

Net Zero Teesside Project

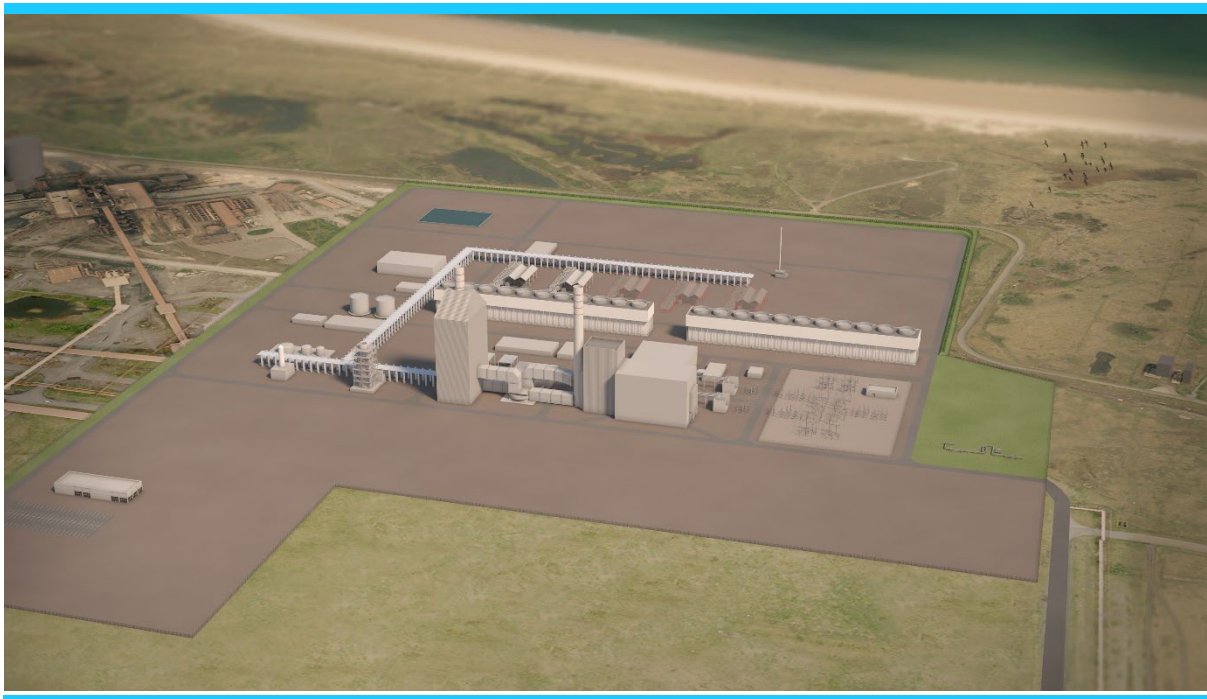
Planning Inspectorate Reference: EN010103

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: 7.13 Notification of Further Proposed Changes

Planning Act 2008



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

Date: October 2022

DOCUMENT HISTORY

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GLOSSARY

| Abbreviation | Description |
|-----------------|---|
| AOD | Above ordnance datum |
| AS | Additional Submissions |
| BAT | Best Available Techniques |
| BEIS | The Department for Business, Energy and Industrial Strategy |
| CAH | Compulsory Acquisition Hearing |
| CCGT | Combined Cycle Gas Turbine |
| CCUS | Carbon Capture, Utilisation and Storage |
| CEMP | Construction and Environmental Management Plan |
| CTMP | Construction Traffic Management Plan |
| CO ₂ | Carbon dioxide |
| CPO | Compulsory Purchase Order |
| dB | Decibels |
| DCO | Development Consent Order |
| dDCO | Draft Development Consent Order |
| EIA | Environmental Impact Assessment |
| EPC | Engineering, Procurement and Construction |
| ES | Environmental Statement |
| ETS | Emissions Trading Scheme |
| ExA | Examining Authority |
| FEED | Front end engineering and design |
| FRA | Flood Risk Assessment |
| Ha | Hectares |
| HDD | Horizontal Directional Drilling |
| HIA | Hydrogeological Impact Appraisal |
| HoT | Heads of Terms |
| kV | Kilovolts |
| MHWS | Mean High Water Springs |
| MLWS | Mean Low Water Springs |
| Mt | Million tonnes |

