and Keadby Developments Limited land whilst Plot 3-195 comprises part of the yard within the PD Ports' site. Both

plots are owned by PD Ports and leased on an intercompany lease to AWS.

12.1.12 These plots are therefore occupied and controlled by PD Ports as part of an operational port facility and Network Rail derives no benefit whatsoever from rights they have retained from their historic ownership in connection with their statutory undertaking. These rights are similar to those applicable in respect of Plot 3-168 in that they allow access for the maintenance of existing structures and rights of access to adjoining land. However, there are no existing structures and Network Rail do not have retained ownership of any adjoining land. These rights are therefore obsolete.

12.1.13 In summary, the rights held by Network Rail in respect of Plots 3-168, 3-193 and 3-195 are obsolete, are not enforceable and are not used for the purpose of their undertaking . There is therefore no impact or impediment whatsoever on Network Rail's statutory undertaking such that section 138 of the Planning Act 2008 is more than satisfied.

Issue 3 – compulsory acquisition of permanent rights

12.1.14 The Applicant notes NR's compulsory acquisition concerns set out in its Written Representation. The Applicant is confident that the protective provisions in favour of railway interests ensure there is no risk of serious detriment being caused to NR's undertaking.

12.1.15 The draft protective provisions currently included in Part 1 of Schedule 9 to the draft DCO [REP1-003] include the following summary protections for NR:

a. Paragraph 64(3) states that the Applicant's exercise of Order powers must not prevent pedestrian or vehicular access to railway property, unless NR consents.
b. Paragraph 64(5) provides that the Applicant will not use Order powers to "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".
c. Paragraph 64(7) allows NR to require the Applicant to enter into an asset protection agreement prior to construction of a "specified work", which includes works within 15 metres of railway property as well as those that "may in any way adversely affect" same.
d. Paragraph 69 makes provision for NR to carry out reasonably necessary permanent or temporary alterations to railway property to ensure the safety of the property or continued safe operation of the railway.

12.1.16 The Applicant's position is that these protections ensure there is no risk of serious detriment being caused to NR's undertaking by the compulsory acquisition of permanent rights over plot 2-34.

Issue 4 - extinguishment of NR's rights

12.1.17 The Applicant notes that NR's concerns about the compulsory acquisition powers included in the Order extend to the extinguishment of or interference with its rights over third party land at plots 3-168, 3-193 and 3-195.

12.1.18 However, as stated in paragraphs 12.2(a) to (c) above, paragraph 64 of the draft protective provisions included in Part 6 of Schedule 9 to the draft DCO [REP1-003] prevents the Applicant from using Order powers in ways that would prevent access to railway property or affect railway safety.

12.1.19 The Applicant's position therefore remains that the Order's protective provisions in favour of railway interests provide appropriate protections for NR's undertaking against serious detriment, particularly as its rights over the above-noted third-party plots are not operationally critical, as described at paragraphs [a.1.1 to a.1.7.5] above.

12.1.20 As stated in paragraphs 12.5 and 12.6 above in relation to Issue 3 of NR's Written Representation [AS-020], Government guidance clearly states that statutory undertakers' protective provisions should be adapted to suit the circumstances of each DCO. It also specifically states that Protective Provisions "should also not simply negate other provisions of the DCO, particularly concerning proposed compulsory acquisition of statutory undertakers' land." The Applicant disagrees that NR's preferred form protective provisions are suitable in the context of the proposed development to provide necessary safeguards against the Applicant's use of Order powers, and the ExA is asked to note that the request cuts across the aforementioned Government guidance

12.1.21 That said, the Applicant will continue to engage with NR with the aim of agreeing appropriate protective provisions before the end of the examination and will keep the ExA updated in this regard.

