

# **The Keadby Next Generation Power Station Project**

**Document Ref: 8.10**

**Planning Inspectorate Ref: EN0110001**

**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 Response to Examining Authority's (ExA's) Written Questions 1 (ExQ1)**

**The Planning Act 2008**

**Applicant: Keadby Next Generation Limited**

**Date: April 2026**

**Revision:0**

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# 1. Introduction

## 1.1. Overview

- 1.1.1 This document ‘Applicant’s Response to ExA’s Written Questions’ (**Application Document Ref. 8.10, 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 response to the **Examining Authority’s Written Questions 1 (ExQ1) [PD-008]**, which were issued on 11 March 2026. Table 2-1 of this document includes the reference number for each relevant question, the Examining Authority’s

(ExA) comments and questions and the Applicant's responses to each of those questions.

## 2. Applicant’s Response to ExQ1

**Table 2.1 Applicant’s Response to ExQ1**

ExQ	Topic and Responder:	Question:	Applicant’s Response:
<b>General Questions on all Topics</b>			
Q1.0.1	<p><i>Noise Calculations in respect to birds at the Humber Estuary Special Protection Area (SPA) and Ramsar</i></p> <p><b>The applicant</b></p>	<p>In its response at deadline 2, the applicant stated <a href="#">[REP2-006]</a> that matters raised by Natural England have now been resolved through the submissions of updated documents provided at deadline 1 in respect to the Habitats Regulations Assessment (HRA) Appropriate Assessment Report <a href="#">[REP1-007]</a>, outline Construction Environmental Management Plan (CEMP) <a href="#">[REP1-022]</a> as well as its responses to Natural England’s relevant representation <a href="#">[REP1-028]</a>. The applicant further asserts that sudden noise cannot be modelled reliably but that additional mitigation in the form of temporary construction noise barriers is possible. Natural England <a href="#">[REP2-010]</a>, nevertheless continues to have concerns regarding the correct use of noise calculation methods for birds in respect to construction and operational activities on</p>	<p>The Applicant has continued to engage with Natural England in relation to the assessment of noise impacts on birds, specifically with regards to modelling <math>L_{Amax}</math> noise levels. Baseline <math>L_{Amax}</math> levels can be (and have been) measured by monitoring but as there is no standard methodology for predicting <math>L_{Amax}</math>, a proxy for <math>L_{Amax}</math> has been determined using the <math>L_{Aeq,T}</math> parameter assuming 100% on-time for plant and equipment. This approach has previously been accepted by Natural England on another project.</p> <p>Additional mitigation to combat sudden noise effects during construction (or operation) is not considered to be required as no significant adverse effects are anticipated. However should it be determined that additional mitigation is</p>

the Humber Estuary SPA and Ramsar and requests that the assessment refers to LA<sub>max</sub> (maximum A-weighted sound level) ratings rather than LA<sub>enq</sub> (equivalent continuous sound level) ratings.

For the applicant:

Set out what additional mitigation is possible to combat sudden noise effects during construction and amend the documents accordingly.

For Natural England:

If the Secretary of State were minded to accept the applicant's position on noise calculations, set out what, if any, changes or amendments would be required to the draft DCO [\[REP1-003\]](#).

Clarify whether the concerns raised relate only to construction noise. If not, explain what the concerns are in respect to sudden noise generated from operational activities.

required, the use of noise attenuation screens around particular plant or activities would further reduce the sound level at the sensitive receptor.

Q1. *Air Quality*  
0.2 *Assessment in respect to habitats at the*

In its deadline 2 response [\[REP2-010\]](#), Natural England continues to raise concerns regarding the extent of an in-combination assessment on air quality.

The Applicant notes that Natural England confirmed by email on 3<sup>rd</sup> March 2026 that whilst Natural England's Deadline 2 submission [\[REP2-010\]](#) was written following a review of the updated

*Humber Estuary  
Special Area of  
Conservation  
(SAC), SPA and  
Ramsar*

**The applicant**

Provide a response, addressing specifically the required information and if necessary, update the application documents accordingly.

HRA Report submitted by the Applicant at Deadline 1, Natural England had not reviewed the Applicant's Comments on Relevant Representations document [REP1-028] submitted by the Applicant at Deadline 1. The Applicant has continued to engage with Natural England and received an updated version of its Written Representation on 18<sup>th</sup> March 2026, in which Natural England acknowledge the additional information provided in the Applicant's Comments on Relevant Representations document.