| | |
|---------------------|--|
| NATS | National Air Traffic Services |
| NSIP | Nationally Significant Infrastructure Project |
| NWL | Northumbria Water Lagoon |
| NZT | The Net Zero Teesside Project |
| NZT Power | Net Zero Teesside Power Limited |
| NZNS Storage | Net Zero North Sea Storage Limited |
| PA 2008 | Planning Act 2008 |
| PCC | Power Capture and Compressor Site |
| PDA- | Procedural Deadline A |
| PINS | Planning Inspectorate |
| RCBC | Redcar and Cleveland Borough Council |
| RR | Relevant Representation |
| SBC | Stockton Borough Council |
| SEL | Sound Exposure Level |
| SPA | Special Protection Areas |
| SoCG | Statement of Common Ground |
| SoS | Secretary of State |
| STDC | South Tees Development Corporation |
| SuDS | Sustainable urban drainage systems |
| UXO | Unexploded Ordnance |
| WFD | Water Framework Directive |

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1.0 INTRODUCTION

1.1 Overview

- 1.1.1 The Net Zero Teesside Development Consent Order Application ('DCO Application') was submitted by the Applicants, Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited, to the Secretary of State on 19 July 2021. The DCO Application was accepted for examination on 16 August 2021.
- 1.1.2 The Proposed Development 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.
- 1.1.3 To date, the Applicants have submitted two change requests to the Examining Authority (the 'ExA') – on 28 April 2022 (accepted into the Examination on 6 May 2022 [PD-010]) and on 23 August 2022 at Deadline 6 (accepted into the Examination on 6 September 2022 [PD-017]).
- 1.1.4 The change request submitted on 28 April 2022 comprised three main areas of change to the Proposed Development as follows:
- The selection of a Gas Connection route (Work No. 2A).
 - A reduction in the area of the CO₂ Gathering Network route from the north of the River Tees, across the Tees to the PCC Site, including removal of the new tunnel option (Work No. 6).
 - Updates to the land parcels within the Application Site/Order Limits as a result of further pre-front end engineering design ('FEED') construction assessments and landowner discussions.
- 1.1.5 The change request submitted at on 23 August 2022 (Deadline 6) comprised the following further proposed changes:
- The selection of the method of crossing the River Tees for the CO₂ Gathering Network (Work No. 6).
 - The selection of the Electrical Connection (Work No. 3A) routeing over the Tees Valley railway line within the Teesworks site.
 - A reduction of temporary possession land following progress made during FEED and continued landowner discussions.
- 1.1.6 The changes made to the Proposed Development to date have removed optionality included within the DCO Application and reduced land take, resulting in a corresponding reduction in the Order Land/Limits.
- 1.1.7 As part of their Deadline 8 submission [REP8-001], the Applicants indicated their intention to make two further changes to the DCO Application.

1.1.8 The first change relates to the selection of an outfall for the disposal of wastewater to Tees Bay. The Application currently includes two wastewater discharge options. Work No. 5A utilises the existing STDC outfall, while Work No. 5B involves the construction of a new outfall. The Applicants have now selected the new outfall option (Work No. 5B).

1.1.9 This change is dependent on securing a legally binding voluntary agreement with STDC. While progress has been made on this agreement between the parties, the Applicants do not expect it to be concluded before the end of the Examination. Therefore, this change is expected to be occur post-Examination.

1.1.10 The two changes are summarised below:

Table 1.1 – Summary of Further Proposed Changes

| Change No. | Description of Change |
|------------|--|
| 18 | Proposed Change: Removal of optionality for the disposal of wastewater to Tees Bay by removal of Work No. 5A (repair and upgrade of the existing water discharge infrastructure to the Tees Bay) resulting in a reduction in the Order Limits (Work Nos. 5A & 10). |
| 19 | Proposed Change (post-Examination): Potential removal of temporary possession Order Land associated with the development and use of an access from Tees Dock Road, resulting in a reduction in the Order Land/Limits (Work No. 10). |

1.2 The Purpose and Structure of this Document

1.2.1 The purpose of this document is to set out the nature and extent of the further proposed changes and provide the ExA with a summary of the next steps the Applicants intend to take. The remainder of this document is structured as follows:

- Section 2 – Further Proposed Changes.
- Section 3 – Next Steps and Potential Changes to Application Documents.

