

Response to Secretary of State's Request for Information

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Hydrogen Connection Statement		
3.	Noting the information provided in the Hydrogen Connection Statement [APP-164] and [REP2-005], the Applicant is requested to provide an update on any progress made towards identifying and securing a potential hydrogen connection point through National Gas Transmission's Project Union, or any other means, including any relevant discussions, agreements, timescales or dependencies.	The Applicant refers to its previous update provided in Applicant's Responses to Action Points for Deadline 2 [REP2-005]. Since then, the Applicant has continued to engage with National Gas Transmission and its East Coast Hydrogen partners (Cadent Gas and NGN) on hydrogen infrastructure in the Humber. Project Union: East Coast Hydrogen has progressed into Front End Engineering Design and DCO pre-application stage – PINS reference EN0710007 - with DCO application submission expected in December 2028. A direction under section 35 of the Planning Act 2008 in relation to that project has been made by the Secretary of State. The section 35 direction dated 19 May 2026 identifies Keadby as an anticipated Hub Above Ground Installation (AGI) location for the hydrogen network because of the importance of this Proposed Development as an offtaker for hydrogen. This represents progress towards a potential hydrogen connection, but no final connection point, connection offer, capacity reservation or binding agreement can yet be secured. Delivery remains subject to the UK Government publishing its hydrogen strategy, and to the continuation of government regulatory support and agreement of business models.
Climate Change Assessment		
4.	The Secretary of State notes that Chapter 18 of the ES [APP-052] assumes that hydrogen supplied to the Proposed Development has a lifecycle carbon intensity of 20 gCO ₂ e/MJLHV which is the maximum level that qualifies as "low carbon hydrogen" under the Low Carbon	The Applicant has addressed the specific requests of the Secretary of State below. As a preliminary comment, the Applicant would note that the Low Carbon Hydrogen Standard (LCHS) is a facet of Government policy and expectations. The Applicant's view is, therefore, that the Government can place reliance on the standard being met, since it is the Government itself that is mandating the use of the LCHS as the standard hydrogen producers have to meet in order to feed hydrogen into the UK

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Hydrogen Standard ("LCHS"). However, this is not secured within the DCO.	transmission system. The <i>Gateshead</i> principle holds that the Secretary of State is entitled to rely on schemes such as policy documents or regimes like the Emissions Trading Scheme (ETS) operating effectively. The Applicant considers this principle applies with equal force to the LCHS. <i>Relevant national policy</i> National Policy Statement (NPS) EN-1 (2024) sets out that "<i>The Secretary of State should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator</i>" and separately confirms that "<i>Operational emissions will be addressed in a managed, economy-wide manner, to ensure consistency with carbon budgets, net zero and our international climate commitments.</i>" The wider context is that there is a UK need to develop this hydrogen fuel mix which meets the carbon intensity government supports. As Government has set out its expectation, it is unlikely that the fiscal support that is necessary to bring forward the hydrogen production would come forward unless the LCHS was met. The Applicant stresses in relation to questions relating to the LCHS and operational hours, that NPS EN-1 is clear that "<i>Operational emissions from combustion plant are controlled through Environmental Permits.</i>" <i>Case law</i> By way of analogy, in the recent Gatwick Airport DCO, the Secretary of State for Transport (SST) relied on a Government policy – Jet Zero – in determining the appropriate scope of the environmental assessments. The Court of Appeal in <i>Barclay and another -v- Secretary of State for</i>

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	Transport [2026] EWHC 1556 (Admin) held that there was nothing in the debates about the uncertainty associated with those policies that meant <i>“that the SST acted irrationally on this issue in relying upon her policies”</i>. In the Applicant's view, as was the case for that DCO, the Secretary of State is <i>“entitled to rely upon his or her own policies... to deliver the purpose for which they had been designed.”</i> Similarly, and this has relevance to the operating hours questions below, in R (Associated Petroleum Terminals (Immingham) Ltd) v Secretary of State for Transport [2025] EWHC 1992 (Admin), the promoter's assessments had included consideration of existing design vessels, but it was argued that a vessel with the dimensions, manoeuvrability and power characteristics of the potential maximum design vessel should be assessed given the development was big enough to accommodate it. The Examining Authority accepted that the larger theoretical vessel need not be the basis of assessment and instead relied on the wider marine regulatory regime and harbour controls. The Secretary of State agreed and decided <i>“there was no need to limit the use of the facility to the design vessels in the assessments given those controls.”</i> The Immingham case demonstrates that the Planning Act 2008 regime does not require every conceivable scenario that might theoretically occur within a project's physical capacity to be assessed or secured by a DCO requirement where there are wider controls in place. In this case, there are such levers, and NPS EN-1 is clear that operational emissions are controlled and regulated in that manner. For those reasons, the Applicant's view is that these principles apply to the LCHS. In particular, the standard sets out that <i>“Before a Hydrogen Production Facility has started producing Consignments claims of Standard Compliance cannot be made. Until Hydrogen Production begins, only claims of likely Standard Compliance may be made (for</i>

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	<i>example, for the purposes of demonstrating eligibility for government subsidy schemes).</i>" <i>Precedents</i> The Applicant would highlight that this specific issue was addressed in the decision on the Net Zero Teesside DCO. Paragraph 5.3.48 of the Recommendation Report sets out that: "We [i.e., the Examining Authority in that case] <i>do not consider it necessary to insert a requirement into the dDCO that requires the CCGT to operate only when the carbon intensity is below the International Energy Agency projections, as recommended by CEPP.</i>" The decision letter for that project records that "The Secretary of State agrees with the ExA" on this issue (see paragraph 4.34). In the H2Teesside Recommendation Report, in relation to the calculation of GHG emissions, including alignment with LCHS, "The ExA is satisfied that that the applicant's submissions on this issue adequately explains and clarifies the differences noted by CEPP... and demonstrates how the calculation method adopted by the applicant in the ES aligns with the LCHS. In this regard the ExA considers the applicant has carried out a proportionate assessment of operational emissions for the anticipated life span of the proposed development." This issue has therefore been considered during previous DCO Examinations and was the subject of submissions from the applicants and interested parties. Neither the Examining Authorities nor the Secretary of State in comparable hydrogen and gas-fired generation projects considered it necessary to impose an equivalent requirement. If Government is not prepared to rely upon the LCHS as the appropriate means of controlling carbon intensity of hydrogen, that would amount to a broader policy issue affecting the entire hydrogen economy, including