In response to the Written Representation on 18<sup>th</sup> March 2026, the Air Quality Chapter and associated Appendices have been updated to include the information provided in the Applicant's Comments on Relevant Representations document [REP1-028] and provide further clarification on the assessment of in-combination effects. The Applicant considers that this addresses Natural England's comments.

Q1. *Air Quality  
0.3 Assessment in  
respect to*

In its response at deadline 2, the applicant stated [\[REP2-006\]](#) that matters raised by Natural England have now been resolved by the updated

As noted above Natural England confirmed by email to the Applicant on 3<sup>rd</sup> March 2026 that whilst Natural England's Deadline 2 submission

*Nationally  
 Designated Sites*  
**The applicant**

documents provided at deadline 1 in respect to the HRA Appropriate Assessment [\[REP1-007\]](#), outline CEMP [\[REP1-022\]](#) as well as its responses to Natural England’s relevant representation [\[REP1-028\]](#). Natural England [\[REP2-010\]](#) nevertheless continues to have concerns regarding:

- The adequacy of the data set out in environmental statement (ES) chapter 8 Air Quality [\[APP-042\]](#), ES Chapter 11 Biodiversity and Nature Conservation [\[APP-045\]](#), Air Quality Construction Assessment [\[APP-061\]](#) and in particular tables 8A.19, 8A.20 and 8A.21, the Air Quality Operational Assessment [\[APP-062\]](#) particularly table 8B.10 and 8B.14 in respect to construction traffic impact assessments from nitrogen oxide (NO<sub>x</sub>), ammonia (NH<sub>3</sub>) and nitrogen deposition change as a percentage of critical load on Hatfield Chase Ditches site of scientific special interest (SSSI), Crowle Borrow Pits SSSI, Broughton Far Wood SSSI and Broughton Alder Wood SSSI.
- The adequacy of information in-combination assessment.

[\[REP2-010\]](#) was written following a review of the updated HRA Report submitted by the Applicant at Deadline 1, Natural England had not reviewed the Applicant’s Comments on Relevant Representations document [\[REP1-028\]](#) submitted by the Applicant at Deadline 1. The Applicant has continued to engage with Natural England and received an updated version of its Written Representation on 18<sup>th</sup> March 2026, in which Natural England acknowledge the additional information provided in the Applicant’s Comments on Relevant Representations document.

In response to the Written Representation on 18<sup>th</sup> March 2026, the ES Air Quality Chapter and associated Appendices (Chapter 8 and Appendices 8A and 8B) (Document Reference 6.3.4 Rev. 1 and 6.3.5 Rev1 respectively) have been updated for Deadline 3 to include the information provided in the Applicant’s Comments on Relevant Representations and provide further clarification on the assessment of construction traffic impact assessments from nitrogen oxide (NO<sub>x</sub>), ammonia (NH<sub>3</sub>) and nitrogen deposition change as a percentage of critical load on

Provide a response, addressing specifically the required information and if necessary, update the application documents accordingly.

Hatfield Chase Ditches site of scientific special interest (SSSI), Crowle Borrow Pits SSSI, Broughton Far Wood SSSI and Broughton Alder Wood SSSI and the in-combination effects.

The ES Biodiversity and Nature Conservation Chapter (Chapter 11) (Document Reference 6.2.11 Rev. 2) has also been updated for Deadline 3 to reflect the updates to the Air Quality Chapter and Appendices.

The Applicant considers that these updates address Natural England's comments.

Q1. *Waterborne*  
0.4 *Loads*  
**Natural  
England**

In its response at deadline 1 [\[REP1-028\]](#), the applicant stated that the number of ships using the River Trent would be considerably below the threshold whereby an assessment on the effects of the proposed development on the River Trent would be required. The response at deadline 2 [\[REP2-010\]](#) nevertheless still outlines this matter as an area of concern.

Explain why the applicant's response has not addressed the concern raised.

