

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: 8.4 – Statement of Common Ground with the Marine Management Organisation

The Planning Act 2008 – Section 37(3)(c)

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 – Regulation 5(2)(q)



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

Abbreviation	Description
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
DML	Deemed Marine Licence
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
MMO	Marine Management Organisation (referred to within the text as the MMO)
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.

Abbreviation	Description
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
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
Project A	The elements of the Proposed Development for which a Deemed Marine Licence would be granted for NZT Power, which would include licensable marine activities associated with Work No. 5A (repair and upgrade of the existing water discharge infrastructure to the Tees Bay), Work No. 5B (new water discharge pipeline to the Tees Bay) and any localised dredging required to support the specific components above.
Project B	The elements of the Proposed Development for which a Deemed Marine Licence would be granted for NZNS Storage, which would include licensable marine activities associated with Work No. 5A (repair and upgrade of the existing water discharge infrastructure to the Tees Bay) Work No. 5B (new water discharge pipeline to the Tees Bay); Work No. 6 (CO2 gathering network where

Abbreviation	Description
	it crosses the marine area) and Work No. 8 (high pressure CO2 export pipeline corridor down to Mean Low Water Springs (MLWS)).
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
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
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
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

Abbreviation	Description
	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
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. 8.22) has been prepared by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the 'Applicants') in conjunction with Marine Management Organisation (herein referred to as "the MMO") in respect of the Net Zero Teesside Project (the 'Proposed Development').
- 1.1.2 The SoCG relates to the application (the 'Application') that has been submitted to the Secretary of State ('SoS') for Business, Energy and Industrial Strategy, under Section 37 of 'The Planning Act 2008' (the 'PA 2008'), seeking development consent for the Proposed Development. The Application was accepted for Examination by the SoS on 16th August 2021.
- 1.1.3 In addition to the seeking development consent, as the Proposed Development involves works below Mean High Water Springs (MHWS), the Applicants are also seeking a deemed marine licence (DML) under Section 65 of the Marine and Coastal Access Act 2009 (MCAA 2009) from the MMO. If the DCO Application is successful, then a DML would be granted as part of the resulting DCO.
- 1.1.4 The SoCG sets out the matters of agreement between the Applicants and the MMO and also explains those matters which, at the time of writing, remain unresolved between the parties.
- 1.1.5 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 Description of Proposed Development

- 1.2.1 The Proposed Development will work by capturing CO₂ from a new the gas-fired power station in addition to a cluster of local industries on Teesside and transporting it via a CO₂ transport pipeline to the Endurance saline aquifer under the North Sea. The Proposed Development will initially capture and transport up to 4Mt of CO₂ per annum, although the CO₂ transport pipeline has the capacity to accommodate up to 10Mt of CO₂ per annum thereby allowing for future expansion.
- 1.2.2 The Proposed Development comprises the following elements:
- **Work Number ('Work No.') 1** – a Combined Cycle Gas Turbine electricity generating station with an electrical output of up to 860 megawatts and post-combustion carbon capture plant (the '**Low Carbon Electricity Generating Station**');
 - **Work No. 2** – natural gas supply connections and Above Ground Installations ('AGIs') (the '**Gas Connection**');
 - **Work No. 3** – an electricity grid connection (the '**Electrical Connection**');
 - **Work No. 4** – water supply connections (the '**Water Supply Connection Corridor**');