13. North Lincolnshire Council Local Impact Report

Table 13.1: Summary of Written Representation [REP1-034]

Issue no.	Summary of Issues
1	9.5 Note that Natural England has outstanding concerns in relation to shadow HRA and air pollution impacts of Sites of Special Scientific Interest (SSSIs).
2	9.6 Suggest that HRA carried out for the North Lincolnshire Green Energy Park DCO may offer a model as to how to assess issues of air pollution.
3	9.27 The approach taken to assigning strategic significance to habitats in the statutory biodiversity metric is not correct.
4	9.28 The approach should follow Table 8 of the Statutory Metric User Guide. Only habitat actions that have been mapped or are described as ecologically important in a specific location, in a relevant plan should be ascribed high strategic significance.
5	9.29 A marginal biodiversity net gain (BNG) is proposed: +10.8% in relation to habitats and +10.04% in relation to watercourses. Any slight underperformance compared to the OLBMEP would result in watercourses BNG of less than 10%. Errors in ascribing strategic significance to habitats could also lead to a reduced net gain.

13.1.1 The Applicant welcomes the Local Impact Report, and notes there are only a limited number of issues raised. In relation to those, the Applicant confirms that an updated Habitats Regulations Assessment has been provided at Deadline 1 [REP1-007] which the Applicant considers to have addressed the concerns raised by Natural England. The Applicant is continuing to engage with Natural England to confirm this understanding.

13.1.2 The Applicant notes the point raised by North Lincolnshire Council in relation to the approach taken to assigning strategic significance to habitats. The Applicant also notes that the draft Lincolnshire Local Nature Recovery Strategy (LNRS), which has been approved by North Lincolnshire Council and the other contributing councils, was published for public consultation in January 2026 and that this has direct relevance to interpretation of Table 8 of the Statutory Metric User Guide as indicated on page 29 of the User Guide. The Applicant has updated the Outline Landscape and Biodiversity Management and Enhancement Plan (LBMEP) Report [XXX] and Biodiversity Net Gain Assessment provided

within Appendix D of the Outline LBMEP Report to align with Table 8 of the Statutory Metric User Guide, and this includes full revision of the strategic significance method statement to assist transparency on the approach taken.

13.1.3 The revision of Appendix D of the Outline LBMEP Report to meet the comment on strategic significance has resulted in minor changes (reductions) to the weightings applied to baseline habitats within the metric. Most baseline habitats can no longer be ascribed high strategic significance in accordance with Table 8 of the Statutory Metric User Guide. The only mapped habitats of high baseline strategic importance are those within the relevant Local Wildlife Sites. Further, reference to the actions within the LNRS clarifies the habitat interventions that can be assigned high strategic significance and the rationale for this has been recorded within the method statement provided in Appendix D. Taken together the balance of changes made to address the comment and respond to Table 8 of the Statutory Metric User Guide has resulted in a small positive change in habitat units. The Applicant respectfully suggests that this minor uplift should afford North Lincolnshire Council more confidence in the future outcome.

13.1.4 The above stated the Applicant also notes that the statutory minimum requirement is 10%, not 10% plus an additional margin against under-performance. Under-performance is not considered likely given the habitats proposed. The habitat creation and management requirements for these habitats are well understood and there can be confidence in successful habitat delivery through the approach set out within the Outline LBMEP Report, which includes monitoring and reporting to North Lincolnshire Council. Further refinement of the outline specifications will be provided in the Final LBMEP which North Lincolnshire Council will have opportunity to review and contribute to, prior to any approval of the LBMEP by the Council.

14. Written Summary of Oral Submissions given by PD Ports at Compulsory Acquisition Hearing 1 (CAH1)

Table 14.1: Summary of Oral Submissions at CAH1 [REP1-056]

Issue no.	Summary of Issues
1	PD Ports are aware that the Examination is closing in June this year and that there is 5 months to conclude a Management Agreement. PD Ports intended that negotiations are now expedited to be able to complete a satisfactory Management Agreement prior the end of the Examination.

14.1.1 The Applicant wishes to appoint PD Ports to act as Ships Agent in respect of the mooring and unloading of deliveries from the River Trent and provide Traffic Marshalling services for the transportation of deliveries from Railway Wharf through PD Ports' yard. This approach has been adopted successfully previously.

