

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 3 Submissions

The Planning Act 2008

Applicant: Keadby Next Generation Limited

Date: May 2026

Revision: 0

Contents

1. Introduction	3
1.1. Overview	3
1.2. The Purpose and Structure of this Document	3
2. Deadline 3 Submission from Canal & River Trust	5
3. Deadline 3 Submission from the Environment Agency	7
4. Deadline 3 Submission from Natural England	15
5. Deadline 3 Submission from National Gas Transmission plc	24
6. Deadline 3 Submission from National Grid Electricity Transmission plc	26
7. Deadline 3 Submission from Network Rail Infrastructure Limited	30
8. Deadline 3 Submission from North Lincolnshire Council	35
9. Deadline 3 Submission from PD Ports Limited	39

Tables

Table 2.1: Summary of CRT’s responses to the ExA’s WQs [REP3-029]	5
Table 2.2: Applicant’s Comments on Canal & River Trust’s Deadline 3 Submission	5
Table 3.1: Summary of EA’s Responses to the ExA’s WQs [REP3-031]	7
Table 3.2: Summary of EA’s comments on Deadline 3 documents (received by the Applicant on 8 May 2026)	8
Table 3.3: Applicant’s Comments on EA’s Deadline 3 Submission [REP3-031]	9
Table 3.4: Applicant’s Comments on EA’s Comments on Deadline 3 Submission (received by the Applicant on 8 May 2026)	11
Table 4.1: Summary of NE’s Deadline 3 Submission [REP3-033]	15
Table 4.2: NE’s responses to the ExA’s WQs [REP3-034]	20
Table 4.3: Applicant’s Comments on NE’s responses to the ExA’s WQs [REP3-034] and Updated Written Response on Deadline 2 submissions [REP3-033]	22
Table 5.1: Summary of NGT’s Deadline 3 Submission [REP3-035]	24
Table 5.2: Applicant’s Comments on NGT’s Deadline 3 Submission	24
Table 6.1: Summary of National Grid Electricity Transmission plc’s Deadline 3 Submission [REP3-036]	26
Table 6.2: Applicant’s Comments on NGET’s Deadline 3 Submission	28
Table 7.1: Summary of NR Deadline 3 Submission [REP3-037]	30

Table 7.2: Applicant's Comments on NR's Deadline 3 Submission	32
Table 8.1: Summary of NLC's Deadline 3 Submission [REP3-038].....	35
Table 8.2: Applicant's Comments on NLC's Deadline 3 Submission	38
Table 9.1: Summary of PD Ports Limited's Deadline 3 Submission [REP3-038]	39
Table 9.2: Applicant's Comments on PD Ports Deadline 3 Submission	39

1. Introduction

1.1. Overview

1.1.1 This document ‘Applicant’s Comments on Deadline 3 Submissions’ (**Document Ref. 8.14, 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 3 submissions made by Interested Parties (IPs). The document is submitted for Deadline 4 of the Examination.

1.2.2 The key issues raised by IPs in their Deadline 3 submissions have been tabulated and are set out in the following sections of this document along with the Applicant’s comments on those issues:

- Section 2 - Canal & River Trust [**REP3-028 and REP3-029**]

- Section 3 - Environment Agency [**REP3-031**]
- Section 4 - Natural England [**REP3-032, REP3-033 and REP3-034**]
- Section 5 - National Gas Transmission plc [**REP3-035**]
- Section 6 - National Grid Electricity Transmission plc [**REP3-036**]
- Section 7 - Network Rail Infrastructure Limited [**REP3-037**]
- Section 8 – North Lincolnshire Council [**REP3-038**]
- Section 9 - PD Ports Limited [**REP3-039**]

2. Deadline 3 Submission from Canal & River Trust

2.1.1 Table 2.1 below summarises Canal & River Trust’s (CRT) responses to two of the Examining Authority’s (ExA’s) Written Questions (WQs). WQ1.0.17 relates to the Applicant’s changes to paragraph 32 of Schedule 9 Protective Provisions of the draft DCO [REP1-003]. WQ 1.0.18 asks for IPs to submit their amendments to the draft Protective Provisions in tracked changes. The CRT has submitted their tracked change amendments to the Protective Provisions [REP3-028] alongside their response to WQ 1.0.18 contained in [REP3-029].

Table 2.1: Summary of CRT’s responses to the ExA’s WQs [REP3-029]

Issue no.	Summary of Issues
WQ 1.0.17	<p>Further to the receipt of the draft DCO [REP1-003], the Trust has been in further negotiation with the applicant on the DCO requirements. We have agreed revised wording, which we have enclosed alongside our comments, and supersede those within REP1-003.</p> <p>We consider that these attached revisions, which have been agreed with the applicant’s legal representative, alongside a few outstanding issues that the Trust is seeking to resolve with the applicant directly (presently being negotiated) would provide appropriate protection for the Trust to ensure that we can effectively manage safe navigation on the Stainforth & Keadby Canal at the location of the cofferdam works.</p>
WQ1.0.18	<p>Please find enclosed a copy of the current draft of the Protective Provisions, which we have agreed with the applicant. The Trust is satisfied that these amendments are sufficient to Protect the Trust’s interests in relation to the use of the Stainforth & Keadby Canal, provided that the discussions with the applicant on the outstanding issues noted above progress accordingly. The Trust will provide an update as soon as a legal agreement is in place that suitably addresses the outstanding issues.</p>

2.1.2 The Applicant’s comments on the above issues are set out in Table 2.2 below.

Table 2.2: Applicant's Comments on Canal & River Trust’s Deadline 3 Submission

Issue no.	Applicant's Comments
WQ 1.0.17	The Applicant and CRT have reached agreement on the form of wording to be included in Schedule 9 for the protection of the CRT. The Applicant has updated the draft DCO to include the agreed form of wording. The updated draft DCO is submitted at Deadline 4.
WQ1.0.18	After further discussion, the Applicant and CRT have reached agreement that CRT's outstanding concerns regarding safe navigation on the Stainforth & Keadby Canal at the location of the cofferdam works are adequately addressed and controlled through the Framework Wharf Management Plan [REP3-026] and the agreed form of protective provisions. No further legal agreement will be required and the parties have agreed that the provisions of the DCO are adequate to protect CRT's functions.

3. Deadline 3 Submission from the Environment Agency

3.1.1 Table 3.1 below summarises the Environment Agency’s (EA’s) responses to the ExA’s WQs 1.0.8, 1.0.9 and 1.0.20 [REP3-031] which relates to the Water Framework Directive (WFD), ground investigations and draft DCO respectively. The Applicant’s responses are contained in Table 3.3.

Table 3.1: Summary of EA’s Responses to the ExA’s WQs [REP3-031]

Issue no.	Summary of Issues
WQ1.0.8	<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>
WQ 1.0.9	<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]</p>

Issue no.	Summary of Issues
	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.
WQ 1.0.20	We have no other outstanding concerns or suggested changes relating to the wording of the draft DCO [REP1-003]

3.1.2 The EA also provided written comments to the Applicant on 8 May 2026 on documents submitted at Deadline 3. Table 3.2 below summarises the comments.