As noted above Natural England confirmed by email to the Applicant on 3<sup>rd</sup> March 2026 that whilst Natural England's Deadline 2 submission [\[REP2-010\]](#) was written following a review of the updated Habitats Regulations Assessment (HRA) Appropriate Assessment Report submitted by the Applicant at Deadline 1 [\[REP1-007 & 008\]](#), Natural England had not reviewed the Applicant's Comment on Relevant Representations document [\[REP1-028\]](#) submitted by the Applicant at Deadline 1. The Applicant has continued to engage with Natural England and has received an

If the Secretary of State were minded to accept the applicant’s position in this regard, explain what, if any, changes or amendments would be required to the draft DCO [\[REP1-003\]](#).

updated version of its Written Representation on 18<sup>th</sup> March 2026, in which Natural England confirms “*NE also agrees that the impact of waterborne abnormal loads along the River Trent (Section 8.6.8) is likely to be negligible as assessed due to the low numbers involved. Information provided in the ‘comments on relevant representations’ document confirms that vessel use will be below LAQM levels, and although potential impacts could arise along the estuary rather than just at the port, overall impacts would be expected to be low, particularly given low sulphur fuel will be required.*”

Q1. *Strategic*  
0.5 *Significance to Habitats*  
**North Lincolnshire Council**

In its Local Impact Report (LIR) [\[REP1-034\]](#), North Lincolnshire Council stated that the applicant’s approach to assigning strategic significance to habitats in the statutory biodiversity metric is not correct, and that “*Instead, 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*”.

The Applicant has received further comments from North Lincolnshire Council (NLC) in relation to the updates made to the Biodiversity Net Gain (BNG) assessment (within the Outline LBMEP Report) at Deadline 2 [\[REP2-002 & 003\]](#). The Applicant provided the response below to NLC on 30<sup>th</sup> March 2026 and is awaiting feedback from NLC before making a further update to the BNG assessment (within the Outline LBMEP Report) to address NLC’s comments.

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The applicant responded at deadline 2 [\[REP2-006\]](#) stating that it has updated the outline Landscape and Biodiversity Management and Enhancement Plan (LBMEP) [\[REP2-002\]](#) and Appendix D (Biodiversity Net Gain) which includes a full revision of the strategic significance method statement to assist transparency on the approach taken.

Respond on whether these amendments have addressed the concern.

*“We understand from your comments that you agree that wetland and grassland habitats coinciding with the LWS sites are suitable Strategic interventions. These habitats align with the bank vegetation described on the LWS citations and the citation for the Stainforth and Keadby Canal LWS emphasises that it is the diverse mix of dry, damp and wet habitats that underpins the diverse faunal interest of the LWS. This rationale would also apply to the Hatfield Waste Drain LWS. Given this we propose retention of the Strategic Significance weightings for these habitats.*

*We understand that your specific area of disagreement is the weighting applied to the scrub, hedgerow and woodland habitats. We wish to emphasise that the LBMEP provides the mechanism to manage the risk of scrub invading areas of grassland, and that the woodland planting is located to coincide with and extend an existing area of riparian woodland. Otherwise, we are happy to accept your position that Strategic Significance should not be applied to these habitats. We have reviewed the implications for*

*the calculations, and these amendments do not prevent the Proposed Development from achieving the required minimum BNG requirement. With the removal of the weightings currently applied to these habitats, and subject to final confirmation through an updated LBMEP and BNG assessment, the Proposed Development is still anticipated to report a net gain in the order of:*

- 12% for area habitats
- 30% for hedgerows
- 11% for watercourses

*We hope the above represents a correct understanding of your comments. We would be grateful if you could confirm if the above appears to meet your requirements and is likely to allow agreement of the final details. If so, we will make the necessary amendments and submit an update of the relevant documents capturing and confirming the above details at a future deadline.”*

Q1. *Keadby Ash Tip* 0.6 In its LIR [\[REP1-034\]](#), North Lincolnshire Council identified the importance of the Keadby Ash Tip in supporting priority open mosaic habitats on previously developed land, which has been

Whilst it is noted that this question is directed to NLC, the Applicant would like to clarify that the enhancements proposed within the ash tip area are species enhancements such as bat and bird

**North  
Lincolnshire  
Council**

ascribed national importance for its acid grassland and open mosaic habitats and its invertebrate communities. At Issue Specific Hearing 1 [\[EV3-001\]](#), the ExA welcomed the applicant’s proposal to create a flower-rich grassland across the whole site to meet biodiversity net gain but noted that the site lies outside of the Order limits and therefore questioned how this would be secured particularly as it was being promoted as a benefit of the scheme.

