

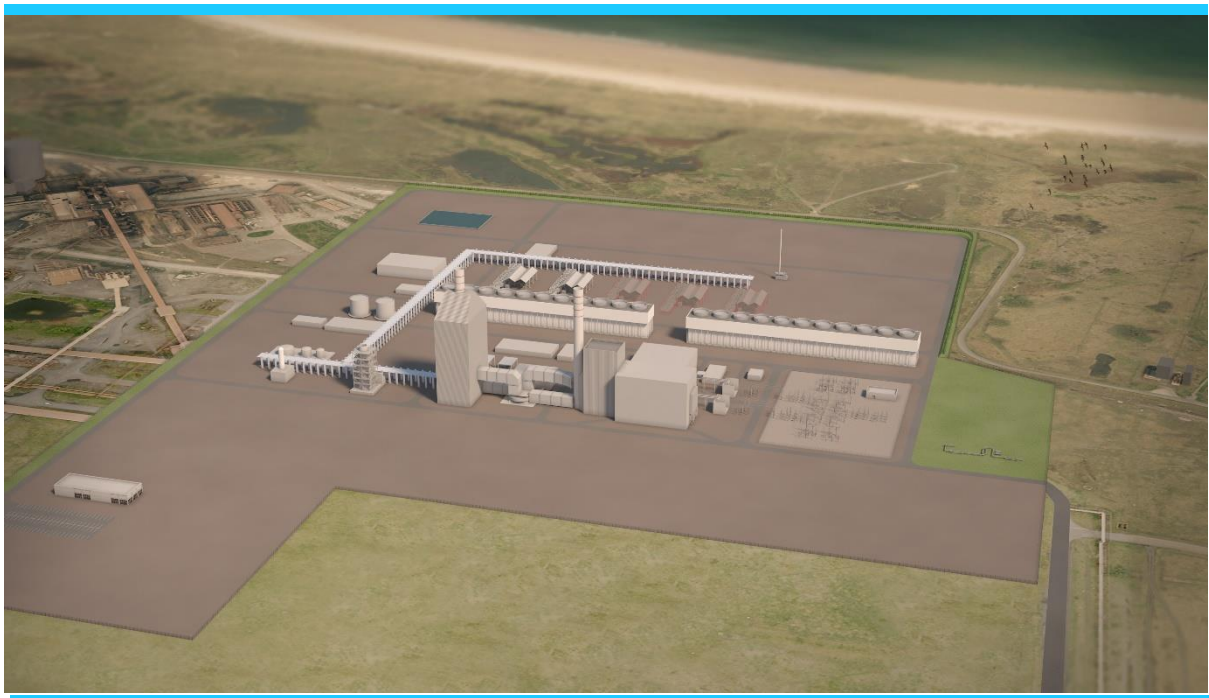
Net Zero Teesside Project

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: 8.3 – Statement of Common Ground with South Tees Development Corporation, Tees Valley Combined Authority and Teesworks 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
AD Guidance	Guidance on associated development applications for major infrastructure projects' (April 2013)
AGI	Above Ground Installation
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
Associated Development	Defined under S.115(2) of PA 2008 as development which is associated with the principal development and that has a direct relationship with it. Associated development should either support the construction or operation of the principal development or help address its impacts. It should not be an aim in itself but should be subordinate to the principal development
BEIS	Department for Business, Energy, and Industrial Strategy
CCP	Carbon capture plant
CCGT	Combined cycle gas turbine
CCUS	Carbon capture usage and storage
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
EIA	Environmental Impact Assessment - the assessment of the likely significant environmental effects of a development, undertaken in accordance with the EIA Regulations
EIA Regulations	Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) setting out how the environmental assessment of NSIPs must be carried out and the procedures that must be followed
Electricity Generating Station (or CCGT / Low Carbon Electricity Generating Station)	A new electricity generating station fuelled by natural gas and with a gross output capacity of up to 860 megawatts
EPC Contractor	Engineering, Procurement and Construction contractor who will undertake the detailed engineering design, procurement and deliver the construction of the Proposed Development
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
Limits of Deviation	The limits shown on the Works Plans within which the Proposed Development may be built
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.
Open Space Land	The parts of the Order Land which are considered to be open space for the purposes of section 132 of the PA 2008 and as shown hatched blue on the Land Plans
Option Agreement	This refers to the voluntary agreement the parties are negotiating for the lease of the main site.

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
PCC Site	Power, Capture and Compression Site - the part of the Site that will accommodate the Electricity Generating Station, along with the CCP and high-pressure compressor station
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
Section 35 Direction	The direction under section 35 of the PA 2008 dated 17 January 2020 from the SoS that the Specified Elements together with any matters/development associated with them should be treated as development for which development consent under the PA 2008 is required
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
Specified Elements	Those elements of the Proposed Development that, by virtue of the Section 35 Direction, are to be treated as development for which development consent under the PA 2008 is required being: the CO2 gathering network, including the CO2 pipeline connections from the proposed CCGT Electricity Generating Station and industrial facilities on Teesside to transport the captured CO2 (including the connections under the tidal River Tees), a high-pressure carbon dioxide compressor station to receive captured CO2 from the CO2 gathering network, and a section of the CO2 transport pipeline for the onward transport of the captured CO2 to a suitable offshore geological storage site
STDC	South Tees Development Corporation (STDC), Tees Valley Combined Authority (TVCA) and Teesworks Limited, collectively referred to as STDC
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. 8.3) has been prepared by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the ‘Applicants’) in conjunction with South Tees Development Corporation (STDC), Tees Valley Combined Authority (TVCA) and Teesworks Limited (Teesworks) 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 STDC, TVCA and Teesworks 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 STDC Interests

- 1.2.1 South Tees Development Corporation is a Mayoral Development Corporation responsible for approximately 4,500 acres (1,820 hectares) of land to the south of the River Tees, in the Borough of Redcar and Cleveland. The majority of this land was acquired by STDC under the South Tees Development Corporation (Land at the former Redcar Steel Works, Redcar) Compulsory Purchase Order 2019. The object of a development corporation is to secure the regeneration of the land in respect of which it is designated, and deliver a number of large scale regeneration projects of national importance across the whole landholding, which has recently been allocated ‘Freeport’ status to attract inward investment. The Teesworks site is the largest regeneration opportunity in the UK, and STDC owns a number of plots within the Order Limits of the Project.
- 1.2.2 TVCA is The Tees Valley Combined Authority was created in April 2016. Its purpose is to drive economic growth and job creation in the area. It is a partnership of five authorities; Darlington, Hartlepool, Middlesbrough, Redcar & Cleveland and Stockton-on-Tees, working closely with the Local Enterprise Partnership, wider business community and other partners to make local decisions to support economic growth. The South Tees Development Corporation is a sister company to the Tees Valley Combined Authority, with some shared resources and a common goal of creating jobs and increased prospects for the region’s residents. The Tees Valley Mayor is the chair of both organisations and, as such, can provide a common approach to achieving the ambitious agenda set out in the Strategic Economic Plan to create 25,000 new jobs by 2026.
- 1.2.3 Teesworks Limited is a joint venture between the public and private sector with a controlling commercial interest across all land holdings owned by STDC/STDL. Teesworks is leading the development facilitating the leasehold disposal of multiple

development plots, supporting a number of green sectors including Carbon Capture (NZT), Hydrogen Generation Projects, Giga Factories and an Offshore Wind Cluster.

The Purpose and Structure of this Document

- 1.2.4 The purpose of this document is to summarise the agreement 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.
- 1.2.5 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).
- 1.2.6 The SoCG is structured as follows:
- Section 2 – sets out consultation and related discussions held between the Applicants and STDC, TVCA and Teesworks.
 - Section 3 – sets out the matters and whether each is agreed or remains under discussion.

2.0 SUMMARY OF CONSULTATION AND DISCUSSIONS

2.1 Overview

2.1.1 This section provides a summary of how the Applicants have consulted STDC, Teesworks and TVCA (referred to collectively as ‘STDC’ for the remainder of this SoCG unless otherwise specified) 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 STDC and how STDC has responded to that consultation.

Table 2.1: Summary of Consultation

Consultation Stage/Date	STDC Response
Stage 1 Consultation (non-statutory) – 2 nd October to 19 th November 2019	Meetings held between representatives of STDC and the Applicants on the Proposed Development. STDC also responded to earlier Statement of Community Consultation issued in May-2020
Stage 2 Consultation (statutory) – 7 th July to 18 th September 2020	17.9.20: Outlined their in-principle support for the Proposed Development, while expressing concern with: <ul style="list-style-type: none"> • lack of detail available for the consultation documentation, including on land requirements;. • extent of land required for NZT’s connection corridors • risk of proposals being contrary to local plan and STDC master plan, and the relevance and importance of the of the STDC CPO which was in compliance with the master plan; • sterilisation of necessary development land within the Teesworks site • issues with PEIR
Section 42 Update Consultation – 8 th December 2020 to 25 th January 2021 + further targeted Consultation Feb-March 2021 26 March to 3 May 2021	25.1.21: Expressed their in-principle support for the Proposed Development and highlighted previous consultation responses, including a response on “draft” proposed order limit changes on 10 November 2020. STDC noted the following key concerns, in addition to the vagueness of the materials which it had already commented upon: <ul style="list-style-type: none"> • Utility infrastructure corridors • Highway access corridors • Understanding NZT’s programme • the need to agree mechanisms that avoid recourse to compulsory acquisition powers

	<ul style="list-style-type: none"> the need to progress important legal documentation <p>30.4.21: Reiterated its in-principle support for the project but noting that STDC maintain their objection to the project due to the order limits, and impact on STDC's ownership and delivery of its regeneration programme. Reiterating previous concerns.</p>
<p>Consultation on proposed changes to DCO Application – 10th March to 14th April 2022</p>	<p>14.4.22: Broadly supports the proposed changes and reductions in optionality and land take but would observe that due to the level of detail in the consultation materials it remains unclear which land plots are being removed and/or where land rights being sought may be changing. Similarly the environmental effects of the changes are unclear to STDC until it has been able to review the update/addendum to the Environmental Statement.</p> <p>STDC's position remains that further changes to the Project (i.e. in additional to those already proposed) are required by NZT to satisfactorily address STDC's concerns regarding the impact on the regeneration of the Teesworks site. Absent those changes, STDC's position remains that it objects to the proposals.</p>

2.3 Discussions

2.3.1 A summary of the discussions that have taken place between the parties and their legal representatives at different times is set out in the tables below which are split broadly between the different workstreams. Where appropriate, email follow-up and side discussions have taken place to provide each party with information to support the progression of more formal discussions.