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	other projects (including consented projects), rather than this specific DCO. <i>Applicant's position</i> The Applicant is not aware of any equivalent hydrogen-enabled or hydrogen-ready generating station which has been subject to such a requirement. The Applicant would highlight that imposition of a requirement on the Proposed Development, when other comparable projects do not have such a requirement, would put the Applicant at a competitive disadvantage and provides, in effect, a Government benefit to other developments. As is further noted below, the hydrogen supply is not in the Applicant's control and is not measurable at the offtake by the Applicant, so it would be unreasonable to secure compliance with a specific carbon intensity. The Applicant's position is therefore that its approach is appropriate, precedent, and reasonable in the circumstances. The Applicant's position therefore remains as set out in paragraphs 4.12 to 4.16 of 'Issue Specific Hearing 1 Written Summary' (Application Document Ref 8.3, REP1-030).
5 In the absence of a mechanism securing compliance with that intensity the Applicant is requested to: a) Confirm whether hydrogen with a lifecycle carbon intensity exceeding 20gCO₂e/MJLHV could be supplied to and used by the Proposed Development; b) If so, whether the greenhouse gas emissions assessed for Scenarios A-F in Chapter 18 of the ES would remain	<i>a) Confirm whether hydrogen with a lifecycle carbon intensity exceeding 20gCO₂e/MJLHV could be supplied to and used by the Proposed Development</i> There is no provision in the Draft DCO which relates to carbon intensity. Notwithstanding the response to Paragraph 4 directly above that the condition and quality of the gas supplied through the transmission network is a matter for the network operator and not an offtaker, the Applicant does not consider it could realistically commercially receive hydrogen that does not meet the Low Carbon Hydrogen Standard (LCHS). In addition, the

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	representative of those scenarios, or whether revised emissions estimates would be required; and c) c) Whether Scenario G (i.e. operation of the Proposed Development on 100% unabated natural gas throughout its operational life) would still represent the worst-case scenario for greenhouse gas emissions. If not, the Applicant should identify the revised worst-case scenario and quantify the associated greenhouse gas emissions.	Applicant is not aware of any evidence that hydrogen supplied through the future transmission system would fail to meet the LCHS. This is because the LCHS has been defined by the UK government as the maximum carbon intensity of various aspects of hydrogen production as a standard they expect the market to abide by. The Secretary of State would therefore need to assume a failure of the regulatory framework established specifically to govern hydrogen production in order to conclude otherwise. The LCHS is achievable for blue hydrogen if the upstream Well-To-Tank emissions factors for natural gas from the UK government dataset is applied, together with carbon capture infrastructure. In other words, it sets out the ambitions and granular detail on the carbon intensity that is expected by Government of the market. This is underpinned by international efforts to reduce methane emissions, including leakage, which could lead to reduction in carbon intensities. It is therefore, in the Applicant's view, theoretical to suggest this standard would not be met. b) <i>If so, whether the greenhouse gas emissions assessed for Scenarios A-F in Chapter 18 of the ES would remain representative of those scenarios, or whether revised emissions estimates would be required.</i> Notwithstanding that the Applicant's position is that availability of hydrogen that does not meet the LCHS from the transmission system is only a theoretical concept and that the Secretary of State can rely on that standard being met, the Applicant confirms that no update to the assessments would be required.

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	The Applicant would highlight the approach of the Examining Authority adopted in the Net Zero Teesside DCO <i>wherein they concluded that “use of the BEIS/Defra emissions factor, which represents the national average carbon intensity for the fuel in commercial use, is a reasonable approach and we are satisfied that this represents the best data and understanding available at the current time”</i>. The Secretary of State agreed with this approach, and there is no material change since then. The emissions factors include the carbon intensity assumed by the Applicant in this case. More particularly, the GHG assessment assumed a carbon intensity of 20gCO₂e/MJ because this is the maximum carbon intensity permitted by the LCHS, which the Applicant understands will be the standard required to be met by hydrogen producers in order to supply hydrogen to the hydrogen transmission network. Indeed, in previous comparable projects (such as H2Teesside DCO), it was calculated that the GHG emissions from blue hydrogen production would be lower than the maximum specified in the LCHS, which indicates that the LCHS provides a precautionary carbon intensity for hydrogen production, which has been utilised for the purposes of assessments. Importantly, the use of the LCHS represents a conservative, worst-case approach as some hydrogen sources would have a lower carbon intensity than 20gCO₂e/MJ, particularly in the future as supply chains decarbonise and lower carbon forms of hydrogen are expected to be available. For example, green hydrogen is produced by electrolysis using renewable energy, so has considerably lower associated scope 3 emissions. Blue hydrogen is produced through methane reformation with CCS, so although it would have higher emissions than green hydrogen, it

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	would also produce lower scope 3 emissions than this maximum threshold currently set by the LCHS. As other forms of hydrogen (such as green hydrogen) are produced, the average mix of available hydrogen is expected to have lower scope 3 emissions than the maximum threshold currently set by the LCHS. EN-1 itself acknowledges that “<i>at least half of which [i.e., low carbon hydrogen production capacity] will come from electrolytic hydrogen.</i>” In that context, if at least half the hydrogen supply is green hydrogen, the average carbon intensity of hydrogen supply would be considerably lower than the LCHS threshold in the future. The fact that this is a conservative scenario is therefore grounded in national policy itself. If an even greater proportion of green hydrogen was in the hydrogen supply mix, this would be expected to reduce the carbon intensity of the hydrogen supply further below the threshold for the LCHS. The GHG assessment explicitly acknowledges uncertainty about future hydrogen availability and does not assume unconstrained volumes. It assesses the environmental performance of hydrogen if and when it is used, applying the national standard for intensity, which is considered the appropriate, and realistic worst-case, basis for assessment within EIA. For the reasons set out in response to question (c) below, even assuming hydrogen exceeded 20gCO₂e/MJ, revised estimates are not required because the assessment already adopts a reasonable worst-case through Scenario G. <i>c) Whether Scenario G (i.e. operation of the Proposed Development on 100% unabated natural gas throughout its operational life) would still represent the worst-case scenario for greenhouse gas emissions. If not, the Applicant should identify the revised worst-</i>

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	<i>case scenario and quantify the associated greenhouse gas emissions.</i> Even if a hydrogen producer were able to supply hydrogen that did not satisfy the LCHS to the hydrogen network from which the Proposed Development will be an offtaker, that would not alter the fundamental conclusion reached in the Environmental Statement. Scenario G remains the <i>reasonable</i> worst-case because it assumes no hydrogen use whatsoever and instead assumes continued reliance on 100% unabated natural gas throughout the operational life of the Proposed Development based on reasonable worst case scenarios for operational hours. Any scenario involving partial or complete hydrogen use would need to demonstrate a lifecycle carbon intensity materially greater than that of natural gas before it could exceed the Scenario G assessment, and the Applicant is not aware of any evidence that such a scenario is realistically capable of arising. A scenario only constitutes a reasonable worst case for EIA purposes where there is evidence capable of demonstrating a realistic pathway by which the scenario could arise. For the reasons outlined below, a scenario in which the LCHS would not be met, is not a reasonable worst case scenario in EIA terms, but a highly unlikely, unrealistic scenario. In short, a hypothetical scenario involving hydrogen with arbitrarily high lifecycle emissions would not represent a reasonable worst-case scenario for EIA purposes. • Scenario G is considered to be reasonable worst case given the Government's clear policy ambitions for hydrogen supply to be available in the future. In addition, the Proposed Development would only be required to operate in order to supply electricity to the grid under Scenario G if there was higher-carbon energy generation on the grid from existing, less efficient CCGT