Table 3.2: Summary of EA’s comments on Deadline 3 documents (received by the Applicant on 8 May 2026)

Issue reference	Summary of Issues
Regarding [REP3-003] – Draft Development Consent Order	The Environment Agency considers that using the term ‘substantially’ in a Requirement result in a lack of precision and renders it difficult to enforce. We request the removal of the term ‘substantially’ from affected Requirements where we are a named consultee i.e Requirements 11,12,13,14, 16, 27.
EA008	Marked as resolved. We are satisfied that [REP3-020] WFD assessment does now specifically mention landfills.
EA009	Marked as resolved. We are satisfied with the updates to [REP3-022] oCEMP Table 7 (Geology, Hydrogeology and Land Contamination). Under the heading “Ground Investigation”, the applicant has clarified the scope of additional groundwater monitoring completed to date. Reference to further works in Chapter 13 has been changed and is now suitable. Under the heading “Construction Mitigation”, they have added acknowledgement of “additional ground investigation work” being required.
E016	Marked as resolved. We are satisfied with the additions made to [REP3-022] sections C.4.15-C.4.20 in Appendix C Outline Water Management Plan in. We do note that neither section 2.5 nor Table 8 in the main CEMP contain updates, so we would encourage the

Issue reference	Summary of Issues
	Applicant to make reference to this Appendix, however, we are satisfied to mark it as resolved.
EA017	Marked as unresolved. We acknowledge the update to Table 8 in REP3-022 which states that water quality monitoring which be undertaken for a “short duration post-construction”. However, we feel that a ‘short duration’ is too limited. Furthermore, section C.9.4 has still not been updated to include any more information about suggested methodology, frequency or locations of water quality monitoring. In our Relevant Representations [RR-006] and comments at Deadline 2 [REP2-009] we were clear that if water quality monitoring is not appropriate then a suitable baseline of water quality data may not be captured, and any trends in water quality deterioration or improvement as a result of the project may not be understood. The frequency should occur at least monthly, starting at least six months pre-construction, and the locations should be upstream and downstream of any water crossings or discharges. Methods should include the use of hand-held devices for in-situ measurements, and samples collected by UKAS accredited methods to be sent to a laboratory, in addition to visual inspections. We have concerns that C.9.4 still only says what monitoring plans are ‘likely’ to comprise of.
EA018	Marked as resolved, The updates to Table 8 and C.4.6 of the oCEMP [REP3-022] satisfactorily address our concerns regarding mitigation measures for fuel and chemical storage.
EA021	Marked as resolved, We are satisfied with the updated wording in oCEMP [REP3-022] Table 5 regarding mink control measures.

3.1.3 The Applicant’s comments on the above issues are set out in Table 3.3 and Table 3.4 below.

Table 3.3: Applicant's Comments on EA’s Deadline 3 Submission [REP3-031]

Issue no.	Applicant’s Comments
ExA’s Questions	

Issue no.	Applicant's Comments
WQ1.0.8	<p>As set out in the Applicant's Comments on Deadline 2 Submissions [REP3-025], the Applicant notes the comment raised by the EA and wishes to note 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 updated the Water Environment Regulations (WFD) Report (Document Ref. 6.3.17 Rev. 1) at Deadline 3 [REP3-019] to include specific reference to landfills within the assessment.</p> <p>The Applicant acknowledges that excavation work within any landfills would constitute expected contamination. With reference to Table 7 of the Outline CEMP (Document Ref. 7.4 Rev. 2) [REP3-021], the Applicant notes that further ground investigation will be undertaken prior to construction which will inform a subsequent risk assessment and the piling and penetrative foundation designs. In accordance with the Outline CEMP, the results from this ground investigation will also be used to inform any mitigation requirements which will be specified within the final CEMP to prevent harm to the environment. As such, the Applicant considers the risk associated with intrusive works within landfills to have been sufficiently considered and addressed.</p> <p>An updated version of the Outline CEMP (Document Ref. 7.4 Rev. 2) was submitted for Deadline 3 [REP3-021].</p> <p>The Applicant also notes that Requirement 16 in Schedule 2 to the draft DCO ensures that a final CEMP would be approved by the local planning authority, following consultation with the EA.</p>
WQ 1.0.9	<p>As set out in the Applicant's Comments on Deadline 2 Submissions [REP3-025], the Applicant notes the comments raised in relation to the ground investigation works that have been undertaken and those works that are still required to be undertaken at the Site. The Applicant wishes to clarify that additional groundwater sampling work was undertaken at the Site in 2025, but this was restricted to the area around some existing oil tanks at the Keadby Power Station site which will be demolished and removed as part of the enabling works. The results of this sampling are discussed in ES Volume II Appendix 13A: Phase 1 Desk Based Assessment Addendum [APP-076 to 081]. The Applicant confirms that with the exception of the above groundwater sampling works, no additional intrusive works have been undertaken for the wider Site at this stage.</p>

Issue no.	Applicant's Comments
	<p>Notwithstanding this, the results of the historical ground investigations and more recent groundwater monitoring have been used to form a robust conceptual site model which represents a reasonable worst case scenario on which the assessment has been based. The Applicant also confirms that further ground investigation will still be required prior to construction and has updated the wording of Table 7 in the Outline CEMP to clarify this point. The updated Outline CEMP was submitted for Deadline 3 [REP3-021].</p> <p>EA016 - The Applicant has updated the Outline Water Management Plan in Appendix C of the Outline CEMP to include a section on equipment and plant washing as requested by the EA. The updated Outline CEMP was submitted for Deadline 3 [REP3-021]. The Applicant therefore considers this matter to be closed.</p>
WQ 1.0.20	<p>The Applicant is pleased to note the EA's confirmation that there are no other outstanding comments on suggested changes to the draft DCO. However, in a subsequent letter dated 8 May 2026 the EA raised a concern about the use of the term "substantially" in the Requirements, See the response to issue reference "Regarding [REP3-003] – Draft Development Consent Order" in Table 3.4 below.</p>

Table 3.4: Applicant's Comments on EA's Comments on Deadline 3 Submission (received by the Applicant on 8 May 2026)

Issue reference	Applicant's Comments
Regarding [REP3-003] – Draft Development Consent Order	<p>The term "substantially" is not used in Requirement 27.</p> <p>In respect of the other Requirements, the Applicant's rationale for inclusion of the term "substantially" was made in response to the ExA's WQsritten Questions (see the response to WQ1.0.15 in the Applicant's Response to ExA Written Questions [REP3-024]). The Applicant does not agree that the term lacks precision, instead it reflects the fact that the relevant documents are outline, not final,</p>

Issue reference	Applicant's Comments
	<p>documents. The final plans to be submitted 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. Indeed, to provide additional comfort, the Applicant has inserted an interpretive provision in paragraph 1 (interpretation) of Schedule 2 which confirms that “where [a final plan] varies from the outline plan, document or detail [it] should not give rise to any materially new or materially different environmental effects than those assessed in the environmental statement.”</p> <p>The Applicant, in its response to WQ1.0.15 noted recent precedents where the Secretary of State has expressly supported the use of the phrase “substantially in accordance with”, and the Applicant would reiterate that there is no distinction in the case of the Proposed Development, and the Secretary of State’s basis for making the determination in those cases. In particular, the removal of “substantially in accordance” would comprise a fettering of discretion, not reflect the balance between flexibility and assurance provided, and would potentially entail an unduly onerous requirement to seek amendments even where any variations would be within the confines of the Environmental Statement. Moreover, the Nuclear Regulatory Taskforce stated 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, including outside of the nuclear context, and it is submitted that it would conflict with the Government’s prospective implementation in due course to use different terminology.</p>
EA008	<p>The Applicant notes the matter has now been resolved. No further action is required.</p>

Issue reference	Applicant's Comments
EA009	The Applicant notes the matter has now been resolved. No further action is required.
EA016	The Applicant notes the matter has now been resolved. No further action is required.
EA017	<p>The Applicant notes that the Outline CEMP submitted at Deadline 4 has been updated to explicitly include the requirement for water quality monitoring to be undertaken on a monthly basis for a duration of six months both pre and post construction as requested. This has been updated in both Table 8 and Paragraph C.9.4. The Applicant also refers to the updated wording which has also been included in the updated CEMP: <i>“The full details of the methodology and monitoring locations for water quality monitoring will be agreed with the Environment Agency as part of the preparation of the final CEMP”</i>. The Applicant considers that the inclusion of the updated wording, together with Requirement 16 of the Draft DCO submitted at Deadline 4, which secures production and submission of the final CEMP in consultation with the Environment Agency, to sufficiently address the outstanding comment on the basis that outline information is provided in the Outline CEMP and the final details of water quality monitoring will be agreed with the Environment Agency via the final CEMP.</p>
E018	The Applicant notes the matter has now been resolved. No further action is required.