2.3.2 Management Meetings

Table 2.2: Summary of Management Meetings

Meeting Date	Meeting Type	Topics Discussed
March 2020	Management Site Visit	General Overview of site
Sept 2021	Steering Group Meeting	Meeting between the Applicant, STDC and TVCA to review principles of the development, open issues and agree way forward
Oct 2021	Steering Group Meeting	Meeting between the Applicant, STDC and TVCA to review principles of the development, open issues and agree way forward
Oct 2021	Senior Management Meeting	Progress on commercial aspects of lease agreement.
Nov 2021	Senior Management Meeting	Progress on matters outstanding to conclude Option Agreement

Dec 2021	Commercial	Heads of terms for Option Agreement and Option Lease subject to resolution of outstanding issues (Lane-Houchen letter signed)
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2.3.3 Commercial Meetings

Table 2.3: Summary of Commercial Meetings

Meeting Date	Meeting Type	Topics Discussed
May 2020	Commercial and legal all parties call	Call in relation to heads of terms for option and lease, land ownership, remediation, utility corridors and construction laydown
July 2020	Commercial	To discuss heads of terms for option and lease
Aug 2020	Commercial and legal all parties call	Call in relation to heads of terms for option and lease
Aug 2020	Commercial and legal all parties call	Call in relation to heads of terms for option and lease
Oct 2020	Commercial and legal all parties call	Call in relation to heads of terms for option and lease
Feb 2021	Commercial and legal all parties call	Call in relation to option and lease and survey access licence
Mar 2021	Commercial and legal all parties call	Call in relation to exclusivity agreement, connection corridor easements, underlying land ownership, option and lease and survey access licence
Apr 2021	Commercial and legal all parties call	Call in relation to exclusivity agreement, survey access licence, option and lease, connection corridor easements, construction laydown lease, DCO red line boundary, interface between commercial and technical meetings
Apr 2021	Commercial and legal all parties call	Call in relation to exclusivity agreement, survey access licence, option and lease and connection corridors easements
Apr 2021	Commercial and legal all parties call	Call in relation to option and lease, construction laydown lease and survey access licence
Apr 2021	Commercial and legal all parties call	Call in relation to option and lease, exclusivity agreement and survey access licence
May 2021	Commercial and legal all parties call	Call in relation to option and lease and exclusivity agreement
May 2021	Commercial and legal all parties call	Call in relation to option and lease, exclusivity agreement and connection corridor easements
May 2021	Commercial and legal all parties call	Call in relation to option and lease

May 2021	Commercial and legal all parties call	Call in relation to option and lease
June 2021	Commercial and legal all parties call	Call in relation to option and lease
June 2021	Commercial and legal all parties call	Call in relation to option and lease
June 2021	Commercial and legal all parties call	Call in relation to option and lease
June 2021	Commercial and legal all parties call	Call in relation to option and lease
Aug 2021	Commercial and legal all parties call	Call in relation to option and lease
Aug 2021	Commercial and legal all parties call	Call in relation to option and lease
Dec 2021	Commercial meeting	Meeting to resolve outstanding issues on option and lease
Jan 2022	Commercial and legal all parties call	Call in relation to option and lease
Jan 2022	Commercial and legal all parties call	Call in relation to option and lease
Feb 2022	Commercial, legal and technical all parties meeting/call	All parties pre-consultation meeting/call
Mar 2022	Commercial	To discuss option and lease
Mar 2022	Commercial, legal and technical all parties meeting	All day meeting in Teesside in relation to option and lease
Apr 2022	Commercial and technical	To discuss electrical supplies/connection and outfall technical/commercial interfaces
May 2022	Commercial and technical	To discuss electrical supplies/connection and outfall technical/commercial interfaces
May 2022	Commercial, legal and technical all parties meeting/call	Meeting/call in relation to option and lease
May 2022	SoCG	SoCG shared with STDC
June 2022	Commercial, legal and technical all parties meeting/call	Meeting/call in relation to option and lease
June 2022	Commercial, legal and technical all parties meeting/call	Meeting/call in relation to option and lease

July 2022	Commercial, legal and technical all parties call	Call in relation to remediation provisions in option and lease
August 2022	Commercial, legal and technical all parties meeting	All day meeting in Teesside in relation to option and lease
August 2022	Commercial, legal and technical all parties meeting	All day meeting in Teesside in relation to option and lease
August 2022	Commercial, legal and technical all parties meeting	All day meeting in Teesside in relation to option and lease
August 2022	Commercial, legal and technical all parties meeting	All day meeting in Teesside in relation to option and lease
September 2022	Commercial, legal and technical all parties call	All parties call in relation to option and lease
September 2022	Commercial, legal and technical all parties call	All parties call in relation to option and lease
<u>October 2022</u>	<u>Commercial, legal and technical all parties call</u>	<u>All parties call in relation to electrical network</u>
<u>October 2022</u>	<u>Commercial, legal and technical all parties meeting</u>	<u>All day meeting in Teesside in relation to option and lease</u>

In addition to the meetings listed in the above table, there has been regular contact between the legal teams to discuss the detailed provisions of the option and lease documentation.

2.3.4 Technical Meetings

Table 2.4: Summary of Technical Meetings

Meeting Date	Meeting Type	Topics Discussed
Around Sept 2019	Introductory Site Visit	Site visit

Feb 2020	Technical on-site	Water supply options and water discharge options
May 2020	Technical	General Project Update, Initial discussion on plot size needs, civil risks, land restoration, utilities, next steps
May 2020	Geotech Workshop 1 -	History of region and STDC land area geology, available information, further investigations
June 2020	Initial Technical	Project Progress/Updates, land restoration and remediation, near term schedule
June 2020	Initial Technical	Project land needs, power facilities and early assessment of utilities and impacted STDC areas.
July 2020	General Context	STDC Inductions, COVID Rules on STDC site, Interfaces with existing utilities and way forward
Aug 2020	Technical on-site	Multi-discipline site visit (land area, remediation, utilities)
Aug 2020	Consenting	DCO and PEIR update
Sept 2020	Consenting	PEIR Feedback
Oct 2020	Consenting	DCO and PEIR update
Nov 2020	Consenting	DCO Red Line Boundary
Nov 2020	Consenting	DCO Application, ES Chapters, biodiversity, HRA, CEMP
Nov 2020	Consenting	DCO Application, ES Chapters, biodiversity, HRA, CEMP
Nov 2020	Initial Interfaces	Outfall, Water Supply, Gas route, CO2 routes, electrical connections effluent, sewage
Dec 2020	Project Interfaces	Outfall, Water Supply, Gas route, CO2 routes, electrical connections effluent, sewage, site access, traffic, early works programme, GI, remediation, biodiversity, HRA, CEMP, air quality, Teesworks Design guide, interfaces with Teesworks developments, telecoms
Jan 2021	Interfaces -	Regular discussion of interfaces progress
Jan 2021	Interfaces	Regular discussion of interfaces progress
Feb 2021	Interfaces	Regular discussion of interfaces progress
Feb 2021	Interfaces on-site	Project Update, Schedule, Land and Freeport interactions, Plant Layout and plot needs, Construction interfaces, Utilities, Outfall tie-in options
Mar 2021	Interfaces	Regular discussion of interfaces progress
Mar 2021	Interfaces	Regular discussion of interfaces progress
Mar 2021	Technical on-site	Project Schedule, Interfaces with remediation scope, site drive around, traffic entrances discussion
Mar 2021	Interfaces	Regular discussion of interfaces progress
Apr 2021	Interfaces	Regular discussion of interfaces progress
Apr 2021	Existing Outfall	Discussion with STDC and Oceanering
Apr 2021	Interfaces	Regular discussion of interfaces progress
May 2021	Interfaces	Regular discussion of interfaces progress

May 2021	Existing Outfall	Discussion with STDC and Oceaneering
June 2021	Interface- on-site	Regular discussion of interfaces progress, Easement, Land needs & STDC Utility diversions discussion
July 2021	SoCG	Initial SoCG discussion in particular land parcels and interfaces with STDC Development land; STDC comments that SoCG preference is for a tabular format
July 2021	Land Parcels on-site	1 st land Parcels discussion relating to the Applicants' DCO
Aug 2021	Land Parcels on-site	2 nd (follow-up) land Parcels discussion relating to the Applicants' DCO
Aug 2021	Interface on-site	Utilities
Sept 2021	Interface	Regular discussion of interfaces progress
Sept 2021	Interface	Regular discussion of interfaces progress
Oct 2021	Interface	Regular discussion of interfaces progress
Oct 2021	Existing Outfall	Review STDC's objections to the outfall
Oct 2021	Interface	Regular discussion of interfaces progress
Oct 2021	Pipelines – on-site	Technical options review and assessment for Outfall, CO ₂ Export, Tees crossing CO ₂ Gathering & Nat Gas
Nov 2021	Interface	Regular discussion of interfaces progress
Nov 2021	Existing Outfall	Meeting to discuss potential implications of STDC's indication they are considering moving the outfall (and 'Red Main Road')
Nov 2021	Interface – on-site	Integrated Schedule and Utilities Diversions
Nov 2021	Interface	Regular discussion of interfaces progress plus review of Teesworks Utilities Tie-in RFP responses
Dec 2021	Technical interface	Electrical tie-ins and other issues
Dec 2021	Interfaces	Connections and tie-ins, Integrated Schedule, Logistics, Park & ride, Tod Point connections, Technical data requests, SoCG and key discussion points & Relevant Reps.
Jan 2022	Interface	Regular discussion of interfaces progress
Feb 2022	Electrical on-site	Electrical substation, potential tie-ins, Power connections concerns and site walk around for other utilities
Feb 2022	Interface	Regular discussion of interfaces progress
Mar 2021	Electrical	Electrical substation, potential tie-ins, Power connections concerns and site walk around for other utilities
Mar 2022	Pre-consultation briefing	Applicants' consultation on proposed changes to the DCO Application

Mar 2022	Existing outfall – inspection and licensing	Weekly <u>recurring</u> meeting to agree the scope, timing, and licensing for NZT to undertake an internal inspection of the existing outfall
Mar 2022	Electrical	Electrical substation, potential tie-ins, Power connections concerns and site walk around for other utilities
April 2022	Existing outfall – inspection and licensing	Weekly <u>recurring</u> meeting to agree the scope, timing, and licensing for NZT to undertake an internal inspection of the existing outfall
May 2022	Existing outfall – limit of connection	Establish boundary conditions regards extent of existing system that can be tied into, agreements on way forward
June 2022	Technical / Commercial interface meeting	Work No. 3A and associated bridge crossings, commercial options for the private wire network, technical options for the outfall
<u>October 2022</u>	<u>Technical site meeting</u>	<u>Work No. 3A route meeting and site walk</u>

2.3.5 Land Remediation Meetings

Table 2.5: Summary of Land Remediation Meetings

Meeting Date	Meeting Type	Topics Discussed
16 April 2021	Scheduling meeting	Discuss comments on the initial demolition strategy provided by STDC
7 May 2021	Strategy meeting	Initial discussion on the NZT remediation strategy and to understand the current planning permission regulatory status for the STDC project including the NZT area.
21 July 2021	Scoping Meeting	Criteria, approach, planning, programme schedule, workshops proposed
28 July 2021 – 15 Dec 2021	Weekly STDC – NZT remediation development meeting	Weekly meeting set up by STDC to allow parties to align on the development of the remediation specification, site engagement / procurement of services,
19 January 2022 – 30 Mar 2022	Weekly STDC – NZT alignment meeting	Recurring NZT site remediation weekly call with aim of resolving final comments on remediation specifications ahead of STDC planning application submission and procurement process
25 Aug 2021	Workshop(s) on-site	Civils focussed, followed by soil/water focus, NZT civil engineer site visit
9 Sep 2021	Remediation workshop	Align on the NZT site, and formation of platform, and follow up session from the civil engineering workshop conducted on the 25th of August 2021.

