

Reference: OR-0001208/01
Customer reference: EN0110001

31 March 2026

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Planning Inspectorate
[via PINS portal]

The Keadby Next Generation Power Station Project Deadline 3

Environment Agency response to ExQ1

Dear Sir

Thank you for contacting us.

Please see below our response ref. OR-0001208/01 to your consultation ExQ1.

ExQ1	Topic & Responder	Question
Q1.0.8	<i>Water Framework Directive</i> The applicant The Environment Agency	<p>The Environment Agency stated at in its written response at deadline 2 [REP2-009] that landfill is not specifically mentioned and moreover, excavation within a landfill would constitute as expected rather than as unexpected contamination and that <i>“if historic landfills have not been identified or considered, then embedded mitigation cannot be employed to minimise or mitigate the risks prior to discovery. Adherence to piling and penetrative foundation design guidance would only apply where these specific activities are to be undertaken. Such controls may not be in place where other intrusive works are undertaken.”</i></p> <p><u>For the applicant:</u> Notwithstanding the response given at deadline 1 [REP1-028] that unexpected contamination procedures and the requirement to produce a piling and penetrative foundation design within the outline CEMP [REP1-022] would provide sufficiently robust protocols for mitigating the risk of contamination groundwater bodies, explain specifically why landfill cannot be specifically mentioned or included within the Water Environment Regulations Assessment [APP-074] as requested by the Environment Agency and what are the barriers to the project in doing so.</p>

<p>[REDACTED]</p>	<p>[REDACTED]</p>	<p>Alternatively, update the Water Environment Regulations Assessment accordingly.</p> <p><u>For the Environment Agency:</u> If the applicant stands by its response at deadline 1, advise the Secretary of State whether he should withhold consent on this matter or, if applicable, what amendments to the draft DCO they should consider.</p>
	<p>EA response</p>	<p>We provided additional explanation on this issue at Deadline 2 (25 February 2026) and are awaiting a response from the applicant. As outlined in our Relevant Representations [RR-006], we would like the applicant to comment on whether works within or near landfill material (a known potential source of contamination) could impact WFD groundwater bodies, and to summarise any specific mitigation that could be employed to avoid impacts, if necessary. This comment specifically relates to the WFD assessment. We would welcome sight of the applicant’s response to our comments submitted at Deadline 2 and this question (ExQ1, Q1.0.8) before making further comments.</p>
<p>Q1.0.9</p>	<p><i>Ground Investigation, Wheel Cleaning Facilities, Fuel and Chemical Storage</i> The applicant The Environment Agency</p>	<p>In its response at deadline 1 [REP1-028], the applicant drew on comments from the Environment Agency’s relevant representation [RR-006] that suggested that they are satisfied with the information contained within ES Appendix 13A Phase 1 Desk Based Assessment Addendum Part 6 [APP-081] and the outline CEMP [REP1-022] on these matters. However, at deadline 2, the Environment Agency [REP2-009] considered that not all documents had been updated appropriately and requires the applicant to do so, and as such matters are not agreed. This includes:</p> <ul style="list-style-type: none"> • Landfill to be specifically mentioned in the Water Environment Regulations Assessment [APP-074]. • The mechanism for monitoring and recording results of ground investigations and demonstration that the assumptions made in the initial conceptual site model will be validated. • Information on how the applicant intends to capture and dispose of wash water within the outline CEMP. <p>Clarification in the outline CEMP that all fuel and chemical storage should be covered to prevent the accumulation of rainwater and to prevent accidental damage.</p>

<p>[REDACTED]</p>		<p><u>For the applicant:</u> Confirm whether the Water Framework Directive Assessment and outline CEMP will be updated accordingly. If not, explain why.</p> <p><u>For the Environment Agency:</u> If the applicant stands by its response at deadline 1 [REP1-028], advise the Secretary of State whether he should withhold consent on this matter or, if applicable, what amendments to the draft DCO they should consider.</p>
	<p>EA response</p>	<p>Regarding EA008 on the WER assessment [APP-074], see our response to Q1.0.8.</p> <p>Regarding EA009 on ground investigation results, we feel that our Relevant Representations comment was misinterpreted, and these matters were not resolved. We provided additional explanation on this issue at Deadline 2 (25 February 2026) and are awaiting a response from the applicant. In our opinion based on conclusions within documents submitted by the applicant, further ground investigation and monitoring is required before construction commences. However, we would not advise the SoS to withhold consent due to these matters, and our concerns could be resolved post-consent, if required.</p> <p>Regarding EA016 on wash water, we were not satisfied by the detail added into the REP1-023, therefore, we requested clarification [in REP2-009] on how the Applicant intends to capture and dispose of wash water. Our request for this detail at this stage of the development of the proposal is consistent with what has been provided in other projects pre-consent. However, we acknowledge that we are named in Requirement 16 Construction environmental management plan in the draft DCO [APP-007] and consequently we will be consulted on the details in the final CEMP. Therefore, if the applicant does stand by its response at deadline 1 we can confirm no further amendments to the draft DCO are required.</p>
<p>Q1.0.20</p>	<p><i>Draft DCO</i> All Interested Parties</p>	<p>Notwithstanding the Protective Provisions matters, set out, should it exist, any other outstanding concerns or suggested changes to the draft DCO [REP1-003].</p>
	<p>EA response</p>	<p>We have no other outstanding concerns or suggested changes relating to the wording of the draft DCO [REP1-003]</p>

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Yours sincerely,

[Redacted signature]

[Redacted signature]

NIteam@environment-agency.gov.uk