In its response [\[REP2-005\]](#) (action point 5), the applicant stated that its commitment to deliver the biodiversity improvements would be secured via Requirement 6 (LBMEP) even though the land lies outside of the Order limits. The applicant explains that such a provision was given on the Keadby 3 Order and others.

Confirm, or dispute with reasons to the Secretary of State, whether the draft DCO and Requirement 6 would adequately secure the delivery of the biodiversity enhancements on the Keady Ash Tip.

boxes only, not habitat enhancements such as creation of flower rich grassland, as set out in the Outline LBMEP Report [\[REP2-002 & 003\]](#) and shown on the Indicative Landscape and Biodiversity Plan [\[AS-007\]](#).

Q1. *Biodiversity Net  
0.7 Gain*

Both Natural England [\[RR-013\]](#) and North Lincolnshire Council [\[REP1-034\]](#) requested

As BNG is not a statutory requirement for Nationally Significant Infrastructure Projects like

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<b>The applicant</b>	biodiversity net gain monitoring takes place over 30 years and not 25 years as advanced by the applicant. Explain why 25 years is deemed sufficient or alternatively commit to 30 years and update, if necessary, the documentation accordingly.	<p>the Proposed Development, and because the anticipated design life of the Proposed Development is 25 years, the Applicant has committed to monitoring of BNG delivery over 25 years rather than 30 years. In response to this question, the Applicant has re-considered the commitment and amended the Outline LBMEP Report (Document Reference 5.10 Rev. 3) for Deadline 3 to commit to a longer monitoring period of up to 30 years to match the operation phase if the operational life of the Proposed Development extends beyond the anticipated 25 years.</p> <p>Requirement 6(2)(g) of the draft DCO [REP1-003] requires the final Landscape and Biodiversity Management and Enhancement Plan (LBMEP) that is submitted to the relevant planning authority for approval to include a BNG strategy that (following submission of the updated draft DCO at Deadline 3) must be substantially in accordance with Appendix D (Biodiversity Net Gain) of the Outline LBMEP Report [REP2-002 &amp; REP2-003]. As BNG is not a legal requirement, the Applicant</p>
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considers this is appropriate to secure the delivery of the proposed BNG measures.

Without prejudice to the above, the Applicant notes that in several recently made orders, a requirement has been included specifying a minimum provision of BNG, and that in some cases these requirements have been imposed by the Secretary of State on DCOs at the decision stage. If the ExA and/or the Secretary of State do not consider the current drafting regarding BNG to be adequate and propose to include such a provision in the DCO, the Applicant requests, on a without prejudice basis, that a new sub-paragraph (3) is inserted in Requirement 6, as follows:

*“(3) The biodiversity net gain strategy submitted pursuant to sub-paragraph (2)(g) must include details of how the strategy will achieve a minimum of 10% biodiversity net gain for habitat units, a minimum of 10% biodiversity net gain for hedgerow units and a minimum of 10% biodiversity net gain for watercourse units, calculated using the biodiversity metric published by the Department for Environment, Food & Rural*

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*Affairs on 12 February 2024, for all of the authorised development during the operation of the authorised development.”*

This wording has precedent in several recent orders including The Stonestreet Solar Order 2025. The Applicant would request that this wording is adopted should the ExA and Secretary of State be minded to include an express requirement on the face of the DCO.

Q1. *Water*  
0.8 *Framework Directive*  
**The applicant**  
**The Environment Agency**

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 *“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.”*

For the applicant:

The Applicant notes the comment raised by the Environment Agency and notes that whilst specific reference to landfills was not included in the text, landfills were considered within the assessment under contaminated soils/land. To address this, the Applicant has updated the Water Environment Regulations (WFD) Report (Document Reference 6.3.17 Rev. 1) for Deadline 3 to include specific reference to landfills within the assessment. The updated report has been provided to the Planning Inspectorate at Deadline 3 and is considered to address the Environment Agency’s comment.

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. Alternatively, update the Water Environment Regulations Assessment accordingly.

For the Environment Agency:

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.