Issue reference	Applicant's Comments
EA021	The Applicant notes the matter has now been resolved. No further action is required.

4. Deadline 3 Submission from Natural England

4.1.1 Natural England’s (NE’s) Deadline 3 Submission [REP3-032] confirms that it has updated the position on several matters based on the additional information submitted in the Applicant’s Comments on Relevant Representation document.

4.1.2 Table 4.1 summarises below the issues raised within NE’s comments on any additional information / submissions received at Deadline 2 [REP3-033].

Table 4.1: Summary of NE’s Deadline 3 Submission [REP3-033]

Issue no.	Summary of Issues
1	<p>NE1 - Humber Estuary SPA and Ramsar – noise disturbance to birds (construction) (marked as Amber).</p> <p>NE is reviewing recent information from another planning application that was provided by the Applicant (where NE agreed to the approach that Applicant has taken to predicting noise peaks).</p>
2	<p>NE2 - Humber Estuary SPA and Ramsar – noise disturbance to birds (operation) (marked as Amber).</p> <p>NE is reviewing recent information from another planning application that was provided by the Applicant (where NE agreed to the approach to predicting noise peaks).</p>
3	<p>NE4 – Humber Estuary – Water discharge (operation) (marked as Green)</p> <p>NE notes that the assessment within the HRA has been updated to consider the impact that discharged water and sediment transport may have on the forage resource for birds and lamprey within the River Trent as supporting habitat for the Humber Estuary Ramsar and SAC.</p>
4	<p>NE5 – Humber Estuary SAC/ Ramsar Site – Mortality and Barriers to Lamprey Movement (construction and operation) (marked as Green)</p> <p>NE notes the additional justification that the Applicant provided in the updated HRA provided at Deadline 2 and confirm that the Wharf offloading is the only construction activity which would require additional lighting which will impact the River Trent. Acknowledging that the lighting controls will prevent excessive glare outside of the working area and that the light-spill will not</p>

Issue no.	Summary of Issues
	encompass the full river channel width they agree with the Applicant's conclusion of no Adverse Effects on Integrity (AEOI) for this impact pathway.
5	<p>NE9 – The Humber Estuary SAC/ Ramsar Site – Air Quality (marked as green)</p> <p>NE notes that Appendix E of the HRA has been amended to include Ndep critical loads for pioneer saltmarsh, upper fen and rich fen. They also note the information within the Applicant's comments on relevant representations document and agree that consideration of upper marsh and gaminoid dominated vegetation in the area in the appropriate assessment is appropriate. Natural England agrees with the critical levels which the Applicant has assigned for the Humber Estuary.</p> <p>Natural England recommends that clarity should be provided over the ammonia critical levels for the Hatfield Chase Ditches SSSI but agrees that appropriate thresholds are used in the assessment of the European sites.</p>
6	<p>NE10 – Air Quality – Critical levels and loads (marked as green).</p> <p>Natural England recommends that information informing the SSSI assessment should be added to the assessment documents to justify the use of the higher critical levels in the assessment</p>
7	<p>NE11 – Air Quality – in-combination assessment (marked as amber).</p> <p>Natural England requests that the air quality assessment documents are updated to provide more detail regarding projects considered in the cumulative air quality assessment, including agricultural ammonia sources, operational emissions and traffic emissions.</p> <p>A standalone in-combination air quality schedule listing all relevant emitters and modelling treatment should also be provided to set out which projects were considered in construction and/or operational phase and whether traffic or point source emissions were considered.</p> <p>The operational air quality assessment should also take account of the in-combination assessment before concluding no adverse effects on protected sites.</p>
8	<p>NE14 – Air Quality – Construction dust assessment (marked as green)</p> <p>Natural England notes the assessment process in the dust assessment is appropriate in accordance with IAQM guidance and note that unmitigated impacts are considered.</p>

Issue no.	Summary of Issues
	<p>NE agrees with the pre-mitigation high risk to the Humber Estuary and Crowle Borrow Pits SSSI. They agree that the mitigation proposed is acceptable and acknowledge that the measures must be included within the CEMP.</p> <p>NE agrees with the assessment in the HRA and the conclusions of the appropriate assessment. They also agree that with mitigation proposed in the CEMP that there would be no AEOL on the un-submerged reedbed/marsh vegetation of the estuary.</p>
9	<p>NE15 – Air Quality – Construction traffic assessment (SSSIs) (marked as amber)</p> <p>NE requests that the air quality assessment documents are updated to provide more detail regarding projects considered in the cumulative air quality assessment in relation to traffic emissions and clarify the use of the CREAM/NH tool.</p>
10	<p>NE16 – Air Quality – Construction plant / NRMM assessment (marked as green)</p> <p>NE notes the Applicant’s comments on the relevant representations which confirms that there would be no construction / NRMM closer than 600m to the nearest European site or SSSI. They also note that the limits on construction plant hours and proposed limits on size and fuel of plant are appropriate to ensure no harm to any site from such construction emissions.</p>
11	<p>NE18 – Air Quality – Operational emissions (marked as green).</p> <p>NE confirms that the issues raised in relation to emission of amines and the need for further dispersion modelling should a taller stack be required have been addressed by the Applicant’s comments on relevant representations.</p> <p>NE considers that the in-combination assessment has been addressed from NE11.</p> <p>On the basis that Chapter 11: Biodiversity and Nature Conservation and Chapter 8: Air Quality are updated to assess impact on SSSIs and allowing for in-combination impacts at the SSSIs, NE considers this point to be addressed.</p>
12	<p>NE19 – Air Quality – Operational emissions – NOx and ammonia results (marked as amber)</p>

Issue no.	Summary of Issues
	<p>NE notes that Appendix 8A/B of the air quality assessments have not been updated but acknowledge the Applicant's comments on the relevant representations document.</p> <p>NE request that the assessments of SSSIs in Chapter 8 and 11 are updated to confirm and justify appropriate critical levels and loads and confirm percentages cited and assessments made are of the in-combination impact. They also seek confirmation of impact on Risby Warren SSSI – including ecological justification of addition of 1% of ammonia CLe not resulting in harm to the SSSI.</p>
13	<p>NE20 – Air Quality – Operational emissions – Nitrogen deposition and acid deposition results.</p> <p>NE has acknowledged the Applicant's comments on the relevant representations document.</p> <p>NE request updates to Chapter 8 and 11 with impacts on Crowle Borrow Pits SSSI and Risby Warren SSSI and confirmation that the in-combination assessment has been taken into account in consideration of acid deposition at the Humber Estuary SAC (in both the air quality assessment and HRA).</p>
14	<p>NE21 – Water Quality – Boat movements (construction) (marked as grey)</p> <p>NE advises that measures to avoid or mitigate pollution of the water environment from boat traffic and cargo unloading should be considered when applying for a licence from the navigation authority.</p>
15	<p>NE22 – Water Quality – Cofferdam construction (construction) (marked as green)</p> <p>NE notes that methods for preventing pollution from the cofferdam can be secured in the CEMP within Requirement 17 of the DCO.</p>
16	<p>NE23 – Water Quality – Pollution prevention (construction and operation) (marked as green)</p> <p>NE notes that details of bunded storage area locations can be secured in the CEMP within Requirement 17 of the DCO.</p>
17	<p>NE24 – Water Quality – Drain infilling (construction) (marked as green)</p> <p>NE notes the clarification provided in the Applicant's response that there is no impact pathway to the Humber Estuary from infilling drains on sites and</p>