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- **Work No. 5** – waste water disposal connections (the ‘**Water Discharge Connection Corridor**’);
 - **Work No. 6** – a CO₂ gathering network (including connections under the tidal River Tees) to collect and transport the captured CO₂ from industrial emitters (the industrial emitters using the gathering network will be responsible for consenting their own carbon capture plant and connections to the gathering network) (the ‘**CO₂ Gathering Network Corridor**’);
 - **Work No. 7** – a high-pressure CO₂ compressor station to receive and compress the captured CO₂ from the Low Carbon Electricity Generating Station and the CO₂ Gathering Network before it is transported offshore (the ‘**HP Compressor Station**’);
 - **Work No. 8** – a dense phase CO₂ export pipeline for the onward transport of the captured and compressed CO₂ to the Endurance saline aquifer under the North Sea (the ‘**CO₂ Export Pipeline**’);
 - **Work No. 9** – temporary construction and laydown areas, including contractor compounds, construction staff welfare and vehicle parking for use during the construction phase of the Proposed Development (the ‘**Laydown Areas**’); and
 - **Work No. 10** – access and highway improvement works (the ‘**Access and Highway Works**’).
- 1.2.3 The Electricity Generating Station, its post-combustion carbon capture plant (‘CCP’) and the CO₂ compressor station will be located on part of the South Tees Development Corporation (‘STDC’) Teesworks area (on part of the former Redcar Steel Works Site). The CO₂ export pipeline will also start in this location before heading offshore. The Electricity Generating Station connections and the CO₂ gathering network will require corridors of land within both Redcar and Stockton-on-Tees, including crossings beneath the River Tees.
- 1.3 The Deemed Marine Licence**
- 1.3.1 In the draft DCO, the DML has been split in respect of the power and storage elements. This would involve two separate DMLs being granted, one in favour of NZT Power for ‘Project A’ (Schedule 10 of the Order) and NZNS Storage for ‘Project B’ (Schedule 11 of the Order).
- 1.3.2 Schedule 10 of the DCO sets out the marine licence referred to in Article 37, which would be deemed to be granted to NZT Power for Project A, comprising licensable marine activities associated with Work No. 5A (repair and upgrade of the existing water discharge infrastructure to the Tees Bay), Work No. 5B (new water discharge pipeline to the Tees Bay) and any localised dredging required to support the specific components above.
- 1.3.3 Schedule 11 of the DCO sets out the marine licence referred to in Article 37, which would be deemed to be granted to NZNS Storage for Project B, comprising licensable marine activities associated with: Work No. 5A (repair and upgrade of the existing water discharge infrastructure to the Tees Bay) Work No. 5B (new water discharge pipeline to the Tees Bay); Work No. 6 (CO₂ gathering network where it crosses the
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marine area) and Work No. 8 (high pressure CO2 export pipeline corridor down to Mean Low Water Springs (MLWS)).

- 1.3.4 Should consent be granted for the Proposed Development, the MMO will be responsible for monitoring compliance and enforcement of the DML conditions.

1.4 The Role of the MMO

- 1.1.1 The MMO is an executive non-departmental public body sponsored by the Department for Environment, Food and Rural Affairs (Defra) whose purpose is to protect and enhance the UK marine environment and support economic growth by enabling sustainable marine development. The MMO is an interested party for the examination of Development Consent Order applications for Nationally Significant Infrastructure Projects in the marine area.

- 1.1.2 In more general terms the MMO is responsible for;

- managing and monitoring fishing fleet sizes and quotas for catches;
- ensuring compliance with fisheries regulations, such as fishing vessel licences, time at sea and quotas for fish and seafood;
- managing funding programmes for fisheries activities;
- planning and licensing for marine construction, deposits and dredging that may have an environmental, economic or social impact;
- making marine nature conservation byelaws;
- dealing with marine pollution emergencies, including oil spills;
- helping to prevent illegal, unregulated and unreported fishing worldwide; and
- producing marine plans to include all marine activities, including those we don't directly regulate.

- 1.1.3 Annex B to Planning Inspectorate Advice Note 11: Working with Public Bodies in the infrastructure planning process (PINS, 2013) provides a summary of the MMO's role as a consenting body alongside the PA 2008; an extract from this guidance is included below:

[...] The 2008 Act enables DCOs for projects which affect the marine environment to include provisions which deem marine licences [...] Where developers choose to have a marine licence deemed by a DCO, it is envisaged that developers will seek to agree the draft marine licence with the MMO prior to submitting their DCO application to the Planning Inspectorate. The conditions included in a marine licence should be enforceable, clear and sufficiently detailed to allow for monitoring and enforcement. The MMO will seek to ensure wherever possible that any deemed licence is generally consistent with those issued independently by the MMO. The MMO is responsible for enforcing marine licences regardless of whether these are 'deemed' by DCOs or are consented independently by the MMO. The MMO may vary, suspend or revoke a marine licence if it appears that any of its provisions have been breached. The circumstances in which the MMO may take

enforcement action are set out under s.72 of the MCAA. The MMO is also responsible for ensuring the discharge of conditions under independently consented and deemed marine licences [...].

- 1.4.1 The MMO is not a competent authority with regards to Appropriate Assessment within the DCO process, but remains as Regulator of its outcomes via the implementation of any Deemed Marine Licence arising from the DCO application (should this be granted).

