

# **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 4 Submissions**

**The Planning Act 2008**

**Applicant: Keadby Next Generation Limited**

**Date: June 2026**

**Revision: 0**

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# 1. Introduction

## 1.1. Overview

1.1.1 This document ‘Applicant’s Comments on Deadline 4 Submissions’ (**Document Ref. 8.15, 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 4 submissions made by Interested Parties (IPs). The document is submitted for Deadline 5 of the Examination.

1.2.2 The key issues raised by IPs in their Deadline 4 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 - Natural England [**REP4-018**]

- Section 3 – James Hewitt **[REP4-019]**
- Section 4 – John Carney **[REP4-020]**

1.2.3 Please note that a response to the EA's Deadline 4 submission was provided by the Applicant at Deadline 4 and so is not repeated here.

## 2. Natural England

2.1.1 Natural England’s (NE’s) Deadline 4 Submission [REP4-018]. Table 3.1 summarises below the issues raised within NE’s comments on any additional information / submissions received at Deadline 2 [REP3-033].

**Table 3.1: Summary of NE’s Deadline 4 Submission [REP4-018]**

Issue no.	Summary of Issues
1	The Applicant has now provided 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 (issue refs NE1 and NE2). While Natural England does generally require noise modelling to include LAmax and LApeak 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 LAeq 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. 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 on this topic.
2	We will continue to work with the Applicant to resolve the outstanding impacts associated with air pollution.

2.1.2 The Applicant’s comments on the above issues are set out in Table 3.2 below.

**Table 3.2: Applicant's Comments**

Issue no.	Applicant’s Comments
1	In relation to the issue points referenced (NE1 and NE2), the Applicant notes that these matters are now considered closed and as such no further action is required.

Issue no.	Applicant's Comments
2	The Applicant is continuing to engage with Natural England to agree the final Statement of Common Ground.

### 3. James Hewitt

3.1.1 Table 4.1 summarises James Hewitt’s Deadline 4 Submission [REP4-019]. The Applicant’s response to which is contained in Table 4.2.

**Table 4.1: Summary of James Hewitt’s Deadline 4 Submission [REP4-019]**

Issue no.	Summary of Issues
1	<p>Technology development and maturity for burning 100% hydrogen:</p> <p>The Applicant does not state whether they propose to wait for a prospective manufacturer to produce generating units capable of burning fuel comprising 100% hydrogen.</p> <p>Mr Hewitt makes reference to the Applicant’s proposal to install generating units which could be converted to either burn mixtures of methane and hydrogen or 100% hydrogen and queries whether this is commercially or technically feasible.</p> <p>Mr Hewitt also suggests that guarantees relating to the use of hydrogen as a fuel for the Proposed Development should be included as a pre-requisite to planning approval.</p>
2	<p>Availability of hydrogen:</p> <p>Mr Hewitt sets out that prospects for CCS implicitly including blue hydrogen have diminished. Equinor, Microsoft and Drax are cited as example organisations that have reduced or are looking to reduce support for such schemes.</p>
3	<p>Need for natural gas fired CCGT beyond 2030:</p> <p>Mr Hewitt notes that support for the burning of methane has diminished, especially in unabated gas-fired power stations beyond 2030. Factors contributing to this include decline of energy security (due particularly to war and erratic policy), the demise of prospective datacentres, and the upstream greenhouse gas emissions from production of LNG and its onwards supply.</p>

**Table 4.2: Applicant's Comments**

Issue no.	Applicant’s Comments
1	<p>The Applicant is currently working with Siemens Energy to develop gas turbine technology that is capable of operating on 100% hydrogen whilst</p>

Issue no.	Applicant's Comments
	<p>maintaining the flexibility to operate with natural gas and a blend of the two. As this technology is already being developed, the Applicant is confident that the production of generating units which can run on both hydrogen and natural gas will be technically feasible.</p> <p>In terms of commercial feasibility, the Applicant refers to its comments made in Section 6.1 of the 'Applicant's Comments on Deadline 1 Submissions' (Document Ref. 8.8) [REP2-006] which noted that the use of hydrogen fuel will need a combination of support through a Capacity Market agreement or Availability Payment as part of a Hydrogen to Power business model (H2PBM) contract and either price support to enable hydrogen-fired plant to displace natural gas fired plant in the electricity market as part of a H2PBM contract or a high and stable carbon price which will incentivise the dispatch of low carbon electricity generation plant such as hydrogen-fired plant relative to higher carbon alternatives such as natural gas-fired plant. SSE is continuing to engage regularly with the Department for Energy Security and Net Zero (DESNZ) on policy development on the Capacity Market and the development of the H2PBM, including through DESNZ's Hydrogen to Power Industry Working Group which will further support the commercial viability of the scheme.</p> <p>The Applicant also notes that projects such as the Proposed Development are necessary to stimulate the hydrogen economy and support the development of commercially viable low-carbon technology.</p> <p>The Applicant would also note that National Policy Statement (NPS) EN-1 paragraph 2.3.16 sets out that "Government is developing business models to incentivise the deployment of carbon capture, utilisation and storage (CCUS) facilities and low carbon hydrogen production in the UK. The British Energy Security Strategy committed to designing, by 2025, new business models for hydrogen transport and storage infrastructure. To accelerate deployment of hydrogen to power (H2P), government is implementing a H2P business model (H2P BM) to de-risk investment and mitigate our identified deployment barriers."</p>
2	<p>The Applicant refers to its response as set out in Section 6.2 of 'Applicant's Comments on Deadline 1 Submissions' (Document Ref. 8.8) [REP2-006] which notes that the Applicant is continuing to work with third party hydrogen producers and suppliers as well as developing its own hydrogen production</p>