Issue no.	Summary of Issues
	<p>welcomes the measures included within the HRA relating to management of fine sediment when infilling minor ditches.</p> <p>NE also notes that the DCO secures the Construction Environmental Management Plan within Requirement 17, Schedule 2 and welcome this.</p>
18	<p>NE25 – Water Quality – Surface Water Drainage (operation) (marked as green)</p> <p>NE agrees with the conclusion that the surface water pollution pathway has been screens in for the appropriate assessment.</p> <p>NE notes that requirement for details of both temporary and permanent surface water drainage systems is secured in DCO Requirement 11, Schedule 2.</p>
19	<p>NE26 – Water Quality – Surface Water Drainage (operation) (marked as yellow).</p> <p>NE notes that details of pollution prevention measures in the drainage design will need to inform the HRA for the surface water discharge permit application (because surface water will be discharged to a drain which flows into the Humber Estuary). The requirement for these details is also secured in DCO Requirement 11.</p>
20	<p>NE27 – Water Quality – Effluent Discharge (operation) (marked as green).</p> <p>NE notes that the Applicant has included additional information on pollutant levels in effluent discharge, thermal plume modelling and the discharge water volume within the HRA and therefore agree with the conclusion that there will be no AEOI of the relevant European Sites as a result of water pollution impacts on qualifying habitats and species during operation of the Proposed Development.</p>
21	<p>NE28 – Protected species – Licence for works impacting water vole (marked as green).</p> <p>NE recommends that the Applicant considers applying for Letters of No Impediment and consider use of the class licence CL31 where conditions are applicable.</p>
22	<p>NE29 – Protected species – Badger mitigation strategy (marked as green)</p> <p>NE notes that works to align the existing pipeline for Cooling Water Discharge will not occur in proximity to known badger setts and that updated badger</p>

Issue no.	Summary of Issues
	surveys will be required within six months of applying for a badger licence (if a licence is required).
23	NE30 – Protected species – impacts to badgers (marked as green). NE notes that no works are proposed in proximity to setts 9 and 10.
24	NE31 – Protected species – Impacts to bats (marked as grey) NE confirms no impediment to a bat licence being granted in the future should the DCO be issued and notes update surveys should be carried out in optimal survey periods to current guidance by suitably qualified consultants.
25	NE32 – Biodiversity Net Gain (marked as grey). NE welcomes the commitment to delivering BNG which is secured by DCO Requirement 6. An improvement to the current commitment to maintain the habitats for a minimum period of 25 years could be considered – Natural England recommends 30 years.
26	NE34 – Ancient woodland and ancient / veteran trees (marked as green). NE acknowledged that the Applicant has updated Chapter 11 following a site visit undertaken by North Lincolnshire Council where it was confirmed that T145 and T149 are not veteran trees and T152 and T154 are not ancient trees. Based on the updated made to Chapter 11 and the Outline LBMEP Report to reflect this understanding, it is considered that the matter is now addressed.
27	NE36 – Climate change (marked as grey). NE advises that schemes should deliver ‘high nature, low carbon’, recognising that the climate and nature crises are inextricably linked, and both emergencies must be tackled together. Renewable and low carbon energy development should not be delivered at the expense of the natural environment.

4.1.3 NE also provided responses to the ExA’s WQs which is summarised in Table 4.2 below.

Table 4.2: NE’s responses to the ExA’s WQs [REP3-034]

Issue no.	Applicant's Comments
<p>WQ 1.0.1 a)</p>	<p>NE's outstanding concerns relate to a requirement to understand the potential for noise attenuation during construction, and the impact this may have on adjacent habitat. We acknowledge the results of the desk study and the inclusion of data collected for Keadby Windfarm which has been included to support the conclusions in D.5.15. of the Appropriate Assessment. However, as the data is several years old, and there is acknowledgement that the habitat to the north could support golden plover and lapwing it should be considered that provision of the requested LAmix information would demonstrate how much of the land has potential to be impacted by significant noise levels, particularly where this pertains to 'loud bangs'. We acknowledge that the impacts as shown by the LAeq figures would be limited to the area adjacent to the windfarm, which is unlikely to be suitable for birds.</p> <p>The DCO could secure mitigation measures for the activities likely to generate the most significant noise impacts. Examples of suitable measures that could be considered are;</p> <ul style="list-style-type: none"> • Timing restrictions to avoid sensitive periods (e.g. seasonal or tidal restrictions); • Buffer zones between works and sensitive habitats. NatureScot have produced guidance on disturbance distances for selected species that occur in Scotland, which may be helpful: Disturbance Distance in selected Scottish Bird Species – NatureScot Guidance • Screening (e.g. bunds, barriers, fencing, silencers) where appropriate. • Cold weather restrictions, where works are suspended after 5 consecutive days of freezing temperatures (based on data from the meteorological station that is closest to/most representative of the construction site), with restart only after 3 days above 0°C.
<p>WQ 1.0.1 b)</p>	<p>NE also has outstanding questions regarding the potential operational noise impacts as per issue ref NE2. Primarily, our concern is related to a lack of understanding on the potential maximum noise which could be issued during operation, particularly where this pertains to 'loud bangs' as per the construction impacts.</p>
<p>WQ 1.0.4 a)</p>	<p>Following additional consideration, NE are now satisfied that this matter has been addressed in the revised HRA, and we have updated our position in our response submitted 18.03.2026.</p>

Issue no.	Applicant's Comments
and b)	

4.1.4 The Applicant's comments on the above issues are set out in Table 4.3 below.

Table 4.3: Applicant's Comments on NE's responses to the ExA's WQs [REP3-034] and Updated Written Response on Deadline 2 submissions [REP3-033]

Issue no.	Applicant's Comments
Updated Written Response on Deadline 2 Submissions	
1-27	<p>NE shared the updated Written Response of Deadline 2 Submissions (dated 18 March 2026) with the Applicant prior to Deadline 3 and the Applicant provided a comprehensive response to each point in Table 4.2 of 'Applicant's Comments on Deadline 2 Submissions' (Document Ref 8.11) [REP3-025], which was submitted to Examination at Deadline 3.</p> <p>The Applicant understands that NE is now satisfied on all the matters raised.</p>
ExA Written Questions	
WQ 1.0.1 a)	<p>The Applicant has continued to engage with NE regarding the approach to assessing noise impacts on birds that may be present in the fields to the north of the Main Site.</p> <p>The Applicant also responded to NE on 9 April 2026 to clarify that the bird data used to inform the Habitat Regulations Appropriate Assessment Report was not 'several years old'; it included the survey data collected by National Grid for the North Humber to High Marnham DCO in 2024 and 2025 (the most recent possible survey windows preceding the DCO application for the Proposed Development) which covers a large survey area including the fields to the north of the Proposed Development.</p> <p>NE responded to the Applicant on 23 April 2026 as follows:</p> <p><i>"Thank you for providing the clarification that the section of North Humber to High Marnham surveys referred to in the assessment include the land to the north of the Keadby Wind Farm. This evidence, alongside the desk study information in section 7.2 of the HRA, addresses our previous concerns related to noise impacts to birds during construction and operation. While Natural England does generally require noise modelling to include Lamax and</i></p>