1.5 The Purpose and Structure of this Document

- 1.5.1 The purpose of this document is to summarise the agreements 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.
- 1.5.2 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).
- 1.5.3 The SoCG is structured as follows:
- Section 2 – sets out consultation and related discussions held between the Applicants and the MMO.
 - Section 3 – sets out the matters discussed and agreed to date.
 - Section 4 – sets out matters to be agreed and the proposed way forward.

2.0 SUMMARY OF CONSULTATION AND DISCUSSIONS

2.1 Overview

2.1.1 This section provides a summary of how the Applicants have consulted the MMO on the Proposed Development and also sets out the discussions that have taken place between the parties. This is summarised in Table 2.1.

Table 2.1: Summary of Consultation

Date	MMO Response
February 2019 (Formal consultation on a Scoping Report prepared by the applicants)	The MMO were consulted on the Scoping Report prepared by the Applicants in February 2019. Responding to this formal consultation, under response reference 'DCO/2019/00003', the MMO provided a range of technical feedback to help inform the DCO Application. This included advice in relation to marine ecology, fisheries, operational effects from cooling water and the use of a DML.
September 2019 (Technical engagement meeting)	A technical engagement meeting was held with the MMO where a comprehensive introduction to the Proposed Development was provided. In addition to a discussion around the MMO's scoping response, an update on the Proposed Development was provided, the scope, approach and extent of planned intertidal and subtidal sampling was presented to and agreed with the MMO. Also discussed was marine stakeholder engagement and the marine consenting process.
February 2020 (Technical engagement meeting)	A technical engagement meeting was held with the MMO where a range of Proposed Development refinements, following scoping, were presented. The approach to the characterisation of baseline sedimentology was presented to and agreed with the MMO. During the meeting, the Applicants confirmed the intention to pursue a DML embedded within the body of the DCO. The approach to thermal modelling of cooling water discharges to Tees Bay was discussed with the MMO and it was also agreed that this would be led by the Environment Agency (notwithstanding, the MMO were provided with a signposting to this forthcoming report in the PEI Report). The approach to Habitat Regulations Assessment (HRA) was discussed with the MMO and it was subsequently agreed that this topic would be led by Natural England.
May 2020 (Formal consultation with the MMO fisheries and enforcement team)	A formal consultation was made with the local MMO fisheries and enforcement team based in North Shields. A range of different data sources were presented to the MMO fisheries and enforcement team for review and feedback, as encouraged by the MMO licensing team in February 2020. A response from the local MMO team was requested on two further occasions directly between May 2020 and July 2020;

	no response was received. The lack of response and suggested actions to refine the baseline to an appropriate level for the EIA was discussed at a later date with the MMO, as noted below.
July 2020 (Stage 2 consultation – Preliminary Environmental Information (PEI) Report)	The MMO were consulted in accordance with Section 42 of the PA 2008 and provided with a copy of the PEI Report prepared by the applicants. Responding to this formal consultation, under response reference ‘DCO/2019/00003’, the MMO provided a range of technical feedback to help inform the finalisation of the EIA and the overall DCO Application. Detailed comments were provided on the PEI Report and this included suggested refinements to assessments undertaken for fisheries and marine ecology.
August 2020 (Technical engagement meeting)	A technical engagement meeting was held with the MMO where the feedback provided during Stage 2 consultation was reviewed. The Applicants discussed and agreed the planned next-steps with the MMO.
December 2020 (Technical engagement meeting, including presentation of the replacement treated water outfall and associated environmental considerations)	A technical engagement meeting was held with the MMO where the potential replacement outfall option was presented and discussed in detail. The Applicants presented the rationale for this flexibility and the anticipated environmental effects associated with the option. The headline differences between the replacement outfall and the existing outfall were discussed in terms of EIA. The characterisation of the Tees Bay was discussed in terms of benthic subtidal sampling.
December 2020 / January 2021 (Formal consultation with the MMO on sampling)	A technical note was shared with the MMO summarising the extent of sampling undertaken to inform the EIA. Consultation with MMO’s specialist advisers at the Centre for Fisheries, Environment and Aquaculture Science (Cefas) was undertaken.
February 2021 (Technical engagement meeting)	A meeting was held with the MMO and their advisers at Cefas to clarify the potential outfall option and to provide a more detailed account of sampling coverage and the presence of (two) key biotopes in the Tees Bay. Additional top-up sampling undertaken by marine specialists in winter 2020/21 was also discussed; preliminary outputs were presented. The MMO, as informed by their technical advisers within Cefas, subsequently confirmed agreement to the design refinement in writing (see Appendix 1).
March 2021 (Formal consultation with the MMO on the scope and content of the draft DMLs)	Informed by previous technical engagement, the MMO was provided with a draft DML for review and feedback.

