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To:
Net Zero Teesside Power Limited and Net
Zero North Sea Storage Limited

Our Ref: EN010103

Date: 31 January 2022

Dear Sir/ Madam

The Planning Act 2008

Application by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited for an Order Granting Development Consent for the Net Zero Teesside Project.

Response to a Request by the Applicants in Respect of the Timing of the Preliminary Meeting / Examination.

I write to you following my appointment by the Secretary of State as the lead member of the Examining Authority (ExA) to carry out an examination of the above application. I am Kevin Gleeson and the other members of the ExA are Susan Hunt and Beth Davies. A copy of the appointment notice can be viewed under the [Documents tab](#) on the project webpage on the National Infrastructure Planning website.

I write in response to a letter sent on behalf of Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the Applicants) dated 26 January 2022, a copy of which can be viewed on the project website and can be viewed via this [link](#).

The Applicants' letter advises of the intention to seek changes to the Net Zero Teesside (NZE) Development Consent Order Application (the DCO Application) and to request a delay to the start of the Examination.

The DCO Application was submitted to the Planning Inspectorate on 19 July 2021 and accepted for examination on 16 August 2021 with [advice provided](#) to the Applicants under Section 51 of the Planning Act 2008. The Applicants' interim response to the Inspectorate's Section 51 advice was contained in a [letter dated 24 September 2021](#) (Examination Library reference [AS-001]). Subsequently, the Relevant Representation period took place between 28 October and 17 December 2021.

The Applicants' letter of 24 September 2021 also advised of the intention to make changes to the DCO Application, while further technical studies were expected to be concluded early in 2022. It was stated that this would be followed by a formal request to the ExA in respect of the changes in Q1 2022 in advance of the start of the Examination.

The Applicants' letter of 26 January 2022 outlines further work on the optionality around certain elements of the NZT Project, notably relating to the connections corridors, along with other proposed changes to reduce the Order limits and other minor updates or changes to the Project. A draft timetable for the proposed change request was provided, based on the Steps in Planning Inspectorate Advice Note 16 with a request that the Preliminary Meeting is arranged for mid-May 2022.

Delaying the Preliminary Meeting until mid-May 2022 would mean that it would take place some nine months after the DCO Application was accepted. The DCLG Examination Guidance¹ states that 'There is not a specified timeframe for when the preliminary meeting is to be held, however, the Secretary of State's expectation is that, in most cases, it should take place within a period from six weeks to two months from receipt of the relevant representations.' (Paragraph 40.)

Additionally, paragraph 45 of the Guidance states that 'Rarely, applicants may wish to delay the start of the examination of an accepted application. Such a delay may be appropriate, depending on the circumstances, but should be kept to the minimum period necessary. This will limit the risk that the application, including pre-application consultation and environmental information, will no longer be sufficiently current to form the basis of an examination. The Secretary of State's expectation is that Examining Authorities will not normally agree to postpone the start of the examination for longer than three months.'

Based on the DCLG Examination Guidance the ExA has concerns about the proposed delay to the commencement of the Examination and consequently wishes the Applicants to clarify their position by responding to the following questions:

1. By reference to the scope of the proposed changes, can the Applicants clarify that the changes being considered would not, individually or cumulatively, lead to the Project being different in substance to that which was originally applied for in July 2021?
2. Notwithstanding the Applicants' comments about the timing of Step 1 of Advice Note 16, the Applicants are asked to provide further information about the proposed changes they wish to make to the application with an initial indication of the implications in terms of matters such as EIA and the compulsory acquisition of land. This should address:
 - a. the number of existing Plots likely to be affected;
 - b. the number of new Plots expected to be created and whether landowners' written consent to any additional compulsory acquisition will be provided;
 - c. whether the proposed changes will eliminate options currently shown on Works Plans relating to connections corridors;
 - d. the extent of other changes to the Order limits; and
 - e. the extent of minor updates or changes proposed to the Project.

¹ Planning Act 2008: Guidance for the examination of applications for development consent, March 2015 (publishing.service.gov.uk)

3. Is the delay to the commencement of the Examination of the Application until mid-May justified in the context of paragraphs 40 and 45 of the DCLG Examination Guidance?
4. What is the likelihood of the Applicants having to revise the intended timetable for Steps 1 to 4 and might a further delay to the Preliminary Meeting beyond mid-May be sought?
5. What action should the ExA take if the current timetable for Steps 1-4 cannot be met?
6. Notwithstanding the Applicants' intended changes, would it be appropriate for the ExA to commence the Examination in mid-March 2022 based on the application as currently before it?
7. What implications would there be for the timetable if the Examination commenced in mid-March while the Applicants are progressing the proposed change request?
8. What other considerations might be relevant to any procedural decisions that the ExA takes in respect of a delay to accommodate material changes?

Please respond to these questions by close of business on **4 February 2022**. Following the receipt of your response to this letter all Interested Parties and Affected Persons will be invited to comment on the matters raised by 14 February 2022.

Your response and any comments will be considered by the ExA in making a procedural decision setting out the next steps in the examination of this application.

Yours faithfully

Kevin Gleeson

Lead Member of the Examining Authority