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Your Ref: EN010103
Our Ref: 13626

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Dear Ms Evans

APPLICATION REF: EN010103 - THE NET ZERO TEESSIDE PROJECT

REQUEST FOR PROPOSED CHANGES TO THE NET ZERO TEESSIDE DEVELOPMENT CONSENT ORDER ('THE NET ZERO TEESSIDE ORDER') APPLICATION

LAND AT AND IN THE VICINITY OF THE FORMER REDCAR STEEL WORKS SITE (TEESWORKS SITE), REDCAR AND IN STOCKTON-ON-TEES

I write on behalf of the Applicants, Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited, in relation to the Net Zero Teesside (NZN) Development Consent Order (DCO) Application, which was accepted for examination on 16 August 2021.

I wrote to the Planning Inspectorate on 18 February 2022 explaining the Applicants' intention to propose a number of changes to the DCO Application. That letter was accompanied by a 'Notification Report' (Document Ref. 7.1) **[AS-044]**, which identified the nature of the changes proposed and advised of the Applicants' intention to request that the changes described in the Notification Report be accepted as changes to the DCO Application. The letter requested the advice of the Examining Authority (ExA) on the procedural implications of the proposed changes and on the need, scope and nature of the proposed non-statutory consultation exercise to be undertaken by the Applicants in respect of those changes.

The ExA responded on 24 February 2022 **[PD-008]** drawing the Applicants' attention to the requirements of the Planning Inspectorate's (PINS) Advice Note 16 'How to request a change which may be material' and providing guidance on the Applicants' intended approach to the submission of the proposed changes and the proposed consultation. The Applicants have observed the requirements of Advice Note 16 and have followed that advice closely.

This letter, and the documents that accompanying it, represent the Applicants' formal change request in respect of the DCO Application.

Change Request

The Net Zero Teesside Project (the 'Project') is a technically challenging, and complex 'first-of-a-kind' development. It is a critical part of a Track 1 carbon capture and storage cluster project, which the UK Government has identified as being important for the decarbonisation of the power and industrial

sectors both on Teesside and nationally. The Project is effectively two projects in one – an industrial decarbonisation project combined with a low-carbon dispatchable power station, located in an area where there are a large number of industrial and other developments (both existing and proposed).

Due to the Project's nature and scale, the extent of land interests within the proposed Order Limits and the potential to re-use existing infrastructure to reduce its construction effects, the DCO Application submitted in July 2021 necessarily included a degree of optionality. The Applicants have previously explained to PINS the need to retain a degree of optionality within the Application, but have also been clear that their aim would be to reduce that optionality, if possible, in advance of the Examination as the project design is progressed. The options included in the DCO Application were consulted upon and assessed as part of the environmental impact assessment (EIA) for the Project.

Since submission of the DCO Application, the Applicants have continued to engage with Interested Parties with a view to addressing matters raised in their Relevant Representations and agreeing common ground, while also continuing with detailed project development. This work has identified a number of changes that the Applicants are now seeking to make to the Project. The changes are aimed at reducing optionality, land take and complexity. Their overall effect would therefore be beneficial, reducing the potential effects of the Project on Interested Parties and other affected persons and the number of issues to be considered in the Examination, thereby simplifying both the Examination and decision-making processes.

There are three main areas of change to the Project being proposed as part of this formal change request as compared to the Project that was presented in the DCO Application submitted in July 2021. These are that:

1. the Gas Connection route for Work No. 2A has been selected;
2. the CO₂ Gathering Network route from the north of the River Tees and across the Tees forming part of Work no. 6 to the Power Capture and Compression (PCC) Site has been reduced in land area; and
3. updates have been made to land parcels across the Project/Order Limits due to further pre-front end engineering design (FEED) construction assessments and landowner discussions.

The above have resulted in 13 changes to the Project, which are summarised below. A more detailed description of the proposed changes is provided at Chapter 2 of the Environmental Statement (ES) Addendum – Volume I (Main Document) (Document Ref. 7.8.1), which forms part of the change request.

A summary of the proposed changes is provided in **Table 1** below in terms of changes to the individual Work Number (Nos.) listed at Schedule 1 'Authorised Development' of the draft DCO (Document Ref. 2.1) and shown upon the Works Plans (Document Ref. 4.4). The changes remain the same as those set out in the Notification Report, other than the Applicants have identified the opportunity to remove small additional extents of certain Work Nos. within the Teesworks site alongside Change 13.