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		throughout its operational life, which is considered to be highly unlikely given the plan set out in the Government's Clean Power 2030 Action Plan. To suggest that it does not constitute a reasonable worst case is to suggest that the Government's clear policy in this regard is not realistic.
6	The Applicant is requested to provide further detail on how it intends to work with hydrogen producers and transmission operators to support the assumption that LCHS-compliant hydrogen will be procured throughout the lifetime of the Proposed Development.	As noted in Issue Specific Hearing 1 (and documented in Application Document Ref 8.3, REP1-030), although the Proposed Development will be an offtaker of hydrogen from the proposed hydrogen transmission network rather than specific hydrogen production facilities, the Applicant has continued to engage with hydrogen producers and transmission operators. See also the response to Question 3 above. SSE is also partnering with Equinor, National Gas and Centrica in the development of the Humber Hydrogen transport and storage network, designed to connect hydrogen production, storage and demand across the Humber. Through this Partnership, SSE has developed the option for the Proposed Development to integrate with the Humber Hydrogen network. The companies, including the Applicant, are combining their expertise in hydrogen transport, production, usage and storage to develop a first-of-its-kind coordinated hydrogen network in Britain, connecting projects across Yorkshire and Lincolnshire including locations such as Aldbrough, Easington, Saltend, Immingham and Keadby to link hydrogen production with industrial customers and power stations. SSE participation in Humber Hydrogen and network engagement within this Partnership is therefore focused on: • Project Union and East Coast Hydrogen, led by National Gas, Cadent Gas and NGN

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	• Humber Hydrogen Pipeline (HHP), which SSE is developing in partnership with National Gas, Centrica and Equinor; and • Aldbrough Hydrogen Storage (AHS), which SSE is developing jointly with Equinor. As part of Humber Hydrogen, there are six power stations in the region, investing in more than 4GW of hydrogen-to-power (H2P) projects – that is more than 10% of Britain's average electricity demand - and two blue and five green hydrogen production projects, owned by different producers, delivering approximately 3GW of low carbon hydrogen. By building and contributing to this demand, the demand for LCHS-compliant hydrogen will also increase. Humber Hydrogen will participate in the UK Government's Hydrogen Transport and Storage Business Model allocation process. Development of Humber Hydrogen is predicated on the basis of transporting LCHS-compliant hydrogen. The Applicant therefore is fully engaged in the wider supply chain, and ensuring that the Proposed Development can maximise its potential contribution to the wider UK supply chain, including creating the demand for LCHS-compliant hydrogen. Although the Applicant cannot control the characteristics of hydrogen entering the transmission network, it is supporting the creation of market demand for hydrogen that is expected to comply with the LCHS and is engaging with the relevant network and infrastructure developers on that basis. Whilst the Secretary of State's query is directed toward the Applicant, it is also worth noting that from July to September 2025, government consulted on developing an effective market framework for hydrogen pipeline networks. In December 2025, government published its response to this consultation, in which government announced taking forward a range of new actions, including introducing secondary

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		legislation to exempt hydrogen supply to premises from supplier licensing requirements and developing a new hydrogen network code, which will support the rollout of hydrogen storage and transport infrastructure and therefore H2P capacity. The Government has acknowledged in its Clean Flexibility Roadmap (July 2026) the Applicant's steps in this context, expressly noting that "<i>SSE, Equinor, and Siemens Energy continued their "Mission H2 Power" collaboration to expand testing capability for 100% hydrogen-fueled gas turbines</i>" and this was an "<i>achievement [which] confirms the viability of a step towards hydrogen power, providing investors more confidence to support the development of H2P capacity.</i>"
7	The Applicant is requested to provide without-prejudice proposed drafting for a DCO requirement that would secure that the hydrogen supplied to the Proposed Development has a lifecycle carbon intensity of no more than 20 gCO₂e/MJLHV.	The Applicant does not agree that the provision is necessary, appropriate, or reasonable for the reasons set out above. The Applicant reiterates that it is not for the offtaker or user of gas (or any other utility) to demonstrate that the gas supplied meets the LCHS. There is no feasible mechanism for the Applicant or any operator to physically monitor whether hydrogen received meets the LCHS and the steps are likely to be dealt with via contractual arrangements. The Applicant is unaware of any operational plant being subject to such requirements to ensure that the Government's standards for fuel, gas or other supply meet particular standards (rather than relying on its regulation of the relevant utility). The Applicant has not been able to identify any hydrogen-ready or enabled gas fired power station which imposes such a Requirement or condition and so the drafting provided above is bespoke. However, the Applicant would note that the drafting below relating to "<i>taking reasonable steps</i>" reflects the fact that fuel is produced and delivered to the Proposed Development by third parties, including regulated gas transmission companies, and outside of the Applicant's control whilst

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	securing that it undertakes appropriate steps. This drafting is also based on other fuel, chemical or substances contexts (see, for example, Regulation 8 of the Nuclear Generating Stations (Security) Regulations 1996, section 17 of the Petroleum Act 1998 and Regulation 8 of the Control of Substances Hazardous to Health Regulations 2002). The Applicant considers that the principle which underpins those precedents applies in this case. The Applicant's drafting below secures the use of the carbon intensity standards secured by the Government, but permits variations with the local planning authority or Secretary of State's agreement. The carbon intensity is secured by reference to the low carbon hydrogen standard. The Applicant's proposed drafting is as follows: 33. Low Carbon Hydrogen Standard <i>(1) The undertaker must undertake reasonable steps to ensure that the hydrogen supplied to the authorised development meets the lifecycle carbon intensity specified in the low carbon hydrogen standard except where subparagraph (2) applies.</i> <i>(2) This paragraph applies where the local planning authority is satisfied that the use of hydrogen which does not meet the low carbon hydrogen standard will not give rise to materially new or materially different environmental effects as compared to the environmental statement, or where the Secretary of State agrees in writing there is an emergency or other reasons of compelling national interest to use hydrogen which does not meet the low carbon hydrogen standard.</i> <i>(3) The undertaker must, 12 months from the date of any use of hydrogen for the authorised development and every 24 months</i>

