

# 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: 9.6 - Applicants' Comments on Relevant Representations](#)

Planning Act 2008



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

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<b>Author</b>	Nathan Cheung (NC)		
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<b>Approved By</b>	Geoff Bullock (GB)		
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## GLOSSARY

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

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

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## CONTENTS

<b>1.0</b>	<b>Introduction .....</b>	<b>2</b>
<b>2.0</b>	<b>Response to Redcar Bulk Terminals Ltd .....</b>	<b>6</b>
<b>3.0</b>	<b>Response to Stephen Calloughway .....</b>	<b>9</b>
<b>4.0</b>	<b>Response to National Air Traffic Services Ltd .....</b>	<b>12</b>
<b>5.0</b>	<b>Response to Client Earth .....</b>	<b>13</b>
<b>6.0</b>	<b>Response to Loftus Town Council .....</b>	<b>15</b>
<b>7.0</b>	<b>Response to National Grid Ventures .....</b>	<b>16</b>
<b>8.0</b>	<b>Response to Teesside 43 BSAC .....</b>	<b>18</b>
<b>9.0</b>	<b>Response to The Corporation of Trinity House of Deptford Strond .....</b>	<b>21</b>
<b>10.0</b>	<b>Response to INEOS UK SNS Limited .....</b>	<b>22</b>
<b>11.0</b>	<b>Response to Durham County Council .....</b>	<b>23</b>
<b>12.0</b>	<b>Response to National Grid Electricity Transmission plc .....</b>	<b>24</b>
<b>13.0</b>	<b>Response to National Grid Gas plc .....</b>	<b>29</b>
<b>14.0</b>	<b>Response to Anglo American plc (Woodsmith Project) .....</b>	<b>34</b>
<b>15.0</b>	<b>Response to Hartlepool Borough Council .....</b>	<b>38</b>
<b>16.0</b>	<b>Response to North Tees Land Ltd, North Tees Rail Ltd and North Tees Ltd .....</b>	<b>39</b>
<b>17.0</b>	<b>Response to CATS North Sea Ltd .....</b>	<b>44</b>
<b>18.0</b>	<b>Response to CF Fertilisers UK Ltd .....</b>	<b>48</b>
<b>19.0</b>	<b>Response to INEOS Nitriles (UK) Ltd .....</b>	<b>62</b>
<b>20.0</b>	<b>Response to Royal Mail Group .....</b>	<b>71</b>
<b>21.0</b>	<b>Response to Air Products (Chemicals) Teesside Ltd, Air Products Renewable Energy Ltd and Air Products Chemicals Public Company Ltd .....</b>	<b>75</b>
<b>22.0</b>	<b>Response to Climate Emergency Planning and Policy .....</b>	<b>78</b>
<b>23.0</b>	<b>Response to Environment Agency .....</b>	<b>83</b>
<b>24.0</b>	<b>Response to Maritime Coastguard Agency .....</b>	<b>130</b>
<b>25.0</b>	<b>Response to Natural England .....</b>	<b>131</b>
<b>26.0</b>	<b>Response to Network Rail Infrastructure Limited .....</b>	<b>141</b>
<b>27.0</b>	<b>Response to Northern Powergrid .....</b>	<b>145</b>
<b>28.0</b>	<b>Response to Northumbrian Water Limited .....</b>	<b>147</b>
<b>29.0</b>	<b>Response to NPL Waste Management Ltd .....</b>	<b>152</b>
<b>30.0</b>	<b>Response to PD Teesports Ltd .....</b>	<b>155</b>

---

<b>31.0 Response to Sembcorp Utilities (UK) Ltd .....</b>	<b>167</b>
<b>32.0 Response to South Tees Development Corporation.....</b>	<b>174</b>
<b>33.0 Response to UK Health Security Agency .....</b>	<b>224</b>
<b>34.0 Response to Marine Management Organisation.....</b>	<b>225</b>
<b>35.0 Response to SABIC UK Petrochemicals Limited.....</b>	<b>255</b>
<b>36.0 Response to Orsted Hornsea Project Four Ltd.....</b>	<b>259</b>
<b>37.0 Response to National Highways .....</b>	<b>261</b>
<b>38.0 Response to Huntsman Polyurethanes (UK) Ltd.....</b>	<b>262</b>
<b>39.0 Response to Exolum .....</b>	<b>265</b>
<b>40.0 Response to EDF .....</b>	<b>267</b>
<b>41.0 Response to North York Moors National Park Authority.....</b>	<b>271</b>

## **TABLES**

<b>Table 2.1: Redcar Bulk Terminals RR and Applicants' response.....</b>	<b>6</b>
<b>Table 12.1: National Grid Electricity Transmission Plc RR and Applicants' response .....</b>	<b>24</b>
<b>Table 13.1: National Grid Gas PLC RR and Applicants' response.....</b>	<b>29</b>
<b>Table 14.1: Anglo American plc (Woodsmith Project) RR and Applicants' response .....</b>	<b>34</b>
<b>Table 16.1: North Tees Ltd RR and Applicants' response.....</b>	<b>39</b>
<b>Table 17.1 CATS North Sea Ltd RR and Applicants' response.....</b>	<b>44</b>
<b>Table 18.1: CF Fertilisers UK Ltd RR and Applicants' response.....</b>	<b>48</b>
<b>Table 19.1: INEOS Nitriles (UK) Ltd RR and Applicants' response .....</b>	<b>62</b>
<b>Table 20.1: Royal Mail Group RR and Applicants' response .....</b>	<b>71</b>
<b>Table 21.1: Air Products (Chemicals) Teesside Ltd (RR-021) RR and Applicants' response.</b>	<b>75</b>
<b>Table 22.1: Climate Emergency Planning and Policy RR and Applicants' response.....</b>	<b>78</b>
<b>Table 23.1: Environment Agency RR and Applicants' response .....</b>	<b>83</b>
<b>Table 25.1: Natural England RR and Applicants' response .....</b>	<b>131</b>
<b>Table 26.1: Network Rail Infrastructure Limited RR and Applicants' response.....</b>	<b>141</b>
<b>Table 27.1: Northern Powergrid RR and Applicants' response .....</b>	<b>145</b>
<b>Table 28.1: Northumbrian Water Limited RR and Applicants' response .....</b>	<b>147</b>
<b>Table 29.1: NPL Waste Management Ltd RR and Applicants' response .....</b>	<b>152</b>
<b>Table 30.1: PD Teesports Ltd RR and Applicants' response .....</b>	<b>155</b>

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<b>Table 31.1: Sembcorp Utilities (UK) Ltd RR and Applicants' response.....</b>	<b>167</b>
<b>Table 32.1: South Tees Development Corporation RR and Applicants' response .....</b>	<b>174</b>
<b>Table 34.1: Marine Management Organisation RR and Applicants' response.....</b>	<b>225</b>
<b>Table 35.1: SABIC UK Petrochemicals Limited RR and Applicants' response .....</b>	<b>255</b>
<b>Table 38.1: Huntsman Polyurethanes (UK) Ltd RR and Applicants' response .....</b>	<b>262</b>
<b>Table 40.1: EDF RR and Applicants' response .....</b>	<b>267</b>

## 1.0 INTRODUCTION

### 1.1 Overview

1.1.1 This document, the 'Applicants' Comments on Relevant Representations' (Document Ref. 9.6) has been prepared on behalf of Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the 'Applicants'). It relates to the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy ('BEIS'), under Section 37 of 'The Planning Act 2008' (the 'PA 2008') for the Net Zero Teesside Project (the 'Proposed Development').

1.1.2 The Application was submitted to the SoS on 19 July 2021 and was accepted for Examination on 16 August 2021. A change request made by the Applicants in respect of the Application was accepted into the Examination by the Examining Authority on 6 May 2022.

### 1.2 Description of the Proposed Development

1.2.1 The Proposed Development will work by capturing CO<sub>2</sub> from a new the gas-fired power station in addition to a cluster of local industries on Teesside and transporting it via a CO<sub>2</sub> transport pipeline to the Endurance saline aquifer under the North Sea. The Proposed Development will initially capture and transport up to 4Mt of CO<sub>2</sub> per annum, although the CO<sub>2</sub> transport pipeline has the capacity to accommodate up to 10Mt of CO<sub>2</sub> 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** – a natural gas supply connection and Above Ground Installations ('AGIs') (the '**Gas Connection Corridor**');
- **Work No. 3** – an electricity grid connection (the '**Electrical Connection**');
- **Work No. 4** – water supply connections (the '**Water Supply Connection Corridor**');
- **Work No. 5** – waste water disposal connections (the '**Water Discharge Connection Corridor**');
- **Work No. 6** – a CO<sub>2</sub> gathering network (including connections under the tidal River Tees) to collect and transport the captured CO<sub>2</sub> 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 '**CO<sub>2</sub> Gathering Network Corridor**');
- **Work No. 7** – a high-pressure CO<sub>2</sub> compressor station to receive and compress the captured CO<sub>2</sub> from the Low Carbon Electricity Generating Station and the

CO<sub>2</sub> Gathering Network before it is transported offshore (the '**HP Compressor Station**');

- **Work No. 8** – a dense phase CO<sub>2</sub> export pipeline for the onward transport of the captured and compressed CO<sub>2</sub> to the Endurance saline aquifer under the North Sea (the '**CO<sub>2</sub> 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 and the CO<sub>2</sub> 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 CO<sub>2</sub> export pipeline will also start in this location before heading offshore. The generating station connections and the CO<sub>2</sub> gathering network will require corridors of land within the administrative areas of both Redcar and Cleveland and Stockton-on-Tees Borough Councils, including crossings beneath the River Tees.

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

1.3.1 The purpose of this document is to summarise the Applicants' present position on the matters raised in the Relevant Representations ('RRs') submitted in respect of the Application. The document also contains the Applicants' response to three Additional Submissions ('AS') and the email correspondence provided by North York Moors National Park Authority.

1.3.2 The Applicants' comments and responses on each RR and AS are provided in the following sections of the document. The ordering corresponds to the order in which they appear on the Planning Inspectorate's NZT project web page:

- Section 2 - Response to Redcar Bulk Terminals Ltd (RR-001);
- Section 3 - Response to Stephen Calloughway (RR-002);
- Section 4 - Response to National Air Traffic Services Ltd (RR-003);
- Section 5 - Response to Client Earth (RR-004);
- Section 6 - Response to Loftus Town Council (RR-005);
- Section 7 - Response to National Grid Ventures (RR-007);
- Section 8 - Response to Teesside 43 BSAC (RR-008);
- Section 9 - Response to The Corporation of Trinity House of Deptford Strond (RR-009);
- Section 10 - Response to INEOS UK SNS Limited (RR-010);
- Section 11 - Response to Durham County Council (RR-011);



- Section 12 - Response to National Grid Electricity Transmission plc (RR-012);
- Section 13 - Response to National Grid Gas plc (RR-013);
- Section 14 - Response to Anglo American plc (Woodsmith Project) (RR-014);
- Section 15 - Response to Hartlepool Borough Council (RR-015);
- Section 16 - Response to North Tees Land Ltd, North Tees Rail Ltd and North Tees Ltd (RR-016, RR-022, RR-028 and RR-029);
- Section 17 - Response to CATS North Sea Ltd (RR-017);
- Section 18 - Response to CF Fertilisers UK Ltd (RR-018);
- Section 19 - Response to INEOS Nitriles (UK) Ltd (RR-019);
- Section 20 - Response to Royal Mail Group (RR-020);
- Section 21 - Response to Air Products (Chemicals) Teesside Ltd, Air Products Renewable Energy Ltd and Air Products Chemicals Public Company Ltd (RR-021, RR-021a and RR-021b);
- Section 22 - Response to Climate Emergency Planning and Policy (RR-023);
- Section 23 - Response to Environment Agency (RR-024);
- Section 24 - Response to Maritime and Coastguard Agency (RR-025);
- Section 25 - Response to Natural England (RR-026);
- Section 26 - Response to Network Rail Infrastructure Limited (RR-027);
- Section 27 - Response to Northern Powergrid (RR-030);
- Section 28 - Response to Northumbrian Water Limited (RR-031);
- Section 29 - Response to NPL Waste Management Ltd (RR-032);
- Section 30 - Response to PD Teesports Ltd (RR-033);
- Section 31 - Response to Sembcorp Utilities (UK) Ltd (RR-034);
- Section 32 - Response to South Tees Development Corporation (RR-035);
- Section 33 - Response to UK Health Security Agency (RR-036);
- Section 34 - Response to Marine Maritime Organisation (RR-037);
- Section 35 - Response to SABIC UK Petrochemicals Limited (RR-038);
- Section 36 - Response to Orsted Hornsea Project Four Ltd (RR-039);
- Section 37 – Response to Response to National Highways (AS-039);
- Section 38 – Response to Huntsman Polyurethanes (UK) Ltd (AS-046);
- Section 39 – Response to Response to Exolum (AS-196);

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- Section 40 – Response to EDF (PDA-003);
  - Section 41 – Response to North York Moors National Park Authority.

## 2.0 RESPONSE TO REDCAR BULK TERMINALS LTD

2.1.1 The RR provided by Redcar Bulk Terminals Ltd (RR-001) is provided in **Table 2.1** below:

**Table 2.1: Redcar Bulk Terminals RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Application by Net Zero Teesside Power Limited ("NZT") for an Order Granting Development Consent for the Net Zero Teesside Project ("the Project").</p> <p>1. This Relevant Representation is submitted on behalf of Redcar Bulk Terminal Limited (Company Registration Number 07402297) of Time Central, 32 Gallowgate, Newcastle Upon Tyne, Tyne And Wear, NE1 4BF ("RBT").</p> <p>2. RBT wishes to make this Relevant Representation in order to protect its position in relation to its land and operations which are within and adjacent to the proposed Order limits.</p> <p>3. RBT is the operator of a deep-water marine terminal situated on the South Bank of the River Tees ("the Terminal"). The Terminal is the deepest terminal on the east coast of the United Kingdom, capable of handling Cape Size Vessels with drafts up to 17 metres. The Terminal operates a 320 metre long quay equipped with 2 rail mounted gantry cranes used for loading and unloading bulk and irregular sized cargo. The Terminal includes about a 130-hectare area used for short- and long-term storage and processing for bulk cargoes. The Terminal has separate rail handling facilities for rapid</p>	

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>loading and off-loading of rail freight traffic and direct access to the UK rail and road networks with links to the A66, A19 and A1(M).</p>	
<p>4. NZT is seeking to use RBT land and facilities for the purposes of unloading outsized loads during the construction phase of the Project. Compulsory acquisition powers are sought over Plot 222, being a section of the Terminal's quay and Plot 223, being an access corridor across the Terminal's storage area. Rights are also sought under compulsory acquisition for an underground high pressure gas pipeline over Plot 288, being part of the RBT rail loading station and road and rail access to RBT's site.</p>	<p>4. The Applicants have been in contact with RBT since Q3 2020 and in February 2021 had further productive discussions with RBT management and in April 2022 reached agreement in principle with respect to the Applicants' proposed use of the RBT facilities. This agreement in principle is detailed in a mutually agreed set of Heads of Terms. The Applicants preference is to enter into voluntary agreement(s) for use of the noted RBT facilities, further to the agreed Heads of Terms. Regarding plot 288, the Applicant made a formal change request to PINS in April 2022; following acceptance of this change request the plot has been removed from the order limits. This has been discussed with and welcomed by RBT.</p>
<p>5. RBT does not object to the principle of the underlying Project in terms of the benefits it seeks to deliver to Teesside and region beyond. However, it is concerned with the impact of the Project detrimentally affecting RBT's on-going operations at the Terminal and that of its customers. RBT further believes that alternatives to NZT's preferred offloading solution can be provided at the Terminal and should be fully considered by NZT.</p>	<p>5. The Applicants welcome RBT's confirmation that it does not object to the principle of the Proposed Development and the acknowledgment of its benefits locally and beyond. The Applicants acknowledge RBT's concerns, and the principles described in the Heads of Terms include the development of equipment/module import procedures to efficiently use the port facilities and operational windows, and to work collaboratively with RBT to optimise the deliveries. On the basis agreed in the HoTs, the Applicants and RBT recognise the Roll On / Roll Off delivery method as the base case and have also mutually agreed principles for an alternative crane method.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>6. RBT has entered into commercial negotiations relating to the use of the Terminal by NZT. However, RBT will also require protective provisions to be included within the Order to ensure that RBT's interests are adequately protected, NZT's use is compatible with RBT's use and relevant safety standards are complied with.</p>	<p>6. Draft protective provisions were initially sent to RBT in May 2021 and are currently being progressed by both parties. The protective provisions include a requirement that the undertaker must not exercise the powers granted under the Order so as to hinder or prevent the operation or maintenance of RBT's operations or access to them without the prior written consent of RBT. In order to secure RBT's consent, the undertaker is obliged to first submit to RBT details of the proposed works or activities which could have an effect on RBT's operations, and such further particulars as RBT may reasonably require. The authorised development and activities on the wharf within the RBT operations must be carried out in accordance with the works details approved. There are further obligations that require that the parties must co-operate with each other and use reasonable endeavours to avoid any conflict arising from the carrying out of the RBT operations, the construction of the authorised development and the undertaker's activities on the wharf.</p>
<p>7. RBT reserves the right to make further representations during the examination process but in the meantime will continue to negotiate with NZT with a view to reaching a satisfactory agreement. If an agreement is signed and completed, RBT will notify the Planning Inspectorate and withdraw this objection.</p>	<p>7. Taken together, the Applicants are satisfied that the powers sought in the DCO, as constrained by the protective provisions, would not have detrimental impact on RBT's on-going operations.</p>
<p>8. RBT therefore requests to be registered as an Interested Party to the examination and to make submissions on the topics of compulsory acquisition, construction impact affecting the Terminal and the Development Consent Order itself.</p>	

### **3.0 RESPONSE TO STEPHEN CALLOUGHWAY**

3.1.1 The RR provided by Stephen Calloughway (RR-002) is as follows:

*"I have some potentially significant concerns over the scope and robustness of the EIA that has been undertaken for this project. I have, to date, not been through the full set of documents but, as an example: The project seeks to develop a system of CO2 pipelines to gather emissions from other industrial facilities. I have not seen an assessment of the emissions from off-site carbon capture and, therefore, the cumulative impact of multiple sources of amines and their derogation products has not been determined. This is particularly important for human health given the carcinogenic properties of some of these substances. Should the likely cumulative impact be significant, some of the capture facilities envisaged by the applicant may not be brought forward. This would have a significant bearing on the scope of compulsory acquisition powers that the final DCO could grant - ie, some parts of the CO2 pipeline network, as proposed, could be unnecessary.*

*I am currently going through the application and will likely have other comments to make in my written representation. However, I note the requirement to outline my main points in this form. I would be grateful if you could confirm if further comments at a later stage are possible, or whether I should delay my registration as an interested party in order for me to provide a full outline of all issues that I find."*

#### **3.2 Applicants' response**

3.2.1 The proposed development of the CO2 gathering network is intended to facilitate the capture of emissions from existing and potentially future emitters. Its routing has been developed based on anticipated emitters in Teesside identified at the time of preparing the DCO application. However, the decision as to which of the potential emitters do progress with carbon capture schemes has yet to be made; it will be influenced by the BEIS Phase 2 emitters announcement scheduled for later this year. The exact number and locations of emitters that will connect into the gathering network is therefore not yet known.

3.2.2 In addition, as the carbon capture schemes have yet to be developed, the technology used for carbon capture and the scale of its operation are also not yet known. While amine based carbon capture may be utilised by different emitters, there are other technologies available so it cannot be stated at this stage that every emitter project will require the use of amines.

3.2.3 For these reasons it has not been possible to assess the potential cumulative effects of carbon capture projects that may seek to connect to the gathering network, and nor is it a requirement of the EIA Regulations to do so. Each of those projects will require planning permission (or equivalent) to be granted and the respective planning applications will need to be supported by an Environmental Impact Assessment (EIA). Each EIA has to consider the cumulative effects of that project with other known or committed schemes (which would include the Proposed Development). Each of the carbon capture plants will also require an environmental permit to be granted by the Environment Agency for its operation. Any permit can

only be issued where the operator can demonstrate the application of Best Available Techniques and can demonstrate that the plant will not give rise to unacceptable environmental effects.

- 3.2.4 The assessment of cumulative effects reported in Chapter 24 of the Environmental Statement in [APP-106] has been undertaken in accordance with the four-stage assessment approach outlined in the Planning Inspectorate's Advice note seventeen: Cumulative effects assessment relevant to nationally significant infrastructure projects (version 2) (2019). This required the Applicant to first establish a long list of 'other existing development and/or approved development'. The long list of developments identified in Stage 1 of the assessment included, amongst others, carbon capture proposals from CF Fertilisers and BOC Hydrogen – see entries 80 and 81 of Table 24A-1 (Planned Development and Development Allocations within the Search Area) of Appendix 24A Planned Development and Development Allocations [APP-234]. These are two of the potential carbon capture projects identified at the time of developing the DCO application and to which the gathering network is being proposed to extend.
- 3.2.5 All identified development plans and projects were first allocated into different tiers based on their status, their geographical relationship to the Scheme, the availability of information regarding their likely environmental effects, and their anticipated delivery timescales.
- 3.2.6 In accordance with Advice note seventeen, the Applicant categorised the carbon capture proposals from CF Fertilisers and BOC Hydrogen projects as Tier 3 developments at Stage 1 on the basis that an EIA scoping report had not yet been published, no planning application had been made and because project information within the public domain was very limited at that time.
- 3.2.7 As the Stage 1 assessment (presented in Table 24B-1: Assessment of Cumulative Effects Stages 1-3 [APP-345]) recorded potential for the CF Fertilizers and BOC Hydrogen projects to interact environmentally with the Scheme due to its possible geographical and temporal relationships, this development was progressed to Stage 2 of the assessment. Stage 2 of the assessment acknowledged that whilst the scale and nature of the CF Fertilizers and BOC Hydrogen projects could potentially result in significant environmental effects, it was not possible to shortlist this development for inclusion in the cumulative effects assessment at Stages 3 and 4 because very limited information was available regarding: a) its likely environment effects; b) the coverage and extent of its effects; and c) when its effects might occur.
- 3.2.8 Accordingly, the CF Fertilizers and BOC Hydrogen potential projects were not further assessed as it was concluded that the absence of this information prevented a meaningful assessment of potential cumulative effects with the Proposed Development being undertaken. However, the gathering network itself will not result in the emission of any amines or amine degradation products. These would only potentially occur from the proposed generating station associated with the Proposed Development. As shown in the air quality assessment for the generating station emissions [APP-248] the potential effects of the amine releases have been

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assessed as not significant and the maximum predicted effect occurs within 2km of the emission source. The Proposed Development generating station, CF Fertilizer plant and BOC Hydrogen project are located approximately 4-5 km apart, therefore based on predicted impacts being negligible beyond approximately 2km from the source no cumulative effects are envisaged from releases of any amines and formation of any amine degradation products.



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## **4.0 RESPONSE TO NATIONAL AIR TRAFFIC SERVICES LTD**

4.1.1 The RR provided by National Air Traffic Services Ltd (RR-003) is as follows:

*“NATS operates no infrastructure within 10km of the Application site. Accordingly it anticipates no impact from the proposal and has no comments to make on the application. Regards S. Rossi NATS Safeguarding Office SG30794”*

### **4.2 Applicant's response**

4.2.1 The Applicants acknowledge the response from NATS and that it has no infrastructure within the vicinity of the Application Site, anticipates no impacts and has no comments to make.

## 5.0 RESPONSE TO CLIENT EARTH

### 5.1.1 The RR provided by Client Earth (RR-004) is as follows:

*“We understand from the application, including the Environmental Statement, that the Applicant’s proposal is to operate the power plant commercially only when the associated carbon capture, transport and storage infrastructure are also in operation, with the effect that at least 90% of the carbon emissions generated by the power plant will not be emitted into the atmosphere and stored permanently underground. However, we are concerned that the terms of the proposed draft DCO do not appear to include any conditions requiring that the plant be operated in this way and that this minimum level of emissions be captured and permanently stored (notwithstanding para 31 of the draft Requirements Schedule). We would therefore suggest that a condition be inserted in the Requirements Schedule to the DCO, to include clear requirements that: (i) at least 90% of the total carbon emissions generated by the power plant must be captured at all times during the power plant’s commercial operation, and (ii) captured emissions must be stored permanently in the proposed offshore geological storage site.”*

### 5.2 Applicant’s response

- 5.2.1 The Applicants acknowledge the response from Client Earth. Regarding point (i) made by Client Earth, as discussed within Chapter 4 [APP-086], the Proposed Development will be designed with a minimum capture efficiency of 90%. This capture efficiency relates to plant operating within its regular operating conditions, but the rates may vary outside of these conditions, like start up or in response to events outside of the Applicants’ control. It is expected the permitted capture efficiency will be based on the Dispatchable Power Agreement (DPA) contract and rules to be agreed with Government on how this is to be delivered. The DPA will incentivise higher capture rates. In addition, the capture rate will be specified in the Environmental Permit required from the Environment Agency for the plant’s operation and it must be demonstrated that the plant will operate in accordance with the use of Best Available Techniques (BAT), including the carbon capture rate. Reporting of carbon capture efficiency will be controlled through the Emissions Trading Scheme (ETS).
- 5.2.2 There will therefore be separate regulatory controls applied through the different consenting regimes for the control of carbon capture rates and as such there is therefore no need to insert Requirements regarding capture efficiency into the draft DCO without overlapping with the obligations set through the Environmental Permit and DPA. The Applicants will update Requirement 31 (at Deadline 2) to also require that an environmental permit is in place for the CCGT and its associated capture facility (parts of Work No. 1), prior to works on the Proposed Development commencing.
- 5.2.3 Regarding point (ii) made by Client Earth, the captured carbon dioxide would be permanently stored in the proposed offshore geological storage site (Endurance). It is intended to inject the captured carbon into the Endurance saline aquifer in the

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North Sea. The drafting of Article 31 requires that a carbon dioxide storage licence be in place before the Proposed Development can commence construction, and the Applicants will update this (at Deadline 2) to also refer to the required consent for the offshore CO<sub>2</sub> transport pipeline. The licence will regulate the permanent storage of the carbon and as such is already included within the Requirements of the DCO. In addition, in the future there may be opportunities to beneficially utilise the captured carbon in a way that does not lead to eventual emissions into the atmosphere and it is considered that the proposed additional wording could stifle innovation into such opportunities.

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## **6.0 RESPONSE TO LOFTUS TOWN COUNCIL**

6.1.1 The RR provided by Loftus Town Council (RR-005) is as follows:

*“Loftus Town Council supports this application. Supports the application on the basis it is essential to reduce Carbon Emissions. Brings former industrial land back into use. Will be a significant boost to the local and regional economy”*

### **6.2 Applicant's response**

6.2.1 The Applicants welcome Loftus Town Council's support for the Proposed Development and the acknowledgement that it is essential to reduce carbon emissions and will be a significant boost to the local and regional economy.

## 7.0 RESPONSE TO NATIONAL GRID VENTURES

### 7.1.1 The RR provided by National Grid Ventures (RR-007) is as follows:

*“This is a Relevant Representation submitted by National Grid Ventures (NGV) requesting that NGV is treated as an Interested Party throughout the Examination process of the Development Consent Order (DCO) application for The Net Zero Teesside (NZT) Project (PINS ref: EN010103). NGV is a ringfenced division of National Grid plc, responsible for both developing and operating businesses in our UK and US territories. National Grid Carbon (NGC) as an NGV business is proposing to develop Humber Low Carbon Pipelines (HLCP); the deployment of a terrestrial pipeline network in the Humber region. THE HLCP PROJECT The HLCP Project intends to establish a pipeline network in the region to transport carbon dioxide (CO2) and hydrogen (H2) to facilitate Carbon Capture Usage and Storage (CCUS).*

*NGV are currently investigating potential corridors within which separate CO2 and H2 pipelines could be routed and will be carrying out surveys and further public consultations to help inform the corridor selection process. HLCP is in the pre-application stage, with stakeholder engagement underway. This includes dialogue with the Planning Inspectorate over the potential form and content of its future Development Consent Order application(s), which will be inclusive of the terrestrial environment only to Mean Low Water Springs (MLWS). The CO2 export pipeline below MLWS and the CO2 storage site under the North Sea (known as the Endurance saline aquifer) will be the subject of separate consent applications, under the Petroleum Act 1998 and the Energy Act 2008.*

*A non-statutory public consultation on potential onshore route corridors concluded in October 2021, with further public consultation and engagement planned for 2022. NGV is part of the East Coast Cluster (ECC) bid, combining the Humber and Teesside regions, as submitted to the department of Business Energy and Industrial Strategy (BEIS) as part of the CCUS cluster sequencing consultation. On 19 October 2021, government announced that ECC, along with HyNet north west cluster, had been confirmed as Track-1 clusters for deployment in the mid-2020s and would therefore now be taken forward into Track-1 negotiations.*

#### **NGV'S INTEREST IN THE NET ZERO TEESSIDE (NZT) PROJECT**

*The HLCP Project is being promoted separately to the NZT Project and there is no direct physical interface between them. For the avoidance of doubt, therefore, NGV is not seeking to agree protective provisions for its benefit in the NZT Project Order, nor does it consider it necessary to enter into a Statement of Common Ground with the applicants. However, as a key component of the ECC bid and because both projects would, if approved, make use of the storage opportunity provided by the Endurance offshore site and would also share some of the offshore infrastructure required to transport CO2 emissions to that store, the progress of this application is of wider interest and importance to NGV. For completeness, NGV would highlight that there is currently a factual error within the Project Need Statement, at paragraph 9.1.1, which states: “National Grid Ventures operate the current UK onshore pipeline transmission*

*system and advanced the Yorkshire and Humber CCS pipeline to support the White Rose UK CCS demonstration project.” National Grid Gas Transmission owns and operates the high-pressure gas transmission pipeline network in the UK, as regulated by Ofgem. The Yorkshire and Humber CCS Pipeline project was promoted by NGC. That project was refused development consent by the Secretary of State in January 2017, as a result of concerns about the need case for the project, following the government’s decision to withdraw ring-fenced funding for the CCS Commercialisation Programme and the refusal of development consent for the associated White Rose project in April 2016. We trust that this relevant representation is of assistance and look forward, where appropriate, to participating in the forthcoming examination process.”*

## **7.2 Applicant’s response**

- 7.2.1 The Applicants note the comments made in respect of paragraph 9.1.1 of the Project Need Statement [APP-069] and agrees with the description of the relevant roles of National Grid Gas Transmission, NGC and NGV.

## 8.0 RESPONSE TO TEESSIDE 43 BSAC

8.1.1 The RR provided by Teesside 43 BSAC (RR-008) is as follows:

*“The Teesside 43 BSAC diving club has been based at the club house on the South Gare since 1957. We are tenants of PD Ports, who are successors to our original landlord. We are committed to local SCUBA diving and have a strong environmental ethos and concern for the ecology of the area and conservation of the natural habitats the South Gare provides to both shore based and marine species. We support any efforts to improve the national and global environmental preservation and improvement efforts. The NZTP has much to commend it but we are concerned not to see our interests adversely affected. We would like to have a symbiotic and harmonious relationship with NZTP. We have enjoyed unfettered access to the South Gare via the access road for the entire history of our club and we have always, and will continue to rely on our prescriptive rights of access which have never been challenged. We would like a reassurance that our legitimate interests will be respected and observed.”*

### 8.2 Applicant's response

8.2.1 The Applicants note the comments made by Teesside 43 BSAC Diving Club. The Applicants are not seeking any permanent stopping up powers anywhere across the Application Site, including at South Gare Road. Neither are the Applicants intending to carry out any street works at South Gare Road and have therefore not included specific powers in the draft DCO [AS-136] to carry out street works or alter the layout of access at this location. The Applicants are committed to maintaining access along South Gare Road for all users.

- Part 3 of the draft DCO sets out the powers that the Applicants are seeking in respect of street works and the temporary stopping up of access within the Order limits:
- Article 10 of the DCO includes a general power to alter the layout of any street within the Order limits. This is considered necessary in order to ensure that any unforeseen works may be carried out and to ensure the construction of the Proposed Development can be completed. However, this power can only be exercised with the consent of the street authority which, in the case of South Gare Road, would require the consent of PD Teesport as landowner.
- Article 13 of the DCO includes a general power to temporarily stop up and prohibit the use of streets and public rights of way within the Order Limits. However, as no temporary stopping up or prohibition of use at South Gare Road is anticipated, such powers could only be exercised with the consent of the street authority, and therefore PD Teesport as landowner. Article 13 of the DCO also specifies that the street authority may attach reasonable conditions to any such consent, and, furthermore, that any person who suffers loss by the suspension of any private right of way is entitled to compensation. There is also a duty under Article 13 to maintain access for pedestrians going to or from premises abutting

an affected street during the period of any temporary stopping or prohibition of use.

- Article 15 of the DCO also permits the street authority and the Applicants to enter into agreements with respect to the carrying out street works and related maintenance arrangements. Such agreement could be entered into by PD Teesport as a condition of giving consent under Article 10.
- Article 16 of the DCO includes powers to impose traffic regulation measures (including parking restrictions) where it is expedient or necessary for the purposes of construction of the Proposed Development. However, such powers require initial consent from the local traffic authority and are only available during the period of construction and up to 12 months after the final commissioning of the Proposed Development. At least four weeks' notice must be given before measures take effect and must be advertised to the satisfaction of the local traffic authority.

8.2.2 There are separate powers under Article 13 of the DCO to temporarily stop up public rights of recreation at "access land" within the Order limits at Coatham Sands beach and dunes adjacent to South Gare Road (see the areas shaded beige on Sheets 1 – 3 of the Access and Rights of Way Plans [AS-150]). The powers to suspend the rights of the public in relation to access land are required in order to ensure that the Proposed Development can safely carry out testing and start-up and pressurisation works on the CO2 export pipeline. However, the restrictions would be over a very limited area of the beach and dunes at any time and are projected to be for very short periods (typically less than 24 hours). During detailed engineering NZNS Storage Ltd (the entity responsible for these works) or its appointed EPC Contractor would also be expected to undertake work to identify how restrictions on the use of the access land could be further limited or avoided. This type of testing and start-up works would also typically be done at night in order to have a negligible impact on users of the surface land. Requirement 5 in Schedule 2 of the DCO also requires a management plan to be approved and implemented, to regulate the approach to any required restrictions to areas of the access land. Natural England must also be consulted before any access land is temporarily stopped up.

8.2.3 In addition to the measures outlined above, protective provisions have been included in Part 13 of Schedule 12 of the DCO for the benefit of PD Teesport which specify that the Proposed Development cannot hinder or prevent the operation or maintenance of PD Teesport's operations or access to them without their prior written consent, and that conditions may be imposed by PD Teesport pursuant to such consent (including for reasonable access to their operations at all times).

8.2.4 Finally, there are powers under Part 5 of the DCO to compulsory acquire rights of access along South Gare Road. See Sheet 11 of the Land Plans [AS-146]. The powers sought are to acquire rights to lay and maintain pipes for the CO2 export pipeline (Work No. 8) and replacement water discharge outfall (Work No. 5B) below South Gare Road, to the north of the PCC Site. Powers are also sought for the purposes of taking temporary possession of a small section of South Gare Road further to the



north east in order to repair and upgrade the existing water discharge outfall (Work No. 5A). Such powers would only be exercised if agreement cannot be reached with PD Teesport as landowner to facilitate access and ensure the Proposed Development is deliverable and, in any event, are not expected to have any long term impact on surface users at South Gare Road. For the avoidance of doubt, no permanent acquisition of land is sought at South Gare Road.

- 8.2.5 The Applicants have written to Teesside 43 BSAC Diving Club (letter dated 06-May-2022) to confirm the position with regard to South Gare Road.

## **9.0 RESPONSE TO THE CORPORATION OF TRINITY HOUSE OF DEPTFORD STROND**

9.1.1 The RR provided by Teesside 43 BSAC (RR-008) is as follows:

*“Dear Sir / Madam We refer to the above application for development consent. Trinity House is the General Lighthouse Authority for England, Wales, the Channel Islands and Gibraltar with powers principally derived from the Merchant Shipping Act 1995 (as amended). The role of Trinity House as a General Lighthouse Authority under the Act includes the superintendence and management of all lighthouses, buoys and beacons within its area of jurisdiction. Trinity House wishes to be a registered interested party due to the impact the development may have on navigation within Trinity House’s area of jurisdiction. Trinity House may have further comments to make on the application and the draft Order throughout the application process. Please address all correspondence regarding this matter to myself at [redacted]@trinityhouse.co.uk and to [redacted] at [redacted]@trinityhouse.co.uk Yours faithfully, [redacted] Legal Advisor”*

### **9.2 Applicants’ response**

9.2.1 The Applicants note that Trinity House wishes to be a registered as an Interested Party in respect of the examination of the NZT DCO Application but raises no specific comments with regard to the Proposed Development at this stage.

## 10.0 RESPONSE TO INEOS UK SNS LIMITED

10.1.1 The RR provided by INEOS UK SNS Limited (RR-010) is as follows:

*“INEOS UK SNS Limited is the operator and co-owner of the Breagh offshore natural gas field, its offshore platform and the connecting pipeline apparatus to bring gas onshore to Teesside for processing at the Teesside Gas Processing Plant and then onward sale. ONE-Dyas UK Limited is the other co-owner. The expectation is that extraction of natural gas from the platform will continue for at least another 15 years. The onshore pipeline is a Major Accident Hazard Pipeline. Teesside Gas & Liquids Processing acts as operator of the Breagh onshore pipeline and Duty Holder (via Px Limited) on behalf of the Breagh joint venture.*

*Our significant number of land rights and interests in the area are recorded in NZT DCO 3.1. It is critical to consider the effect of the CPO on the onshore pipeline, a nationally significant asset that is integral to the UK's current and future energy security strategy, to ensure that the CPO does not put at risk safe and efficient operations.*

*As currently drafted, the CPO could significantly affect the rights held by INEOS UK SNS Limited (and ONE-Dyas UK Limited) through the creation of new rights, with these new rights presenting potential commercial, regulatory and health and safety implications for the operation of the onshore pipeline. INEOS UK SNS Limited urges the project to engage on agreeing appropriate amendments to the CPO to protect our land rights in relation to the onshore pipeline. We note that the project has engaged with and agreed protective provisions with other land rights holders in the area.”*

### 10.2 Applicant's response

10.2.1 The Applicants note the concerns of INEOS UK SNS Ltd and is aware of the Breagh pipeline onshore location.

10.2.2 The Applicants' preference is not to rely on the powers in the DCO in relation to INEOS UK SNS Ltd's land or interests and instead, where possible, to conclude a voluntary agreement and associated Protective Provisions.

10.2.3 The Applicants consulted on a number of proposed changes in March 2022. Following a formal change request in April 2022, these changes were accepted for Examination. The changes were targeted at reducing optionality and reducing the impact on existing assets such as the Breagh pipeline. Information regarding the proposed changes to the Order Limits and other matters was provided to Ineos UK SNS Limited during a Pre-Consultation Interface Briefing in February 2022.

10.2.4 Following this briefing the Applicants have engaged with Ineos SNS UK Limited on protective provisions. These discussions are ongoing.

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## **11.0 RESPONSE TO DURHAM COUNTY COUNCIL**

11.1.1 The RR provided by Durham County Council (RR-011) is as follows:

*“The principle of developments that reduce carbon emissions in the North East is supported. The project appears to provide major environmental and economic benefits which may be transformative both economically and environmentally and should help make a substantive contribute to decarbonising the North East Economy and help the UK to transition to a lower carbon economy in accordance with national targets and national policy aspirations.”*

### **11.2 Applicant’s response**

11.2.1 The Applicants welcome the comments made by Durham County Council and the recognition of the benefits of the Proposed Development in terms of decarbonising the economy of the North East and helping the UK transition to a low carbon economy.