2.0 FURTHER PROPOSED CHANGES

2.1 Introduction

2.1.1 As noted above there are two further changes which the Applicants either intend to make to the DCO Application (the outfall selection) or intend to make once an agreement is entered into with STDC (Tees Dock Road Access). For simplicity this section describes both as “*proposed changes*” and presents information on both. The different approaches to the two proposed changes in terms of the documents the Applicants will submit are described in Section 3.

2.1.2 The two proposed changes would further reduce optionality and the amount of land required for the Proposed Development. Their overall effect would therefore be positive in reducing the potential effects of the Proposed Development on Interested Parties and the number of issues to be considered by the ExA.

2.2 Materiality of the Further Proposed Changes

2.2.1 Neither ‘The Planning Act 2008’ nor ‘The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011’ define what constitutes a material change to a project.

2.2.2 Advice Note 16 clarifies that “*whether the change is substantial*” will be an appropriate consideration in identifying a material change. The matter is ultimately a question of planning judgement, which Advice Note 16 confirms may be based on criteria including:

- whether the change would generate new or different likely significant environmental effect(s); and
- whether (and if so the extent to which) a change request involves an extension to the order land, particularly where this would require additional compulsory acquisition powers, e.g. for new plots of land and / or interests.

2.2.3 The Applicants’ intention to select one of the outfalls and, if possible, remove the other during the course of the Examination, has been known since the submission of the Application and has been made clear throughout the course of the Examination. Interested parties have had sufficient opportunity to make fully informed representations in respect of the two options.

2.2.4 No Interested Party has expressed an objection to or strong preference for either of the outfall options, although STDC made representations in relation to the route of the connection between the PCC Site and the existing outfall infrastructure. Those representations are relevant only to Work No. 5A, which is the option that the Applicants propose to remove.

2.2.5 The Applicants consider that the change is non-material, and does not involve the introduction of any new or additional development or powers. Given all of the above factors, the nature of the change means that there

is no issue in terms of being able to examine the application as changed, or possible prejudice to Interested Parties.

2.2.6 The removal of the Tees Dock Road Access was addressed during CAH2 and CAH3 and also in various submissions by the Applicants and STDC. The proposed change would be limited to the removal of areas of temporary possession land and the associated access powers in Schedule 5 of the draft DCO.

2.2.7 The Applicants consider that the change is non-material and does not involve the introduction of any new or additional development or powers.

2.2.8 The proposed changes relate solely to the removal of temporary possession powers and reductions to the Order Land/Limits. They do not introduce any new or additional development or powers. Furthermore, as set out below, neither of the proposed changes generate new or different likely significant environmental effects. As such, and including taking into account the previous changes to the Application, the Applicants consider that the nature of the proposed changes is non-material.

2.3 Description and Rational for the Further Proposed Changes

Wastewater Outfall Selection

2.3.1 The Applicants confirmed during CAH3 that following completion of technical assessments, they had selected the construction of a new outfall under Work No. 5B and therefore intended to remove Work No. 5A from the Application.

2.3.2 The change request for the removal of Work No. 5A would be limited to a reduction in the Order Land/Limits and powers. The Order Land to be removed is for the sole purpose of Work No. 5A, including Plot 305, which is also covered by Work No. 10 (but solely related to activities for Work No. 5A).

2.3.3 The Application currently seeks powers of temporary possession only over the parts of the Order Land relating to Work No. 5A and 10, which would be removed.