Issue no.	Applicant's Comments
	<p><i>LAp_{peak} we concur that the evidence provided in this instance demonstrates there will be no requirement for additional mitigation related to noise. We also note that the noise contour plots for the LA_{eq} modelling have been included in the latest version of the HRA (April 2026) as figures 3 and 4, which addresses our other outstanding comment on this issue.</i></p> <p><i>Therefore, we concur with the conclusion of no adverse effect on integrity for this impact pathway during construction or operation and have no further comments."</i></p> <p>As such this matter is now considered to be addressed and no further action is required.</p>
WQ 1.0.1 b)	<p>Natural England also has outstanding questions regarding the potential operational noise impacts as per issue ref NE2. Primarily, our concern is related to a lack of understanding on the potential maximum noise which could be issued during operation, particularly where this pertains to 'loud bangs' as per the construction impacts.</p>
WQ 1.0.4 a) and b)	<p>The Applicant notes NE confirm the matter as having been addressed and no further action is required.</p>

5. Deadline 3 Submission from National Gas Transmission plc

5.1.1 Table 5.1 summarises National Gas Transmission plc’s (NGT) response to ExA WQ [REP3-035]. NGT’s submission relates to adequacy of the Protective Provisions. The Applicant’s response which is contained in Table 5.2 notes that further discussion is required on this matter.

Table 5.1: Summary of NGT’s Deadline 3 Submission [REP3-035]

Issue no.	Summary of Issues
1	<p>As set out in NGT’s Written Representation, NGT require that all NGT interests and rights, including rights of access to its apparatus including Feeder Mains and any other Above-Ground Installations (AGI) are unaffected by the powers of compulsory acquisition, and the grant and/or extinguishment of rights as set out in the Draft Order. NGT welcomes the form of protective provisions for the protection of NGT’s land interests and apparatus which are 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 in order for NGT to be able to withdraw its objection. NGT is making good progress with the Applicant in relation to the protective provisions for inclusion within the DCO along with any supplementary agreements which may be required. NGT will keep the Examining Authority updated in relation to these discussions.</p>

Table 5.2: Applicant’s Comments on NGT’s Deadline 3 Submission

Issue no.	Applicant’s Comments
1	<p>The Applicant considers the form of protective provisions in the DCO, Part 2 of Schedule 9 [REP3-002], to offer adequate protections for NGT in light of the interface between NGT apparatus and the Project. The Applicant has noted NGT’s concerns and is working with NGT to resolve them before the close of examination.</p> <p>The primary outstanding points to be resolved are as follows.</p> <ol style="list-style-type: none"> 1. The definition of “acceptable insurance”, NGT is seeking to extend insurance for the use and maintenance of the authorised development, beyond their application to the specific works which would affect NGT’s

Issue no.	Applicant's Comments
	<p>apparatus. The Applicant's position is that is an unacceptably broad and onerous obligation.</p> <ol style="list-style-type: none"> <li data-bbox="368 461 1430 801">2. The amount of the bond to be provided by the Applicant as "acceptable security", which the Applicant considers can reasonably be £3M per asset and £15M in total, in the circumstances. NGT's position is that the amounts should be £10M per asset and £50M in total. The Applicant's position is also that the Applicant should be able to provide this in the form of a single bond or multiple bonds, which is considered reasonable since the choice of form would not affect the total liability cap. <li data-bbox="368 813 1410 1021">3. The inclusion of Network Code Claims within the indemnity, which the Applicant considers to be excessively broad. The terms of the Code can be updated by National Gas without any opportunity for recourse or challenge by the Applicant, which introduces an unacceptable level of uncertainty. <p>The Applicant will continue to keep the ExAupdated in relation to discussions.</p>

6. Deadline 3 Submission from National Grid Electricity Transmission plc

6.1.1 Table 6.1 summarises National Grid Electricity Transmission plc (NGET) response to ExA WQ [REP3-036]. Their submission relates to Protective Provisions. The Applicant's response which is contained in Table 6.2 notes that further discussion is required on this matter and NGET need to provide the Applicant with plans showing the location of its assets to be able to progress the negotiations.

Table 6.1: Summary of National Grid Electricity Transmission plc's Deadline 3 Submission [REP3-036]

Issue no.	Summary of Issues
1	<p>NGET seek amendments relating to the protection of existing NGET infrastructure (primarily in relation to indemnity, insurance and security). The scope, nature, or extent of the potential liabilities or damages that may arise from the Applicant's actions or omissions is not currently clear or quantifiable and all possible scenarios or contingencies must therefore be covered. An uncapped indemnity is the most efficient and equitable way of addressing any issues or disputes that may arise, without having to specify or limit the types, amounts, or durations of the indemnifiable claims. Given the potentially catastrophic consequences of damage to the national electricity transmission system (NETS) and the fact that it will be NGET and its customers who (through no fault of their own) will be exposed to the risk where losses exceed the cap, such a provision is required. There must be acceptable insurance on the part of any undertaker carrying out works within 15 metres of NGET apparatus. There must also be a parent company guarantee constituting acceptable security. These are standard provisions which NGET seeks in the context of any DCO.</p>
2	<p>Secondly, NGET seek amendments which provide protection for future infrastructure, and in this case relate directly to the North Humber to High Marnham (NHHM) project. There is an extensive programme of works currently underway to deliver an upgrade of the NETS, known as the Great Grid Upgrade. NHHM is fundamental to that programme. 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.</p>

Issue no.	Summary of Issues
	NGET does not anticipate any significant difficulty in reaching agreement on the appropriate wording for PPs within the currency of the examination.

Table 6.2: Applicant's Comments on NGET's Deadline 3 Submission

Issue no.	Applicant's Comments
1.	<p>The Applicant has received NGET's draft Protective Provisions (PPs) and is considering the amendments proposed by NGET in respect of its existing assets.</p> <p>It is the Applicant's view that the majority of the amendments proposed by NGET are acceptable in principle, including those relating to the indemnity and security provisions as highlighted by NGET, however, there are certain proposed amendments which carry the risk of having material commercial impacts on the Applicant if not fully assessed. In summary, the matters which are not yet agreed and remain subject to further consideration / negotiations are:</p> <ol style="list-style-type: none"> 1. The duration and extent for which the Applicant is required to maintain general third-party insurance and associated provisions. It is NGET's position that insurance should be maintained beyond the construction period to cover any use and maintenance of the authorised development. It is the Applicant's position that this proposal is unreasonable and unjustified on the basis that it imposes an additional financial burden on the Applicant without achieving a clear or direct beneficial outcome for NGET's interests. The scope of extending insurance coverage to 'any use' would mean that the Applicant would be under an obligation to hold an appropriate insurance policy for the life of the project (going beyond the construction phase) which is not precedented in recently made DCOs including The East Yorkshire Solar Farm Order 2025, nor The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022. 2. Unanimity on acceptable security provisions and the need for a parent company guarantee to be provided in favour of NGET. It is NGET's position that there should be the possibility of the Applicant's parent company providing a guarantee in favour of NGET to a set amount as part of the acceptable security package. It is the Applicant's position that this is not reasonable, and a bank bond sufficiently protects NGET's interest. 3. The extent of the Applicant's liability in relation to Incentive deduction related provisions and the System Operator Transmission Owner Code and NGET's related obligations. 4. The extent of NGET's discretion to seek to obtain necessary facilities and rights in land in which alternative apparatus may be constructed.