## 12.0 RESPONSE TO NATIONAL GRID ELECTRICITY TRANSMISSION PLC

12.1.1 The RR provided by National Grid Electricity Transmission plc (RR-012) and the Applicants' response is provided in **Table 12.1** below:

**Table 12.1: National Grid Electricity Transmission Plc RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Representation by National Grid Electricity Transmission Plc and National Grid Gas Plc in respect of the Teesside Net Zero Project DCO (the "Project")</p> <p>This relevant representation is submitted on behalf of National Grid Electricity Transmission Plc ("NGET") and National Grid Gas Plc ("NGG") (together, "National Grid") in respect of the Project, and in particular National Grid's infrastructure and land which is within or in close proximity to the proposed Order limits.</p> <p>National Grid will require appropriate protection for retained apparatus including compliance with relevant standards for works proposed within close proximity of its apparatus. National Grid's rights of access to inspect, maintain, renew and repair such apparatus must also be maintained at all times and access to inspect and maintain such apparatus must not be restricted. Further, where the Promoter intends to acquire land or rights, or interfere with any of National Grid's interests in land or National Grid's apparatus, National Grid will require appropriate protection and further discussion is required on the impact to its apparatus and rights. Further detail is set out below.</p> <p>National Grid infrastructure within/in close proximity to the proposed Order Limits National Grid owns or operates the following infrastructure within or in close proximity to the proposed Order</p>	<p>The Applicants' technical team has been in contact with National Grid's connections representatives, since 2020 in relation to the development of the Project, and the interconnection between the Project and NGET's assets. These discussions concluded in a formal application for connection by the Applicants, and subsequently National Grid's issuance of a connection offer – which was accepted and executed in May 2021.</p> <p>Following consultation and design development the Applicants reduced the Order Limits around the Tod Point 275kV substation. These reductions were submitted as part of the Applicants' change request on 28th April 2022, which was subsequently accepted by the ExA [PD-010]. The Applicants have provided for the required areas of land and rights around Tod Point substation within the Order, in order to be able to deliver the Electrical Connection (Work No. 3), its cabling and associated built development (new substation and extensions to the existing substation) around Tod Point.</p> <p>The Applicants have been in contact with National Grid since June 2021 in relation to the negotiation of protective provisions for the protection of NGET's assets. These discussions are ongoing, and the parties are working to agree appropriate provisions to address the concerns raised by NGET.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>limits for the Project: Electricity Transmission NGET has a number of substations and a high voltage electricity overhead transmission line within or in close proximity to the proposed Order limits including a proposed connection at Tod Point 275Kv substation. The substations and overhead line form an essential part of the electricity transmission network in England and Wales. The details of the electricity assets are as follows:</p> <p>Substations</p> <ul style="list-style-type: none"> <li>• Tod Point 275kV Substation and associated fibre cables</li> <li>• Tod Point 66kV Substation</li> <li>• Saltholme 275kV Substation (outside the red line but in close proximity so may be some impact on access etc)</li> </ul> <p>Overhead Lines</p> <ul style="list-style-type: none"> <li>• YYQ (275kV) overhead line Hartlepool - Tod Point Lackenby - Tod Point</li> <li>• ZZA (400kV) overhead line Lackenby - Norton 400kv 1 Lackenby - Tod Point</li> <li>• YYJ/N (400kV) overhead line Lackenby - Norton 400kv 1 Norton - Saltholme</li> </ul> <p>Gas Transmission NGG has a high pressure gas transmission pipeline and above ground installations ("AGI") located within or in close proximity to the proposed Order Limits including a proposed connection at Teesside AGI. The transmission pipeline and AGIs form an essential part of the gas transmission network in England, Wales and Scotland: Transmission Pipelines:</p>	

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<ul style="list-style-type: none"> <li>• Feeder 6 Cowpen Bewley - Teesside BOC</li> <li>• Feeder 6 Teesside to PX</li> <li>• Feeder 6 Cowpen Bewley - Billingham ICI</li> <li>• Feeder 6 Cowpen Bewley - Little Burdon To Billingham Above Ground Installations</li> <li>• Billingham AGI (this adjacent to Plot 10)</li> <li>• Teesside AGI</li> <li>• Teesside BASF AG</li> <li>• Teesside BOC AGI Protection of National Grid Assets As a responsible statutory undertaker</li> </ul>	
<p>National Grid's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. As such, National Grid has a duty to protect its position in relation to infrastructure and land which is within or in close proximity to the Order limits of the proposed Project.</p> <p>As noted, National Grid's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order limits should be maintained at all times and access to inspect and maintain such apparatus must not be restricted. National Grid will require protective provisions to be included within the DCO for the Project to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards. National Grid is liaising with the Promoter in relation to such protective provisions, along with any supplementary agreements which may be required.</p>	<p>The Applicants consider that appropriate protection for retained apparatus including ensuring operations and maintenance access remain unimpeded, compliance with relevant standards for works proposed within close proximity of its apparatus National Grid's infrastructure is addressed in the Applicants' proposed protective provisions.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>National Grid requests that the Promoter continues to engage with it to provide explanation and reassurances as to how the Promoter's works pursuant to the Order (if made) will ensure protection for those National Grid assets which will remain in situ, along with facilitating all future access and other rights as are necessary to allow National Grid to properly discharge its statutory obligations. National Grid will continue to liaise with the Promoter in this regard with a view to concluding matters as soon as possible during the DCO Examination and will keep the Examining Authority updated in relation to these discussions.</p>	
<p><b>Compulsory Acquisition Powers in respect of the Project</b>                      As noted, where the Promoter intends to acquire land or rights, or interfere with any of National Grid's interests in land, National Grid will require further discussion with the Promoter. National Grid are seeking clarification from the promoter as to the extent of works and land take in the vicinity of the Tod Point substation and that all rights of access to the substation and other apparatus will remain unaffected by the promoters proposal. National Grid is also concerned that a number of plots are included in the Book of Reference for the Project where National Grid has fibre cables assets that do not appear to be referenced. National Grid has confirmed the existence of the fibre cable assets with the Promoter in its earlier consultation responses including the section 42 consultation response of 14th September 2020. National Grid reserves the right to make further representations as part of the Examination process in relation to specific interactions with its assets but in the meantime will continue to liaise with the applicant with a view to reaching a</p>	<p>The Applicants confirm that it was aware of National Grid's consultation response and took account of the comments in producing the Book of Reference [AS-139]. Following submission the Applicants has since identified that NGET should be listed as an occupier for plot 540a &amp; 540c (in respect of fibre cables), this will be corrected at the next update of the Book of Reference during Examination .</p> <p>Discussions are ongoing, and the parties are working to agree appropriate provisions to address the concerns raised by NGET.</p>



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<b>RELEVANT REPRESENTATION ISSUE</b>	<b>APPLICANTS' RESPONSES</b>
<p>satisfactory agreement. Connections The DCO proposes a connection to NGET's Tod Point 275 kV substation to upload electricity from the NSIP. The DCO also proposes a tie in point into the NGG Teesside AGI to offtake gas for the purposes of the NSIP. In relation to both connections National Grid is working with the promoter to enter into connection agreements and other commercial arrangements at the relevant time. Further updates will be provided in the Statement of Common Ground.</p>	

### 13.0 RESPONSE TO NATIONAL GRID GAS PLC

13.1.1 The RR provided by National Grid Gas plc (RR-013) and the Applicants' response is provided in **Table 13.1** below:

**Table 13.1: National Grid Gas PLC RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Representation by National Grid Electricity Transmission Plc and National Grid Gas Plc in respect of the Teesside Net Zero Project DCO (the "Project") This relevant representation is submitted on behalf of National Grid Electricity Transmission Plc ("NGET") and National Grid Gas Plc ("NGG") (together, "National Grid") in respect of the Project, and in particular National Grid's infrastructure and land which is within or in close proximity to the proposed Order limits.</p> <p>National Grid will require appropriate protection for retained apparatus including compliance with relevant standards for works proposed within close proximity of its apparatus. National Grid's rights of access to inspect, maintain, renew and repair such apparatus must also be maintained at all times and access to inspect and maintain such apparatus must not be restricted. Further, where the Promoter intends to acquire land or rights, or interfere with any of National Grid's interests in land or National Grid's apparatus, National Grid will require appropriate protection and further discussion is required on the impact to its apparatus and rights. Further detail is set out below.</p> <p>National Grid infrastructure within/in close proximity to the proposed Order Limits National Grid owns or operates the following infrastructure within or in close proximity to the proposed Order</p>	<p>The Applicants' technical team has been in contact with NGG's connections representatives, since 2020 in relation to the development of the Project, and the interconnection between the Project and NGG's assets. These discussions concluded in a mutually agreed SoCG (which was agreed but was not submitted by the Applicants as part of the Application). Technical discussions are ongoing, and the parties are working to agree appropriate provisions and address the concerns raised by NGG.</p> <p>The Applicants consider that appropriate protection for retained apparatus including ensuring operations and maintenance access remain unimpeded, compliance with relevant standards for works proposed within close proximity of its apparatus National Grid's infrastructure is addressed in the Applicants' proposed protective provisions</p> <p>The Applicants have been in contact with National Grid since June 2021 in relation to the negotiation of protective provisions for the protection of NGG's assets. These discussions are ongoing, and the parties are working to agree appropriate provisions to address the concerns raised by NGG.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>limits for the Project: Electricity Transmission NGET has a number of substations and a high voltage electricity overhead transmission line within or in close proximity to the proposed Order limits including a proposed connection at Tod Point 275Kv substation. The substations and overhead line form an essential part of the electricity transmission network in England and Wales. The details of the electricity assets are as follows:</p> <p>Substations</p> <ul style="list-style-type: none"> <li>• Tod Point 275kV Substation and associated fibre cables</li> <li>• Tod Point 66kV Substation</li> <li>• Saltholme 275kV Substation (outside the red line but in close proximity so may be some impact on access etc)</li> </ul> <p>Overhead Lines</p> <ul style="list-style-type: none"> <li>• YYQ (275kV) overhead line Hartlepool - Tod Point Lackenby - Tod Point</li> <li>• ZZA (400kV) overhead line Lackenby - Norton 400kv 1 Lackenby - Tod Point</li> <li>• YYJ/N (400kV) overhead line Lackenby - Norton 400kv 1 Norton - Saltholme</li> </ul> <p>Gas Transmission NGG has a high pressure gas transmission pipeline and above ground installations ("AGI") located within or in close proximity to the proposed Order Limits including a proposed connection at Teesside AGI. The transmission pipeline and AGIs form an essential part of the gas transmission network in England, Wales and Scotland:</p>	

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Transmission Pipelines:</p> <ul style="list-style-type: none"> <li>• Feeder 6 Cowpen Bewley - Teesside BOC</li> <li>• Feeder 6 Teesside to PX</li> <li>• Feeder 6 Cowpen Bewley - Billingham ICI</li> <li>• Feeder 6 Cowpen Bewley - Little Burdon To Billingham</li> </ul> <p>Above Ground Installations</p> <ul style="list-style-type: none"> <li>• Billingham AGI (this adjacent to Plot 10)</li> <li>• Teesside AGI</li> <li>• Teesside BASF AG</li> <li>• Teesside BOC AGI Protection of National Grid Assets</li> </ul>	
<p>As a responsible statutory undertaker, National Grid's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. As such, National Grid has a duty to protect its position in relation to infrastructure and land which is within or in close proximity to the Order limits of the proposed Project. As noted, National Grid's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order limits should be maintained at all times and access to inspect and maintain such apparatus must not be restricted. National Grid will require protective provisions to be included within the DCO for the Project to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards. National Grid is liaising with the Promoter in relation to such protective provisions, along with any</p>	

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>supplementary agreements which may be required. National Grid requests that the Promoter continues to engage with it to provide explanation and reassurances as to how the Promoter's works pursuant to the Order (if made) will ensure protection for those National Grid assets which will remain in situ, along with facilitating all future access and other rights as are necessary to allow National Grid to properly discharge its statutory obligations. National Grid will continue to liaise with the Promoter in this regard with a view to concluding matters as soon as possible during the DCO Examination and will keep the Examining Authority updated in relation to these discussions. Compulsory Acquisition Powers in respect of the Project As noted, where the Promoter intends to acquire land or rights, or interfere with any of National Grid's interests in land, National Grid will require further discussion with the Promoter. National Grid are seeking clarification from the promoter as to the extent of works and land take in the vicinity of the Tod Point substation and that all rights of access to the substation and other apparatus will remain unaffected by the promoters proposal. National Grid is also concerned that a number of plots are included in the Book of Reference for the Project where National Grid has fibre cables assets that do not appear to be referenced. National Grid has confirmed the existence of the fibre cable assets with the Promoter in its earlier consultation responses including the section 42 consultation response of 14th September 2020. National Grid reserves the right to make further representations as part of the Examination process in relation to specific interactions with its assets but in the meantime will continue to liaise with the applicant with a view to reaching a satisfactory agreement. Connections The DCO proposes a connection</p>	

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<b>RELEVANT REPRESENTATION ISSUE</b>	<b>APPLICANTS' RESPONSES</b>
<p>to NGET's Tod Point 275 kV substation to upload electricity from the NSIP. The DCO also proposes a tie in point into the NGG Teesside AGI to offtake gas for the purposes of the NSIP. In relation to both connections National Grid is working with the promoter to enter into connection agreements and other commercial arrangements at the relevant time. Further updates will be provided in the Statement of Common Ground.</p>	

## 14.0 RESPONSE TO ANGLO AMERICAN PLC (WOODSMITH PROJECT)

14.1.1 The RR provided by Anglo American plc (Woodsmith Project) (RR-014) and the Applicants' response is provided in **Table 14.1** below:

**Table 14.1: Anglo American plc (Woodsmith Project) RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<ul style="list-style-type: none"> <li>- This representation is submitted on behalf of Anglo American Woodsmith Limited and York Potash Limited who have the benefit of The York Potash Harbour Facilities Order 2016 SI 772(YPL DCO) in respect of land adjacent to, and overlapping with, the order limits of the proposed Net Zero DCO. Both Anglo American and York Potash Limited are defined as undertakers in the YPL DCO (Anglo American having acquired Sirius Minerals plc which was one of the named undertakers). For ease the representations will refer to those parties as Anglo American.</li> <li>- The harbour facility approved by the YPL DCO is part of the Woodsmith Project which includes the development of a new mine for the winning and working of polyhalite, which is a form of potash and a natural fertiliser. The YPL DCO involves the construction and operation of harbour facilities for the bulk export of the polyhalite. The Woodsmith Project is currently under construction and comprises: (i) the development of a new underground deep mine in the North York Moors National Park, (ii) a 36.5 km long tunnel for the transportation of the polyhalite to Wilton International at Teesside; (iii) a material handling facility at Wilton International; and (iv) harbour facilities and associated development linking those harbour facilities with the material handling facility. The mine construction is now well</li> </ul>	<p>The Applicants welcome the confirmation on behalf of Anglo American plc (and its related/group entities) that they have no objection to the principle of the Proposed Development.</p> <p>The Applicants are of the view that both projects can be executed and operated without detriment to the other party, and is working with Anglo American on a variety of matters. Whilst the Applicants have sought compulsory acquisition powers within the DCO Application, their preference wherever possible is to conclude a voluntary agreement and associated protective provisions, including with Anglo American. In the absence of that agreement the Applicants have included comprehensive protective provisions for the benefit of Anglo American in the Draft DCO [AS-136], and 'mirror' protective provisions for the Applicants' benefit.</p>

<p>advanced with good progress on shaft sinking. The tunnel between the mine and Teesside is now constructed along approximately 17 km of its route and the material handling facility is also under construction. There are approximately 1300 construction staff currently employed across the project.</p> <ul style="list-style-type: none"> <li>- Whilst Anglo American have no objection in principle to the development proposed by the NZ DCO it is obviously important that any powers granted by the NZ DCO do not prevent, or unreasonably prejudice, the ability to construct and operate another nationally significant infrastructure project, being the harbour facility authorised by the YPL DCO which is an integral part of the Woodsmith Project.</li> </ul>	
<ul style="list-style-type: none"> <li>- Anglo American acknowledge that there have been extensive discussions with NTZ but remain extremely concerned at the lack of detail available in respect of many elements of the scheme, some of which, crucially, include land within the YPL DCO order limits. This has made it impossible to ascertain the compatibility of the two schemes and the extent to which the YPL DCO may be adversely affected. NZT have advised that some key information will not be available until Q2 2022. Accordingly, very limited progress been made in progressing the necessary protective provisions. Anglo American continue to seek clarification from NZT and are currently unable to clearly understand the impact of the NZT DCO. In particular objection is taken to: -</li> </ul>	<p>The Applicants also welcome the acknowledgement of the extensive discussions that have taken place. In Q3 2020 the Applicants first visited the Anglo American site as part of an engineering induction to the area. In Q1 2021 the first “Interface Meeting” took place and from June 2021 regular Interface Meetings, initiated by the Applicants, have taken place to discuss issues of mutual concern. To this end, a Side Agreement is now being pursued by both parties to manage the “Shared Areas” that have been identified such that the interactions between the projects are identified and managed, with a legal framework.</p> <p>The extensive discussions have included surveying, engineering, and project management discussions. These meetings have included a discussion on how the two parties will work together in the future. In October 2021 a “Shared Land Plots Register” was prepared as a</p>



	<p>result of collaboration between both parties. Since November 2021 and as a regular (fortnightly) dialogue, there have been further discussions surrounding the compatibility of the schemes and the land within the YPL DCO Order limits. Both engineering and project management teams have discussed the areas of overlap in detail, within the confines of what is possible given the stage of engineering design that has been reached on the two projects. In relation to the 3 specific points raised:</p>
<ul style="list-style-type: none"> <li>- the proposal to route CO2 gathering and natural gas pipelines underground across Bran Sands which involves potential constraints upon the YPL DCO and also potential risk with regard to the Bran Sands environmental permit. –</li> </ul>	<p>The comment in relation to routing the Gas Connection and CO2 Gathering Network across Bran Sands is in relation to Work No. 2 Option 1A / 1B and Work No. 6 Option 1. Following a formal change request by the Applicants in April 2022, which was accepted by the ExA on 6 May 2022, these Options have been removed from the Proposed Development and this point is therefore no longer relevant.</p>
<ul style="list-style-type: none"> <li>- the extent of some of the Works areas which appear to be drawn very widely due to the lack of any sufficient scheme fix. This applies to the Bran Sands frontage in general and to the wide area of Works 6 in relation to the routes of the CO2 gathering network and other Works such as Works 2B and 3B (important detail in respect of which is not to be available until Q2 2022); and</li> </ul>	<p>In relation to the second point (extent of some working areas) the Applicants' change request also reduced the widths of the works areas around Bran Sands frontage significantly, with only limited amount of the frontage being necessary for Work No. 6 Option 2. This reduced the overlap with any of Anglo American existing or future planned assets or operational areas. Elsewhere the extent of Work No. 2, 3, 5 and 6 has been reduced where possible following additional site surveys and further engineering development. The Applicants are pursuing an option for a Deed of Easement with Anglo American in relation to the land required. The remaining width of Work No. 6 has been explained to Anglo American. In the Dabholm Gut area (managed by Sembcorp Utilities (UK) Limited) the</p>

	<p>permanent rights are being sought from Sembcorp. The area next to Bran Sands has been reduced to that required for inspection and maintenance of the planned pipeline assets with the easement width significantly less than the works plan width.</p>
<p>- the extent of site wide works referred to at the end of Schedule 1 of the DCO and the uncertainty arising.</p> <p><i>“and to the extent that it does not form part of such works, further associated development comprising such other works as may be necessary or expedient for the purposes of or in connection with the relevant part of the authorised development and which fall within the scope of the works assessed in the environmental statement.”</i></p>	<p>In relation to the drafting at the end of Schedule 1 to the draft DCO [AS-136] this is not uncommon drafting, and reflects that there may be elements of development which are not defined or known in detail at this stage, and the DCO does not need to constrain the works to only those specifically listed. There are various constraints on the wording – the works must be “necessary or expedient for the purposes of or in connection with the relevant part of the authorised development”. Secondly, they must fall within the scope of the works considered in the environmental statement. Thirdly, and of particular relevance to Anglo American, protective provisions will where relevant serve to provide for information on proposed works to be provided to by the undertaker, and where appropriate provide the land / apparatus owner with the ability to comment on and approve those works.</p>

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## 15.0 RESPONSE TO HARTLEPOOL BOROUGH COUNCIL

15.1.1 The RR provided by Hartlepool Borough Council (RR-015) is as follows:

*"I can confirm that Hartlepool Borough Council have no objections to the application. HBC Economic Development have commented that they are aware of the overall proposals for the Net Zero project and from an Economic Growth perspective we welcome the development on the grounds of business supply chain opportunities and job creation for local people. Tees Archaeology have also noted the chapter on archaeology and cultural heritage, which assesses the impact of the proposed development on heritage assets, and they agree with the mitigation methodology proposed."*

### 15.2 Applicants' response

- 15.2.1 The Applicants welcome the comments made by Hartlepool Borough Council and the recognition that the Proposed Development will make a positive contribution to the local area in terms of business supply chain opportunities and job creation.
- 15.2.2 The Applicants also note that Tees Archaeology agree with the proposed mitigation methodology in respect of heritage assets.

## 16.0 RESPONSE TO NORTH TEES LAND LTD, NORTH TEES RAIL LTD AND NORTH TEES LTD

16.1.1 The RR provided by North Tees Land Ltd (RR-016), North Tees Land Ltd, North Tees Ltd and North Tees Rail Ltd, (RR-022), North Tees Ltd (RR-028), North Tees Rail Ltd (RR-029) and the Applicants' responses are provided in **Table 16.1** as follows:

**Table 16.1: North Tees Ltd RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Planning Act 2008 (as amended) – Section 55 Application by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited for an Order granting Development Consent for the Net Zero Teesside (“NZT”) project Land at and in the vicinity of the former Redcar Steel Works Site, Redcar and Stockton-on-Tees, Teesside. Planning Inspectorate Reference: EN010103 Registration to become an Interested Party I refer to the above application for an Order granting development consent made under section 37(2) of the Planning Act 2008 (PA2008) received by the Planning Inspectorate on 19 July 2021 and accepted for examination on 16 August 2021.</p> <p>The application seeks development consent to authorise the construction, operation, and maintenance of the NZT Project (specifically a carbon dioxide pipeline) on land at and in the vicinity of the former Redcar Steel Works Site, Redcar and in Stockton-on-Tees, on Teesside. North Tees Land Limited (“NTLL”), North Tees Limited (“NTL”) and North Tees Rail Limited (“NTRL”) hold various interests within the site boundary in relation to the application by the Promoters for a development consent order (“the DCO”).</p> <p>NTLL, NTRL and NTL are registering to become Interested Parties. I have provided an outline of the principal submissions below on</p>	<p>1. The Applicants have undertaken a review of the DCO Order Limits in relation to the rights required and following a formal change request by the Applicants in April 2022, which was accepted by the ExA [PD-010], there has been a reduction to the extent of the impacts on NTLL, NTRL and NTL land. The land which has been identified is considered necessary to ensure the safe and efficient design, construction and ongoing operation and maintenance of the CO2 Gathering Network pipeline.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>behalf of NTLL, NTRL and NTL that we are making in relation to the application.</p> <p>1. The extent of the site boundary/ easement area is simply too large (more than 40 times greater than what the NZT Project requires) and in part, inappropriate. Therefore, the sterilisation area is too large, and it is excessive for the NZT Project requirements.</p>	
<p>2. The NZT Project requirements are minor in comparison to the development plans and proposals for the various interests across NTLL, NTL and NTRL sites. Proper consideration has not been made to the detrimental impact of our adjacent landholdings and consideration should be given to NTLL, NTL, NTRL plans and other wider plans. The extent of the site boundary would preclude greater plans being developed and it would blight our current landholdings and development plans.</p>	<p>2. The Applicants have given consideration to NTLL, NTL and NTRL land holdings and has undertaken a review of the DCO Order Limits. Following a formal change request by the Applicants in April 2022, which was accepted by the ExA [PD-010], the Applicants have made plot amendments resulting in an overall reduction in the site boundary and rights being sought. The Applicants have conducted site surveys on NTLL, NTL and NTRL land to assess the pipeline route and requirements for Work No. 6. The land over which rights are sought by the Applicants include the width of the existing pipeline corridor and the established access routes. The land which has been identified is considered necessary to ensure the safe and efficient design, construction and ongoing operation and maintenance of the CO2 Gathering Network pipeline. The final routing for the pipeline is subject to further engineering assessment and the Applicants will continue to engage with NTLL, NTL and NTRL during design development. The Applicants do not agree that the current Order Limits will constrain NTLL, NTL and NTRL development plans.</p>
<p>3. Dealings with the NZT Project team have been unpropitious. It has led us to the belief that the NZT Project team have no legitimate</p>	<p>3. The Applicants have sought to engage constructively with NTLL, NTL and NTRL. The Applicants' preference, wherever possible, is to</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>intention to tangibly progress pragmatic matters on reasonable and proper terms commensurate with the relevant practices. Correspondence, at times, has been unhurried with re-established demands.</p>	<p>conclude a voluntary agreement and associated protective provisions.</p>
<p>4. The nature of the rights being sought are too extensive, wide ranging and in part, inappropriate in the circumstances. For example, a right of perpetuity when the installations that the pipeline is going to serve will have a lifetime of say 30 years and therefore seeking a right of perpetuity is inappropriate.</p>	<p>4. As part of the Heads of Terms negotiations, the Applicants have proposed an appropriate easement term as part of the voluntary agreement. The DCO Application appropriately seeks permanent rights, to allow for the maintenance, use and retention of the CO2 Gathering Network for as long as it is required.</p>
<p>5. Rights are sought over an established multi-user service corridor for which there is an established market. It is unsafe to grant the rights without controls and a CPO would give rise to an unregulated pipe with no basis for control and protection within a heavily regulated corridor where occupiers into specific covenants and obligations.</p>	<p>5. The Applicants have sought powers of compulsory acquisition in order to ensure that the Proposed Development can be delivered and is not held up by an ability to reach agreement with any party. Where necessary the Applicants have included protective provisions in the Draft DCO [AS-136], to ensure that interfaces with other parties' land and apparatus is considered and controlled. Those are considered adequate, in the event that the Applicants have to rely on compulsory acquisition powers. The Applicants are also content to include appropriate controls, covenants and obligations in the voluntary agreements that the Applicants are actively negotiating and seeking agreement on, but require the powers to ensure the project can be delivered.</p>
<p>6. The excessive rights sought will blight and sterilise the established corridor for many years and adversely affect NTL NTLL, NTRL and other occupiers and tenants.</p>	<p>6. The Applicants' preference, wherever possible, is to conclude a voluntary agreement and associated Protective Provisions with NTL, NTLL and NTRL. The Applicants are working collaboratively with the operator of the multi-user service corridor to secure appropriate agreement and protective provisions. The Applicants' infrastructure</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
	under Work No. 6 will be installed and operated taking account of the existing assets and operators within the service corridor.
7. There has been inadequate consultation and engagement having regard to the complexity of laying such a pipe and the site specific complexity of the area within which the pipe is intended to be laid / routed in relation to NTL, NTLL and NTRL.	7. Consultation has been undertaken with NTL, NTLL and NTRL throughout, from the initial stages through to the present. This includes statutory consultation, additional consultation periods and meaningful engagement in relation to the DCO, changes to it, and towards seeking a voluntary agreement. A summary of consultation and discussions is included in the draft SoCG (Document Ref. 8.30) submitted at Deadline 1.
8.The safety and protective issues that need to be considered when seeking an easement for a pipe of this sort in its specific location have not been addressed.	8. The pipeline easement will be located within the established corridor and these matters have been and are being discussed with relevant land / apparatus owners and Sembcorp Utilities (UK) Limited (the operator of the corridor). The Applicants' preference, where possible, is to conclude a voluntary agreement, and this is being discussed between the Applicants and NTL, NTLL and NTRL currently. As noted, the Applicants have included protective provisions in the Draft DCO [AS-136] to ensure adequate protections are in place.
9. We have concerns as to whether the relevant environmental considerations for a pipe of this sort in its specific location have been adequately addressed.	9. The environmental impact assessment for the entire scheme has been produced in line with the methods set out in Chapter 2 : Assessment Methodology [APP-084] and the various technical chapter methods proposed [APP-090 - APP-106]. The environmental considerations for the assessments were informed by the Scoping Opinion received from the Secretary of State dated 2nd April 2019 [APP-241] and its associated appendices [APP-242, APP-243].

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
	<p>Matters relating to safety were specifically addressed in Chapter 22: Major Accidents and Natural Disasters [APP-104]. Prior to installation of the pipeline, surveys will be undertaken to establish a route and undertake an assessment of any potential environmental or contamination concerns.</p>
<p>10. A compulsory purchase of rights is simply inappropriate in an established commercial pipeline corridor where commercial terms can be readily agreed where there is full engagement by the developer. Please note that we reserve the right to rely on other representations made. We have not undertaken a thorough review of the DCO application and as such, any matters arising will result in representations been made in due course.</p>	<p>10. The Applicants have been engaged in discussions to secure a voluntary agreement with NTL, NTLL and NTRL since December 2020. Commercial terms are being progressed with the intention to reach a voluntary Option Agreement for a Deed of Grant of Easement. The terms being proposed by NTL, NTLL and NTRL are considered by the Applicants to be unacceptable and could prejudice rights being sought under the DCO. The Applicants have provided its clear position on the terms which can be entered into and remains open to further negotiations with a view to concluding a voluntary agreement. It has sought powers of compulsory acquisition in order to ensure that the Proposed Development can be delivered.</p>



## 17.0 RESPONSE TO CATS NORTH SEA LTD

17.1.1 The RR provided by CATS North Sea Ltd (RR-017) and the Applicants' response is provided in **Table 17.1** as follows:

**Table 17.1 CATS North Sea Ltd RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>1 INTRODUCTION</p> <p>1.1 This representation is made by CATS North Sea Limited ("CNSL") in respect of the Net Zero Teesside Project (Planning Inspectorate Reference: EN010103). This representation is submitted to allow CNSL to be registered as an Interested Party in the Examination. An outline of the principal submissions CNSL wishes to make are detailed below. These will be expanded upon in Written Submissions.</p> <p>1.2 CNSL is the operator of the Central Area Transmission System ("CATS"). CATS is a gas transportation and processing system that transports gas from the Central North Sea to a terminal at Teesside. CATS includes the CATS terminal on Teesside situated within a 29-hectare site and the CATS pipeline, which is a 36 inch diameter pipeline that is 404 km long. CATS is essential national infrastructure necessary for the operation of natural gas fields in the North Sea.</p>	
<p>2 INSUFFICIENT ENGAGEMENT</p> <p>2.1 The Applicant's pre-application consultation was insufficient. The Applicant should have carried out more detailed consultation with</p>	<p>2.1 The Applicants' pre-application complied with and went beyond the statutory requirements. It included various rounds of consultation, including with those with an interest in the land, and is fully described in the Consultation Report [APP-068]. That document</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>CNSL to find a solution that could facilitate the Applicant's scheme without harming CATS.</p>	<p>also records how regard was had to the consultation responses received.</p> <p>The Applicants have held Interface meetings with CATS North Sea Limited ("CNSL") through 2021 and is now engaging with CNSL on a more frequent basis in 2022. The Applicants remain committed to working with CNSL and PDT (as CNSL's landlord) to identify an engineering methodology which takes account of CNSL's concerns and provides a practical operational solution, ensuring that the Proposed Development can be delivered.</p>
<p><b>3 COMPULSORY PURCHASE OF LAND OCCUPIED BY CNSL IS UNNECESSARY AND COULD CAUSE MATERIAL DISADVANTAGE</b></p> <p>3.1 The rights required could be granted on a voluntary basis by agreement between CNSL, the Applicant and the landowner. CNSL made this clear during the limited pre-application engagement. Transfer of the land that the Applicant seeks to acquire through the DCO will have an adverse impact on CNSL's current and future operations, including published development plans.</p>	<p>3.1 See paragraph 2.1. The Applicants are committed to working with CNSL to seek to reach a voluntary agreement for the AGI site and associated infrastructure which is its preferred route to obtain the land/rights required. It has sought compulsory acquisition powers to ensure that it can deliver the Proposed Development, and has provided protective provisions in the Draft DCO [AS-136] to provide for the interfaces between it and relevant land owners/apparatus owners to be appropriately managed.</p>
<p><b>4 COMPULSORY PURCHASE PLOT 112</b></p> <p>4.1 Schedule 7 of the CPO states that plot 112 is being acquired in connection with Work No.2A and Work No.2B. Schedule 1 of the DCO details that Work No.2A is an underground high pressure pipeline. Work No.2B is above ground installations, including a compound for National Grid Gas plc's apparatus.</p>	<p>4.1 Confirmed.</p> <p>4.2 See paragraph 2.1. The Applicants identified plot 112 due to its proximity to the CATS terminal and the National Grid National Transmission System (NTS), where a connection for a supply of natural gas for fuel for Work No. 1A (the CCGT) has to be made. The plot is within the CATS terminal site boundary and is currently vacant</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>4.2 Plot 112 is occupied by CNSL and forms part of the CATS terminal site. Acquisition of this plot will harm current operations of CATS and limit flexibility to make modifications and improvements, including for HSE reasons.</p>	<p>and with no known underground apparatus, and the location minimises the length of the connection between the NTS and the AGI (Work No. 2B) and which would otherwise have to be a longer pipeline requiring the acquisition of land/rights in additional land. The Applicants are working closely with CNSL to optimise the size and positioning of the AGI (Work No. 2B) and address CNSL concerns. The Applicants are content to provide for protective provisions in the Draft DCO [AS-136] to ensure that CNSL approve the work prior to execution and that the existing access rights are protected.</p>
<p>5 THE COMPULSORY PURCHASE ORDER PLANS</p> <p>5.1 The compulsory purchase order plans are insufficient. They have omitted relevant existing infrastructure, such as the CATS pipeline.</p>	<p>5.1 The Applicants are not aware of how the plans relating to the DCO Application are deficient. It is recognised that there could be encroachment onto CATS managed wayleave strips. The Applicants have included protective provisions in the Draft DCO [AS-136] to ensure appropriate protection for existing infrastructure. Following a formal change request by the Applicant in April 2022, which was accepted by the ExA, there has been a reduction to the extent of the impacts on the CATS pipeline. The Applicants will continue to engage with CNSL during detailed design to minimise the physical interface with existing infrastructure, and to safely manage any remaining interface.</p>
<p>6 SAFETY ISSUES WITH THE DESIGN OF THE SCHEME</p> <p>6.1 The scheme may have severe operational impacts and safety implications for the CATS "Major Hazard" gas pipeline, Beach Valve Station, and associated infrastructure. There are concerns with the proximity of the proposed development, including pipeline crossings,</p>	<p>6.1 There have been quarterly pipeline routing discussions with the CATS pipeline management team since December 2020. The Applicant has understood CNSL's concerns and is accepting of the design and construction requirements that have been made clear by CNSL. CNSL has shared details relating to the pipeline that have helped the Applicants to ensure that there is minimum</p>

<b>RELEVANT REPRESENTATION ISSUE</b>	<b>APPLICANTS' RESPONSES</b>
<p>cable crossings, and sterile zones required for the compressor station. No firm details of the scheme are available to review.</p>	<p>interference/encroachment. Once available, CNSL will be able to review the design and share any further any areas of concern. In addition, it is proposed that CATS would have the ability to approve details of the final design and construction methods as provided for in the protective provisions.</p>
<p><b>7 THE PROTECTIVE PROVISIONS ARE INSUFFICIENT</b></p> <p>7.1 Part 5 of Schedule 12 of the DCO includes certain protective provisions for the CATS pipeline corridor. In their present form these are not considered adequate given the particular risks associated with the CATS pipeline.</p> <p>7.2 Any incident resulting in damage to CATS, or requiring the CATS pipeline to shutdown would have considerable impact upon UK gas and electricity supplies to the commercial and domestic UK markets.</p>	<p>7.1 and 7.2 See paragraph 5.1. Whilst the Applicants consider that the draft protective provisions are adequate, it notes CNSL's view and is in contact with CNSL to negotiate the form of protective provisions.</p>

## 18.0 RESPONSE TO CF FERTILISERS UK LTD

18.1.1 The RR provided by CF Fertilisers UK Ltd (RR-018) and the Applicants' response is provided in **Table 18.1** as follows:

**Table 18.1: CF Fertilisers UK Ltd RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Written Representation of CF Fertilisers UK Limited in Response to the S56 Notice</p> <p>1. BACKGROUND/CONTEXT</p> <p>1.1 We are instructed by CF Fertilisers UK Limited ("CFL") in relation to the development consent application made by Net Zero Teesside Power Limited ("NZT Power") and Net Zero North Sea Storage Limited ("NZNS Storage") (together the "Applicant") for a development consent order ("DCO") authorising the Net Zero Teesside Project (the "Project"). This Section 56 representation is made on behalf of CFL.</p> <p>1.2 CFL is best known as being the UK's premier fertiliser manufacturer making in excess of 1.5 million tonnes of fertiliser products per year which equates to 40% of the UK's fertiliser needs.</p> <p>1.3 In addition to producing fertilisers, CFL's production site in Billingham also produces over half a million tonnes of chemicals and utilities that are supplied to both neighbouring Teesside businesses (Mitsubishi Chemical, Huntsman Corporation, Quorn Foods, Seqens and others) and to nationally critical supply chains in the food and drinks industry.</p>	<p>1.1 - 1.8 Noted. CO<sub>2</sub> gathering from large scale emitters is an integral part of the Applicants' Proposed Development. The Applicants have been in discussions with CFL on the collection of CO<sub>2</sub> from CFL facilities since 2019 and, for this reason, the CO<sub>2</sub> Gathering network will extend up to the CFL boundary in Billingham. In their January 2021 response to the Stage 3a Consultation, CFL stated that they were supportive of the Applicants' Proposed Development which would assist in the achievement of their environmental goals.</p>

<p>1.4 CFL products are key building blocks for many other materials and are used in food, pharmaceutical, nuclear and NOx abatement and plastics industries.</p> <p>1.5 CFL is the only UK manufacturer of ammonia and nitric acid and a significant supplier of CO2; CO2 being a critical chemical used in the food and drinks industry.</p> <p>1.6 During the recent COVID-19 pandemic CFL was granted Critical Business Status and allowed to operate throughout.</p> <p>1.7 CFL was recently featured in international and national news headlines after having to halt operations due to spiking gas prices. Such is the criticality of CFL to the UK that, in response, the UK government intervened, producing a support package that enabled the restart of the plant and averting a potential CO2 supply disruption impacting many industries, including food and beverage availability to UK consumers.</p> <p>1.8 Its Billingham facility is located just to the south of the Order land shown on sheet 1 of the land plans (document No. 4.2) Off Haverton Hill Road (East Gate).</p>	
<p>1.9 The proposed DCO and authorised works have the potential to:</p> <p>1.9.1 adversely affect CFL's existing pipeline and cabling infrastructure;</p>	<p>1.9.1 There have been numerous discussions between the Applicants and CFL as to CFL's concerns relating to existing infrastructure. Protections of existing infrastructure are being offered as part of the protective provisions which are secured in the Draft DCO [AS-136]. The Applicants' preference is to acquire the necessary land and</p>

	rights by agreement where possible, and the discussions in relation to an Option Agreement for a Deed of Grant of Easement have also involved negotiations in relation to the terms of the protective provisions.
1.9.2 compromise Control of Major Accident Hazards (“COMAH”) safety planning and give rise to unacceptable hazards;	1.9.2 It is unclear what this statement refers to within the project. The Applicants’ Proposed Development does not enter the CFL facility, and it is unclear what COMAH elements are said to be compromised and what the unacceptable hazards are that are being referred to. The Applicants have discussed this with CFL and is awaiting information from CFL so that any relevant matters can be considered further. See also the response to paragraph 2.8 below.
1.9.3 prevent access (by CFL and other third parties) to critical infrastructure (owned by both to CFL and other third parties);	1.9.3 See paragraph 1.9.1 on protective provisions. In addition, the Applicants have had numerous technical discussions with CFL regarding access to critical infrastructure. The CO <sub>2</sub> Gathering network preliminary design takes into account operational access to critical assets by utilising existing infrastructure where possible. For the construction phase, the Applicants have offered to prepare an integrated schedule that both parties can view and so determine if there are any practical issues to resolve from an access perspective.
1.9.4 prevent the development of proposed new pipelines by CFL (including a planned natural gas pipeline) which is critical to its ongoing operations and future strategic plan for the business; and	1.9.4 The Applicants are aware of CFL’s proposal to construct a Natural Gas Pipeline to service their plant. In Q4 2021 the project commissioned a study and report (undertaken by Px Engineering) and provided it to CFL to establish any interface points which may occur between the two proposed pipelines. Protections of proposed infrastructure are being offered as part of the protective provisions,

	and separately also as part of the negotiations in relation to the Option Agreement for a Deed of Grant of Easement.
1.9.5 inadequately address decommissioning.	1.9.5 The Draft DCO [AS-136] sets out the position in relation to decommissioning the Proposed Development in requirement 32, including that it must submit a decommissioning environmental management plan to the local planning authority for approval, and which must then be implemented as approved (including in accordance with its timetable). The Applicants intend to update the wording in Requirement 32 so that the trigger for decommissioning is tied to the permanent cessation of its use. Decommissioning will be undertaken in line with applicable regulations at the time. The applicants have also discussed further details surrounding decommissioning with CFL as part of the voluntary agreement discussions.
1.10 As part of the Project, the Applicant seeks to compulsorily acquire new rights over various plots of land which CFL either owns, occupies or has rights over. The Applicant also proposes to take powers to extinguish, suspend or interfere with CFL's rights and impose new restrictions on such land.	1.10 The Applicants' preference, wherever possible, is to conclude a voluntary agreement and associated protective provisions with CFL. The Applicants must seek to acquire compulsory rights as part of their application in order to execute the development if an agreement cannot be reached. Commercial terms have been put forward which include clauses setting out how the powers in the DCO would be used and which would be included in any voluntary agreement.
1.11 CFL supports the Applicant's project in principle and has a vested interest in the successful installation of the proposed CO2 pipeline but must ensure that the construction and operation of the proposed works do not adversely affect its current and planned	1.11 The Applicants welcome the support in principle for the project and the expectation that protective provisions can address CFL's concerns. Protective provisions are being discussed between CFL and the Applicants.



<p>future operations (nor those of others for whom CFL is vicariously responsible) or lead to the impacts identified above. It is expected that these concerns can be addressed by the inclusion of appropriate protective provisions in the Order.</p>	
<p><b>2. LAND PLOTS/ISSUES</b></p> <p>2.1 The land plots in which the Book of Reference identifies that CFL has an interest are set out below: Part 1 – Freehold interests Plot 10, Plot 12, Plots 14 to 17, Plots 19 to 33 and Plot 36 Part 1 – Occupiers or Reputed Occupiers Plots 1 to 8, Plots 10 to 12, Plots 14 to 17, Plots 19 to 22, Plots 25 to 26, Plots 28 to 31, Plot 33, Plots 35 to 38, Plot 40, Plot 42, Plots 44 to 46, Plots 56 to 59, Plots 69 to 70, Plot 72, Plot 74 to 76, Plot 78, Plot 86, Plots 88 to 90, Plots 93 to 96, Plots 100 to 101, Plot 115, Plots 120 to 121, Plot 124 and Plot 132 Part 3 – Persons enjoying rights over land Plots 1 to 8, Plots 11 to 12, Plot 33, Plots 35 to 38, Plot 40, Plot 42, Plots 44 to 46, Plots 56 to 59, Plots 69 to 70, Plot 72, Plots to 76, Plot 78, Plot 86, Plots 88 to 90, Plots 93 to 96, Plots 100 to 101, Plot 115, Plots 120 to 121, Plot 124 and Plot 132.</p>	<p>2.1 Noted</p>
<p>2.2 The majority of these plots comprise land over which existing pipeline and cabling infrastructure is present and/or where CFL has rights/plans to install further business critical infrastructure. This includes both above and below ground infrastructure as well as pipe bridges and takes into consideration requirements for temporary allocation of land for constructions (access and laydown etc).</p>	

<p>2.3 CFL's infrastructure includes but is not limited to: 2.3.1 2 x 6" ammonia pipelines;          2.3.2 Intermediate Pressure Steam pipelines; and          2.3.3 CO2 pipelines (low pressure plastic pipeline).</p> <p>2.4 Non-CFL infrastructure but critical to its ongoing operation includes but is not limited to:          2.4.1 High pressure natural gas infrastructure; and          2.4.2 EHV electricity cables.</p>	<p>2.3 to 2.4.2 - Noted</p>
<p>2.5 The uninterrupted use, maintenance of and unhindered access to this infrastructure is critical to CFL's continued operations, since they carry the raw materials on which CFL relies to manufacture its products as well as the ability to run the facilities and to supply its customers. A legacy of history of Billingham Chemical complex, the site infrastructure and businesses are highly integrated. Most on-site businesses rely on CFL Utilities and/or chemicals to be able to operate. CFL's supply of natural gas, electricity and nitrogen are critical to not only its business but also its customers on-site. In addition, its customer and neighbour, Mitsubishi Chemical's other key raw materials are transported through the corridor (methanol and acetone cyanohydrin).</p>	<p>2.5 - Noted. See the responses to paragraphs 1.9.1, 1.9.3 and 1.9.4.</p>
<p>2.6 The pipeline corridor identified by the Applicant is also used by others and notably contains the following:          2.6.1 Nitrogen pipeline owned by BOC – critical to the operation of the CFL facility and Mitsubishi Chemical, Seqens and Johnson Matthey;</p>	<p>2.6 to 2.6.6 Noted – Pre-FEED engineering work has highlighted these pipelines to the Applicant. During the design, the Applicants' nominated contractors will conduct further surveys to inform construction design and routing of the pipeline and will ensure that</p>

<p>2.6.2 Methanol pipeline owned by Methanex – critical to the operation of Mitsubishi Chemical;          2.6.3 ACH pipeline owned by Mitsubishi Chemical;          2.6.4 Effluent pipeline and 2 x 11kV electricity cables – owned by Quorn Foods; 2.6.5 2 x 135kV electricity cables connecting Saltholme to Billingham; and          2.6.6 Natural gas pipeline owned by Sembcorp – buried.</p>	<p>these CFL owned or third party assets are protected prior to and during construction and operation phases.</p> <p>All apparatus within the pipeline corridor is proposed to have protection by way of the protective provisions in the Draft DCO [AS-136]. As for CFL, the Applicants are discussing protective provisions with many apparatus owners and operators within the pipeline corridor, with the intention that the DCO provides appropriate protections via those means. For the owners and operators of pipelines and cables within the corridor who do not have the benefit of bespoke protective provisions, they will have the protection afforded by the standard protective provisions included in the draft DCO for the protection of electricity, gas, water and sewerage undertakers (which have been specifically amended to include privately owned mains, pipelines or cables that may not ordinarily be captured by these standard protective provisions).</p>
<p>2.7 The corridor also contains a number of redundant or currently unutilised infrastructure including:          2.7.1 A hydrogen pipeline;          2.7.2 Light distillate pipelines; and          2.7.3 Liquefied petroleum gas pipeline.</p>	<p>2.7 Noted. This has been highlighted to the Applicants during Pre-FEED engineering work by Px Engineering.</p>
<p>2.8 This infrastructure also inherently gives rise to major accident/hazard risks and is subject to either or both of The Pipelines Safety Regulations 1996 and the Control of Major Accident Hazards Regulations 2015 (the “COMAH Regulations”). Both of these Regulations require that the Operator (CFL) ensures that the risks from potential major accidents are assessed and appropriate safety</p>	<p>2.8. Noted. The Applicants have undertaken preliminary risk assessments for the operation of a gas phase CO<sub>2</sub> pipeline to satisfy themselves that the risks are “Tolerable” or “Tolerable if ALARP” (‘as low as reasonably practicable’). Chapter 22 of the Environmental Statement (ES) [APP-104] refers to the potential for the major accidents and Hazard risks from the CO<sub>2</sub> pipeline to third parties.</p>

<p>management systems to control those risks are in place. In order to ensure such assessments remain valid it is crucial that additional causes of risk presented by the proposals are thoroughly understood by CFL to allow assessment of how the accumulated risks affect the overall risk profile and its tolerability in line with accepted regulatory standards. It can be anticipated that risks from external impacts will be increased during various phases, however additional domino effects from potential proximate incidents must also be considered. Furthermore, the proposals may lead to safeguards that mitigate existing risks to be weakened and therefore detriment the risk profile. For example, access for safety-related inspections and maintenance may be hindered.</p>	<p>Both of The Pipelines Safety Regulations 1996 and the Control of Major Accident Hazards Regulations 2015 (the “COMAH Regulations”) are considered applicable to the installation of the CO<sub>2</sub> Gathering Network and appropriate HSE studies and assessment are planned to be undertaken to follow all applicable regulations. Hazards will be ALARP and a demonstration of ALARP will be provided by the Applicants to the HSE, which will be available for CF to review and comment upon prior to final submission. With regard to external impacts and domino effects these are also covered in Chapter 22 of the ES [APP-104]. With regards to ensuring safety related inspection and maintenance access these will be managed through the FEED contractor interface manager directly with CFL. The Applicants welcomes further dialogue in these matters with CFL.</p>
<p>2.9 The Applicant has not yet been able to present CFL with any detailed designs for its proposed infrastructure, precise locations or constructions programmes. Without appropriate protections, there is no guarantee that the Applicant would be able to ensure that its works are suitably timed, located or undertaken in a way that reduces major hazard risk to as low as reasonably practicable. Nor is there any guarantee that access will be maintained for appropriate safety inspections and emergency maintenance.</p>	<p>2.9 Protective provisions have been included in the Draft DCO and separately discussed as part of the voluntary agreement discussions. At this stage of the project the Applicants do not have detailed designs for CFL to review. Work No. 6 and the Indicative CO<sub>2</sub> Connection diagram within the DCO provides some detail on the proposed infrastructure over CFL for a CO<sub>2</sub> Gathering Network Pipeline. In 2019 and in 2021 surveys have been undertaken by Wood and Px respectively to provide approximate routing of the pipeline.</p> <p>A further study and technical note was provided to CFL to illustrate the interfaces between the CFL natural Gas Pipeline and the Applicants’ CO<sub>2</sub> pipeline. The report states that the physical interface does not exist as both projects are routed in different locations. Any potential interface will only occur if the construction</p>

	<p>phases of both projects overlap. The Applicants have offered to prepare an integrated schedule to manage any interfaces. CFL has yet to respond on this point. As the design progresses the Applicants' design contractor will undertake further work on the proposed routing, works programme and timings which will be duly provided to CFL for consideration.</p>
<p>2.10 The proposed powers include the ability to extinguish, suspend or interfere with CFL's rights. Unchecked, this is unacceptable in the context of critical infrastructure which must be maintained in situ without interruption and with a continuous right of access for maintenance and major accident prevention reasons.</p>	<p>2.10 The Applicants are in negotiations with CFL's legal representatives with respect to the protective provisions in the DCO, which are intended to provide the type of protections referred to by CFL, in order to address concerns in relation to access and safety. The Applicants are also working to reach voluntary agreement with CFL in relation to property rights sought in the DCO.</p>
<p>3. NEW PIPELINE(S)</p> <p>3.1 Aside from its existing infrastructure, CFL has the benefit of a Deed of Grant enabling it to construct new pipelines in the corridor that spans sheets 1 to 4. It proposes to rely on these rights to construct a new natural gas pipeline (of up to 16" in diameter) between its manufacturing facility at Haverton Hill Road, Billingham and the CATs and/or TGPP gas processing sites in the vicinity of plot 112 on sheet 3 and requires to retain its right to install a further liquids pipeline of up to 6" in diameter. Currently, the Schedule of Interests does not consistently recognise these rights (including both the rights to site these pipelines and associated rights around construction and access), which clearly must be rectified.</p>	<p>3.1. This is noted, and in discussions between lawyers for the Applicants and CFL, amendments have been proposed to the draft protective provisions to provide protection with respect to its proposed pipeline. The Applicants will continue to engage with CFL during the design phase and invite CFL to participate in reviews where technical interfaces with the proposed pipeline can be identified and addressed</p>

<p>3.2 The proposed new natural gas pipeline is critical to the ongoing and future operation of the Billingham site because natural gas is the key raw material utilised in CFL's processes, with CFL consuming up to 700,000 therms per day of natural gas (equivalent to a large city) – without this pipeline CFL is exposed to a single source of potentially unreliable and cost prohibitive gas from the national grid.</p>	<p>3.2 Noted, see the responses to paragraphs 1.9.4 and 2.9.</p>
<p>3.3 The Applicant has been made aware of this proposal, but the current draft DCO does not explicitly provide for capacity to be retained within the pipeline corridor for this development or for the developments to be properly coordinated such that construction access and laydown is provisioned for, should the Project commence first.</p>	<p>3.3 Protective provisions have been offered and are being negotiated as part of the voluntary negotiations. Please see response 2.9. The Applicants have demonstrated to CFL that there is limited overlap between the two schemes since the Applicants' project involves an above ground pipeline while CFL's involves a buried pipeline first.</p>
<p>3.4 CFL's rights to lay the new pipelines (both in accordance with its rights under the Deed of Grant and any alternative routings) should not be interfered with by the Applicant, who should be under an obligation to ensure that its own works do not prevent or materially increase the costs of implementing CFL's new natural gas pipeline or potential liquids pipeline.</p>	<p>3.4 Noted. Protective provisions have been offered and are being negotiated as part of the voluntary negotiations.</p>
<p>4. DECOMMISSIONING</p> <p>4.1 The current draft requirement for decommissioning states:      "Decommissioning 32.—(1) Within 12 months of the date that the undertaker decides to decommission any part of the authorised development, the undertaker must submit to the relevant planning authority for its approval a decommissioning environmental management plan in relation to that part. (2) No decommissioning</p>	<p>4.1 See the response to paragraph 1.9.5.</p>

<p>works must be carried out until the relevant planning authority has approved the decommissioning environmental management plan. (3) The plan submitted pursuant to sub-paragraph (1) must include details of— (a) the buildings to be demolished; (b) the means of removal of the materials resulting from the decommissioning works; (c) the phasing of the demolition and removal works; (d) any restoration works to restore the land to a condition agreed with the relevant planning authority; (e) the phasing of any restoration works; and (f) a timetable for the implementation of the scheme. (4) The plan must be implemented as approved unless otherwise agreed with the relevant planning authority.”</p> <p>4.2 The words “Within 12 months of the date that the undertaker decides to decommission any part of the authorised development” essentially makes this requirement optional and in no way obliges the Applicant to decommission anything. In the case of pipelines in a particularly congested corridor, where capacity is an identified concern, there should be an effective requirement to decommission once use ceases. This should be an objectively identifiable event, as opposed to something at the election of the Applicant.</p>	
<p><b>5. THE PROTECTIVE PROVISIONS</b></p> <p>5.1 The protective provisions for CFL are contained in Part 6 of Schedule 12. The current draft fails to adequately protect CFL, particularly in light of the extensive powers sought within the DCO to interfere with critical infrastructure.</p>	<p>5. The Applicants have been in contact with CFL’s legal representatives, Eversheds Sutherland LLP, since October 2021 in relation to the negotiation of protective provisions for the protection of CFL’s operations and apparatus. As part of these discussions, the parties have drafted amendments to the protective provisions in response to the concerns raised in section 5 of CFL’s RR, and these are currently being considered by CFL’s legal representatives.</p>

5.2 Paragraph 65 of Part 6 qualifies the key protective provisions in paragraphs 66-69 such that they will only apply if CFL's new pipeline has been installed or works have commenced. This fails to recognise:

5.2.1 the existing infrastructure present in these plots, as identified above, that requires protection and the need for CFL to be provided with works details, as has been offered in the protective provisions for other affected parties; 5.2.2 the need to maintain access at all times for health and safety reasons and major accident prevention; and 5.2.3 that CFL's pipeline may be brought forward simultaneously with or shortly after the Project, in which case there is no less need for proper coordination and approval of works details.