June 2021 (Further consultation on the DMLs for the Proposed Development inclusive of a summary of responses to feedback from the MMO)	Following the original MMO feedback received in March 2021, the Applicants provided updated DMLs for MMO review.
December 2021 (Publication of MMO's Relevant Representation at start of pre-examination phase)	Following submission of the DCO Application in 19 th July 2021 and being accepted for examination on 16 th August 2021, the Relevant Representations of all Interested Parties including the MMO were published on 22 nd December 2021.
February 2022 (Meeting regarding relevant representation)	A meeting to discuss the MMO's Relevant Representation was held on 16 th February 2022.
May 2022 (Email correspondence)	Email correspondence regarding the content of the first draft of the SOCG.
July 2022 (Email correspondence)	Email sent by Applicants with further information provided to the MMO regarding the response to the MMO's Deadline 3 submission and requesting a meeting.
August 2022 (Email correspondence and meeting)	<p>Emails sent by the Applicants to the MMO regarding the current changes which have been made to the DMLs based on MMO feedback.</p> <p>Meeting held with MMO to discuss condition 23 of the DMLs to get a further understanding of the issues arising from the condition and a plan to progress the issue. The change proposed in REP4-031 regarding the use of Option 3 (Sembcorp Tunnel) and if this change was a marine licence activity.</p>
August 2022 (Email correspondence)	<p>Email sent by the MMO confirming the use of existing underground pipe would count as an exempted activity for Work No. 6 and providing example wording for a seasonal restriction.</p> <p>Email sent by MMO confirmed they were satisfied with the presentation of the positions in the SOCG for submission at Deadline 6.</p>
September 2022 (email correspondence)	The Applicant has had a meeting with Natural England and has updated the Natural England SOCG to agree the position regarding the use of condition 23 and the deemed marine licences to address issues around UXO. Further correspondence in the Natural England SOCG confirms they are satisfied with condition 23, however require that Natural England are consulted for the survey investigation methodology and clearance methodology.

October 2022 (email correspondence)	Based on correspondence with the MMO, the applicant has updated the SCOG to remove references to activities and outputs which the MMO do not have sign off on.
October 2022 (DML meeting)	Meeting held between the Applicant and the MMO to discuss the D11 response to the DMLs.
November 2022 (email correspondence)	Correspondence from the MMO regarding their interpretation of the wording of paragraph of the DMLs.

3.0 MATTERS AGREED

3.1.1 The below Table 3.1 contains a list of “matters agreed” along with a concise commentary of what the item refers to and how it can be agreed between the two parties.

Table 3.1: List of Matters Agreed between the Applicants and MMO

Matter Agreed	MMO Response
Consultation	A summary of pre-application consultation is contained in the Consultation Report (Application Document Ref. 5.1 [APP-068]) and also in Chapter 14: Marine Ecology and Nature Conservation (Document Ref. 6.2.14 [APP-096]). It is agreed that the consultation summary in Section 2 of this SoCG provides an accurate record of consultation with the MMO on matters to date.
Adequacy of the Environmental Statement (including adequacy of surveys, modelling and assessment) and other relevant documents associated with the DCO application	It is agreed that the MMO have been involved throughout the pre-application period to help inform the scope of the EIA. It is agreed that the methods used to inform the assessment of effects upon marine environment and associated topics of regulatory interest to the MMO are appropriate and in line with current best practice and guidance.
The scope, content and drafting of the Deemed Marine Licence	<p>In line with the Planning Inspectorate Advice Note 11, the Applicants will apply for two Marine Licences which are ‘deemed’ within the body of the draft DCO. As advised by PINS, the MMO has been invited to comment on the working draft DMLs.</p> <p>Pre-application engagement meetings have been carried out with the MMO as summarised in Section 2 above; this has included periodic discussion on the scope of the DML. It is agreed that the MMO has been provided with an appropriate opportunity to review and provide feedback upon the initial draft DMLs. It is agreed that based on current understanding at the start of examination the suite of conditions provided within the draft DML are appropriate to the scale and nature of the Proposed Development.</p> <p>The MMO agree that with the approach of splitting the DMLs in respect of the power and storage elements of the project in order to confer the rights on the relevant undertakers for each and agree that this approach is based on the approach adopted on other DCO projects (including offshore wind farms) where there is more than one undertaker with separate responsibility for elements of a project with marine licensable activities.</p> <p>The MMO agree with the wording of the DMLs in Schedules 10 and 11, with the exception of paragraphs 7.</p>