Q1. <i>Ground Investigation, Wheel Cleaning</i>	In its response at deadline 1 <a href="#">[REP1-028]</a> , the applicant drew on comments from the Environment Agency’s relevant representation <a href="#">[RR-006]</a> that	The Applicant acknowledges the points which have been raised by the Environment Agency. As noted in the response to Q1.0.8, the Applicant
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*Facilities, Fuel  
 and Chemical  
 Storage*

**The applicant**

**The  
 Environment  
 Agency**

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:

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.

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.

has updated the Water Environment Regulations Assessment (Document Reference 6.3.17 Rev. 1) for Deadline 3 to address the question raised relating to landfills.

In relation to the comments raised in relation to:

- Clarification on the ground investigation procedure
- Management of water from wheel washing activities
- Coverage of all fuel and chemical storage areas

The Applicant confirms that the Outline CEMP (Document Ref. 7.4 Rev. 2) has been updated to address the above and has provided the updated document at Deadline 3. The Applicant considers that these updates address the Environment Agency's comments.

For the applicant:

Confirm whether the Water Framework Directive Assessment and outline CEMP will be updated accordingly. If not, explain why.

For the Environment Agency:

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.

Q1. *Water Quality*  
0.10 *Monitoring*  
**The applicant**

Notwithstanding the response at deadline 1 [\[REP1-028\]](#) and the acknowledgement that the application seeks no works in the River Trent, the Environment Agency maintains its request that monitoring is required owing to “...*potential risks from vehicles and plant machinery on site, a high risk of sediments, and fuels, oils, chemicals on site, all of which could impact water quality during construction. These risks are associated with the construction phase and would not be covered by the permit that will control operational discharge into the River Trent.*”

The Applicant notes that the Outline CEMP includes provision to undertake water quality monitoring and sampling pre-construction and during construction but nonetheless, the Applicant has updated the text within Table 8 of the Outline CEMP (Document Ref. 7.4 Rev. 2) submitted at Deadline 3 to include the requirement to continue water quality monitoring post-construction and to include specific reference to the River Trent to address this request. The Applicant considers that this update addresses the Environment Agency’s comments.

The ExA considers the request to be reasonable and requests the applicant commit to this undertaking either by amendment to the outline CEMP [\[REP1-022\]](#) or draft DCO [\[REP1-003\]](#). If the applicant disagrees, explain how the application could be amended accordingly should the Secretary of State accept the Environment Agency’s position on this matter.

Q1. *American Mink*  
0.11 *Control*  
**The applicant**

The Environment Agency [\[REP2-009\]](#) recommends that mink control is added to table 5 of the outline CEMP [\[REP1-022\]](#) to protect biodiversity both with regards to mitigation measures for water vole and also specified in the Invasive Species Management Plan.  
Consider doing so and if necessary, update the outline CEMP. If not, provide an explanation.

The Applicant has updated the text within Table 5 of the Outline CEMP (Document Ref. 7.4 Rev. 2) submitted for Deadline 3 to include specific reference to consideration of mink control as part of the mitigation measures which will be implemented for water vole and invasive species. The Applicant considers that this update addresses the Environment Agency’s comments.

Q1. *Outline Wharf*  
0.12 *Management*  
*Plan*  
**The applicant**

In its relevant representations [\[RR-002\]](#) and written representations [\[REP1-055\]](#), the Canal and River Trust expressed concern over the content of a wharf management plan, which the applicant has committed to providing through requirement 22 of

The Applicant shared a draft Framework Wharf Management Plan with the Canal and River Trust (CRT) for review on 6<sup>th</sup> March 2026. Comments were received on 20<sup>th</sup> March 2026 and changes were discussed with the CRT in a meeting on 25<sup>th</sup>

the draft DCO [\[REP1-003\]](#). The Canal and River Trust, alongside the Maritime and Coastguard Agency [\[RR-022\]](#) consider such a document is critical to the management and access of Keadby Lock. The ExA considers that the submission of an outline Wharf Management Plan into the examination would assist in the alleviation of the said concerns. The applicant acknowledges in its deadline 2 response [\[REP2-006\]](#) that one will be provided into the examination.

The ExA requests an outline Wharf Management Plan is submitted into the examination as quickly as possible to allow proper examination of it. Amend requirement 22 accordingly to ensure the Wharf Management plan accords with its outline version, or separate it so it forms its own requirement.