2.3.4 The change request would result in the removal of complete land plots from the Book of Reference (Document Ref. 3.1), Land Plans (Document Ref. 4.2) and Crown Land Plans (Document Ref. 4.3). The impacted plot numbers are as follows:

- 297
- 304
- 305
- 306
- 307
- 308

- 310
 - 311
 - 312
 - 326
 - 371
- 2.3.5 The area land to be removed from the Application is shown on the plan at **Appendix 1**.
Tees Dock Road Access Removal
- 2.3.6 The Applicants confirmed during CAH3 that their position on the Tees Dock Road Access remains as set out in their response to ExA Second Written Question CA.2.7 [REP6-121].
- 2.3.7 Negotiations are ongoing with STDC and therefore the Applicants are not in a position to remove the Tees Dock Road Access plots from the Application at this stage. However, the Applicants intend to request that the relevant plots be removed from the Application upon securing the alternative Lackenby Steelworks Gate Access Route via a legal agreement with STDC, but consider this is now likely to fall after the end of the Examination.
- 2.3.8 The change request for the removal of the Tees Dock Road Access would be limited to a reduction in the Order Land/Limits and powers. The areas which would be removed relate solely to Work No. 10.
- 2.3.9 The Application currently seeks powers of temporary possession only over the parts of the Order Land relating to the Tees Dock Road Access, which would be removed.
- 2.3.10 The Applicants have engaged with STDC on the extent of the change and have agreed the Order Land that would be removed if the change was brought forward by the Applicants. In summary, all of Plot 274 and part of Plot 279 would be removed.
- 2.3.11 Negotiations for a legally binding agreement between the Applicants and STDC are ongoing and well progressed. However, as they have not concluded the Applicants are unable to submit a change request for the removal of the Tees Dock Road Access. Therefore, the Applicants have outlined the potential change for the benefit of the ExA and SoS, in the event a change request is submitted post-Examination.
- 2.3.12 The area land that would be removed from the Application is shown on the plan at **Appendix 2**.
- 2.4 **Potential Changes to the Environmental Statement**
Wastewater Outfall Selection
- 2.4.1 The potential use of the existing outfall (Work No. 5A) is described in the Environmental Statement ('ES') at Chapter 4: Proposed Development [AS-

019], Chapter 5: Construction Programme and Management [**APP-086**] and Chapter 6: Alternatives and Design Evolution [**APP-088**]. The environmental effects of its use are assessed in Chapter 9: Surface Water, Flood Risk and Water Resources [APP-091], Chapter 14: Marine Ecology and Nature Conservation [APP-096] and Chapter 24: Cumulative and Combined Effects [**APP-106**]. Reusing the existing outfall would have lower environmental effects than replacement, with the exception of water quality impacts on Tees Bay, where the effects would be greater due to closer proximity to the Tees Estuary (see preliminary modelling included as Appendix A to the Nutrient Nitrogen Briefing Paper [**REP9-015**]). Removing the existing outfall option from the Application would therefore result in either no change or a reduction in the environmental impacts assessed in the ES.