3.0 TABLE OF ISSUES AND MATTERS

This section sets out the issues between the Applicants and STDC, TVCA and Teesworks. Tables [3.1 to 3.7](#) below summarises the following:

- Relevant issue,
- The Applicants current position,
- STDC, TVCA and Teesworks current position
- Status of negotiations (i.e. agreed, under discussion, not agreed)

Table 3.1: General

No.	Relevant Issue	The Applicants' Position	STDC, TVCA and Teesworks Position	Status
1	Proposed Development	As set out in detail below the Applicants are continuing to work with STDC, TVCA and Teesworks to address their concerns in order that they retain their in-principle support for the Proposed Development.	<p>Whilst STDC has previously highlighted its in-principle support, this is contingent on its objections being resolved – objections which relate to significant concerns about aspects of the proposals, <u>including compulsory purchase and the Tees Dock Road access</u>. Absent prompt resolution and within the timescales of the examination, STDC would not be able to offer in-principle support nor withdraw its objections. Progress <u>hasis beening</u> made on protective provisions and an associated interface agreement, which remain under negotiation <u>but agreement has not yet been reached on a number of outstanding matters.</u></p> <p><u>STDC is therefore submitting, at Deadline 12, its own version of the protective provisions, and other amendments to the draft DCO, which would be necessary to address its concerns.</u></p>	Under Discussion / Not Yet Agreed
2	PCC Site	The proposed location and size of the PCC site within the Teesworks site is agreed in principle.	No further comment	Agreed
3	Option Agreement	On 21 December 2021 a letter between the Applicants and the Mayor on behalf of TVCA was signed to affirm the common commitment of both parties to conclude the Option Agreement	No further comment	Agreed

No.	Relevant Issue	The Applicants' Position	STDC, TVCA and Teesworks Position	Status
		and associated documentation in accordance with the principles set out in the letter. The content of the letter is agreed and endorsed by STDC and Teesworks.		
4	Option Agreement	The detail of the commercial principles agreed in the letter are confidential between the parties, however, by way of summary the following key principles were agreed in the letter – subject to further discussion and resolution of detailed matters: <ul style="list-style-type: none"> • Lease rate, subject to independent review and benchmarking and confirmation of acceptance by BEIS • Project liabilities and caps on liabilities • The approach to be taken in relation to provisions of the option and lease that would be relevant in the context of financing of the project • STDC's obligation to carry out site remediation works and STDC's and the Applicants' respective responsibilities for payment of the cost of those works • The approach to the drawdown of leases 	No formal agreement has been entered into as yet. Whilst the content of the letter is agreed, these were commercial principles and are subject to further discussion and resolution of detailed matters, and completion of agreements. STDC would qualify the Applicant's comments on the following points in particular <ul style="list-style-type: none"> • The general approach to be taken in relation to provisions of the option and lease that would be relevant in the context of financing of the project is subject to agreement on the detailed provisions, not yet concluded. • STDC's has agreed in principle to carry out site remediation works, subject to planning approval and conclusion of a formal agreement between the parties (not yet concluded), and STDC's and the Applicants' 	Under Discussion / Not Yet Agreed

No.	Relevant Issue	The Applicants' Position	STDC, TVCA and Teesworks Position	Status
		<ul style="list-style-type: none"> The basis upon which the lease of the construction and laydown area will be dealt with The provision of and fee structure for site utilities including raw and potable water, sewerage and outfall The provision of and fee structure for site power That the Applicants have the right to undertake capital works for electrical infrastructure subject to the agreement of the landlord acting reasonably The basis upon which the easements for CO₂, natural gas, nitrogen and effluent water and the substation lease will be granted That a park and ride will be provided by STDL and the basis upon which it will be provided That Teesworks would set up an appropriately resourced and dedicated team to deliver all elements of their obligations to the Applicants' project 	<p>respective responsibilities for payment of the cost of those works; including milestones for payments made by NZT to STDC.</p> <ul style="list-style-type: none"> The provision of and fee structure for site utilities including raw and potable water, sewerage and outfall, is subject to agreement on detailed matters. Provision of a park and ride by STDC is subject to agreement on terms. <p>STDC notes that while progress has been made <u>during the examination</u> on settling outstanding points in the main site option agreement, the <u>agreement has not yet concluded and the Applicants have since requested further control mechanisms over the site-wide estate infrastructure which cannot be accepted raised new points of concern to STDC, including and a condition precedent in relation to the take-up of the lease elements, pending resolution of a funding discussions with BEIS.</u></p>	

No.	Relevant Issue	The Applicants' Position	STDC, TVCA and Teesworks Position	Status
		<ul style="list-style-type: none"> That the parties would continue to work together in good faith to resolve all outstanding matters <p>The Applicants note the latest position from STDC. The Applicants are confident that these remaining matters can be resolved. <u>The Applicants have received further responses from STDC on 1 November 2022. These are in addition to responses received previously from STDC. The Applicants are considering the outstanding points with a view to responding to STDC shortly after 1 November 2022.</u></p>	<p>This has implications for compulsory acquisition, and so STDC's objections in relation to those matters remains.</p> <p><u>STDC is awaiting a response from the Applicants on the majority of outstanding points for the main site option.</u></p> <p><u>STDC provided clarifications to the Applicants on a couple of drafting matters on 31/10/22.</u></p> <p>- <u>The Applicants have raised several new points in recent weeks and further information is yet to be provided to STDC. In addition, many drafting points have been outstanding for some time and still await NZT instruction.</u></p>	
5	Supplementary Planning Document and Master Plan	<p>The Applicants consider that the Proposed Development is compliant with the STDC Masterplan objectives and South Tees Area Supplementary Planning Document (May 2018). The Applicants' position is more fully set out in the updated Planning Statement submitted at Deadline 1.</p> <p>With respect to Development Principles STDC1 and STDC2, the Applicants have inserted protective provisions in the <u>finalised</u> draft DCO</p>	<p>Provided STDC interests are adequately protected by protective provisions / an interface agreement, STDC is content that the NZT scheme would comply with the STDC Masterplan objectives. These were enshrined into the South Tees Supplementary Planning Document (May 2018), adopted by RCBC, and which sets an overarching principle to deliver comprehensive development of the STDC area and to resist development that has the potential to stymie or</p>	<p>Agreed (subject to adequate <u>STDC's version of the</u> protective provisions <u>being adopted/</u> interface</p>

No.	Relevant Issue	The Applicants' Position	STDC, TVCA and Teesworks Position	Status
		<p>that are intended to ensure there is no undue disruption to STDC in bringing forward other development proposals and securing the comprehensive redevelopment of the Teesworks site.</p> <p>The Applicants continue to be open to discussion with STDC on the arrangements for the integrated development of the Teesworks site.</p>	<p>prevent further phases of development (Development Principles STDC1 and STDC2)</p> <p>STDC needs to be satisfied that there is no uncertainty as to the Applicants' use of compulsory powers over Teesworks, and the constraints this could impose on the Teesworks site and its comprehensive regeneration and redevelopment. <u>STDC does not agree with the Applicants' finalised version of the protective provisions – the document does not go far enough to avoid undue disruption, and STDC is therefore submitting at Deadline 12 its own version of the protective provisions which are necessary to address its concerns.</u></p>	<p>agreement being agreed</p>
6	Land Referencing	The Applicants submitted an updated Book of Reference at Deadline 2 [REP2-005] and Deadline 4 [REP4-005] incorporating comments received from STDC.	STDC notes that the Applicants have updated the Book of Reference at Deadline 4 [REP4-005] to resolve the discrepancies to land ownership (plot 274) and party names identified by STDC.	Agreed

Table 3.2: Environmental Statement

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
7	Baseline Environmental Information & Approach to EIA	It is agreed that data and information has been shared between the parties on the approach to the EIA and availability of baseline data on ecology, protected species, air quality, cultural heritage and noise effects. It is agreed that, for the EIA topics reviewed by STDC, the assessment methodologies and conclusions are appropriate and reflect the current site baseline conditions and adequately characterise the potential effects of the Proposed Development.	No further comment at this stage.	Agreed
8	Combined & Cumulative Effects	The approach taken to assessing combined and cumulative effects in the EIA has been discussed and agreed between both parties. In particular, due regard has been had to approved and planned developments both on the Teesworks site and in the wider area, specifically relating to transport, air quality, habitats and construction effects. An approach has also been agreed between the parties and Natural England regarding the sensitivity of the adjacent Teesmouth and Cleveland Coast SPA/ Ramsar site to nitrogen deposition effects.	No further comment at this stage.	Agreed
9	Combined & Cumulative Effects	It is agreed that no significant cumulative effects have been identified to result from the Proposed Development and the developments being progressed by STDC based on expected	No further comment at this stage.	Agreed

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<p>construction timescales. It is also agreed that the parties will continue to collaborate and communicate on development timescales and construction management to manage the interactions between the various developments as they proceed.</p>		
10	Biodiversity & Landscaping	<p>The approach taken to assessing biodiversity value of the current Proposed Development Site and how this needs to align with the STDC wider biodiversity strategy for Teesworks has been discussed and agreed by the parties, and it is further agreed that the intention is to achieve biodiversity net gain for the Proposed Development, through planting, landscaping and other measures.</p>	No further comment at this stage.	Agreed
11	Biodiversity & Landscaping	<p>A draft of what is now the Indicative Landscape and Biodiversity Strategy (APP-079) was shared with STDC for review and comment. The Strategy demonstrates that biodiversity net gain could be achieved within the permanent land take of the Proposed Development Site boundary and without the need for additional land within the Teesworks site. Teesworks' Environment and Biodiversity Strategy is being developed to provide solutions on and off the Teesworks site for providing biodiversity mitigation and</p>	No further comment at this stage.	Agreed

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		compensation, where necessary, to off-set for loss resulting from development.		
12	Construction Environmental Management Plan (CEMP)	<p>It is agreed that construction effects associated with the Proposed Development will be managed through the use of a Construction Environmental Management Plan (CEMP), to be prepared by the appointed main contractor(s) through Requirement 16 of Schedule 2 of the DCO. A Framework CEMP has been submitted as part of the DCO Application (APP-246). <u>Further updates to the Framework CEMP were submitted at Deadline 5 [REP5-013] and Deadline 9 [REP9-007]</u></p> <p>The final CEMP approved under requirement 16 must be in accordance with the Framework CEMP. The Framework CEMP has been shared with STDC and it is agreed that this adequately covers the key points needed at this stage, recognising that a detailed construction programme and timeline is required to enable STDC to provide its full agreement.</p> <p>The Applicants have included STDC as a consultee for Requirement 16 in the draft DCO submitted at Deadline 2 [REP2-002].</p>	<p>No further comment at this stage on the principle of a CEMP and its structure. STDC notes its consultee role as part of requirement 16 in the draft DCO <u>(see further item 22 below regarding an STDC approval role for the requirements)</u>.</p>	Agreed
13	Integrated programme of	It is agreed that an integrated programme of construction works could be developed and	<u>On 28 October 2022 The principle of an integrated programme is agreed.</u> STDC <u>supplied</u>	Agreed <u>(in terms of the</u>

