

Response to the Secretary of State's letter dated 6th October 2026

Secretary of State Question	Applicant's Response
Environment Agency	
4.a. Can the Environment Agency please confirm that the Environment Agency has powers to treat the Environmental Permit application and the associated Decarbonisation Readiness Assessment as having been submitted in accordance with Schedule 25C to the Environmental Permitting (England and Wales) Regulations 2016 as inserted by the 2025 Regulations.	The Applicant's Permit application is being treated as if the Decarbonisation Readiness Assessment requirement is in place. The Applicant has provided a fee to the Environment Agency in order to have decarbonisation readiness assessed and the Environment Agency has already provided its preliminary comments on the decarbonisation readiness assessment (as part of a Schedule 5 request for more information, issued on 17th August 2026) – this was alluded to in the last representation from the Environment Agency to the Secretary of State dated 15th September 2026. For completeness, the key aspect of Schedule 25C is to set out conditions which apply in relation to decarbonisation readiness. That is the basis on which that schedule is given effect in relation to particular developments. However, the EA retains the power to impose “such conditions as it sees fit” generally (see paragraph Para 12(2), Part 1 of Schedule 5 of the 2016 Regulations). There is, therefore, clear basis for the EA to impose conditions it sees fit and necessary in relation to decarbonisation readiness, including in relation to the Proposed Development. In other words, the EA practically has the power to deal with the Applicant's application, and impose conditions, in a manner which is legally indistinct from

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	Schedule 25C. As indicated above, the Applicant is proceeding on that basis. If the Environment Agency suggests that it does not have the powers to treat the Permit application as having been submitted under Schedule 25C to the Environmental Permitting Regulations, and the Secretary of State wishes to have additional assurance notwithstanding the broad provisions referred to above, the Applicant would have no objections to a provision in the DCO confirming that it is to be treated as an application which was submitted after the day the Environmental Permitting (Electricity Generating Stations) (Amendment) Regulations 2025 came into force. This could be a simple provision which confirmed that “The application for an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016 (“the 2016 Regulations”) in respect of the authorised development submitted prior to the date this Order comes into force is to be treated as an application made on the day after which the Environmental Permitting (Electricity Generating Stations) (Amendment) Regulations 2025 came into force and should not be construed as an “existing application” (as defined in paragraph 7 of Schedule 25C to the 2016 Regulations).”
4.b. Can the Environment Agency please advise whether, in determining the Environmental Permit application under Schedule 25C, the Environment Agency will assess both	The Applicant has provided a response relevant to this point in its response to the Secretary of State on 18th September 2026.

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carbon capture readiness and hydrogen conversion readiness, or only the decarbonisation pathway relied upon in the Decarbonisation Readiness Assessment. If the Environment Agency will only assess hydrogen conversion readiness, please explain what role, if any, it will have in assessing or otherwise considering compliance with carbon capture readiness requirements.	
Article 40(5)	
9.a. The Applicant is asked to provide any further justification beyond that set out in the Explanatory Memorandum [REP6-004 paragraphs 5.56 – 5.59] for the extension by a further four years to commence The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 ("the Keadby CCS Order") authorised development, from seven years after the Keadby CCS Order was made (namely December 2029) to seven years after the entrance into force of the Keadby Next Generation Power Station Order, which would imply a date of 2033 if that Order is granted in 2026.	Please see enclosed an updated Explanatory Memorandum (clean and tracked changes versions). The updated Explanatory Memorandum provides further justification for Article 40(5) of the draft DCO. While updating the Explanatory Memorandum in response to this question, the Applicant has also taken the opportunity to update its justification for two provisions (Article 2(10) regarding "materially new or materially different environmental effects" and paragraph 1 of Schedule 2 regarding the phrase "substantially in accordance with") in light of the Department's recent decisions on other development consent orders. The Applicant would be grateful if the Secretary of State would specifically consider the Applicant's updated justification for these two provisions in light of the Applicant's desire to ensure it can provide environmentally better solutions, and also maintain appropriate flexibility.

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9.b. The Applicant is asked to provide any further justification beyond that set out in the Explanatory Memorandum [REP6-004 paragraphs 5.56 – 5.59] for the extension by a further six years for the exercise of the compulsory purchase powers in the Keadby CCS Order, from five years after the Keadby CCS Order was made (namely December 2027) to seven years from the date on which the Keadby Next Generation Power Order is made, which would imply a date of 2033 if that Order is granted in 2026.	As above
Crown Estate	
11. The Applicant and The Crown Estate are requested to confirm the exact date on which the signed agreement will be submitted to the Secretary of State.	The Crown Estate issued its s.135 consent letter on 7 October 2026. The Applicant understands it was forwarded to the Secretary of State on the same day.