5.3 The protective provisions also fail to address the extensive powers in the draft DCO which would allow the Applicant to extinguish, suspend or interfere with CFL's rights. Such rights include the ability to maintain and access its own critical infrastructure as well as lay new pipelines. Any interference with such rights could be disastrous for CFL and may prevent it from:

5.3.1 continuing to utilise such infrastructure; 5.3.2 inspecting such infrastructure in accordance with its duties under the COMAH Regulations; 5.3.3 carrying out maintenance and responding to leak detection swiftly; and 5.3.4 laying new pipelines which may be vital to CFL's continued competitiveness and long term viability.

5.4 The protective provisions also fail to provide CFL with any ability to approve construction details so that it can continue to comply with requirements under the Pipelines Safety Regulations 1996 and the COMAH Regulations. Powers should not be exercised without the Applicant first having submitted works details including material

Discussions are ongoing, and parties are working to agree appropriate provisions to address the concerns raised by CFL.



<p>to demonstrate that such works can be undertaken safely and without interruption to existing infrastructure and access for critical inspection and maintenance activities. Such details must be approved by CFL so that it is able to consider them in the context of its existing hazard studies and risk assessments, and determine and implement any further safeguarding measures that may be required.</p> <p>5.5 The indemnity provision in paragraph 71 is welcomed but unclear in its scope because it refers back to paragraph 66 which is only triggered in the circumstances that the new CFL pipeline has been constructed or works have commenced. The indemnity should clearly relate to both proposed and existing infrastructure.</p> <p>5.6 However, CFL is very concerned that an indemnity provision may be inadequate to address all of the potential losses that might arise, should critical infrastructure serving either CFL or surrounding businesses be interfered with. As will be appreciated from the description of CFL's business, there are numerous connections between it, the surrounding businesses and the wider UK supply chain. It is therefore very important indeed that the Examining Authority considers the ability of the Applicant to meet such potentially vast liabilities. A far better solution would be to offer CFL and similar businesses greater protection in protective provisions.</p>	
<p>6. OBJECTION 6.1 For these reasons CFL must currently OBJECT to the DCO application. It is acknowledged that discussions with the Applicant to date are ongoing and that the concerns identified above should be capable of being addressed through protective provisions</p>	<p>6. Objection noted.</p>

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and requirements. CFL will update the Examining Authority as soon as possible in this regard.	
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## 19.0 RESPONSE TO INEOS NITRILES (UK) LTD

19.1.1 The RR provided by INEOS Nitriles (UK) Ltd (RR-019) and the Applicants' response is provided in **Table 19.1** as follows:

**Table 19.1: INEOS Nitriles (UK) Ltd RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>1. INTRODUCTION</p> <p>1.1 We are instructed by INEOS Nitriles (UK) Limited ("INEOS") in relation to the development consent application made by Net Zero Teesside Power Limited ("NZT Power") and Net Zero North Sea Storage Limited ("NZNS Storage") (together the "Applicant") for a development consent order ("DCO") authorising the Net Zero Teesside Project (the "Project"). This Section 56 representation is made on behalf of INEOS.</p> <p>1.2 The INEOS group is a global manufacturer of petrochemicals, speciality chemicals and oil products.</p> <p>1.3 INEOS's facility is shown surrounded by the pipe corridors on sheets 3 and 4 of the land plans (document No. 4.2).</p>	
<p>1.4 The proposed DCO and authorised works have the potential to:</p> <p>1.4.1 prevent access (by INEOS and other third parties) to critical infrastructure (owned by both INEOS and other third parties);</p> <p>1.4.2 adversely affect INEOS's existing offices and related access;</p>	<p>1.4.1 and 1.4.2 Existing access routes as well as liaison with INEOS will be utilised within the site for construction and maintenance. Temporary working areas will be utilised for laydown and construction. Temporary stopping up of shared access tracks during construction may occur but will be communicated and discussed with INEOS Nitriles and third parties on a case-by-case basis, and temporary diversions to maintain access will be implemented where</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
	<p>necessary. Use of INEOS Nitriles existing PtW system will ensure any restrictions are minimised and mitigated where possible. The Applicants' apparatus is intended only to follow existing pipeline corridors which will include existing pipe bridges and culverts where necessary. Protective provisions have been offered to secure controls and mitigations where required.</p>
<p>1.4.3 compromise Pipelines Safety Regulations 1996 and the Control of Major Accident Hazards ("COMAH") safety planning and give rise to unacceptable hazards;</p>	<p>1.4.3 The CO<sub>2</sub> pipeline will be designed to applicable UK codes and standards (PSR 1996) to maintain safety. Furthermore, whilst CO<sub>2</sub> is not considered dangerous as per the HSE MAHP guideline for large diameter pipelines, the guidelines will be considered during design. Hazards will be ALARP and a demonstration of ALARP will be provided by the Applicants to the HSE, which will be available for INEOS to review and comment upon prior to final submission.</p>
<p>1.4.4 inadequately address decommissioning.</p>	<p>1.4.4 The Draft DCO [AS-136] sets out the position in relation to decommissioning the Proposed Development in requirement 32, including that it must submit a decommissioning environmental management plan to the local planning authority for approval, and which must then be implemented as approved (including in accordance with its timetable). The Applicants intend to update the wording in Requirement 32 so that the trigger for decommissioning is tied to the permanent cessation of its use. Decommissioning will be undertaken in line with applicable regulations at the time. The Applicants have also discussed further details surrounding decommissioning with INEOS Nitriles as part of the voluntary agreement discussions.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>1.5 As part of the Project, the Applicant seeks to compulsorily acquire new rights over various plots of land which INEOS either owns, occupies or has rights over. The Applicant also proposes to take powers to extinguish, suspend or interfere with INEOS' rights and impose new restrictions on such land.</p>	<p>1.5 Noted. Following a formal change request by the Applicant in April 2022, which was accepted by the ExA, numerous plots have either been removed, reduced in size, and/or re-categorised from Permanent Rights to Temporary Possession. The area and plots are considered necessary to ensure the safe, efficient design, construction and ongoing operation and maintenance of the pipeline.</p>
<p>1.6 INEOS supports the Applicant's project in principle but must ensure that the construction and operation of the proposed works do not adversely affect its operations (nor those of others who have rights in INEOS's land) or lead to the impacts identified above. It is expected that these concerns can be addressed by the inclusion of appropriate protective provisions in the Order.</p>	<p>1.6 The Applicants acknowledge INEOS Nitriles' support for the NZT project. The Applicants' legal team has been in contact with INEOS Nitriles' legal representatives, Eversheds Sutherland LLP, since December 2021 in relation to the negotiation of protective provisions for the protection of INEOS Nitriles' operations. These discussions are ongoing, and parties are working to agree appropriate provisions to address the concerns raised by INEOS Nitriles.</p>
<p><b>LAND PLOTS/ISSUES</b></p> <p>2.1 A schedule of the land plots in which the Book of Reference identifies that INEOS has an interest is listed below, as follows:                  2.1.1 Part 1 – Freehold interests ? Plot 122, Plot 123, Plot 123, Plot 125, Plot 130, Plot 135, Plot 138 and Plot 141 Part 1 – Occupiers or Reputed Occupiers ? Plot 98, Plot 111, Plot 122, Plot 123, Plot 125, Plot 126, Plot 130, Plot 135, Plot 138 and Plot 141 Part 3 – Persons enjoying rights over land ? Plot 98, Plot 111 and Plot 126.</p>	<p>2.1 Noted.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>2.2 A number of these plots comprise land over which existing pipeline and cabling infrastructure is present and/or where INEOS has rights to install infrastructure. This includes both above and below ground infrastructure as well as pipe bridges. Whilst within INEOS's Title, such infrastructure does not always belong to INEOS and does not always serve its operations. Nevertheless, as such plots are within its site and close to its operations, it is important that any works in these areas are conducted safely and without interruption to existing occupiers.</p>	<p>2.2 The Applicants understand the concerns relating to existing infrastructure and will seek to minimise disruption in the design and construction where possible. This will require as-built documentation to be supplied by the operator of the corridor as well as engagement with the affected parties. The applicant will carry out their own surveys for the project and with all available information be able to make reasonable efforts to reduce disruption to third parties.</p> <p>Existing apparatus is proposed to have protection by way of the protective provisions in the draft DCO. As for INEOS Nitriles, the Applicants are discussing protective provisions with many apparatus owners and operators within the Order limits, with the intention that the DCO provides appropriate protections via those means. For the owners and operators of pipelines and cables who do not have the benefit of bespoke protective provisions, they will have the protection afforded by the standard protective provisions included in the Draft DCO [AS-136] for the protection of electricity, gas, water and sewerage undertakers (which have been specifically amended to include privately owned mains, pipelines or cables that may not ordinarily be captured by these standard protective provisions).</p>
<p>2.3 Much of the infrastructure in the existing pipe corridors inherently gives rise to major accident/hazard risks and is subject to either or both The Pipelines Safety Regulations 1996 and the Control of Major Accident Hazards Regulations 2015 (the "COMAH Regulations"). Both of these Regulations require that the Operator ensures that the risks from potential major accidents are assessed and appropriate safety management systems to control those risks</p>	<p>2.3 Noted. The Applicants understand the COMAH Regulations and the need to demonstrate ALARP as part of its HSE obligations. As part of the Design and Interface process the Applicants expect INEOS Nitriles to provide sufficient information in a timely manner to enable the Applicants to carry out its duties in the regard to HSE as highlighted by INEOS Nitriles. The Applicants have invited detailed discussion on these matters with INEOS Nitriles to ensure that the</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>are in place. In order to ensure such assessments remain valid it is crucial that additional causes of risk presented by the proposals are thoroughly understood to allow assessment of how the accumulated risks affect the overall risk profile and its tolerability in line with accepted regulatory standards. It can be anticipated that risks from external impacts will be increased during various phases, however additional domino effects from potential proximate incidents must also be considered. Furthermore, the proposals may lead to safeguards that mitigate existing risks to be weakened and therefore detriment the risk profile. For example, access for safety-related inspections and maintenance may be hindered.</p>	<p>appropriate level of detailed work is carried out and INEOS Nitriles will be able to review the final report on any impacts foreseen inside the land area of concern.</p>
<p>2.4 The Applicant has not yet been able to present INEOS with any detailed designs for its proposed infrastructure, precise locations or constructions programmes. Such matters must also be agreed with those whose infrastructure lies in the existing pipeline corridor. Without appropriate protections, there is no guarantee that the Applicant would be able to ensure that its works are suitably timed, located or undertaken in a way that reduces major hazard risk to as low as reasonably practicable. Nor is there any guarantee that access will be maintained for appropriate safety inspections and emergency maintenance.</p>	<p>2.4 The Applicants are not yet at an appropriate stage of the design process to provide any detailed designs. Work No. 6 within the DCO as well as the Indicative CO2 connections diagram provides information on the proposed infrastructure over INEOS Nitriles for a CO2 Gathering Network Pipeline. Surveys have been undertaken by PX and Wood to provide approximate routing of the pipeline. As the routing work has been updated it has been provided to INEOS Nitriles. Further work will be undertaken on routing, works programme and timings during FEED which will be duly provided to INEOS Nitriles. If desired and appropriate, regular integrated schedule meetings can take place between the INEOS Nitriles and the Applicants to ensure that the appropriate Safe Systems of work are in place and all work carried out in a controlled manner.</p>
<p>2.5 The proposed powers include the ability to extinguish, suspend or interfere with rights. Unchecked, this is unacceptable in the</p>	<p>2.5 As noted above, the Applicants are in negotiations with INEOS Nitriles' legal representatives with respect to the protective</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>context of critical infrastructure which must be maintained in situ without interruption and with a continuous right of access for maintenance and major accident prevention reasons.</p>	<p>provisions in the DCO, which are intended to provide the type of protections referred to by INEOS Nitriles, in order to address concerns in relation to access and safety.</p>
<p>2.6 In addition to this, land is also sought for a temporary construction compound and accessway (plots 122 and 123). Whilst the principle of using part of INEOS' site for such purposes would be supported, INEOS has concerns that the part of the site selected is not practicable without significant impacts to its operations. The identified plots are an office carpark and accessway that passes the office building. Use of this accessway by construction vehicles would cause major disturbance to the office buildings and is completely unnecessary given the size of the INEOS site and the amount of vacant land. INEOS instead wishes to be able to offer alternatives to these plots and has sought agreement to this from the Applicant.</p>	<p>2.6 The Applicants consider that the land identified for temporary possession is proportionate and is required. Notwithstanding that it is content to consider any proposals put forward by Ineos.</p>
<p>3. DECOMMISSIONING</p> <p>3.1 The current draft requirement for decommissioning states: "Decommissioning 32.—(1) Within 12 months of the date that the undertaker decides to decommission any part of the authorised development, the undertaker must submit to the relevant planning authority for its approval a decommissioning environmental management plan in relation to that part. (2) No decommissioning works must be carried out until the relevant planning authority has approved the decommissioning environmental management plan. (3) The plan submitted pursuant to sub-paragraph (1) must include details of— (a) the buildings to be demolished; (b) the means of</p>	<p>3.1 and 3.2 The Draft DCO [AS-136] sets out the position in relation to decommissioning the Proposed Development in requirement 32, including that it must submit a decommissioning environmental management plan to the local planning authority for approval, and which must then be implemented as approved (including in accordance with its timetable). The Applicants intend to update the wording in Requirement 32 so that the trigger for decommissioning is tied to the permanent cessation of its use. Decommissioning will be undertaken in line with applicable regulations at the time. The Applicants have also discussed further details surrounding decommissioning with INEOS Nitriles as part of the voluntary agreement discussions.</p>



RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>removal of the materials resulting from the decommissioning works; (c) the phasing of the demolition and removal works; (d) any restoration works to restore the land to a condition agreed with the relevant planning authority; (e) the phasing of any restoration works; and (f) a timetable for the implementation of the scheme. (4) The plan must be implemented as approved unless otherwise agreed with the relevant planning authority.”</p> <p>3.2 The words “Within 12 months of the date that the undertaker decides to decommission any part of the authorised development” essentially makes this requirement optional and in no way obliges the Applicant to decommission anything. In the case of pipelines in a particularly congested corridor, where capacity is an identified concern, there should be an effective requirement to decommission once use ceases. This should be an objectively identifiable event, as opposed to something at the election of the Applicant. INEOS also wishes to have this matter addressed in protective provisions so that any remaining pipelines no longer in use must be cleared from its site.</p>	
<p><b>4. THE PROTECTIVE PROVISIONS</b></p> <p>4.1 The protective provisions for INEOS are contained in Part 8 of Schedule 12. The current draft fails to adequately protect INEOS, particularly in light of the extensive powers sought within the DCO to interfere with critical infrastructure.</p> <p>4.2 Paragraphs 83 and 84 of Part 8 relate to the provision of works details, but are only triggered in circumstances where such works</p>	<p>4. As noted above, the Applicants' legal team has been in contact with INEOS Nitriles' legal representatives, Eversheds Sutherland LLP, since December 2021 in relation to the negotiation of protective provisions for the protection of INEOS's operations. As part of these discussions, the Applicants drafted amendments to the draft protective provisions in response to the concerns raised in section 4 of INEOS Nitriles' RR, and these are currently being considered by INEOS Nitriles' legal representatives. Discussions are ongoing, and</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>would “have an effect on the operation or maintenance of the INEOS operations or access to them”. This may be difficult to discern unilaterally by the Applicant, and INEOS would prefer that in addition to this provision, no works should commence on any part of its land without works details having been provided and agreed with INEOS. Such works details should also be provided to each of the parties who occupy/have infrastructure running through the site.</p> <p>4.3 Paragraph 85 provides for the right for INEOS to insist upon reasonable requirements in respect of certain matters which are limited to safety and operational viability and emergency access. Such matters are too narrowly drawn and should as a minimum include: 4.3.1 the continuing safe operation of infrastructure not belonging to INEOS but within or adjacent to its land, including access at all times for inspection maintenance and repair etc whether that be by INEOS or by any party with rights in the land or infrastructure on or in the land; and 4.3.2 continued normal access to the site and INEOS’s operations (as opposed to just emergency access).</p> <p>4.4 The protective provisions also fail to address the extensive powers in the draft DCO which would allow the Applicant to extinguish, suspend or interfere with the rights in the land. Such rights include the ability for third parties to maintain and access their own critical infrastructure as well as lay new pipelines. Any interference with such rights could be disastrous and may prevent INEOS or third parties from: 4.4.1 continuing to utilise their infrastructure; 4.4.2 inspecting such infrastructure in accordance</p>	<p>parties are working to agree appropriate provisions to address the concerns raised by INEOS Nitriles.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>with their duties under the COMAH Regulations; and 4.4.3 carrying out maintenance and responding to leak detection swiftly.</p>	
<p>5. OBJECTION</p> <p>5.1 For these reasons INEOS must currently OBJECT to the DCO application.</p> <p>5.2 It is acknowledged that discussions with the Applicant to date are ongoing and that the concerns identified above should be capable of being addressed through protective provisions and requirements. INEOS will update the Examining Authority as soon as possible if private treaty negotiations successfully conclude or indeed acceptable protective provisions and requirements are agreed between the parties enabling this objection to be withdrawn.</p>	<p>5. Objection Noted. The Applicants welcome INEOS Nitriles' expectation that protective provisions will be capable of resolving matters.</p>

## 20.0 RESPONSE TO ROYAL MAIL GROUP

20.1.1 The RR provided by Royal Mail Group (RR-020) and the Applicants' response is provided in **Table 20.1** as follows:

**Table 20.1: Royal Mail Group RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Royal Mail does not have an in principle objection to Net Zero Teesside but is seeking to secure mitigations to protect its road based operations during the construction phase. Under section 35 of the Postal Services Act 2011 (the "Act"), Royal Mail has been designated by Ofcom as a provider of the Universal Postal Service. Royal Mail is the only such provider in the United Kingdom. The Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service. The Act includes a set of minimum standards for Universal Service Providers, which Ofcom must secure. The conditions imposed by Ofcom reflect those standards. Royal Mail is under some of the highest specification performance obligations for quality of service in Europe. Its performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project. Royal Mail's postal sorting and delivery operations rely heavily on road communications. Royal Mail's ability to provide efficient mail collection, sorting and delivery to the public is sensitive to changes in the capacity of the highway network. Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail's operations, its ability to meet the Universal Service</p>	

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk to Royal Mail's business. Royal Mail has seven operational facilities within seven miles of the DCO boundary, four of these being less than two miles distant. The scheme has potential to present risk of construction phase impact / delays to Royal Mail's road based operations on the surrounding road network. Every day, in exercising its statutory duties Royal Mail vehicles use all the main roads that may be impacted by any additional traffic arising / delays during construction of this scheme. Any periods of road disruption / closure, night or day, have the potential to impact operations. Royal Mail does not wish to stop or delay this scheme from being constructed. However, Royal Mail does wish to ensure the protection of its future ability to provide an efficient mail sorting and delivering service. In order to do this, Royal Mail requests that:</p>	
<p>1. the DCO includes specific requirements that during the construction phase Royal Mail is consulted by NZT Power or its contractors at least one month in advance on any proposed road closures / diversions / alternative access arrangements, hours of working, and on the content of the final CTMP, and            2. the final CTMP includes a mechanism to inform major road users (including Royal Mail) about works affecting the local highways network (with particular regard to Royal Mail's distribution facilities near the DCO application boundary as identified above). Royal Mail reserves its position to object to the DCO application if the above requests are not adequately addressed.</p>	<p>The DCO Application include a 'Framework Traffic Management Plan' at Appendix 16C of ES Volume III [APP-334]), which sets out proposed measures to control HGV routing and impacts and also to manage Abnormal Indivisible Loads (AILs) so as to minimise impacts on other road users during the construction phase of the Proposed Development. Section 16.6 of the document sets out proposals for consultation during the construction phase and paragraph 16.6.3 specifically acknowledges that parties such as Royal Mail may need to be consulted. The document goes onto state that where required (depending on the works and location) a copy of each Construction Traffic Management Plan (CTMP) approved pursuant to the Framework TMP, along with information on working hours and</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
	<p>proposals for traffic management or works on the highway network (including any road closures, diversions or alternative access arrangements) that have potential to affect such parties, will be provided at least one month before the relevant works are anticipated to commence.</p> <p>Requirement 18 of the draft DCO [AS-136] prevents any part of the Proposed Development (with the exception of permitted preliminary works) commencing until a CTMP has been submitted to and, after consultation with the highway authority, approved by the relevant planning authority.</p> <p>The CTMP submitted and approved must include:</p> <ul style="list-style-type: none"> <li>• details of the routes to be used for the delivery of construction materials and any temporary signage to identify routes and promote their safe use, including details of the access points to the construction site to be used by light goods vehicles and heavy goods vehicles;</li> <li>• details of the routing strategy and procedures for the notification and conveyance of abnormal indivisible loads, including agreed routes, the numbers of abnormal loads to be delivered by road and measures to mitigate traffic impact;</li> <li>• the construction programme; and</li> <li>• any necessary measures for the temporary protection of carriageway surfaces, the protection of statutory undertakers' plant and equipment, and any temporary removal of street furniture.</li> </ul>

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RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
	<p>Requirement 18 also states that notices must also be erected and maintained throughout the construction period at every entrance and exit from the construction site, indicating to drivers the approved route for traffic entering and leaving the construction site</p> <p>The Applicants are content to include Royal Mail as a consultee in Requirement 18, and an additional limb in paragraph 3 to require the CTMP to include a mechanism to inform major road users about works affecting local highways.</p>

## 21.0 RESPONSE TO AIR PRODUCTS (CHEMICALS) TEESSIDE LTD, AIR PRODUCTS RENEWABLE ENERGY LTD AND AIR PRODUCTS CHEMICALS PUBLIC COMPANY LTD

21.1.1 The RR provided by Air Products (Chemicals) Teesside Ltd (RR-021), Air Products Renewable Energy Ltd (RR-021a) and Air Products Chemicals Public Company Ltd (RR-21b) was identical. The Applicants have provided one response contained in **Table 21.1**:

**Table 21.1: Air Products (Chemicals) Teesside Ltd (RR-021) RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>These representations are made on behalf of Air Products (Chemicals) Teesside Limited ("AP"), in response to the application for a Development Consent Order ("DCO Submission") submitted by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited ("Applicant") to the National Infrastructure Directorate on or around 19 July 2021.</p> <p>AP has interests in and in the vicinity of the area proposed for a Development Consent Order ("DCO"). The Development Consent Order Pre-Application Consultation Response submitted by AP on 22 January 2021 is referred to as the PCR. Concerns raised in the PCR by AP have not been properly addressed by the DCO Submission. Whilst some amendment to the proposals has been made, it does not in any way fully satisfy AP's concerns, and AP formally objects to the DCO Submission both for the reasons set out in the PCR and those summarised below (and which will be supplemented by further more detailed representations in due course). The Applicant has failed to address many of the issues raised by AP in its PCR and in particular but not restricted to the following:-</p> <p>1) The documentation provided by the Applicant falls short of demonstrating that the DCO will be delivered in a way that supports</p>	<p>1) The Applicants reviewed the Order Limits prior to the submission of the DCO Application and have continued to do so since submission so as to minimise the extent of third party land required to deliver the Proposed Development. The Applicants continue to seek voluntary agreements with all parties with the aim of removing the need to rely on compulsory acquisition powers. The Statement of Reasons [AS-141] clearly explains why it is necessary, proportionate and justifiable for the Applicants to seek compulsory acquisition powers and, if those powers need to be relied upon, why there is a compelling case in the public interest for the Applicants to be granted such powers. Furthermore, the Funding Statement [APP-009] sets out how an Order authorising compulsory acquisition powers is proposed to be funded. The Applicants are therefore capable of delivering the Proposed Development should the Secretary of State grant development consent.</p>



RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>the needs of the DCO whilst not compromising or risking the integrity and/or maintenance needs of AP's own gas pipeline infrastructure and/or such infrastructure in respect of which it has rights (and which is vital to the local energy industry). There is also no or no adequate evidence to demonstrate that the Applicants are capable of delivering this project;</p>	
<p>2) The compulsory acquisition of land and rights in the terms proposed is not proportionate, or even necessary, and fails to properly account for the existence of the infrastructure belonging to and/or otherwise used by AP and fails to ensure that AP is granted sufficient rights and interest to maintain the use already established. It also fails to ensure that suitable protective provisions are provided to ensure that the consistency of supply, safe use and maintenance of the infrastructure can be safeguarded.</p>	<p>2) See above in point 1. In addition, following acceptance of the Applicants' change request on 6 May 2022 [PD-010] the Order Limits have been significantly reduced, removing or reducing interactions with some existing infrastructure. The Applicants' preference is to seek voluntary agreements with all parties rather than using compulsory acquisition powers. Discussions continue with AP to ensure appropriate protection is in place and that AP's concerns are addressed.</p>
<p>3) The construction process, disturbance and duration is not properly addressed in the DCO Submission. In the longer term, it is wholly unclear as to the impact that the DCO may have on the ability of AP to continue its operations safely and economically (bearing in mind that it is expected that the underlying project would remain operational in the long term).</p>	<p>3) In terms of the impact of the Proposed Development on the ability of AP to continue its operations safely and economically, the Applicants are currently negotiating protective provisions and an asset protection agreement with AP to ensure adequate protections are in place in this respect. As currently drafted the protective provisions include standard provisions where the Proposed Development would need to be constructed in close proximity to apparatus of Air Products, including approval by AP of works in the vicinity of such apparatus, and protection if apparatus needs to be removed or replaced. Discussions continue with AP to ensure appropriate protection is in place and AP's concerns are addressed.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>4) Technical questions raised in the PCR involving the extent of rights sought, what is proposed to be constructed and where, the anticipated construction process and timing, the impact on AP's existing infrastructure and the method by which suitable protections will be put in place for such infrastructure have not been considered (whether adequately or at all). AP is concerned that if terms cannot be agreed, the DCO in its present form would enable the Applicant to acquire property and rights that may impact AP's business negatively and the case for this is not properly addressed. AP also claims and indemnity in respect of its costs. In accordance with Sections 42, 47, 48 and 49 of the Planning Act 2008, the Applicant has a "duty to take account of responses to consultation and publicity" (Section 49). For the reasons set out above and in the PCR, AP considers that inadequate consultation has taken place Referring to the 'Advice Note 9: Rochdale Envelope' published by Infrastructure Planning Commission February 2011, AP considers that Advice Note 9 has not been followed in the DCO process and the application now made. AP is willing to engage in constructive dialogue with the Applicant for early agreement in respect of the DCO. However, until this process has been completed or negotiations have been exhausted, AP (and its associated entities) objects to the DCO in its present form for the reasons set out and reserves its rights to provide further submissions (beyond those provided to date) during the course of the DCO examination process.</p>	<p>4) The Applicants note AP's concerns with regard to consultation. However, the Applicants have satisfied the consultation requirements of the Planning Act 2008 and related regulations and no issues have been raised by the relevant local authorities or the Planning Inspectorate (during its acceptance checks) with regard to the adequacy of consultation. Furthermore, the Applicants provided a DCO and technical update to AP during a pre-consultation interface briefing (prior to the consultation on the changes) in March 2022. The Applicants and their nominated contractors will continue to engage with AP during the design development and share updated design proposals where necessary.</p>

## 22.0 RESPONSE TO CLIMATE EMERGENCY PLANNING AND POLICY

22.1.1 The RR provided by Climate Emergency Planning and Policy (RR-023) and the Applicants' response is provided in **Table 22.1** as follows:

**Table 22.1: Climate Emergency Planning and Policy RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Dr Andrew Boswell, Climate Emergency Planning and Policy As an independent environmental consultant specialising in climate science, policy, and law, I object to the Net Zero Teesside project:</p> <p>A. The implementation of carbon capture and storage (CCS) technology is not the best way to decarbonise the UK energy system. Full life-cycle emissions assessment still shows considerable carbon dioxide generation with CCS however efficient the capture process itself may be. These come from emissions both upstream and downstream of the combustion and capture processes. Energy is also required to power the CCS process which reduces the efficiency of gas power generation of electricity.</p>	<p>The Applicants note the objection and has responded to each of the four parts of the relevant representation.</p> <p>A. The Proposed Development is in line with the recommendations of the Climate Change Committee (an independent group with responsibility to advise the UK Government with relation to setting Carbon Budgets and the most effective way to meet the UK's net zero obligations) and The UK's Net Zero Strategy. One of the recommendations from both these sources is that carbon capture and storage is used to supplement other technologies to decarbonise electricity production and help decarbonise industrial emissions. Further detail on the policy support for carbon capture and storage is set out in the Applicants' updated Planning Statement (Document Ref. 5.3, also being submitted at Deadline 1), and the Applicants' position on how Government policy must be treated in the examination / determination of the Application is set out in there and in its Written Summary of Oral Submission for Issue Specific Hearing 1 (ISH1) (Document Ref. 9.2, also being submitted at Deadline 1).</p> <p>Carbon capture and storage is a technology that can capture at least 90% of the carbon dioxide emissions produced from the use of fossil fuels in electricity generation and industrial processes, preventing</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
	<p>the carbon dioxide from entering the atmosphere and is supported in the Government's Net Zero Strategy: Build Back Greener. The Applicants acknowledge that the carbon capture process requires energy. Reduction of the energy demand associated with the carbon capture process is one of the most active areas of development in this industry. The Net Zero Teesside power plant will be a new-build power plant and therefore one of the most efficient in the country and will be designed from the outset to minimise the energy demand of the carbon capture process as far as is reasonably practicable.</p>
<p>B. A preferable technology is maximising the optimum balance of solar, wind and energy storage technologies. Recent studies have shown that with recent and predicted cost reductions in all three technologies that solar, wind and energy storage can meet the cost amount of the energy needs, including taking into account weather and light cycles. There should be a detailed study by BEIS comparing CCS based energy production against wind, solar and energy storage before projects like Net Zero Teesside are granted consent. These systems have a much lower carbon footprint than the proposed Net Zero Teesside project.</p>	<p>B. In response to point B, the Proposed Development does not intend to displace solar, wind or energy storage technologies which will also be required as part of the overall energy mix, alongside widescale energy efficiency improvements. The Proposed Development will provide dispatchable decarbonised electricity supply to the UK system to complement provision from intermittent renewable sources. At the moment that function is provided by existing unabated gas-fired power stations and energy storage is not available at the scale required to be able to replace this function. The Proposed Development also enables the development of hydrogen at scale and the decarbonisation of UK industry as part of the East Coast Cluster transmission and storage network. The request for BEIS to undertake studies is outside of the Applicants' control and is outside the scope of the DCO examination, however BEIS and other bodies have considered a range of decarbonisation approaches and technologies and concluded that CCS is a key part of the UK's</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
	<p>decarbonisation strategy, as confirmed in the range of supportive policies addressed in the revised Planning Statement.</p>
<p>C. A cumulative, and short, medium and long-term, impact assessment of carbon emissions should be performed under the EIA Regs as part of the Environmental Statement.</p>	<p>C. Guidance on assessing the impact of GHG emissions on the climate is presented in the Institute of Environmental Management and Assessment Guidance on assessing the significance of GHG emissions in EIA (IEMA, 2017). IEMA guidance notes that all GHG emissions are significant and contribute to climate, that the receptor is the global climate and as such, the nature of GHG emissions impact is cumulative and that to provide context, the emissions for a given project can be compared to appropriate carbon budgets. The assessment undertaken as part of the EIA for the Proposed Development follows the IEMA Guidance.</p> <p>By considering the impact of the Proposed Development in the context of the UK's Carbon Budgets the assessment of GHG is therefore considered to be inherently cumulative. Table 21-14, in the Environmental Statement Climate Chapter [APP-103]) presents the impact of GHG emissions from the Proposed Development in the context of the 3rd, 4th, 5th and 6th Carbon Budgets. From the table, it can be seen that the Proposed Development is no more than 0.14% of any Carbon Budget period. GHG emissions are therefore considered as having a 'low increase' in magnitude and therefore classified as being of 'minor adverse' significance. Thus, the emissions are considered to be material in terms of their effect on the UK meeting its carbon reduction targets.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
	<p>This approach is consistent with the approach taken on other DCOs for example, the South Humber Bank Energy Centre, which the Secretary of State has endorsed.</p> <p>The assessment was also conservative, in that it does not for example consider the wider reduction in carbon emissions from industrial emitters that would seek to connect to the CO2 Gathering Network, since these do not form part of the Proposed Development (although are enabled by it). When looking beyond the carbon budgets to the UK's net-zero by 2050 target, it is noted in Chapter 21 that: "Further, the Proposed Development facilitates the potential capture and storage of CO2 currently emitted from nearby operational industrial and energy facilities, which could significantly reduce the GHG emissions from the region. Currently, industries in Teesside account for over 5% of the UK's total industrial emissions. The Proposed Development will therefore be a vital positive contributor to the UK achieving net zero carbon emissions by 2050. However, as a worst-case scenario, the significant emission avoidance from neighbouring facilities is not included in this assessment." (ES Volume 1, Document Ref. 6.2, Chapter 21, para 21.3.55, [APP-103]).</p>
<p>D. Carbon emissions should be tested locally, regionally and nationally against the UK obligations under the Paris agreement including the UK's Nationally Determined Contribution (NDC), the legally binding target under the Climate Change Act 2008 to meet net-zero carbon emissions by 2050, the UK Sixth Carbon Budget (6CB), the indicative pathways and carbon targets in the Net Zero</p>	<p>D. The UK Carbon Budgets are the only national legally binding targets implemented under the Climate Change Act 2008. The Climate Change Act 2008 does not set a legal duty to set carbon budgets at a smaller scale than those set out nationally. Therefore, the assessment of GHG emissions for the Proposed Development has only compared emissions (and only needs to) from</p>

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<b>RELEVANT REPRESENTATION ISSUE</b>	<b>APPLICANTS' RESPONSES</b>
Strategy for 2030 and 2035, the revised NPPF 152 planning requirement to “radical reductions of greenhouse gas emissions”, , and relevant local authority Environmental Policies	the Scheme in the context of the legally obligated national Carbon Budgets in order to conceptualise the Proposed Development's significance to the climate.

## 23.0 RESPONSE TO ENVIRONMENT AGENCY

23.1.1 The RR provided by Environment Agency (RR-024) and the Applicants' response is provided in **Table 23.1** as follows:

**Table 23.1: Environment Agency RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>The Planning Inspectorate Temple Quay House Temple Quay Bristol Avon BS1 6PN Our ref: NA/2021/115632/01-L01 Your ref: Net Zero Teesside Date: 17 December 2021 Dear Sir/Madam THE NET ZERO TEESSIDE PROJECT SECTION 56 'NOTIFYING PERSONS OF ACCEPTED APPLICATION' OF THE PLANNING ACT 2008 &amp; REGULATION 8 'NOTICE OF ACCEPTED APPLICATION' OF THE INFRASTRUCTURE PLANNING. PLANNING INSPECTORATE REFERENCE: EN010103 LAND IN THE VICINITY OF THE SSI STEEL WORKS SITE, REDCAR, TEESSIDE, TS10 5QW</p> <p>Please find enclosed our written representations for the above Development Consent Order (DCO) on behalf of the Environment Agency (EA). If you have any questions or require any clarification on the points below, please do not hesitate to contact me. Yours faithfully [redacted] Planning Technical Specialist - Sustainable Places Direct dial [redacted] Direct e-mail [redacted]@environment-agency.gov.uk The Net Zero Teesside Project Application Planning Inspectorate Reference: EN010103 Registration identification: 20029883</p> <p>Summary of Written Representations - on behalf of the Environment Agency (EA):</p>	



RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p><b>2.1 - Draft Development Consent Order [APP-005]</b> We have recommended a number of changes regarding Requirements 13 and 16, and schedule 1.</p>	<p><b>2.1 – Draft Development Consent Order [APP-005]</b>            REQUIREMENT 13 – The Applicants are happy to amend the wording of this draft requirement to specifically include preparation of a preliminary risk assessment, verification plan (which forms part of the remediation strategy), verification report and long term monitoring plan. This will be updated at Deadline 2.            REQUIREMENT 16 – Requirement 16 states “The plan submitted and approved must be in accordance with the framework construction management plan and the indicative landscaping and biodiversity strategy”. The EA are already included as a consultee to the discharge of the requirement for the preparation of a detailed CEMP as part of their statutory duties, so as the EA will be consulted it is not proposed to amend Requirement 16.            Schedule 1            WORK NO. 1: TO INCLUDE WATER WASHING AND/OR ACID WASHING FACILITIES BETWEEN THE CARBON DIOXIDE ABSORPTION COLUMN AND ITS ASSOCIATED STACK            Both of these elements are considered and assessed in the ES (Ch. 4 paras 4.3.25 and 4.4.10 respectively, 6.2.4 [APP-086]), and are included within elements of the development listed in Schedule 1. Water or acid washing facilities are captured within Work No. 1C(ii) (“carbon dioxide absorption column and associated stack”). The Applicants do not therefore consider that it is necessary consider that it is necessary to update Schedule 1 for Work No. 1 but are content to specifically refer to these works.            WORK NO. 7 : TO INCLUDE HYDROGEN STORE            It is confirmed that the proposed storage of hydrogen is included within Work No. 1C(v) (“ancillary equipment, including pumps,</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
	<p>chemical storage and pipework"). As for the above item, the Applicants do not consider that it is necessary therefore to update Schedule 1 to the Draft DCO, but are content to do so. Both of these updates will be made at Deadline 2.</p>
<p><b>5.3 - Planning Statement [APP-170]</b> We have recommended that the DCO documents are updated with the latest version of the National Planning Policy Framework.</p>	<p><b>5.3 – Planning Statement [APP-170]</b>                      An updated Planning Statement has been submitted at Deadline 1. This will refer to the latest version of the NPPF.</p>
<p><b>6.2.8 ES Vol 1 Chapter 8 Air Quality [APP-190]</b> A water quality model needs to be submitted that assesses the impacts of atmospheric deposition rates on the Water Framework Directive (WFD) water bodies and its habitats.</p>	<p><b>6.2.8 ES Vol 1 Chapter 8 Air Quality [APP-190]</b>                      The WFD Assessment [APP-254] cross refers to formal assessment of effects to these habitats and designated sites made in Chapter 14: Marine Ecology and Nature Conservation [APP-096]. Furthermore, the WFD assessment states that, <i>“Further assessment into the impact of atmospheric deposition on the marine environment, shows that nitrogen deposition from the Proposed Development will be at its peak in the area of Coatham Sands. This encompasses the intertidal mudflats and sandflats in the marine environment within this area. Despite this, the hydrodynamic conditions and the open nature of the coastline mean that this area is subject to frequent tidal washing. This will facilitate the rapid dispersion of nitrogen deposits and therefore the potential for effects to intertidal habitats is considered to be negligible”</i>. This statement explains that intertidal habitats associated with the WFD water body are unlikely to be impacted by atmospheric deposition of nutrients as any build-up of nutrients would be washed off by the action of the tides. As an additional precaution, the Applicant has also considered whether atmospheric deposition of nutrients could have an impact in</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
	<p>isolation with regards to the concentration of nitrogen depositing in the coastal waters.</p> <p>A simple mass balance water quality appraisal for the Tees Coastal WFD waterbody has been undertaken and this was presented to the Environment Agency on the 1 April. The simple analysis is based on total nitrogen isopleth mapping from the air quality modelling outputs. This assumed a precautionary closed box system, with the maximum average total nitrogen deposition of 0.45 kg N/ha/yr (sourced from emissions of both NO<sub>2</sub> and NH<sub>3</sub>) applied across the entire waterbody with an assumed precautionary depth of 8m. Based on these assumptions the analysis indicated that the impact on nitrogen concentrations within the WFD waterbody would be insignificant with an increase of 0.009% total nitrogen per year. In reality, total nitrogen would be dispersed outside of the WFD waterbody and the highest nitrogen deposition rate would only apply to a very small area off Coatham Sands. As a simple analysis the results cannot be interpreted in absolute terms, but the predicted increase is so small that there is confidence that atmospheric deposition of nitrogen is an insignificant issue, and no further water quality modelling of this issue is considered necessary. The Environment Agency accepted this at the meeting on the 1 April 2022 (a response to other sources of nutrients is discussed in other technical responses) and this position will be reflected in the draft Statement of Common Ground between the Parties.</p>
<p><b>6.2.9 ES Vol I Chapter 9 Surface Water, Flood Risk and Water Resources [APP-191]</b> No assessment has been made of the impact to</p>	<p><b>6.2.9 ES Vol I Chapter 9 Surface Water, Flood Risk and Water Resources [APP-191]</b></p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>WFD water bodies from effluent. Therefore there is a risk of deterioration to WFD water bodies. The Coastal Modelling Report [APP-321] needs to be updated to assess effluent impacts.</p>	<p>Qualitative assessment has been provided in paragraphs 9.6.44 to 9.6.55 of Chapter 9 Surface Water, Flood Risk and Water Resources [APP-091]. Following receipt of the EA comments and also to support the Environmental Permit application, confirmatory modelling will be undertaken to demonstrate that the discharged effluent (process water) from the Proposed Development meets the required standards for a range of water quality indicators. Impacts on water quality in Tees Bay and the Tees Estuary will be assessed in an updated discharge modelling report. There remain two options for the treatment and discharge of process effluent – using on site treatment or directing it to Bran Sands for treatment within the existing facility. Similarly there remain two alternatives for the discharge of the treated water – to Tees Bay via an outfall or to Dabholm Gut via Northumbrian Water’s existing discharge. Both will be appraised in the confirmatory modelling.</p> <p>Any discharge of foul wastewater from welfare facilities etc. would be discharged to existing wastewater treatment facilities such as the Northumbrian Water Marske-by-the-Sea WwTW; any such discharge would need to comply with Northumbrian Water’s existing permits . This is in keeping with Environment Agency aspirations to avoid discharges of treated foul water directly from a site to the Tees Estuary.</p>
<p><b>6.2.24 ES Vol I Chapter 24 Cumulative and Combined Effects [APP-104]</b> There is potential for a slight adverse effect upon water quality in Tees Bay (temporary and localised, and related to the mobilisation of fine sediment) during the construction phase, if the existing</p>	<p><b>6.2.24 ES Vol I Chapter 24 Cumulative and Combined Effects [APP-104]</b>  <u>Water quality in Tees Bay</u></p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>discharge outfall to Tees Bay requires replacing. The Applicant should review and amend the Environmental Statement (ES) as appropriate with proposed ways to prevent this environmental impact.</p>	<p>The ES identifies a potential slight adverse effect during construction works which is therefore not considered significant. Any such effect would be minimised through the adoption of measures to be formalised through a detailed CEMP, the approval of which the EA will be a consultee (as secured by Requirement 16 to the Draft DCO [AS-136]. As the effects are not significant and of a temporary nature and as the detailed measures will be secured through the CEMP no change to the ES is proposed or considered necessary.</p>
<p><b>6.4.48 ES Vol III Appendix 24C Statement of Combined Effects [APP-346]</b> No assessment has been made on atmospheric deposition rates in combination with the water effluent plume from effluent containing Nitrogen to the Tees bay coastal waterbody. Therefore, insufficient information has been provided to assess the risk of deterioration of the WFD status of the Tees Coastal waterbody. A water quality model should include the effluent discharge and atmospheric deposition impact in combination to the Tees coastal Waterbody. m</p>	<p><b>6.4.48 ES Vol III Appendix 24C Statement of Combined Effects [APP-346]</b>  <u>Atmospheric deposition rates and water effluent plume</u>                      To assist the Environment Agency regarding compliance with chemical parameters, the Applicant proposes to undertake confirmatory calculations to demonstrate that the effect of aerial nitrogen deposition on the Tees Coastal Waterbody is insignificant when compared to nitrogen discharged into Tees Coastal waterbody – a position now agreed with the EA.</p>
<p><b>6.2.3 ES Vol I Chapter 3 Description of the Existing Environment [APP-085]</b> Some of the aquifer designation for superficial deposits and underlying bedrock units appears to be incorrect. The Applicant needs to review the aquifer designation of the superficial and solid geological units.</p>	<p><b>6.2.3 ES Vol I Chapter 3 Description of the Existing Environment [APP-085]</b>                      Updated aquifer designations provided by the EA will be used in the qualitative hydrological impact appraisal and updated controlled water assessment to be submitted separately (see response to comments on 6.2.10 below).</p>
<p><b>6.2.10 ES Vol I Chapter 10 Geology and Contaminated Land [APP-092]</b></p>	<p><b>6.2.10 ES Vol I Chapter 10 Geology and Contaminated Land [APP-092]</b></p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Ground Investigations Issue: This chapter is based upon desk study information presented in 6.4.12 ES Vol III Appendix 10A PSSR [APP-292],</p>	<p>The information in Chapter 10 will be supplemented by a Ground Investigation Factual Report and a Geotechnical Interpretative report for the PCC Site which will be submitted at Deadline 2. A qualitative hydrological impact appraisal (HIA) and updated controlled waters assessment will also be prepared which will include an updated aquifer designations. It is anticipated the Controlled Waters Assessment will be available for submission at Deadline 4.</p>
<p><b>6.4.12 ES Vol III Appendix 10A PSSR [APP-292]</b> This report requires updating with information regarding ground investigations, groundwater, controlled waters and historic landfill information.</p>	<p><b>6.4.12 ES Vol III Appendix 10A PSSR [APP-292]</b>                      The information in Appendix 10A will be supplemented by the Geotechnical Interpretative Report for the PCC Site based on the preliminary ground investigation. This will be submitted at Deadline 2. These will be supplemented by a qualitative hydrological impact appraisal and updated controlled waters assessment. It is anticipated the HIA and Controlled Waters Assessment will be available for submission at Deadline 4.</p>
<p><b>6.4.14 ES Vol III Appendix 10C Contaminated Land Environmental Risk Assessment</b> It is not clear or fully justified why controlled waters are considered a risk for certain sources and not others. Additionally, controlled water receptors should be specifically named and summarised as surface water and groundwater. Furthermore, this document does not adequately address the impact to groundwater and surface water. We would welcome the inclusion of the results of the ground investigation (including previous ground investigation results) to be submitted as part of the DCO submission. The Applicant should also provide a Hydrogeological Impact Assessment and assess the cumulative impact of the development.</p>	<p><b>6.4.14 ES Vol III Appendix 10C Contaminated Land Environmental Risk Assessment [APP-294]</b>                      The information in Appendix 10C will be supplemented by Geotechnical Interpretative Report for the PCC Site based on the preliminary ground investigation. This will be submitted at Deadline 2. These will be supplemented by a qualitative hydrological impact appraisal and updated controlled waters assessment. It is anticipated the HIA and Controlled Waters Assessment will be available for submission at Deadline 4.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p><b>6.2.25 ES Vol I Chapter 25 Summary of Significant Effects [APP-107]</b>                      We disagree with the summary of significant effects with respect to geology, hydrogeology and contaminated land. Ground investigation information would be required to confirm the conclusions of the Environmental Statement.</p>	<p><b>6.2.25 ES Vol I Chapter 25 Summary of Significant Effects [APP-107]</b>                      If appropriate, the Summary of Significant Effects for Contaminated Land and groundwater will be updated to reflect the findings of the confirmatory assessments described above. Should an update be required, it will be submitted into the Examination at Deadline 5.</p>
<p><b>6.2.12 ES Vol I Chapter 12 Terrestrial Ecology [APP-194]</b> The Applicant is proposing to survey for phytoplankton for a period of 12 months. We require surveys to cover a minimum 24 month period unless existing evidence has been used and submitted to justify a shorter period.                      The water vole and otter surveys outlined within '6.2.12 ES Vol I Chapter 12 Terrestrial Ecology' [APP-094] and 6.4.24 ES Vol III Appendix 12G Water Vole and Otter Survey Report [APP-309] are outdated. The lack of updated data/ use of potentially inaccurate baseline data for otter and watervole has meant that the impacts of the proposed DCO may not be fully understood and therefore appropriate mitigation / compensation has not been considered.</p>	<p><b>6.2.12 ES Vol I Chapter 12 Terrestrial Ecology [APP-194]</b> The Applicant has not proposed undertaking phytoplankton surveys nor has the need for such surveys been identified. The EA have agreed to investigate and confirm the reason for making this comment.</p>
<p><b>6.2.14 ES Vol I Chapter 14 Marine Ecology and Nature Conservation [App-096]</b> Loss of intertidal habitat There is a potential loss of habitats. The Applicant should seek to ensure that there is no net loss of any intertidal habitats. If this is not possible at the detailed design stage, mitigation measures and/or compensation must be included to compensate for this loss. UXO Clearance The EA wish to be consulted on the UXO Clearance methodology for any works within the Tees coastal or Tees estuary waterbody. The Applicant will</p>	<p><b>6.2.14 ES Vol I Chapter 14 Marine Ecology and Nature Conservation [APP-096]</b>  <u>Loss of intertidal habitats</u>                      The Proposed Development will not result in any loss of intertidal habitat. If the outfall requires replacement, this would be installed as a micro-bored tunnel running from the PCC Site to the discharge point within Tees Bay (within subtidal area). This was discussed and agreed in a meeting with the EA on the 1 April 2022.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>need to consider fish migration when this assessment (if needed) is carried out. Sample Plan and subsequent Sample Analysis Depending on location and timings of dredgings, the Applicant must consider the impacts to fish migration. The EA wishes to review the Sample Plan and subsequent Sample Analysis. Dredging If the proposed dredging operations were to occur concurrently with other dredging operations, we strongly recommend that these dredging activities avoid peak fish migration times (1st July-1st September). We also recommend that dissolved oxygen levels are monitored prior to dredging activity and during dredging activity at regular intervals and shared with the EA. Outfall If the new outfall is required, there will be a permanent loss of subtidal sand and gravels, totalling up to 350m<sup>3</sup>. Although the rock armour will be new rock habitat, it will not be natural. We would welcome the inclusion of a requirement regarding the provision of ecological enhancements to compensate for the loss of intertidal habitat. We also encourage monitoring around the outfall to monitor scour (scour pit development) and success of the marine enhancement measures. Suspended sediment concentrations In order to assess the suspended sediment concentrations impacts, we require clarity regarding the type of habitats within the 250m zone. Trenchless technologies We welcome the use of trenchless technologies as this will significantly minimise the impact of the construction phase to the estuarine and coastal ecology. However, we require further details outlining what the risks of the trenchless channels are including the depths of these trenchless channels? Fish Due to the proposed outfall, we would welcome the inclusion of further information on sea surface</p>	<p><u>UXO Clearance</u>            The Applicant will update the Framework CEMP stating that the EA will be consulted on the UXO clearance methodology and will consider impacts to fish migration. This was discussed and agreed in a meeting with the EA on the 1 April 2022.</p> <p><u>Sample Plan and subsequent Sample Analysis</u>            The Applicant will update the Framework CEMP stating that the EA will be consulted on the sample plan and subsequent sample analysis. This was discussed and agreed in a meeting with the EA on the 1 April 2022.</p> <p><u>Dredging</u>            Dredging (if required) would only be undertaken once around the outfall head in Tees Bay and will cover a small area (approximately 10x10m). The substrate is sandy and the water in the bay is well mixed. Impacts from this small amount of dredging are anticipated to be localised and minor and no additional mitigation is proposed other than compliance with the CEMP.</p> <p><u>Outfall</u>            The Applicant will investigate opportunities to introduce ecological enhancements on the new outfall head in the sub-tidal area (if this option is required), with a view to providing the EA with evidence of the effectiveness of ecological enhancement in the sub-tidal zone. This will be included in the updated Framework CEMP and secured</p>



RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>temperature and any likely thermal barriers to fish migration such as Atlantic Salmon.</p>	<p>by requirement. This was discussed and agreed in a meeting with the EA on the 1 April 2022.</p> <p><u>Suspended sediment concentrations</u>                      The subtidal habitat within the area consists homogenous sand over a wide area.                      If the replacement outfall is to be constructed, any release of inert water based drilling fluid would be temporary in nature and any solids released would settle on this subtidal sand habitat, noting that the proposed location is approximately 3 km south-east of the mouth of the Tees Estuary.</p> <p><u>Trenchless technologies</u>                      The HDD crossing of the Tees would be undertaken at depths of approximately 50m bgl within bedrock in order to avoid existing infrastructure, so it is considered that there is no pathway for impact on marine ecology receptors, including propagation of underwater sound. This was discussed and agreed in a meeting with the EA on the 1 April 2022.</p> <p><u>Fish</u>                      Impacts from thermal effects at the outfall have been discussed in the "Thermal Effects from Treated Water Discharge" section of Chapter 14 Marine Ecology and Nature Conservation [APP-096], which is detailed from paragraph 14.6.183 onwards. This included near-field and far-field modelling of both potential outfall options                      This concluded that:</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
	<p>- The temperature excess isolines which extend into the Estuary are negligible, being &lt;0.06°C in all scenarios modelled, with the higher temperature excess isolines never entering the Estuary</p> <p>- As the extent of the thermal plume is predominantly away from the mouth of the Estuary and as there are only negligible increases in the Estuary itself when considered against ambient water temperatures, this would not represent a barrier to migratory routes for diadromous fish species</p>
<p><b>6.4 ES Volume III Appendix 5A CEMP [APP-246]</b> As the final version of the CEMP has not yet been produced, there is a risk that poor management can lead to pollution incidents and spread of Invasive Species, Invasive Non-native Species (INNS) and diseases. The EA wish to be consulted on the final/detailed version of the CEMP and request that Requirement 16 is updated to reflect this. We also require clarity regarding the night time hours and table 5A-3 groundwater monitoring. The Applicant should ensure that the proposed development does not result in a WFD deterioration and or pollution of controlled waters and sensitive environmental receptors. We recommend that table 5A-4 is updated with information regarding the adoption of surface water / run off control measures.</p>	<p><b>6.4 ES Vol III Appendix 5A CEMP [APP-246]</b>                      The Applicant will update the Framework CEMP stating that the EA will be consulted on the Final CEMP prepared by the contractor. This is also secured by Requirement 16.</p>
<p><b>6.4.11 ES Vol III Appendix 9C WFD Assessment [APP-254]</b> WFD Mitigation Measures The proposal does not appear to include any measures that would enhance or restore any bodies of water. The Tees estuary transitional waterbody is currently failing to meet statutory environmental objectives including and in respect to the</p>	<p><b>6.4.11 ES Vol III Appendix 9C WFD Assessment [APP-254]</b>  <u>WFD Mitigation Measures</u>                      Process water will either be treated on site to an appropriate standard as agreed with the Environment Agency in accordance with the environmental permit, and then discharged to Tees Bay along</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>WFD element of Dissolved Inorganic Nitrogen (DIN). Excess DIN is also a factor in the failure of protected sites to achieve objectives. The main source of DIN to this waterbody is from Bran Sands Wastewater and Industrial Effluent Treatment Plant and the SembCorp Wilton complex effluent discharge. Both of these effluents currently discharge to the Tees estuary via Dabholme Gut. The long term solution to this issue is not yet known or agreed. However the redirection of these effluents to the North Sea may form part of that solution. It is not apparent if and how the proposal including to 'extinguish easements, servitudes and other private rights' in the area of these effluent discharges will impact on future measures to resolve DIN failures. If this was to involve redirection of effluents then the proposal if not taking consideration of those future measures could jeopardise attainment of WFD objectives. The Applicant must demonstrate that the proposal will not jeopardise the delivery of mitigation measures aiming to attain WFD objectives, in particular DIN. The Applicant should also consider how the proposal could protect and enhance the waterbodies within development boundary. The Applicant should also ensure the WFD assessment also considers non-reportable bodies of water potentially affected by the proposal. Groundwater Changes to Hydrogeological regime may impact groundwater.</p>	<p>with cooling water via the outfall. Alternatively process water would be treated at Bran Sands WwTW and then either returned to the PCC for discharge to Tees Bay via the outfall or discharged via the existing Northumbrian Water outfall to the Dabholm Gut/Tees Estuary. As noted in our responses to 6.2.8 and 6.2.9, a modelling exercise is to be undertaken to confirm that there are no significant potential impacts on water quality relating to the process discharge of cooling water and treated process water to Tees Bay. The assessment will also confirm the potential for the effluent plume to enter the Tees Estuary and adversely affect the qualifying features of the Teesmouth and Cleveland Coast SPA/Ramsar and /or the special interest features of the Teesmouth and Cleveland Coast SSSI. The modelling report will be submitted to both the Environment Agency and Natural England upon completion. As discussed above, the modelling report will also consider the potential impacts on nutrient neutrality in the Tees Estuary from any discharge to the Tees Bay or Dabholm Gut.</p> <p>The WFD assessment [APP-254] does include assessment of non-reportable waterbodies.</p> <p>In terms of mitigation and enhancement, the response from the Environment Agency identifies that potential adverse impacts to watercourses from the CO<sub>2</sub> Gathering Network and Natural Gas Corridor have been avoided by using existing pipeline corridors and overbridges. It is confirmed that there is no proposed 'large scale infilling of the estuary to produce land on which to base industry and port activity' included in the Proposed Development.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
	<p>It was agreed at the meeting with the Environment Agency on the 1 April 2022 that it would not be possible for the Applicants to influence or control any future initiative to alter the discharge from Bran Sands WwTW from the Dabholm Gut to the Tees Coastal Waterbody, noting that there are currently no proposals developed by Northumbrian Water Ltd. However, outside of the Examination for this Project, it was agreed to hold further discussions to explore the Environment Agency's concerns regarding existing Water Framework Directive compliance issues (that are outside the remit of the Proposed Development) in more detail.</p> <p>The narrowness of the DCO boundary in the pipeline corridors means that will preclude meaningful biodiversity enhancement of watercourses crossed by the pipelines. The Applicants welcome the additional information provided by the Environment Agency of other local initiatives (e.g. Tees Estuary Edges Enhancement Study (2018) and Tees Tideway projects), however no further enhancement measures are proposed. The possibility of 'roughing up' rock armour that is likely to be required around the proposed outfall in order that marine flora can better attach to it will also be considered, following a request from the Environment Agency at the meeting on 1st April 2022.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p><b>6.2.10 ES Vol I Chapter 10 Geology and Contaminated Land [APP-092]</b> will need to be updated with a Hydrogeological Impact Appraisal (HIA) and the conclusions of the HIA should inform the WFD assessment. This should include a CSM (schematic picture) identifying all of the receptors.</p>	<p><b>6.2.10 ES Vol I Chapter 10 Geology and Contaminated Land [APP-092]</b></p> <p>Chapter 10 will be supplemented with an updated confirmatory Hydrogeological Impact Appraisal (HIA) and the conclusions of the HIA will confirm the WFD assessment. This will include a CSM (schematic picture) identifying all of the receptors. The HIA will be submitted at Deadline 4.</p>
<p><b>6.4.9 ES Vol III Appendix 9A Flood Risk Assessment Parts 1, 2 and 3 [APP-250, APP-251, APP252]</b></p> <p>With respect to fluvial and tidal flooding, we are satisfied with the Flood Risk Assessment (FRA) submitted. However, we require further information regarding the risks of groundwater flooding within the FRA. The Applicant must demonstrate how they have assessed the risk of groundwater flooding and demonstrate how they have reached their conclusion that the risk of groundwater flooding is considered to be 'medium'. Landfill Gas The proposed development is located on or within 250m of a landfill site that is known to be producing landfill gas. We have provided advice to the Applicant regarding how to assess landfill gas.</p>	<p><b>6.4.9 ES Vol III Appendix 9A Flood Risk Assessment Parts 1, 2 and 3 [APP-250, APP-251, APP252]</b></p> <p>The EA confirmed in a meeting on 11<sup>th</sup> March 2022 that risk of groundwater flooding relates to development in Saltholme as a result of the shallow water table and upward pressure gradients associated with brine wells penetrating Magnesian Limestone at depth. It has been agreed that the Applicants will consider risk of groundwater flooding if construction of new footings is required for pipelines running north of the Tees and appropriate risk mitigation measures taken if necessary. This would be secured through the Final CEMP prepared by the Contractor.</p>
<p><b>6.2.4 ES Vol I Chapter 4 Proposed Development [APP-086]</b></p> <p>Applicant to provide a plant schematic showing the stack location and construction details.</p>	<p><b>6.2.4 ES Vol I Chapter 4 Proposed Development [APP-086]</b></p> <p>Stack details are provided in ES Vol I Chapter 4 Proposed Development [APP-086] and plant layout and elevations (including the stack) are included in DCO Drawings 4.6 PCC Facility Plans.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p><b>5.7 - Carbon Capture Readiness Assessment [APP-174]</b>            The EA considers that the Applicant has set aside enough land to accommodate the carbon capture plant however, despite applying to install a carbon capture plant at the same time as the power plant, they have not demonstrated that “there are no foreseeable barriers” to the technical feasibility of installing their chosen carbon plant. We require further information from the Applicant regarding the Carbon Capture Readiness process.</p>	<p><b>5.7 – Carbon Capture Readiness Assessment [APP-174]</b>            Further information on Carbon Capture Readiness will be provided to respond to the points raised by the EA. These will be submitted to the EA for review.</p>
<p><b>Environmental Permitting Regulations (EPR) - Advice to Applicant</b></p> <p>The DCO will require the following permit from the EA:</p> <p>1. Environmental Permitting Regulations permit for the Combined Cycle Gas Turbine (CCGT) with Carbon Capture, additional emissions scrubbing, cooling system, emissions stacks, auxiliary boiler, Low Pressure compressor, CO2 conditioning processes and High Pressure (HP) Compressor, with two operators. This differs from that proposed by the Applicant (two EPR Permits, separating out the HP Compressor). The EA considers this to be one installation to ensure the large quantities of useful waste heat energy from the HP Compressor is reused within the carbon capture plant, improving overall efficiency. It is noted that an EPR Permit Application has already been submitted to the EA for parallel assessment and the installation boundary will be addressed during the permit determination process.</p>	<p><b>Environmental Permitting Regulations (EPR) – Advice to Applicant</b>            1 and 2, 5 and 6: Noted</p> <p>2: If any such permit is required this would be identified at the construction stage and a permit would be sought prior to removal and disposal of any such waste as appropriate.</p> <p>4. No abstraction from the River Tees or Tees Bay is required. Raw water will be supplied by Northumbrian Water Ltd.</p> <p><u>Flood Risk Activity Permit – Advice to Applicant</u>            Noted</p> <p><u>Adoption of existing abstraction licence – Advice to Applicant</u>            Noted</p> <p><u>Dewatering – Advice to Applicant</u>            Noted</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>2. Standard Rules Permit for the Non-Road Mobile Machinery (NRMM) should the equipment remain on site for longer than 6 months.</p> <p>3. Naturally Occurring Radioactive Materials - Radioactive Sources (NORM RAS) waste permit from the pipeline pigging: if necessary, pigging waste may arise from the off-shore pipeline maintenance programme and has not been discussed within the Application.</p> <p>4. An abstraction authorisation: dependant on the quantities of cooling water required and the abstraction location.</p> <p>5. UK Emissions Trading Scheme Permit;</p> <p>6. Control of Major Accident Hazards Regulations (COMAH) permit: this may be required for hydrogen, ammonia and amines storage.          Flood Risk Activity Permit - Advice to Applicant The proposed development will require a Flood Risk Activity Permit (FRAP).          Adoption of existing abstraction licence - Advice to Applicant If the arrangements for water supply to the development change with the result that direct abstraction from the environment is required, the Applicant should refer to our previously provided advice in respect of the existing abstraction licence for the site. Dewatering - Advice to Applicant Any dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests. This activity was previously exempt from requiring an abstraction licence but, since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres</p>	<p>2.1 DCO. See previous comments regarding the drafting of requirements.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>a day will require an abstraction licence from the EA prior to the commencement of dewatering activities at the site. The Net Zero Teesside Project Application Planning Inspectorate Reference: EN010103 Registration identification: 20029883 Environment Agency Position We have reviewed the DCO submission documents and require further information and assessment on number of the DCO documents.</p>	
<p><b>2.1 - Draft Development Consent Order [APP-005]</b></p> <p>Requirement 13 - Contaminated land and groundwater The requirement does not accommodate for a preliminary risk assessment, verification plan (which forms part of the remediation strategy), verification report and long term monitoring. We anticipate the requirement for long term monitoring to demonstrate that the development has contributed to an improvement of groundwater quality. Within Part 3(a) it should be clear that a remedial options appraisal and remediation strategy highlights the remedial measures to be undertaken. Within Part 3(a) we would highlight that a Materials Management Plan in accordance with the CLAIRE Definition of Waste: Code Of Practice (DoWCoP) is required for reuse of excavated materials (site won or imported) on development sites. We would not fully agree with the provision of Part 6. Remedial validation reports under previous planning permissions may be historic and updated risk assessments would be required. Acceptance of such information should be subject to the approval of the Local Planning Authority.</p>	<p>2.1 DCO. See previous comments regarding the drafting of requirements.</p>



RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Requirement 16 - Construction environmental management plan (CEMP) We wish to be consulted on the final/detailed version of the CEMP and request that requirement 16 is updated to reflect this.</p> <p>Schedule 1 - With respect to schedule 1 authorised development, we recommend inclusion of the following equipment within the following work plans: -</p> <p>Work No. 1: to include water washing and/or acid washing facilities between the carbon dioxide absorption column and its associated stack. This equipment must be included within the DCO.</p> <p>Work No. 7: to include hydrogen store.</p>	
<p><b>5.3 - Planning Statement [APP-170]</b></p> <p>National Planning Policy Framework (NPPF) Issue:            Section 6.5 makes reference to the NPPF. However, it is noted that policy summary of section 15 of the NPPF does not include reference to para 174 point F. This states that planning policies and decisions should contribute to and enhance the natural and local environment by remediating and mitigating, despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Furthermore, there is no reference to paragraph 183. This states that “after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. Solution: Reference to paragraphs 174 Point F and 183 of the NPPF should be made. It should be noted that there are a number of other references to the NPPF within the DCO submission which require updating.</p>	<p>5.3 An updated Planning Statement has been provided at Deadline 1.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p><b>6.2.8 ES Vol 1 Chapter 8 Air Quality [APP-190]</b></p> <p>Impacts on intertidal habitats and fish Issue: This assessment concluded a significant (major adverse) effect to sand dune and saltmarsh habitats. Consequently, there is potential for the deposition of air pollutants to effect other intertidal habitats (e.g. mudflats) and species, as well as fish species which may depend on these for specific functions (e.g. nursery grounds). Despite this, the hydrodynamic conditions and the open nature of the coastline mean that this area is subject to frequent tidal washing. This will facilitate the rapid dispersion of nitrogen deposits and therefore the potential for effects to intertidal habitats is considered to be negligible. However, the Applicant has failed to provide sufficient information to assess the potential risk of deterioration in Water Framework Directive (WFD) status of the Tees coastal waterbody. Solution: A water quality model needs to assess the impact of atmospheric deposition rates on the WFD waterbodies and protected features covered under the habitats directive.</p> <p><b>6.2.9 ES Vol I Chapter 9 Surface Water, Flood Risk and Water Resources [APP-191]</b> Effluent assessment Issue: No assessment has been made of the impact to WFD waterbodies from the effluent from the proposed regulated site. Therefore, there is a potential risk of deterioration to the WFD waterbodies as no assessment has been made, and no water quality model carried out showing the impact of these discharges. Solution: Although the Applicant has submitted a Coastal Modelling Report [APP-321] it does not assess the impact of discharges from effluent. Therefore, a water quality model needs to</p>	<p>6.2.8, 6.2.9 See response above.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>be carried out to assess the impact of these discharges on the WFD elements/ update the coastal modelling report. A Hazardous substance assessment should be carried out on any surface water which has the potential to be contaminated from the historic contamination found on site, and reflected into the coastal modelling report/ water quality model. Contamination of surface water should be stopped at source through remediation or containment of clean surface water preventing contamination in the first place.</p>	
<p><b>6.2.24 ES Vol I Chapter 24 Cumulative and Combined Effects [APP-104]</b></p> <p>Water quality in Tees Bay Issue: This report states there is potential for a slight adverse effect upon water quality in Tees Bay (temporary and localised, and related to the mobilisation of fine sediment) during the construction phase, if the existing discharge outfall to Tees Bay requires replacing. Solution: Applicant to review and amend this section of the ES as appropriate with proposed ways to prevent this environmental impact. The use of techniques to prevent this impact should be considered, including, but not limited to the use of settlement bags/ponds to prevent the loss of fines and the smothering habitats within Tees Bay should be explored.</p> <p><b>6.4.48 ES Vol III Appendix 24C Statement of Combined Effects [APP-346]</b> Atmospheric deposition rates and water effluent plume Issue: No assessment has been made on atmospheric deposition rates in combination with the water effluent plume from effluent containing Nitrogen to the Tees bay coastal waterbody. Therefore, insufficient</p>	<p>6.2.24, 6.4.48 See response above.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>information has been provided to assess the risk of deterioration of the WFD status of the Tees Coastal waterbody. Solution: A water quality model should include the effluent discharge and atmospheric deposition impact in combination to the Tees coastal Waterbody.</p>	
<p><b>6.2.3 ES Vol I Chapter 3 Description of the Existing Environment [APP-085]</b></p> <p>Aquifer designation Issue: Paragraphs 3.4.20 – 3.4.23 provide details on the aquifer designation for superficial deposits and underlying bedrock units. However, the aquifer designation for the Mercia Mudstone, Penarth Group and Redcar Mudstone appears to be incorrect. The aquifer designation for glacial till, tidal flat deposits, blown sands and beach and tidal flat deposits also appear to be incorrect. Solution: The Applicant to review the aquifer designation of the superficial and solid geological units.</p> <p><b>6.2.10 ES Vol I Chapter 10 Geology and Contaminated Land [APP-092]</b></p> <p>Ground Investigations Issue: This chapter is based upon desk study information presented in 6.4.12 ES Vol III Appendix 10A PSSR [APP-292],</p> <p><b>6.4.13 ES Vol III Appendix 10B [APP-293] and 6.4.14 ES Vol III Appendix 10C Contaminated Land Environmental Risk Assessment [APP-294].</b> The baseline conditions alongside the assessments and conclusions presented in this chapter need to be underpinned by appropriate ground investigation. The results of ground investigation</p>	<p>6.2.3 See Response above.</p> <p>6.2.10 See response above.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>would confirm the ground and groundwater regime prevailing at the site, the extent of land contamination and impact on controlled waters. The Applicant has not confirmed which areas of the development will be subject to ground investigation. Sections 10.1.5 and 10.4.3 states that at the time of writing no scheme of ground investigation has been undertaken and this is scheduled for Q2/Q3 2021. It is envisaged that this ground investigation has now been completed. However, the absence of ground investigation information does not allow the baseline conditions to be confirmed</p> <p>Solution: The Applicant to confirm which areas of the proposed development will be subject to ground investigation. This should include details of the scope and results of the ground investigation undertaken either within the Environmental Statement or within a separate Ground Investigation Interpretative Report. It is inferred that ground investigation will or has been undertaken on the PCC Site area and CO2 Export Corridor. Rationale as to why ground investigation has not been undertaken for other elements of the development would be required.</p> <p>Aquifer designation Issue: Sections 3.4.20 – 3.4.23 provide details on the aquifer designation for superficial deposits and underlying bedrock units. The aquifer designation for the Mercia Mudstone, Penarth Group and Redcar Mudstone appears to be incorrect. The aquifer designation for glacial till, tidal flat deposits, blown sands and beach and tidal flat deposits also appear to be incorrect. Consequently, the Applicant's assessment of the importance and sensitivity of the superficial and solid geology may not have been correctly identified. Solution: The aquifer designation of the</p>	

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>superficial and solid geological units needs to be reviewed Tables 10.12 and 10.13 Issue: There are discrepancies between table 10.12 (Details of superficial geology and solid geology) and table 10.13 (Hydrogeology). In addition, the underlying geology and appropriate corresponding aquifer designation may not have been correctly identified. Solution: Table 10.12 be reviewed to identify the correct underlying geology for the various aspects of the development and Table 10.13 be reviewed to ensure that correct underlying geology and appropriate aquifer designation is highlighted.</p> <p>Monitoring of groundwater with respect to section 10.5.3, we acknowledge the inclusion of a remedial options appraisal and remediation strategy. However, we wish to highlight that longer term monitoring of groundwater is likely to be required to provide the evidence of an improvement in groundwater quality across the site and demonstrate environmental betterment has been achieved as part of the proposed development.</p> <p>Table 10-14 Issue: There are discrepancies between table 10-14 (geology bedrock and the locations/elements of the various development) and table 10-12. There appears to be discrepancies in aquifer designation. Solution: Applicant to review discrepancies between table 10-14 (geology bedrock and the locations) and the aquifer designations. We would welcome clarity regarding whether the interaction between groundwater within the bedrock and superficial geological units with the River Tees has been considered in assigned the various receptor values.</p>	

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Operational Mitigation With reference to section 10.8.4 (Operational Mitigation) we acknowledge the preparation and implementation of a groundwater quality and land quality monitoring plan and would welcome consultation in the scope and extent of monitoring. Both aspects would satisfy the requirements of the Industrial Emissions Directive. Table 10.15 Issue: It is not clear why some of the superficial deposits and superficial groundwater aquifers have not been considered during operation. In the absence of site specific ground investigation, it is difficult to accurately assign magnitude of impact and an appropriate level of residual risk. Solution: Applicant to provide clarification as to why some of the superficial deposits and superficial groundwater aquifers have not been considered during operation. Ground investigation would be required to confirm baseline conditions and the magnitude of impact and residual risk.</p>	
<p><b>6.4.12 ES Vol III Appendix 10A PSSR [APP-292]</b>            Requirement 13 This is a large report covering an extensive site which contains a substantial amount of information for the various elements or work packages of the proposed development. It is therefore difficult to read and synthesise. Due to the extent of the PSSR report, we welcome the inclusion of Requirement 13 and that a scheme to deal with the contamination of land, including groundwater, will be submitted to and, after consultation with the EA, approved by the relevant planning authority. We envisage that once it is clearer where existing infrastructure is to be utilised, where construction activities / ground is to be broken, and the option has been decided for the various corridors, that separate Preliminary Risk Assessments could be prepared for the separate elements or</p>	<p>See Response above for Geotechnical Interpretative Report for the PCC Site based on the preliminary ground investigation. This will be submitted at Deadline 2. This ground investigation covers the PCC Site and the onshore part of the CO<sub>2</sub> Export Pipeline. Ground investigations for the connections corridors will be undertaken for the connections corridors as necessary, i.e. if trenchless operations or ground works are proposed. The EA will be consulted on the discharge of Requirement 13.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>work packages of the proposed development. This should allow it to be much clearer whether proposed ground investigation fully addresses land contamination issues.</p> <p>Extent of the ground investigations Issue: Sections 10.6.6 to 10.6.92, references previous ground investigations undertaken. However, there are no visual representations of the real extent of the ground investigations in the context of the proposed development. Additionally, it is not clear what the groundwater regime is that has been encountered, nor the extent of the impact of soil and leachate contamination on controlled waters. It is clear that previous third party assessments may not have fully addressed the risks to controlled waters or considered appropriate remediation options.</p> <p>Solution: Applicant to provide visual representations of the extent of previous ground investigations and clarify the groundwater regime / bodies identified. Further detail is required on the extent of the impact of soil and leachate contamination on controlled waters. In undertaking future risk assessments, the Applicant must confirm whether they would utilise pertinent factual data (chemical / geotechnical results / engineering logs etc) collected from previous ground investigations in addition to ground investigations undertaken on behalf of the Applicant.</p>	<p>See Response above.</p>
<p>Future risk assessments should highlight the prevailing groundwater regime at the site, how groundwater bodies may interact and how groundwater bodies interacts with surface waters. The Applicant must ensure that remediation of controlled waters and long term</p>	<p>Noted.</p>



RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>monitoring to demonstrate environmental betterment is fully considered. We also request copies of the previous reports as mentioned in Table 10A are submitted as part of the DCO submission.</p> <p>Groundwater conditions AEG Issue: Sections 10.9.13 – 10.9.20 refers to and provides details of a ground investigation undertaken by AEG on behalf of PD Teesport. However, there are no visual representations of the extent of the ground investigation and therefore it is difficult to locate the boreholes referred to in the report. Solution: Applicant to visual representations of the ground investigation and ground investigation report.</p>	
<p>Groundwater conditions PCC site Sections 10.9.23 – 10.9.36 provide a summary of the groundwater conditions encountered within the PCC site. However, there are no visual representations of the ground and groundwater conditions and it is not clear what the groundwater regime is prevailing at the site. Solution: Applicant to provide clarity as to the anticipated groundwater regime prevailing at the site, and to provide visual representations of the ground and groundwater conditions and include surface water bodies.</p>	<p>Superficial deposits and superficial aquifers will be considered in the HIA and Controlled Waters Risk Assessment, it is anticipated the HIA and Controlled Waters Risk Assessment will be submitted into the Examination at Deadline 4.</p>
<p>Controlled waters Issue: It is not clear what controlled water bodies are considered to be receptors within sections 10.10.44 – 10.10.49. Solution: The Applicant to provide clarity on what controlled waters are considered receptors. We would expect both surface water and groundwater bodies to be considered receptors unless ground investigation information confirmed otherwise. Historic landfill Issue:</p>	<p>Noted.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>This does not appear to include the historic landfills as potential sources of contamination. Solution: Applicant to include historic landfills as potential sources of contamination.</p>	
<p>Risk classification for the various contamination sources Issue: Table 10A-28 Environmental Risk Assessment does not provide justification for the basis of the risk classification for the various contamination sources. Additionally, controlled water receptors should be specifically named and not summarised as surface water and groundwater. Solution: Applicant to provide clarity on the environmental risk assessment and controlled waters receptors. We would expect future preliminary risk assessments as part of Requirement 13 to provide justification for the basis of the environmental risk assessment and for controlled water receptors to be specifically named. We would expect ground investigation to confirm or otherwise the conclusions of the preliminary risk assessment.</p>	<p>Included in AECOM Geotechnical Interpretative Report for the PCC Site based on the preliminary ground investigation. This will be submitted at Deadline 2.</p>
<p><b>Table 10A-35, Geotechnical Risk Register Issue:</b>                      The pollution risk to controlled waters is highlighted for the PCC site, CO2 export pipeline, water connection corridors, CO2 gathering network and natural gas corridor and electrical connection corridor. We welcome the mitigation highlighted in the form of ground investigation. However, we would welcome clarification on the scope and extent of ground investigation for the various aspects or work packages of the proposed development. Solution: Applicant to confirm the scope and extent of ground investigation for the various aspects or work packages of the proposed development.</p>	<p>See AECOM Geotechnical Interpretative Report for the PCC Site based on the preliminary ground investigation. This will be submitted at Deadline 2.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Risk Register S10.11.4 Issue: The likelihood and severity does not include breach of containment of highly polluting sources within Bran Sands and Teesport landfills etc. Thus there is potential for the 'Difficult construction conditions – buried derelict infrastructure – General' for each work area/ package has been potentially underscored. Furthermore, the risk associated with the borehole density (pathways and interconnectivity between superficial groundwater and bedrock ground water) is not considered There are so many subsurface historical constraints, therefore if construction veers into the existing pipe runs, how confident is the Applicant that the outline of the landfills is accurate enough to be outside the area of proposed works? Solution: Applicant to provide more detailed risk assessment for work packages close to highly polluting landfill, contaminated land sites. It should be noted that Brans Sand contains a source term of DIN. If this is released, then the WFD failure in the estuary is exacerbated and not improved. It should be noted that not all boreholes are vertical and thus additional boreholes may need to be included in the assessment Preliminary Sources Study Report, Annex E Issue: Groundwater level data for main site and CO2 offshore corridors are not adequately interpreted Solution: Applicant to provide geological cross sections with aquifer units, associated water level data and ground water level contour maps to identify groundwater flow paths. These requirements will be needed for all work areas as groundwater level, quality, dewatering and associated ground stability issues are all identified as risks/ constraints that will require further GI/ SI to validate the current evidence baseline which is all desk based to date. The Applicant must demonstrate and provide assurances that landfill containment mitigation measures</p>	<p>Ground investigations for the PCC Site and CO2 Export Pipeline have been undertaken. Ground investigations for the connections corridors will be undertaken for the connections corridors as necessary, i.e. if trenchless operations or ground works are proposed. The EA will be consulted before these GI works take place.</p> <p>No intrusive works are proposed in the vicinity of Bran Sands and Teesport Landfill sites. The CO2 Gathering Network will be run either on existing pipe racking or an extension to the existing pipe racking in the existing utilities corridor along the northern bank of the Dabholm Gut. The exit point for HDD Tees crossing works will be located around 500 m to the north-west of Bran Sands Landfill so no direct impacts on the landfill site are anticipated. Notwithstanding this, a ground investigation will be undertaken prior to trenchless crossing works to confirm ground conditions (including contamination, groundwater conditions and quality and gas in the vicinity of Bran Sands Landfill. The EA will be consulted before these GI works are undertaken</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>will not be breached by any of the proposed works, nor new pathways created between poor quality groundwater and the surface water.</p> <p><b>Contaminated Land – Conceptual Model, Section 10.2, Table 10B-2</b>            Issue: This section does not identify landfill features as potential sources of contamination. Solution: Applicant to accommodate for landfill features as potential sources of contamination or provide justification as to why they have been discounted.</p>	
<p><b>Contaminated Land – Conceptual Model, Section 10B-4</b>            Issue: This section highlights potential contaminant linkages. However, it does not provide justification for the basis of the risk classification for the various contamination sources and associated contaminants. Additionally, controlled water receptors should be specifically named and not summarised as surface water and groundwater            Solution: We appreciate that the risk assessment is preliminary and subject to site investigation. However, it would be useful to include schematic cross sections, site conceptual models of the various aspects and work packages of the proposed development. We would also support the inclusion of the results of any ground investigation undertaken by the Applicant as part of the DCO submission. We would expect future preliminary risk assessments for the various aspects or work packages of the development as part of Requirement 13 to provide justification for the basis of the environmental risk assessment and for controlled water receptors to be specifically named. We would expect ground investigation to confirm or otherwise the conclusions</p>	<p>Revision of Table 10B- updated to include landfill features will be included in the HIA and Controlled Waters Risk Assessment to be provided. It is anticipated the HIA and Controlled Waters Risk Assessment will be submitted into the Examination at Deadline 4.</p> <p>Conceptual model to be updated as part of the HIA and Controlled Waters Risk Assessment to be provided, it is anticipated the HIA and Controlled Waters Risk Assessment will be submitted into the Examination at Deadline 4.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>of the preliminary risk assessment including the site conceptual model.</p>	
<p><b>6.4.14 ES Vol III Appendix 10C Contaminated Land Environmental Risk Assessment Controlled waters</b> Issue: This appendix provides an Environmental Risk Assessment. However, it is not clear or fully justified why controlled waters are considered a risk for certain sources and not others. Additionally, controlled water receptors should be specifically named and summarised as surface water and groundwater. Solution: We appreciate that the risk assessment is preliminary and subject to site investigation. However, we would welcome the inclusion of the results of the ground investigation (including previous ground investigation results) to be submitted as part of the DCO submission.</p> <p>Impact to groundwater and surface water Issue: This document does not adequately address the impact to groundwater and surface water. Solution: Applicant to provide a Hydrogeological Impact Assessment and to assess the cumulative impact of the development – ie all work packages. Further guidance is available at [Redacted]</p>	<p>Noted.</p> <p>To be included in the HIA and Controlled Waters Risk assessment to be provided, it is anticipated the HIA and Controlled Waters Risk Assessment will be submitted into the Examination at Deadline 4.</p>
<p><b>6.2.25 ES Vol I Chapter 25 Summary of Significant Effects [APP-107]</b> Geology, hydrogeology and contaminated land Issue: We are dissatisfied with the summary of significant effects with respect to geology, hydrogeology and contaminated land. Ground investigation information would be required to confirm the conclusions of the ES. Solution: Applicant to provide ground investigation which will help demonstrate that the conclusions of the Environmental Statement are appropriate. We also require clarification on what areas of the proposed development will be subject to ground investigation.</p>	<p>To be updated to incorporate the results of the ground investigation. Ground investigation information is now available for the PCC Site and CO<sub>2</sub> Export Pipeline and will be shared with the EA by Deadline 2.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p><b>6.2.12 ES Vol I Chapter 12 Terrestrial Ecology [APP-194]</b> Survey for phytoplankton Issue: The Applicant is proposing to survey for phytoplankton for a period of 12 months. We require surveys to cover a minimum 24 month period unless existing evidence has been used and submitted to justify a shorter period. By surveying for just 12 months, it will be difficult to identify an accurate baseline. Without an accurate baseline, it will not be possible to accurately determine whether or not the development will have any significant impacts on phytoplankton. Solution: Applicant to monitor for 24 months as requested or Applicant to review any existing data from other sources (i.e. EA data) that may be available to supplement the 12 month survey period and give data for previous year(s). In the absence of any existing data to justify the 12 month survey period, the EA position is that 24 months is necessary.</p>	<p>The applicant did not propose a phytoplankton survey in the ES and no future survey is proposed. EA to provide a reason for this comment.</p>
<p><b>Water vole and otter surveys</b>            Issue: The water vole and otter surveys outlined within '6.2.12 ES Vol I Chapter 12 Terrestrial Ecology' [APP-094] and 6.4.24 ES Vol III Appendix 12G Water Vole and Otter Survey Report [APP-309] are outdated. These surveys were undertaken in September 2018 and are stated within the documents that these reports are only valid for 12 months. The survey area has only taken into account a focused area within the Redcar and Cleveland Borough Council boundary on the south bank side. There are two records of otter from 2019 present on Dabholm Beck south of the survey area. However, the redline boundary appears to run directly adjacent to this watercourse. There are also several records of otter from across the Royal Society for the Protection of Birds (RSPB) Saltholme within the</p>	<p>The presence of desk study records for otter was stated in Appendix 12C, which also identified potential for presence in relevant watercourses within the study area. Dabholm Beck is close to land required for Work No. 6 (APP-020), as described in the original ES. Within this area, directional drilling was proposed to cross the river Tees together with the use of existing pipe racks.</p> <p>The potential presence of otter in nearby watercourses is not disputed. However, use of existing operational infrastructure corridors was considered to preclude any reasonable likelihood of disturbance to otters or an effect on nature conservation status. Again the pipeline passes through a largely open landscape, although</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>north bank area. Although the pipeline does not appear to directly impact any of the watercourses as construction is along an existing pipeline, works will be taking place very close to Belasis Beck and disturbance to otter has not been fully considered. Several records of water vole are also been recorded across RSPB Saltholme. The lack of update data/ use of potentially inaccurate baseline data for otter and wolverine has meant that the impacts of the proposed DCO may not be fully understood and therefore appropriate mitigation / compensation has not been considered. Otters are protected against disturbance and currently the status of otters along Balasis Beck is unknown. Recent records also indicate otter presence along Dabholm Beck, this has not been surveyed either despite the redline boundary running directly adjacent to the Beck.</p> <p>Solution: 5.12 Landscape and Biodiversity Strategy' [APP-079], paragraph 4.2.2 states that the Applicant has committed to 'existing or potential biodiversity constraints to be re-assessed during update surveys are as follows:</p> <ul style="list-style-type: none"> <li>- water vole: update surveys where works on the banks of watercourses cannot be avoided;</li> <li>- invasive non-native species: updated survey to re-confirm the locations of species that may be disturbed during construction.</li> </ul> <p>Furthermore, the Applicant has committed to updating the Landscaping and Biodiversity Strategy should any new protected or invasive species constraints are identified (paragraph 4.2.3) via discussion with relevant local planning authority and/ or the relevant</p>	<p>it is recognised that refuges could occur in association with rank vegetation and scrub.</p> <p>However, an otter survey is proposed in Spring 2022 to collect confirmatory data for this area. Requirements for pre-construction update surveys will be identified based on the results of the 2022 survey. The likelihood of otters using this area for refuge is low based on habitat conditions (open, lack of cover); Further evidence will be collected to demonstrate this.</p> <p>We acknowledge the comment on water vole potentially being present across the RSPB Saltholme reserve and understand from the response provided that the Environment Agency does not disagree with the broader strategy proposed for water vole management and recognises that the current baseline conditions may not be the same as that at the time of construction i.e. water vole could be present later in locations where it is currently absent.</p> <p>Pathways for impact at Saltholme were discounted for the reasons given in Chapter 12. Use of existing pipe racks precludes losses/disturbance of water vole habitat and disturbance of refuge habitat. Notwithstanding this, updated water vole surveys in Saltholme will be undertaken in Spring 2022. We therefore welcome confirmation from the Environment Agency that they agree with the precautionary mitigation approach for water vole as set out in Document 5.12 Indicative Landscape and Biodiversity Strategy' [APP-079].</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>statutory consultees. It also states that the implementation of these measures is proposed to be secured by a Requirement of the draft DCO. Paragraph 4.2.4 states that any additional surveys would be instructed during the advance works, site clearance and construction phases as identified as necessary by the ecologist or landscape architect, or otherwise as identified and requested by the Applicants or their contractors when implementing the approved Final Construction Environmental Management Plan (CEMP) and other relevant approved plans and permits. This approach seems adequate for water vole. However, otter should be included within these updated surveys given records are known near to the redline boundary on the south bank and in the wider area on the north bank. The EA would like to review the surveys before the commencement of works.</p> <p><b>Eels and Fish</b></p> <p>Any proposed or future riverine or estuarine abstractions associated with the scheme should comply with best practice screening guidance particular in relation to the eel regulations (The Eels (England and Wales) Regulations 2009). Any extensive piling activities below Mean High Water Springs may be subject to controls to avoid impacts on fish migration, in particular European Eel and Atlantic Salmon.</p>	
<p><b>6.2.14 ES Vol I Chapter 14 Marine Ecology and Nature Conservation [App-096]</b> Loss of intertidal habitat Issue: Section 14.5.6 and 14.5.6 state that works will be carried out where practicable to minimise</p>	<p>See response above. There will be no loss of intertidal habitat.</p>



RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>land-take and the subsequent loss of benthic habitats and species, as well as to reduce disturbance to other marine ecological receptors. However, there is a potential loss of habitats. We appreciate the detailed designs are not available yet, and that the Applicant will minimise land take where possible. However, if this is not possible, appropriate mitigation will be required. Solution: The Applicant should seek to ensure that there is no net loss of any intertidal habitats. This would be consistent the objectives of the Environment Act and the Government's 25 Year Environment Plan. If this is not possible at the detailed design stage, mitigation measures and/or compensation must be included to compensate for this loss. UXO Clearance methodology Section 14.5.15 states that an assessment of the impact of detonation will be done at the time of discovering UXO with a requirement for a seasonal restriction where noise abatement measures cannot bring the effect down to non-significant. This assessment, and any necessary mitigation, will be secured through conditions included on the draft DCO associated with UXO disposal. We acknowledge that this will be carried out with agreement with Marine Management Organisation (MMO). However, there is a potential for this activity to impact to fish migration (depending on location and timings). Solution: The EA wish to be consulted on the UXO Clearance methodology for any works within the Tees coastal or Tees estuary waterbody. We would welcome reference to this within '6.4.5 ES Vol III Appendix 5A - Framework CEMP [APP-246]. The Applicant will need to consider fish migration when this assessment (if needed) is carried out.</p>	

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Sampling Issue: Section 14.5.19 sets out specific mitigation measures related to the management of construction site runoff, spillage risk and the dispersion of suspended sediments: where dredging and disposal is required, pre-construction sediment contamination testing shall be carried out in consultation with the MMO to identify whether there is potential for direct effects to marine water quality. This shall be conducted in accordance with the MMO's Sample Plan and subsequent Sample Analysis ('SAM') process. We wish to highlight to the Applicant that depending on location and timings of dredgings, they must consider the impacts to fish migration. This will potentially require extra conditions to mitigate any impacts (e.g. avoid peak salmonid migration). Solution: In order to assess the impacts to fish, the EA wishes to review the Sample Plan and subsequent Sample Analysis. We would welcome reference to this within '6.4.5 ES Vol III Appendix 5A - Framework CEMP [APP-246].</p>	<p>See response above.</p>
<p>Dredging Issue: 14.9.17 states that should dredging works occur concurrently within the proposed development, there is potential for adverse cumulative impacts to occur. For example, indirect effects from physical disturbance associated with increased Suspended Sediment Concentrations (SSC), smothering and toxicity from the release of sediment-bound contaminants may occur on benthic ecology and fish and shellfish receptors. Furthermore, direct effects may have a cumulative impact on fish, predominantly migratory species, where the SSC plume may prohibit upstream movement. Therefore, there is a potential for impacts to migratory fish, if Net Zero dredging's occur at same time as other dredging operations within the Tees estuary, and cause barriers to migration. Solution: If</p>	<p>See response above.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>the proposed dredging operations are to occur concurrently with other dredging operations, we strongly recommend that these dredging activities avoid peak fish migration times (1st July-1st September). We also recommend that dissolved oxygen levels are monitored prior to dredging activity and during dredging activity at regular intervals and shared with the EA. If a drop of 1mg/l of dissolved oxygen is observed, then operations causing the effect should temporarily pause for a period of 6 hours (a tidal cycle) or until the reading returns to the previously observed level. Discharge pipe and outfall Sections 14.6.18 to 14.6.24 state that a new outfall head and diffuser will be installed, with the positioning of rock armouring and scour protection around the outfall head. It is expected that permanent subtidal habitat loss would occur under the footprint of these. With the inclusion of the outfall head, this has been estimated (using precautionary dimensions of 10 m x 10 m) to represent an area of 100 m<sup>2</sup>, where a permanent loss of Annex I subtidal sandflat habitat would occur. The total permanent loss of habitat in the subtidal zone, if the outfall head is to be replaced, would equate to an area of 100 m<sup>2</sup>. The introduction of rock armouring / scour protection (with an expected volume of 250 m<sup>3</sup>) provides artificial reef habitat that will be colonised by flora and fauna meaning that overall biodiversity net loss would be offset.</p>	
<p>Issue: If the new outfall is required, there will be a permanent loss of subtidal sand and gravels, totally up to 350m<sup>3</sup>. Although the rock armour will be new rock habitat, it will not be natural. Solution: In the event that the worst case scenario is the preferred option, we would welcome the inclusion of a requirement regarding the</p>	<p>See response above.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>provision of ecological enhancements to compensate for the loss of intertidal habitat. Given that rock armour is not a natural habitat substrate, we would encourage the Applicant to include marine enhancement measures around outfall. We also direct the Applicant to the work and lessons learnt from the ecological enhancements of rock armour carried out on Runswick Bay defences. This information is available at [Redacted]. We also encourage monitoring around the outfall to monitor scour (scour pit development) and success of the marine enhancement measures.</p> <p>Suspended sediment concentrations Issue: Section 14.6.32 lists the construction activities that have the potential to increase suspended sediment concentrations (SSC) and create a sediment plume within the marine environment. Section 14.6.45 states that increased SSC and turbidity as a result of the release of water based mud (WBM) would likely occur over a larger distance and that impacts would be local to 250m from outbreak site. We acknowledge that details regarding the exact location is not yet available. However, in order to assess the impacts, clarity regarding the type of habitats within this 250m zone would be beneficial. Will this zone comprise of subtidal soft sediments, or will this go into rocky reef, or mussel bed habitat? How much WBM would be released? What is a small amount?            Solution: We would welcome clarity on the above matters.</p>	
<p><b>Decommissioning Environment Management Plan (DEMP) Issue:</b> Section 14.6.36 assumes that any dredged material from the site shall be either placed alongside the new outfall head (where a dredge pocket will be created for the placement of the head and</p>	<p>Noted. The EA will be consulted on the DEMP when appropriate.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>diffuser) or disposed of locally at a licensed marine disposal site. There is potential for dredging's to be re-suspended as a result of local hydrological/tidal forces, and thus smother other habitats such as rocky reef, and mussel bed. Solution: As stated in section 14.4.77, the EA should be consulted on the DEMP when appropriate. We therefore recommend the inclusion of a requirement regarding this matter and/or 6.4 ES Volume III Appendix 5A CEMP [APP-246] is updated to reflect this.</p>	
<p><b>Trenchless technologies</b></p> <p>Issue: Sections 14.5.8 and 9 states that trenchless technologies will be used to install the gas connection (if required) and the pipework for the CO2 Gathering Network and CO2 Export Pipeline across the River Tees in order to minimise disturbance to riverine habitats and species. We welcome the use of trenchless technologies as this will significantly minimise the impact of the construction phase to the estuarine and coastal ecology. However, we require further details outlining what the risks of the trenchless channels are including the depths of these trenchless channels? Is there a risk for future dredgings? What will happen to the bored sediment? What are the noise impacts? Solution: the Applicant to provide clarity on the above questions.</p> <p><b>Fish</b></p>	<p>See response above.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Due to the proposed outfall, we would welcome the inclusion of further information on sea surface temperature and any likely thermal barriers to fish migration (e.g. Atlantic Salmon).</p>	
<p><b>6.4 ES Volume III Appendix 5A CEMP [APP-246]</b> This document states that the final CEMP will be supported by a Water Management Plan (WMP) and that biosecurity measures will be put in place to reduce the spread of invasive non-native species. As the final version of the CEMP has not yet been produced, there is a risk that poor management can lead to pollution incidents and spread of Invasive Species. Invasive Non-native Species (INNS) and diseases            Solution: The EA wish to be consulted on the final/detailed version of the CEMP and request that requirement 16 is updated to reflect this.</p> <p>Night Time Hours Issue: Section 5.2.4 states "Activities that could generate a noise nuisance will not be undertaken at night". An agreed, clearly stated definition of night-time hours is required.            Solution: Night-time hours are clearly stated within WHO guidance and should be used.</p>	<p>The final CEMP will be prepared by the contractor prior to construction works commencing. The EA will be consulted on the final CEMP.</p> <p>Noted.</p>
<p><b>Table 5A-3 groundwater monitoring and dewatering</b></p> <p>Issue: Fine sediment could be pollutants and pollutant loads should be assessed and monitored throughout the work. However, there are no reference to potential groundwater monitoring in terms of level or quality. There are designated sites outwith the application boundary that are dependent on groundwater. Solution: Applicant to ensure that there proposed development does not result in a WFD</p>	<p>Noted.</p> <p>No dewatering is proposed.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>deterioration and or pollution of controlled waters and sensitive environmental receptors. The Applicant must ensure that dewatering assessment consider any impacts/ risk to sites dependent on groundwater.</p> <p><b>Table 5A-4</b></p> <p>Issue: Reference is made to CLR 11 which has now been superseded by Land Contamination Risk Management Guidance. There is reference to Requirement 24 concerning piling and this should be Requirement 23. The adoption of surface water / run off control measures do not appear to be mentioned. The adoption of surface water measures (particularly during earthworks) would help prevent the infiltration of run off into the working area and reduce the likelihood for leachate generation and subsequent migration.            Solution: The Applicant to amend and take on board our comments. 6.4.11 ES Vol III Appendix 9C WFD Assessment [APP-254]</p>	<p>Noted.</p>
<p><b>WFD Mitigation Measures</b></p> <p>Issue: The WFD assessment indicates that no significant adverse impacts to WFD relevant waterbodies will occur and therefore the proposed development is compliant with the WFD objectives. It also states that a number of mitigation features are incorporated into the design in order to avoid, minimise and reduce potential adverse impacts on water features and water resources during the operational phases. Section 9.3.1 identifies that proposals must not prevent future attainment of good status or potential where not</p>	<p>Redirection of effluent from Bran Sands to the North Sea does not form part of the Proposed Development.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>already achieved The WFD measures are also listed in section 9.8 and can be summarised as protective measures to ensure no deterioration of waterbodies as a result of the proposal. However, the proposal do not appear to include any measures that would enhance or restore any bodies of water. It should be noted that Tees estuary transitional waterbody is currently failing to meet statutory environmental objectives including and in respect to the WFD element of Dissolved Inorganic Nitrogen (DIN). Excess DIN is also a factor in the failure of protected sites to achieve objectives. The main source of DIN to this waterbody is from Bran Sands Wastewater and Industrial Effluent Treatment Plant and the SembCorp Wilton complex effluent discharge. Both of these effluents currently discharge to the Tees estuary via Dabholme Gut. The long term solution to this issue is not yet known or agreed. However the redirection of these effluents to the North Sea may form part of that solution. It is not apparent if and how the proposal including to 'extinguish easements, servitudes and other private rights' in the area of these effluent discharges will impact on future measures to resolve DIN failures. If this was to involve redirection of effluents then the proposal if not taking consideration of those future measures could jeopardise attainment of WFD objectives. Solution: the Applicant to demonstrate that the proposal will not jeopardise the delivery of mitigation measures aiming to attain WFD objectives, in particular DIN. The Applicant should also consider how the proposal could protect and enhance the waterbodies within development boundary. For example the proposal relies on a number of existing physical modifications of the Tees estuary to enable the proposal to be delivered, not least the large scale infilling</p>	



RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>of the estuary to produce land on which to base industry and port activity. The CO2 Gathering Network and Natural Gas Connection Corridor will cross a number of watercourses, although accepted predominantly within an existing pipeline corridor. There are opportunities to deliver measures that would enhance or restore these waterbodies. The Applicant should also ensure the WFD assessment also considers non-reportable bodies of water potentially affected by the proposal. The Applicant should have regard to the mitigation measure opportunities identified in the Tees Estuary Edges Enhancement Study (2018) and consider whether the proposal offers the opportunity for similar measures in other areas. This report identifies the mitigation opportunities applicable to the entirety of the current estuary edge and is available at <a href="https://teesvalleynaturepartnership.org.uk/wp-content/uploads/2018/05/Tees-Estuary-Edges-Boyes-Cutts.pdf">https://teesvalleynaturepartnership.org.uk/wp-content/uploads/2018/05/Tees-Estuary-Edges-Boyes-Cutts.pdf</a> The undated EA Stage 1 assessment relating to Saltmarsh in the Tees estuary concluded that the main factor resulting in the classification failure is the poor extent of saltmarsh when compared to historic extent and moderate extent compared to intertidal area. It also states that habitat creation schemes proposed to mitigate the Heavily Modified Water Body status of the estuary should improve the saltmarsh status over time and if successful it should reach good ecological potential. At the time of writing this report, there were few if any opportunities identified to implement such measures. The Tees Tidelands project is currently assessing the potential of implementing such mitigation measures to restore habitats in the Holme Fleet /Belasis Beck catchment that would formerly naturally have formed part of the Tees estuary intertidal area, and restore</p>	<p>Noted.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>ecological connectivity with the Tees estuary. The Applicant should confirm what measures will be implemented so as not to jeopardise attainment of WFD objectives relating to the proposed WFD mitigation project in the Holme Fleet catchment. Further to this, this project offers a clear potential to work with the Tees Tidelands project through in kind or financial support. Belasis Beck is culverted beneath the pipeline corridor at two locations, requiring infrastructure provision and maintenance and operational risks. There may be synergies in the two projects working together to identify a mutually beneficial operational and ecological enhancement in this area. The Tees Tidelands Programme also includes an aspiration for a Tees Tidelands footpath that would need to cross this pipeline corridor in this vicinity. The proposal should consider how the wider social benefits of establishing this route could be achieved.</p>	
<p><b>Groundwater</b></p> <p>Issue: Changes to Hydrogeological regime made by the dewatering activities the developer is proposing may impact groundwater. The impact of the dewatering activities and the development in general on groundwater will be assessed via a Quantitative Risk Assessment (QRA) and the Remediation Strategy as described in 6.2.10 ES Vol I Chapter 10 Geology and Contaminated Land [APP-092] in line with Land Contamination Risk Management Guidance. The conclusions from this assessment will need to be reflected within the WFD assessment. In the event that the QRA process falls short of all the requirements, the Applicant should undertake a gap analysis in the</p>	<p>No dewatering is proposed.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>QRA assessment and undertake the additional requirements of an HIA. This will reduce the need for too separate reports/ assessments and to ensure that their risk assessment/ impact appraisal addresses all the groundwater issues. Solution: 6.2.10 ES Vol I Chapter 10 Geology and Contaminated Land [APP-092] will need to be updated with aspects of a Hydrogeological Impact Appraisal (HIA) which are additional to the QRA. The conclusions of the HIA should inform the WFD assessment. This should include a CSM (schematic picture) identifying all of the receptors.</p>	
<p><b>Flood Risk Assessment 6.4.9 ES Vol III Appendix 9A Flood Risk Assessment Parts 1, 2 and 3 [APP-250, APP-251, APP252]</b> Issue: With respect to fluvial and tidal flooding, we are satisfied with the Flood Risk Assessment (FRA) submitted. However, we require further information regarding the risks of groundwater flooding within the FRA. Solution: Solution: Further groundwater data and hydrogeological assessment will be required to inform the groundwater component to the FRA. The Applicant must demonstrate how they have assessed the risk of groundwater flooding and demonstrate how they have reached their conclusion that the risk of groundwater flooding is considered to be 'medium'.</p>	<p>See response above.</p>
<p><b>6.4.12 ES Vol III Appendix 10A PSSR [APP-292]</b> identifies many site investigations that have encountered high / shallow groundwater, therefore the capacity for infiltration will/may be limited. Consequently, there will be more surface run off and potentially longer duration flood events. We would not support infiltration drainage SuDS due to the potential to alter groundwater flow paths</p>	<p>Noted</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>and mobilise pollution within the ground and groundwater to surface water receptors and increasing flood risk from groundwater sources. This could result in deterioration of the WFD status of the Tees estuary and any associated ecological habitats. Any SuDS must be lined and positively drained (attenuation only) This will need to be considered in any climate change assessment. Higher groundwater levels could also result in polluted groundwater resulting in flooding above ground level.</p>	
<p>Landfill Gas          With respect to '6.3.31 ES Vol II Figure 10-5 Quarrying and Landfill' [APP-139], the proposed development is located on or within 250m of a landfill site that is known to be producing landfill gas. Development on top of or within 50m of any permitted landfill site that accepted hazardous or non-hazardous waste should be considered very carefully, as even with appropriate building control measures in place, landfill gas can accumulate in confined spaces in gardens (e.g. sheds, small extensions) and can gain access to service pipes and drains where it can accumulate or migrate away from the site. The most recent landfill gas monitoring results submitted to the EA (March 2009) indicate elevated carbon dioxide levels at boreholes D1415002; D1415003; D1415007: D1415008. More recent monitoring may be available from the permit holder (Redcar and Cleveland Borough Council). The following publications provide further advice on the risks from landfill gas and ways of managing these:</p> <ul style="list-style-type: none"> <li>• Waste Management Paper No 27</li> </ul>	<p>No development involving intrusive works is proposed on or within 50 m of any permitted landfill site.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<ul style="list-style-type: none"> <li>• Environment Agency LFTGN03 'Guidance on the Management of Landfill Gas'</li> <li>• Building Research Establishment guidance – BR 414 'Protective Measures for Housing on Gas-contaminated Land' 2001</li> <li>• Building Research Establishment guidance – BR 212 'Construction of new buildings on gas-contaminated land' 1991 • CIRIA Guidance – C665 'Assessing risks posed by hazardous ground gases to buildings' 2007</li> </ul>	
<p><b>Waste Duty of Care</b></p> <p>The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales. The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: [Redacted] If you need to register as a carrier of waste, please follow the instructions here: [Redacted]</p> <p>Environmental Permitting Regulations (EPR) - Advice to Applicant          The DCO will require the following permits from the EA:</p>	<p>Noted.</p>
<p>Environmental Permitting Regulations (EPR) - Advice to Applicant          The DCO will require the following permits from the EA:</p>	<p>Noted.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>7. Environmental Permitting Regulations permit for the Combined Cycle Gas Turbine (CCGT) with Carbon Capture, additional emissions scrubbing, cooling system, emissions stacks, auxiliary boiler, Low Pressure compressor, CO2 conditioning processes and High Pressure (HP) Compressor, with two operators. This differs from that proposed by the Applicant (two EPR Permits, separating out the HP Compressor). The EA considers this to be one installation to ensure the large quantities of useful waste heat energy from the HP Compressor is reused within the carbon capture plant, improving overall efficiency. It is noted that an EPR Permit Application has already been submitted to the EA for parallel assessment and the installation boundary will be addressed during the permit determination process.</p> <p>8. Standard Rules Permit for the Non-Road Mobile Machinery (NRMM) should the equipment remain on site for longer than 6 months.</p> <p>9. Naturally Occurring Radioactive Materials - Radioactive Sources (NORM RAS) waste permit from the pipeline pigging: if necessary, pigging waste may arise from the off-shore pipeline maintenance programme and has not been discussed within the Application.</p> <p>10. An abstraction authorisation: dependant on the quantities of (See Attachment on PINS website).</p>	

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## 24.0 RESPONSE TO MARITIME COASTGUARD AGENCY

24.1.1 The RR provided by Maritime and Coastguard Agency (RR-025) is as follows:

*“The Maritime and Coastguard Agency has an interested in any works undertaken below the Mean High Water Level and their impact on the safety of navigation and emergency response in the UK. We note all of the works that are required to be undertaken in the marine environment as part of the proposed development, fall entirely within the statutory harbour area managed by PD Teesport Limited. They are therefore responsible for maintaining the safety of navigation within their area of jurisdiction. The MCA would point the developers in the direction of the Port Marine Safety Code (PMSC) and its Guide to Good Practice; they should liaise and consult with the Statutory Harbour Authority to develop a robust Safety Management System (SMS) for the project under this code.”*

### 24.2 Applicants' response

24.2.1 The Applicants note the comments made by the Maritime Coastguard Agency and that the statutory harbour area is managed by PD Teesport Limited. The Applicants consulted PD Teesport Limited at each stage of the pre-application process, notified them of the acceptance of the DCO Application and has recently consulted them of the proposed changes to the DCO Application. The Applicants remain in discussions with PD Teesport Limited and a Statement of Common Ground (Document Ref. 8.13) is being developed between the parties.

## 25.0 RESPONSE TO NATURAL ENGLAND

25.1.1 The RR provided by Natural England (RR-026) and the Applicants' response is provided in **Table 25.1** as follows:

**Table 25.1: Natural England RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>To whom it may concern; NSIP Reference Name / Code: EN010103            Thank you for your consultation on the above dated 27 October 2021 which was received by Natural England on 27 October 2021. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>Relevant Representation            PART I: Summary of Natural England's advice. Natural England's advice is that in relation to identified nature conservation issues within its remit there is no fundamental reason of principle why the project should not be permitted but that the applicant has provided insufficient evidence to establish that the development will not result in an adverse effect on site integrity for the Teesmouth and Cleveland Coast SPA/Ramsar Site and will not damage the features of interest of the Teesmouth and Cleveland Coast SSSI.            PART II: Natural England's detailed advice. Natural England is satisfied that the following issues have been adequately addressed:</p> <ul style="list-style-type: none"> <li>• The assessment of the potential impacts on the Teesmouth and Cleveland Coast SPA/Ramsar/SSSI arising from operational atmospheric pollution;</li> </ul>	<p>The Applicants welcome the comments of Natural England in its relevant representation which they have been discussing with them. The Applicants note the overarching position that there is no fundamental reason why the project should not be permitted, and confirms it is working with Natural England to provide the additional information requested. Comments below are provided against the paragraphs of the relevant representation dealing with the specific concerns identified by Natural England from section 2.3 onwards.</p>



RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<ul style="list-style-type: none"> <li>• The proposed measures to mitigate the potential impacts on the Teesmouth and Cleveland Coast SPA/Ramsar/SSSI arising from construction/decommissioning noise and vibration;</li> <li>• The prevention of direct impacts to the Teesmouth and Cleveland Coast SPA/Ramsar/SSSI through the use of Horizontal Directional Drilling to construct the gas transportation pipeline;</li> </ul> <p>Natural England is not satisfied that the following issues have been adequately addressed:</p> <ul style="list-style-type: none"> <li>• The potential for process water discharges (particularly nitrogen) to have adverse effects on site integrity of the adjacent designated sites;</li> <li>• The potential impacts of installing rock armour protection have not been assessed in the Habitats Regulations Assessment. Natural England's advice in these relevant representations is based on information submitted by Net Zero Teesside Power Limited (NZT Power) and Net Zero North Sea Storage Limited (NZNS Storage) in support of its application for a Development Consent Order ('DCO') in relation to Net Zero Teesside Project ('the project').</li> </ul> <p>Natural England has been working closely with NZT Power and their consultants to provide advice and guidance since 2017. Natural England will continue to work with NZT Power and their consultants to develop a Statement of Common Ground throughout the Examination period.</p> <p>These relevant representations contain a summary of what Natural England considers the main nature conservation issues to be in relation to the DCO application, as well as the Deemed Marine Licence contained therein, and indicate the principal submissions that it wishes to make at this point. Natural England will develop</p>	

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>these points further as appropriate during the examination process. It may have further or additional points to make, particularly if further information about the project becomes available.</p> <p>Part I of these representations provides an overview of the issues and a summary of Natural England's advice. This includes: an identification of the natural features relevant to this application, a summary of Natural England's overall view of the application and the main issues which it considers need to be addressed by the Secretary of State. Part II of these representations sets out all the significant issues which remain outstanding, and which Natural England advises should be addressed by NZT Power and NZNS Storage and the Examining Authority as part of the examination process in order to ensure that the project can properly be consented. These are primarily issues on which further information would be required in order to allow the Examining Authority properly to undertake its task or where further work is required to determine the effects of the project and/or to flesh out mitigation proposals and to consider compensation proposals to provide a sufficient degree of confidence as to their efficacy. Natural England will continue discussions with NZT Power and NZNS Storage to seek to resolve these concerns and agree outstanding matters in a statement of common ground. Failing satisfactory agreement, Natural England advises that the matters set out in sections 4 to 7 will require consideration by the Examining Authority as part of the examination process. The Examining Authority may wish to ensure that the matters set out in these relevant representations are addressed as part of the Examining Authority's first set of questions to ensure the provision of information early in the examination process.?</p>	

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>PART 1: THE NATURAL FEATURES POTENTIALLY AFFECTED BY THIS APPLICATION</p> <p>1. The designated sites relevant to this application are</p> <p>1.1.1. the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site</p> <p>1.1.2. the Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI),</p> <p>1.1.3. the Southern North Sea Special Area of Conservation (SAC).</p> <p>1.2. The proposed project will not affect any European or Nationally protected species.</p> <p>1.3. The proposed project will not affect any protected landscapes.</p> <p>1.4. The main issues raised by this application are:</p> <p>1.4.1. The project will discharge effluent waters to the Tees Bay, which is likely to result in an increase of nutrients (forms of nitrogen) and other pollutants entering the estuarine system of the River Tees. This could contribute to the further growth of algal mats at Seal Sands, which would contradict the Conservation Objectives for the site.</p> <p>1.4.2. The project includes the installation of rock armour protection at the proposed outfall locations, which are located within the Teesmouth and Cleveland Coast SPA. This has the potential to cause Likely Significant Effects and should be assessed in the Habitats Regulations Assessment.?</p> <p>Part II: NATURAL ENGLAND'S RELEVANT REPRESENTATIONS IN RESPECT OF THE NET ZERO TEESSIDE PROJECT</p> <p>2. Planning Inspectorate Reference: EN010103</p>	

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>2.1. Natural England's advice is that in relation to identified nature conservation issues within its remit there is no fundamental reason of principle why the project should not be permitted.</p> <p>2.2. Natural England's headline points are that on the basis of the information submitted:</p> <p>2.2.1. Natural England is satisfied that the following issues have been suitably addressed:</p> <p>2.2.1.1. That operational atmospheric pollution will not adversely affect the areas of the adjacent designated sites sensitive to nitrogen dioxide or ammonia deposition (e.g. Coatham Sands);</p> <p>2.2.1.2. That potential adverse effects due to construction/decommissioning noise and vibration will be mitigated by the proposed measures set out in the Habitats Regulations Assessment and draft Construction Environment Management Plan;</p> <p>2.2.1.3. That direct impacts to the Teesmouth and Cleveland Coast SPA/Ramsar/SSSI will be prevented due to the use of Horizontal Directional Drilling to construct the gas transportation pipeline below sensitive areas of these adjacent designated sites (e.g. below Coatham Dunes);</p> <p>2.2.1.4. The commitment to delivering net gains for biodiversity through the project.</p> <p>2.2.2. Natural England is not satisfied that it can be excluded beyond reasonable scientific doubt that the project would not have an indirect adverse effect on the integrity of the Teesmouth and Cleveland Coast SPA/Ramsar site;</p> <p>2.2.3. Natural England is not satisfied that the project is not likely to damage features of interest of Teesmouth and Cleveland Coast SSSI;</p>	

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>2.2.4. Natural England advises that, if approved, the project must be subject to all necessary and appropriate requirements which ensure that unacceptable environmental impacts either do not occur or are sufficiently mitigated.</p> <p>2.3. Natural England's advice is that there are a number of matters which have not been resolved satisfactorily as part of the pre-application process that must be addressed by NZT Power and NZNS Storage and the Examining Authority as part of the examination and consenting process before development consent can be granted. Some of these matters, set out at paragraphs 2.3.1. and 2.3.2., are important enough to mean that if they are not satisfactorily addressed it would not be lawful to permit the project due to its impacts on the SAC, SPA, Ramsar and SSSI interests. However, Natural England's advice is that all these matters are capable of being overcome.</p>	
<p>The specific concerns in relation to each are outlined below.</p> <p>2.3.1. Discharges to the Tees Bay</p> <p>2.3.1.1. Chapter 9 Surface Water, Flood Risk and Water Resources of the Environmental Statement Volume 1 for the Application states that the operational phase of the 'electricity generating station with post-combustion carbon capture' will result in discharges of effluent waters into the Tees Bay. These include the following: potentially contaminated surface water, process waters (including ammonia and urea), and blowdown waters, which will be discharged at an existing outfall in the Tees Bay or a new outfall to be constructed in the Tees Bay. These discharges will increase the overall loading of nutrients in the estuarine system, which could adversely effect the qualifying</p>	<p><b>Comment 2.3.1.1</b></p> <p>Process water will either be treated on site to an appropriate standard as agreed with the Environment Agency in accordance with the environmental permit, and then discharged to Tees Bay along with cooling water via the outfall. Alternatively process water would be treated at Bran Sands WwTW and then either returned to the PCC for discharge to Tees Bay via the outfall or discharged via the existing Northumbrian Water outfall to the Dabholm Gut/Tees Estuary.</p> <p>If process water was treated at Bran Sands WwTW it would need to be discharged via the current outfall to the Dabholm Gut/Tees Estuary. A modelling exercise is to be undertaken to better</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>features of the Teesmouth and Cleveland Coast SPA/Ramsar and/or the special interest features of the Teesmouth and Cleveland Coast SSSI. Seal Sands is an area of particular concern, due to the growth of algal mats that are reducing the available foraging area for qualifying species (including knot, redshank and the waterbird assemblage).</p>	<p>understand the potential impacts on water quality relating to the process discharge of cooling water and treated process water to Tees Bay. The assessment will also consider the potential for the effluent plume to enter the Tees Estuary and adversely affect the qualifying features of the Teesmouth and Cleveland Coast SPA/Ramsar and /or the special interest features of the Teesmouth and Cleveland Coast SSSI. The modelling report will be submitted to both the Environment Agency and Natural England upon completion. The conclusions of the modelling report will make an assessment of the impacts on nutrient neutrality in the Tees Estuary from the discharge to Tees Bay.</p>
<p><b>2.3.2. Construction &amp; Operation of Discharges Outfall</b>  <b>2.3.2.1.</b> Chapter 14 Marine Ecology and Nature Conservation of the Environmental Statement Volume 1 provides details regarding the marine construction works associated with the reinstatement of the existing outfall or the creation of a replacement outfall in the Tees Bay. This includes the installation of rock armour protection to the outfall. Activities such as deposits and disposal activities have the potential to impact the achievement of the conservation objectives for Teesmouth and Cleveland Coast SPA. Rock armouring is mentioned in the Environmental Statement and the Development Consent Order (Part 2 section 3(c)vii) but has not been included in the Habitats Regulations Assessment (HRA). It is unclear whether this aspect of the project will have an adverse effect on the integrity of the site alone or in combination with other plans or projects. and Cleveland Coast SPA. Rock armouring is mentioned in the Environmental Statement and the Development Consent Order (Part</p>	<p><b>Comment 2.3.2.1</b>          Natural England's comments on the rock armour protection for the outfall are noted. The rock armouring will be included in an updated Habitats Regulations Assessment. It is anticipated this will be submitted at Deadline 2.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>2 section 3(c)vii) but has not been included in the Habitats Regulations Assessment (HRA). It is unclear whether this aspect of the project will have an adverse effect on the integrity of the site alone or in combination with other plans or projects.</p>	
<p>2.4. Further to the mitigation measures identified within the HRA to minimise the potential for noise impacts to affect marine mammals Natural England offers the following advice regarding the project's approach to mitigating the potential impacts of unexploded ordnance (UXO) clearance:</p> <p>2.4.1. Point 6.3.2 of the Habitat Regulations Assessment Report states that the standard Joint Nature Conservation Committee mitigation measures for piling and geophys surveys will be followed to minimise the potential for impacts on the qualifying features of the Southern North Sea SAC (specifically, harbour porpoise). However, additional guidance is available for UXO clearance, which should be incorporated into the proposed mitigation strategy to ensure best practice is followed. This guidance is available here: <a href="https://www.gov.uk/government/publications/marine-environment-unexploded-ordnance-clearance-joint-interim-position-statement/marine-environment-unexploded-ordnance-clearance-joint-interim-position-statement">https://www.gov.uk/government/publications/marine-environment-unexploded-ordnance-clearance-joint-interim-position-statement/marine-environment-unexploded-ordnance-clearance-joint-interim-position-statement</a> ? PART II: OUTSTANDING MATTERS REQUIRING ATTENTION</p>	<p><b>Comment 2.4.1</b>          We note Natural England's advice on the approach to mitigating the potential impacts of unexploded ordnance clearance.</p>
<p>3. Further details about the project in order to enable assessment          3.1. Confirmation if any wastewater (including foul sewage) from the project could be discharged from the Bran Sands Waste Water</p>	<p><b>Comment 3.1</b>          Process water may be sent for treatment at Bran Sands WwTP and then either returned for discharge to Tees Bay or directed through the Northumbrian Water Outfall to Dabholm Gut.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Treatment Works into the Dabholm Gut. If this is a possibility, the applicant should provide modelling of its impacts on the SPA/SSSI.</p>	<p>Any potential treated water discharged into Dabholm Gut would meet the limits set within Northumbrian Water's Environmental Permit for Bran Sands WwTP.</p> <p>Foul drainage will be directed to the Marske-by-the-Sea WwTP and subsequently the treated foul effluent will be discharged to Tees Bay by Northumbrian Water Ltd.</p>
<p>4. Further evidence or assessment work required            4.1. Modelling and assessment of the effluent waters created by the electricity generating station with post-combustion carbon capture discharge of nutrients and pollutants into the Tees Bay. In particular, the degree to which these will contribute to background coastal loading of nutrients and re-enter the estuarine system.</p>	<p><b>Comment 4.1</b>            Modelling of the effluent discharges to Tees Bay will be undertaken as described in the response to Comment 2.3.1.1 and submitted at Deadline 4.</p>
<p>4.2. Estimates of the anticipated loading (flow and concentration) of the proposed discharges (process water).            4.3. Assessment of the potential impacts of installing rock armour protection within the SPA, as part of the project's HRA.</p>	<p><b>Comment 4.2</b> estimates of the anticipated loading (flow and concentration) of the proposed discharges will be included and assessed in the modelling report. Discharge of effluent from the Proposed Development will meet the Environmental Permit requirements, as specified by the EA. Consideration of nutrient loading and flow / concentration is being considered as part of this permit application. Although, the outfall head is located in Tees Bay, the risk of re-entry into estuarine environment will be assessed.</p>
<p>5. Matters that must be secured by requirements in the DCO 5.1. Additional mitigation or compensation strategies may be required depending on the outcome of the abovementioned additional details, evidence, assessments and modelling.</p>	



RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>6. Comments on the draft DCO.</p> <p>6.1. Natural England welcome the safeguards contained within the Draft DCO through the requirement to produce and have approved before any works can commence a Construction Environment Management Plan containing details of all environmental mitigation measures to be adopted. This will ensure there will be no detrimental impacts to bird species associated with the nationally and internationally designated sites adjacent to the proposal site.</p>	<p><b>NZT acknowledge the following agreements from Natural England</b></p> <p><b>Comment 6.1:</b> Natural England welcome the safeguards contained within the Draft DCO through the requirement to produce and have approved before any works can commence a Construction Environment Management Plan containing details of all environmental mitigation measures to be adopted. This will ensure there will be no detrimental impacts to bird species associated with the nationally and internationally designated sites adjacent to the proposal site.</p>
<p>6.2. Natural England is satisfied that the draft DCO includes sufficient safeguards to ensure that the proposed landscaping scheme, and the environmental benefits resulting from it will be delivered.</p>	<p><b>Comment 6.2:</b> Natural England is satisfied that the draft DCO includes sufficient safeguards to ensure that the proposed landscaping scheme, and the environmental benefits resulting from it will be delivered.</p>
<p>6.3. Natural England is satisfied that the DCO adequately ensures that any European and nationally protected species which have not been identified during survey work, but are subsequently discovered during project construction will be protected, and that the necessary licences will be obtained prior to works continuing should this be required.</p>	<p><b>Comment 6.3:</b> Natural England is satisfied that the DCO adequately ensures that any European and nationally protected species which have not been identified during survey work but are subsequently discovered during project construction will be protected, and that the necessary licenses will be obtained prior to works continuing should this be required.</p>
<p>6.4. Natural England requests that the postal address given for the organisation in the DCO (Schedules 10 and 11 of the Deemed Marine Licence) is corrected to: Natural England, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX; Tel: 0300 060 3900. Natural England 17 December 2021.</p>	

## 26.0 RESPONSE TO NETWORK RAIL INFRASTRUCTURE LIMITED

26.1.1 The RR provided by Network Rail Infrastructure Limited (RR-027) and the Applicants' response is provided in **Table 26.1** as follows:

**Table 26.1: Network Rail Infrastructure Limited RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Network Rail is a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates, maintains and develops the main rail network. Network Rail aims to protect and enhance the railway infrastructure therefore any proposed development which is in close proximity to the railway line or could potentially affect Network Rail's specific land interests, will need to be carefully considered.</p> <p>Please note that Network Rail has not been able to fully review the DCO application material and consult with the necessary departments within Network Rail in order to produce a comprehensive Relevant Representation. Network Rail therefore reserves its position to supplement and add to this Relevant Representation.</p>	
<p>Impact on Network Rail Infrastructure</p> <p>Network Rail has been reviewing the information provided and note that proposals include the installation of pipelines under the railway and works in proximity to the operational railway environment in the Teesside area. At this stage the information supplied is not sufficiently detailed to fully assess potential impacts of the scheme</p>	<p>The Applicants have consulted with Network Rail during the pre-application and application phases of the Proposed Development, this included sharing up to date information for the scheme. The Applicants' land agent has also been regularly engaging with Network Rail over the past 18 months. A summary of consultation and discussion between The Applicants and Network Rail is included in the Statement of Common Ground (Document Ref 8.16) submitted at Deadline 1. The Applicants consider that there is</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>on the railway and further information will be required to properly respond on the likely impacts of the proposed scheme.</p>	<p>sufficient information to understand the proposed works and how they will interact with the operational railway. Further detailed design will be available as the project progresses. The protective provisions included in the Draft DCO [AS-136] require the undertaker to provide information to Network Rail for its approval prior to relevant works commencing.</p>
<p>In order to ensure that the scheme does not impact on operational railway safety, the developer must liaise closely with Network Rail Asset Protection and Property Teams to acquire the necessary licences/land ownership rights to implement the scheme and also to ensure that the design and construction of the proposed scheme, including the proposed pipelines, will not have an adverse impact on railway operations. It is therefore assumed that a condition of the Order would be that detailed specifications and plans of the scheme and the associated pipelines are to be provided and agreed in writing before development can commence. We understand that the developer has already undertaken discussions with Network Rail in relation to several preliminary projects throughout this site, and further engagement will be required as the scheme progresses.</p>	<p>The Applicants are in discussions with Network Rail's Asset Protection and Property Teams including to ensure that the project does not impact on Network Rail's operational safety. The Applicants' preference is to secure voluntary agreements. The Applicants have included protective provisions in the Draft DCO [AS-136] and which provide the necessary protection for Network Rail's operations.</p>
<p>Network Rail will be seeking protection from the exercise of compulsory purchase powers over operational land either for permanent or temporary purposes. In addition, Network Rail will wish to agree protection for the railway during the course of the construction works and otherwise to protect our undertaking and land interests.</p>	<p>The Applicants' preference is to enter into voluntary agreements with all parties rather than relying on compulsory acquisition powers. Protective provisions in the Draft DCO are considered by the Applicant to be adequate.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>In addition, any rights for power or other lines under, over or alongside the railway line will require appropriate asset protection measures deemed necessary by Network Rail to protect the operational railway and stations. We have standard protective provisions which will need to be included in the DCO as a minimum.</p>	<p>See responses above.</p>
<p>In addition a number of legal and commercial agreements will need to be entered into, for example, asset protection agreements, , method statements, connection agreements, property agreements and all other relevant legal and commercial agreements. This list is not exhaustive and will need to be reviewed once more details of the scheme are discussed between the parties.</p>	<p>The Applicants' preference is to obtain all necessary land / rights by voluntary agreement, to be in place before the commencement of the project.</p>
<p>Consideration should be given to ensure that the construction and subsequent maintenance can be carried out without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land.</p>	<p>This is secured by the protective provisions.</p>
<p>In addition, security of the railway boundary will require to be maintained at all times. In any event you must contact Network Rail's Asset Protection Engineers as soon as possible in relation to this scheme on the following e-mail address <a href="mailto:AssetProtectionEastern@networkrail.co.uk">AssetProtectionEastern@networkrail.co.uk</a>. Network Rail is prepared to discuss the inclusion of Network Rail land or rights over land subject to there being no impact on the operational railway, all regulatory and other required consents being in place and appropriate commercial and other terms having been agreed between the parties and approved by Network Rail's board. Network</p>	<p>The Applicants have already engaged with Network Rail's asset protection team.</p>

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<b>RELEVANT REPRESENTATION ISSUE</b>	<b>APPLICANTS' RESPONSES</b>
Rail also reserves the right to make additional comments once we have evaluated the proposals in more detail.	