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
	<p>construction works</p>	<p>managed by the Applicants and STDC in order to manage the timing and interaction between development works across the Teesworks site.</p> <p>The Applicants has led the development of an integrated schedule for the site preparation works based on the scope STDC has shared with the Applicants. This has consisted of a number of schedule workshops reviewing remediation, demolition and geotechnical investigation schedules. The Applicants have continued to extend the offer to incorporate the NZT proposals into the wider Teesworks development programme but is reliant on STDC sharing the information.</p> <p>In the absence of an integrated programme being developed, the Applicants have proposed robust protective provisions to manage the interaction between the Proposed Development and other develops across the Teesworks site. The Applicants submitted substantially updated protective provisions at Deadline 4 and awaits STDC's comments on those. <u>The protective provisions have subsequently been subject to further negotiation with the most recent draft</u></p>	<p>the Applicants with it comments on the notes the substantially revised protective provisions. <u>A number of key matters are not agreed, which remain under review / negotiation and consequently STDC has confirmed that it will submit to the Examining Authority its own preferred version of the protective provisions at Deadline 12, indicating where and why its preferred drafting differs from that of the Applicant.</u></p>	<p>principle of an integrated programme)</p> <p><u>Not agreed (in terms of protective provisions) (subject to STDC agreement over protective provisions)</u></p>

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<p><u>sent to STDC’s legal representatives on 14th October. A number of the protective provisions are agreed between the parties but certain matters have not been capable of being resolved during the examination. It is agreed that each of the parties will submit their preferred protective provisions for inclusion at Part 19 of Schedule 12 of the DCO at Deadline 12. The Applicants received comments from STDC’s legal representatives on the protective provisions on 28th October. This has informed the protective provisions submitted by the Applicants at Deadline 12.</u></p>		
14	Construction Traffic Management Plan	<ol style="list-style-type: none"> 1. See the Applicants’ position at points 28 and 36 (Access on Tees Dock Road) below with respect to alternative routes for construction traffic. The Applicants will continue to engage with STDC to discuss this matter. 2. The number of car movements is subject to final selection of the execution strategy by the EPC contractors. It will be subject to compliance with the Construction Traffic Management Plan to be approved 	<p>1. The routes for construction traffic using the access at Tees Dock Road (see further Points 28 and 36 below). The Applicant has been offered an alternative access to the Teesworks estate via Lackenby Gatehouse.</p> <p>STDC is currently engaged in a legal dispute with PD Ports on this proposed point of access. The proposed point of access in question on Tees Dock Road is an unused, secured gate. STDC’s case is that PD Ports do not have a right to use it to access the Teesworks Estate.</p>	<ol style="list-style-type: none"> 1. Under Discussion / Not Yet Agreed 2. Agreed

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<p>by the planning authority and which must be in accordance with Chapter 16 of the ES and the Framework Construction Traffic Management Plan.</p> <p>The Applicants have submitted a technical note summarising the findings of the sensitivity study at Deadline 3 (Document Ref. 9.13). The revised estimate of 1200 cars is the basis for the sensitivity study.</p>	<p>In STDC’s opinion the Tees Dock Road access is not suitable or safe as a form of construction access, as compared to the access at Lackenby Gate which is already operational and fit for purpose for movement of HGVs and large vehicles. The Applicants confirmed at the CAH on 13 July 2022 that the alternative route (Lackenby Gate) is acceptable to them.</p> <p>STDC requires removal of the Tees Dock Road access, and as a matter of urgency from the Order. STDC understands that the Applicant is preparing to now remove this land from the scope of the DCO. See the response from STDC at issue 28 below for further information.</p> <p>2. It is noted that a technical note was submitted by the Applicant for Deadline 3 – STDC has reviewed this and is content / has no further comments.</p>	

Table 3.3: Utility, Services and Easement

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
15	Raw water supply (Work No. 4)	<p>The Applicants have provided protective provisions in Part 19 of Schedule 12 of the DCO. These include arrangements for the approval of works details in advance of commencing development (including Work No. 4) at the Teesworks site, and co-operation arrangements including information sharing that will facilitate Teesworks development proposals coming forward alongside the Proposed Development.</p> <p>The Applicants will continue to discuss the terms of the protective provisions with STDC.</p> <p>It has been agreed that, subject to contract, STDC will provide a tie-in point to the existing Northumbrian Water Limited ('NWL') supplied raw water connection on the fence-line of the Proposed Development. The basic fee structure for this service has been agreed as per the letter in point 4 (Option Agreement). The agreements to be entered into between the parties will establish the terms on which the raw water supply would be provided by STDC and would regulate the use of the Applicants' powers in the DCO. The agreements are not yet in agreed form and remain under negotiation.</p>	<p>As per the Applicants comment, the agreements are not yet in agreed form and remain in negotiation. Without such agreement being entered into prior to the close of examination, STDC requires controls in the DCO to prevent the Applicants from making such connections over STDC land without STDC consent. The risk in not including such requirements would be detrimental to STDC's existing and new development proposals. STDC notes the recently revised end-of-examination position on protective provisions, <u>which are not agreed between the parties (see item 13 of table 3.2, above), which remain under negotiation.</u></p> <p>STDC clarifies that: it has been agreed that, subject to agreement over the connection route and extent of the easement corridor, STDC will provide a tie-in point to the existing NWL supplied potable and raw water connection on the fence-line of the Proposed Development. The basic fee structure for this service has been agreed in principle but this</p>	Under Discussion / Not Yet Agreed

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
			<p>matter remains under discussion in terms of commercial details.</p> <p>See further table 3.6 below which addresses the location and extent of specific plots identified for these works in the Order Limits.</p>	
16	Potable water supply (Work No. 4)	<p>See point 15 in respect of the protective provisions that apply to the Work Nos in the DCO that are located at the Teesworks site.</p> <p>It has been agreed, subject to contract, that STDC will provide a tie-in point to the existing NWL supplied potable water connection on the fence-line of the Proposed Development. The basic fee structure for this service has been agreed as per the letter in point 4 (Option Agreement). It has been agreed that the agreements to be entered into between the parties will establish the terms on which the potable water supply would be provided by STDC and would regulate the use of the Applicants' powers in the DCO. The agreements are not yet in agreed form and remain under negotiation.</p>	See point 15	Under Discussion / Not Yet Agreed
17	Sewerage	See point 15 in respect of the protective provisions that apply to the Work Nos in the DCO that are located at the Teesworks site.	See point 15	Under Discussion / Not Yet Agreed

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<p>It has been agreed that STDC will provide a tie-in point on the fence-line of the Proposed Development to a new designed STDC sewage system that will ultimately connect into the existing NWL sewage connection. The basic fee structure for this service has been agreed as per the letter in point 4 (Option Agreement). It has been agreed that the agreements to be entered into between the parties will establish the terms on which the sewage connection would be provided by STDC and would regulate the use of the Applicants' powers in the DCO. The agreements are not yet in agreed form and remain under negotiation.</p>		
18	Existing Outfall (Work No. 5A)	<p>See point 15 in respect of the protective provisions that apply to the Work Nos in the DCO that are located at the Teesworks site.</p> <p>Use of existing shafts A or B (and the connecting underground horizontal outfall tunnel) has been challenged by STDC due to concerns regarding future development of the relevant land. The parties have agreed that the Applicants will undertake a study to understand if it is possible to make a new below ground connection to shaft B of the existing outfall. The</p>	<p><u>Subject to STDC having sight of the details of the change request at Deadline 12, the removal of Work No. 5A would resolve this issue.</u></p> <p><u>As previously stated,</u> STDC does not agree to the current route of the outfall forming Work 5A due to sterilisation of development on that land. STDC is currently in detailed discussions for development on this land, representing a significant national economic growth project and NZT's proposals risk impacting those discussions.</p>	<p>Under Discussion / <u>Not Yet Agreed Provisionally Agreed (subject to review of change and acceptance by Examining Authority)</u></p>

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<p>study has been completed by the Applicants' contractor and the Applicants are reviewing the findings prior to determining the next steps. Following completion of technical studies, the Applicants have committed to take forward Work No. 5B as the option for the discharge of water into the Tees Bay. The Applicants are applying to remove Work No. 5A from the DCO as part of a change request submission at Deadline 12. The Applicants understanding is that issue regarding the routing of Work No. 5A is resolved by the removal of this optionality from the DCO (subject to the Examining Authority's approval of the change request).</p> <p>Following the completion of the study, the parties will need to discuss the preferred approach and commercial arrangements for securing the alternative route.</p> <p>The Applicants have not yet agreed to use the existing outfall with STDC due to outstanding technical and commercial issues.</p> <p>Refer to issue 35 in relation to the specific plots affected.</p>	<p>STDC has not yet agreed to an alternative design and route of the pipework for the outfall and require discussions on this, including which party will undertake the works.</p> <p>STDC notes that the Applicants are carrying out a survey of the outfall and awaits the outcome of the study. STDC is pleased to note that the study has been completed and encourages the Applicants to urgently determine the next steps before the close of the examination.</p> <p>See further issue 35 below in relation to the specific plots affected.</p>	

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
19	Onsite Power Supply Connection	<p>It has been agreed that STDC is able to supply either 66 kV or 11 kV power to the Proposed Development for the following:</p> <ul style="list-style-type: none"> • Construction power; • Commissioning & start-up power; and • Back-up/standby power, as contingency in the event of other main supply system failures. <p>The Applicants and STDC have reviewed the technical options for each of these supplies and the way forward is agreed in principle, subject to commercial agreement.</p>	No further comments at this stage.	Agreed, subject to commercial agreement being reached
20	Electrical Cable Route & Easement (Work No.3A)	<p>It has been agreed that the parties will work together to determine a suitable route for the cables. The Electrical Connection (Work No. 3A) is intended to run through the proposed STDC utilities corridor, wherever they are on a common routeing, through to the new Tod point substation (Work No. 3B).</p> <p>The route from Work No. 1 to Work No. 3B is now agreed in principle and utilises STDC's existing bridge structures. The final routing is subject to final design sizing, commercial</p>	No further comments at this stage.	Agreed, subject to commercial agreement being reached