Tees Dock Road Access Removal

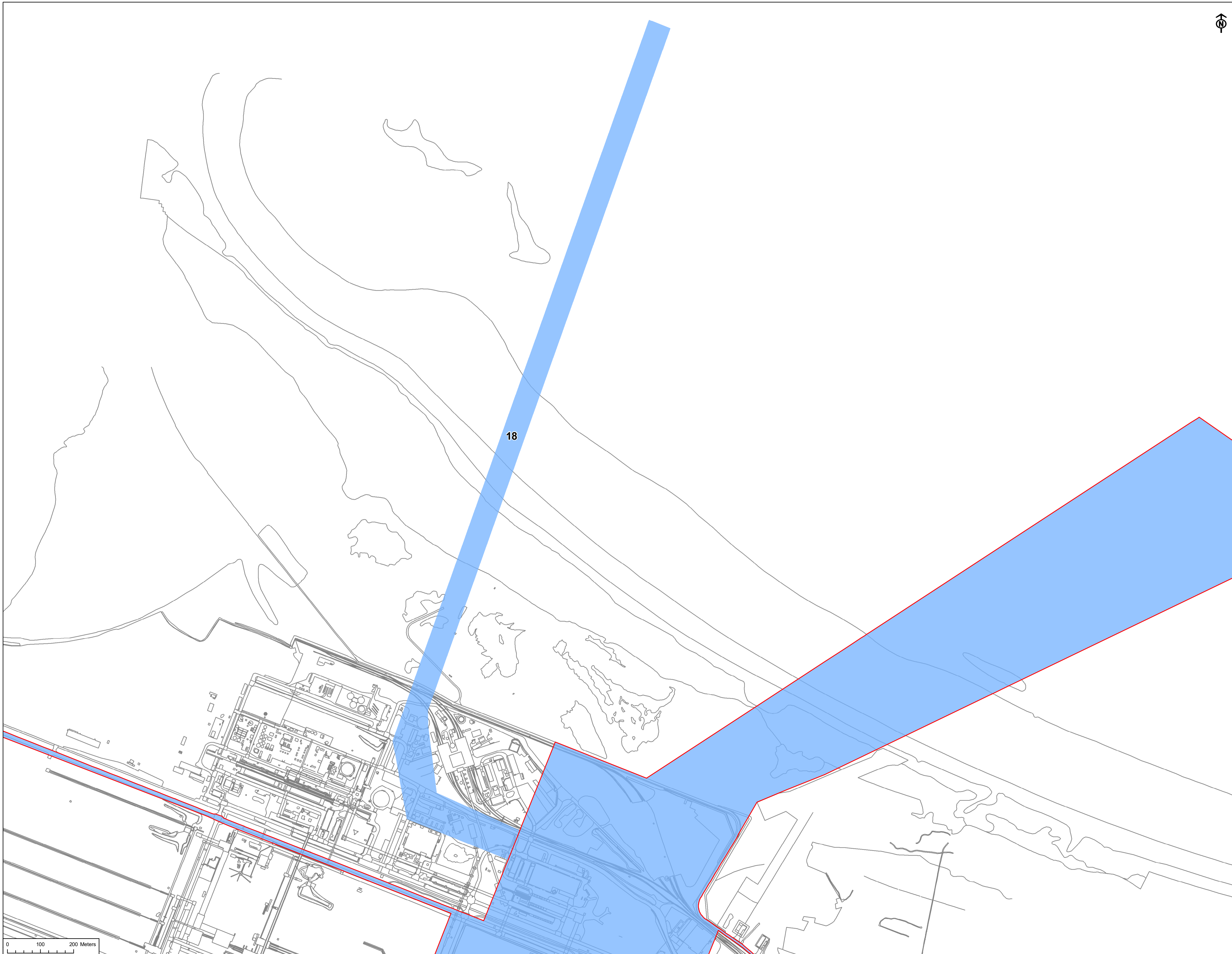
- 2.4.2 Removing the access from Tees Dock Road would require HGVs to access the PCC Site via the internal road network from Lackenby Steelworks Gate off the A1085 Trunk Road rather from the A66 / A1053 / Tees Dock Road roundabout. The effects of the latter were assessed in the ES Transportation Assessment [**APP-327** to **APP-332**]. The effects associated with the use of the Lackenby Steelworks Gate were assessed in the Traffic Sensitivity Modelling note submitted at Deadline 3 [**REP3-013**] and found to not affect the validity of the original Transportation Assessment.