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	<i>thereafter, submit a report setting out how it has complied with subparagraph (1) to the local planning authority.</i> <i>(4) In this paragraph, "low carbon hydrogen standard" means the UK Low Carbon Hydrogen Standard published by the Department for Energy Security and Net Zero (published 8 April 2022) as may be updated or substituted from time to time.</i>
8 The Secretary of State notes Chapter 18 of the ES assumes operating hours of 3,500 hours for the first 15 years of operation, and 1,500 hours thereafter for the Proposed Development [APP-052 - 18.6.19]. The Applicant is requested to: a) Explain the basis for the assumed operating hours, including why it represents a worst-case scenario; b) Identify whether the assumed operating hours would be secured through the DCO, environmental permit or any other mechanism, and specify the relevant provisions; and c) If the operating hours would not be subject to an enforceable limit, explain what would prevent the Proposed Development from operating for longer than assessed and quantify the greenhouse gas emissions that could arise under a higher utilisation worst-case scenario.	<i>a) Explain the basis for the assumed operating hours, including why it represents a worst-case scenario;</i> As discussed in Issue Specific Hearing 1 and further clarified in Section 2.1 of 'Applicant's Responses to Action Points for Deadline 2 (submitted at Deadline 2)' (Application Document Ref 8.7, REP2-005), the ES, in accordance with the EIA Regulations, provides a reasonable worst-case assessment of the Proposed Development. The operational hours will be based on the demand driven by market conditions, UK security of supply needs as well as maintenance and shutdown periods. Noting this, the Applicant, in line with EIA best practice, identified reasonable worst-case operating hours for the purposes of the GHG assessment that reflect the Government policy-driven expected reduction in dispatchable plant use over time based on published energy generation forecasts and its own projections which are based on its extensive understanding and experience of its plants in operation and the market. The Applicant's operating hour assumptions utilised for the GHG assessment are compatible with NESO's central Future Energy Scenario (FES) 2025 whereby unabated gas remains an important part of the system for security of supply, but with a declining utilisation profile over time. In particular, NESO's FES 2025 indicates that unabated gas generation is expected to continue to play an important role in

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	maintaining security of supply through the transition to net zero, whilst operating at progressively lower load factors as low-carbon flexibility, energy storage, hydrogen-to-power and gas generation with carbon capture and storage are deployed at scale. FES therefore supports a future in which gas-fired generation remains a necessary component of the electricity system but transitions from a higher-utilisation balancing role in the 2030s to a lower-utilisation peaking and security-of-supply function thereafter. The operating hour assumptions adopted for the GHG assessment are consistent with this anticipated transition from mid-merit operation towards a predominantly peaking and balancing role. The operating hours assumptions utilised in the GHG assessment are averages, and so they cannot be transposed into annual caps for each particular year. The lifecycle GHG assessment assumed average operating hours of 3,500 per year for the first 15 years and average operating hours of 1,500 per year thereafter. The actual operating hours in any one year could be higher or lower than this average, but this does not affect its use as a basis for an assessment of a reasonable worst-case scenario because the assessment considers the overall lifetime of the Proposed Development. The average annual operating hours assumed for the GHG assessment are therefore considered to represent a reasonable worst case based on current forecasts of power station demand over the life of the Proposed Development. In practice operating hours will be dictated by the need to meet UK security of supply and market conditions (i.e. the energy mix including the continued increase in renewables supplying the electricity grid) as well as maintenance and shutdown requirements.

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	<i>b) Identify whether the assumed operating hours would be secured through the DCO, environmental permit or any other mechanism, and specify the relevant provisions</i> Under the Environmental Permitting Regulations 2016, the Environment Agency will, in due course, consider if operational limits are required within the Environmental Permit when assessing the environmental impacts of the Proposed Development. Those operational requirements ensure that the Proposed Development operates at acceptable levels. For example, as permits are focused on demonstration of the use of Best Available Techniques (BAT), a permit would be expected to restrict running hours of a plant if not running in combined cycle mode. The operational units of the existing Keadby 2 Power Station, which are capable of operating in open cycle mode, have an open cycle operational hour restriction imposed within the Environmental Permit: "The [open cycle] activities shall operate for less than 1,500 hours per year as a rolling average over a period of five years with a maximum of 2,250 hours operated in any one year". The Environment Agency is currently considering which operational controls may be relevant to the Proposed Development, but the Applicant considers that it is reasonable to expect that it will include appropriate operational controls (taking into account the Proposed Development will only operate in closed cycle mode). As part of the impending Decarbonisation Readiness proposals it will also properly consider and account for measures to ensure decarbonisation through either the hydrogen-ready, or carbon capture, routes. The Applicant notes that no decisions on the Environmental Permit have been made in the context of the Proposed Development (though an application was submitted in December 2025).

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	The Applicant strongly considers it would be highly inappropriate to impose an operating hour restriction under the DCO for the reasons set out below. Such a restriction could be different from an operational restriction imposed under the Environmental Permit in accordance with the application of BAT. Moreover, the use of differential operating hours to ensure a robust assessment would make that restriction unduly onerous or give rise to an inconsistency between any restrictions that may be imposed under the DCO and further regulatory controls. The Applicant notes that no other combined cycle generating station DCO imposes running hours restrictions and considers that there is no precedent to do so for this Proposed Development. For the reasons given below, it is the Applicant's firm position that to do so only in the case of the Proposed Development, which will help unlock the UK's hydrogen economy, would be inappropriate and non-compliant with Government policy. <i>c) If the operating hours would not be subject to an enforceable limit, explain what would prevent the Proposed Development from operating for longer than assessed and quantify the greenhouse gas emissions that could arise under a higher utilisation worst-case scenario.</i> <i>What would prevent the Proposed Development from operating for longer than assessed</i> As set out above in response to subparagraphs (a) and (b), it is anticipated that there will be an appropriate control, via the environmental permit, of the impacts of the Proposed Development in this context. In addition, as elaborated above and below, the operation of the ETS and Government levers in relation to decarbonisation, will ensure that the Proposed Development operates in line with