Issue no.	Applicant's Comments
	<p>5. The extent of NGET's expenses to be met by the Applicant.</p> <p>The Applicant will continue to keep the ExA updated on progress.</p>
2.	<p>The Applicant notes that the PPs relating to future NGET assets in respect of the NHHM project contained in NGET's Deadline 3 submission [REP3-036] were not included in the draft PPs NGET circulated to the Applicant for consideration in the first instance. The Applicant has requested final plans of where such NHHM assets would be located so that the Applicant may carry out an appropriate and reasonable assessment of any potential impacts and interaction with the Applicant's scheme. The Applicant would note that the NHHM project does not, based on public information, appear to have any significant interface with the Proposed Development, and is therefore seeking clarity on the basis for any protective provisions in relation to it.</p> <p>As soon as NGET provides plans confirming the location of the proposed NHHM assets the Applicant will carry out this assessment and progress negotiations with NGET accordingly.</p>

7. Deadline 3 Submission from Network Rail Infrastructure Limited

7.1.1 Network Rail Infrastructure Limited’s (NR) Deadline 3 Submission [REP3-037] provides a response to ExA WQ 1.0.18 which asks for the IP to provide its amendments in tracked changes to the draft Protective Provisions in the Applicant’s DCO [REP1-003]. NR’s response to WQ 1.018 states:

“Please find appended to this letter a comparison version of the Protective Provisions which shows the changes which the promoter seeks to make to NR’s required form of Protective Provisions. NR’s position on the proposed changes is as set out in the table below:”

7.1.2 Table 7.1 summarises NR’s proposed changes to the PPs and the Applicant’s response is contained in Table 7.2.

Table 7.1: Summary of NR Deadline 3 Submission [REP3-037]

Issue No.	NR’s comments
1	Definition of "specified work": this needs to include reference to the maintenance of the proposed works which impact railway property. The Protective Provisions prescribe which paragraphs within the respective provisions should only apply to the construction of a specified work but otherwise this definition should encapsulate maintenance works as well in order that the relevant protective provisions apply to any scenario anyone seeks to access railway property to carry out works to the authorised development.
2	The restriction on the use of compulsory acquisition powers without first seeking NR’s prior consent (which cannot be unreasonably withheld) at sub-para (1) needs to be retained. NR cannot accept a position whereby the applicant can compulsorily acquire rights over the railway and extinguish rights owned by NR for the purposes of carrying on its statutory undertaking. This same point applies to the Applicant’s proposed changes to sub-paras 4(4) and (5). Please refer to NR’s Written Representation dated 9 February 2026 for the detailed justification for the inclusion of these paragraphs. In summary, without the restrictions at paragraphs 4(1), 4(4) and 4(5), the applicant’s proposal to compulsorily acquire rights over the railway at plot 2-34 and extinguishment of NR’s rights

Issue No.	NR's comments
	over plots 3-159, 3-161, 3-168, 3-193, 3-194 will cause a serious detriment to NR's statutory undertaking.
3	<p>The Applicant's proposed changes are substantially acceptable save that the requirement to enter into the asset protection agreement within 56 days is outside of both parties' control as it depends on a number of factors (it is dependent on the Applicant providing NR with the necessary information, time required for NR to respond to any queries on the asset protection agreement raised by the Applicant, NR's available resource at the relevant time, resolving any disputes on the terms of the asset protection agreement, the time required to arrange signature etc.). Further, the Applicant's proposed wording does not stipulate what happens if the asset protection agreement is not entered into within the proposed 56-day time period.</p> <p>NR is a public body and is required to act reasonably in processing requests for an asset protection agreement and so it is not deemed necessary for this requirement to be subject to a timescale.</p>
4	The Applicant's proposed changes remove the requirement for the Applicant to pay for NR's costs incurred in NR carrying out alterations/additions to the railway in consequence of the Applicant's scheme. This is a standard, reasonable and well justified requirement as otherwise NR would be at a loss as a result of the Applicant's scheme. The deleted wording must be retained.
5	NR protective wording addressing the risks of electro-magnetic interference (EMI) have been deleted by the Applicant. Even if the risk of EMI occurring is considered by the Applicant to be low, these provisions must remain in any event. If these EMI provisions never become relevant then they pose no burden to the Applicant, but equally if they do become relevant then they exist within the Protective Provisions to provide the necessary protection for NR's infrastructure in that scenario. The risk of EMI causing a catastrophic accident on the railway is such that these provisions should be included in any DCO whereby there are works being carried out in the close proximity to railway infrastructure.
6	<p>Sub-para (1) – The Applicant's proposed insertion of a cross-reference to "article 35 (recover of costs of new connections)" is erroneous. The purpose of this wording is to cross-refer to an article of the DCO which covers the 'double-recovery' of costs but there doesn't appear to be such an article in the draft Order, so this cross reference just needs to be deleted. Sub-para (1) -</p> <p>The indemnity at the foot of the paragraph has been removed. This must</p>

Issue No.	NR's comments
	<p>absolutely be retained and is a standard, reasonable and well-justified requirement of a statutory undertaker whose assets are impacted by a third party DCO scheme. Sub-para (2) – The wording which addresses the recovery of "relevant costs" has been removed. This must be retained because if the Applicant causes liabilities to a train operator company (TOC) in carrying out a specified work (i.e. delays, interruptions to service, damage etc.) for which NR is liable pursuant to a TOC agreement, the TOC can claim against NR and NR is required to automatically reimburse the TOC for such losses pursuant to the terms of the TOC agreement. The Applicant should be liable for NR's losses in that scenario as otherwise the Applicant's scheme has caused NR to be at a loss which is not a reasonable nor acceptable position, particularly as NR is a public body.</p>

Table 7.2: Applicant's Comments on NR's Deadline 3 Submission

Issue no.	Applicant's Comments
1	<p>Definition of "specified work":</p> <p>The Applicant does not agree with NR that the definition of "specified work" in paragraph 63 should include maintenance works as well as construction works. This is considered overly wide and onerous.</p> <p>There is precedent for limiting the definition of "specified work" to construction works only (eg., in the A122 Lower Thames Crossing Development Consent Order 2025).</p>
2	<p>As stated in paragraphs 12.1.17 to 12.1.21 of the Applicant's Deadline 2 submission [REP2-006], the Applicant notes NR's concerns about the compulsory acquisition powers included in the Order and interference with its rights over the specified plots.</p> <p>However, the Applicant's position remains substantively as stated in that submission:</p> <ul style="list-style-type: none"> - that the Order's protective provisions appropriately protect Network Rail's undertaking against serious detriment; and - that current Government guidance vitiates against the imposition of NR's preferred form protective provisions in a way that simply negates other Order provisions.

Issue no.	Applicant's Comments
	<p>Regardless, the Applicant continues to engage with NR to agree appropriate protective provisions before the close of examination, including in relation to paragraph 64 where NR Rail seeks to include restrictions on Order powers.</p>
3	<p>The Applicant considers that the 56-day timeframe is necessary because it provides certainty for the Applicant that any unforeseen delay in reaching an ancillary agreement with NR will not delay the timely implementation of the authorised development, a nationally significant project. The Proposed Development is a nationally significant infrastructure project, and being subject to a delay beyond 56 days is not, in the Applicant's view, appropriate, proportionate or necessary in light of the controls provided. The Applicant notes that a recent Government review concluded that "Time periods for consultation, decision-making, and notice periods across all provisions, should not exceed 28 days, and for protective provisions, this period should be 42 days."¹ The findings of that report were accepted by Government, and the Government confirmed it should be applied to all infrastructure.² The position in the draft DCO goes well beyond that and the Applicant considers a decision to the contrary would be contrary to the clear directory of Government policy.</p>
4	<p>As set out in Government Guidance, the protective provisions in an Order must address the particular concerns of the proposed development. In this instance, it is not considered appropriate or necessary for the Applicant to pay for NR's costs beyond what is already provided for in the protective provisions at paras 69(2), 70, 73 and 74. The drafting included at para 69(1) was proposed by NR on Keadby 3 DCO and requested by NR for inclusion in that Order and is considered appropriate in this instance as well. The Applicant is unclear why a different approach is being requested on this project compared to Keadby 3.</p> <p>The Applicant would highlight that prior to making a decision on the Keadby 3 DCO, the Secretary of State sought submissions from NR. NR had included a provision relating to indemnity. This was not included in the made DCO. The Applicant considers that the Secretary of State had clearly turned their mind</p>