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		agreement between the parties, and if applicable, Network Rail crossings agreements.		
21	Other Easements / Direct Connections (Work No. 2A, 5C, 6)	<p>The Applicants are in discussion with STDC on a voluntary agreement for easement corridors. In the absence of an agreement being entered into, the Applicants require the compulsory acquisition powers within the Draft-final DCO and have proposed protective provisions that it considers address STDC’s concerns. These include arrangements for the approval of works details in advance of commencing development (including Work Nos. 2A, 5C and 6) at the Teesworks site, and co-operation arrangements including information sharing that will facilitate Teesworks development proposals coming forward alongside the Proposed Development. The Applicants will continue to discuss the terms of the protective provisions with STDC.</p> <p>The Applicants confirm that a separate easement agreement will be negotiated with STDC to secure voluntary easements for the Works listed. To date there has been a concerted effort by the Applicants to progress the main site option agreement with STDC. The negotiations in relation to the main site option</p>	<p>See further table 3.6 below which addresses the location and extent of specific plots identified for these works in the Order Limits.</p> <p>STDC is prepared to grant utility easements to NZT. Options for easements need to be entered into and compulsory acquisition powers removed from the scope of the DCO or satisfactorily controlled by protective provisions. Since easements can be granted by agreement, compulsory acquisition powers are not required.</p> <p>STDC awaits draft easements from the Applicants. The Applicants continue to resist sharing draft easements (or options for easements) until conclusion of the main site option. It is unclear to STDC why these agreements could not havecannot run in parallel. STDC requires draft easements to be progressed as a matter of urgency. STDC continues to resist the use of compulsory acquisition powers on the basis of STDC’s status and functions, its willingness to enter</p>	Under Discussion / Not Yet Agreed

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<p>agreement have included detailed discussions in relation to the location and extent of the easement corridors and the commercial arrangements in respect of the easements.</p> <p>Following progress with the technical discussions on the utility corridor for the Proposed Development and progress made on the main stie option agreement, the Applicants <u>will still intend to</u> prepare a draft easement agreement and share with STDC for review.</p>	<p>into agreements <u>to grant the necessary interests in land</u>, and the failure by the Applicant to progress negotiation for such interests.</p> <p>STDC can issue for negotiation such draft easements itself if this makes matters easier for the Applicants. As at of Deadline 8, STDC continues to wait for draft easements from the Applicants for these connections.</p> <p>Compulsory acquisition powers are a measure of last resort and STDC continues to resist the exercise of such powers over STDC land, without its consent (<u>see further STDC's version of the protective provision submitted at Deadline 12</u>).</p>	

Table 3.4 DCO

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
22	Schedule 2	<p>The Applicants have agreed that Schedule 2 of the DCO will be updated to require that STDC is consulted pursuant to the discharge of the following requirements:</p> <ul style="list-style-type: none"> Requirement no. 3 – Detailed design 	<p>STDC welcomes the amendments to the Schedule 2 requirements, granting STDC a consultee role.</p> <p>Unless and until <u>In the absence of</u> protective provisions and associated agreements are in</p>	Under Discussion / Not Yet Agreed

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<ul style="list-style-type: none"> • Requirement no. 4 – Landscaping and biodiversity protection management and enhancement • Requirement no. 7 – Highway accesses • Requirement no. 8 – Means of enclosure • Requirement no. 11: Surface and foul water drainage • Requirement no. 12: Flood risk mitigation • Requirement no. 13: Contaminated land and groundwater • Requirement no. 16: Construction environmental management plan • Requirement no. 18: Construction traffic management plan • Requirement no.19: Construction workers travel plan • Requirement no. 23: Piling and penetrative foundation design • Requirement no. 24: Waste management on site – construction wastes • Requirement no. 25 – Restoration of land used temporarily for construction <p>The Applicants disagree with STDC’s proposal to have an approval function under any of the DCO</p>	<p>satisfactory form and the principlesbeing agreed between the parties, STDC maintains its position of seeking an approval function over the same requirements in order to protect its interests.</p>	

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<p>requirements. See the Applicants response to STDC’s Written Representation submitted at Deadline 3. Its position is that local planning authorities should have sole responsibility for the discharge of requirements as the enforcing authority under the Planning Act 2008.</p>		
23	Article 2 “permitted preliminary works”	<p>The <u>issue of permitted preliminary works (“PPW”) has now been resolved by the changes to the protective provisions that have been agreed between the parties. This drafting has been included in the Applicant’s preferred set of protective provisions submitted at Deadline 12. If the DCO application is granted, the Applicant’s understanding is that this issue is resolved subject to the Secretary of State including those provisions in the made DCO.</u></p> <p><u>The Applicants have not changed the protective provisions so that the approval of works details including PPW apply to all of STDC’s site. This is not necessary or reasonable given the extent of STDC’s interest if the Order is made and Work Nos 1 and 7 are constructed.</u></p>	<p>STDC welcomes that the PPW are subject to the protective provisions, and accordingly the parties are agreed on the principle that PPW can should be controlled via protective provisions is agreed.</p> <p>However, in the Applicant’s version of the protective provisions as recently revised by the Applicants (Deadline 4) remain under review / negotiation. STDC will require an appropriate amendment to the protective provisions to ensure it is clear that PPW are caught by themPPW are not controlled across all of STDC’s site (it is understood that it excludes the PCC site). Given that the option agreement for the PCC site it still under negotiation, STDC’s version of the protective provisions submitted at Deadline 12 will ensure that the exercise of PPW across all of STDC’s land in the Order Limits is subject to prior approval by STDC</p>	Not Agreed

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<p>involve largely non-intrusive works that the Applicants are permitted to carry out, where appropriate before discharging certain requirements. The list of PPW is prescriptive and if any other works are required, that would require the consent of the planning authority who will need to be satisfied that they do not give rise to new or materially different environmental effects from those assessed in the ES. There is precedent for this approach in other DCOs for energy infrastructure including gas fired power stations such as the Eggborough Gas Fired Generating Station Order 2018 and The Immingham Open Cycle Gas Turbine Order 2020. The PPW do not apply to protective provisions. Any works (including PPW) that impact STDC's interests will be subject to compliance with relevant protective provisions.</p>	<p>Permitted preliminary works have been included in the draft of the protective provisions currently with the Applicants for review. STDC awaits inclusion of such drafting in the submission version of the DCO.</p>	
24	Article 8 – transfer of benefit/ Article 25 (2) Compulsory acquisition of rights etc	The Draft DCO provides that the powers are for the benefit of the Applicants and may be transferred to statutory undertakers in certain circumstances (Article 8). The justification for these provisions is that in such cases, the transferee or lessee will either be of an appropriate regulatory standing, or there are no outstanding actual or potential compulsory	STDC notes the latest amendments to the Draft DCO which partially address its concerns. However, STDC requires an amendment to article 8 (9) so it receives a notification of any transfer over any benefit of powers over the STDC area. This is a reasonable amendment in line with several other precedented DCOs.	Article 25 – Agreed Article 8 – Under Discussion/Not Yet Not Agreed

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<p>acquisition compensation claims, and there is therefore no need for regulatory oversight of any transfer. In other circumstances, the consent of the Secretary of State is required for the transfer/lease. Any statutory undertaker who is the beneficiary of a transfer under Article 8 would be subject to the same obligations under the DCO as the undertaker (the Applicants). There is precedent for these arrangements in the Immingham Open Cycle Gas Turbine Order 2020 and The Hornsea Three Offshore Wind Farm Order 2020. The Applicants have also identified the statutory undertakers within the Order Limits, as set out in the Book of Reference.</p> <p>The approach in Article 25 is required to provide flexibility to enable the Proposed Development to proceed. At this stage engineering design is not at a level to know whether diversions may be required, and the power to transfer these rights are required to facilitate the carrying out of these works. The Book of Reference [REP2-005] contains information on the apparatus in the relevant plots of land and which may, if necessary, be diverted and rights acquired to do so. The Applicants have amended Article 25 in</p>	<p>STDC notes from the Applicants' Comments on Deadline 6 Submissions [REP7-009] that the Applicants disagree that STDC should be informed before the transfer of powers under the Order. <u>Further STDC notes the additional restriction in the Applicants' final DCO, whereby notice must be given to STDC within 10 working days of the transfer or grant, and prior to the exercise of any powers by the transferee or grantee.</u></p> <p><u>This does not resolve STDC's concern, since it wishes to be notified (as per the Secretary of State before a transfer takes place.</u></p> <p>Given the scale of the development within the STDC landholding area and the level of cooperation required between the parties, it is reasonable for STDC to be informed of transfers of powers prior to the transfer. STDC requires the DCO to be amended accordingly, with prior notice of transfers provided to STDC<u>At Deadline 11 STDC submitted to the Examining Authority the drafting amendments to article 8 necessary to resolve its concerns, and the full justification for securing that amendment..</u></p>	

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<p>relation to the acquisition of rights for the benefit of statutory undertakers – to simplify the drafting the relevant wording has been removed from paragraph (1), with paragraph (2) setting out that the powers of paragraph (1) may be exercised by a statutory undertaker where the undertaker transfers the power to them, and that this may only be done with the consent of the Secretary of State. The latter provides an appropriate control over the potential exercise of the powers in article 25 by statutory undertakers, and is in line with various recent DCOs (such as the Cleve Hill Solar Park Order 2020 and the Riverside Energy Park Order 2020).</p> <p><u>The Applicants have updated Article 8 in order to include a new sub-paragraph (14). This specifies that where a transfer or grant has been made in accordance with sub-paragraph (1) or (2) and relates to STDC’s interests, the undertaker must, within 10 working days of the date of the transfer or grant, notify STDC. A new sub-paragraph 15 sets out what information must be provided to STDC in the notice, including the name and contact details of the person to whom the benefit of the powers have been transferred or granted,</u></p>		

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<p><u>the date on which the transfer or grant took effect, and the powers that have been transferred or granted. This update was intended to address the request for STDC to be notified in its Comments on the Applicants Submissions at Deadline 6 [REP6-143].</u></p> <p><u>STDC subsequently made representations at Deadline 8 [REP8-057] requesting that it should be notified before the transfer or grant of powers under Article 8 of the Order (rather than within 10 working days of the transfer or grant). The Applicants' position remains that paragraph 14 of Article 8 is entirely reasonable and gives STDC notice of the transfer or grant within a short timescale of it occurring. However, the Applicants have included an additional restriction in the final DCO, so that notice must be given to STDC within 10 working days of the transfer or grant, and prior to the exercise of any powers by the transferee or grantee. That ensures that STDC will be informed in all cases of a relevant transfer or grant prior to powers being exercised by any new undertaker. The Applicants have updated the dDCO at Deadline 8 to require that STDC is notified within 10 working days of an</u></p>		

