

Net Zero Teesside Project

Planning Inspectorate Reference: EN010103

Land at and in the vicinity of the former Redcar Steel Works site, Redcar and in Stockton-on-Tees, Teesside

The Net Zero Teesside Order

Document Reference: 8.16 – Statement of Common Ground with Network Rail Infrastructure Limited



Applicants: Net Zero Teesside Power Limited (NZN Power Ltd) & Net Zero North Sea Storage Limited (NZNS Storage Ltd)

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GLOSSARY

Abbreviation	Description
Applicants	Together NZT Power and NZNS Storage
Application (or DCO Application)	The application for a DCO made to the SoS under Section 37 of PA 2008 in respect of the Proposed Development, required pursuant to Section 31 of the PA 2008 because the Proposed Development is a NSIP under Section 14(1)(a) and Section 15 of PA 2008 by virtue of being an onshore generating station in England or Wales of electrical capacity of more than 50 megawatts, and which does not generate electricity from wind, and by the Section 35 Direction
CEMP	Construction and Environmental Management Plan
DCO	A Development Consent Order made by the relevant Secretary of State pursuant to the PA 2008 to authorise a NSIP. A DCO can incorporate or remove the need for a range of consents which would otherwise be required for a development. A DCO can also include powers of compulsory acquisition
ES	Environmental Statement, documenting the findings of the EIA
ExA	Examining Authority
Land Plans	The plans showing the land that is required for the Proposed Development, and the land over which interests or rights in land are sought as part of the Order
NR	Network Rail Limited
NSIP	Nationally Significant Infrastructure Project that must be authorised by the making of a DCO under PA 2008
NZT Power	Net Zero Teesside Power Limited

NZNS Storage	Net Zero North Sea Storage Limited
NZT	Net Zero Teesside - the name of the Proposed Development.
Order	The Net Zero Teesside Order, being the DCO that would be made by the Secretary of State authorising the Proposed Development, a draft of which has been submitted as part of the Application
Order Land	The land which is required for, or is required to facilitate, or is incidental to, or is affected by, the Proposed Development and over which powers of compulsory acquisition are sought in the Order
Order Limits	The limits of the land to which the Application relates and shown on the Land Plans and Works Plans within which the Proposed Development must be carried out and which is required for its construction and operation
PA 2008	The Planning Act 2008 which is the legislation in relation to applications for NSIPs, including preapplication consultation and publicity, the examination of applications and decision making by the Secretary of State
Proposed Development (or Project)	The development to which the Application relates and which requires a DCO, and as set out in Schedule 1 to the Order
Requirements	The 'requirements' at Schedule 2 to the Order that, amongst other matters, are intended to control the final details of the Proposed Development as to be constructed and to control its operation, amongst other matters to ensure that it accords with the EIA and does not result in unacceptable impacts
Site (or Proposed Development Site)	The land corresponding to the Order Limits which is required for the construction and operation of the Proposed Development
SoCG	Statement of Common Ground
SoS	The Secretary of State - the decision maker for DCO applications and head of Government department. In this case the SoS for the Department for Business, Energy, and Industrial Strategy
Work No.	Work number, a component of the Proposed Development, described at Schedule 1 to the Order
Works Plans	Plans showing the numbered works referred to at Schedule 1 to the Order and which together make up the Proposed Development

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1.0 INTRODUCTION

1.1 Overview

- 1.1.1 This Statement of Common Ground (Document Ref. 8.16) has been prepared by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the ‘Applicants’) in conjunction with Network Rail Infrastructure Limited in respect of the Net Zero Teesside Project (the ‘Proposed Development’).
- 1.1.2 The SoCG sets out the matters of agreement between the Applicants and Network Rail Infrastructure Limited and also explains those matters which, at the time of writing, remain unresolved between the parties.
- 1.1.3 The agreements to date have been reached through consultation and continuing discussions between the parties, including interface meetings and regular face to face discussions.

1.2 Network Rail Infrastructure Limited Interests

- 1.2.1 Network Rail Infrastructure Limited’s interests include:
- 1.2.1.1. unregistered railway corridor located to the south of B1275An assumed freehold interest in the unregistered railway corridor located to the south of the B1275. The Network Rail estate is not registered with the land registry however due diligence checks have confirmed the land is owned by Network Rail Infrastructure Limited.
- 1.2.2 Land lying to the north of The A1085 Redcar

1.3 The Purpose and Structure of this Document

- 1.3.1 The purpose of this document is to summarise the agreements reached between the parties on matters relevant to the Examination of the Application and to assist the Examining Authority (‘ExA’). It also explains the matters which remain unresolved at the time of writing, but which both parties are working positively toward resolving. As such, it is expected that further iterations of the SoCG will be submitted to the ExA throughout the Examination and prior to the making of any Development Consent Order (‘DCO’) for the Proposed Development.
- 1.3.2 The SoCG has been prepared with regard to the guidance in ‘Planning Act 2008: examination of application for development consent’ (Department for Communities and Local Government, March 2015).
- 1.3.3 The SoCG is structured as follows:
- Section 2 – sets out consultation and related discussions held between the Applicants and Network Rail Infrastructure Limited
 - Section 3 – sets out the matters discussed and agreed to date.
 - Section 4 – sets out matters to be agreed and the proposed way forward.

2.0 SUMMARY OF CONSULTATION AND DISCUSSIONS

2.1 Overview

2.1.1 This section provides a summary of how the Applicants have consulted Network Rail Infrastructure Limited on the Proposed Development and also sets out the discussions that have taken place between the parties.

2.2 Consultation

2.2.1 **Table 2.1** (below) provides a summary of how the Applicants have consulted Network Rail Infrastructure Limited and how Network Rail Infrastructure Limited have responded to that consultation.