¹ [Nuclear Regulatory Review 2025](#)

² [Building our nuclear nation: Government response to the Nuclear Regulatory Review 2025](#) and

Issue no.	Applicant's Comments
	to this issue, and its omission supports the Applicant's approach in these circumstances noting that there is no greater or material interface with the railway in the case of the Proposed Development as compared with the Keadby 3 project.
5	The Applicant does not consider that EMI impacts are likely as a result of the Proposed Development, therefore the provisions requested by NR are considered unnecessary. However, the Applicant continues to discuss this with Network Rail.
6	<p>The Applicant does not consider that the cross-reference in paragraph 74(1) to article 35 is erroneous. This article does cover the 'double recovery' of costs, as did the equivalent article 31 of the Keadby 3 DCO article that was cross-referred to in the equivalent paragraph 64(1) of NR's protective provisions in that Order.</p> <p>The Applicant is continuing to discuss the scope of the indemnity with NR to ensure that the Applicant's liability is appropriate in light of the Proposed Development.</p>

8. Deadline 3 Submission from North Lincolnshire Council

8.1.1 Table 8.1 provides North Lincolnshire Council’s (NLC’s) responses to the ExA WQs [REP3-038] which relates to the significance of habitats, Keadby Ash Tip and a planning application for a green hydrogen facility in North Lincolnshire. The Applicant’s responses are provided in Table 8.2. The response to WQ 1.0.5 notes that further discussion is required in relation to the BNG metric and the Applicant intends to provide a further update at Deadline 5.

Table 8.1: Summary of NLC’s Deadline 3 Submission [REP3-038]

Issue no.	Summary of Issues
WQ1.0.5	<p>NLC Response:</p> <p>The revised approach to assigning strategic significance to baseline habitats is correct, taking the Draft Greater Lincolnshire Local Nature Recovery Strategy (LNRS) map of “Areas that are of particular importance for biodiversity” (APIBs) as the source of information. Arguably, Keadby Ash Tip, having been identified as being of national importance for acid grassland and open mosaic habitats, should be an APIB, being of higher value than Local Wildlife Sites which are mapped. However, it appears that a GIS polygon for this site has not been available for the preparation of the LNRS. Thus, the applicant is entitled to rely on the mapped APIBs currently presented.</p> <p>In terms of post-development habitats, it is not correct to ascribe high strategic significance to all habitats created within the buffers to Local Wildlife Sites (LWS). Only those habitat actions that support the mapped actions in the LNRS merit high strategic significance. Many of the measures set out in Table D1 of the applicant’s revised Outline Landscaping and Biodiversity Management and Enhancement Plan Report (LBMEP) are proposed as supporting LNRS action 146 “Create buffers around existing LWSs and link to appropriate habitats to build resilience”. In this case, the LWSs are the Stainforth and Keadby and Canal LWS and Hatfield Waste Drain LWS. These sites have been selected for their species-rich aquatic flora, emergent vegetation and patches of species-rich</p>

Issue no.	Summary of Issues
	<p>bankside grassland vegetation. Lack of management, scrubbing-over and woody habitats shading the waterbodies are identified in the LWS citations as limiting biodiversity value in places. Therefore, any proposals to create or enhance botanically rich wetland or grassland habitats in the mapped buffer zone could be useful to buffer and link LWS habitats. New woodland, scrub and/ or hedgerows would not provide this benefit and could actually be counterproductive if they replace, shade out our spreads into grassland, canals or drains.</p> <p>The Indicative Landscape and Biodiversity Plan drawings (pdf pages 64 to 67 of the revised Outline LBMEP) appear to show that woody habitats will not be created where they would shade out LWS habitats, so the effect is likely to be neutral, rather than harmful, but still not worthy of strategic uplift.</p> <p>The LPAs concerns outlined above were provided to the Applicant and further discussions have been undertaken in this regard. It has been agreed 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, the retention of the Strategic Significance weightings for these habitats is agreed.</p> <p>The specific area of disagreement was identified to be the weighting currently applied to the scrub, hedgerow and woodland habitats. The Applicant has emphasised 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; but has otherwise confirmed acceptance of the LPAs position that Strategic Significance should not be applied to these habitats. Having reviewed the implications for the calculations, the Applicant has confirmed that these amendments would 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 by the Applicant to report a net gain in the order of:</p>

Issue no.	Summary of Issues
	<ul style="list-style-type: none"> • 12% for area habitats • 30% for hedgerows • 11% for watercourses <p>NLC has requested a copy of the updated biodiversity metric to confirm the anticipated net gain figures provided by the Applicant.</p> <p>Subject to this review of the updated biodiversity metric and final confirmation through an updated LBMEP and BNG assessment NLC are of the view that this issue will have been satisfactorily addressed. It is our intention to confirm this formally as part of our SoCG with the Applicant, which is at an advanced stage of preparation.</p>
WQ 1.0.6	<p>NLC agrees with the position of the Applicant with regards to securing the enhancement of Keadby Ash Tip via Requirement 6 (LBMEP) and has no concerns to raise in this regard. As the land is within the Applicants ownership/control the LPA believes that the Requirement would be both lawful and enforceable.</p> <p>Planning conditions may, in accordance with S72(1) of the TCPA 1990, be used to require works to be undertaken on land under the control of an applicant (whether or not it is land in respect of which the application was made) where it is expedient for the purposes of or in connection with the development authorised by the permission. It is logical that a similar approach would apply to the use of DCO Requirements to secure such works.</p> <p>It is also noted that previous decisions, including the Keadby 3 DCO, have taken a similar approach to securing off-site enhancement.</p> <p>Therefore, no separate mechanism is considered to be required to secure the enhancement of Keadby Ash Tip.</p>
WQ 1.0.14	<p>Planning application PA/2025/1146 for the construction and operation of a low carbon (green) hydrogen production facility with an installed electrolyser capacity of 120 MW, including electrolyser units and power supplies, a water treatment plant, cooling equipment, hydrogen purification equipment, a hydrogen storage facility, a control building/stores and maintenance and laydown areas was granted planning permission subject to conditions on 20 March 2026. Details can be found on NLC's website at: PA/2025/1146 North Lincolnshire Planning Portal</p>

Table 8.2: Applicant's Comments on NLC's Deadline 3 Submission

Issue no.	Applicant's Comments
WQ 1.0.5	<p>The assessment of strategic significance in the Outline Landscaping and Biodiversity Management and Enhancement Plan Report (OLBMEP) [REP3-009] was reviewed and updated following the advice received from NLC. NLC was also provided with a copy of the BNG metric. NLC has confirmed agreement with the updated assessment of strategic significance within the BNG assessment (Appendix D to the OLBMEP).</p> <p>The Applicant continues to engage with NLC to agree the BNG assessment and it is intended that an update on this will be provided at Deadline 5.</p>
WQ 1.0.6	<p>The Applicant notes NLC's response and considers that no further action is required.</p>
WQ 1.0.14	<p>The Applicant notes the update provided by NLC on planning application PA/2025/1146 as requested by the ExA. As this development is located well over 15km away from the Proposed Development, it was not considered by the Applicant's cumulative impact assessment.</p>

9. Deadline 3 Submission from PD Ports Limited

9.1.1 Table 9.1 provides PD Ports Limited’s responses to the ExA WQs [REP3-039] which provides an update on negotiations between PD Ports and the Applicant. The Applicant’s response is provided in Table 9.2. The response notes that further discussion between both parties is ongoing.

