

# 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: 8.21 – Statement of Common Ground with Ineos Nitriles (UK) Limited ('INEOS')



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

Date: May 2022

## DOCUMENT HISTORY

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## GLOSSARY

<b>Abbreviation</b>	<b>Description</b>
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
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
ES	Environmental Statement, documenting the findings of the EIA
ExA	Examining Authority
INEOS	Ineos Nitriles (UK) Limited
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
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.

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
PPs	Protective Provisions
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
SoCG	Statement of Common Ground
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. 8.21) has been prepared by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the ‘Applicants’) in conjunction with INEOS Nitriles (UK) Limited (“INEOS”) 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 INEOS 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 INEOS Nitriles (UK) Limited Interests**

#### **1.3 Seal Sands**

1.3.1 Freehold Interest in land to south of Seal Sands Road comprising part of the Carbon Dioxide Gathering Network (Work No. 6).

#### **1.4 The Purpose and Structure of this Document**

1.4.1 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.

1.4.2 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).

1.4.3 The SoCG is structured as follows:

- Section 2 – sets out consultation and related discussions held between the Applicants and INEOS.
- 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 INEOS 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 INEOS and how INEOS have responded to that consultation.

**Table 2.1: Summary of Consultation**

Consultation Stage/Date	INEOS Response
Stage 1 Consultation (non-statutory) – 2 <sup>nd</sup> October to 19 <sup>th</sup> November 2019	N/A
Stage 2 Consultation (statutory) – 7 <sup>th</sup> July to 18 <sup>th</sup> September 2020	Outlined their existing interests and apparatus in relation to the Applicants’ proposed Order Limits. In addition, they highlighted the physical and operational constraints that the Applicants would need to comply with when working within their areas of interest.
Section 42 Update Consultation – 7 <sup>th</sup> December 2020 to 25 <sup>th</sup> January 2021 (further targeted consultations held 12 <sup>th</sup> February to 16 <sup>th</sup> March 2021 & 26 <sup>th</sup> March to 3 <sup>rd</sup> May 2021)	Reiterated the primary points and concerns that were raised in their Stage 2 consultation response.
Consultation on proposed changes to DCO Application – 10 <sup>th</sup> March to 14 <sup>th</sup> April 2022	N/A

### 2.3 Discussions

2.3.1 A summary of the discussions that have taken place between the parties is set out in **Table 2.2**. Where appropriate, email follow-up has taken place to provide each party with information to support the progression of discussions.

**Table 2.2: Summary of Discussions**

Meeting Date	Meeting Type	Topics Discussed
January 2021	Introduction Meeting	Proposed Development Introduction
September 2021	Teams Meeting	HoT negotiation meeting
October 2021	Site Meeting	HoT negotiation meeting
November 2021	Teams Meeting	HoT negotiation meeting

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February 2022	Teams Meeting	HoT negotiation meeting
March 2022	Teams Meeting	Pre-consultation briefing meeting
March 2022	Teams Meeting	HoT negotiation meeting

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### **3.0 MATTERS AGREED**

#### **3.1 Overview**

3.1.1 This section sets out the matters agreed between the parties.

#### **3.2 Voluntary Agreement**

3.2.1 The Applicants and INEOS have been working towards a voluntary agreement. Heads of Terms are being negotiated.

#### **3.3 Use of Compound Areas**

3.3.1 The Applicants have included, within the Order limits, areas of INEOS freehold which are required for temporary compound and lay down during construction (specifically plots 122 and 123). The Applicants have agreed, as part of the voluntary agreement discussions, that INEOS may provide suitable alternative locations at the time of construction for compound, laydown and access areas, and the agreement will provide for the mechanism to secure this.

#### **3.4 Access**

3.4.1 The Applicants and INEOS agree that existing access routes will be utilised within INEOS site boundary for construction, operation and maintenance purposes. The Applicants agree that access will be taken in a safe manner in line with all relevant legislation at the time.

3.4.2 The parties agree that the Option Area comprises part of a shared service corridor and that the Applicants will not have exclusive rights of access before, during or following construction.

3.4.3 INEOS agrees that it will provide an alternative route of access from the service corridor and access routes into the compound at plot no. 123 out with the Order limits, to be secured in the voluntary agreement.



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## **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.

### **4.2 Operational Concerns**

4.2.1 The Applicants recognise INEOS' concerns regarding the effect of the Proposed Development on existing apparatus and operations within the Option area. The protective provisions are the appropriate mechanism to secure the necessary controls and mitigation.

### **4.3 Protective Provisions**

4.3.1 The parties are progressing protective provisions with the intention of reaching agreement on terms during the course of the Examination.

### **4.4 Commercial Agreement**

4.4.1 The consideration for the Option Agreement and Easement Payment is not yet agreed but is the subject of on-going discussion.

### **4.5 Decommissioning**

4.5.1 INEOS is not yet satisfied with the decommissioning arrangements in the Draft DCO nor in the Heads of Terms for the voluntary agreement.