Table 1: Summary of Proposed Changes

Change No.	Description
1	Removal of optionality for the Gas Connection by removal of both ‘new build’ options – Option 1A and Option 1B (i.e. removal of the long tunnel between North Tees and the Power Capture and Compression (PCC) site) resulting in a reduction in the Order Limits. There will also be a reduction in land take elsewhere following pre-Front End Engineering Design (pre-FEED) and landowner consultation for the selected Gas Connection – Option 2 (Sembcorp Pipeline Tie-In). (Work No. 2A)
2	Reduction in optionality for the Gas Connection has resulted in the removal of the Above Ground Installation required for Option 1B (Trafigura tie-in and new underground pipeline). This results in a reduction in the Order Limits. (Work No. 2B)
3	Reduction in the Order Limits for Work No. 3A Electrical Connection by removal of the STDC substation at Tod Point and a reduction in land take following landowner consultation. (Work No. 3A)
4	Reduction in the Order Limits for Work No. 5A (repair and upgrade of the existing water discharge infrastructure to the Tees Bay) – to cover the physical extent of the existing outfall and its direct routing to the PCC Site only. (Work No. 5A)
5	Reduction in the Order Limits for Work No. 5C (new wastewater pipelines between Bran Sands Wastewater Treatment Plant and Generating Station) – connection to Bran Sands to reflect a reduction in land take following landowner consultation. (Work No. 5C)
6	Change in optionality for Work No. 6 by removal of Option 1 (Bored Long Tunnel Direct to the PCC Site) for the CO ₂ Gathering Network (see also Change 1 for the Gas Connection) resulting in reduction in the Order Limits. It also includes a reduction in other land areas of Work No. 6 following pre-FEED design and landowner consultation. (Work No. 6)
7	Change in the means of crossing the Tees within the Order Limits for Work No. 6 CO ₂ Gathering Network to include Option 3 (Sembcorp No. 2 Tunnel). (Work No. 6)
8	Change in the means of crossing the Tees in the Order Limits for Work No. 6 CO ₂ Gathering Network (as part of Option 2 (HDD)) to change the direction of HDD drilling (from Dabholm Gut to North Tees, rather than vice versa) following pre-FEED design and landowner consultation. (Work No. 6)
9	Reduction in the Order Limits for Work No. 9 Temporary Construction and Laydown Areas to reflect a reduction in land take following pre-FEED design and landowner consultation. (Work Nos. 9A, 9B and 9F)
10	Minor increase in the Order Limits for Work No. 9 Temporary Construction and Laydown Areas to include an additional land parcel at Saltholme Laydown (Work No. 9D) to allow access to Seaton Carew Road. (Work No 9D)

Change No.	Description
11	Change in the Work No. for pipe stringing for a land parcel on the Teesworks Site from Work No. 5A to Work No. 9A. (Work No. 9A)
12	Addition of part of Seal Sands Road from Work No. 2A to Work No. 10 Access and Highways Improvements, to allow access to Navigator Terminals from the public road network following removal of Gas Connection Option 1A (National Grid Gas tie-in and new underground pipeline) and Option 1B (Trafigura Tie-In and new underground pipeline) from Work No. 2A (linked to Change No. 1). (Work No. 10)
13	Removal of small parcels of land in the Seal Sands area and from STDC land from Work No. 10 Access and Highways Improvements as no longer required following pre-FEED design. On STDC land where Work No. 4 and Work No. 10 overlap, the Order Limits have been reduced. Therefore, Work No. 4 has been reduced to the same extent as Work No. 10 part of this change, a beneficial additional change. (Works Nos. 10 and 4)

All 13 changes have been the subject of the Applicants' non-statutory consultation exercise.

Whilst Advice Note 16 only refers to consultation with those persons identified in Section 42 (1)(a) to (d) of the Planning Act 2008 (the 'PA 2008'), the Applicants have also consulted the local community about the proposed changes. The consultation exercise undertaken and the responses received to the consultation and how the Applicants have had regard to these are set out in the Consultation Statement (Document Ref. 7.6), which forms part of the change request.

All affected landowners (person identified in Section 42(1)(d) of the PA 2008) have been consulted regarding the proposed changes. The majority of the proposed changes do not introduce 'Additional Land'. However, Change 10 does involve some Additional Land, which includes potentially 'Affected Persons'. Whilst the Applicants have obtained the consent of the freehold owner of new Plot 67a, the consent of other parties with an interest in the land has not been obtained. If the proposed changes are accepted by the ExA, and assuming the consent of those with an interest in that land has not been obtained, the Applicants will comply with the requirements of 'The Infrastructure Planning (Compulsory Acquisition) Regulations 2010' (the 'CA Regulations'). The Applicants will submit the documents required by Regulation 5 of the CA Regulations, and following their acceptance will notify the Affected Persons in accordance with the requirements of Regulations 7 and 8.

Affected Persons subject to the proposed changes will have the opportunity to engage fully in the Examination as Interested Parties. As such, any Affected Persons with an interest in land subject to the proposed changes, including the parties with an interest in the 'Additional Land' for Change 10, will not be prejudiced by a decision to accept the proposed changes into the Examination. Given the stage at which these changes are being proposed, there is clearly time for the Applicants and ExA to comply with the procedural requirements in Regulations 5 to 19 of the CA Regulations during the Examination.