Table 9.1: Summary of PD Ports Limited’s Deadline 3 Submission [REP3-038]

Issue no.	Summary of Issues
1	<p>The Applicant has provided PD Ports with a bullet point starting point for negotiation of heads of terms for a voluntary land agreement.</p> <p>PD Ports provided a response on this list on 27 March 2026 and has suggested a meeting with the Applicant to discuss and attempt to resolve material outstanding points such as whether or not traffic marshalling services would be provided by PD Ports, fees, potential interference with PD Ports operations, indemnity and reinstatement. It is noted that 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.</p>
2	<p>While PD Ports consider that discussions are ongoing seeking to agree Heads of Terms on a commercial basis before the end of examination, in the event that agreement is not finalised PD Ports will request (and provide drafting for) at the next ExA deadline the inclusion of Protective Provisions in light of the inclusion of the Applicants compulsory and temporary powers of acquisition. It is noted that these powers have a statutory requirement to be in compliance with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010. Additionally, PD Ports reserve the right to request amendments to the DCO at the next deadline, in the event that the meeting by PD Ports and the Applicant not progress material outstanding points which leave PD Ports concerned that the DCO if granted will interfere with the rights of PD Ports and adversely affect the continued safe and efficient operation of the PD Ports.</p>

Table 9.2: Applicant's Comments on PD Ports Deadline 3 Submission

Issue no.	Applicant's Comments
1	<p>Discussions have been ongoing and the Applicant issued detailed Heads of Terms for consideration by PD Ports on 16 April 2026. The Applicant is in the process of amending these Heads of Terms in light of subsequent discussions concerning the access through PD Ports' yard. It is anticipated that these Heads of Terms in respect of the principles can be substantively concluded in short order following which and all parties meeting may be convened to finalise points of detail and drafting prior to formal agreement.</p>
2	<p>The Applicant notes PD Ports' intention to submit its requested Protective Provisions at Deadline 4. The Applicant notes the late introduction of these Protective Provisions to the examination process, less than 6 weeks before the examination closes. They have not been provided to the Applicant directly in advance of Deadline 4. The Applicant asks the ExA to consider the request for Protective Provisions accordingly.</p> <p>Without prejudice to any further submissions the Applicant may wish to make following sight of the Protective Provisions at Deadline 4, the Applicant does not accept in this case that there is a need for PD Ports to benefit from protective provisions. Protective provisions are normally included in DCOs to ensure statutory undertakers will not suffer 'serious detriment' to their undertakings (as per s.127 of the Planning Act 2008 but noting that section is only engaged where compulsory acquisition of a statutory undertaker's land is proposed, which as explained below is for the most part not what is proposed here). The Applicant does not consider there is any realistic prospect of PD Ports suffering serious detriment in this case because of the limited impact of the scheme on PD Ports' interests.</p> <p>The Applicant proposes to confine the unloading of boats and the transfer of materials to HGVs within Railway Wharf, which is already in the Applicant's ownership. The Applicant only requires access to a single mooring bollard on PD Ports' wharf to provide an additional mooring point to provide additional stability to the boats whilst they are moored. The Applicant does not intend to carry out any works to the mooring bollard apart from any repair that may be required as a result.</p> <p>With the exception of Plots 3-127 (258m² of public highway and verge to the west of the Wharf) and 3-194 (55m² of unnamed drain and grassland west of Trent Side) over which rights are sought, all the plots in which PD Ports has</p>

Issue no.	Applicant's Comments
	<p>an interest are identified for temporary possession and use only and are not therefore subject to compulsory acquisition. Article 31(4) (temporary use of land for carrying out the authorised development) of the draft DCO [REP3-002] imposes limits on how long the Applicant may remain in possession of temporary possession plots. Article 31(5) requires the Applicant to remove all temporary works and restore the temporary possession plots to the reasonable satisfaction of its owners before giving up possession of the land, with the limited exceptions specified in sub-paragraphs (a) to (d) of that paragraph. Importantly, Article 31(6) requires the Applicant to pay compensation to the owners and occupiers of land of which temporary possession is taken for any loss or damage arising from the exercise of the DCO powers. It is not therefore necessary for protective provisions to be added to the DCO for PD Ports to be entitled to compensation for any loss or damage that may occur due to the scheme.</p> <p>In addition to the protections contained in Article 31 of the draft DCO, various Requirements in Schedule 2 to the draft DCO will apply for the benefit and protection of PD Ports' interests. These include:</p> <p>Requirement 8 (means of enclosure) which requires construction areas to be securely fenced at all times during construction and all temporary means of enclosure to be removed thereafter.</p> <p>Requirement 18 (temporary haul road (traffic management and protection)) requires Work No. 9D (the haul road which includes Plots in which PD Ports has an interest) to be retained and maintained in accordance with the Haul Road Plans [APP-029]. No part of the haul road is to be brought into use for transporting abnormal loads until (a) appropriate traffic management measures have been put in place to allow vehicles to safely access the Wharf and cross Trentside; and (b) appropriate protection measures have been put in place to the Trentside access points adjacent to the road crossing.</p> <p>Requirement 19 (temporary haul road (removal and restoration)) which requires the temporary haul road and associated infrastructure comprised in Work No. 9D to be removed and the land restored in accordance with a scheme to be submitted and approved within 36 months of the commencement of construction of Work No. 1.</p> <p>Requirement 22 (construction traffic management plan) which requires the submission and approval of a Construction Traffic Management Plan (CTMP)</p>

Issue no.	Applicant's Comments
	<p>prior to commencement of the authorised development. The Plan is to include the measures specified in sub-paragraph (3) of the Requirement, which include details of the routes to be used for the delivery of construction materials and any temporary signage to identify routes and promote their safe use; details of access points to be used by vehicles; details of the routing strategy and procedures for the notification and conveyance of abnormal indivisible loads; a Wharf Management Plan substantially in accordance with the Framework Wharf Management Plan [REP3-026] which shall include processes for agreeing in advance the principles around scheduling of abnormal load deliveries; the construction programme; and any necessary measures for the temporary protection of carriageway surfaces, the protection of statutory undertakers' plant and equipment, and any temporary removal of street furniture. The approved CTMP must be implemented and maintained through the construction period.</p> <p>Requirement 28 (restoration of land used temporarily for construction) requires the submission, approval and implementation of a scheme for the restoration of any land within the Order limits which has been used temporarily for construction (excluding the Palfrey laydown area and haul road, which are subject to their own separate Requirements for restoration). The land must be restored within 36 months of the authorised development being brought into commercial use.</p> <p>The Applicant's position at Deadline 4 is therefore that the current draft DCO contains adequate protections to ensure there will be no serious detriment to PD Ports' undertaking. The Applicant does not consider there to be clear and compelling reasons why the current draft DCO is insufficient or why additional protections in the form of Protective Provisions are needed in this case given the very limited interaction between the Proposed Development and PD Ports' interests. The Applicant notes that the Guidance on the Content of a Development Consent Order (April 2024) states that protective provisions <i>"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. Examining Authorities are expected to ensure that the final form of a recommended DCO contains protective provisions which are bespoke to the application under consideration."</i> Accordingly, the Applicant</p>

Issue no.	Applicant's Comments
	<p>does not propose to add Protective Provisions for PD Ports to the draft DCO at this late stage of the examination.</p> <p>The Applicant may make further submissions on this point following sight of PD Ports' requested Protective Provisions and in response to any questions from the ExA.</p>