Issue no.	Applicant's Comments
	<p>and storage infrastructure to help the commercial deployment of hydrogen fuel nationally and in proximity to the Proposed Development.</p> <p>The Applicant retains close links with both Project Union and East Coast Hydrogen which aim to develop national and regional scale hydrogen supply networks to supply industrial and power generation offtakers, and is engaging with Government on the development of supportive policy frameworks to establish hydrogen production, transport and storage in partnership with Equinor and others to progress hydrogen production, storage and transport infrastructure.</p> <p>The Applicant also acknowledges that all components of the hydrogen economy must be developed in parallel to stimulate the whole, so offtakers such as the Proposed Development need to be ready for when production, storage and transport infrastructure is also ready, to avoid delay. Without this synchronised approach, each component would wait for others to take the first step, and the hydrogen economy would stall.</p>
3	<p>The Applicant refers to paragraph 3.3.48 of NPS EN-1 which notes that although the expectation is that low carbon alternatives will be able to replicate the role of natural gas in the electricity system over time, some natural gas-fired generation without CCS, running infrequently, may still be needed in order to ensure affordable reliability even in 2050. Paragraphs 3.3.57 to 3.3.61 confirm that there is an urgent need for all the generating technologies mentioned in EN-1, including natural gas with or without CCS to provide security of supply and an affordable and reliable electricity system.</p> <p>In addition, the Applicant notes that Table 1 of the Clean Power 2030 Action Plan published by the Department for Energy Security and Net Zero, states that 35GW of installed unabated gas is expected to be required in 2030 to provide dispatchable power to complement variable renewable power. As such, whilst the main focus is on the development of low-carbon electricity generation it is expected that some natural gas will still be required past 2030.</p>

## 4. John Carney

4.1.1 Table 5.1 summarises John Carney’s Deadline 4 Submission [Rep4-020]. The Applicant’s response is contained in Table 5.2.

**Table 5.1: John Carney’s Deadline 4 Submission [REP4-020]**

Issue no.	Summary of Issues
1.	<p><b>Removal of Pine Trees and Red-List Bird Nesting Habitat (Wildlife Crime Indicators)</b></p> <p>Pine trees and associated vegetation on the <b>west side of Chapel Lane</b> have been removed. This area has long been an active nesting site for <b>red-list bird species</b>. This removal occurred at the beginning of the nesting period, contrary to:</p> <ul style="list-style-type: none"> <li>• Wildlife and Countryside Act 1981 (s.1)</li> <li>• NERC Act 2006 (s.40–41)</li> <li>• Environmental Impact Assessment Regulations</li> </ul> <p>No notification was made to PINS, and no DCO authority exists for this action. This renders the applicant’s ecological baseline <b>materially inaccurate</b>.</p>
2.	<p><b>New Gates and “Private Property” Signs Installed on the Public Highway (No Stopping-Up Order Exists)</b></p> <p>New gates and exclusionary signage have been installed on the route from <b>Chapel Lane to Keadby Lock</b>.</p> <p>There is:</p> <ul style="list-style-type: none"> <li>• <b>No stopping-up order</b> under the Highways Act 1980</li> <li>• <b>No DCO authority</b> permitting obstruction</li> <li>• <b>No lawful extinguishment</b> of public rights</li> </ul> <p>Under <b>Highways Act 1980 (s.130)</b>, the highway authority has a <b>non-discretionary duty</b> to protect public rights of passage. The installation of gates on a public highway is <b>prima facie unlawful</b>.</p> <p>This contradicts the applicant’s DCO submissions regarding access, rights of way, and land interests.</p>
3.	<p><b>New Fence Erected on the West Side – Encroachment onto the Highway Verge</b></p>