March 2026. The Applicant shared a further draft and the CRT accepted that draft in an email received on 26<sup>th</sup> March 2026. The Framework Wharf Management Plan (Document Ref. 8.12) is submitted at Deadline 3. The Applicant is pleased to confirm that the drafting of this document has been agreed with CRT.

Requirement 22(3) of the draft DCO (Document Ref. 3.1 Rev. 3) has been updated to reflect the ExA's request. The updated draft DCO is also submitted at Deadline 3.

Q1. *Replacement  
0.13 Tree Planting  
alongside the  
Stainforth and  
Keadby Canal*  
**The applicant**

The ExA notes the applicant's response regarding the replanting of trees at the water abstraction point (Work No.5) that such matters are, in its view, adequately controlled by requirement 6 of the draft DCO [\[REP1-003\]](#). The ExA equally notes and understands the concerns of the Canal and River

Requirement 6(4) of the draft DCO has been updated to reflect the ExA's request. The updated draft DCO (Document Ref. 3.1 Rev. 3) is submitted at Deadline 3.

Trust [\[REP1-055\]](#) [\[REP2-008\]](#) in respect to the value and importance the existing trees alongside the canal.

The ExA recommends that requirement 6 is amended to make specific reference to the need to consult the Canal and River Trust on proposals for the replanting of trees at the water abstraction point. Consider and amend.

<p>Q1. <i>Update on Green Hydrogen Production Facility</i></p> <p><b>North Lincolnshire Council</b></p>	<p>In the LIR <a href="#">[REP1-034]</a>, it is stated that a planning application reference PA/2025/1146 for a green hydrogen production facility in the vicinity of North Killingholme was currently being considered by the Council. The ExA would like to be kept informed during the examination as to the outcome of the decision taken.</p>	<p>N/A to the Applicant</p>
<p>Q1. <i>Draft DCO Schedule 2, Various Requirements</i></p> <p><b>The applicant</b></p>	<p>The ExA has noted the term “<i>general accordanc</i>e” has been used for requirements 6(2)(g) and (4), 7(3), 11(1) and (4), 12(1), 13(3), 14(2), 15(1), 16(2) and (2)(n), 22(2) and 23(2). In the case of requirement 6(2)(g), Natural England <a href="#">[RR-013]</a> considered this term needs strengthening. The ExA is minded to agree and considers the term is not</p>	<p>The Applicant has considered this query and proposes two amendments in response: 1) changing the references to “<i>general accordanc</i>e” to “<i>substantially in accordanc</i>e” and 2) inserting a clear definition in paragraph 1 of Schedule 2 of the draft DCO which defines what is meant by “<i>substantially in accordanc</i>e”.</p>

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sufficiently precise. The applicant stated at Issue Specific Hearing 1 [\[EV3-001\]](#) that it would update the Requirement but has not done so.

Amend the above by removing the word “*general*” so it reads as “*must be in accordance with...*”

It is important that the draft DCO allows a degree of flexibility for the final plans submitted pursuant to these requirements to differ slightly from the current outline versions, noting that the final versions may not be submitted for approval for several years (based on construction starting between 2027 and 2034, as per the Environmental Statement). The revised drafting secures this.

It is important to also note that the final plans are subject to approval by the relevant planning authority and any consultation with specified consultees and so there is already a built-in safeguard against any substantial departures from the outline plans. The provisions relating to materially new or materially different environmental effects in Schedule 8 (procedure for discharge of requirements) to the draft DCO provide a further safeguard in this respect and the Applicant has added a corresponding definition of “*substantially in accordance with*” to Requirement 1 (interpretation) which reflects the definition of that term in The London Luton Airport Expansion Order 2025.

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Moreover, the principle that “*substantially in accordance with*” secures appropriate flexibility and security has been endorsed across a number of projects:

- The Applicant wishes to draw the ExA’s specific attention to the A47 Wansford to Sutton decision letter. In that case “*in accordance*” was used in the draft DCO. The Secretary of State replaced this with “*substantially in accordance*” as ‘the Secretary of State considers its omission is an inappropriate fettering of his discretion’ (and, for context, the Secretary of State was proposed to be the discharging authority in that case).
- In the decision letter for the A1 Birtley to Coal House DCO, the decision letter records that “*The Applicant states that ‘substantially in accordance with’ achieves the desired aims of both parties by providing an appropriate amount of certainty and flexibility given the potential for slight variations at detailed design, for example in relation to drainage at Bowes*

