



Case Team
Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your reference

EN010103

Our reference

IGR/IGR/427033/1
UKM/118780419.1

26 May 2022

By Email Only:

NetZeroTeessideProject@planninginspectorate.gov.uk

Dear Sir/Madam

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 – DEADLINE 1

OUR CLIENT: SEMBCORP UTILITIES (UK) LIMITED

We refer to the Examining Authority's Rule 8 letter of 19 May 2022. Our Client's responses to the actions required of it at Deadline 1 are set out below.

Statement of Common Ground ("SoCG")

Our Client has provided its comments on an initial SoCG to the Applicant, who will file it on behalf of both parties.

Written Summaries of Oral Submissions at ISH2 and CAH1

We enclose written summaries of the submissions we made on behalf of our Client at IS2 and CAH1.

Issue Specific Hearings and Compulsory Acquisition Hearings

Our Client confirms that, as matters currently stand, it wishes to attend and speak at the following ISH and CAH:


- ISH3 12 July 2022
- CAH2 13 July 2022

Our Client may also wish to attend any ISH and/or CAH during the period between 17 October 2022 and 21 October 2022, should they take place. We will write further in relation to this once it is confirmed that they are to take place and the subject matter of those hearings is known.

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We will be attending the ISH and CAH on our Client's behalf. We would like to attend via Microsoft Teams and should be grateful if Ian Graves (email address [REDACTED]) could be registered as a speaker and sent a Teams link for both hearings.

If we can assist further, please do not hesitate to let know.

Yours faithfully

[REDACTED]

DLA PIPER UK LLP

THE NET ZERO TEESSIDE PROJECT DCO:

ISSUE SPECIFIC HEARING 2

WRITTEN SUMMARY OF SUBMISSIONS BY SEMBCORP UTILITIES (UK) LIMITED

1. Sembcorp Utilities (UK) Limited's ("**Sembcorp**") primary concern is in relation to the impact on its Wilton International site ("**Wilton**") and on the associated pipeline corridors that are vital to the operation of Wilton.
2. Sembcorp has been in correspondence with the Applicants via their respective solicitors in relation to the protective provisions that are included in the draft DCO. Sembcorp's solicitors have provided a marked-up version of the protective provisions that suggest a number of amendments. The amendments aim to improve the standard of protection in the protective provisions so that it is in line with a previous DCO that also affected Wilton, The Dogger Bank Teesside A and B Offshore Wind Farm Order 2015 ("**Dogger Bank DCO**").
3. Part 6 of Schedule 12 of the Dogger Bank DCO contains protective provisions in favour of the owners and occupiers of Wilton. Sembcorp submits that the Dogger Bank DCO therefore establishes a precedent for the standard of protection that should apply to Wilton. Given that the impacts are effectively the same in the case of the Net Zero Teesside Project, the protective provisions in this case should reflect those that have been previously granted by the Secretary of State in the Dogger Bank DCO.

26 May 2022

THE NET ZERO TEESSIDE PROJECT DCO:

COMPULSORY ACQUISITION HEARING 1

WRITTEN SUMMARY OF SUBMISSIONS BY SEMBCORP UTILITIES (UK) LIMITED

1. Sembcorp Utilities (UK) Limited (“**Sembcorp**”) is generally positive about the Net Zero Teesside Project (“**Project**”) and is supportive of it. Sembcorp’s submissions should be considered in this light.
2. Sembcorp is, however, extremely concerned about the impact of the Project on its Wilton International site (“**Wilton**”) and on the associated pipeline corridors that are vital to the operation of Wilton and to the Teesside industrial and manufacturing cluster more generally. The pipeline corridor is a key piece of infrastructure that enables that the success of Wilton and of the industrial and manufacturing cluster. Both Wilton and the cluster are of national significance.
3. There is an extremely strong public interest in the success of Wilton and the associated cluster. This is, in fact, one of the reasons why the Project is located where it is. The legal arrangements by which Sembcorp manages the pipeline corridors and balances the rights and interests of all the users of the corridors are relatively complex. These legal arrangements would inevitably be disrupted by the use of powers of compulsory acquisition, either to acquire rights or to extinguish them. Sembcorp submits that any new rights should be granted in common with other users of the of the pipeline corridors. This can be achieved through a commercial agreement with Sembcorp.
4. Sembcorp submits, firstly, that any action having the effect of harming the future success of Wilton and the associated industrial and manufacturing cluster could never be in the public interest. Secondly, powers of compulsory acquisition are not actually required in this case, because

Sembcorp is perfectly willing to grant rights on a commercial basis to facilitate the Project. Talks are ongoing between the parties in relation to this.

5. However, neither the Statement of Reasons nor the Planning Statement submitted with the DCO application deal sufficiently with countervailing public interest issues such as the impact of the use of powers of compulsory acquisition on Wilton. Sembcorp submits that this is a particularly important consideration when considering whether a compelling case in the public interest exists here. Ultimately, there can be no justification for harming the long-term economic success of Wilton, which, Sembcorp submits, would be the inevitably effect of granting the powers of compulsory acquisition that are sought in this case. A compelling case in the public interest for the grant of such powers does not, therefore, exist.

26 May 2022