Issue no.	Summary of Issues
	<p>A new fence has been erected on the west side of the route, which:</p> <p>Encroaches onto the <b>highway verge</b></p> <p>Narrows the available width</p> <p><b>Stops up access and egress</b> to the North Soke Drain</p> <p>Prevents lawful public use of the verge</p> <p>Interferes with riparian access and long-established fishing rights</p> <p>Encroachment onto the highway verge constitutes:</p> <ul style="list-style-type: none"> <li>• <b>Obstruction of the highway</b> (Highways Act 1980, s.137)</li> <li>• <b>Unlawful interference with the public’s right to pass and repass</b></li> <li>• <b>Material alteration of the highway without lawful authority</b> (s.131)</li> </ul> <p>This is a serious statutory breach.</p>
4.	<p><b>Interference with Fishing Access to the North Soke Drain</b></p> <p>The fence and gates now <b>prevent access to the North Soke Drain</b>, historically used for:</p> <ul style="list-style-type: none"> <li>• Fishing</li> <li>• Bank inspection</li> <li>• Drainage maintenance</li> <li>• Public recreation</li> </ul> <p>This interferes with:</p> <ul style="list-style-type: none"> <li>• <b>Riparian rights</b></li> <li>• <b>Public access rights</b></li> <li>• <b>Drainage authority operational access</b></li> </ul> <p>None of this obstruction is authorised under the DCO or any other statutory instrument.</p>
5.	<p><b>Interference with Doctor Way’s Access and Egress to Her Land</b></p> <p>The new fence and gates also <b>obstruct Doctor Way’s access and egress</b> to her land. This constitutes:</p> <ul style="list-style-type: none"> <li>• <b>Interference with private access rights</b></li> <li>• <b>Potential private nuisance</b></li> <li>• <b>Unlawful obstruction of a recognised access point</b></li> </ul>

Issue no.	Summary of Issues
	<ul style="list-style-type: none"> <li>• <b>Failure to disclose affected interests</b> in the applicant’s Book of Reference and Land Plans</li> </ul> <p>This is a material inaccuracy in the DCO land-interest documentation.</p>
6.	<p><b>Procedural and Statutory Relevance to the Examination</b></p> <p>These actions raise significant concerns regarding:</p> <ul style="list-style-type: none"> <li>• The <b>accuracy</b> of the applicant’s land-interest and access information</li> <li>• The <b>completeness</b> of the ecological baseline</li> <li>• The <b>lawfulness</b> of works undertaken within or adjacent to the DCO boundary</li> <li>• The <b>failure to notify</b> PINS of actions with material environmental and access impacts</li> <li>• The <b>potential commission of wildlife offences</b></li> <li>• The <b>obstruction of a public highway</b></li> <li>• The <b>interference with private access rights</b></li> <li>• The <b>interference with riparian access and drainage operations</b></li> </ul> <p>These issues go to the core of the Examining Authority’s statutory duties under the Planning Act 2008.</p>
7.	<p><b>Requests to the Examining Authority</b></p> <p>I respectfully request that the Examining Authority:</p> <ol style="list-style-type: none"> <li>1. <b>Record this evidence</b> (with photographs) as part of the Examination.</li> <li>2. <b>Require the applicant</b> to explain: <ul style="list-style-type: none"> <li>○ The removal of nesting habitat</li> <li>○ The installation of gates and signage</li> <li>○ The erection of the new fence and verge encroachment</li> <li>○ The obstruction of access to the North Soke Drain</li> <li>○ The interference with Doctor Way’s access</li> </ul> </li> <li>3. <b>Confirm whether these actions should have been notified</b> to PINS under the DCO framework.</li> <li>4. <b>Determine whether the applicant’s submitted information is now materially inaccurate</b> and requires correction.</li> <li>5. <b>Seek clarification from the highway authority</b> regarding the absence of any lawful stopping-up order.</li> </ol>

Issue no.	Summary of Issues
	<p>6. <b>Seek clarification from the drainage authority</b> regarding obstruction of operational access.</p> <p>I can provide photographs, dates, and further evidence upon request.</p>

**Table 5.2: Applicant's Comments**

Issue no.	Applicant's Comments
1.	<p>This matter is not relevant to this DCO application. SSE has carried out maintenance activities but is not clear on which activities are being referred to. It is possible that the vegetation works being referred to were carried out in connection with the Keadby 2 Power Station Section 36 consent, but no breach of the Countryside and Wildlife Act 1981 has occurred. The Applicant confirms that no enforcement action has been initiated.</p>
2.	<p>The Applicant has previously commented on this matter in its response to Mr Carney's Written Representation for Deadline 1 [REP1-060] (<b>Application Document Ref. 8.8</b>). The Applicant has nothing to add to this earlier response.</p>
3, 4, 5	<p>The fence in question is a boundary fence around the Keadby Generation Limited land. It does not form part of the public highway and is set back from the highway, not encroaching onto the verge.</p> <p>The only new point raised under point 5 relates to the Book of Reference. The Applicant has undertaken diligent enquiries about the access and has no reason to believe that any private rights have been compromised.</p>
6.	<p>For the reasons above, points 1-5 do not give rise to any procedural concerns or infringement of statutory rights.</p>
7.	<p>PINS have recorded Mr Carney's comments, as requested. Information has been provided on the matters raised at 7.2. Matters 7.3 - 7.5 are directed to the ExA.</p>