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	Government policy. However, the Applicant wishes to strongly object to the imposition of any DCO requirement relating to operating hours. <i>Reasons for why a restriction is not appropriate</i> For the reasons set out in paragraphs 2.1.5 to 2.1.23 of 'Applicant's Responses to Action Points for Deadline 2 (submitted at Deadline 2)' (REP2-005), it is not considered to be reasonable or necessary to secure a limit on operating hours through the DCO. The Applicant requests that specific consideration is given to those representations. In summary, a proposed restriction on operating hours: a) would not comply with the planning policy tests which apply to the imposition of DCO requirements, primarily on the basis that: (i) such controls are not necessary because (i) a number of appropriate mitigation measures are in place for that worst case scenario, and (ii) a number of controls exist outwith the DCO which can be relied upon in this context (and is therefore duplicative of other controls in place); and (ii) would not be reasonable on the basis that would unfairly prejudice the Proposed Development compared with its competitors and other comparable developments consented. b) would create the risk of uncertainty and inconsistency across different planning and environmental controls; c) does not follow the practice of the Secretary of State; d) risks undermining the commercial viability of the Proposed Development by imposing an artificial restriction that is outside the remit over which the Applicant has any control. This in turn risks preventing a key offtaker project for the hydrogen economy from

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	moving forward and thereby reduces the certainty of the UK being able to develop a hydrogen to power decarbonisation pathway, which is counter to UK strategy; and e) risks UK security of supply by restricting the availability of what would be one of the most efficient dispatchable gas-fired generating stations in the event that its generating capacity was required by the national transmission system operator. This creates a scenario where the system operator would rely on older, less efficient plant (with higher associated GHG emissions per MW of electricity produced) and reduce the resilience and availability of the electricity supply system. If the transmission system operator requires dispatchable power from the Proposed Development in several years' time, it would be perverse, and contrary to Government policy, in the Applicant's view if the most efficient power station on the system was unavailable due to a restriction that was imposed in that power station's planning consent before the power station was even built. It is respectfully submitted that this cannot be the Government's intention. The Applicant underlines that its approach is consistent with national policy. In particular, NPS EN-1 (2024) paragraph 5.3.12 is clear that <i>"Operational emissions will be addressed in a managed, economy-wide manner, to ensure consistency with carbon budgets, net zero and our international climate commitments"</i>. This managed, economy-wide approach is implemented principally through two mechanisms. First, the Government's decarbonisation strategy relies in part on carbon pricing through the UK Emissions Trading Scheme (UK ETS). The UK ETS places a carbon cost on emissions from the power sector and

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	establishes an overall cap on emissions from sectors covered by the scheme. By attaching a cost to carbon emissions, the UK ETS incentivises lower carbon and more efficient generation. As a result, newer, high efficiency gas-fired generation is generally more competitive than older, less efficient fossil fuel plant, which incurs higher carbon costs for each unit of electricity generated. The UK ETS is intended to support a least cost pathway to decarbonisation by influencing investment and operational decisions across the electricity sector. Secondly, electricity generation is dispatched broadly according to the market 'merit order', whereby plant with the lowest marginal operating costs tends to run first. Carbon prices form part of those operating costs. As carbon prices increase, and as lower carbon technologies continue to enter the generation mix, higher emitting generation becomes progressively less competitive and is therefore expected to move further down the merit order, resulting in lower levels of utilisation relative to lower carbon alternatives. Accordingly, market and policy mechanisms already exist to incentivise lower carbon generation and to discourage prolonged operation of higher emitting generating plant where lower cost and lower carbon alternatives are available. A requirement would, in effect, open up the potential to conflict with these existing proposals which NPS EN-1, and the Gateshead principle, hold should be assumed as operating effectively. As well as not complying with planning policy tests, the Applicant is not aware of any equivalent hydrogen-enabled or hydrogen-ready generating station which has been subject to such a requirement. Such a restriction would create a competitive disadvantage for the Proposed Development and risk the Proposed Development not being able to

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	support UK energy security, with older, less efficient generating stations continuing to operate for longer to meet demand. Section 2.3 of EN-1 identifies a continued need for unabated gas to provide capacity to back up intermittent renewables. If the DCO restricted hours, the Proposed Development might be legally unable to generate electricity during a prolonged low wind, low sun period, even if NESO requested it under a Capacity Market obligation. This could undermine security of supply or result in older and less efficient, more carbon intensive plants coming on stream. The Proposed Development is intended to operate on hydrogen and natural gas. An operating hours limit imposed in the interests of managing GHG emissions would, in the Applicant's view, perversely limit operations in connection with hydrogen, or blended scenarios. The Applicant has reviewed relevant generating station DCOs made since 2020. None of these DCOs granted between 2020 and 2026 impose restrictions on operating hours. The Applicant does not consider that the Proposed Development, or the draft DCO [REP6-003], has any characteristics which would justify a departure from these precedents. For the reasons above, there is in fact a strong reason not to discourage the use of the Proposed Development (which would be the effect of any such requirement), which is more efficient and will help unlock the hydrogen economy. The Applicant's firm position is therefore that any such requirement could potentially make the Proposed Development commercially unviable, and thereby be unable to meaningfully contribute to unlocking hydrogen in the UK. <i>Quantification requested by the Secretary of State</i> The Applicant has prepared the following assessment in order to quantify the GHG emissions from a higher utilisation scenario as requested by the Secretary of State. These hours are, for the reasons

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	set out above, considered to be unrealistic but they are provided to comply with the Secretary of State's request. The table below presents the annual and lifetime emissions, based on 8,760 hours of operation annually, using 100% natural gas. <table border="1" data-bbox="1003 440 1946 798"> <tr> <td>Annual scope 1 emissions (tCO₂e)</td><td>2,535,183</td></tr> <tr> <td>Annual scope 3 emissions (tCO₂e)</td><td>413,605</td></tr> <tr> <td>Total annual emissions (tCO₂e)</td><td>2,948,788</td></tr> <tr> <td>Lifetime scope 1 emissions (tCO₂e)</td><td>63,379,573</td></tr> <tr> <td>Lifetime scope 3 emissions (tCO₂e)</td><td>10,340,137</td></tr> <tr> <td>Total lifetime emissions (tCO₂e)</td><td>73,719,711</td></tr> </table> The operational emissions intensity is the same as for the calculations undertaken for the Environmental Statement, but with the increased total emissions reflecting the increase in operating hours to 8,760 per year. Applying the same significance criteria as was applied for the Environmental Statement, this operating scenario would be considered to represent a Major Adverse effect for the following reasons: - While the operational emissions intensity is the same as for Scenario G reported in the ES, the absolute emissions over the Proposed Development's lifetime are higher for the new scenario of 100% natural gas operation at 8,760 hours per year, meaning the Scheme would contribute to a greater proportion of the UK's Carbon Budgets. - Also, the operation of the Proposed Development using 100% natural gas to meet peak energy demand (as per the modelling for	Annual scope 1 emissions (tCO ₂ e)	2,535,183	Annual scope 3 emissions (tCO ₂ e)	413,605	Total annual emissions (tCO ₂ e)	2,948,788	Lifetime scope 1 emissions (tCO ₂ e)	63,379,573	Lifetime scope 3 emissions (tCO ₂ e)	10,340,137	Total lifetime emissions (tCO ₂ e)	73,719,711
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	Scenario G presented in the ES) aligns with relevant policy. For example, NPS EN-1 paragraph 3.3.17 (2024) states <i>“As Combined Cycle Gas Turbines (CCGTs) using natural gas and equipped with CCS are unable to provide the quick start peaking capacity which is required in a low carbon system, new unabated natural gas generating capacity will also be needed as it currently plays a critical role in keeping the electricity system secure and stable. It will continue to be needed during the transition to net zero while we develop and deploy the low carbon alternatives that can replicate its role in the electricity system.”</i> • However, operation of the Proposed Development using 100% natural gas for 8,760 hours per year does not fully align with NPS EN-1 as this represents generation beyond that required to meet peak demand. <i>Reasons why the quantification represents an unrealistic scenario</i> The Applicant has provided the quantification above at the request of the Secretary of State. As explained in the ES, Scenario G is already a highly unlikely scenario. The Applicant stresses that this calculation with even higher utilisation is an extremely unlikely, unrealistic, and unreasonable, worst case scenario. This is because 8,760 hours of operation annually for the operational life of the Proposed Development is not considered possible due to maintenance down-time and outages of the power station meaning continuous year-round operation is unfeasible. In addition, this scenario is not aligned with government policy, which states lower carbon energy generation options will be made available for baseload capacity.