<p>Marine Ecology and Nature Conservation</p>	<p>Chapter 14: Marine Ecology of the ES (ES Volume I, Document Ref. 6.2.14 [APP-096]) includes assessments of the potential effects of the Proposed Development on marine ecology and is supported by Technical Appendices 14 A-E of the ES (ES Volume III, Document Refs 6.4.29-6.4.33 [APP-315 to APP-321] and accompanying Figure 14-1 (ES Volume II, Document Ref. 6.3.59 [APP-167]).</p> <p>It is agreed between the Parties that the relevant ecological (nature conservation) aspects of the Proposed Development that fall within the remit of the MMO have been adequately addressed subject to the points raised by the MMO in their Relevant Representation which are now being addressed. The Parties agree that the Proposed Development design and impact avoidance measures outlined as embedded mitigation in Chapter 14: Marine Ecology (ES Volume I, Document Ref. 6.2.14 [APP-096]) are appropriate based on current understanding at the start of examination and that all mitigation measures that would be necessary to ensure compliance with legislation relating to those protected species that fall within the remit of the MMO, as well as good practice measures to safeguard animal welfare, are included based on current understanding.</p> <p>It is further agreed that the specified control measures within the Framework Construction Environmental Management Plan (CEMP) (Appendix 5A, ES Volume III, Document Ref, 6.4.5 [APP-246]), including protected species surveys secured via Requirement 15 of the draft DCO (Document Ref. 2.1 [APP-005]), are appropriate for the control of potential effects on protected species that fall within the remit of the MMO during construction of the Proposed Development. As is standard best practice, ecological surveys will identify locations within the potential zone of influence of the Proposed Development that support conditions potentially suitable for marine mammals.</p> <p>It is agreed that mitigation measures are included across both of the two draft marine licences within the DCO, as required based on current understanding at the start of examination. This includes inter alia:</p> <ul style="list-style-type: none"> Draft DML Condition 10 (Sediment Sampling) Draft DML Condition 11 (CEMP) Draft DML Condition 12 (Marine Method Statement) Draft DML Condition 15 (Archaeological Investigation) Draft DML Condition 19 (Piling) Draft DML Condition 21 (Provenance of Rock) Draft DML Condition 22 (UXO Clearance) Draft DML Condition 26 (Disposals)
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<p>Water Resources and Water Quality</p>	<p>Chapter 9: Surface Water, Flood Risk and Water Resources (ES Volume I, Document Ref. 6.2.9 [APP-091]) includes assessments of the potential effects of the Proposed Development in terms of water quality and is supported by Technical Appendices 9B and 9C A-E (ES Volume III, Document Refs 6.4.10 and 6.4.11 [APP-253 to APP-254]) and accompanying Figures 9-1 and 9-2 (ES Volume II, Document Refs. 6.3.22 and 6.3.24 [APP-130 to APP-132]).</p> <p>It is agreed that the assessments of effects of the Proposed Development in terms of Water Quality are appropriate subject to any changes required by the Environment Agency for the scale, nature and location of the Proposed Development and make appropriate recommendations for mitigation. It is agreed that mitigation measures are included in the draft DCO Requirements including draft DCO Requirement 11 (Surface and Foul Water Drainage) and Draft DCO Requirement 12 (Flood Risk Mitigation). It is agreed that the inclusion of these requirements in the draft DCO (Document Ref. 2.1 [APP-005]) are appropriate to ensure that appropriate mitigation is included in the Proposed Development and subsequently maintained throughout the lifetime of the Proposed Development.</p> <p>Mitigation of adverse impacts on the water environment during the construction phase will be achieved principally through embedded measures identified in the ES, notably the adoption of a CEMP and a Water Management Plan (WMP). It is agreed that draft Requirement 16 (Construction Environmental Management Plan) of the draft DCO (Document Ref. 2.1 [APP-005]) is appropriate for controlling the environmental effects of construction.</p>
<p>Characterisation of fisheries and associated assessment</p>	<p>Chapter 14: Marine Ecology (ES Volume I, Document Ref. 6.2.14 [APP-096]) includes assessments of the potential effects of the Proposed Development in terms of fisheries and is supported by Technical Appendix 14B (ES Volume III, Document Ref. 6.4.30 [APP-316 to APP-318]).</p>
<p>Management of construction effects</p>	<p>It is agreed that the Framework CEMP (Document Reference 6.4.5 [APP-246]) includes the necessary principal controls to effectively manage environmental risks associated with the construction of the Proposed Development based on current understanding at the start of examination. It is also agreed that draft Requirement 16 (Construction Environmental Management Plan) of the draft DCO (Document Ref. 2.1 [APP-</p>