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		agreement for the transfer or grant of the benefit of any part of the Order.		
25	Article 12 – Construction and maintenance of new or altered means of access	See point 28 (Access on Tees Dock Road)	<p>See points 14, 28 and 36.</p> <p>The reasonable alternative is set out in Appendix 2 to STDC’s Written Representation [REP2-097a], STDC continues to require the Tees Dock Road access to be removed from the scope of the DCO.</p> <p>STDC understands that the Applicant is preparing to now remove this land from the scope of the DCO. STDC also requires amendments to be made to the DCO and associated plans. See the response from STDC at item 28 for further on the Tees Dock Road access.</p>	Under Discussion / Not Yet Agreed
26	Vertical limits of deviation	The Applicants still consider the removal of the long bored tunnel (for WN2A and WN6) to have removed any necessity for vertical limits of deviation. The remaining Work Nos. 2A, 3A, 5C, 6 and 8 remain within the Teesworks site, and are all to be located close to or at the surface. There is no issue in principal with inserting limits of deviation in the DCO, but the practical issues are such that the pipelines in the utility corridor on the Teesworks land will be buried at a depth that	On the basis of the Applicants’ response at CAH2, confirmed by the Applicants’ confirmation in this SoCG, STDC is no longer pursuing the need for limits of deviation. However, on the basis that easement corridors will sterilise development, the width of those corridors needs to be justified, and their location needs to be satisfactorily controlled by protective provisions (see further items 13 above, and 27 below).	Agreed (<u>on the matter of vertical limits of deviation</u> subject to protective provisions being agreed)

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<p>the land above would not be suitable for development. It is not clear how the issue of land sterilisation raised by STDC would be resolved by vertical limits of deviation over this area. The real issue regarding land sterilisation would seem to be the width of the utility corridors and related powers to exercise powers of compulsory acquisition. A control over the depth of the as-buried pipeline will not address that given it would still need to permit burial near to the surface. STDC need to confirm whether the issue is now resolved or confirm if there is a residual issue. If there is a residual issue, STDC need to confirm the Work Numbers and locations to which this relates, and why a vertical limits of deviation control is necessary to avoid sterilisation of STDC land.</p>		
27	Protective Provisions	<p>The terms of the protective provisions included in the Draft DCO are not yet agreed. In particular it is not agreed that the Applicants' powers of compulsory acquisition should be controlled via the protective provisions.</p> <p>The Applicants have made substantial updates to the protective provision submitted in the draft DCO at Deadline 4 [REP4-002] including the</p>	<p><u>On 28 October 2022 STDC supplied the Applicants with its comments on the protective provisions. A number of key matters are not agreed, and consequently STDC has confirmed that it will submit to the Examining Authority its own preferred version of the protective provisions at Deadline 12, indicating where and why its preferred drafting differs from that of the Applicant.</u></p>	Under Discussion / Not Yet Agreed

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<p>inclusion of new “lift and shift” provisions. <u>The protective provisions have subsequently been subject to further negotiation with the most recent draft sent to STDC’s legal representatives on 14th October.</u> The Applicants position is that the protective provisions are sufficiently robust to protect STDC’s interests but are continuing to work with STDC to address any residual concerns. The Applicants and STDC have exchanged further drafts of the protective provisions, including with respect to the “lift and shift” provisions. On “lift and shift”, there are a limited number of matters that require further negotiation with respect to the conditionality for the Applicants not to undertake the specified DCO works and proceed with an alternative proposed by STDC. The Applicants have submitted an updated set of protective provisions in the dDCO at Deadline 8. The extent to which the protective provisions control compulsory acquisition powers is not yet agreed and remains under discussion.</p> <p><u>The protective provisions have subsequently been subject to further negotiation with the most recent draft sent to STDC’s legal</u></p>	<p>STDC notes the revised protective provisions, and it has now also received an associated interface agreement. These remain under consideration and are subject to ongoing negotiation.</p> <p>Amongst other additional protections, STDC require the use of compulsory acquisition powers at Teesworks to be satisfactorily controlled.</p> <p>STDC has recently issued a revised draft of the protective provisions to the Applicants and awaits a response to its latest comments, but progress is being made in narrowing down the issues at large.</p> <p>STDC remains concerned that compulsory acquisition powers continue to be sought in the Order without sufficient controls in the protective provisions. While STDC welcomes ‘lift and shift’ provisions, there are areas of land falling outside the ‘lift and shift’ provisions, or <u>and</u> option agreements that are yet to be settled with the Applicants. <u>Accordingly STDC’s version of the protective provisions provide that</u></p>	

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<p><u>representatives on 14th October. A number of the protective provisions are agreed between the parties but certain matters have not been capable of being resolved during the examination. It is agreed that each of the parties will submit their preferred protective provisions for inclusion at Part 19 of Schedule 12 of the DCO at Deadline 12. The Applicants received comments from STDC's legal representatives on the protective provisions on 28th October. This has informed the protective provisions submitted by the Applicants at Deadline 12.</u></p> <p>As below (Point 41) for the status of the interface agreement.</p>	<p><u>acquisition of land or interests within the Teesworks estate must only be undertaken with STDC's agreement.</u></p>	

Table 3.5 Streets, rights of way and accesses

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
28	Access on Tees Dock Road	The Applicants continue to discuss with STDC alternative access route from the Teesport Estate to the Teesworks site, via the public highways.	As per points 14, 25 and 36, STDC objects to the Applicants' construction of a new access on Tees Dock Road (set out in Part 2 to Schedule 5 to the draft Order). STDC has suggested an alternative route (Appendix 2 to STDC's Written	Under Discussion / Not Yet Agreed

		<p>The alternative Lackenby Gatehouse route proposed by STDC is acceptable in principle. As detailed in the Applicants response to CA.2.7 in the ExA’s SWQ [REP6-121], the Applicants’ intend to remove the disputed plots from the Order Limits upon securing the main site option agreement with STDC.</p> <p>In order to address STDC’s concerns, the protective provisions in the dDCO were amended at Deadline 4 [REP4-002]. This update included an appropriate “lift and shift” mechanism which allows for the potential use of an alternative site access route from the public highway to the PCC site.</p> <p><u>The Applicants position remains that it requires the access on Tees Dock Road unless and until an alternative access has been secured. In anticipation that such arrangements may be secured after the end of the examination but before the decision by the Secretary of State, the Applicants have included details of the proposed amendments to the DCO to completely remove the Tees Dock Road plots from the DCO. The Secretary of State will be invited to make those amendments in the made DCO only if alternative</u></p>	<p>Representation [REP2-097a]). <u>The Applicants have confirmed that this alternative is acceptable to them. STDC is willing and able to grant the Applicants the right to use this access, by agreement. Whilst STDC continues to consider the protective provisions,</u></p> <p>STDC <u>therefore</u> requires the removal of the <u>Tees Dock Road</u> access point from the DCO as there is a clear, reasonable alternative. that the Applicants confirmed as acceptable in principle.</p> <p>STDC had understood from correspondence with the Applicants that they would be informing the Examining Authority of the decision to remove the access from the DCO proposals, and that the Applicants were to submit formally the amended “red line” (Order Limits) boundary that reflects this at Deadline 8. STDC does not consider that the removal of the Tees Dock Road access should be tied to securing the main site option.</p> <p>STDC has agreed with the Applicants the scope of the necessary removal / reduction of relevant land plots. STDC now requires this change to be made to the DCO proposals, along with changes to related provisions in the DCO and other</p>	
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		<p><u>route is secured by legal agreement prior to the determination of the application.</u></p>	<p>application documents (for example, an amendment will be required to the access and rights of way plans and the relevant DCO schedule).</p> <p><u>For the avoidance of doubt, the “lift and shift” provisions in the draft DCO relating to the Tees Dock Road access do not resolve STDC’s concern.</u></p> <p><u>In addition to the removal of the Tees Dock Road access from the DCO and associated documents,</u> STDC also requires confirmation through the protective provisions that the Applicants general power to create new accessways (article 14(b)) will not be exercised at the relevant section of Tees Dock Road.</p>	
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Table 3.6 Compulsory acquisition and temporary possession powers, and alternatives

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
29	Permanent acquisition – general	As set out in point 4 (Option Agreement), the letter between the Applicants and the Mayor on behalf of the Tees Valley Combined Authority contained an acknowledgement that the parties would continue to work together in good faith to resolve all outstanding matters.	STDC oppose any compulsory acquisition of its interests. STDC’s own developments risk being sterilised if the Applicants obtain compulsory acquisition powers in their current form. STDC would note that the Applicants’ intention is to acquire a leasehold interest in the site,	Under Discussion Not Yet Agreed

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<p>The Applicants and STDC <u>will</u> continue to <u>seek</u> progress towards voluntary agreement for the main site and substation site, and consider that powers of compulsory acquisition are required in the absence of agreements being in place.</p> <p><u>The Applicants disagree that protective provision should be amended so that the undertaker may only exercise powers of compulsory acquisition with the agreement of STDC. Its position remains as set out in the Applicants Response to STDC's Written Representation [REP3-012].</u></p>	<p>which would not be capable of being granted under compulsory acquisition powers.</p> <p>STDC require <u>an amendment to</u> the protective provisions <u>or equivalent commitment so to confirm</u> that no powers may be exercised over STDC land without STDC consent. <u>This is provided for in STDC's version of the protective provisions submitted at Deadline 12.</u></p>	
30	Permanent rights - general	<p>As set out in point 4 (Option Agreement), the letter between the Applicants and the Mayor on behalf of the Tees Valley Combined Authority contained an acknowledgement that the parties would continue to work together in good faith to resolve all outstanding matters.</p> <p>The Applicants and STDC continue to progress towards voluntary agreements for easements of gas, electrical, water, CO2 and other connections, and access.</p>	<p>As above (Point 29)</p> <p>STDC is open to entering into easements with the Applicants, however the Applicants have not progressed easements at a speed acceptable to STDC.</p> <p>STDC is yet to receive any draft easements for the works outside the main option.</p>	<p>Under Discussion Not Yet Agreed</p>

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		Refer above (Point 21) on the status of the easement agreement.		
31	Temporary possession - general	<p>The land of which the Applicants require temporary possession for the purposes of construction of the Proposed Development has been agreed in some areas but not in others.</p> <p>The Applicants and STDC continue to progress towards voluntary agreement for these areas and/or suitable alternatives.</p>	<p>As above (Point 29)</p> <p>STDC is yet to receive any draft licence for the works outside the main option.</p>	<p>Under Discussion / Not Yet Agreed</p>
32	Plots 290, 291, 298, 299 – Construction access from Redcar Bulk Terminal (RBT)	<p>These plots are within the Order Limits to secure a route from RBT to the PCC site for transportation of AILs (Work No. 10). During the Application phase, this route was selected as it offered a direct route, with existing infrastructure.</p> <p>The Applicants are in discussions with STDC on alternative access routes within STDC’s land interests. These discussions are ongoing and are proposed to be captured in the Option Agreement.</p>	<p>STDC recognise the need for construction access from Redcar Bulk Terminal to transfer large components to the PCC site. Should this access be available during the period of construction, STDC is content for it to be used. However, the Freeport site is subject to other development proposals. If the access along these plots is no longer available, STDC requires the Applicants to make use of an alternative access the main site rather than taking powers which sterilise the Freeport. The DCO and supporting documents need to clearly make provision for this.</p>	<p>Under discussion / Not Yet Agreed (<u>principle of “lift and shift”</u>)</p> <p><u>Not Agreed (terms of “lift and shift”)</u></p>

