

# 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: 3.2a – Supplementary Statement of Reasons

The Planning Act 2008



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

Date: May 2022

## DOCUMENT HISTORY

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<b>Author</b>	Alexis Coleman		
<b>Signed</b>	AC	<b>Date</b>	23 May 2022
<b>Approved By</b>	Nick McDonald		
<b>Signed</b>	NM	<b>Date</b>	23 May 2022
<b>Document Owner</b>	Pinsent Masons LLP		

## GLOSSARY

<b>Abbreviation</b>	<b>Description</b>
Applicants	means, together, Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited.
Application	The Application for a Development Consent Order made to the Secretary of State under Section 37 of PA 2008 in respect of the Project, required pursuant to Section 31 of the PA 2008 because the Project is a Nationally Significant Infrastructure Project 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 by direction under sections 35(1) and 35ZA of PA 2008 and associated development under section 115(1)(b) of that Act.
BEIS	Department for Business, Energy and Industrial Strategy
CA Regulations	Infrastructure Planning (Compulsory Acquisition) Regulations 2010
CCUS	Carbon Capture Utilisation and Storage
DCO	A Development Consent Order made by the relevant Secretary of State pursuant to 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.
Land Plans	A plan showing the land that is required for the Project and over which interests or rights in land are sought as part of the Order.

NSIP	A 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.
Order	The Net Zero Teesside Order, being the DCO that would be made by the Secretary of State authorising the Project, a draft of which has been submitted as part of the Application.
Order Land	The land over which powers of compulsory acquisition are sought in the Order.
Order Limits	The limits of the land to which the Application for the Order relates and shown on the Land Plans and Works Plans, within which the Project must be carried out and which is required for the construction and operation of the Project.
PA 2008	The Planning Act 2008 which is the legislation in relation to applications for NSIPs, including pre-application consultation and publicity, the examination of applications and decision making by the Secretary of State.
Project or Proposed Development	The development to which the Application relates and which requires a DCO, and as listed at Schedule 1 to the Order.
Project Site or Site	The land corresponding to the Order Limits, encompassing the Order Land and which is required for the construction and operation of the Project.
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.
Statement of Reasons	A statement submitted with the Application setting out the reasons and justification for the compulsory acquisition of land or rights in land within the Order Limits.
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 Supplementary Statement of Reasons (Document Ref. 3.2a) has been prepared on behalf of Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the 'Applicants'). It relates to the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy ('BEIS'), under Section 37 of 'The Planning Act 2008' (the 'PA 2008').
- 1.1.2 The Applicants are seeking development consent for the construction, operation and maintenance of the Net Zero Teesside Project ('NZT'), including associated development (together the 'Proposed Development') on land at and in the vicinity of the former Redcar Steel Works site, Redcar and in Stockton-on-Tees, on Teesside (the 'Site').
- 1.1.3 The Proposed Development will be the UK's first commercial scale, full chain Carbon Capture, Utilisation and Storage project and will initially capture up to 4 million tonnes (Mt) of carbon dioxide (CO<sub>2</sub>) emissions per annum. It will comprise a number of elements, including a new gas-fired Electricity Generating Station with post-combustion carbon capture plant; gas, water and electricity connections (for the generating station); a CO<sub>2</sub> pipeline network (a 'gathering network') for collecting CO<sub>2</sub> from a cluster of local industries on Teesside; a CO<sub>2</sub> compressor station (for the compression of the CO<sub>2</sub>) and a CO<sub>2</sub> export pipeline.
- 1.1.4 The CO<sub>2</sub> captured from the Electricity Generating Station and local industries will be compressed and then transported (via the export pipeline) for secure storage within the Endurance saline aquifer located 145 kilometres offshore from Teesside under the North Sea. The export pipeline has the capacity to carry up to 10Mt of CO<sub>2</sub> per annum. The Proposed Development will therefore make a significant contribution toward the UK reaching its greenhouse gas emissions target by 2050.

### 1.2 The Purpose and Structure of this Document

- 1.2.1 This Statement has been produced because the Applicants have made changes to the Application which involve additional land being included within the Order land ('the Additional Land'). Whilst the Applicants are only seeking temporary possession of the Additional Land, they are providing the same information as would be required under the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 ('CA Regulations') if compulsory acquisition powers over the land were sought. This Statement provides equivalent information to that under Regulation 5(b)(ii), being a statement indicating why the Additional Land is required.
- 1.2.2 This Statement should be read in conjunction with the Supplementary Funding Statement (Document Ref. 3.3a), the Supplementary Book of Reference (Document Ref. 3.1a) and the Additional Land Plan (Document Ref. 4.2a).
- 1.2.3 The document is structured as follows:
- Section 2 – the Changes to the Application;

- Section 3 – the Case for Powers in relation to the Additional Land ; and
- Section 4 – Conclusions.