14.1.2 The Applicant had understood that PD Ports would be unable to conclude a Management Agreement at this stage due to uncertainty as to the precise timings and nature of proposed deliveries pending the confirmation of the draft DCO **[REP1-003]**. However, the Applicant welcomes the stated desire of PD Ports to agree full terms at the earliest opportunity which, presumably would provide flexibility on timings and has arranged meetings to this end.

14.1.3 The Applicant will update the Examination in respect of progress.

15. Written Representations from Robert Palgrave

Table 15.1: Summary of Written Representation [REP1-058]

Issue no.	Summary of Issues
1	1 – That the Proposed Development is not needed to meet the objectives of government policy on energy security and net zero.
2	10-11 – Attention is drawn to the *Clean Power 2030 Action Plan: A new era of clean electricity – main report*, which identifies that there is currently c.35 GW of natural gas-fired generating capacity in the UK and that this capacity will continue to be needed as strategic back-up to other energy sources. Mr Palgrave draws on data from the same Action Plan to show that c35 GW of capacity will remain available up to 2030.
3	12-15 – Attention is drawn to the data on installed capacity for low carbon dispatchable power in the Clean Power 2030 Action Plan, which notes that between 2 and 7 GW is projected to be needed in 2030. Mr Palgrave notes that 4.3 GW of capacity is already installed and that the balance can be met by new energy projects that are either already consented, in examination or are expected to be examined over the next two years. It is submitted that this pipeline of new low carbon dispatchable electricity generation means the Proposed Development is unnecessary.

15.1.1 All of the above points relate to whether there is a need for the Proposed Development. However, the existence of need has already been established by the National Policy Statements ('NPSs').

15.1.2 The primary policy framework for the Proposed Development is provided by the NPSs for energy, notably the Overarching NPS for Energy (EN-1). In this case the relevant NPS is the January 2024 version of NPS EN-1 which, despite a new NPS EN-1 coming into force in January 2026, continues to have effect for the purposes of the Proposed Development. The new NPSs are "important and relevant" considerations.

15.1.3 Highlighted in bold in Section 3.2 of NPS EN-1 is confirmation that in determining any application for nationally significant energy infrastructure, the SoS should assume that the need for the project, which is urgent, has been demonstrated (paragraph 3.2.6 of EN-1). The SoS is also required to give substantial weight to that need (paragraph 3.2.7 of EN-1) and is not required to consider separately the specific contribution of any individual

project in satisfying that need (paragraph 3.2.8 of EN-1). The same paragraphs appear at 3.2.8 - 3.2.10 of the 2026 version of NPS EN-1.

15.1.4 The matter of need is addressed in detail within the Applicant's Planning Statement (paragraphs 4.2.14 to 4.2.16) **[REP1-009]** in the context of the Secretary of State's designation of new low carbon energy infrastructure as a 'critical national priority' (CNP).

15.1.5 In relation to the amount of natural gas-fired generating capacity that is either already installed or consented, it is important to note that paragraph 3.2.3 of NPS EN-1 is clear in stating that the role of the planning system is not to deliver specific amounts or to limit any form of energy infrastructure covered by EN-1 and that it is for industry to propose new energy infrastructure projects that it considers to be viable within the strategic framework set by government. Paragraph 3.2.3 of EN-1 goes onto state (that with the exception of coal or large-scale oil-fired electricity generation), the Government does not consider it appropriate for planning policy to set limits on different technologies and paragraph 3.2.4 of EN-1 notes a large number of consented projects can help deliver an affordable electricity system, by driving competition and reducing costs within and amongst different technology and infrastructure types.

15.1.6 Notwithstanding the above, NPS EN-1 (paragraph 3.3.17) confirms that new unabated natural gas-fired generating capacity *"...will also be needed as it currently plays a critical role in keeping the electricity system secure and stable. It will continue to be needed during the transition to net zero while we develop and deploy the low carbon alternatives that replicate its role in the electricity system."* Paragraph 3.3.48 also highlights the continuing role of unabated natural gas-fired power stations stating:

"Although the expectation is that low carbon alternatives will be able to replicate the role of natural gas in the electricity system over time, some natural gas-fired generation without CCS, running very infrequently, may still be needed for affordable reliability even in 2050."