## 27.0 RESPONSE TO NORTHERN POWERGRID

27.1.1 The RR provided by Northern Powergrid (RR-030) and the Applicants' response is provided in **Table 27.1** as follows:

**Table 27.1: Northern Powergrid RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>The following representations are submitted on behalf of Northern Powergrid (Northeast) PLC ("Northern Powergrid") as an electricity undertaker for the area within which the Net Zero Teesside Project is located:</p> <p>Northern Powergrid is in principle supportive of the above project but has concerns regarding the impacts the proposed scheme will have on existing assets and their ability to serve clients in the future.</p>	<p>The Applicants acknowledge Northern Powergrid's concerns and welcome its support of the NZT project. It is the Applicants' preference to conclude an agreement with Northern Powergrid, to regulate matters between its land/assets and the Proposed Development, but the Applicants have sought powers in the Draft DCO [AS-136] to enable it to construct, maintain and operate it, and has included protective provisions which provide adequate protection to Northern Powergrid.</p>
<p>2. In particular, Northern Powergrid have concerns regarding the proposed development sterilising land and the lack of information regarding how Northern Powergrid will be able to access and maintain their apparatus located within such areas. Where 24 hour access cannot be provided it will be imperative for Northern Powergrid to relocate their apparatus. Having reviewed the draft DCO documents, Northern Powergrid is not satisfied that the DCO includes adequate land rights for works required to relocate their apparatus or to afford them with the necessary rights to access and maintain their apparatus.</p>	<p>2. Following technical discussions between Northern Powergrid and the Applicants in 4Q 2021, Northern Powergrid has shared technical information of their existing assets. As the Applicants develop their design they will utilise this data and engage further with Northern Powergrid to minimise and/or mitigate the impact of the scheme on Northern Powergrid's apparatus. Article 25(1) and (2) in the Draft DCO [AS-136] provide the power for new rights to be acquired for the benefit of statutory undertakers (such as Northern Powergrid), either by the undertaker (i.e. the Applicants) or by the relevant statutory undertaker.</p>
<p>3. Aside from the ability to retain access rights, Northern Powergrid has concerns regarding the proposed development effectively creating a north/south border through the order limits. This will have</p>	<p>3. The Applicants are committed to developing a design with minimum impact on all third parties and understand Northern Powergrid's concern of a north/south divide through the order limits</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>significant impact on Northern Powergrid's ability to serve customers or, for example, provide connection to third parties or undertake reinforcement works unless the design of the works is carried out in close consultation with Northern Powergrid.</p>	<p>for the gas connection pipeline. Following a formal change request by the Applicant in April 2022, which was accepted by the ExA [PD-010], the extent of Work No. 2A has been reduced through utilisation of the existing Sembcorp Pipeline. This minimises the extent of Work No. 2A to wayleaves immediately adjacent to the proposed AGI (Work No. 2B) on the North Tees. On the remaining order limits, the Applicants will, during detailed design, explore options for appropriate crossings in mutually agreeable locations, to minimise any potential impact on Northern Powergrid apparatus.</p>
<p>4. The DCO application contains little detail on the impacts or how they will be mitigated or indeed how the detailed design of the scheme will take into account Northern Powergrid's requirements.</p>	<p>4. The Applicants design will take into consideration the Northern Powergrid assets where applicable and has proposed to have interface meetings already with Northern Powergrid. Northern Powergrid will be given the opportunity to review the Applicants' design and may take part in engineering and safety reviews.</p>
<p>5. In addition to the technical impacts of the proposed development, Northern Powergrid have concerns over the proposed protective provisions contained within the draft order as they do not take into account site specific issues and do not accord with Northern Powergrid's standard protective provision requirements. Northern Powergrid is keen to engage with the applicant's legal representative to agree appropriate amendments.</p>	<p>5. The basis for the Northern Powergrid protective provisions in the draft NZT DCO were those Northern Powergrid accepted for the Drax Power (Generating Stations) Order 2019. The Applicants' legal team has been in contact with Northern Powergrid since April 2021 (and Northern Powergrid's legal representatives, Weightmans, since June 2021) in relation to the negotiation of protective provisions for the protection of Northern Powergrid's operations and assets. These discussions are ongoing, and parties are working to agree appropriate provisions for inclusion in the DCO.</p>

## 28.0 RESPONSE TO NORTHUMBRIAN WATER LIMITED

28.1.1 The RR provided by Northumbrian Water Limited (RR-031) and the Applicants' response is provided in **Table 28.1** as follows:

**Table 28.1: Northumbrian Water Limited RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Northumbrian Water Limited ("NWL") is appointed by the Water Industry Act 1991 ("WIA") as water and sewerage undertaker for the Teesside region, which includes the area within which the Net Zero Teesside Project ("the Proposal") is located. The Applicant is seeking a Development Consent Order (the "DCO") on land at and in the vicinity of the former Redcar Steel Works site, Redcar and in Stockton-on-Tees, on Teesside (the 'Site').</p> <p>The former Steel Works site, along with other land required for the Proposed Development, lies within the boundary of the land controlled by the South Tees Development Corporation ('STDC'), which is now known as 'Teesworks'.</p> <p>NWL does not in principle object to the Proposal. However, NWL is included as an occupier/tenant/lessee in relation to multiple plots and is also listed in relation to multiple plots as category 3 land ("NWL Land").</p>	<p>The Applicants welcome the comment made by NWL that they do not object in principle to the Proposed Development.</p>
<p>The NWL Land would be subject to compulsory acquisition, temporary possession and/or acquisition of rights in the DCO. The southern and eastern boundaries of the Brans Sands sewage works (leased and operated by NWL) are directly adjacent to the proposed pipeline route of the Proposal, with the access routes to the sewage</p>	<p>The Applicants' legal team has been in contact with NWL's legal representatives, Birketts LLP, since December 2021 in relation to the negotiation of protective provisions for the protection of NWL's operations and assets. As part of these discussions, the Applicants have accepted NWL's request to use its own bespoke set of protective provisions, rather than the standard set of protective</p>



RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>works encroaching into the proposed red line Boundary of the Proposal.</p> <p>NWL's technical team is assessing the impact of the compulsory powers upon its operational requirements and until it is satisfied that the protective provisions agreed with the applicant are satisfactory NWL maintains its objection. The NWL owned apparatus to the west, on the River Tees and the River Bank could also be subject to compulsory purchase powers under the DCO, as the proposed red line boundary of the Proposal covers a large area including this NWL apparatus. The proposed gas pipeline will directly cross through the NWL apparatus, should no measures be put into place to protect NWL assets. Whilst discussions have commenced with the Applicant, NWL wishes to register as an Interested Party to ensure adequate provisions are included in the DCO to protect both NWL's existing and future assets and NWL's ability to comply with its statutory obligations. At this stage it is unknown how the Proposal will affect the NWL Land, NWL's assets, apparatus and rights.</p> <p>NWL is in ongoing discussions with the Applicant in relation to its objections and therefore may be able to reach agreement with the Applicant in relation to some of the objections referred to below.</p> <p>NWL hope to receive details regarding the works during the construction stage within and adjacent to NWL's interests including details of dig depths and micro-drilling potential. An outline of NWL's principal objections are:</p>	<p>provisions included in the Draft DCO submitted with the NZT Application (and to which NWL's RR relates). Lawyers for the Applicants and NWL are currently negotiating the terms of the protective provisions, and the Applicants have recently contacted NWL to ensure all concerns raised in NWL's RR, that are not addressed by the use of its bespoke protective provisions, are addressed in the protective provisions being discussed. These discussions are ongoing, and parties are working to agree appropriate provisions for inclusion in the DCO.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>1. Article 17 – Discharge of Water. NWL seeks comfort in the DCO, until such time as it is agreed that its own protective provisions will be included, that Article 17 does not override the need for the Applicant to comply with sections 106 and 118 WIA, which prevent inappropriate connections/discharges being made to the public sewer system that could result in damage to the sewer network and environment.</p>	
<p>2. Article 44 – NWL objects to the approval procedure being subject to deemed approvals or consents. These are inappropriate as they cause significant operational risk to NWL. NWL will object to any inclusion within this DCO of deemed approval or consents applying to any approvals or consents that NWL are required to provide in accordance with the provisions of the DCO. Deemed approval is not contained in the Infrastructure Planning (Model Provisions) Order 2009 and although these have been withdrawn, Planning Advice Note 13 (v3 republished February 2019) says the model provisions aid consistency and ensure a lawful set of provisions are applied for.</p>	<p>Specifically in relation to Article 44, this provides for a consistent process for approvals which may be required in relation to the Proposed Development, and is important to ensure that it is not held up by delay on the part of third parties whose consent may be needed. The relevant consenting authority cannot unreasonably withhold or delay their decision (Art. 44(2)), must give it in writing (Art. 44(1)), and a consent is deemed to be granted where no decision is made within 6 weeks (Art. 44(4)).</p> <p>Article 44(5) includes a safeguard that when making any application to which the article applies, the undertaker must bring the deemed consent provision to the attention of the consenting authority.</p> <p>Article 44(4) allows for the consenting authority and undertaker to agree extensions to the six week period, and the undertaker will be incentivised to do so where discussions regarding the application are continuing. In the event that the undertaker does not agree to an extension, it is likely that the consenting authority will refuse the application prior to the six week period elapsing.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Article 33 – NWL objects to the list of rights set out in Article 33, until sufficient protection is provided in the protective provisions as set out below.</p> <p>4. NWL request that its own set of protective provisions are applied to ensure that NWL can adhere to their own statutory duties. NWL's proposed protective provisions have been drafted in accordance with industry standards and adopts the section 185 WIA position. These have been agreed by promoters on a number of different development consent order schemes. However, should these not be accepted and included within the DCO, NWL would have a number of concerns about the protective provisions as currently drafted in Schedule 12 Part 1 including but not limited to the following points:</p> <p>5 – insufficient protection is provided in the draft DCO for NWL against the activities listed in Article 33 and NWL requires additional wording to be included in the Order which addresses this;</p> <p>6(2) - Clarity is required in respect of the notice period in 6(2) if plans are not agreed in this time;</p> <p>6(3) – NWL objects to this provision and requires its removal from the DCO as NWL would expect the undertaker to have made full provision in the limits of deviation to include all land required for the purpose of constructing alternative apparatus so that NWL is not required to use its own statutory powers to divert assets as part of the undertaker's scheme;</p> <p>6(6) – NWL requires additional wording to be included in the DCO which prevents the execution of any works affecting or impacting</p>	

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>upon NWL apparatus without NWL's prior consent and subject to such conditions as NWL may require;</p> <p>6(7) – NWL requires the 300 millimetre protection zone to be increased in order to protect NWL’s apparatus.</p> <p>8(1), (3), (5) and (6) – the notice periods in these provisions are too short to consider plans and to determine whether alteration or protection of apparatus is required and if so, to consider NWL's requirement for the same. This could be overcome by requiring the undertaker to consult and agree technical solutions with NWL well in advance of serving notice.</p> <p>9(2) – NWL requires this provision be removed – if NWL if required to divert apparatus, it should be paid in full for the costs and expenses of having to divert the apparatus. 9(3) and (4) - NWL requires clarity in the DCO as to what amounts to betterment. 5. Insufficient information has been provided at this stage. NWL request further details regarding the works during the construction stage within and adjacent to NWL’s apparatus and operational land. In particular NWL requests details of dig depths and micro-drilling potential.</p>	

## 29.0 RESPONSE TO NPL WASTE MANAGEMENT LTD

29.1.1 The RR provided by NPL Waste Management Ltd (RR-032) and the Applicants' response is provided in **Table 29.1** as follows:

**Table 29.1: NPL Waste Management Ltd RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>NPL Waste Management Limited have been approached by Net Zero Teesside Project to complete an Option Agreement to Lay a Pipeline across their land.</p> <p>Net Zero Teesside Project have not been able to confirm the size of pipe, the methodology of the works and whether the pipeline is proposed on a new pipe bridge or to be attached to an existing pipe bridge and have asked for considerably more onerous rights than in the proposed Development Consent Order. In addition, we await a legal document proposed to be signed for protective provisions.</p> <p>NPL Waste Management Limited also have concerns regarding ongoing and future liability if their land is affected and any contamination is caused and how they will be compensated.</p>	<p>At the time of writing the Applicants' agent has issued a complete response on several outstanding matters to Fisher German Priestner &amp; NPL Waste Management Limited regarding the matters raised in the relevant representation, and further points that have been raised during dialogue, correspondence and an all parties meeting. Set out below is the current position and the Applicant's response where relevant.</p> <p>The Applicants are not at this time able to confirm the exact size of pipeline to be installed as this is yet to be finalised however, it has been confirmed the asset will be a maximum of 22inch in diameter. The Applicants are progressing negotiations through heads of terms and assessments of impact and compensation on this basis. With regards to the construction methodology and the reuse of existing infrastructure, The Applicants are currently carrying out further detailed surveys and analysis to confirm this and as this information is available it will be provided to NPL. From the work undertaken to date the Applicants believe that the new pipeline will be installed on the existing pipe-bridge using typical construction methodologies. The Applicants will give due consideration to local safety and working requirements where work is being carried out on private land.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
	<p>To that end the Applicants held a meeting with NPL onsite to discuss constraints and other practical matters. With regards to the rights being sought, the Applicants initially requested an appropriate easement and associated access and ancillary rights for construction and maintenance. Following representations made on behalf of NPL, a change request was submitted which was accepted for Examination by the ExA [PD-010] resulting in the overall reduction in size of the Order Limits and re-categorisation of some land from Permanent Rights to Temporary Possession. The area and plots are considered necessary to ensure the safe, efficient design, construction and ongoing operation and maintenance of the pipeline. Protective provisions are proposed by the Applicants and are considered to adequately protect NPL's interests.</p> <p>The Applicants are aware of the concern in relation to contamination and has included provisions within the updated Heads of Terms to be included in any voluntary option agreement addressing these matters. At the time of writing we are yet to receive a response. In terms of the position if the Applicants have to rely on compulsory acquisition powers, the Draft DCO [AS-136] includes provisions dealing with contaminated land (Requirement 13 in Schedule 2) and securing that a scheme to deal with contamination is approved by the relevant planning authority (after consultation with the EA), and then implemented. As for compensation this would be a matter to be agreed between the parties or failing that by the Upper Tribunal – it is not relevant to consider matters of compensation at this stage.</p>

<b>RELEVANT REPRESENTATION ISSUE</b>	<b>APPLICANTS' RESPONSES</b>
<p>In addition, rights associated with mineral rights that NPL Waste Management Limited own have been included in the Development Consent Order application in Plots 1, 3, 4, 5, 6, 8, 10, 12, 14, 15, 16, 17, 18, and as Net Zero Teesside have confirmed that they do not require these rights, NPL Waste Management Limited would like them removed from the application.</p>	<p>The concerns relating to the overburdening of title, in particular mineral rights have been considered by the Applicants and it has been agreed that no rights relating to mineral interests are being sought either voluntarily or through compulsory acquisition powers. The Applicants consider that this can be achieved by an amendment to the Draft DCO.</p>
<p>A further explanation as to who the applicant is and their financial capability to pay compensation and remove the apparatus at the end of the term would also be helpful. Until the above referred to matters are clarified and addressed to the satisfaction of NPL Waste Management Limited, NPL Waste Management Limited hereby confirm their objection to the Net Zero Teesside Project and Development Consent Order Application.</p>	<p>The Funding Statement [APP-009] provides details of the Applicants and their financial capability.</p>

### 30.0 RESPONSE TO PD TEESPORTS LTD

30.1.1 The RR provided by PD Teesports Ltd (RR-033) and the Applicants' response is provided in **Table 30.1** as Follows:

**Table 30.1: PD Teesports Ltd RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Net Zero North Sea Storage Limited "NZNS Storage" (the "Applicant") for the Net Zero Teesside Project (the "Project"). This section 56 representation is made on behalf of PDT.</p> <p>1.2 PDT is the statutory harbour authority for Teesport (the "Port") under the Teesport Acts and Orders 1966 to 2008, the local legislation relating to the Port. Under section 12 of the Tees and Hartlepool Port Authority Act 1966 it is PDT's duty "to take such steps from time to time as they may consider necessary for the conservancy, maintenance and improvement of the harbour and the facilities afforded therein". Powers and duties relating to the Port are conferred and imposed on them under the Teesport Acts and Orders 1966 to 2008 and under public general legislation. PDT is therefore responsible for safe use and maintenance of the river and wholly committed to ensuring that the river plays its full part in supporting the future growth of our region and the UK as a whole.</p> <p>1.3 PDT's status as a harbour authority means that it is a Statutory Undertaker for the purposes of section 127 of the Planning Act 2008 ("2008 Act").</p> <p>1.4 PD Teesport is a key piece of national infrastructure and one of the largest private employers in the Tees Valley. It plays a critical role</p>	



facilitating the nation's trade. Its main operation at Teesport is the fifth largest port in the UK and only major port in England to handle more exports than imports. It supports 22,000 jobs and contributes £1.4 billion to the UK economy each year.

1.5 Handling 29 million tonnes per year, the Port supports the movement of international imports and exports throughout the North of the UK; affirming its position as a key driver in the nation's supply chain operations.

1.6 With circa 26 vessel calls a week (excluding bulks calls), Teesport is the UK's northern gateway for global shippers; serving worldwide markets including Scandinavia, the Baltics, the Netherlands, Russia, Belgium, France and Poland. Frequent, direct connections are complemented by monthly arrivals from Japan, expanding Teesport's reach beyond the major hub ports of Europe and providing shippers with maximum choice.

1.7 Lying close to Hartlepool and the Tees Valley's other industries, Teesport is part of the region's energy hub, bringing together a business cluster that unlocks powerful collaborative potential between energy providers, world-class manufacturers and industry-leading suppliers.

1.8 With a proven reputation of delivering new, private investment, PDT has attracted over £1 billion's worth of projects to Teesside in the last decade as part of an ambitious vision to make the River Tees the UK's most successful port region by 2050.

<p>1.9 The works proposed to be authorised by the Project for which application has been made would be constructed partly within PDT's limits of jurisdiction and the Project's construction and operation could potentially adversely affect PDT's harbour undertaking and other harbour users.</p>	
<p>1.10 As part of the Project, the Applicant seeks compulsory powers for the creation of new rights over various plots which PDT either owns, occupies or in which it has interests. The Applicant also proposes to take powers to extinguish, suspend or interfere with PDT's rights and impose new restrictions on such land.</p>	<p>1.10 The Applicants are working towards a voluntary agreement for the interests and rights being sought, which is its preference rather than relying on powers of compulsory acquisition. As part of the Heads of Terms negotiations, the Applicants have proposed terms to set out how any powers in the Draft DCO [AS-136] are used.</p>
<p>1.11 PDT supports the Applicant's project in principle but is concerned to ensure that the construction and operation of the proposed works do not adversely affect its harbour undertaking or other harbour users/surrounding occupiers and businesses. Those concerns can be addressed by the removal of certain plots from the Order and the inclusion of appropriate protective provisions. PDT is seeking to work positively with the Applicant and believes that its knowledge and experience of the harbour area can assist the Applicant in successfully advancing its proposals whilst minimising its impacts on surrounding businesses.</p>	<p>1.11 It is noted that PDT supports the Applicants' project in principle. The Applicants are seeking to work collaboratively with PDT to reach a voluntary agreement and associated protective provisions.</p>
<p>2. LAND PLOTS/ISSUES</p> <p>2.1 A schedule of the land plots in which the Book of Reference identifies that PDT has an interest is listed below:</p>	

<p>2.1.1 Part 1 – Freehold interests ? Plots 91 to 92, 97 to 98, 104, 108 to 114, 117 to 118, 126 to 127, 133 to 134, 136 to 137, 140, 142 to 154, 158 to 161, 163 to 164, 166 to 168, 170 to 171, 173, 175 to 178, 180 to 192, 194, 222, 224 to 230, 258, 260 and 265 to 271. Part 1 – Occupiers or Reputed Occupiers ? Plots 91 to 92, 97, 104, 108 to 109, 117 to 118, 127, 133 to 134, 142, 154, 158 to 161, 163 to 164, 166, 171, 173, 175 to 176, 178, 181 to 183, 185, 189, 191, 194, 265, 267, 271, 305, 378, 474 to 475 and 477. Part 3 – Persons enjoying rights over land ? Plots 305, 378, 474 to 475 and 477. General concerns regarding powers sought</p>	
<p>2.2 The powers sought by the Applicant would include the ability to acquire the freehold of and rights in land belonging to statutory undertakers (such as PDT) (Article 33). Furthermore, in relation to such acquisition and the acquisition of new rights by the Applicant, the powers in the Order provide for any private rights and restrictions in such land to be suspended, unenforceable or where notified extinguished where they would be inconsistent with the exercise of the new rights (Article 26). Whilst concerns in respect of proposed acquisition powers relating to particular areas of PDT's harbour area are addressed below, more generally it must be noted that the harbour area is particularly complicated from a land interest perspective with a vast number of businesses relying upon the Port's activities, historic rights and infrastructure. Not all of these businesses will have the resources and/or wherewithal to engage in the NSIP regime and PDT must seek to protect these broader interests in the continuing operations of the Port.</p>	<p>2.2 The powers sought by the Applicant would include the ability to acquire the freehold of and rights in land belonging to statutory undertakers (such as PDT) (Article 33). Furthermore, in relation to such acquisition and the acquisition of new rights by the Applicant, the powers in the Order provide for any private rights and restrictions in such land to be suspended, unenforceable or where notified extinguished where they would be inconsistent with the exercise of the new rights (Article 26). Whilst concerns in respect of proposed acquisition powers relating to particular areas of PDT's harbour area are addressed below, more generally it must be noted that the harbour area is particularly complicated from a land interest perspective with a vast number of businesses relying upon the Port's activities, historic rights and infrastructure. Not all of these businesses will have the resources and/or wherewithal to engage in the NSIP regime and PDT must seek to protect these broader interests in the continuing operations of the Port.</p>

<p>2.3 Such complexities are managed by the Port on a day to day basis, with the benefit of its vast experience and knowledge of the area, the businesses which it hosts and their interrelationships. For this reason, PDT considers that exercise of the Order powers within its harbour area and on land in which it has any interest must be subject to careful scrutiny once detailed scheme designs have crystallised with a view to fully understanding and minimising its impacts. It is proposed that this can be achieved in part through appropriate protective provisions. Riverside ro-ro and Northern Gateway Container Terminal (NGCT) (in the vicinity of Plots 224/225)</p> <p>2.4 The acquisition/scheme boundary encompasses the area occupied by the Riverside ro-ro berth, a facility which was built in 1999/2000 to accommodate stern ramp roll on roll off (ro-ro ferries). The facility is a key component of the PDT Unitised business and will become increasingly important following a planned enhancement to the facility to enable it to handle 200m long car carriers to support the current buoyant African business in addition to the existing ferry business. The development of infrastructure to support these stern ramp vessels at a capital cost of circa £7-8m has received Board approval at the September 2021 Board meeting and is expected to commence works on site in July 2022.</p>	<p>2.4 Following a formal change request by the Applicants in April 2022, which was accepted by the ExA [PD-010], the Applicants consider that the Proposed Development no longer interacts with the Riverside ro-ro facility and there is no impact to this facility. It is likely that the project will require the use of the PDT facilities over the construction period as the major port in the area.</p>
<p>2.5 The Northern gateway is a fully consented (Teasport Harbour Revision Order 2008) deep sea terminal which will ultimately consist of over a kilometre of quay, channel deepening and associated landside infrastructure. The project also includes a new rail terminal which is to be constructed in the area between the Asda and Tesco</p>	<p>2.5 The trajectory of the short CO<sub>2</sub> HDD has been re-assessed and changed to reflect a more direct and narrower route across the Tees. Following a formal change request by the Applicant in April 2022, which was accepted by the ExA [PD-010], the interface with PDT's Northern Gateway proposal has been removed.</p>

<p>import centres and Dabholm gut (again shown on the drawing). This is a key project for PDT's growth plans with in excess of £5m invested to date in the development stages, including the current marine and landside site investigation works. The quay construction will require piles to be driven to significant depth which could impact on any pipeline infrastructure.</p>	
<p>2.6 Consequently, the acquisition of rights in this area (and potential interference with existing rights) to enable construction of new pipe infrastructure is likely to be very disruptive and potentially significantly determinantal to the operation of the Port and its future expansion. This is not to mention the knock-on impacts that may be experienced by the surrounding occupiers and beneficiaries of this facility.</p>	<p>2.6 See paragraph 2.5</p>
<p>2.7 This position has already been explained to the Applicant who considers that it is likely to be possible to accommodate its infrastructure within plots to the north and on this basis PDT understands that it is intended to remove these plots from the DCO. If the relevant plots are not removed then PDT considers that material determinant may be caused to its undertaking, within the meaning set out in section 127 of the 2008 Act.</p>	<p>2.7 Following a formal change request by the Applicant in April 2022, which was accepted by the ExA [PD-010], the Applicants have removed these plots from the scheme.</p>
<p>Existing Pipeline Infrastructure</p> <p>2.8 The area behind the Riverside ro-ro is already fairly congested with existing pipelines which pass under the River Tees to the South Bank. This includes pipelines belonging to, inter alia, Sembcorp,</p>	<p>2.8 The Applicants' preferred option is that there are no new trenchless crossings of the River Tees for the purposes of the Proposed Development. If an HDD is required, then PDT land will be required on the north bank of the Tees, outside the area of the Riverside RoRo. The Applicants have considered safety matters, including in Chapter 22 of the Environmental Statement [APP-104],</p>

<p>Breagh, Trafigura and BOC. There is little data available on the Project proposals which allow PDT to assess the potential clashes.</p>	<p>and have included protective provisions in the Draft Order [AS-136] for the benefit of parties who have existing apparatus within the Order limits.</p>
<p>2.9 It would also be necessary to consider the nature of the pipeline and any associated Health and Safety Executive (“HSE”) consultation distances which could impact on the activities of PDT and its tenants including Tesco and Asda.</p>	<p>2.9 See paragraph 2.8.</p>
<p>Capital dredging of the River Tees</p> <p>2.10 It is understood that works are proposed by the Applicant to introduce new sub-river pipelines. PDT has not been provided with any detailed design material in connection with these proposed works which would need to be sufficiently deep so as not to preclude any planned future capital dredged depths. Dredging is clearly an import activity for a harbour authority both in terms of maintaining accessibility for vessels but also for enabling proposed expansions to the Port. Access to South Gare Breakwater</p>	<p>2.10 See paragraph 2.8.</p>
<p>2.11 South Gare Breakwater is an area of land located on the mouth of the River Tees which is owned and controlled by PDT. This breakwater effectively protects the river and land along the river edge from damage that would otherwise naturally occur from the North Sea. In addition to being important as a breakwater and for navigation purposes (requiring maintenance, often on an unplanned basis), access is also required for pilotage, a lighthouse and radar systems and a variety of private uses such as fishermen huts, sub aqua clubs, RNLI buildings etc.</p>	

<p>2.12 Access to the South Gare Breakwater is taken, as of right, via the South Gare access road which runs along the edge of the former Site of Special Scientific Interest (“SSSI”) site before turning north to run along the peninsula.</p>	
<p>2.13 Part of this access track is subject to the acquisition of new rights and temporary occupation in the vicinity of plots 305, 377 and 378. The extent and type of works to be undertaken in this area is unclear but PDT must be permitted to retain access to South Gare Breakwater for operational port purposes (as well as for its tenants/licensees) at all times during the Applicant’s works and on completion of the Project.</p>	<p>2.13 See paragraph 2.11.</p>
<p>Tees Dock Road Access (Sheet 14)          2.14 The project appears to encompass a section of Tees Dock Road which could have a serious impact on the ‘arterial route’ to Tees Dock, affecting both PDT and its tenants. PDT would wish to be assured that this access will remain open and unimpeded throughout any works and subsequently.</p>	<p>2.14 The Applicants can confirm that no works are planned in Tees Dock Road. Tees Dock Road is required for access to Teesworks only.</p>
<p>Access to Redcar Bulk Terminal (Plots 290, 222 and 223)           2.15 The Applicant proposes to acquire temporary interests in land known as Redcar Bulk Terminal (“RBT”). It is understood that this is potentially for the import of construction materials.</p>	<p>2.15 It is confirmed that the Applicants are seeking temporary rights at RBT.</p>
<p>2.16 PDT has rights of access along the accessway that leads to the RBT (although this appears not to have been recorded in the Book of</p>	<p>2.16 The Applicants understand that the land is subject to a Lease in favour of RBT for a term of 40 years from 17 June 1993 expiring on</p>

<p>Reference) as well as holding the freehold title in RBT itself. Whilst the site is subject to a lease, PDT has retained the rights to use RBT where there is capacity. Access to RBT is required to be maintained at all times for the purposes of PDT exercising its rights to use the berth, for example being able to import its own construction materials, during and after the Applicant's proposed works.</p>	<p>16 June 2033. The Applicants are in negotiations with RBT to secure a commercial agreement for the import of construction materials and process equipment. The Applicants consider that any matters which might affect the terms of the Lease should be dealt with on a Landlord/Tenant basis between PDT and RBT. Protective provisions have been included to cover PDT's interest in and rights to use and access the RBT berth.</p>
<p>Central Area Transmission System ("CATS") North Sea Limited site (Plot 112)</p> <p>2.17 The Applicant has identified plot 112 for freehold acquisition for the purpose of a National Grid Gas Compound. This is located within a freehold title held by PDT and subject to a long lease to CATS North Sea Limited, who uses the site as a gas terminal.</p>	<p>2.17 The Applicants understand that the land is subject to a Lease in favour of CATS North Sea Limited for a term of 99 years from and including 28 August 1991.</p>
<p>2.18 PDT considers that the acquisition of this plot is unnecessary and potentially limits the expansion of CATS North Sea Limited into its full demised area. An alternative vacant plot of land within PDT's freehold ownership exists to the immediate east of the CATS facility which PDT would be prepared to make available to the Applicant on suitable terms. This site has good access to the local road network and avoids curtailing the future expansion of the CATS terminal.</p>	<p>2.18 The Applicants have commissioned a report to assess the site which has been proposed by PDT as an alternative to Plot 112 and which demonstrates that there are technical difficulties which would make it difficult to proceed with the alternative site. The Applicants consider that plot 112 is required for the purposes of the Proposed Development and that its acquisition is justified. Nevertheless, the Applicants remain committed to working with PDT and CATS to identify an engineering methodology which will, as part of detailed design, minimise land take and provide a practical operational solution. It has been agreed in principle with PDT that the Applicants will proceed by way of a sublease from CATS subject to the consent of PDT as Landlord.</p>



<p>Seal Sands Pipeline Corridors and Access Roads</p> <p>2.19 PDT holds the freehold ownership in much of the pipeline corridors and access roads in the Seal Sands area. Whilst it has helped to direct the Applicant to use these corridors for its proposed pipelines, this must be done in a way which is safe, avoids interruption to other critical infrastructure in the area and causes minimal disturbance to local businesses. It is expected that this will be fully addressed in protective provisions in due course.</p>	<p>2.19 The Applicants welcome the confirmation that the use of the roads/corridors is appropriate, and as noted are negotiating the terms of the protective provisions with PDT.</p>
<p>3. DECOMMISSIONING</p> <p>3.1 The current draft requirement for decommissioning states: “Decommissioning 32.—(1) Within 12 months of the date that the undertaker decides to decommission any part of the authorised development, the undertaker must submit to the relevant planning authority for its approval a decommissioning environmental management plan in relation to that part. (2) No decommissioning works must be carried out until the relevant planning authority has approved the decommissioning environmental management plan. (3) The plan submitted pursuant to sub-paragraph (1) must include details of— (a) the buildings to be demolished; (b) the means of removal of the materials resulting from the decommissioning works; (c) the phasing of the demolition and removal works; (d) any restoration works to restore the land to a condition agreed with the relevant planning authority; (e) the phasing of any restoration works; and (f) a timetable for the implementation of the scheme. (4) The plan must be implemented as approved unless otherwise agreed with the relevant planning authority.”</p>	<p>3.1 &amp; 3.2 The Draft DCO [AS-136] sets out the position in relation to decommissioning the Proposed Development in requirement 32, including that it must submit a decommissioning environmental management plan to the local planning authority for approval, and which must then be implemented as approved (including in accordance with its timetable). The Applicants intend to update the wording in Requirement 32 so that the trigger for decommissioning is tied to the permanent cessation of its use. Decommissioning will be undertaken in line with applicable regulations at the time. The Applicants have also discussed further details surrounding decommissioning with PDT as part of the voluntary agreement discussions.</p> <p>The Applicants’ legal team has been in contact with PDT’s legal representatives, Eversheds Sutherland LLP, in relation to the negotiation of protective provisions for the protection of PDT’s operations. As part of these discussions, the Applicants drafted amendments to the draft protective provisions in response to the concerns raised in PDT’s RR, and these are currently being</p>

<p>3.2 The words “Within 12 months of the date that the undertaker decides to decommission any part of the authorised development” essentially makes this requirement optional and in no way obliges the Applicant to decommission anything. In the case of pipelines in a particularly congested corridor, where capacity is an identified concern, there should be an effective requirement to decommission once use ceases. This should be an objectively identifiable event, as opposed to something at the election of the Applicant.</p>	<p>considered by PDT’s legal representatives. Discussions are ongoing, and parties are working to agree appropriate provisions to address the concerns raised by PDT.</p>
<p><b>4. THE PROTECTIVE PROVISIONS: CURRENT POSITION</b></p> <p>4.1 Whilst the proposed protective provisions offer some protection of PDT’s interests, these are only engaged in circumstances where the Applicant considers that the works prevent the operation or maintenance of PDT operations or access to them. This terminology is vague and potentially open to interpretation. Furthermore, PDT may under the current protective provisions insist upon reasonable requirements where these relate to safety, operational viability and access. There are a range of potentially detrimental impacts that may fall short of affecting operational viability and this is not a reasonable limitation to PDT’s requirements.</p> <p>4.2 Aside from PDT’s interests, there must also be protection from the various businesses around the Port, who rely on the Port’s uninterrupted operation.</p> <p>4.3 PDT proposes to work with the Applicant to agree suitable protective provisions to replace those currently proposed.</p>	<p>4.1 Agreement on appropriate protective provisions is the subject of continuing liaison between the respective solicitors.</p>

**5. OBJECTION**

5.1 For these reasons, PDT must currently OBJECT to the DCO application. It is also of the view that it has not been demonstrated that the proposed compulsory acquisition by the Applicant can be undertaken without serious detriment to PDT's undertaking (as required by section 127 of the 2008 Act) and should not therefore not be approved by the Secretary of State in its current form.

5.2 It is acknowledged that discussions with the Applicant to date are ongoing and that the concerns identified above should be capable of being addressed through protective provisions, amendment to the DCO including the removal of land plots and revised requirements. PDT will update the Examining Authority as soon as possible in this regard.

5.2 it is noted that PDT will update the ExA in due course.

## 31.0 RESPONSE TO SEMBCORP UTILITIES (UK) LTD

31.1.1 The RR provided by Sembcorp Utilities (UK) Ltd (RR-034) and the Applicants' response is provided in **Table 31.1** as follows:

**Table 31.1: Sembcorp Utilities (UK) Ltd RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>Sembcorp Utilities (UK) Limited (“Sembcorp”) is a Teesside based subsidiary of Sembcorp Energy UK, a leading provider of sustainable solutions supporting the UK’s transition to Net Zero. With a total operational portfolio of around 1GW, including significant renewable generation and existing battery storage, Sembcorp Energy UK helps to keep the country’s electricity system balanced and resilient, through a fast-acting, decentralised fleet of assets. On Teesside, Sembcorp’s major industrial power plants deliver high-quality, centralised utilities and services to energy-intensive manufacturers. In turn, Sembcorp Energy UK is part of the Singapore-based Sembcorp Industries group, a leading multi-national energy and urban development organisation. Listed on the main board of the Singapore Exchange, worldwide the group has in excess of 5,000 employees and a turnover of around S\$5.5 billion. Wilton International where Sembcorp’s industrial power and other utility assets are located is one of the UK’s leading manufacturing sites, with the products made there being both of national importance and generating millions of pounds in export revenues annually for the UK economy. More than £1 billion has been spent by companies at Wilton International in recent years. This includes in excess of £200 million by Sembcorp in new and improved assets and just this week Sembcorp has announced from its development pipeline, a plan to build Europe’s largest battery energy storage solution at Wilton.</p>	<p>The Applicants note Sembcorp’s representations and the acknowledgement of the benefits of the project.</p> <p>Following dialogue with Sembcorp and other parties the extent of land affected at the Wilton site has been greatly reduced and removed from the Application, with the current proposal only affecting the road network for access purposes. With regards to the proposed CO2 Gathering Network, the Applicants consider that this infrastructure will significantly enhance and serve to support the further development of the area. The need for and the relevant policy support for the project are set out in the Project Need Statement [APP-069] and the revised Planning Statement also being submitted at Deadline 1.</p>

Other significant investment at Wilton International includes £250 million by SABIC on its Low Density Polyethylene plant, £350 million on Crop Energies' bioethanol plant and a new £250 million energy from waste facility in which Sembcorp is a major stakeholder. Sembcorp supplies the major industrial businesses at Wilton International with secure and reliable supplies of electrical power, steam, water, and other services, using greener, more sustainable power generating facilities. It also owns much of the land available for development on the site. Around 4,400 people are currently employed at Wilton International, with a further 1,300 contractors visiting the site each weekday. Thousands more jobs are supported through the supply chains of businesses based at the site, which include SABIC, Ensus, Alpek Polyester UK, Huntsman, Biffa Polymers, Nippon Gases and Anglo Woodsmith. Sembcorp actively markets Wilton International with a view to securing inward investment and further growth.

Wilton International is thus an industrial and manufacturing hub of national importance and whilst overall Sembcorp supports the Net Zero Teesside Project ("Project") (acknowledging the important contribution the Project could, if selected and/or developed have towards the shared goal of reducing the UK's greenhouse gas emissions over the coming decade(s)), Sembcorp continues to express its concern about the impact Project may have on it, Wilton International and a number of the existing industrial emitters on Teesside, which the CO2 gathering network is intended to support.

Sembcorp has previously expressed a number of its concerns by its letters dated 18 September 2020, 25 January 2021 and 11 May 2021

in respect of the Applicants' previous application for a very similar development consent order. These are however summarised below: The importance of Wilton International is specifically acknowledged in local planning policy. Paragraph 1.18 of the Redcar & Cleveland Local Plan, for example, notes that "[t]he chemical industry, mainly based at Wilton International, is a vitally important part of the local, regional and national economy". Paragraph 1.67 further states that "[t]he chemicals industry is a key part of the local economy, with the Wilton International site, together with sites on the northern side of the river, comprising the largest integrated chemicals complex in the UK in terms of manufacturing capacity, and the second largest in Europe". The wider economic impact of Net Zero Teesside Project must therefore be considered. Wilton International forms part of an important cluster of petrochemical, speciality and other process manufacturing businesses. As previously stated, these businesses play a vital role in the regional and, indeed, national economy. Sembcorp has invested heavily in Wilton International and aims to attract even more large industrial and manufacturing businesses to the site. As previously noted, many of the existing and future occupiers of Wilton International are or could potentially be producers of CO<sub>2</sub> that could be utilised by Net Zero Teesside. Wilton International and the wider industrial and manufacturing cluster of which it is part are thus key enablers of Net Zero Teesside. This is, in fact, one of the factors that contributes to Teesside being an attractive location for the Project. Ultimately, the net economic contribution of existing and future occupiers of Wilton International will almost certainly exceed that of Net Zero Teesside. While it is accepted that Net Zero Teesside is a project of national importance, the same can be said of Wilton International and certainly the

<p>collective manufacturing and chemical clusters with which it is physically and economically linked. It is therefore imperative not only that existing business at Wilton International are not disrupted, but also that the future development of Wilton International is not impeded. Any such negative effects must be eliminated and appropriate safeguards and mitigation provided. Notwithstanding the considerable progress and constructive dialogue which is ongoing between Sembcorp and the Applicants (acknowledged further below)</p>	
<p>Sembcorp remains very concerned about the proposals to compulsorily acquire its land and rights in its land as well as to extinguish existing easements and rights over its land. In particular, Sembcorp is concerned about the affects of this on the pipeline corridors linking Wilton International with the previously mentioned other clusters on Teesside and which contain critical infrastructure servicing Wilton International. This is relied upon not only by Sembcorp and its tenants, but also by other petrochemicals and manufacturing companies at the site. This infrastructure is vital to many of the manufacturing, distribution and industrial processes operating at Wilton International and the other industrial clusters on Teesside. Pipelines within the corridor are used for the import and export of various chemicals and gases to and from the site. The entire pipeline corridor stretches from Wilton International, underneath the river Tees, through Seal Sands and to Billingham, representing a link-line route of around 12km.</p> <p>Whilst Sembcorp recognises and commends the Applicants' effort to narrow and remove land from the Order Limits (Site Boundary) that</p>	<p>With regard to Sembcorp's comments relating to compulsory acquisition the Applicants note the concerns raised. The Applicants' preference is to enter into voluntary agreements with parties affected by the project in order to deliver its required land rights. Given the scale and significance of the project compulsory acquisition powers have been included within the Draft DCO [AS-136] to ensure it can be constructed, operated and maintained. The Applicants however would only rely on these powers to deliver the project where no voluntary agreement can be reached. The Applicants are also in dialogue through Sembcorp and directly with other operators within the pipeline corridor to ensure working relationships are established at an early stage.</p>

<p>was first proposed, it remains its considered opinion that the Project's proposed route easements for its CO2 pipeline, gas supply, electricity cables and drainage are substantially wider than required. In addition, the Project continues to draw those Order Limits (Site Boundary) to include all or substantially all of Sembcorp's No 2 River Tunnel; notwithstanding prior representations upon the specific adverse effect its inclusion would be likely to have upon a vital apparatus route. The effect of the Project taking larger easement corridors than are needed and/or interfering with that River Tunnel will be to reduce and / or restrict the future industrial and / or manufacturing operations that can take place at any of the industrial clusters linked by them including Wilton International.</p>	
<p>The Project's easement footprint must be no more than is reasonably required to enable the Scheme, should be confined to existing infrastructure corridors and promoted so as not to adversely affect Sembcorp's No 2 River Tunnel. Sembcorp has engaged, and will continue to engage, with Net Zero Teesside to discuss how the extent of easement corridors can be suitably minimised and/or a route developed which does not interfere with Sembcorp's No 2 River Tunnel to the detriment of current or future users. However, Sembcorp objects to the compulsory acquisition of its land and/or rights in its land, and in particular to the compulsory acquisition of rights over the pipeline corridors it manages. The legal arrangements by which Sembcorp manages its pipeline corridors are complex. Compulsory acquisition of rights by Net Zero Teesside will inevitably disrupt the carefully constructed legal provisions that exist between Sembcorp and its pipeline customers. This effect will extend beyond the boundaries of the Net Zero Teesside Scheme. Such disruption is</p>	<p>The Applicants have undertaken a review of the Order Limits in relation to the rights required during Pre-Examination. Following a formal change request by the Applicant in April 2022, which was accepted by the ExA [PD-010], there has been a reduction to the extent of the impacts on Sembcorp land. The land which remains within the Order land is considered necessary to ensure the safe and efficient design, construction and ongoing operation and maintenance of the pipeline. With regard to the Sembcorp No 2 River tunnel inclusion within the Order Limits, Heads of Terms have now been issued to secure a reservation on space within the tunnel in line with the wider Sembcorp pipeline corridor.</p>



also likely to negatively affect the potential growth of Wilton International as an industrial and manufacturing hub, and cannot be adequately dealt with by the payment of compensation. Again, given the economic importance of Wilton International, there can be no compelling case for powers of compulsory acquisition over any part of it, whether of land or rights in land. Nor can there be a compelling case for the compulsory acquisition of rights nor a right to extinguish existing easements in pipeline corridors where this will negatively impact Wilton International or limit its future development. The appropriate means of acquiring the easement rights Net Zero Teesside needs is via commercial agreement with Sembcorp. On this, as aforesaid, Sembcorp recognises the considerable progress that has been made with the Applicants, not only in relation to land rights but also in respect of inter alia other commercial arrangements between them. That said, Sembcorp's position is and will continue to be that any new rights granted to Net Zero Teesside must not only protect current apparatus, but also safeguard the rights of existing businesses to lay new apparatus and avoid sterilising or restricting large swathes of the pipeline corridors. It is imperative that the Project's rights are granted in common with all other uses and on such a basis as to acknowledge and maintain Sembcorp's role in managing the pipeline corridors on behalf of itself and all other users of it. Sembcorp considers it has approached negotiations and offered in principle terms in a reasonably commercial manner and it is hoped that an agreement will be finalised in due course. Since the relevant rights can be acquired by commercial negotiation, powers of compulsory acquisition are not needed and cannot be justified. To conclude, Sembcorp acknowledges the potential benefits of the Project and that considerable progress has been made towards

<p>addressing its objections through the consultation process and through its dialogue with the Applicants. It will continue to discuss its concerns with Net Zero Teesside and will update the Examining Authority as to the progress of these discussions as the examination progresses.</p>	
<p>As matters stand, Sembcorp's key requirements are:  a. The inclusion of Protective Provisions in Sembcorp's favour in the draft DCO.</p>	<p>In specific response to the closing points with Sembcorp's representation the Applicants set out below its summary position where further detail has been provided above.</p> <p>a. The Applicants' legal team has been in contact with Sembcorp's legal representatives, DLA Piper, since November 2021 in relation to the negotiation of protective provisions for the protection of Sembcorp's operations and assets. These discussions are ongoing.</p>
<p>b. The inclusion of suitable Requirements in the draft DCO to give Sembcorp the opportunity to review and approve detailed design of the Scheme where it impacts on or interfaces with Wilton International or any of the pipeline corridors operated by Sembcorp.</p>	<p>b. Within the agreed heads of terms there is provision for Sembcorp as owners and managers of the pipeline corridor to review designs.</p>
<p>c. The removal of powers of compulsory acquisition of land or rights in land over any part of both Wilton International or the pipeline corridors operated by Sembcorp. Sembcorp reserves the right to raise further or additional issues through the examination process. If the Examining Authority requires any further information Sembcorp would be happy to provide it.</p>	<p>c. As set out above, the project is not able to remove its compulsory powers from the Draft DCO. The Applicants have however committed to work with Sembcorp to minimise or mitigate the impacts any use of such powers may have on the pipeline corridor, Sembcorp or other parties using assets within the Sembcorp land.</p>

## 32.0 RESPONSE TO SOUTH TEES DEVELOPMENT CORPORATION

32.1.1 The RR provided by the South Tees Development Corporation (RR-035) and the Applicants' response is provided in **Table 32.1** as follows:

**Table 32.1: South Tees Development Corporation RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p><b>1 Executive Summary</b></p> <p>1.1 South Tees Development Corporation (STDC) maintains its in-principle support of the Net Zero Teesside (NZT) proposals. The project will be a significant generator of jobs, directly and indirectly into the Tees Valley and also a contributor to the regeneration of the Teesworks area, with investment in line with the industrial typologies that STDC's Master Plan seeks to attract. STDC has been liaising with the NZT promoters for over two years and is pleased that a number of its earlier concerns have been addressed. However, STDC continues to have significant concerns about the NZT DCO proposals and, accordingly, is objecting to the proposals absent satisfactory resolution of its concerns at this stage.</p> <p>1.2 In summary, the reasons for STDC's objection are as follows:</p> <p>1.2.1 Land-related Issues (a) Excessively wide land requirements in order to connect utilities; (b) Streets, rights of way and accesses; (c) Temporary land for construction; (d) The technical and operational impact that the NZT project will have on the STDC private wire network; (e) The Applicant's programme; (f) Sterilisation of, and conflict with, the Teesworks Development; and (g) Land assembly by agreement.</p>	<p>The Applicants welcome STDC's in-principle support for the NZT project (the "Proposed Development") including its economic and regeneration benefits. Full information on the socio-economic benefits of the Proposed Development is set out in ES Vol I Chapter 20 Socio-economics [APP-102], ES Vol III Appendix 20A Economics Benefits Report [APP-340] and the updated Planning Statement that has been submitted at Deadline 1).</p> <p>The Applicants note STDC's summary grounds of objection. The Applicants have responded to each of these matters in the main text below.</p>

<p>1.2.2 DCO-related Issues (a) Issues with DCO Articles and Schedules; (b) Inadequate Protective Provisions; and (c) Issues with DCO documents.</p> <p>1.2.3 Environment and policy-related Issues (a) Habitat Regulations Assessment (HRA); (b) Assessment of alternative gas pipeline connections; (c) Construction traffic assessment; (d) Treatment of tunnel arisings; and (e) the assessment of the scheme against planning policy.</p>	
<p><b>2. Introduction</b></p> <p>2.1 This relevant representation summarises STDC's key concerns in respect of the Net Zero Teesside project (the Project).</p> <p>2.2 The proposed Net Zero Teesside Development Consent Order (the draft Order) was initially submitted by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the Applicant) on 21 May 2021 but withdrawn on 16 June 2021. The Order was resubmitted on 19 July 2021 and accepted for examination by the Planning Inspectorate on 16 August 2021.</p> <p>2.3 STDC 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. A plan of STDC's area is set out at Appendix A (Teesworks). STDC was the first Mayoral Development Corporation established outside of London, being established pursuant to the powers devolved to the Tees Valley Mayor under the Tees Valley Combined Authority (Functions)</p>	<p>The Applicants acknowledge the factual background in paragraphs 2.1 to 2.6.</p> <p>With respect to paragraph 2.3, the availability of brownfield land and the regeneration of the Teesside area are some of the primary reasons for the Applicants selecting the site for the Proposed Development. The Proposed Development is consistent with the land use policy for the Teesworks site. It will regenerate brownfield land, deliver carbon capture and storage infrastructure which will contribute to the decarbonisation of the local economy, create jobs, and contribute toward improving the environmental quality of the area.</p>

<p>Order 2017. The object of a development corporation is to secure the regeneration of the land in respect of which it is designated, and the Teesworks site is the largest regeneration opportunity in the UK.</p> <p>2.4 The Project lies within the boundary of land owned and controlled by STDC and STDC is therefore directly impacted by the Project as a major landowner. STDC is an 'affected person' within the meaning of section 59(4) of the Planning Act 2008 (the 2008 Act) and as such is a statutory party for the purposes of section 88(3A) of the 2008 Act.</p> <p>2.5 STDC submits this representation on behalf of itself, as well another entity it controls. STDC's interests appear in the Applicant's Book of Reference (APP-007) under the following entities: 2.5.1 South Tees Developments Limited (Company No. 11747311) 2.5.2 Teeswork Limited (Company No. 12351851). 2.6 STDC retains in-principle support for the Project, however for the reasons set out in this relevant representation, STDC objects to the proposals in their current form.</p> <p>2.6 STDC retains in-principle support for the Project, however for the reasons set out in this relevant representation, STDC objects to the proposals in their current form.</p>	
<p>3.1 Teesworks comprises approximately 4,500 acres (1,820 hectares) 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 2019 CPO).</p>	<p>3.8. The Applicants understand the need to work collaboratively with STDC to develop the wider Teesworks site and has been working through both technical and commercial channels to deliver the Proposed Development in a way that where possible both facilitates other development coming forward in parallel, and which safeguards land for future development proposals. The detail of these</p>