		<p>To ensure deliverability of the Proposed Development the Applicants need to secure a route for AILs from RBT to the PCC site within the DCO. The current route minimises environmental impact through use of existing infrastructure and by taking the most practical direct route.</p> <p>The Applicants have no issue in principle with using an alternative construction route if that assists STDC or third parties with bringing forward new development. The Applicants included an appropriate “lift and shift” mechanism in the protective provisions in the draft DCO submitted at Deadline 4 [REP4-002] which allow for the potential use of an alternative construction access route from RBT to the PCC site. <u>This has been included in the Applicant’s final protective provisions submitted at Deadline 12. The Applicants will provide full justification for the conditions and timing upon which the diversion works may be progressed instead of the works in the Order.</u></p> <p>Plots 290, 291, 298 and 299 were reduced in size at Deadline 6 as part of the change request submitted by the Applicants. This request was accepted by the ExA on 6 September 2022 [PD-017].</p>	<p>STDC considers that its specific points on various plots can be dealt with via protective provisions, which are currently subject to negotiation.</p> <p>STDC welcomes the reduction in the extent of plots 290, 291, 298, and 299. As originally set out in STDC’s relevant representation [RR-035], these plots formed part of the Teesside Freeport. STDC remains in discussions with the Applicants on protective provisions / associated agreements to ensure that the construction access from RBT does not prevent other developments at Teesworks.</p> <p><u>STDC agrees with the inclusion of “lift and shift” provisions for the RBT access in the protective provisions. The Applicants and STDC have not been able to agree the specific conditions which would determine whether an alternative route could be adopted. Accordingly, STDC has included its preferred form of drafting in its version of the protective provisions submitted at Deadline 12.</u></p>	
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33	Plots 290, 291, 299, 309, 335 – Temporary land for pipeline stringing area	<p>These plots are within the Order Limits to facilitate pipeline stringing during the execution of the landfall scope of Work No.5B & 8. The final execution methodology for this work is subject to further engineering assessment but the Applicants can confirm that this area can be reduced as it is no longer required for the purposes of Work No. 9A.</p> <p>Plots 290, 291, and 299 were reduced in size and plots 309 and 335 were removed at Deadline 6 as part of the change request submitted by the Applicants. This request was accepted by the ExA on 6 September 2022 [PD-017].</p>	<p>STDC welcome the proposed changes to the DCO to remove a number of its plots.</p> <p>STDC considers that its specific points on various plots can be dealt with via protective provisions, which are currently subject to negotiation.</p> <p>STDC welcomes the reduction in size of these plots in relation to land that was formerly required for pipeline stringing. Any further issues relating to these plots can be dealt with under the protective provisions.</p>	Agreed
34	Plot 289, 292, 293, 295, 298, 300 – Temporary land for construction laydown including Park and Ride and Laydown	<p>These plots are within the Order Limits to facilitate delivery of the Proposed Development and form part of Work No. 9A. The plots were identified for construction laydown, facilities and car parking during the construction and commissioning stages.</p> <p>Plots 292, 293 & 295 have been retained within the Order Limits to provide equivalent car parking capacity adjacent to the main site unless and until a voluntary agreement is reached on</p>	<p>STDC welcomes the reduction in size of these plots formerly required for temporary laydown.</p> <p>STDC notes that park and ride provisions have been agreed between the parties as part of the option agreement for the main site, <u>however the agreement has not yet been concluded.</u></p> <p>STDC remains of the view that more temporary land is allowed for in this location than is</p>	<p><u>Agreed (principle of “lift and shift”)</u></p> <p><u>Not Agreed (terms of “lift and shift”)</u><u>Under discussion / Not Yet Agreed</u></p>

	<p>use of a Park and Ride, and STDC has demonstrated deliverability of the Park and Ride scheme to support the Proposed Development.</p> <p>Following further design development, the Applicants confirm that they could reduce the extent of this Order Land for the purposed of Work No. 9A.</p> <p>Plots 289, 292, 293, 298 and 300 were reduced in size and plot 295 was removed at Deadline 6 as part of the change request submitted by the Applicants. This request was accepted by the ExA on 6 September 2022 [PD-017].</p> <p>The Applicants included an appropriate “lift and shift” mechanism in the protective provisions in the draft DCO submitted at Deadline 4 [REP4-002] which allow for the potential use of an alternative temporary laydown area to support car parking for the construction and commissioning phase of the Proposed Development. <u>This has been included in the Applicant’s final protective provisions submitted at Deadline 12. The Applicants will provide full justification for the conditions and timing upon which the diversion works may be progressed instead of the works in the Order.</u></p>	<p>required. but considers that its specific points on various plots can be dealt <u>It is content with the principle that this can be dealt with</u> via protective provisions and associated agreements, which are currently subject to negotiation <u>however these have not been agreed by Deadline 12.</u></p> <p><u>The Applicants and STDC have not been able to agree the specific conditions which would determine whether this land could be vacated in favour of alternative land for site parking. Accordingly, STDC has included its preferred form of drafting in its version of the protective provisions submitted at Deadline 12.</u></p>	
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35	Plots 297, 304, 306, 307, 308, 310, 311, 312, 326 – Existing Outfall	<p>These plots are were within the Order Limits to provide a suitable connection route from the PCC site to the existing outfall (shafts A & B). The Applicants are in discussion with STDC on alternative connection routes for the existing outfall.</p> <p>As per point 18 (Existing Outfall) above, the use of the existing outfall has not yet been agreed due to technical and commercial matters. These plots are included within the Order for temporary use, and the powers can be transferred to Teesworks under Article 8. The Applicants’ use of the existing outfall is dependent on resolving technical matters and securing a voluntary agreement with STDC, if this is not achieved the Applicants would proceed with Work No. 5B only. Applicants have selected Work No. 5B for the discharge of water to Tees Bay. It has submitted a change request seeking to remove all of these plots from final Order. Subject to the change request being approved, the Applicants anticipate that this matter has been resolved. The Applicants have committed to providing details of the drafting changes to reinstate the lift and shift provision in respect of the outfall if the change request is not approved.</p>	<p>As stated in issue 18, <u>subject to STDC having sight of the details of the change request at Deadline 12, the removal of Work No. 5A would resolve this issue.</u></p> <p>STDC does not agree to the current route of the outfall forming Work 5A due to sterilisation of development on that land.</p> <p>STDC is currently in detailed discussions for development on this land, representing a significant national economic growth project and the Project risks impacting those discussions.</p> <p><u>If the change request is not accepted by the Examining Authority, the outfall works will need to be subject to “lift and shift” via the protective provisions. For that reason STDC’s version of the protective provisions (submitted at Deadline 12) continues to apply to these works. If the Applicants are unable to progress a survey and alternative design and route for the outfall, STDC requires suitable protection via the draft Order to ensure that its own development proposals are not stymied by the Project.</u></p>	<p><u>Provisionally Agreed (subject to review of change and acceptance by Examining Authority) Under discussion / Not Yet Agreed</u></p>
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		<p>The Applicants have no issue in principle with using an alternative connection route between the main PCC site and the existing outfall, if that assists STDC or third parties with bringing forward new development. Provided that the alternative route is technically feasible, STDC has the necessary power to confer any land rights and all necessary consents have been secured. The Applicants included an appropriate “lift and shift” mechanism in the protective provisions in the draft DCO submitted at Deadline 4 [REP4-002] which allow for the potential use of an alternative connection route between the main PCC site and the existing outfall.</p>	<p>STDC await the outcome of the Applicants’ survey for the outfall.</p>	
36	Plots 274, 279 – Construction Access from Tees Dock Road	See response to point 28 (Access to Tees Dock Road)	<p>See points 14, 25 and 28.</p> <p>Notwithstanding the revised protective provisions submitted at Deadline 4, STDC still requires the Tees Dock Road access to be removed from these plots.</p>	<p>Under discussion/ Not Agreed</p>
37	Plot 409	The Applicants acknowledge STDCs observation on the width of plot 409 in comparison to plot 464. The width of plot 409 is required to accommodate a utility corridor for Work Nos. 2A, 3A, 5C, 6 and 10. As this utility corridor reaches the main site (plot 450) a number of these Works	STDC notes that this plot is significantly wider than the utility corridor immediately to the north, forming part of plot 464 and consider that this plot (and surrounding plots belonging to STDC used for the utility corridor, e.g. plots 395, 397, 401, 405, 418, 439 etc) could be narrower.	<p>Under discussion/ Not Agreed</p>

		<p>will enter the main site boundary based on optimum routing. The remaining Works will continue into plot 464 and run parallel to the main site boundary before entering the main site at an appropriate location.</p> <p>Plot 409 was split into 409, 409a and 409b at Deadline 6 as part of the change request submitted by the Applicants. This action was taken to align plot boundaries with Works Numbers, this resulted in Work No. 4 being limited to plot 409a only. This request was accepted by the ExA on 6 September 2022 [PD-017].</p>	<p>STDC requires the width of all easement strips to be justified fully by the Applicants.</p> <p>For this reason, STDC considers that its specific points on various plots can <u>the specific location of utilities within the corridors allowed for by the DCO should -be dealt with controlled</u> via protective provisions, <u>including STDC's prior approval of works and a requirement for the specific land rights to be acquired by agreement with STDC. This is provided for in STDC's version of the protective provisions submitted at Deadline 12</u> which are currently subject to negotiation.</p> <p>STDC welcomes the reduction in size of plot 409 following its observations on the extent of land sought by the Applicants. STDC notes from the Applicants' Comments on Deadline 6 Submissions [REP7-009] that further data on easement strips would be provided at Deadline 8. STDC will review this when available and provide an update.</p>	
38	Plot 425	The northern end of plot 425 overlaps with the proposed routing for the water connection	<p>STDC notes that the Applicants' require this plot for Work nos. 4 and 10 (based on the Guide to Land Plan Plots [AS-143]). It is unclear to STDC</p>	Agreed

		<p>(Work No. 4). This aligns to the existing water supply pipelines routing in the Teesworks site.</p> <p>Plot 425 was split into 425 and 425a at Deadline 6 as part of the change request submitted by the Applicants. This action was taken to align plot boundaries with Works Numbers and resulted in Work No. 4 being limited to plot 425a only. This request was accepted by the ExA on 6 September 2022 [PD-017].</p>	<p>why this land is required for a water connection. STDC had understood that the water connections sought by the Applicants were to the East, from plot 472 and 473 south eastwards. STDC would appreciate clarity from the Applicants on why there is a separate water connection at plot 425, and whether it can be reduced in scope in light of the other water connections already sought. STDC await sight of the plot split at D6.</p> <p>STDC welcomes the reduction in size of plot 425 following its observations on the extent of land sought by the Applicants.</p>	
39	Plot 464	<p>Based on information shared by STDC on future primary service corridors as part of the wider Teesworks site development and existing service drawings, plot 464 would have no interaction with STDC’s utility corridors and therefore at present it is being designed as an exclusive corridor.</p>	<p>STDC is seeking clarity and assurances from the Applicants on whether the Applicants are seeking to extinguish STDC and STDC’s tenants’ existing rights in order to create an exclusive easement corridor.</p> <p>STDC notes the Applicants’ comment – details of any exclusive corridors need to be shared and agreed by STDC. STDC has not seen this detail as yet.</p> <p>and reserves its position for further consideration.</p> <p><u>For this reason, STDC considers that the specific location of utilities within the corridors allowed</u></p>	<p>Under discussion / Not Yet Agreed</p>