None of the proposed changes is so material that it constitutes a materially different project. The proposed changes are not considered, individually or cumulatively, to lead to the Project being different in nature or substance to that which was originally applied for in July 2021. The Project will

remain a full chain Carbon Capture, Usage and Storage project, comprising a number of elements, including a new gas-fired electricity generating station (with an electrical output of up to 860 megawatts) with post-combustion carbon capture plant; gas, electricity and water connections (for the electricity generating station); a CO₂ pipeline network for collecting CO₂ from a cluster of local industries on Teesside; a high-pressure CO₂ compressor station; and an onshore CO₂ export pipeline. In its response dated 24 February 2022 to the notification of the proposed changes, the ExA accepted “... that the proposed changes, either individually or cumulatively, would not lead to the Project being different in nature or substances to what which was originally applied for in July 2021.”

The Applicants therefore formally request that each proposed change is accepted for Examination. Each change is fully described, justified and assessed in the documentation submitted with this letter. The documentation does not presume the acceptance of any proposed change; each change is identified separately and subject to separate assessment, so that the likely effects and merits of each change can be clearly understood.

We recognise that it is for the ExA to determine the materiality of the proposed changes, but the changes have been publicised, justified and assessed as if they were material.

Environmental Information

The proposed changes have been subject to environmental and other relevant assessment, the full details of which are contained within the Environmental Statement (ES) Addendum (Documents Refs. 7.7 to 7.8), which forms part of the change request.

The ES Addendum should be read in conjunction with the original ES (Document Refs 6.1 to 6.4) **[APP-081 to 347]**. It considers how the proposed changes affect the assessments presented as part of the original ES.

Chapter 2 of the ES Addendum – Volume I (Main Report) (Document Ref. 7.8.1) provides a detailed description of each of the 13 proposed changes. Chapter 3 describes the changes to the introductory chapters of the original ES resulting from the proposed changes. Chapter 3 also includes Table 6-2, which provides a summary of the change in environmental effects as a result of the proposed changes.

Chapter 4 of the ES Addendum – Volume I (Main Report) identifies where the proposed changes have the potential to modify the assessments of impacts and effects reported in the technical chapters of the original ES. Noise and Vibration, Ornithology and Major Accidents and Disasters (MAD) are considered in detail as a screening exercise identified the potential for these assessments to be altered as a result of the proposed changes. The further assessment work (presented within Volume II of the ES Addendum) has not identified any change in or new significant effects for these topics.

The assessment of the potential change in effects for other topics is set out in Table 4-1 of Chapter 4. Chapter 4 concludes that the proposed changes will not affect the significance of effects predicted for Air Quality; Surface Water; Flood Risk and Water Resources; Geology and Contaminated Land; Terrestrial Ecology; Aquatic Ecology; Marine Ecology; Traffic; Landscape and Visual Amenity; Marine Heritage; Socio-Economic; Climate Change; Public Health; Cumulative and Combined Effects and the Summary of Significant Effects chapters.

The ES Addendum constitutes ‘environmental information’ for the purposes of ‘The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017’ (the ‘EIA Regulations’). There is no specific procedure provided for within the EIA Regulations where updated environmental information

is submitted post-submission of a DCO application. The Applicants have, however, considered more generally the consultation requirements provided for by the EIA Regulations to identify if any procedure contained therein should be followed in the interests of procedural fairness.

The Applicants consider that it is not necessary to undertake any additional notification or consultation processes in the interests of procedural fairness beyond those already provided for by virtue of the examination process. All relevant persons will be notified of the submission of the change request in due course, and there is adequate time and opportunity throughout the Examination for persons interested in the DCO Application to comment on this submission.

Documentation

The change request comprises the following documentation:

1. This letter.
2. Consultation Statement – Proposed Changes to the Net Zero Teesside DCO Application.
3. Non-Technical Summary of the Environmental Statement Addendum.
4. Environmental Statement Addendum – Volume I (Main Report).
5. Environmental Statement Addendum – Volume II (Figures).

In addition, a number of updated Application Documents are being submitted. These have been updated to take account of the proposed changes and include the Application Guide (Document Ref. 2.1); draft DCO (Document Ref. 2.1); Explanatory Memorandum (Document Ref. 2.2); Book of Reference (Document Ref. 3.1); Statement of Reasons (Document Ref. 3.2); Land Plans (Document Ref. 4.2); Works Plans (Document Ref. 4.4); Design and Access Statement (Document Ref. 5.4); Gas Connection and Pipelines Statement (Document Ref. 5.6); and Habitats Regulations Assessment (Document Ref. 5.13), amongst others.

Tracked PDF and clean versions of updated Application Documents have been provided.

A new Application Document 'Guide to Land Plan Plots' (Document Ref. 3.4) has been provided, which explains the changes to the Land Plans as a result of the proposed changes.

The change request documents are listed under a new Category 7.0 within the updated Application Guide. The updated and new Application Documents are shaded yellow within the updated Application Guide.

I would be grateful if you could confirm receipt of this submission. Please do not hesitate to contact me if I can help in any way to clarify any matters associated with the change request.

Yours sincerely



Geoff Bullock
Partner
DWD – on behalf of NZT Power Limited & NZNS Storage Limited