<p>3.2 Subsequent to the 2019 CPO, STDC has been proactive in initiating redevelopment of the Teesworks area, supporting and coordinating enabling works for redevelopment. The regeneration of the area is being supported by Government, who awarded the Development Corporation £123million of funding to begin land remediation, paving the way for large-scale industrial investment.</p> <p>3.3 To date, STDC has implemented a number of site preparation projects across Teesworks, clearing derelict structures and remediating land so as to provide development plots and infrastructure to attract and support end-user developments. In December 2020, outline planning permission was granted to STDC for development of 418,000 sqm (gross) of general industrial and storage &amp; distribution uses at the South Bank site. Throughout 2021, further permissions have been granted including for the development of an 80,000sqm facility for LM Wind's manufacturing of offshore wind turbines at South Bank, as well as the construction of a new quay. In addition, five outline application planning applications are at an advanced stage of determination, which will permit the development of almost 900,000sqm of general industrial and storage and distribution across much of the Teesworks area including within the NZT Order limits.</p> <p>3.4 In March 2021, as part of the Spring Budget and in recognition of its national significance as a regeneration site, Teesworks was announced as one of the first places to receive Freeport status under the new Government policy to create freeports across the country. Teesworks is now the site of the UK's</p>	<p>arrangements is set out below in the Applicants' response to Part 4 of STDC's Relevant Representation.</p> <p>The Applicants would add the following:</p> <p>With respect to paragraph 3.1, prior to the 2019 CPO (in late 2017, 2018 and early 2019) the Applicants were in early discussions with STDC's representatives. At the time the Proposed Development was known as "The Clean Gas Project" and was being promoted by the OGCI CI. There were numerous site visits and discussions were cordial.</p> <p>With respect to paragraphs 3.2 and 3.3, the Applicants were informed of areas identified by STDC for other potential redevelopment in February 2021 and STDC plans related to these activities were shared in March 2021.</p> <p>With respect to paragraph 3.6, STDC has produced a Master Plan (the 'South Tees Regeneration Master Plan') to provide a flexible framework for the regeneration of the Teesworks/South Tees Area. Following consultation, the Master Plan was launched alongside the South Tees Area SPD, which was formally adopted by RCBC in May 2018. The South Tees Area SPD is a material planning consideration and represents the formal planning policy interpretation of the Master Plan, which in planning policy terms has no formal status.</p> <p>A large part of the site for the Proposed Development (the "Site"), including all of the land identified for the Power Capture and Compression ("PCC") elements of the Proposed Development, is</p>
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<p>largest freeport and has been set up to promote the economic growth and commercial development of the Tees Valley by converting assets in the STDC's control into opportunities for business investment and economic growth.</p> <p>3.5 Teeswork's Freeport status means businesses will benefit from a wide package of tax reliefs, simplified customs procedures, streamlined planning processes and government support to promote regeneration and innovation. For example, companies operating within the Freeport area can benefit from deferring the payment of taxes until their products are moved elsewhere, or can avoid them altogether if they bring in goods to store or manufacture on site before exporting them again.</p> <p>3.6 To inform STDC's development strategy and to help ensure the comprehensive and efficient use of its land, it developed a master plan which informed the preparation of supplementary planning policy for the Teesworks area. When STDC was established, it was agreed between Tees Valley Combined Authority (which is the sister company to STDC, and has the same chair) and Redcar &amp; Cleveland Borough Council (RCBC) that RCBC would retain planning powers and continue to act as the local planning authority for Teesworks in respect of planning policy and development management, and in the processing of planning applications. All planning applications for development proposals within Teesworks must therefore be determined in accordance with the adopted Redcar and Cleveland Local Plan unless material considerations indicate otherwise. The Local Plan should therefore constitute an "important and relevant consideration" for the purposes of</p>	<p>allocated in the Redcar &amp; Cleveland Local Plan ("RCBC Local Plan") as a 'Protected Employment Area', which is subject to Policy ED6 'Promoting Economic Growth'. Policy ED6 seeks to promote industry and port-related uses within the South Tees Area and states that development proposals should have regard to the South Tees Area SPD and that these will be supported where they positively contribute towards growth and regeneration.</p> <p>Parts of the Site lie within the STDC Teesworks/South Tees Area that is subject to Policy LS4 of the RCBC Local Plan. This Policy builds on ED6 and aims to support the delivery of significant economic growth and job opportunities in the area, including encouraging clean and efficient industry to help reduce carbon emissions and the development of Carbon Capture and Storage ('CCS') to decarbonise the local economy.</p> <p>The Applicants are satisfied that the Proposed Development is compliant with key planning policy in the South Tees SPD and RCBC Local Plan. An overview of the South Tees SPD and RCBC Local Plan, in so far as they contain planning allocations/designations (and related policies) of relevance to the Proposed Development is provided in the Applicants' updated Planning Statement also submitted at Deadline 1.</p> <p>With respect to paragraph 3.8, the Applicants have secured arrangements through the draft Development Consent Order ("DCO") [AS-135] that will ensure there is no undue disruption to STDC in bringing forward other development proposals. The detail of</p>
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<p>examining and deciding the NZT proposal under section 104 of the 2008 Act.</p> <p>3.7 In accordance with its master plan, STDC is working closely with the Combined Authority, RCBC and major operators across South Tees to ensure the full development potential of the South Tees Area is realised, and that its position as an engine for growth in the economy of the Tees Valley is fully capitalised on.</p> <p>3.8 In order for STDC to realise the full development potential of the site, it is seeking to bring those developments forward without undue disruption from the Project.</p> <p>3.9 The proposals set out by the Applicant in their application for a Development Consent Order (DCO) present significant concerns to STDC. These key issues can be split into three groups:</p> <p>3.9.1 Land – issues with the extent of land being compulsorily acquired;</p> <p>3.9.2 DCO – issues with the power contained in the draft Order, and the associated application documents; and</p> <p>3.9.3 Environmental and planning/technical matters – comments on several environmental and technical/planning considerations in the documents accompanying the application.</p>	<p>these arrangements is set out below in the Applicants' response to Part 4 of STDC's Relevant Representation.</p> <p>The Applicants note the concerns set out in paragraph 3.9 (including sub-paragraph 3.9.1 to 3.9.3) and have addressed each of these matters in its responses below to Part 4, 5 and 6 of STDC's Relevant Representation.</p>
<p><b>4 Land Excessively wide land requirements for utilities</b></p>	<p>The Applicants disagree that its proposals for the compulsory acquisition of STDC's land interests fail to comply with the requirements under section 122 of the 2008 Act and the Guidance</p>



<p><b>4.1</b> Section 122 of the 2008 Act states that an order granting development consent may only include powers of compulsory acquisition where:</p> <p><b>4.1.1</b> the land: (a) is required for the development to which the development consent relates, (b) is required to facilitate or is incidental to that development, or (c) is replacement land which is to be given in exchange for the order land under section 131 or 132; and</p> <p><b>4.1.2</b> there is a compelling case in the public interest for the land to be acquired compulsorily.</p> <p><b>4.2</b> The Planning Act 2008, Guidance related to procedures for the compulsory acquisition of land (DCLG, Sept 2013) (the Guidance) requires the Applicant, amongst other things, to satisfy the Secretary of State that: 4.2.1 “all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored”; and 4.2.2 “the land to be acquired is no more than is reasonably required for the purposes of the development”.</p> <p><b>4.3</b> STDC recognises that there have been some reductions in the extent of utility corridors, but does not believe this goes far enough. SDTC’s view is that the Applicant is seeking permanent rights over utility corridors which are wider than reasonably required, and not justifiable having regard in particular to the Guidance cited above. STDC also note the apparent disparity with the extent of land required between land north of the Tees and that at Teesworks on the south bank. At North Tees, the Applicant has followed existing</p>	<p>related to procedures for the compulsory acquisition of land (DCLG, Sept 2013) (the “CA Guidance”).</p> <p><i>S122(2): land required for the development to which development consent relates</i></p> <p>S122(2) is concerned with the reasons why the land is required. In this case no replacement land is needed, and so all of the land within the order limits, including all STDC’s interests, is either required for development to which the development consent relates, or is required to facilitate or is incidental to that development.</p> <p>In respect of section 122(2), paragraph 11(i) of the CA Guidance states that applicants should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought. It goes on to state that the Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development.</p> <p>The Statement of Reasons contains an explanation of the need for the compulsory acquisition of land and rights and powers of temporary possession in Section 6. The Applicants would also direct the Examining Authority to the Applicants Summary of Oral Case – Compulsory Acquisition Hearing 1 (CAH1) which provides an overall summary as to how each area of land or new right (or extinguishment of rights) in that land is required and how in each case the purpose of acquisition meets the condition in subsection (2) because it is either for development to which the application relates</p>
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<p>utilities corridors whereas at Teesworks the proposals seek excessively large land parcels for what will be small permanent requirements, particularly for interconnecting utilities. The Applicant should only be seeking compulsory acquisition powers over the minimum amount of land required for the Project. It is unclear why the proposed utility areas at Teesworks have been treated differently and designed wider than those elsewhere within the Order limits.</p> <p>4.4 Chapter 4 of the Environmental Statement makes clear that the area covered by some works is larger than required and that the Applicant is making use of the “Rochdale Envelope” principle, whereby it requires additional flexibility for its Project to be carried forward into the post-consent implementation phase. STDC draws the Examining Authority’s attention to the Planning Act 2008, Guidance on the pre-application process (DCLG, March 2015) (the Pre-Application Guidance) which states that: “The use of the Rochdale Envelope approach does not remove the onus on applicants to submit as detailed as possible project proposals in their application”.</p> <p>4.5 The lack of detail on the precise location of final utility corridors within the DCO application and the temporary use of Teesworks’ land during construction hinders STDC’s future development plans, and potentially prevents the full benefits of the Freeport designation from being realised.</p> <p>4.6 The NZT DCO currently contains two options for its natural gas connection. STDC objects to the first option which runs beneath</p>	<p>(e.g. it is the location of some new infrastructure), or to facilitate that development (e.g. it is required to construct the infrastructure), or the purpose is incidental to that development (e.g. it is required to access and maintain that infrastructure).</p> <p>With respect to STDC’s specific concerns with respect to the width of the utility corridors, for the reasons set out below the Applicants disagree that it is seeking permanent rights over utility corridors which are wider than reasonably required.</p> <p>The utility corridors across STDC’s land interests comprise of the Natural Gas Connection (Work No. 2), Electrical Connection Work (No. 3), Water Supply Connection (Work No. 5C), Water Discharge (Work No. 5A and 5B) CO2 Gathering Network (Work No. 6) and CO2 Export Pipeline (Work No. 8).</p> <p>At the outset, the Applicants note that STDC have made specific recommendations with respect to the Gas Connection and CO2 Gathering Network. It is not clear whether STDC comments regarding the reduction in width of the corridors and utilising existing corridors within Teesworks apply to all of the other utility corridors. For the purposes of this response, the Applicants have assumed these comments relate to all of the utility corridors. The Applicants would respond as follows.</p> <p>The width of the utility corridors has been specifically designed to provide certainty that the Proposed Development (a nationally significant project) is capable of being delivered and that its substantial public benefits are fully realised. This is not a matter “of</p>
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<p>and risks sterilising STDC land. There is a clear reasonable alternative to seeking compulsory powers over STDC's land for this pipeline, given the established Sembcorp utility corridor (a route that is indeed also being considered as one option for the CO2 Gathering pipeline route). STDC received verbal assurances from NZT's project team that the Teesworks option would not be included within the DCO for either the natural gas or CO2 gathering pipelines, owing the existence of the Sembcorp route. It is not clear why this level of flexibility has been included within the DCO when an alternative route exists that has less impact on STDC, and on the basis of previous discussions, seems to be the preferred route.</p> <p>4.7 STDC retain significant concerns about the extent of its land included within the Project's Order limits for utilities. It is not clear from the application documents why plot 525 (and nearby plots) are so extensive given STDC's understanding of the Applicant's water pipeline requirements.</p> <p>4.8 STDC shared its own utility corridor information with the Applicant in late 2020 (pre-submission of the DCO). The utility corridors provided by STDC are a reasonable alternatives to compulsory acquisition which the Applicant has not properly considered prior to submission of the application.</p> <p>4.9 Given the significant impacts of the Project on Teesworks, compulsory acquisition cannot be justified merely on the basis that it would be more convenient to the Applicant to set its detailed land requirements post grant of DCO.</p>	<p>convenience". The Proposed Development is a 'First of a Kind' for this type of infrastructure. Consequently, the design of the Proposed Development must incorporate a degree of flexibility in the technology used and the dimensions and configurations of buildings and structures (within the existing parameters of the Rochdale envelope) to allow for the future selection of the preferred technology and contractor(s).</p> <p>A utilities corridor preliminary design has been proposed that follows national pipeline guidelines and typical electrical installation guidelines. The proposed easements and access tracks are comparable to similar apparatus in the Teesside region. The Order Limits for the proposed utility corridor were drafted taking account of the site conditions, topography and access requirements.</p> <p>The width of the utility corridors is also not intended to be a barrier to the delivery of other development across the Teesworks site. In fact the Applicants' intentions are precisely the opposite. The areas within which each Work Number (including the utility connections) may be constructed, and where corresponding rights of compulsory acquisition and temporary possession are required, is intended to ensure that there is some flexibility as to the final location of the works (i.e. the Applicants' works can take account of other development, amongst other factors), and therefore other development is capable of being constructed and operated alongside the Proposed Development.</p> <p>The Applicants acknowledge STDC shared its own utility corridor information with the Applicant in late 2020 (pre-submission of the</p>
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<p>4.10 To address this, STDC requires that the DCO application is amended to:</p> <p>4.10.1 remove the gas pipeline option which runs across Teesworks from the DCO;</p> <p>4.10.2 remove the CO2 gathering pipeline option which runs across Teesworks from the DCO;</p> <p>4.10.3 reduce the width of the utility corridors such that they correspond to the extent of land that will reasonably be needed;</p> <p>4.10.4 utilise existing utility corridors within Teesworks instead of sterilising land with new corridors; and</p> <p>4.10.5 provide greater clarity and certainty as to any temporary use of Teesworks' land, including for construction activities and storage of material including tunnel arisings.</p> <p>4.11 STDC has received assurances from the Applicant that pipelines can be installed sufficiently far below the surface to prevent sterilisation of land, however controls over the vertical limits of deviation for sub-surface works (and any controls in respect of them) are not apparent from the application documents or DCO, and STDC therefore requires this assurance to form part of the draft Order.</p>	<p>DCO). This information, as well as verbal guidance provided by STDC representative during site visits for utility routing and connections, was used to develop the Applicants' Order Limits.</p> <p>The provision of the utility corridor followed engagement with STDC through the Stage 1 consultation (non-statutory) from 2 October 2019 to 19 November 2019, and the main Stage 2 Section 42 consultation period which ran from 7 July 2020 to 18 September 2020. STDC were further consulted as part of the Section 42 Update Consultation from 7 December 2020 to 25 January 2021, and the Targeted Section 42 Consultation from 26 March 2021 to 3 May 2021. Details of the changes made to the Proposed Development, including in respect of utility corridors, to address STDC's concerns are set out in the Consultation Report (May 2021) (APP-068).</p> <p>The Applicants have sought to address STDC's concerns by making further reductions to the extent of the utility corridors as part of the change application submitted on 29 April 2022 and accepted by the Examining Authority on 6 May 2022 (the "Change Application"). This included:</p> <p>Reductions to the Order limits, and in doing so the extent of land over which compulsory acquisition or temporary possession powers are sought over STDC's land interests; and</p> <p>Reductions in the powers sought over STDC's land interests, to powers of temporary possession.</p>
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4.12 STDC considers that, as matters stand, the Project fails to comply with section 122 of the 2008 Act and the associated Guidance insofar as STDC's interests in land are concerned. The Applicant cannot demonstrate that all of the land subject to compulsory acquisition is required, and therefore a compelling case in the public interest is not made out for the extent of powers being sought. Streets, rights of way and accesses.

Details of the changes made to the Proposed Development, including in respect of utility corridors, are set out in the Consultation Statement on the Proposed Changes (April 2022) (AS-048).

Where possible, and as requested by STDC, the Applicants have sought to utilise existing pipeline corridors and connections in order that the nature and extent of compulsory acquisition powers sought over STDC's land interests could be reduced or removed from the DCO:

Work Number 2A: pursuant to the Change Application, the Gas Connection will now be via a direct connection to the existing Sembcorp gas pipeline at Bran Sands (known as "Option 2"). This means that the long-bored tunnel option across the River Tees direct to the PCC site has been removed, and the land area within Work No. 2A (including in respect of STDC's interests) has been reduced. Work Number 5A: reuse of the existing water discharge outfall (WN5A) is included in the DCO and is the Applicants preferred option for the discharge of water, subject to asset integrity testing. If selected, this would avoid the construction of a replacement discharge outfall (WN5B).

Work Number 6: the removal of the long-bored tunnel for the Gas Connection also removes the Applicants original option ("Option 1") to use the same tunnel for the routing of the CO2 Gathering Network across the River Tees to the PCC site. The Applicants preferred option, as requested by STDC, is now the construction of the pipeline within the existing Sembcorp No. 2 Tunnel from

	<p>Navigator Terminals to the northern bank of the mouth of Dabholm Gut ("Option 3").</p> <p>Taken together the Applicants has therefore selected, or is intending to select as its preferred option, all of the existing utility corridors that have been proposed by STDC in its Relevant Representation. Furthermore:</p> <p>The Applicants' pipelines under Work No. 2A, 5C and 6 will also be routed and co-located within a utility corridor to minimise sterilisation of land.</p> <p>It has been agreed that the Electrical Connection (Work No. 3A) will run through the proposed STDC utilities corridor, wherever they are on a common routing, through to the new Tod Point substation (Work No. 3B). This has been recorded in the Statement of Common Ground entered into between the Applicants and STDC and submitted at Deadline 1. Final routing is subject to final design sizing and Network Rail crossings agreements.</p> <p>In addition to demonstrating why all of land is required for the development, the Applicants recognise that there is a need to secure arrangements that will protect STDC's interests and avoid the sterilisation of parts of the Teesworks Site. In this regard, the Applicants have provided protective provisions in Part 19 of Schedule 12 of the DCO for the benefit of Teesworks Limited. These include arrangements for the approval of works details with Teesworks Limited in advance of commencing development at the Teesworks site, and co-operation arrangements including information sharing</p>
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	<p>that will facilitate Teesworks development proposals coming forward alongside the Proposed Development. Specifically, the Applicants are obliged under the protective provisions to secure agreement from Teesworks Limited of “works details” including:</p> <ul style="list-style-type: none"><li>(a) plans and sections;</li><li>(b) details of the proposed method of working and timing of execution of works;</li><li>(c) details of vehicle access routes for construction and operational traffic;</li><li>(d) details of the location within the Teesworks site of a corridor situated within the limits shown on the works plans for numbered works 2A, 3, 4A, 5, 6 and 8 within which the corresponding works are proposed to be carried out;</li><li>(e) details of the location within the Teesworks site of a corridor situated within the limits shown on the works plans for numbered works 2A, 3, 4A, 5, 6 and 8 within which the permanent corresponding works will be placed; and</li><li>(f) any further particulars provided in response to a reasonable request by Teesworks Limited within 28 days of receipt of works details.</li></ul> <p>The Applicants are satisfied that the protective provisions are robust and ensure that STDC has certainty and a reasonable degree of</p>
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	<p>influence over when and where development must come forward across the Teesworks site. The Applicants will continue to discuss the terms of the protective provisions with STDC.</p> <p>The Applicants are open to securing arrangements for integrated project planning with STDC which has been the subject of considerable negotiation. The Examining Authority is directed to the Applicants' response to paragraphs 4.19 and 4.20 in respect of proposals for an Interface Agreement.</p> <p><i>S122(3) - Compelling case in the public interest</i></p> <p>The Applicants would direct the Examining Authority to the SoR and the Applicants Summary of Oral Case – Compulsory Acquisition Hearing 1 (CAH1) for justification as why there is a compelling case in the public interest for compulsory acquisition of its land interests. In summary, there are substantial public interest benefits that would be realised by granting the powers that are sought, and thereby enabling the Proposed Development to be delivered. These are set out in further detail in the Project Need Statement [AS-015] and the updated Planning Statement submitted at Deadline 1. The need case and the associated public benefits of meeting that need have been further underlined by the subsequent publication of the Government policy documents referred to in ISH1, namely:</p> <ul style="list-style-type: none"><li>• draft NPS EN-1;</li><li>• The Net Zero Strategy: Build Back Greener (October 2021); and</li></ul>
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	<ul style="list-style-type: none"><li>• British Energy Security Strategy (April 2022).</li></ul> <p>The relevant parts of those documents have been identified and addressed in the Applicants' updated Planning Statement submitted at Deadline 1.</p> <p><i>CA Guidance</i></p> <p>Paragraphs 8 to 10 of the CA Guidance set out a number of general considerations that the Applicants must demonstrate to the satisfaction of the Secretary of State when justifying an order authorising compulsory acquisition:</p> <p><i>That all reasonable alternatives to compulsory acquisition (including modifications to the Project) have been explored</i> - see section 4 in the SoR in relation to how the Applicants selected parts of the Site, more generally paragraph 6.1.20 onwards in the SoR, and above. The Applicants also considered a number of alternative routes or corridors for the Natural Gas Connection, Electrical Connection, Water Supply Connection, Water Discharge, CO2 Gathering Network and CO2 Export Pipeline. The options have been narrowed and refined following the preparation of and consultation on the Preliminary Environmental Information, as well as following submission of the Change Application. The Applicants are satisfied that none of the alternatives would provide the compelling benefits associated with the options selected as part of the Proposed Development, or would otherwise involve additional impacts or disadvantages on STDC's land interests including in terms of land take and environmental impacts.</p>
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	<p><i>That the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate</i> – the Examining Authority is directed to the Applicants' response above which demonstrates compliance with the legal requirements under s122(2) and S122(3) of the 2008 Act. The reduction in the extent of the Order Limits and the shift from acquisition of permanent rights to temporary possession helps to demonstrate that the area of land proposed to be acquired is no more than is necessary; and that the degree of interference involved in each case is proportionate.</p> <p><i>That the Applicants have a clear idea of how they intend to use the land which it is proposed to acquire</i> - Sections 3 and 4 of the SoR describe the Site and the Proposed Development (including the existing utility corridors) and Section 6 describes the nature of the interest sought and the purposes for which areas are to be acquired or used. Further information is set out in the Guide to Land Plan Plots [AS-143].</p> <p><i>That there is a reasonable prospect of the requisite funds for the acquisition becoming available</i> – the Examining Authority is directed to the Funding Statement [APP-009] and Part 8 of the Applicants Written Summary of Oral Submissions for CAH1.</p> <p><i>That the purposes for which compulsory acquisition of land powers are included in the DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected</i> - see Section 11 of the SoR and Part 3 of the Applicants Written Summary of Oral Submissions for CAH1.</p>
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	<p><i>Disparity with land required between north of the Tees and south of the Tees</i></p> <p>With respect to paragraph 4.3, the Applicants consider that it has satisfactorily demonstrated the easement requirement to STDC. It should be noted that the land required by the Applicants to the north of the River Tees only applies to Work No. 6. The land required on STDC requires multiple services associated with Work No. 2A, 3A, 5A and 6 and the dimensions are materially different. The land on STDC requires the safe distance for the buried natural gas pipeline (Work No. 2A) to be considered and also space for maintenance for all services in the future. With respect to the comparison offered by STDC, it should be noted that the total width of the North Tees utilities corridor next to Seal Sands Road is some 65m wide, while the Applicants' corridor is only 28m wide. STDC has offered a 17m corridor but this is insufficient in that it does not take into account safe distance requirements for a natural gas pipeline and adequate space for operational maintenance. Taken together the Applicants retain their position that it requires the full width of the utility corridors sought in the DCO both to the north and south of the River Tees.</p> <p><i>Gas Pipeline and CO2 Gathering Pipelines</i></p> <p>With respect to paragraph 4.6, the Applicants has been in discussions with Sembcorp for the use of the Sembcorp utility corridor on the north and south sides of the River Tees since August 2020. The Applicants have now gained agreement for the re-use of</p>
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	<p>the Sembcorp natural gas pipeline. As further explained above, the Applicants removed the long-bored tunnel option from the DCO pursuant to the Change Application. The Applicants consider that the removal of the first option addresses STDC's concerns and look forward to confirmation that this part of their objection is withdrawn.</p> <p>Following the acceptance of the Change Application on 6<sup>th</sup> May 2022, the long-bored tunnel option for the CO2 Gathering Network no longer forms part of the Proposed Development. In line with STDC's proposal, the Applicants have also continued to explore the use of the existing Sembcorp No 2 Tunnel for the CO2 gathering network crossing over the River Tees. As part of the acceptance of the Change Application, the Sembcorp No2 Tunnel has been included in the DCO. The Applicants expect to be in a position to confirm the selection of the Tees crossing method by July following completion of further technical work.</p> <p>Addressing each of the specific changes to the DCO sought by STDC in paragraph 4.10:</p> <p><i>Remove the gas pipeline option which runs across Teesworks from the DCO – see response to paragraph 4.6 above.</i></p> <p><i>Remove the CO2 gathering pipeline option which runs across Teesworks from the DCO - see response to paragraph 4.6 above.</i></p> <p><i>Reduce the width of the utility corridors such that they correspond to the extent of land that will reasonably be needed – see response</i></p>
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	<p>above in respect of tests under s122(2) of the Planning Act and the CA Guidance which sets out why the existing width of the utility corridors is required.</p> <p><i>Utilise existing utility corridors within Teesworks instead of sterilising land with new corridors – see response above in in respect of the legal tests under s122(2) of the Planning Act which sets out how the Applicants intend to utilise existing utility corridors and, in respect of new corridors, details of the protective provisions in the DCO which will ensure that land sterilisation is avoided.</i></p> <p><i>Provide greater clarity and certainty as to any temporary use of Teesworks' land, including for construction activities and storage of material including tunnel arisings – the land in respect of which powers of temporary occupation are sought is shown edged red and shaded yellow on the Land Plans.</i></p> <p>Articles 31 and 32 of the Order are relied upon in respect of this land. Article 31 permits temporary use in two ways:</p> <p>Firstly, the land identified in Schedule 9 to the DCO may only be temporarily possessed (i.e. the Applicants cannot acquire the land nor new rights over it), and possession can only be taken for the purposes set out in that Schedule for the particular plot. Information is also provided in the Guide to Land Plan Plots [AS-143] on what each plot is required for.</p> <p>Secondly, Article 31 permits the Applicants to take temporary possession of any other part of the Order Land where they have not</p>
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	<p>yet exercised powers of compulsory acquisition - this will allow them (for instance) to initially take temporary possession of the whole width of corridors required for connections. This could be relevant to the Natural Gas Connection Corridor (Work No. 2A), the Electrical Connection Corridor (Work No. 3A), Water Supply Connection Corridor (Work No. 4), the wastewater disposal works – replacement outfall (Work No. 5B), the wastewater disposal works – pipeline connections to Bran Sands (Work No. 5C), the CO2 Gathering Network (Work No. 6) and the CO2 Export Pipeline Corridor (Work No. 8). For each of these the Order includes power to acquire new rights in order to construct, maintain and operate the relevant apparatus. Once the Applicants have carried out detailed surveys and installed the relevant apparatus (such as pipes or cable), the Applicants can then acquire new rights (pursuant to the powers set out above) within only a narrower strip in which permanent rights are required, within the wider construction corridor. This phased approach to occupation and acquisition allows the permanent rights corridor to be defined after construction, and to be only that which is necessary for the operation, maintenance, and protection of the apparatus. Such an approach has precedent amongst other DCOs including the Eggborough Gas Fired Generating Station Order 2018 and the Drax Power (Generating Stations) Order 2019.</p> <p><i>Plot 525</i></p> <p>With respect to paragraph 4.7, the water supply for the CCGT and Capture plant elements of the Proposed Development (both Raw and Potable) at STDC were assessed in 2019 and early 2020 with a number of on-site visits by the Applicants' project team in</p>
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	<p>conjunction with STDC staff. The water supply route has been discussed as part of regular interface meetings since 23<sup>rd</sup> November 2020. Plot 525 covers the area where an existing water main, of unknown integrity, is located. The area is sufficiently wide to enable construction either side of the existing pipeline – should that be required. At the time of the DCO submission STDC was unable to furnish the Applicants with a suitable integrity report for the existing line.</p> <p>The Applicants are attempting to secure a voluntary services agreement for STDC to provide a tie-in point to the existing NWL supplied potable water connection on the fence-line of the Proposed Development for the long-term supply of raw and potable water although this has yet to be agreed. Until such time as a satisfactory agreement is entered into, or there is certainty as to the integrity of the existing pipeline, the full extent of Plot 525 and surrounding plots is required in order to ensure that there is a raw and potable water source for the Proposed Development.</p> <p><i>Vertical Limits of Deviation</i></p> <p>With respect to paragraph 4.11, the Applicants understand that this point is in relation to the long tunnel option for Work No 2A and 6 which has now been removed from the DCO pursuant to the acceptance of the Change Application. The Applicants' pipelines under Work No. 2A, 5C and 6 will be routed and co-located within a utility corridor to minimise sterilisation of land. For these pipelines, controls over vertical limits are as in accordance with UK standards</p>
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	<p>and regulation for buried natural gas pipelines. The Applicants will apply the standards as required by regulation.</p> <p>In conclusion, the Applicants' position is that all of the land included within the DCO is required for the Proposed Development, and that there is a compelling case in the public interest for the land to be acquired compulsorily. In the absence of land agreements being entered into with STDC, the Applicants require powers of compulsory acquisition and temporary possession to ensure that the Proposed Development can be built, maintained, and operated, and so that the public benefits of the NZT project can be realised, including supporting the Government's policies in relation to the timely delivery of new generating capacity and achieving ambitious net zero targets are met. Whilst seeking compulsory purchase powers, the Applicants will continue to seek to acquire the land, the temporary use of land, the rights and other interests by agreement wherever possible.</p>
<p>4.13 The Applicant seeks permanent and temporary rights over streets, rights of way and accesses under STDC's control, and a suite of related works powers contained in the draft Order. STDC is investing significant resources as part of its own development proposals to improve such streets and their entrances. Third parties rely upon use these streets and STDC has suggested reasonable alternatives, including a park and ride scheme. STDC is open to entering into legal agreements in respect of these interests, but no such agreement has been forthcoming from the Applicant. Given the existence of alternatives, STDC does not believe that the Order land comprising streets within Teesworks is required for the Project. STDC</p>	<p>With respect to paragraph 4.13, the Applicants will continue to engage with STDC to enter into voluntary agreements that will set out the arrangements for access. In the absence of such agreements, the Applicants' position is that the permanent and temporary rights sought in the DCO over access land are necessary and proportionate in order to deliver the Proposed Development.</p> <p>The Applicants would direct the Examining Authority to the protective provisions in Part 19 of Schedule 12 of the DCO. This requires that approval must be obtained from Teesworks Limited for "works details" prior to the commencement of construction of any</p>



<p>is therefore seeking the removal of several of the relevant plots of land from the scope of compulsory acquisition.</p> <p>4.14 STDC note from ES Vol III Appendix 16B Framework Construction Worker Travel Plan (APP-333) that “Construction worker vehicles on arriving via the site entrance will be directed to the parking area located at Steel House” and that “an area of hardstanding will be set aside at Steel House within the Site to accommodate parking for construction workers. A park and ride system will then transport the workers to the PCC Site”. However, this appears to impose a significant burden on the local road network because construction worker traffic would be mixing with park and ride buses at one of the principal access points into Teesworks, at the Redcar Gatehouse.</p> <p>4.15 Given that NZT are relying on using a park and ride system to transport construction workers across the various site areas, it seems reasonable for the parking element to be located such that construction worker traffic is not using one of the principal access points into Teesworks (only the buses that are transporting them). This would remove the requirement for the hardstanding parking area at Teesworks and would enable STDC to deliver future development projects on its land. STDC is undertaking discussions with the Applicant on its use of the Freeport land for parking and for construction traffic, including the potential provision of a more appropriate construction traffic parking solution than that set out in the DCO.</p>	<p>part of numbered works 2A, 3, 4A, 5, 6, 8, 9 and 10 within the Teesworks site. The “works details” that must be subject to approval include details of vehicle access routes for construction and operational traffic, as well as such further particulars as Teesworks Limited may reasonable require within 28 days of receipt of the works details.</p> <p>The Applicants continue to explore alternatives with STDC and have now verbally agreed that STDC will be securing a Park and Ride facility on the Teesworks site which is located near to Steel House with a separate dedicated access from A1085 Trunk Road. The Park and Ride facility is not within the Order Limits. However, Plots 292, 293 &amp; 295 are 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 use of a Park and Ride, and STDC has demonstrated deliverability of the Park and Ride scheme.</p> <p>The Applicants understand that STDC are in the process of designing the Park and Ride and that any local planning requirements will be accommodated by STDC. The Applicants’ traffic assessment has considered the impacts of construction workers accessing the site on the local highway network and found them to be acceptable (as presented in Chapter 16 of the ES [APP-098], supported by a Framework Construction Worker Travel Plan [APP-333] and a Framework Traffic Management Plan [APP-334]).</p> <p>The land in question has been discussed on numerous occasions during 2021. The Applicants have explained during these meetings that STDC may require some form of logistics study to understand</p>
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	<p>their own traffic management issues given the number of potential developments occurring on the Teesworks land at any one time in the 2024-2030 period. The response has been the proposal for a Park and Ride facility managed by Teesworks Limited and the Applicants await this proposal to understand if there are any further concerns.</p>
<p>Temporary land for construction</p> <p>4.16 STDC note from the application documents that the Applicant is seeking temporary possession over a number of its interests. A number of these plots are required by STDC for its own development proposals. The Applicant will significantly hinder STDC's development proposals if it takes such powers and sterilises parts of Teesworks for the duration of the Applicant's works. STDC opposes temporary possession of its land as currently proposed under the draft Order, which should instead be secured by agreement with STDC.</p>	<p>In the absence of a voluntary agreement, the Applicants require the powers of temporary possession that are sought in the DCO to construct the Proposed Development. The Applicants are satisfied that it has provided robust protective provisions in Part 19 of Schedule 12 of the DCO. In the absence of a voluntary agreement, the Applicants require the powers of temporary possession that are sought in the DCO to construct the Proposed Development. The Applicants are satisfied that it has provided robust protective provisions in Part 19 of Schedule 12 of the DCO for the benefit of Teesworks and that these arrangements ensure that STDC has a reasonable degree of control over where development must come forward across the Teesworks site. The Applicants will continue to discuss the terms of the protective provisions with STDC. See the Applicants' response to paragraphs 4.1 to 4.12.</p> <p>The Applicants are in dialogue with STDC and seek a voluntary agreement whereby both parties can deliver their individual projects. This includes proposals for an integrated schedule of works to be agreed between the Applicants and STDC. In the absence of agreement, the Applicants consider that these matters can be effectively managed through provisions in the DCO. The Examining Authority is directed to the Applicants' response to paragraphs 4.1</p>

	<p>to 4.12 for details of the protective provisions and paragraph 4.19 in relation to an integrated schedule of works.</p> <p>Since February 2020, the Applicants have discussed a schedule through numerous weekly and monthly meetings with STDC and has on numerous occasions presented the NZT programme to STDC's engineering, planning and land groups. In late 2021, STDC provided an indicative schedule of demolition, remediation, and infrastructure projects. The Applicants have on numerous occasions offered to prepare an integrated schedule of activities with STDC, but the schedule of other project activities post-2023 has not been made clear to the Applicants.</p> <p>Part 19 of Schedule 12 of the DCO provides robust protective provisions for the benefit of Teesworks and that these arrangements ensure that STDC has a reasonable degree of control over where development must come forward across the Teesworks site. The Applicants will continue to discuss the terms of the protective provisions with STDC. See the Applicants' response to paragraphs 4.1 to 4.12.</p> <p>The Applicants are in dialogue with STDC and seek a voluntary agreement whereby both parties can deliver their individual projects. This includes proposals for an integrated schedule of works to be agreed between the Applicants and STDC. In the absence of agreement, the Applicants consider that these matters can be effectively managed through provisions in the DCO. The Examining Authority is directed to the Applicants' response to paragraphs 4.1</p>
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	<p>to 4.12 for details of the protective provisions and paragraph 4.19 in relation to an integrated schedule of works.</p> <p>Since February 2020, the Applicants have discussed a schedule through numerous weekly and monthly meetings with STDC and has on numerous occasions presented the NZT programme to STDC's engineering, planning and land groups. In late 2021, STDC provided an indicative schedule of demolition, remediation, and infrastructure projects. The Applicants have on numerous occasions offered to prepare an integrated schedule of activities with STDC, but the schedule of other project activities post-2023 has not been made clear to the Applicants.</p>
<p>4.17 STDC has engaged with the Applicant on the prospect of voluntary agreements, but no agreement has been reached. As it stands, the Applicant has failed to adequately negotiate for these interests, noting the expectations of Guidance in this respect.</p>	<p>In accordance with paragraph 25 of the CA Guidance, the Applicants have made (and continue to make) extensive efforts to acquire the necessary interests in STDC's land by negotiation wherever practicable. Whilst progress has been made, no property agreements have yet been signed. Compulsory acquisition powers are therefore sought in the DCO in order to ensure that the Proposed Development is delivered and the substantial environmental and socio-economic benefits are realised.</p> <p>The Applicants disagree that it has failed to adequately negotiate with STDC in respect of the land rights required for the Proposed Development:</p> <p>The Applicants refer to the Statement of Reasons [AS-141], Compulsory Acquisition Schedule (submitted at Deadline 1), and Statement of Common Ground with STDC (submitted at Deadline 1)</p>

	<p>which demonstrate that extensive efforts have been made and continue to be made to enter into property agreements with STDC.</p> <p>The Applicants and STDC have been in weekly dialogue for more than a year (since March 2021) and the various issues presented by both parties have been discussed at length. The Applicants have made a significant number of refinements to the limits of the Proposed Development to address STDC's concerns regarding the safeguarding of land for other development proposals.</p> <p>Prior to weekly meetings, negotiations have been ongoing with STDC since May 2020 with over 60 management, legal and commercial meetings and calls taking place since then. In addition to that, separate technical and land remediation meetings and calls have run in parallel with initial site visits and discussions taking place in late 2019 and early 2020. The form of draft option agreement and lease for the main site have been in circulation since November 2020 and the form of draft lease for the construction laydown areas has been in circulation since March 2021.</p> <p>On 21 December 2021 a letter between the Applicants and the Mayor on behalf of the Tees Valley Combined Authority (TVCA) was signed to affirm the common commitment of both parties to conclude the option agreement and associated documentation (including the service supply agreements in respect of site utilities including raw and potable water, sewerage, outfall and electricity supply and options for easement in respect of CO<sub>2</sub>, natural gas, nitrogen and effluent water) in accordance with the principles set out in the letter. Discussions between the parties have continued</p>
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	<p>since the signing of the joint letter in December 2021 with the next all parties meeting due to take place on Monday 30 May 2022.</p> <p>The land needed has been agreed in principle. The draft option agreement and lease for the main site are now in a mature form and include confirmation of the principal commercial terms for the service supply agreements and options for easement and an obligation on the parties to act in good faith in relation to agreement of the form of service supply agreements and options for easement. The lease for the Applicants' substation and construction areas and the lease for the National Grid substation extension form part of the draft option agreement for the main site. The form of lease for the Applicants' substation and construction areas will follow the format of the lease for the main site and the lease for the National Grid substation will be based on National Grid standard form. The Applicants will continue to engage proactively with STDC to secure all and interests required for the Proposed Development by agreement. This approach of making the application for powers of compulsory acquisition in the Application for the DCO and, in parallel, conducting negotiations to acquire land by agreement, accords with paragraph 26 of the CA Guidance.</p>
<p>4.18 Specifically, STDC has the following concerns:</p> <p>4.18.1 Plots 274 and 279 (temporary use) – STDC believes it has an interest in plot 274 and is currently engaged in a dispute with a third party in respect of plot 279. STDC understands that these plots relate to a new accessway however such use would not be appropriate, and is accordingly objected to, given the current third party dispute</p>	<p>Plots 274 and 279 are required to allow HGVs to access the site without using the existing Trunk Road. This will reduce the burden of traffic. The gate that links PD Ports to STDC is connected between Plots 274 and 279. The Applicants have since been informed of the third party dispute and towards an alternative solution with all access rights guaranteed by STDC and offered as part of the voluntary agreement. In the absence of a voluntary agreement, the</p>

in respect of plot 279. STDC notes that the Book of Reference states that plot 274 is in unknown ownership. Plot 274 is a verge, directly adjacent to land belonging to STDC. The Applicant has not applied the ad-medium filum rule whereby adjacent landowners (STDC) are presumed owners of the subsoil up to the half way point of the highway. The Applicant's Statement of Reasons is silent on how it has established ownership of unknown interests such as this, and it is unclear to STDC whether the Applicant has considered the ad-medium filum rule. The Applicant must comply with its duty of diligent inquiry in identifying interests, and this is a matter the Examining Authority should interrogate. The Book of Reference needs to be updated to reflect STDC interest on plot 274. On plot 279, STDC has made clear there was an alternative route which the Applicant could have used for access instead of this plot. However, it seems that the alternative route has not been included within the Applicant's Order limits. In accordance with the Guidance, land should not be compulsorily acquired without first considering reasonable alternatives. Plots 279 should be removed from the scope of the draft Order and the Applicant should use the alternative route proposed by STDC. Plot 274 should also be removed if it is only needed in connection with plot 279 (something STDC is unable to confirm given the absence of a table to the Statement of Reasons connecting each plot to a Work No.) STDC note that the protective provisions for the protection of PD Teesport Limited define "the PD Teesport operations" as "the port operations or property within the Order limits vested in PD Teesport Limited, including access to and from the port via Tees Dock Road." STDC wish to make clear that PD Teesport Limited does not have access to and from the port via Tees

Applicants require Plots 274 and 279 for temporary use purposes and is willing to discuss any proposed amendments STDC may have to the protective provisions to accommodate STDC's concerns regarding access to and from the port via Tees Dock Road.

With respect to plot 274, the Applicants note STDC's concerns regarding Plot 274. This is shown as unregistered in the Book of Reference [AS-140]. The Applicants will confirm if the ad-medium filum principle applies in order that STDC's interest should be inserted, and will make this change as part of addressing other comments on the Book of Reference [AS-140] from the Examining Authority. An updated version of the Book of Reference will be submitted at Deadline 2.