Table 2.1: Summary of Consultation

Consultation Stage/Date	Network Rail Infrastructure Limited Response
Stage 1 Consultation (non-statutory) – 2 nd October to 19 th November 2019	N/A
Stage 2 Consultation (statutory) – 7 th July to 18 th September 2020	N/A
Section 42 Update Consultation – 8 th December 2020 to 25 th January 2021 (further targeted consultations held 12 th February to 16 th March 2021 & 26 th March to 3 rd May 2021)	Outlined the position of statutory undertaker and the requirements for further engagement with the Network Rail Asset Protection and Property Teams.
Consultation on proposed changes to DCO Application – 10 th March to 14 th April 2022	N/A

2.3 Discussions

2.3.1 A summary of the detailed discussions that have taken place between the parties is set out in **Table 2.2**. Where appropriate, email follow-up has taken place to provide each party with information to support the progression of discussions.

Table 2.2: Summary of Discussions

Meeting Date	Meeting Type	Topics Discussed
14/12/20	Email	Introduction email from DM to Network Rail (Sarah Batty)
17/12/20	Email	Acknowledgement of DM email and plans – request from NR to submit clearances.

25/03/21	Email	DM to NR – initial schedules of minimum information issued
29/03/21	Email	NR to DM – acknowledgment of schedules of minimum information.
06/04/21	Email	DM to NR – reissuing schedules of minimum information following Wendy’s departure from NR.
08/04/21	Email	NR to DM – acknowledgement of the above and comment on PP’s.
08/04/21	Email	DM to NR – confirming solicitor details regarding PP’s.
08/06/21	Meeting	Intro meeting with NR – discuss Proposed Development requirements and clearances process.
10/06/21	Email	DM to NR – following meeting to issue HOTs and provide solicitors details.
17/06/21	Email	DM to NR – chaser for comments on process and HOTs.
08/07/21	Email	DM to NR – chaser for comments on process and HOTs.
04/08/21	Email	DM to NR – chaser for comments on process and HOTs.
11/08/21	Email	NR to DM – acknowledgement of the above and re submitting clearances.
17/08/21	Email	NR to DM – requesting clearance undertaking.
18/08/21	Email	DM to NR – clearance and BAPA queries.
02/09/21	Email	DM to NR – issuing Asset protection questionnaire to progress BAPA application.
03/09/21	Email	NR to DM – info on clearance process and timescale.
06/09/21	Email	NR to DM – request for plans related to BAPA.
10/09/21	Email	NR to DM – official receipt of BAPA application.
03/11/21	Meeting	Update meeting on crossing requirements and number of clearances needed.
05/11/21	Email	DM to NR – BAPA chaser.
16/11/21	Email	DM to NR – issue three schedules of minimum information and provide undertaking for these.
22/11/21	Email	DM to DM – chaser for acknowledgement of the above.
23/11/21	Email	NR to DM – confirmation of BAPA contact and request for a site meeting.
25/11/21	Email	DM to NR – querying BAPA sent directly to Bilal.
30/11/21	Email	NR to DM – acknowledgement of clearances.
07/01/22	Email	DM to NR – request for clearance update.
12/01/22	Email	DM to NR – chaser re above.
13/01/22	Email	NR to DM – confirmation of business clearance approval.
04/02/22	Email	DM to NR – responses to technical clearance queries.

14/02/22	Email	PT to NR – offer of PCIB meeting.
23/03/22	Email	NR to DM – confirmation of approved clearances.
20/04/22	Email	DM to NR – issue HOTS for CO2 and electric.

3.0 MATTERS AGREED

3.1 Overview

3.1.1 This section sets out the matters agreed between the parties.

3.1.2 Principle of the Proposed Development

3.1.3 The parties agree that there is an urgent need for the Proposed Development in order to provide low carbon electricity and the means to decarbonise other existing and proposed emitters in Teesside. Network Rail Infrastructure Limited does not object to the location of the various elements of the Proposed Development which are relevant to its land and operations.

3.2 Clearance

3.2.1 The Applicants have put forward the necessary information for Network Rail Infrastructure Limited clearance process to be completed which allows the Network Rail to open negotiations with the Applicants.

Network Rail confirmed on the 23rd March that both Business & Technical Clearances for all 3 crossings are now approved and received

3.3 Basic Asset Protection Agreement

The Applicants have engaged with Network Rails Asset protection team and confirm that they will enter into the necessary licences/land ownership rights to implement the scheme and also to ensure that the design and construction of the proposed scheme, including the proposed pipelines, will not have an adverse impact on railway operations.

3.3.1 Protective provisions & Framework Agreement

The parties are negotiating protective provisions (PPs) and a Framework Agreement, based on Network Rail Infrastructure Limited's standard form of agreement / protective provisions. The parties expect agreement to be reached during the course of the Examination

4.0 MATTERS TO BE AGREED

4.1 Overview

4.1.1 This section sets out matters to be agreed between the parties and the proposed way forward.

4.2 Voluntary Agreement

4.2.1 The Applicants are working with Network Rail to conclude a voluntary agreement for an option and lease and associated PP's. Solicitors have been instructed to progress Network Rail's Framework Agreement.

4.3 Protective Provisions

4.3.1 The Applicants are in active discussions with Network Rail but they are not yet agreed.

4.4 Land Powers within DCO

4.4.1 The Applicants are unable to agree to the removal of CA powers at this stage, and is obliged to seek compulsory rights as part of their DCO application in order to execute the development if an agreement cannot be reached. The Applicants' preference wherever possible is to conclude a voluntary agreement with Network Rail Limited.

The terms will include a clause setting out that the Applicants would not exercise CA powers, in relation to the Option area, unless the grantor was in breach of the Option or in respect of third party interests or restrictions in the Option area.