	005]) is appropriate for controlling the environmental effects of construction.
Shipping and Navigational Risk	It is agreed that the MMO have been offered the opportunity to be involved with the preparation of a Navigational Risk Assessment (NRA) for the Proposed Development (Appendix 20B (ES Volume III, Document Ref. 6.4.45 [APP-341 to APP-343])). It is agreed that the scope of and approach to the NRA was presented to the MMO during pre-application engagement; this included the identification of 'lead' navigational stakeholders, including the Maritime and Coastguard Agency (MCA), PD Ports and Trinity House. Pursuant to discussions with the MMO, it is agreed that the navigational stakeholders identified above will take the 'lead' role in the agreement of the NRA, building upon the prior engagement and levels of agreement reached during the pre-application period.
Protective Provisions	It is agreed that no protective provisions are required for the MMO.
Impact on fish from trenchless technologies	It is agreed that where 'no dig' trenchless techniques will be used, that these methods remove potential impacts on fish receptors as works will be undertaken underground.
Good practice and design mitigation for piling	It is agreed that for piling works, the good practice and design mitigation measures proposed in Chapter 14 Marine Ecology and Nature Conservation [APP-096] are in accordance with industry best-practice and Joint Nature Conservation Commission (JNCC) guidance. The MMO note that percussive/impact piling might be necessary to drive the pile to its design depth. It is stated in the Framework Construction Environmental Management Plan [APP-246] that standard JNCC mitigation measures for piling shall be adopted during construction of the Proposed Development. Under this mitigation standard, the MMO are a consultee for this activity.
Fish impingement or marine organism entrainment in abstraction	It is agreed that since there is no requirement to abstract water from the River Tees as cooling water (which will instead be supplied by Northumbrian Water), there are no potential impacts resulting from fish impingement and/or entrainment of marine organisms within the Cooling Water System.
Relevant policies of the North East Marine Plan	It is agreed that in the context of the North East Marine Plan, the policy assessment presented by the Applicants at Deadline 3 is correct.
Landscape and Seascape Visual Effects	Chapter 17: Landscape and Visual Amenity Chapter [APP-099] includes assessments of the potential effects of the Proposed Development in terms of effects on landscape and seascape. It is agreed that the assessments of effects of the Proposed Development in terms of Landscape and Seascape are appropriate for the scale, nature and location of the Proposed Development.

<p>Relevant Representation Responses regarding:</p> <ul style="list-style-type: none"> • Underwater sound impacts • Proposed development design • Cumulative effects 	<p>The MMO are satisfied with the responses provided by the Applicant at Deadline 1 regarding underwater sound impacts, proposed development design and cumulative effects.</p>
<p>The environmental impacts from UXOs described in the ES and HRA.</p>	<p>The MMO is satisfied with the assessment of the environmental impacts of UXOs presented in the Environmental Statement and the HRA.</p>

4.0 MATTERS TO BE AGREED

4.1 Overview

4.1.1 This section sets out matters to be agreed between the parties and the proposed way forward. This SoCG sets out the agreements that have been reached between the Parties to date in respect of the matters relating to the Proposed Development requested by the ExA outlined in Section 1.5 of this SoCG.

- The MMO do not agree with the wording in paragraph 7 of the DMLs. Specifically the MMO disagree with the disapplication of section 72(7) and (8) of the Marine and Coastal Access Act 2009 where the procedure under Article 8 (consent to transfer the benefit of the Order) has effect.

Signed: 

Joseph Wilson, Senior Case Manager

On behalf of: the Marine Management Organisation

Date: 07/11/2022

Signed: Mary Maguire

SoCG Author .

Date: 07/11/2022

Signed: Paul Edwards

On behalf of: NZT Power Ltd. and NZNS Storage Ltd.

Date: 07/11/2022