3.0 NEXT STEPS AND POTENTIAL CHANGES TO APPLICATION DOCUMENTS

- 3.1.1 In order to ensure that there is clarity and transparency as to the changes made in the preferred form draft DCO and to give the ExA and SoS all the information they need, the Applicants intend to take the following approach at Deadline 12.
- 3.1.2 The Applicants will submit their finalised preferred form draft DCO as required at Deadline 12, including the amendments relating to the waste water outfall section change request in addition to any other amendments.
- 3.1.3 The Applicants will also submit associated documents that relate to the outfall selection change request, including:
- A formal request to the ExA to make the change to the Application.
 - Draft DCO.
 - Explanatory Memorandum.
 - Book of Reference.
 - Statement of Reasons.
 - Guide to Land Plan Plots.
 - Site Location Plan.
 - Land Plans.
 - Crown Land Plans.
 - Works Plans.
 - Access and Rights of Way Plans.
 - Water Connection Plan.
 - Surface Water Drainage Plan.
 - Habitats Regulations Assessment.
 - Third Environmental Statement Addendum – Volume I (Main Report).
 - Third Environmental Statement Addendum – Volume II (Figures).
- 3.1.4 At Deadline 12 the Applicants will also submit a schedule of changes to the draft DCO, which will clearly identify:
- Changes made in the finalised draft DCO which apply in all circumstances.
 - Changes made in the finalised draft DCO which relate to the outfall selection change request. This will also allow the ExA to identify the amendments that would be required if the change request for the removal of Work No. 5A is not accepted by the ExA, to ensure transparency and that this is available to the ExA if required.

- Although not included in the preferred final draft DCO, the schedule of changes will also detail the amendments required to the DCO to remove the Tees Dock Road Access, again to ensure transparency, allow comments by Interested Parties, and that enable the drafting to be considered by the ExA/SoS as required.

APPENDIX 1: PLAN SHOWING REMOVAL OF EXISTING OUTFALL OPTION





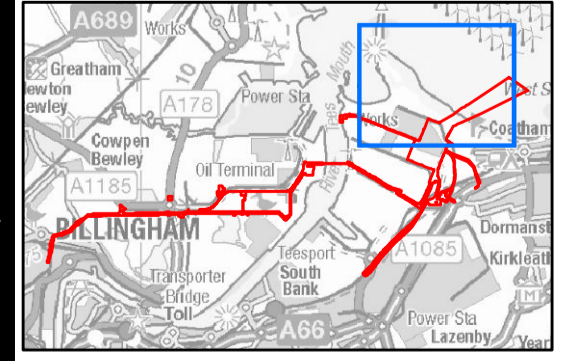
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PROJECT
NET ZERO TEESSIDE PROJECT



APPLICANT
N.Z.T. POWER LTD. AND N.Z.N.S. STORAGE LTD.

- KEY
-  Site Boundary - Notification of Proposed Change - Removal of Work No. 5A
 -  Site Boundary - DCO Application - May 2022