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*Railway and access to the SM (ER 9.6.27)... This approval of the final details will ensure that archaeological interests potentially affected by the Development, including the Bowes Railway SM, would be appropriately protected. The ExA are therefore satisfied with the inclusion in Requirement 9 of ‘substantially in accordance with’, as set out the Revised DCO (ER 9.6.28). The Secretary of State agrees’.”*

For completeness, the phrase “*substantially in accordance with*” is the wording included in numerous recently granted orders (including but not limited to The Fenwick Solar Farm Order 2026 (February 2026); The Helios Renewable Energy Project Order 2025 (December 2025) and The Tillbridge Solar Order 2025 (October 2025)). The Applicant sees no reason not to follow this well-established principle.

The Applicant would also note that in November 2025, the Nuclear Regulatory Taskforce

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published<sup>1</sup> a report which stated that as one of its recommendations that the model provisions for DCOs should be reinstated, and this should specifically include “*series of standard Requirements which ensure that management plans are required to be “substantially in accordance” with an outline document to preserve flexibility*”. The Government has accepted all of the recommendations of the Taskforce,<sup>2</sup> and it is submitted that it would conflict with the Government’s prospective implementation in due course to use different terminology.

<p>Q1. <i>Draft DCO</i>  0.16 <i>Schedule 2, Requirement 6(3)</i></p>	<p><b>The applicant</b></p> <p>Requirement 6(3) as currently drafted <a href="#">[REP1-003]</a> sets a monitoring and replanting period of five years after planting. While the ExA acknowledges this is standard, for this scheme and for the quantity of replanting proposed both within the Order limits and on the Keadby Ash Tip, the ExA is concerned that this period is not sufficient and</p>	<p>The Outline Landscape and Biodiversity Management and Enhancement Plan Report (LBMEP) [REP2-002 &amp; REP2-003] sets out the proposals for the monitoring and maintenance of the planting that is proposed as part of the scheme. On further review of this requirement the Applicant considers that specifying a blanket</p>
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<sup>1</sup> [Nuclear Regulatory Review 2025](#)

<sup>2</sup> [Building our nuclear nation: government response to the Nuclear Regulatory Review 2025 \(accessible webpage\) - GOV.UK](#)

should, in this case, be extended to ten years. Provide a response and amend the draft DCO accordingly.

period in this Requirement could create an inconsistency with the contents of the Outline LBMEP. See for example paragraph 6.1.1 of the Outline LBEMP which refers to a monitoring period of not less than ten years, with paragraph 6.1.2 including reference to replacement planting. The Applicant has therefore amended Requirement 6(3) so that it instead refers to planting being replaced in accordance with the approved LBMEP.

Please see the Applicant's response to Q1.0.6 above regarding the proposals for the ash tip area.

Q1.0.17 *Draft DCO Schedule 9, Protected Provisions*  
**Canal and River Trust**

Comment on the changes made by the applicant to paragraph 32 of Schedule 9 Protective Provisions of the draft DCO [\[REP1-003\]](#) which, as the applicant explains, ensures any works into the canal require the consent of the Canal and River Trust to ensure navigation of the canal suffices.

N/A to the Applicant

Q1.0.18 *Draft DCO*

Provide a response on the current draft of the Protective Provisions contained in Schedule 9 of the draft DCO [\[REP1-003\]](#). Provide a tracked

This question is not directed to the Applicant but the Applicant is happy to confirm that the Protective Provisions, updated in the dDCO

*Schedule 9,  
Protected  
Provisions*  
**Canal and River  
Trust**  
**National Grid  
Transmission**  
**Network Rail**

changed version of changes or amendments that is required so the ExA has a clear idea of the differences between the applicant's and the IP's versions.

submitted at Deadline 3 alongside this submission, have been agreed with CRT. The Applicant continues to engage with National Grid Transmission and Network Rail on their Protective Provisions.