			<p><u>for by the DCO should be controlled via protective provisions, including STDC’s prior approval of works and a requirement for the specific land rights to be acquired by agreement with STDC. This is provided for in STDC’s version of the protective provisions submitted at Deadline 12.</u></p> <p>STDC considers that its specific points on various plots can be dealt with via protective provisions, which are currently subject to negotiation.</p>	
40	Plots 412, 419, 435, 489	These plots form part of existing Teesworks site estate roads. Permanent rights are sort in order to secure easements and/or access rights for the construction and operation of the Proposed Development.	No further comments	Agreed
41	Plots 458, 470, 473 and related plots	<p><u>These plots are proposed for site access (work no. 10).</u> The Applicants position is that these plots are required for the Proposed Development. However, noting STDC’s position, the Applicants included an appropriate “lift and shift” mechanism in the protective provisions in the draft DCO submitted at Deadline 4 [REP4-002] which allow for the potential use of an alternative route. <u>This has been included in the Applicant’s final protective provisions submitted at Deadline 12.</u></p>	<p>STDC has not yet agreed to the route of this utility corridor / access route. STDC is seeking to bring forward other development proposals in this area and would requires sufficient controls within the DCO (if no agreement is reached) to alter the route of any corridor over this land (“lift and shift ”) if its development is to be implemented and requires the same land.</p> <p><u>STDC therefore agrees with the inclusion of “lift and shift” provisions for the these works in the</u></p>	<p><u>Agreed (principle of “lift and shift”)</u></p> <p><u>Not Agreed (terms of “lift and shift”)</u>Under discussion / Not Yet Agreed</p>

		<p>Plot 458 was split into 458 and 458a at Deadline 6 as part of the change request submitted by the Applicants. This action was taken to align plot boundaries with Works Numbers, this resulted in Work No. 4 being limited to plot 458 only. This request was accepted by the ExA on 6 September 2022 [PD-017].</p>	<p><u>protective provisions. [The Applicants and STDC have not been able to agree the specific conditions which would determine whether an alternative route could be adopted. Accordingly, STDC has included its preferred form of drafting in its version of the protective provisions submitted at Deadline 12.]</u> STDC considers that its specific points on various plots can be dealt with via protective provisions, which are currently subject to negotiation.</p> <p>STDC welcomes the reduction in size of plot 458 following its observations on the extent of land sought by the Applicants.</p>	
42	<p>Plot 472 and related plots such as 525 south eastwards towards and including Plot 534</p>	<p><u>These plots are proposed for a water connection (work no. 4).</u> The Applicants position is that these plots are required for the Proposed Development. However, noting STDC’s position, the Applicants included an appropriate “lift and shift” mechanism in the protective provisions in the draft DCO submitted at Deadline 4 [REP4-002] which allow for the potential use of an alternative route. <u>This has been included in the Applicant’s final protective provisions submitted at Deadline 12.</u></p>	<p>STDC would requires sufficient controls within the DCO (if no agreement is reached) to alter the route of this corridor (-“lift and shift”) if its pre-existing development is to be implemented and requires the same land.</p> <p><u>STDC therefore agrees with the inclusion of “lift and shift” provisions for these works in the protective provisions. The Applicants and STDC have not been able to agree the specific conditions which would determine whether an alternative route could be adopted. Accordingly, STDC has included its preferred form of drafting</u></p>	<p>Under discussion / Not Yet Agreed</p>

			<u>in its version of the protective provisions submitted at Deadline 12.</u> STDC considers that its specific points on various plots can be dealt with via protective provisions, which are currently subject to negotiation.	
43	Plot 427	This plot is required for the construction and operation of Work No. 3A. The Applicants and STDC are in ongoing technical discussion on the proposed routing of Work No. 3A and are working to accommodate existing rights within a technically acceptable design.	As per point 39	Under discussion / Not Yet Agreed
44	Plots 377, 378	These plots are within the Order Limits for an easement for Work No. 5B and 8, and to facilitate emergency egress from the main site during operation (Work No. 10). The Applicants believe all of these can be accommodated within the existing rights.	As per point 39	Under discussion / Not Yet Agreed
45	Plot 342	The Applicants require the full extent of plot 342 for Work No. 9A. The Applicants are not aware of the basis of STDC position as this area has always formed part of the main option agreement.	No further comments	Agreed
46	Funding Statement	The Applicants maintain their position outlined in the Funding Statement [AS-135] and Part 8 of the	STDC maintains the points made in its relevant representation, that the Applicants should provide a separate estimate for land acquisition	Under discussion / Not Yet Agreed

		Applicants' Written Summary of Oral Submission for CAH1 [REP1-037].	costs as is the standard across numerous DCOs and as per the Guidance.	
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Table 3.7 Other

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
47	Impact on STDC private wire network	An assessment has been carried out by the Applicants relating to the potential fault levels that might be incurred as a result of the Proposed Development tying-in to the Tod Point Substation. Following issue of this technical report to STDC in November 2021 the Applicants consider this matter adequately addressed.	STDC notes that the impact on its private wire network has been resolved subject to commercial terms being agreed.	Agreed, subject to commercial agreement
48	Impact on STDC private wire network	An assessment has been carried out by the Applicants relating to the potential parallel paths on STDC's 66kV system (66kV Parallel Path) that might be incurred as a result of the NZT main 275kV connection to the Tod Point Substation. It has been confirmed that the risk of 66kV Parallel Path exists at STDC today, and although increased by the Applicants' connection, is anticipated to occur to a greater extent in the future as the National Grid and STDC systems evolve, with or without the Applicants connecting at Tod Point. Nevertheless, the Applicants and STDC have identified a range of technical operating scenarios	As per 47.	Agreed, subject to commercial agreement

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<p>and potential modifications to mitigate and manage this risk.</p> <p>The technical details with respect to the 66kV Parallel Path are now agreed subject to commercial agreement.</p>		
49	Stockpiling of tunnel arisings;	<p>Spoil from the construction of the CO2 Export Pipeline and the replacement outfall (if required) would be temporarily stockpiled within the Order Limits pending re-use or removal. The split between re-use on site or removal for re-use elsewhere or disposal has not yet been confirmed and will determine how much is required to be stockpiled on site and for how long.</p> <p>The rate of HDD or micro-tunnel boring will be such that the daily removal of arisings by HGV will be able to keep pace with daily production and stockpiles will consequentially be small</p> <p>The removal of the new build tunnel option, following acceptance by the ExA on 6th May 2022, will substantially reduce the volume of spoil requiring management and disposal. It is also expected that the rate of generation of spoil from</p>	<p>STDC’s relevant representation questioned the lack of detail on the quantity, location and duration of storage of arisings from the tunnel boring activities (in addition to wider waste management impacts from the overall construction phase) and how this may impact availability of Teesworks’ land for other development. Following the applicants response, STDC considers this matter now agreed.</p>	Agreed

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<p>the proposed works will be such that it can be managed and – if required – disposed of off-site without significant stockpiling being required.</p> <p>The Applicants are in any case updating<u>updated</u> the Framework CEMP to include a requirement for the full CEMP submitted pursuant to Requirement 16 to include details of the arrangements and timescales for the removal of residual arisings. The full CEMP must be in accordance with the Framework CEMP under Requirement 16. <u>The final version of the Framework CEMP was submitted at Deadline 9 and secures these measures [REP9-007].</u></p> <p>Co-operation obligations are also secured in the protective provisions that require co-ordination of construction programming and the carrying out of works and the maintenance of access for the construction, and for the parties to use reasonable endeavours to cooperate and avoid any conflict arising from the carrying out of respective projects, and to act in good faith at all times. <u>This has been included in the Applicant’s final protective provisions submitted at Deadline 12.</u></p>		

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
50	Remediation agreement	<p>The Applicants and STDC have jointly developed remediation specifications, which have formed the basis for STDC’s planning application under the T&CP Act.</p> <p>The commercial aspects and principles related to payment for the remediation are mature and are being handled as part of the ongoing option agreement discussions.</p> <p>To this end the Applicants are open to reaching a commercial agreement in order to commence remediation.</p>	<p>STDC require an agreement to be entered into on these matters.</p> <p>STDC and the Applicants have jointly progressed remediation design. The parties have jointly discussed remediation, and a planning application has been submitted by STDC. However, no commercial agreement has yet been agreed, which is a precursor to STDC undertaking any remediation works.</p> <p>STDC is yet to receive a draft remediation agreement from the Applicants.</p>	Under discussion / Not Yet Agreed
51	Interface agreement	<p>The Applicants and STDC are pursuing an Interface Agreement that is designed to set out a suite of documents that must be either shared with STDC, consulted upon with STDC, or that would require STDC’s approval. The Applicants have been working on a draft Interface Agreement following STDC’s proposal and have shared a draft with STDC for review. <u>The most recent draft was returned to STDC’s legal representatives on 14th October and comments in response were received on 28th October. It is</u></p>	<p>STDC <u>discussed the interface agreement with the Applicants on 17 October and 26 October 2020, and supplied comments in writing on 28 October, including to explore whether there may be a basis for bringing forward the interface agreement, notwithstanding that the main site option has not been signed.</u></p> <p><u>However, as matters stand the agreement (in tandem with the Applicants’ proposed protective provisions) would not address STDC’s concerns –</u></p>	Under discussion / Not Yet Agreed

No.	Relevant Issue	The Applicants Position	STDC, TVCA and Teesworks Position	Status
		<p>agreed that the current terms of the interface agreement require that it is entered into on or after the signing of the main option. Accordingly, the agreement is now unlikely to be concluded before the end of the examination. The Applicants will continue to work with STDC to conclude the interface agreement in parallel with the main site option agreement. Discussions have been held between the parties regarding the terms of the Interface Agreement. The Applicants are now preparing an updated draft with a view to addressing STDC's comments.</p> <p><u>In the absence of the main site or connections options being entered into, and the interface agreement being concluded, the Applicants require the powers of compulsory acquisition in the Order. Its position is consider that the protective provisions included in the DCO at Deadline 12 adequately protect STDC's interests. in the absence of an interface agreement.</u></p>	<p>including its fundamental objection to having its land being acquired compulsorily, rather than by agreement<u>require an interface agreement to be entered into with the Applicants</u>, in order to avoid other developments, including those relating to the Freeport, from being prejudiced by the NZT scheme.</p> <p><u>STDC is therefore submitting, at Deadline 12, its own version of the protective provisions, and other amendments to the draft DCO, which would be necessary to address its concerns.</u></p> <p>STDC awaits the latest draft of the agreement and requires the Applicants to conclude the agreement prior to the close of examination.</p>	