TITLE
NOTIFICATION OF PROPOSED CHANGES
REMOVAL OF WORK NO. 5A

REFERENCE
N.Z.T. 221026_P105_v9_Outfall

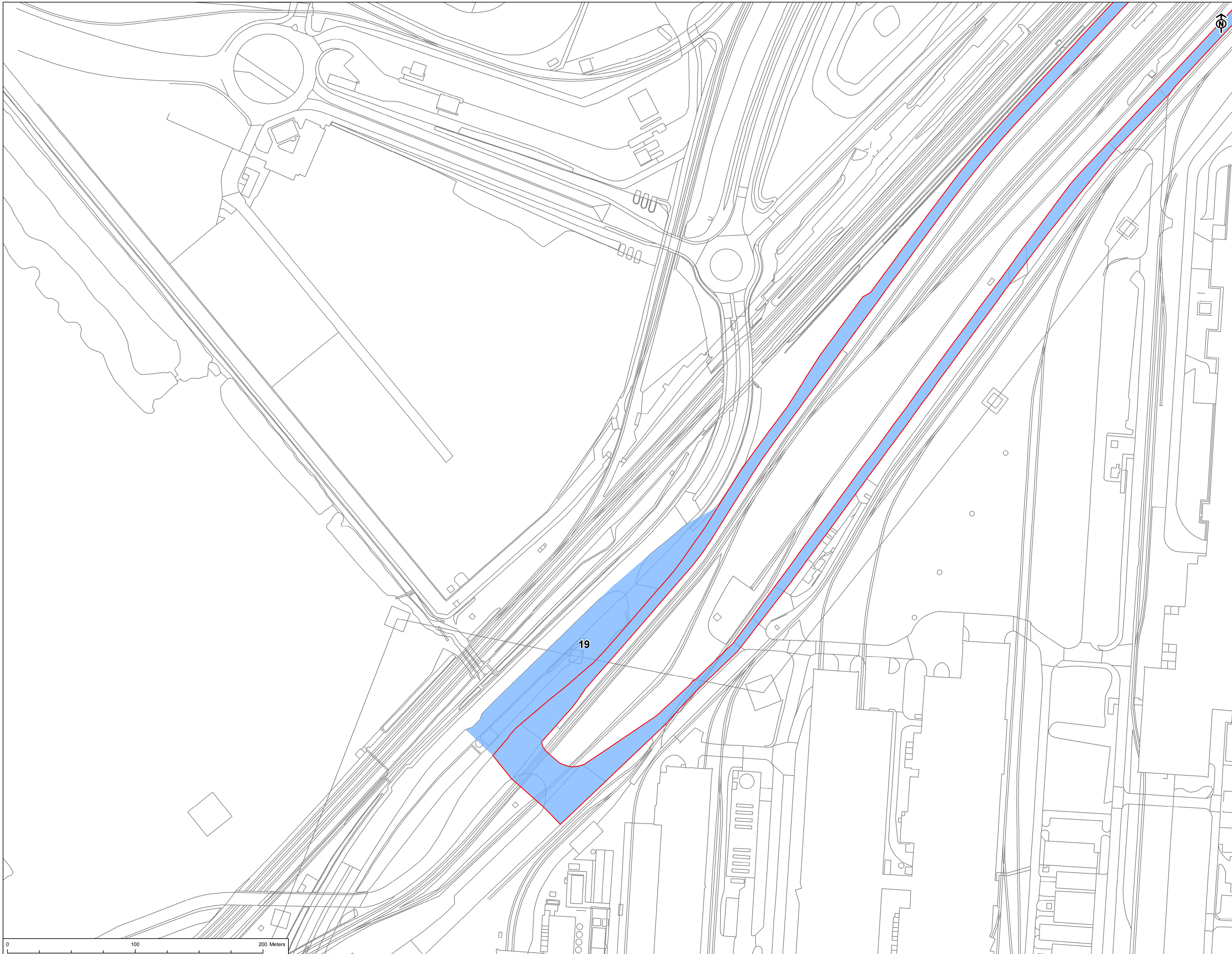
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APPENDIX 2: PLAN SHOWING REMOVAL OF TEES DOCK ROAD ACCESS



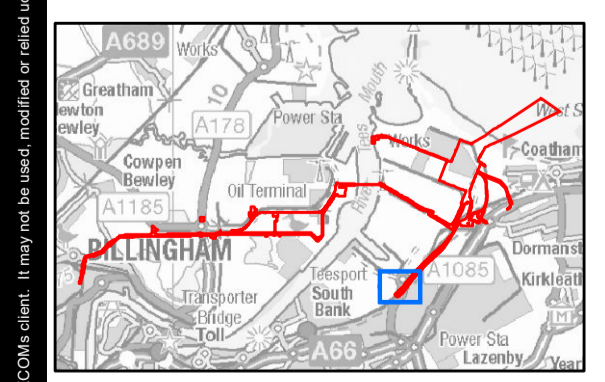
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PROJECT
NET ZERO TEESIDE PROJECT



APPLICANT
N.Z.T. POWER LTD. AND N.Z.N.S. STORAGE LTD.

- KEY
- Site Boundary - Notification of Potential Change – Removal of Tees Dock Road access
 - Site Boundary - DCO Application - May 2022

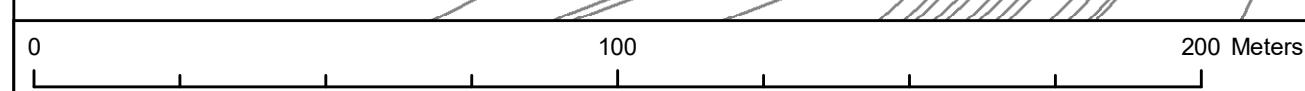


TITLE
NOTIFICATION OF POTENTIAL CHANGE
REMOVAL OF TEES DOCK ROAD ACCESS

REFERENCE
N.Z.T. 221026_P105_v9_TDR

SHEET NUMBER 1 of 1 DATE 26/10/22

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