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		As noted, EN-1 is clear that “Operational emissions will be addressed in a managed, economy-wide manner, to ensure consistency with carbon budgets, net zero and our international climate commitments. The Secretary of State does not, therefore need to assess individual applications for planning consent against operational carbon emissions and their contribution to carbon budgets, net zero and our international climate commitments.” (NPS EN-1 (2024) paragraph 5.3.12). In those circumstances, the Applicant’s approach has been appropriate and aligned with Government policy. As an example of the “economy-wide” measures, the operation of the Emission Trading Scheme would mean operation of the Proposed Development using 100% natural gas for 8,760 hours per year would be economically unviable. To assume this regime would not be effective is to suggest that the Government’s primary lever in dealing with economy-wide operational emissions is ineffective. It therefore does not, unlike Scenario G presented in the ES, reflect the technical constraints, the likely market demand in the operating assumptions nor the effectiveness of Government measures. The Applicant therefore considers the Secretary of State has appropriate information to refuse to impose any requirement which would unduly impede the delivery of the Proposed Development as a catalyst for the hydrogen economy.
9	The Environment Agency is requested to confirm whether the environmental permit (or any other consent, licence or permit that the Environment Agency may grant for the Proposed Development) would impose, or could impose, any restriction on the annual operating hours of the Proposed Development.	N/A - This is directed toward the Environment Agency,
Carbon Capture Requirements		

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10 to 11 The Secretary of State notes that Scenario G assumes 25 years of unabated natural gas operation and Requirements 30 and 31 of the DCO do not appear to require the installation or operation of carbon dioxide capture and compression infrastructure before the Proposed Development is operational, a noted difference compared to the consented Keadby 3 Carbon Capture Power Station. The Applicant and Environment Agency are therefore requested to explain whether there is any regulatory, consenting or other mechanism that would trigger the deployment of carbon dioxide capture and compression infrastructure during the operational life of the Proposed Development. Where such a mechanism exists, the Applicant should identify circumstances in which it would apply and explain what further consents or approvals would be required, including the relationship, if any, with The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022.	The Proposed Development has been specifically designed, at the outset, to be able to operate on hydrogen as well as natural gas or a blend of the two and includes facilities to connect to third party hydrogen supply infrastructure. As such, it would be the intention of the project to decarbonise by using hydrogen as a fuel thereby negating the need for carbon capture. However, to meet relevant guidance in force, a Carbon Capture Readiness (CCR) Statement (Application Document Ref 5.9, APP-160) was prepared. The CCR Statement sets out how the Proposed Development is carbon capture ready, as well as providing the Proposed Development's hydrogen readiness case in Appendix B. The draft DCO includes CCR land as Work No 11 to ensure sufficient land is available if required. Whilst hydrogen remains the Proposed Development's intended decarbonisation pathway, the Proposed Development therefore remains carbon capture ready. The Environmental Permit (EP) application has since been submitted to the Environment Agency. The application included a voluntary Decarbonisation Readiness Assessment as the EP application was submitted ahead of Decarbonisation Readiness requirements coming into force. The Environment Agency was formally notified that the Applicant intends the application to be assessed as a Decarbonisation Readiness application, and the Applicant has paid a supplemental assessment charge to ensure this is considered as part of the application. This means that the Environment Agency is considering decarbonisation readiness, including the potential use of the hydrogen pathway. In those circumstances, a similar requirement to Requirement 33 of the Keadby 3 CCS Order is not appropriate, or relevant and therefore should not be imposed in the circumstances of the Proposed Development.

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		The Applicant is currently liaising with the Environment Agency on the Decarbonisation Readiness Assessment document so that it can be signed off by the Environment Agency. When the EP is granted, decarbonisation readiness reporting requirements will be regulated in accordance with the EP. If future decarbonisation readiness monitoring undertaken in accordance with the EP determined that carbon capture was a more feasible solution than hydrogen for decarbonisation of the Proposed Development, then a Town and Country Planning Act permission for the construction of a carbon capture plant would be sought from the local planning authority and a variation to the EP would be obtained. In circumstances where the Proposed Development's decarbonisation pathway is hydrogen-firing, these steps would not be required. No powers granted by the Keadby 3 CCS DCO would be relied upon for that infrastructure. For completeness, Requirements 30 (adequate space and not dispose of land) and 31 (reporting on how the Applicant complied with adequate spacing requirement) at Schedule 2 to the dDCO ensure compliance with the Carbon Capture Readiness Regulations. The Applicant also highlights that paragraph 4.9.15 of NPS EN-1 (2024) sets out that "<i>An Environmental Permit will also be required from the Environment Agency (EA) or Natural Resources Wales (NRW) which incorporates conditions for operation of the carbon capture and storage installation</i>".
12	The Environment Agency is also requested to comment on the sufficiency of the Applicant's Carbon Capture Readiness Statement [APP-160] including the Applicant's technical and economic feasibility assessments and the suitability of the space set aside on the site for carbon dioxide capture and compression infrastructure should the Proposed	N/A - this query is directed to the Environment Agency. The Applicant would highlight that no concerns were raised by the EA in the pre-application, or examination phases, on this matter.