## 2.0 THE CHANGES TO THE APPLICATION

### 2.1 Overview

- 2.1.1 The Applicants wrote to the Examining Authority on 28 April 2022 (Document Ref. 7.5) formally requesting that 13 changes to the DCO Application are accepted. The Examining Authority issued a procedural decision on 6 May 2022 accepting all of the changes.
- 2.1.2 As explained in the Applicants' letter of 28 April 2022, there are three main areas of change encompassed within the change request:
- The Gas Connection Route for Work No. 2A has been selected;
  - The CO<sub>2</sub> Gathering Network route from the north of River Tees and across the Tees forming part of Work No. 6 to the Power Capture and Compression Site (PCC Site) has been reduced in land area; and
  - Updates have been made to land parcels across the Order limits.
- 2.1.3 The 13 changes are summarised in the 28 April 2022 letter. The letter was accompanied by updated Application documents and addendums where appropriate, as set out in the updated Application Guide (April 2022, Document Ref. 1.2).

### 2.2 The Additional Land

- 2.2.1 As set out in the change request, Change 10 was a "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)".
- 2.2.2 The Additional Land is identified on the Additional Land Plan (Document Ref. 4.2a) as Plot 67a, required for temporary possession and is therefore coloured yellow.
- 2.2.3 The Additional Land is required as part of and to allow access between Seaton Carew Road and Work No. 9D (Saltholme Laydown). Without the Additional Land there would be a small gap between the extent of Work No. 9D and the public highway, and the Applicants would not be able to access Work No. 9D.

### 2.3 Other changes to the Order land

- 2.3.1 The change request also encompassed a number of other changes to the Order limits/land, including:
- Reductions to the Order limits/land, where land has been removed entirely and therefore no development is proposed within those areas and no powers in relation to land are sought; and
  - Parts of the Order land where the powers sought have reduced, from freehold acquisition to new rights or temporary possession, or from new rights to temporary possession.

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- 2.3.2 There are no areas of the Order land where greater powers (i.e. freehold acquisition where previously new rights or temporary possession was sought, or new rights where previously temporary possession was sought) are sought following the change request.
- 2.3.3 Information on the position in relation to individual plots is provided in the Guide to Land Plan Plots (Document Ref. 3.4).



## **3.0 THE CASE FOR POWERS IN RELATION TO THE ADDITIONAL LAND**

### **3.1 Required for the Proposed Development**

3.1.1 The Additional Land is required for the Proposed Development, for the purposes set out in Section 2. Section 6.1.7 of the Statement of Reasons (Document Ref. 3.2 / AS-141) sets out the need for the Order land and the powers sought over it, including those parts where temporary possession is sought.

### **3.2 Compelling Case in the Public Interest**

3.2.1 Section 7.1.1 onwards of the Statement of Reasons (Document Ref. 3.2 / AS-141) sets out the compelling case in the public interest for the land powers sought in the DCO Application and which applies equally to the Additional Land.

3.2.2 The Applicants have proposed providing an updated Planning Statement at Deadline 1 and which will consider the Proposed Development against Government policy issued since the DCO Application was submitted, and which continues to set out a clear and urgent need for the Proposed Development.

### **3.3 Legitimate Purpose, Necessary and Proportionate**

3.3.1 The use of the Additional Land and the temporary interference with those with an interest in it is considered to be for a legitimate purpose, necessary and proportionate.

### **3.4 Alternatives**

3.4.1 The use of the Additional Land is required in order to be able to construct the Proposed Development, and there is therefore no alternative to seeking powers in respect of it. The main alternatives considered in relation to the Proposed Development are set out at section 6.1.20 onwards in the Statement of Reasons (Document Ref. 3.2 / AS-141). There is no alternative to the Additional Land since it is required to obtain access to the remainder of Work No. 9B, as explained in Section 2.

### **3.5 Human Rights**

3.5.1 The position in relation to human rights is set out at Section 11 of the Statement of Reasons (Document Ref. 3.2 / AS-141) and applies equally to the Additional Land, the proposed use of which is legitimate and the purposes (delivery of the Proposed Development) are sufficient to justify interference with the human rights of those with an interest in it.

### **3.6 Special Category Land**

3.6.1 The Additional Land does not involve any special category land.

### **3.7 Negotiations in relation to the Additional Land**

3.7.1 The Applicants have sought and continue to seek to obtain the necessary ability to access and use the Additional Land via voluntary agreement, and will provide updates to the Examining Authority in relation to the Additional Land as part of updates on negotiations with the owner of the remainder of Work No. 9D.

## **4.0 CONCLUSIONS**

- 4.1.1 This Supplementary Statement of Reasons outlines the alterations to and within the Order land arising from the Applicants' changes submitted on 28 April 2022. It establishes the requirement for the Additional Land and powers of temporary possession over it. Without the Additional Land and the powers to secure its use the Applicants will not be able to bring forward Work No. 9D and which is required to enable the Proposed Development to be constructed.