Q1. *Draft DCO*  
0.19 **The applicant**  
**PD Ports**

In its relevant representation [\[RR-019\]](#) and written representation [\[REP1-056\]](#), PD Ports has stated that a commercial service request is required to use the Port. The applicant stated [\[REP1-028\]](#) that it intends to appoint PD Ports as the Ships Agent and Traffic Marshall responsible managing the mooring and unloading of deliveries from the River Trent and traffic movements thereafter to Plot 3-188 as shown on the Land plans [\[APP-014\]](#). Update the ExA on the progress of these negotiations. Explain the consequences and changes required to the draft DCO should an agreement not be forthcoming at the point the

The Applicant and PD Ports intend that PD Ports would act as the Ship's Agent managing the mooring of delivery boats and then provide traffic marshalling services for the movement of HGV delivery traffic through the PD Ports' yard. The unloading of the boats and transfer to HGV delivery traffic will be carried out by the Applicant or their contractors within the confines of Railway Wharf.

The Applicant provided a 'headline draft' of terms intended to be developed into a full Heads of Terms (HoT), on 25<sup>th</sup> February 2026 inviting further comment from PD Ports. The Applicant

Secretary of State determines the application, should they be minded to do make the Order.

followed up on the HoT with PD Ports by email on 10<sup>th</sup> and 24<sup>th</sup> March 2026. The Applicant had targeted the end of the month for issuing draft Heads of Terms but has delayed issue thereof pending such comments.

The Applicant is unaware of any substantive reason as to why HoT on a commercial basis could not be finalised well before the end of Examination. The Applicant will require the continued inclusion of the compulsory acquisition rights in the DCO as a backstop in case PD Ports are subsequently unable or unwilling to provide Ships Agent and Traffic Marshalling services and it is necessary for the Applicant to either step in or appoint suitably qualified external services. In the absence of such powers, the Applicant may be denied the ability to utilise river borne transport. The Applicant does not presently consider that any changes are required to the draft DCO to cater for this scenario.

Q1. <i>Draft DCO</i> 0.20	Notwithstanding the Protective Provisions matters, set out, should it exist, any other outstanding	N/A to the Applicant
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<b>All Interested Parties</b>	concerns or suggested changes to the draft DCO <a href="#">[REP1-003]</a> .	
Q1. <i>Compulsory</i> 0.21 <i>Acquisition and the Land Rights Tracker</i>  <b>The applicant</b>	The ExA notes the progress being made by the applicant towards reaching voluntary agreements with Affected Persons and for updating of the Land Rights Tracker. The ExA requests a statement from the applicant on which parties, if any, it considers unlikely that heads of terms will have been reached when this examination closes.	<p>The Applicant responds as follows:</p> <p><u>NGET</u>  The Applicant requires the extension/renewal of the existing lease in respect of the cooling water discharge pipes and cathodic protection. In addition, the Applicant is seeking easement rights for the installation and maintenance of a 400KV cable. As part of this, the Applicant understands that NGET are unable to progress the agreement of terms until it has completed the internal clearance and consultation processes but these are unlikely to be concluded until after the close of examination.</p> <p><u>Canal and River Trust</u>  Heads of Terms (HoT) were previously agreed with Gerald Eve as agents for CRT in respect of Keadby 3. Those same terms have been proposed, save for the relocation of the pumping station, in respect of the Proposed Development and provided to Avison Young as the new agents</p>

for CRT. The Applicant has chased for responses as recently as 10<sup>th</sup> and 24<sup>th</sup> March 2026 but, thus far, no response or comments in respect of the proposed HoT have been received.

Ms Angela Way

The Applicant understands that Ms Way may have an interest in the subsoil of Plot 3-125. However, in the absence of certainty, it will be necessary to exercise compulsory acquisition powers.

Unknown/Unregistered

Unless further conclusive evidence comes to light during the Examination, it will be necessary for the Applicant to rely upon the exercise of compulsory acquisition powers.

The King's Most Excellent Majesty in Right of His Crown

The Applicant has the benefit of a lease from the Crown in respect of Railway Wharf. Whilst the Applicant understands that the Crown does not object to the principle of the use of the jetty and associated berthing area within the river for the

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purposes of the Proposed Development, agreement has yet to be reached in respect of the financial terms required by the Crown. The Applicant is engaging with The Crown Estate Commissioners regarding consent under Section 135 of the Planning Act 2008 and the most recent correspondence was sent to the Commissioners' legal advisers on 25<sup>th</sup> March 2026 with a holding reply received on the same day. The Applicant does not see any reason at present why Section 135 consent should not be secured before the end of the Examination but will continue to keep the ExA updated on progress.

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