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	Development need to run on natural gas for any length of time during its operation.	
Air Quality		
13	The Secretary of State notes that ES Chapter 8 Air Quality [REP3-011] and Appendix 8B Air Quality Operational Assessment [REP3-017 – 8B.2.11] considers that 'Selective Catalytic Reduction' ("SCR") may be required to ensure NOx emissions are compliant with the relevant emissions limits. The Applicant and the Environment Agency are requested to identify how the trigger for the installation and operation of SCR is secured. If no such mechanism is currently secured, the Applicant should provide without-prejudice proposed drafting for a DCO requirement that would secure the implementation of SCR where necessary to achieve compliance with the relevant emission limits.	No trigger for the installation or operation of SCR is proposed or considered necessary in the DCO. This is because the emissions values are already secured by the legal requirements of a permit. In the first instance, the decision as to whether SCR is required is a matter for the turbine equipment manufacturers to make to ensure that the generating station can meet the regulatory limits set by UK legislation (meeting EU Directive requirements). The required emission limit values that need to be met to meet legislation will be defined, monitored and regulated by the Environment Agency through the Environmental Permit. How the Operator achieves those emission limit values is a matter for the Operator (and the permit) and not the DCO, and SCR is merely one mechanism of doing so. The Operator will need to demonstrate the use of BAT in minimising emissions, and the BAT hierarchy recognises that the use of primary measures to achieve the emission limits is preferred over the use of secondary techniques (such as SCR). Mandating the use of SCR in the DCO therefore is contrary to the BAT hierarchy and could inhibit the use of innovative solutions by equipment manufacturers to achieve the required level of environmental performance. For these reasons, the Requirement is not necessary, and therefore would not be in accordance with the tests set out in paragraph 4.1.16 of EN-1. The Environmental Permitting Regulations themselves secure this flexibility by providing that "The regulator must ensure that emission limit values or equivalent parameters or technical measures are based on best available techniques without prescribing the use of any technique or specific technology, but taking into account the technical characteristics of the installation, including (except in the case of mobile plant) its

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	geographical location and the local environmental conditions" (see Schedule 8). The relevant outcome is compliance with emission limit values, not the means by which that outcome is achieved. The Applicant therefore strongly disagrees with the suggestion that the use of SCR should be secured in the DCO. The Applicant would further highlight that EN-1 is explicit that "<i>An Environmental Permit will also be required from the Environment Agency (EA) or Natural Resources Wales (NRW) which incorporates conditions for operation of the carbon capture and storage installation, <u>including limits on pollutant emissions</u></i>" (as per paragraph 4.9.15). It further confirms that "<i>The planning and pollution control systems are separate but complementary</i>" and subsequently notes that "<i>Pollution from industrial sources in England and Wales is controlled through the Environmental Permitting (England and Wales) Regulations 2016. The Environmental Permitting Regulations require industrial facilities to have an Environmental Permit and meet limits on allowable emissions to operate</i>", and confirms that "<i>The Secretary of State should not refuse consent on the basis of pollution impacts unless there is good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted.</i>" There is no evidence or good reason to believe that the permit would not be granted in this case. The Applicant has not identified any generating station DCO made under the Planning Act 2008 which imposes such a requirement, and so has formulated the following bespoke drafting at the Secretary of State's request on a without prejudice basis: 33. Compliance with Limit Values <i>The undertaker must comply with the requirements of the Environmental Permitting Regulations 2016 relating to emissions limit values in respect of the authorised development.</i>

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Biodiversity Net Gain	
14 The Applicant is requested to provide comments on the following addition relating to requirement 6 Landscape and Biodiversity Management and Enhancement Plan: <i>(2) The plan submitted and approved pursuant to sub-paragraph (1) must include details of—</i> <i>(g) a biodiversity net gain strategy in accordance with Appendix D of the outline landscape and biodiversity management and enhancement plan report and must demonstrate how a minimum biodiversity net gain of 10% for area habitat units, 30% for hedgerow units and 10% for watercourse units, calculated using the Department of Environment Food and Rural Affairs' Statutory Biodiversity Metric (February 2024), or if this is withdrawn or replaced, a biodiversity metric approved by the local planning authority in consultation with the relevant statutory nature conservation body, will be delivered.</i>	The Applicant would propose the following amendments (shown in red): <i>(2) The plan submitted and approved pursuant to sub-paragraph (1) must include details of—</i> <i>(g) a biodiversity net gain strategy in accordance with Appendix D of the outline landscape and biodiversity management and enhancement plan report and must demonstrate how a minimum biodiversity net gain of 10% for area habitat units, 30% for hedgerow units and 10% for watercourse units, calculated using the Department of Environment Food and Rural Affairs' Statutory Biodiversity Metric (February 2024) or other biodiversity net gain metric agreed between the undertaker and the local planning authority in consultation with Natural England, will be delivered.</i> The Applicant does not consider it is appropriate or reasonable to have a moving target based on a metric which has not been finalised or published. The drafting above therefore secures the metric utilised reflects the assessments provides as part of the DCO application. By contrast, the approach in the Secretary of State's request for information could run the risk that such a Requirement is incapable of implementation. The wording is consistent with the drafting of the Secretary of State in the Peartree Hill Development Order 2026 (see Requirement 9(2), the One Earth Solar Development Consent Order 2026 (see Requirement 9(2), Springwell Solar Farm Order 2026 (see Requirement 8(2)), the Stonestreet Green Solar Order 2025 (see Requirement 8(1)(a)), Viking CCS Carbon Dioxide Pipeline Order 2025 (Requirement 21(1)), the East Yorkshire Solar Farm Order 2025 (see Requirement 7(2)), the Heckington Fen Solar Park Order 2025 (see Requirement 8(2)(c)), the Medworth Energy from Waste Combined Heat and Power Facility Order

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	2024 (see Requirement 6(2)), the HyNet Carbon Dioxide Pipeline Order 2024 (Requirement 14(1)), and Longfield Solar Farm Order 2023 (Requirement 9(2)). The Applicant would stress there is no material distinction between the Proposed Development and the precedents highlighted above. Introducing the proposed requirement as suggested by the Secretary of State would, therefore, additionally introduce inconsistency with the preponderance of energy DCOs to the detriment of the Proposed Development. The Applicant would highlight that under the Town and Country Planning Act 1990, Schedule 7A automatically applies a condition to conventional planning permissions requiring BNG (unless an exemption applies). Under paragraph 4(3) of that Schedule, there is a requirement that <i>"Before publishing or republishing the biodiversity metric the Secretary of State must consult such persons as the Secretary of State considers appropriate"</i> and, thereafter, <i>"The Secretary of State may by regulations make transitional provision in relation to the revision and republication of the biodiversity metric."</i> The proposed drafting seeks to circumvent this process for the Proposed Development which the Applicant would suggest, in light of the assessments produced for the Proposed Development, is not appropriate, particularly in circumstances where a change in metric may have a detrimental effect. The Applicant therefore politely requests that the amendments are carried through into drafting adopted by the Secretary of State, particularly in circumstances where the legal requirement to provide BNG does not have effect in relation to the Proposed Development.
Land Rights and Protective Provisions	

