

Planning Act 2008 – Section 91

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.

Issue Specific Hearing into the draft Development Consent Order (dDCO) (ISH3)

Date: Tuesday 12 July 2022

Time: 10:00am
Room opens / Arrangements Conference from 9:30am

Venue: Virtual Event (Microsoft Teams) and
Jury's Inn Hotel, (Carlton, Dinsdale & Eston Rooms), Fry Street, Middlesbrough, TS1 1JH.

Access and Parking: Limited free on-site parking with public car parks nearby.

Background

All Interested Parties are invited to attend issue specific hearings but as this is a blended event it would assist with the running of the hearing if you could let the Inspectorate's Case Team (NetZeroTeessideProject@planninginspectorate.gov.uk) know if you wish to participate in the hearing and if you wish to attend in person, or virtually through Microsoft Teams, so that the relevant instructions can be sent for you to join the event. The event will also be livestreamed and a link for watching the livestream will be posted on the project page of the National Infrastructure website closer to the event date.

The hearing venue will be open 30 minutes prior to the start of the hearing to enable a prompt start. Hearings will finish as soon as the Examining Authority (ExA) deems that all those present have had their say and that all matters have been covered.

Guidance under the Planning Act 2008 (PA2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings.

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required.

The following agenda is indicative and may be amended by the ExA at the start of the hearing session. Furthermore, the ExA may wish to raise other matters arising from submissions and pursue lines of inquiry in the course of the discussion which are not on the agenda. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. If there are additional matters to be dealt with or there are



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submissions that take a considerable amount of time at any hearing, there may be a need to continue the session for longer on the day. Alternatively, it may be necessary to prioritise matters and defer others to further written questions.

All Interested Parties are welcome to attend the hearing and are entitled to make oral representations. This is subject to the Examining Authority's power to control the hearing in the interests of efficient use of time.

The ExA requests that the following attendees participate in ISH3 into the dDCO:

- **Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the Applicants)** – including representatives of the Applicants who are in a position to discuss the matters on the agenda;
- **Redcar and Cleveland Borough Council (RCBC);**
- **Stockton on Tees Borough Council (STBC);**
- **South Tees Development Corporation (STDC);**
- **Environment Agency;**
- **Marine Management Organisation;**
- **Air Products;**
- **Anglo American;**
- **CATS North Sea Limited;**
- **CF Fertilisers UK Limited;**
- **ClientEarth;**
- **Exolum Seal Sands;**
- **Huntsman Polyurethanes (UK) Limited;**
- **INEOS Nitriles UK Limited;**
- **INEOS UK SNS Limited;**
- **National Grid Electricity Transition Plc;**
- **National Grid Gas Plc;**
- **Network Rail Infrastructure Limited;**
- **North Tees Land Limited;**
- **Northumbrian Water Limited;**
- **NPL Waste Management Limited;**
- **Orsted Hornsea Project Four Limited;**
- **PD Teesport Limited;**
- **Redcar Bulk Terminal Limited;**
- **SABIC UK Petrochemicals Limited;**
- **Sembcorp Utilities (UK) Limited;** and
- **Any other Interested Parties (IPs)** – with an interest in the drafting of the DCO, the implementation or discharge of proposed articles, requirements or other provisions, particularly protective provisions.

All Examination documents are provided with a unique identification number for referencing purposes shown in square brackets []. The application version of the dDCO (Revision 0) has the reference [APP-005]. The Applicants' latest version of the dDCO submitted at Deadline (D)2 (Revision 3) has the reference [REP2-002].

Please note that this Agenda was based on submissions up to and including D3. It therefore reflects the Applicants' dDCO submitted at D2 [REP2-002]. Nevertheless,

ISH3 will address any subsequent revision to the dDCO and any further relevant submissions about the dDCO submitted at D4.

ISH3 will address the structure and content of protective provisions within Schedule 12 Part 4 to Part 24. The land interests in those protective provisions, in addition to those for statutory undertakers covered by Part 1 to Part 3 of Schedule 12 will be addressed in CAH2.

Agenda

1. Welcome, introductions and arrangements for the Issue Specific Hearing

- The ExA will welcome participants, lead introductions, and address housekeeping matters. The public livestream and recording will start.

2. Purpose of the Hearing

- The ExA will explain the purpose of the Hearing into the dDCO.

3. Articles of the dDCO

- The Applicants will be asked to provide a brief overview of the proposed changes to the Articles of the dDCO including the reasons for the changes, since ISH2.
- The ExA will specifically ask the Applicants to address IP submissions in relation to:
 - Article 2 'permitted preliminary works';
 - Article 8 Consent to transfer benefit of the Order;
 - Article 9 Amendment and modification of statutory provisions (and Schedule 3);
 - Article 25 Compulsory Acquisition of Rights;
 - Article 47 Arbitration;
 - Article 49 Disapplication of Interface Agreement; and
 - The issue of vertical limits of deviation.
- IPs will also be invited to ask questions of clarification in relation to DCO Articles.

4. Schedule 2 of the dDCO – Requirements

- The Applicants will be asked to provide a brief overview of the proposed changes to the Requirements (R) in Schedule 2 of the dDCO including the reasons for the changes, since ISH2.
- The ExA will specifically ask the Applicants to address IP submissions in relation to :
 - R2 Notice of commissioning;
 - R3 Detailed design;
 - R4 Landscaping and biodiversity protection management and enhancement;
 - R7 Highway access;



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- R8 Means of enclosure;
 - R11 Surface and foul water drainage;
 - R13 Contaminated land and groundwater;
 - R14 Access to works;
 - R16 Construction environmental management plan;
 - R18 Construction traffic management plan;
 - R21 Control of noise – construction;
 - R23 Piling and penetrative foundation design;
 - R25 Restoration of land used temporarily for construction;
 - R29 Local liaison group;
 - R31 Carbon dioxide capture, transfer and storage; and
 - R32 Decommissioning.
- The ExA will specifically ask the Applicants and STDC about their position regarding STDC's request for an approval role over specified Requirements.
 - The ExA will specifically ask the Applicants and ClientEarth about ClientEarth's illustrative Requirement at Annex A of their Written Representation [REP2-079] and the Applicants' response [REP3-012].
 - IPs will be invited to ask questions of clarification in relation to Schedule 2.

5. Schedules 10 and 11 of the dDCO – Deemed Marine Licences

- To obtain an update on progress between the Applicants and the Marine Management Organisation regarding draft marine licences.

6. Schedule 12 Part 4 to Part 24 of the dDCO – Protective Provisions

- The Applicants and IPs will be asked to provide an update on progress regarding the bespoke protective provisions set out in Part 4 to Part 24 of Schedule 12, an explanation of any important differences of view and a timescale for resolution.
- The Applicants and Orsted Hornsea Project Four Limited will be asked to explain their respective positions as to the need for protective provisions in relation to the Hornsea Four Project with particular reference to the following submissions: [REP1-052], [REP2-060], [REP2-089] and [REP3-012]. (Note that this item is also closely related to the discussion on Article 49 Disapplication of the Interface Agreement under Agenda item 3.)

7. Consents, Licences and Other Agreements

- The Applicants will be asked to provide an update of progress and timescales for completion of any other consents, licences and other agreements.

8. Statements of Common Ground relevant to the DCO

- The ExA will ask the Applicants to provide an update on Statements of Common Ground relevant to the DCO.

9. Review of issues and actions arising

10. Any other business

11. Closure of the Hearing