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15	The Applicant and PD Ports Properties Limited are requested to provide updates on any agreement of Heads of Terms in respect of a voluntary land agreement. If agreement has not been reached, provide the reasons why, and when agreement is expected to be reached. PD Ports Properties Limited are also requested to comment on the Applicant's proposed protective provisions in [REP6- 009].	The Heads of Terms continue to be the subject of negotiations, with limited points remaining. PD Ports is seeking additional constraints which were not previously raised, and the Applicant is considering these. The Applicant considers for the reasons set out in [REP6-009] that Protective Provisions are not necessary, and those sought by PD Ports are unacceptable, disproportionate and contrary to Government policy. The proposed protective provisions put forward by the Applicant in [REP6-009] are provided on a without prejudice basis.
16	The Applicant and National Grid Electricity Transmission plc are requested to provide updates on whether protective provisions have been agreed. If agreement has not been reached, provide the reasons why, and when agreement is expected to be reached.	Despite extensive and iterative engagement between the Applicant and NGET it has not been possible for the parties to reach agreement on the protective provisions. Both parties have set out their respective positions in full (the Applicant in [REP5-011] and NGET in [REP6-017]). It is not expected that agreement will be reached on the outstanding points identified in those submissions, and so these matters fall to be adjudicated by the Secretary of State. The Applicant therefore re-states its observations, and the justification provided in [REP5-011].
17	The Applicant and National Gas Transmission plc are requested to provide updates on whether protective provisions have been agreed. If agreement has not been reached, provide the reasons why, and when agreement is expected to be reached.	Discussions between the Applicant and NGT have continued since the end of the examination. Progress has been made on the few outstanding points and the Applicant sent what it anticipates should be the final form agreement (including protective provisions) to NGT's legal advisers on 15 September. Assuming the updated draft is agreed by NGT, both parties will write to the Secretary of State confirming that agreement has been reached and enclosing an agreed set of protective provisions for inclusion in the DCO, should it be granted.
18	The Applicant and Network Rail Infrastructure Limited are requested to provide updates on whether protective provisions have been agreed. If agreement has	Since the end of the examination on 19 June limited progress has been made on the protective provisions for Network Rail. The Applicant has continued to engage constructively and remains willing to progress

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	not been reached, provide the reasons why, and when agreement is expected to be reached.	discussions, however despite repeated requests no substantive response has yet been received. In particular, the Applicant issued comments to Network Rail's legal advisers on 22 June. The Applicant has sought comments on a number of occasions since. At the time of writing, no substantive response has been received. Based on the above, the Applicant does not consider that agreement is likely to be reached with Network Rail, despite the Applicant's efforts. The Applicant's final position may therefore remain as set out in [REP5-011], with Network Rail's final submission to the examination being [REP6-018]. Should agreement be reached however, both parties will write to the Secretary of State accordingly.
19	The Applicant and Northern Powergrid (Yorkshire) plc are requested to provide updates on whether protective provisions have been agreed. If agreement has not been reached, provide the reasons why, and when agreement is expected to be reached.	Discussions between the Applicant and NPG have continued since the end of the examination. Good progress has been made and an agreement has been circulated for signature by the parties. Once this is signed and completed the parties will write to the Secretary of State with an update and NPG will confirm the withdrawal of its objection.
20	The Applicant is requested to provide an update on the progress of agreeing Heads of Terms with Andrew Severn.	The Applicant has continued to contact the landowner's agent on a number of occasions but has yet to receive any substantive comments in respect of the Heads of Terms which were issued in November 2025.
21	The Applicant is requested to provide an update on the progress of agreeing Heads of Terms with Richard Strawson.	The Applicant has continued to contact the landowner's agent on a number of occasions but has yet to receive any substantive comments in respect of the Heads of Terms which were issued in November 2025.
22	The Applicant is requested to provide an update on progress made to establish ownership or persons benefitting from rights in,	The Applicant has not received any responses or further information to enable the identification of parties with interests in the unregistered land plots beyond those recorded in the Book of Reference (AS-008).

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	on or over land with regards to unregistered land plots.	The Applicant has carried out diligent inquiry to identify any persons with an interest in these plots. As recorded in the Statement of Reasons (APP-009), site notices have been used, but have not led to any additional persons with an interest in these plots making themselves known. No further information has come to light since that time, and the Applicant would note that, in addition to carrying out diligent inquiry as part of this scheme, it had previously sought to do so as part of the Keadby 3 development.
23	The Applicant is requested to provide any further updates regarding land rights agreements.	The position in respect of the various landowners is: • Canal & River Trust: The Applicant issued Heads of Terms to C&RT's agents in November 2025 but they have not responded to emails and whilst phone conversations have taken place no comments in respect of the Heads of Terms have been received. The Applicant has contacted an individual at C&RT directly to progress matters and remains keen to secure agreement at the earliest opportunity. Otherwise, the position is as recorded in the Land and Rights Negotiation Tracker (REP6-008). • NGET: The position remains as recorded in REP6-008. It is not possible to progress land agreements until full consultation and engineering clearance to the proposed routes is secured by NGET. This is awaited. • Belton –Wright: Finalised Heads of Terms have been issued in hard copy and are now awaiting signature. • Wall, Humphrey, Glew and Albans: Engrossments of legal agreements relating to outfall pipes have been issued to these Landowners' solicitors for final sign-off. • Maclean: The agreement, relating to outfall pipes, is under negotiation and is almost in agreed form. • Isle of Axholme IDB: The Applicant has received no substantive response received from their solicitors as yet. The position therefore remains as recorded in REP6-008.

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		• Environment Agency: Proposals have been verbally agreed at a high level on calls between the parties. However, discussions are ongoing. • Network Rail: Documentation has been agreed and engrossments issued. The Applicant is seeking confirmation from NR's solicitors that this has been sent for signing and that final approval has been obtained.
Crown Land		
24	The Applicant and The Crown Estate are requested to provide an update on their positions in respect of the rights sought by the Applicant over land plot numbers 3- 205, 3-206, 3-207, 3-229 and 3-230 with regards to consent under section 135 of the Planning Act 2008. If agreement has not been reached, provide the reasons why, and when agreement is expected to be reached.	The Applicant is pleased to confirm that agreement has been reached with the Crown Estate on the issuance of the section 135 letter. Documents are currently being executed, and the Applicant understands the Crown Estate will be providing the letter to the Secretary of State in due course.