<p>Dock Road (plot 279) given that the gate on this road belongs to STDC. This matter is subject to an ongoing dispute.</p>	
<p>4.18.2 Plot 293 (temporary use) – This plot forms part of the Teesside Freeport and seems to be required by the Applicant for parking and temporary laydown. The effect of including this plot within the Order limits is that part of the Freeport will be sterilised. STDC is proposing a park and ride scheme as an alternative to temporary acquisition of this plot. Any other laydown required in this area could form part of plot 342. The details of the park and ride scheme are being finalised by STDC and optioneering process to identify the best location for the park and ride is ongoing. STDC hope to conclude this optioneering exercise shortly. In accordance with the Guidance, all reasonable alternatives to compulsory acquisition must be explored and STDC is clearly proposing such an alternative. In light of this, and the significant impact on the Freeport, STDC requests that the land be removed from the scope of the draft Order.</p>	<p>The Applicants are in dialogue with STDC and seek a voluntary agreement taking account of both parties' projects, and to manage any areas of concern that STDC foresee through refinement of land where possible, scheduling of activities and protective provisions. The Applicants require an area for parking along with construction facilities (sanitary, messing, offices) and equipment laydown and well as rebar and concrete manufacture. As set out in the Applicants' response to paragraphs 4.14 and 4.15, Plot 293 has been assessed as being required in the event that the proposed Park and Ride is not available at the time of construction commencing onsite.</p>
<p>4.18.3 Plots 290 and 291 (temporary use) – These plots form part of the Teesside Freeport. STDC believes that the Applicant has again failed to consider reasonable alternative sites which may be used for its works. The land should be removed from the scope of the draft Order and the Applicant should engage with STDC on reasonable alternatives, outside of the Freeport.</p>	<p>The Applicants are in dialogue with STDC and seek a voluntary agreement taking account of both parties' projects, and to manage any areas of concern that STDC foresee through refinement of land where possible, scheduling of activities and protective provisions. Plots 290 and 291 are required as a means to deliver the large AILs from the RBT port to the Applicants' construction site. This road, known as Red Main, was offered to the Applicants in verbal site discussions during the period of 2020, prior to the Freeport land being announced. Since March 2021, the Applicants and STDC have been discussing potential alternative solutions for the routing of AILs</p>



	<p>and this is intended to be part of the voluntary agreements. In the absence of voluntary agreements to date, Plots 290 and 291 are required for temporary use in order to construct the Proposed Development.</p>
<p>STDC private wire network</p> <p>4.18.4 Plots 540a, 540b, 540c, and 393a and 393b –</p> <p>4.18.5 In its connection offer from National Grid (which interfaces with these plots), the Applicant was required to consider the impacts on third parties and associated works. The Applicant highlighted this to STDC in February 2021 and agreed to undertake a study. The study completed in November 2021 and confirmed that the NZT facilities operations could impact upon the Teesworks private wire network.</p> <p>4.18.6 The potential impact on STDC is that the Project could cause failure of the STDC high voltage (HV) system and, as a consequence, prevent/disrupt operations (consumption of electricity) by STDC and other site residents.</p> <p>4.18.7 Since completion of the study on impacts to STDC's private wire network, a working group has been established with representatives from STDC and the Applicant. The group is tasked with assessing solutions to prevent the impact on STDC's private wire network. The associated modelling is progressing and is expected to complete in January 2022.</p>	<p>With respect to paragraph 4.18.4, these plots have been reviewed by the Applicants at the request of STDC and are partly addressed following the acceptance of the Applicants' change request on 6<sup>th</sup> May 2022. Plot 393b has been removed and other plots changed from the permanent rights to temporary rights (for construction), based on the information from NGET and further design assessments.</p> <p>With respect to paragraph 4.18.5, 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 tie-in to the Tod Point Substation. Following issue of this technical report to STDC in November 2021 the Applicants consider this matter adequately addressed.</p> <p>With respect to paragraphs 4.18.6 &amp; 4.18.7, an assessment has been carried out by the Applicants relating to the potential of 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 at present, 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</p>

	<p>Applicants and STDC have identified a range of technical operating scenarios and potential modifications to mitigate and manage this risk. The final details with respect to the 66kV Parallel Path are not yet finalised and agreed. However, the Applicants and STDC are in dialogue and seek to reach final agreement prior to July 2022.</p>
<p>4.19 The timing of the Applicant's proposals coincide with STDC's own development proposals. Whilst STDC and the Applicant have been discussing the interface between the two projects and this will continue up to and during the examination period, an interface agreement is not yet in place.</p> <p>4.20 STDC requires the interface between the two projects (in terms of phasing as well as the location of proposed development) to be satisfactorily managed via the protective provisions. Without such a measure, STDC's own development proposals are not sufficiently protected. Sterilisation of, and conflict with, the Teesworks Development.</p>	<p>The Applicants are in dialogue with STDC and seek a voluntary agreement taking account of both parties' projects, and to manage any areas of concern that STDC foresee through refinement of land where possible, scheduling of activities and protective provisions. As discussed in the February 2022 Pre-Consultation meeting, the Applicants and STDC are now 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 are close to being in position to share this with STDC for comment. The protective provisions are considered to adequately protect STDC in the absence of agreement.</p>
<p>4.21 For the reasons outlined above, as matters stand in the DCO application the development proposals have the potential to lead to the under-utilisation or sterilisation of large tracts of land within Teesworks earmarked for regeneration. The DCO Order limits (outwith the main PCC facility) include part of the Teesworks Freeport tax free zone. STDC, the Freeport, and the wider community will be deprived of the time-limited tax benefits in relation to those plots while the Applicant is in possession of the land. Put another way, absent resolution of the matters outlined</p>	<p>With respect to paragraph 4.21, STDC's reference to S127 of the 2008 Act relates to the legal requirements for the exercise of powers of compulsory acquisition over land owned by statutory undertakers. As STDC notes, it is not a statutory undertaker and s127 is not engaged.</p> <p>The Applicants are satisfied that the arrangements in the DCO including with respect to the protective provisions are sufficient to ensure that the impacts of the Proposed Development, including on</p>

<p>above, implementation of NZT would be at odds with the statutory designations which have been put in place to secure the regeneration of Teesworks, and contrary to the Local Plan. Whilst STDC and its interest do not currently engage section 127 of the 2008 Act, the potential impacts of NZT would be tantamount to causing a serious detriment to the achievement of the objects and purposes of the Teesworks site.</p> <p>4.22 The Guidance requires the Applicant to satisfy the Secretary of State that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired. Were the compulsory powers in the DCO granted (in their current form), STDC would be unable to bring forward its own development proposals. STDC has already satisfied the Secretary of State of the compelling case for its own development proposals when acquiring Teesworks through the 2019 CPO. STDC has similarly satisfied the Secretary of State of the national significance and benefits of Teesworks in achieving Freeport status.</p> <p>4.23 STDC request that the Examining Authority consider whether, in the context of the extent of powers sought by NZT over STDC's land and interests, there is compelling evidence that the public benefits of the Project would outweigh those contained within STDC's existing proposals, already endorsed by the Secretary of State.</p>	<p>STDC, are managed and mitigated. The Applicants' position is that its submissions above are sufficient to address STDC's concerns and provide sufficient protection in order to allow the Secretary of State to grant compulsory acquisition powers over STDC's land interests.</p> <p>The Applicants are open to discussing integrated project planning with STDC by agreement, and which has been the subject of considerable negotiation. The Examining Authority is directed to the Applicants' response to paragraphs 4.19 and 4.20 in respect of proposals for an Interface Agreement.</p> <p>With respect to paragraphs 4.22 and 4.23, the other Teesworks site developments were communicated by Teesworks Limited to the Applicants, although limited information was available in March 2021. The Applicants have not been privy to all of the technical and commercial details surrounding other potential developments but continues to engage with STDC on the interaction with its own proposals. The formal HOTs process was started in June 2020 with a first draft of land requirements discussed in September 2020, prior to the Freeport announcement. The Examining Authority is directed to paragraph 4.17 for further details of the Applicants' position with respect to entering into voluntary agreements that both ensure the delivery of the Proposed Development and provide for arrangements that will protect STDC's interests.</p> <p>The Applicants consider that the Proposed Development will support the Freeport status of the Teesworks site and that the public benefits of both proposals are capable of being fulfilled. The same principle applies as set out in the paragraph above with respect to how the</p>
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	<p>interaction between the Freeport and the construction and operation of Proposed Development can be effectively managed. The Applicants would direct STDC to its response to paragraphs 4.1 to 4.12 for further information as to how both proposals are capable of being delivered and how the Proposed Development satisfies the legal requirements related to securing compulsory acquisition powers.</p>
<p>Land assembly by agreement</p> <p>4.24 STDC is seeking to enter into a lease with the Applicant for all of the land subject to permanent acquisition in the DCO (although this does not currently include the permanent land required for substations). It is understood by STDC that the Applicant does not wish to acquire the land permanently. Negotiations on the lease have been ongoing and the commercial terms around the lease are yet to be agreed.</p> <p>4.25 The Guidance requires the Applicant to seek to acquire land by negotiation wherever practicable and to only seek powers of compulsory acquisition if attempts to acquire by agreement fail. It is unclear to STDC why the Applicant has submitted its application for a DCO without progressing negotiations with STDC for the temporary and permanent rights required for the Project, beyond the main application site. STDC is mindful of the Applicant's programme, but it is unreasonable to seek compulsory acquisition powers without first entering into meaningful or genuine negotiations for those interests.</p>	<p>The Examining Authority is directed to the Applicants' response to paragraph 4.17 above.</p> <p>With respect to the Applicants' attempts to acquire other land interests within the boundary of STDC's land, the Examining Authority is directed to Statement of Reasons [AS-141] and Compulsory Acquisition Schedule (submitted at Deadline 1).</p> <p>The Applicants continue to seek to acquire land by negotiation in accordance with the principles set out in the CA Guidance. The Examining Authority is directed to the Applicants' response to paragraphs 4.1 to 4.12. The Applicants disagree that it has not had "meaningful or genuine negotiations" with STDC. The Examining Authority is directed to the Applicants' response to paragraph 4.17.</p>

<p>4.26 A number of third parties have rights to use STDC's land and will be impacted by the scheme. STDC notes that a number of those third parties are listed in the Applicant's Book of Reference or otherwise in the Statement of Reasons. However, it is unclear to what extent the Applicant has sought to acquire those interests by agreement.</p> <p>4.27 STDC's position is that its land and interests should be removed or restricted from the scope of compulsory acquisition powers under the DCO, with land assembly instead being dealt with by agreement, as acknowledged by the Guidance.</p>	
<p><b>5 DCO Issues with DCO Articles and Schedules</b></p> <p>5.1 Article 2 "permitted preliminary works" – It is not yet clear to STDC what impact the "permitted preliminary works" will have on Teesworks. Since these works are, on the face of it, wide-ranging in scope, and would precede the discharge of requirements, STDC needs to understand their scale, timing and location. Since they will coincide with other major development taking place at the site, STDC will need to be satisfied that sufficient protections are in place (e.g. through protective provisions) to ensure the "permitted preliminary works" are appropriately controlled and coordinated.</p>	<p>The permitted preliminary works ("PPW") 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. PPW are not excepted from the scope of protective provisions which therefore apply to them as for other relevant parts of the authorised development.</p>
<p>5.2 Article 12 – Construction and maintenance of new or altered means of access – as above, STDC objects to the Applicant's construction of a new access on Tees Dock Road (set out in Part 2 to</p>	<p>See the Applicants' response to paragraph 4.18.1.</p>

<p>Schedule 5 to the draft Order). This land belongs to STDC and should not be constructed on in order to ensure the integrity of the wider STDC site. There may be security risks to STDC if such an access is constructed. The land at Tees Dock Road forms part of plots 274/9 which is referred to above. For the reasons set out earlier in this relevant representation, STDC require that this land should be removed from the scope of powers within the DCO,</p>	
<p>5.3 Article 13 – Temporary stopping up of streets, public rights of way and access land – STDC note that the Applicant is seeking to temporarily suspend access to the “area hatched green on sheets 1 and 2 of the access and rights of way plans”, as set out in Part 3 to Schedule 6 to the draft Order. This is “Access land at Coatham beach and sand dunes” however STDC believes that this footpath will be required to access a nearby lighthouse and should not be stopped up. The Examining Authority should note that Coatham beach is to the north of Teesworks, but it is unclear where the green hatching is on sheets 1 and 2 of the access and rights of way plans. The cross references in the DCO to the access and rights of way plans must be revisited by the Applicant, as STDC and other affected parties do not currently have sufficient details on what the Applicant is seeking to do in respect of this land.</p>	<p>This error was corrected in the re-submission of the DCO and Explanatory Memorandum in October 2021. The green hatching referred to in the STDC relevant representation was an error in the original DCO submission in July 2021. Reference in Table 3 of Schedule 6 (those areas where public access may be temporarily suspended) is now to beige hatching on sheets 1 – 3 of ARoW plans (which is consistent with what ARoW plans show as the access land). The SoR from paragraph 9.1.10 sets out works and activities on the beach and dunes, and the very limited potential restrictions for that area. Whilst that relates specifically to open space, the access land is a similar area. Requirement 5 of the DCO sets out the requirement for the submission of a public rights of way and access land management plan to planning authority. It must be approved prior to temporarily stopping up of a public right of way or access land. The plan will set out the arrangements for the diversion of any access and PRoW. Access to the lighthouse will be retained throughout the construction and operation of the Proposed Development.</p>
<p>5.4 Article 25 (2) (Compulsory acquisition of rights etc.) – Although STDC agree that in principle statutory undertakers may need to</p>	<p>The approach in the DCO is required to provide flexibility to enable the Proposed Development to proceed. At this stage engineering</p>

<p>exercise rights in the draft Order directly, it is unclear from the draft Order which statutory undertakers could receive and enforce rights over STDC's land. The Applicant should clarify the position by identifying each statutory undertaker it envisages transferring the benefit of article 25.</p>	<p>design is not at a level to know whether diversions may be required, and the powers are required to allow them to take place if needed. The Book of Reference [AS-139] contains information on the apparatus in the relevant plots of land and which may, if necessary, be diverted and rights acquired to do so. There is precedent for a general transfer power in development consent orders and, for the foregoing reasons, the Applicants consider that it is appropriate in the DCO for the Proposed Development.</p>
<p>5.5 Schedule 2 (Requirements) – In dialogue between STDC and the Applicant over the past 18 months or so, including during statutory consultation, a level of agreement was reached that STDC would be referred to in the wording of the Requirements as a party to be consulted on the information being submitted by the Applicant to RCBC for its approval. Examples of information which STDC expected an approval role over include detailed Construction and Environmental Management Plan (CEMP), drainage schemes and piling risk assessments/plans.</p> <p>5.6 Correspondence dated 10 November 2020 from the Applicant to STDC confirmed the Applicant's agreement that STDC could be named as a consultee in Requirements dealing with these matters, and the Applicant acknowledged that such an approach has been taken on other DCOs.</p> <p>5.7 As currently drafted, none of the Requirements refer to STDC and commit to its involvement in the review and approval of information submitted to discharge Requirements in the draft Order. We consider this to undermine any certainty that the Applicant is</p>	<p>The Applicants are content to add South Tees Development Corporation as a consultee to those requirements. These will be incorporated in the draft DCO submitted at Deadline 2. This matter has been recorded in the Statement of Common Ground entered into between the Applicants and STDC and submitted at Deadline 1.</p>

<p>seeking to give to STDC that the Project will not adversely impact on the delivery of development by STDC on its land. Those Requirements, which we feel should make explicit reference to STDC being consulted and given opportunity to comment on the information submitted ahead of discharge, include (though not necessarily limited to):</p> <ul style="list-style-type: none"> <li>Requirement no. 11: Surface and foul water drainage</li> <li>Requirement no. 12: Flood risk mitigation</li> <li>Requirement no. 13: Contaminated land and groundwater</li> <li>Requirement no. 16: Construction environmental management plan</li> <li>Requirement no. 18: Construction traffic management plan</li> <li>Requirement no.19 Construction workers travel plan</li> <li>Requirement no. 23: Piling and penetrative foundation design</li> <li>Requirement no. 24: Waste management on site – construction wastes Protective provisions</li> </ul>	
<p>5.8 Protective provisions for the benefit of Teesworks Limited are included in the draft Order. However, they fail to protect the other STDC entity and are not satisfactory in other respects. STDC has supplied the Applicant with amendments to seek to address its concerns, and the matter remains under discussion between the parties. STDC would highlight in particular that it requires the protective provisions to include the following wording, in order to sufficiently protect STDC's own development proposals and address above-mentioned concerns over land acquisition:</p> <p><i>Regardless of any provision in this Order or anything shown on the land plans or contained in the book of reference to the Order, the undertaker may not appropriate or acquire any interest in land or</i></p>	<p>If the property agreements are completed, the Applicants would be prepared (via those agreements) to restrict the compulsory acquisition powers in the DCO so far as they relate to STDC's land interests. Unless and until such time, the provision proposed by STDC would compromise the Applicants' ability to exercise the compulsory acquisition powers that are being sought and which it considers are justified for the reasons set out in the Applicants' response to paragraph 4.1 to 4.12. The Applicants' position is that the compulsory acquisition powers included in the DCO are necessary to deliver the Proposed Development and realise its substantial and nationally significant environmental and socio-economic benefits.</p>



<p><i>appropriate, acquire, extinguish or override any easement or other interest of Teesworks Limited (including temporary possession) otherwise than by agreement with Teesworks Limited.</i></p>	
<p>Consultation Report</p> <p>5.9 The Consultation Report, at Table 15.2B sets out a summary of consultation responses and the Applicant's response. At row 31, in response to STDC's representation of 25.01.21, the Applicant has stated: "The Applicants and STDC have agreed to develop an integrated schedule to ensure the project-specific and STDC's wider demolition and remediation activities are planned efficiently to allow the Proposed Development and various Teesworks developments to co-exist with minimal disruption to each other."</p> <p>5.10 STDC request that this schedule forms a new requirement in Schedule 2 to the draft Order, requiring the Applicant to develop such a schedule prior to commencing construction of the scheme.</p>	<p>The comments in the Consultation Report were anticipating an integrated schedule being agreed in technical discussions between the parties, and potentially being reflected in voluntary agreements. The Applicants consider that protective provisions in the DCO are adequate to protect STDC's interests.</p>
<p>Book of Reference</p> <p>5.11 It is unclear to STDC whether all of its Category 3 interests are noted within the Book of Reference. STDC may have a relevant claim under s10 of the Compulsory Acquisition Act 1965 given that it may be injuriously affected by the execution of the Applicant's works, which occur on STDC land and risk infringing STDC rights.</p>	<p>The Book of Reference [AS-140] has been updated to reference category 3 interests as part of the Change Application submission.</p>

<p>5.12 STDC request that the Book of Reference is reviewed to consider STDC's potential Category 3 interests and any discrepancies corrected, prior to the commencement of the examination period.</p>	
<p>Statement of Reasons</p> <p>5.13 Paragraph 9.1.18 (a) of the Applicant's Statement of Reasons states "The existing outfall tunnel (plots 291, 297, 298, 299, 304, 305, 306, 307, 308, 309, 310, 311, 312, 326, 327, 334, 335, 371) is still operational for small discharges. However, the condition of the tunnel for long term use for the Project is unconfirmed by its owner, STDC. If it is possible to re-use the existing outfall tunnel, any maintenance activities are likely to be minor (see below)."</p> <p>5.14 STDC has carried out surveys it believes are reasonably necessary, however it would be unreasonable to expect STDC to warrant that the tunnel may be used for a third-party scheme of this scale. This is a matter for the Applicant to assess in light of the surveys carried out to date.</p>	<p>A number of the plots referred to have been removed pursuant to the Change Application which narrowed the area of Work No. 5A (the refurbishment of the existing outfall tunnel). The Applicants would refer STDC to the updated Book of Reference [AS-139] and Land Plans [AS-146].</p> <p>With respect to paragraph 5.14, it is unclear which surveys STDC have carried out to date. The Applicants have been made aware through Interface meetings that after a period of attempting to contract work for the Outfall survey, this was put on hold by STDC since the survey being proposed by STDC would be insufficient to support a 30 year development such as being proposed by the Applicants. The Applicants are carrying out its own investigations and further survey work is required to verify the condition of the tunnel. In the interim the Applicants cannot confirm its integrity and, to ensure the delivery of the Proposed Development, the option of the replacement tunnel (Work No. 5B) must be retained in the DCO.</p>
<p>5.15 STDC and the Applicant have discussed the majority of Teesworks plots required for the Project. STDC is pleased that the Applicant has entered into these detailed plot discussions. However, despite the helpful level of engagement on plot requirements, it is noted that the Applicant's Statement of Reasons does not set out a justification for the acquisition of each plot. STDC considers that the</p>	<p>With respect to paragraph 5.15, in each case where freehold acquisition is sought, the relevant plot numbers are linked in section 6 of the Statement of Reasons to specific works in the DCO. When read together with Schedules 7 and 9 of the DCO [AS-136], the Book of Reference [AS-139] and the Guide to the Land Plan Plots [AS-143] it is possible to see why each piece of land or new right in that land is required and to see that in each case the purpose of acquisition</p>

<p>DCO application would benefit from a schedule setting out the purpose for which powers are sought, on a plot by plot basis, connecting each plot to a work number. STDC requests that the Examining Authority, if they are minded to agree, require the Applicant to produce such a schedule prior to the start of examination.</p> <p>5.16 Appendix 1 to the Statement of Reasons summarises the status of negotiations between the parties. STDC can confirm that it has been progressing discussions with the Applicant on commercial and technical matters, in detail and on a regular basis. This includes working together to agree a land remediation strategy to support a planning application that STDC has submitted for the remediation of the land required by NZT, and to discuss park and ride and a number of utility matters. Commercial agreements to enable the completion of the lease for the main site and wayleave agreements for utility and access corridors have not been completed and negotiations continue.</p>	<p>meets the condition in subsection (2) because it is either for development to which the application relates (e.g. it is the location of some new infrastructure), or to facilitate that development (e.g. it is required to construct the infrastructure), or the purpose is incidental to that development (e.g. it is required to access and maintain that infrastructure). Appendix 1 to the Statement of Reasons and the Guide to Land Plan Plots identify all plots subject to Compulsory Acquisition or Temporary Possession, and the reasons why the land is required for or incidental to the proposed development.</p> <p>With respect to paragraph 5.16, the Examining Authority is directed to the Applicants' response to paragraph 4.17.</p>
<p>Funding Statement</p> <p>5.17 The Guidance requires the Applicant to "provide as much information as possible about the resource implications of both acquiring the land and implementing the project for which the land is required." It is noted that the Applicant's Funding Statement does not include a separate estimate for land acquisition costs. STDC requests that this information is added to the Funding Statement. As set out at paragraph 2.1.7 of the Funding Statement, the parent company and partners will "share all the costs and liabilities incurred</p>	<p>The Examining Authority is directed to the Funding Statement [AS-135] and Part 8 of the Applicants' Written Summary of Oral Submission for CAH1.</p>

<p>in relation to the Proposed Development” however “the details and corporate structure are to be confirmed”. Further details on how the Applicant’s costs and liabilities are to be funded should be set out in detail prior to the commencement of examination.</p>	
<p><b>6 Environmental and planning/technical concerns</b></p> <p>6.1 STDC has the following comments in respect of the DCO technical documents:</p> <p>Habitats Regulation Assessment</p> <p>6.2 The Environmental Statement (ES) (see, for example, paragraph 5.2.1 of the Non-Technical Summary), confirms that the cumulative impacts of all phases of the scheme have been assessed, including site preparatory works (i.e. demolition of existing structures and site remediation). It is explained in the application documentation that such preparatory works are expected to be completed by STDC. At the current time, there is no agreement between STDC and the Applicant for STDC to carry out such preparatory works. It is, therefore, necessary for the DCO to proceed on the basis that, when made, it permits all site preparatory works with all necessary mitigation identified and imposed.</p>	<p>The ES was prepared on the basis that the required preparatory works are included and assessed within the ES and DCO. The Applicants have provided a number of documents to STDC’s environmental representatives prior to the DCO submission for comment which have been incorporated where possible. These include discussions on air quality, traffic, construction management, noise, biodiversity enhancement, ground contamination, heritage and flood risk. Drafts of key chapters were issued to STDC for review prior to submission of the DCO application. The Applicants have also engaged with STDC and Teesworks to assist in their local planning applications for on-site developments and help identify potential cumulative effects.</p>
<p>Environmental Impact Assessment (EIA) Environmental Statement</p> <p>6.3 There are a number of aspects of the ES that we comment on below: Assessment of alternatives – Natural Gas Connection Route</p>	<p>See response to paragraph 4.1 to 4.12. Since the relevant representation period, the Applicant has submitted a change request to the DCO that reduced this optionality. Following acceptance, the Applicants consider that these points have now been satisfactorily addressed.</p>

6.4 The Indicative Pipeline Routings plan (APP-117) shows two options for the routing of the CO2 gathering pipeline (purple dash) as either the above-ground Sembcorp corridor running alongside Dabholme Gut or, alternatively, the below ground option (potentially using a micro-bored tunnel (MBT)) diagonally through the Teesworks area to the PCC Plant. The Natural Gas pipeline is then shown (light green line) only in respect of the second route – beneath the Teesworks site (and would share the MBT if it is constructed for the CO2 gathering pipeline, otherwise it would be constructed through an open cut (up to 35m wide)).

6.5 The Natural Gas pipeline is to be 600mm (bore diameter) whilst the CO2 gathering pipeline is not dissimilar, at 550mm. The Gas Connection and AGI Plan Sheet 1 (APP-028) confirms the land extents for the Natural Gas connection corridor as being a corridor of at least 200 metres in width across Teesworks' land.

6.6 The document titled "Gas Connection and Pipelines Statement" (APP-073), at Section 3.0 explains that there are two routes / supply systems for the gas connection: 1. a new build "Option 1" involving a new bored tunnel beneath the River Tees and below ground to the PCC through the Teesworks site (with alternatives to use existing or new pipelines between Seal Sands and Navigator Terminals); or 2. a tie-in to the existing Sembcorp pipeline at Bran Sands and a new below ground pipeline north to the PCC.

6.7 It is unclear from the submission as to whether the Applicant considers it necessary to construct both pipelines / connections as it is explained (at paragraph 3.1.3 of APP-073) that "Subject to

<p>commercial agreement(s) with NGG and/or other gas suppliers, natural gas will be supplied via one or more of the Gas Supply systems described...”</p> <p>6.8 There is no apparent justification in the DCO documentation for essentially reserving the option of having one CO2 connection from two Gas Supply Systems or the necessity of having connections from both (when the potential of having only one system / connection is being contemplated).</p> <p>6.9 Moreover, there is an apparent omission in the alternatives being considered for the routing of the Natural Gas Pipeline: that being the option of using the Sembcorp over-ground pipe corridor alongside Dabholme Gut and returning north at Bran Sands to the PCC Plant. This corridor is being considered for the CO2 gathering pipelines and there is no known rationale for not considering it as an alternative for the Natural Gas pipeline.</p> <p>6.10 Should the Sembcorp pipeline corridor alongside Dabholme Gut be used for both the CO2 gathering pipeline and the natural gas pipeline (or, in respect of the later, a connection is created to the existing Sembcorp pipeline at Bran Sands), then the need for the circa 200m wide corridor through the Teesworks site falls away and there would be no justification for its inclusion in the Order limits on grounds of necessity.</p>	
<p>Assessment of alternatives – construction traffic access</p> <p>6.11 At ES Figure 16-2 – HGV Routes to and from the Site (APP-173), HGV routes are shown for construction traffic entering / exiting the</p>	<p>With respect to paragraphs 6.11 - 6.12 and in light of STDC’s comments, the Applicants are examining the alternative of HGVs accessing the site via the Lackenby Steelworks entrance off the</p>

<p>Teesworks site. The Framework CEMP (APP-246) at paragraph 5.4.2 explains that “construction HGVs associated with the construction of the PCC Site (including containerised deliveries arriving via Teesport) will arrive and depart the Site via the entrance on the A1053 Tees Dock Road and the internal site road network...the same access will be used for construction traffic for the HP Compressor Station, CO2 Export Pipeline and Water Connections.”</p> <p>6.12 There is no rationale for limiting HGV construction traffic to access / egress Teesworks via Tees Dock Road. As explained above, the use of Tees Dock Road relies upon the opening of a private (STDC-owned) gated access across Teesworks land which STDC does not support. There is no assessment of alternative access opportunities including an obvious alternative to Tees Dock Road: that being the use of the northern-most point of access into Teesworks at the main roundabout access from the Trunk Road (the ‘Steel House roundabout access’).</p> <p>6.13 It is understood, following review of the submitted relevant Transport Assessment documents by the Applicant, that construction worker traffic (from private vehicles) will enter the site via Redcar Gatehouse. Redcar Gatehouse is one of the primary entrances into the Teesworks area and entry is controlled with a barrier. Over the coming years, its usage will increase as development across Teesworks is brought forward. It is crucial, therefore, that the construction worker traffic generated by the NZT scheme does not have a negative impact on the operation of this controlled access point.</p>	<p>A1085 which, if feasible, would be secured via voluntary agreement with STDC.</p> <p>With respect to paragraph 6.13, a review of cumulative traffic impacts of NZT construction traffic using the Redcar Gatehouse is being prepared by the Applicants.</p> <p>With respect to paragraph 6.14, a review of the management of traffic impacts of NZT construction traffic using the Redcar Gatehouse is being prepared. The Applicants preference remains to secure voluntary agreement with STDC, including use of the proposed park and ride. See the Applicants’ response to paragraphs 4.13 to 4.15.</p> <p>With respect to paragraph 6.15, the review of cumulative traffic impacts of NZT construction traffic using the Redcar Gatehouse is being prepared and will examine the conservatism of assumptions used.</p>
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<p>6.14 Chapter 16 (Traffic and Transportation) of the ES identifies and models the number of construction worker vehicles generated at times throughout the day. It proposes that up to 315 vehicles will arrive during the peak morning hour (6.00-7.00am), equating to over 5 vehicles per minute, and in the peak evening hour (6.00-7.00pm) 262 worker vehicles will leave the site, which is approximately over 4 vehicles per minute. This is a significant number of worker vehicles using a Teesworks primary access, and in combination with the proposed park and ride buses and other vehicles accessing / egressing Teesworks, it appears likely that this will have a significant impact on the operation of Redcar Gatehouse, which could and should be avoided. Therefore, STDC considers that alternative options should be explored, to ensure a more efficient and sustainable access for construction workers to arrive and enter the Teesworks site by bus, rather than passing through Redcar Gatehouse and then transferring to buses, which themselves would then pass back through the gatehouse road network.</p> <p>6.15 The number of vehicles referred to above also appears low. STDC requires Chapter 16 to the ES to be reviewed and updated to ensure that the correct number of vehicle movements is reflected. This should be progressed in conjunction with the work being undertaken jointly with the Applicant on a Park and Ride solution. Stockpiling of tunnel arisings.</p>	
<p>6.16 Chapter 5 of the ES: “Construction Programme and Management” (APP-087), at paragraphs 5.3.71 – 5.3.81, outlines the potential requirements for the management of spoil resulting from the construction of tunnels and bores associated with the various</p>	<p>Spoil from the construction of the CO<sub>2</sub> 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</p>



pipelines. It is estimated that almost 50,000m<sup>3</sup> of spoil could be created. The stated intention is to stockpile the material on Teesworks within the site boundary for either re-use on site or to be removed off-site by HGV for use elsewhere within Teesworks or beyond the Teesworks land. There is an unquantified assumption that “the bulk” of spoil generated will be used within the site, but also an allowance for “progressive off-site removal”, with an assumption made in the Transportation Assessment that up to 10,000m<sup>3</sup> of spoil could be removed from the site per month (onto the public highway beyond Teesworks).

6.17 STDC note that the original DCO submission, dated 21 May 2021, resulted in a range of issues being raised by the Planning Inspectorate, including a lack of explanation as to the estimated quantities of spoil likely to be produced by the tunnelling works required for the Proposed Development and related storage and disposal arrangements. The Applicant sought to address this in Chapter 5 of the ES, Construction Programme and Management, however STDC consider that further detail is required concerning: a) the environmental impacts of such stockpiling; and b) whether stockpiling would stymie or prevent STDC delivering economic development on land, including land within the Order limits, for industrial uses benefitting from the Freeport status of the area.

6.18 STDC will not accept such uncertainty over the use of its land. The application should, at minimum include plans of where the arising material would be stored, in what quantities, to what heights/extends and for what maximum lengths of time. Flowing from this information, we would expect the DCO Requirements

yet been confirmed and will determine how much is required to be stockpiled on site and for how long. It is of note that the removal of the new build tunnel option (for Work Nos. 2A and 6), following acceptance by the ExA on 6<sup>th</sup> 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 the proposed works will be such that it can be managed and – if required – disposed of off-site without significant stockpiling being required.

<p>(drafted as nos. 16 and 18) to go further than their current drafting, to provide a soil management plan, and to instead obligate the Applicant to remove a certain quantum of spoil from the site, or demonstrate its beneficial use on site, within a specified timeframe.</p>	
<p>Planning Assessment</p> <p>6.19 In its letter of 18 September 2020 to the Applicant's statutory consultation, RCBC as Local Planning Authority, raised concerns with the DCO proposals, which in summary related to:</p> <ul style="list-style-type: none"> <li>• the extent of land required for the connection corridors and infrastructure to serve the PCC and the land to be secured through the DCO process;</li> <li>• the land take for the development and issues in respect of the proper planning of the area, potential sterilisation of development land and the delivery of the STDC Masterplan; and</li> <li>• that the issues of land take and the boundaries of the development are required to be resolved otherwise "there is a risk of policy conflict with the adopted local plan and SPD."</li> </ul> <p>6.20 RCBC went on to explain that its Supplementary Planning Document (SPD) for the area includes a number of Development Principles, including Development Principle STDC1 which, inter alia, sets out the aim of resisting piecemeal development of the South Tees area where it would conflict with the comprehensive redevelopment of the area. RCBC called for the Project to be sufficiently defined to remove any risk of piecemeal development or the unnecessary sterilisation of development land. RCBC set its concerns in the context of Development Principle STDC2 which</p>	<p>The Order limits outside the PCC site and associated construction areas have been reduced following acceptance of the Applicants' change requested accepted on 6 May 2022. These reductions were made following landowner consultation and preliminary design studies.</p> <p>For the reasons set out in the Applicants response to paragraph 4.1 to 4.12, the Applicants do not agree that the Proposed Development would result in piecemeal development of the Teesworks site.</p>

<p>states: "The Council, in partnership with the STDC, promote a comprehensive approach to development within the South Tees Area. Development that has the potential to stymie or prevent further phases of development, or to reduce the market demand for land to be taken up, and/or to adversely affect the ability to provide infrastructure essential to the delivery of later phases of development / occupation, will be resisted."</p>	
<p>6.21 Whilst the boundary and the Order limits of the Project have been reduced since the Section 42 consultation in mid-2020, the Order limits remain unnecessarily and unjustifiably extensive and incorporates STDC land for which STDC has advanced planning applications for industrial development.</p>	<p>See the Applicants response to paragraphs 4.1 to 4.12.</p>
<p>The Planning Statement prepared on behalf of the Applicant acknowledges that the South Tees Area SPD is a material planning consideration and represents the formal planning policy interpretation of the Teesworks Master Plan. The Planning Statement states that the scheme, as proposed in the draft Order, is consistent with Development Principles STDC1, 6 and 10 of the SPD because it involves the provision of a nationally significant electricity generating station that would support decarbonisation of power generation. Whilst this benefit is not disputed, the Planning Statement does not address the concerns expressed in the RCBC's letter of representation (concerns that are shared by STDC) that the Project is at risk of conflict with the adopted Local Plan and SPD because the land take could potentially result in the sterilisation of land and conflict with objectives in respect of comprehensive regeneration.</p>	<p>In formulating their proposals the Applicants have had regard to local development plan policy and the South Tees SPD. Table 6.4 of the Planning Statement [APP-070] sets out how the Proposed Development complies with local planning policy, including the key Development Principles set out in the SPD. Notably, the location and extent of the PCC Site corresponds with that identified for the NZT Project within the South Tees SPD. The Applicants have also had regard to the emerging Teesworks proposals. Throughout the DCO process the Applicants have sought to minimise the amount of land within the Teesworks area to ensure that comprehensive development of the area can be delivered. This is underlined by the Applicants' recent change request (accepted into the Examination on 6 May 2022 [PD-010]), which has resulted in a further significant reduction of the Order Limits, reducing the amount of land required for the development, including within the Teesworks area.</p>

	<p>The Examining Authority is also directed to Applicants' response to paragraph 3.6 and the Applicants' updated Planning Statement submitted at Deadline 1.</p> <p>With respect to the issues raised regarding land sterilisation, the Examining Authority is directed to the Applicants' response to paragraphs 4.1 to 4.12.</p>
<p><b>7 Conclusion</b></p> <p>7.1 For the reasons set out above, STDC has serious concerns about the Applicant's proposals. STDC formally objects to the proposals in their current form in order to protect its own development proposals, despite STDC retaining in-principle support for the Project.</p> <p>7.2 STDC reserve the right to submit further representations once the examination period commences.</p>	<p>For the reasons set out above, the Applicants consider that it has addressed all the matters raised by STDC in its Relevant Representation. The Applicants will continue to work with STDC with a view to reaching agreement on the property agreements and supporting documentation. Notwithstanding this, the Applicants believe all matters of concern expressed by STDC are addressed through the provisions of the DCO and documentation secured therein, and that the powers sought in the DCO are justified, proportionate and essential to deliver the substantial benefits of the Proposed Development.</p>

### **33.0 RESPONSE TO UK HEALTH SECURITY AGENCY**

33.1.1 The RR provided by UK Health Security Agency (RR-036) is as follows:

*“Thank you for your consultation regarding the above development. The UK Health Security Agency (UKHSA) and the Office for Health Improvement and Disparities (OHID) (formerly Public Health England) welcome the opportunity to comment on your proposals at this stage of the Nationally Significant Infrastructure Project (NSIP). Advice offered by UKHSA and OHID is impartial and independent.*

*We can confirm that: With respect to Registration of Interest documentation, we are reassured that earlier comments raised by us on 29th April 2021 have been addressed. In addition, we acknowledge that the Environmental Statement (ES) has not identified any issues which could significantly affect public health.*

*UKHSA/OHID are satisfied with the methodology used to undertake the environmental assessment but notes the ongoing discussions between the Environment Agency (EA), The Department for Business, Energy and Industrial Strategy and the Carbon Capture and Storage Association regarding the precise makeup of the proprietary solvents proposed for use in the carbon capture process. UKHSA is satisfied that the risk assessment approach is appropriate and in line with emerging evidence; UKHSA also notes the proposed combined cycle gas turbine will require an Environmental Permit from the EA to operate and that further risk assessment of the potential emissions from the carbon capture process and solvents will form part of that permitting process. UKHSA/OHID further note the removal of additional, above ground electrical infrastructure from the proposals and that all proposed cabling will now run underground, minimising concerns regarding electric magnetic fields.*

*Following our review of the submitted documentation we are satisfied that the proposed development should not result in any significant adverse impact on public health. On that basis, we have no additional comments to make at this stage and can confirm that we have chosen NOT to register an interest with the Planning Inspectorate on this occasion. Please do not hesitate to contact us if you have any questions or concerns.”*

#### **33.2 Applicants' response**

33.2.1 The Applicants note the comments from the UK Health Security Agency (formerly Public Health England) and that the Proposed Development would not result in any significant adverse impact on public health.

## 34.0 RESPONSE TO MARINE MANAGEMENT ORGANISATION

34.1.1 The RR provided by Marine Management Organisation (RR-037) and the Applicants' response is provided in **Table 34.1** as follows:

**Table 34.1: Marine Management Organisation RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>1. The MMO's role in Nationally Significant Infrastructure Projects (NSIPs)</p> <p>The MMO was established by the Marine and Coastal Access Act 2009 (the "2009 Act") to make a contribution to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas.</p> <p>The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and for Northern Ireland offshore waters by way of a marine licence. Inshore waters include any area which is submerged at mean high water spring ("MHWS") tide. They also include the waters of every estuary, river or channel where the tide flows at MHWS tide. Waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area</p> <p>In the case of NSIPs, the Planning Act 2008 (the "2008 Act") enables DCO's for projects which affect the marine environment to include provisions which deem marine</p>	

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>licences. As a prescribed consultee under the 2008 Act, the MMO advises developers during preapplication on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works.</p> <p>Where a marine licence is deemed within a DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence ("DML") enable the MMO to fulfil these obligations.</p> <p>Further information on licensable activities can be found on the MMO's website Further information on the interaction between the Planning Inspectorate and the MMO can be found in our joint advice note 11 Annex B .</p> <p>2. The Proposed Development The DCO Application is for the development of a Low Carbon Electricity Generating Station with a gross electrical output of up to 860 megawatts (MWe), together with equipment required for the capture and compression of carbon dioxide (CO2) emissions from the generating station and the installation</p>	

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>of a wider industrial CO2 Gathering Network on Teesside. The Net Zero Teesside Project will comprise the construction and operation of:</p> <ul style="list-style-type: none"> <li>• A new gas-fired Electricity Generating Station with post-combustion carbon capture plant;</li> <li>• Gas, water and electricity connections (for the generating station);</li> <li>• A CO2 pipeline network (a 'gathering network') for collecting CO2 from a cluster of local industries on Teesside;</li> <li>• A CO2 compressor station (for the compression of the CO2) and a CO2 export pipeline.</li> </ul> <p>The MMO's interest in this project is for the following works, as well as any impacts to the UK marine area as described in Section 42 of the 2009 Act:</p> <ul style="list-style-type: none"> <li>• Work No. 2A - underground high pressure gas supply pipeline;</li> <li>• Work No. 5A - repair and upgrade of the existing water discharge infrastructure to the Tees Bay;</li> <li>• Work No. 5B - a new water discharge pipeline to the Tees Bay;</li> <li>• Work No. 6 – a carbon dioxide gathering network;</li> <li>• Work No. 8 – high pressure carbon dioxide export pipeline corridor</li> </ul>	



RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>3. General comments</p> <p>3.1 The MMO were given the opportunity to view and provide comments on the draft DML, prior to submission to PINS. The MMO note that a number of concerns raised in our response to the applicant on the 29 March 2021 have been addressed and have flagged where outstanding issues remain.</p> <p>3.2 The MMO would like to highlight that on the 23 June 2021 the North East Marine Plan was adopted by the Secretary of State. Therefore, it is important that the applicant ensures that the information provided within the ES has been assessed against the updated Marine Plan documents for the North East.</p> <p>3.3 As far as the MMO are aware, no direct notification was received from the applicant regarding the Section 56 notice via email or by post.</p>	
<p>4. Development Consent Order (DCO) and Deemed Marine Licences (DMLs)</p> <p>4.1 The MMO previously discussed the splitting of DML's and advised that it is common practice among offshore windfarm DCO's. The MMO welcome the approach and for reference unless explicitly stated, all comments within this</p>	<p><b>4 Development Consent Order and Deemed Marine Licences</b></p> <p>4.1 The Applicants welcome to the MMO's confirmation that is supportive of the approach of splitting the DMLs between the two undertakers.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>section are relevant to both DML's in Schedule 10 and 11 of the DCO.</p>	
<p>4.2 The MMO consider that the DML's currently lack detail, specifically in relation to the relevant Work Nos. The MMO suggest more detail is included so that it is clear as to what each of the Work Nos. entailed.</p>	<p>4.2 The DMLs authorise licensable activities in respect of the construction, maintenance and operation of Work Nos. Reference to Work Nos ties back to Schedule 1 of the DCO. The Applicants note the MMO's comment and will revisit whether there is more detail that can be added in respect of the relevant Work Nos. The Applicants intend to make any updates in the dDCO submission at Deadline 2.</p>
<p>4.3 The MMO note that there is a lack of consistency in the licence conditions. Ideally each condition should be drafted in a similar style, a template has been included below of a format which could be used:</p> <ul style="list-style-type: none"> <li>• No licensed activity must commence until a [plan] has been submitted to and approved by the MMO in writing.</li> <li>• The plan must include but is not limited to the following details [details]</li> <li>• The [plan] must be implemented as approved</li> <li>• The plan must be submitted to the MMO in writing at least [X] months prior to the proposed commencement of the licenced activity.</li> </ul>	<p>4.3 The Applicants will revisit drafting of licence conditions to determine if changes can be made to align with MMO style guidance. The Applicants intend to make any updates in the dDCO submission at Deadline 2.</p>
<p>4.4 With regard to Part 2 (8) Benefit of the Order – No provision has been provided for notification to the MMO of request to the SoS. It is noted that in the Tilbury 2 DCO a timeframe of 10 days has been given and suggest that this would be suitable for this DCO:</p>	<p>4.4 The Applicants are content to include such a provision in Article 8 subject to removing the reference to "PLA". The Applicants intend to make this update in the dDCO submission at Deadline 2.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p><i>“The Company must, within 10 business days after entering into an agreement under paragraph (1) in relation to which any of the benefit of the deemed marine licence is transferred to another party, notify the PLA, the Environment Agency and the MMO in writing, and the notice must include particulars of the other party to the agreement under paragraph (1) and details of the extent, nature and scope of the functions transferred or otherwise dealt with which relate to the functions of any of those bodies.”</i></p>	
<p>4.5 Part 2 6(1)(b) – The MMO note that MHWS does move over time, and this is made clear in its definition. The MMO do not consider it necessary to include a provision which addresses the potential movement over time. The MMO would like clarification from the applicant as to why they are seeking this to be included within the DML.</p>	<p>4.5 The Applicants accept this deletion. The Applicants intend to make this update in the dDCO submission at Deadline 2.</p>
<p>4.6 The MMO note that there is currently no definition of ‘office hours’ or business days/working days. The MMO note that the Draft DCO for Sizewell C currently has the following wording:</p> <ul style="list-style-type: none"> <li>• “business day” means a day other than a Saturday or a Sunday, which is not Christmas Day, Good Friday or a bank holiday under section 1 (bank holidays) of the Banking and Financial Dealings Act 1971;</li> <li>• “business hours” means the period from 09:00 until 17:00 on any business day.</li> </ul>	<p>4.6 The Applicants accept this new definition. The Applicants intend to make this update in the dDCO submission at Deadline 2.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>4.7 With regard to Part 1 (2) “commence” means— (a) in relation to works seaward of MHWS, the first carrying out of any licensed marine activities authorised by the deemed marine licences, save for operations consisting of preconstruction monitoring surveys approved under the deemed marine licences; The MMO note that the definition for ‘commence’ does not include pre-construction monitoring surveys approved under the deemed marine licence. However, it is not clear within either DML where pre-construction monitoring surveys are required.</p>	<p>4.7 The Applicants intend to delete reference to pre-construction surveys. The Applicants intend to make this update in the dDCO submission at Deadline 2.</p>
<p>4.8 Part 1 (2) – In the MMO’s response to the draft DML, we recommended that the definition of ‘maintain’ is amended to remove references to ‘adjust’, and ‘improve’. The current definition is not in-line with the MMO’s interpretation of maintain/maintenance; ‘upkeep or repair an existing structure or asset wholly within its existing three-dimensional boundaries’. This has not been updated.</p>	<p>4.8 The Applicants do not propose to amend the definition of “maintain”. The Applicants consider that the current definition provides a reasonable degree of flexibility whilst not permitting the undertaker to carry out maintenance operations which would cause materially new or materially different environmental effects to those identified in the Environmental Statement (Document Ref. 6.1 - 6.4). There is precedent for the Applicants proposed scope of maintenance activities in Schedule 13 of The Eggborough Gas Fired Generating Station Order 2018.</p>
<p>4.9 Part 2 (5)(2) – Given the interpretation of disposal under Part 1 (1) of the DML, the materials listed here do not fall under this definition, which explicitly states that disposal ‘means the deposit of dredged material at a disposal site...’. The materials listed include material which will not arise from dredging activities and so the MMO recommend that this is amended to only include materials</p>	<p>4.9 The Applicants intend to delete the list of articles at paragraph 5(2). The effect of the changes is that only dredged materials may be disposed of. The Applicants intend to make this update in the dDCO submission at Deadline 2.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>from dredging. This was noted in our previous response to the applicant (29 March 2021, paragraph 2.2.2).</p>	
<p>4.10 Part 2, Tables 9 &amp; 10 for Schedule 10 (11 &amp; 12 for Schedule 11) – the MMO would like to remind the applicant that it is their responsibility to ensure the coordinates are correct and reflect all the work described in the ES, and that the coordinates adequately cover all the required works.</p>	<p>4.10 The coordinates have been updated to reflect the Changes. This change will be in the dDCO submitted at Deadline 2.</p>
<p>4.11 The MMO request the inclusion of a provision within the DML that notification to the MMO of incorrect notification is required. The MMO suggest the following wording is included:</p> <p><i>Should the undertaker become aware that any of the information on which the granting of this licence was based was materially false or misleading, the undertaker must notify the MMO of this fact in writing as soon as is reasonably practicable. The undertaker must explain in writing what information was materially false or misleading and must provide to the MMO the correct information. Any oil, fuel or chemical spill within the marine environment must be reported to the MMO Marine Pollution Response Team as soon as reasonably practicable, but in any event within 12 hours of being identified in accordance with the following, unless otherwise advised in writing by the MMO—</i></p>	<p>4.11 The Applicants propose to incorporate the new drafting related to reporting materially false or misleading information and confirm that this is acceptable. The DMLs will be updated to require that any spillages are reported as soon as reasonably practicable as requested by the MMO. The Applicants have already incorporated in both DMLs that is must report oil, fuel or chemical spills to the MMO Pollution Response Team within 12 hours of it being identified. The arrangements for contacting the MMO Pollution Response Team (including contact telephone numbers and email address) are the same in the draft DMLs as those set out in the MMO's suggested condition. The Applicants accept the inclusion of the wording proposed by the MMO that approved plans, protocols or statements include amendments to such documents provided that the MMO is satisfied that the amendments to not give rise to new or materially different environmental effects to those assessed in the environmental information. These changes will be made in the dDCO submitted at Deadline 2.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p><i>(a) within business hours on any business days:                      (b) any other time;; or                      (c) at all times if other numbers are unavailable:</i></p> <p><i>With respect to any condition which requires the licensed activities to be carried out in accordance with the plans, protocols or statements approved under this licence, the plans, protocols or statements so approved are taken to include amendments that may be approved in writing by the MMO subsequent to the first approval of those plans, protocols or statements provided it has been demonstrated to the satisfaction of the MMO that the subject matter of the relevant amendments do not give rise to any materially new or materially different environmental effects to those assessed in the environmental information.</i></p>	
<p>4.12 Part 3, Notifications and Inspections (9) – the MMO note that there are still references to licence holder. These should be replaced with “undertaker” which is the preferred MMO wording.</p>	<p>4.12 The Applicants will change the references to “undertaker”. This change will be made in the dDCO submitted at Deadline 2.</p>
<p>4.13 Part 3, Notifications and Inspections (9)(ii) – The MMO note the term for ‘transport managers’ is not defined, and suggest this phrasing is either included within the definitions under Part 1 of the DML’s or is removed from the sentence.</p>	<p>4.13 The Applicants will delete the reference to transport managers in accordance with the MMO’s proposal. This change will be made in the dDCO submitted at Deadline 2.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>4.14 The MMO welcome the inclusion of (8) within Part 3 of the DML but suggest that this wording might be better included under (7)(a) as its current placement causes confusion and contradiction with part (b).</p>	<p>4.14 There is no paragraph 7(a) or 7(b) in the DMLs. The Applicants would welcome clarification from the MMO as to the potential amendments required.</p>
<p>4.15 Part 3 (9)(10) – The MMO request the term 'authorised scheme' is amended to 'authorised development' to fit with the definitions in Part 1(1) of the DML.</p>	<p>4.15. The Applicants will change the references to "authorised development". This change will be made in the dDCO submitted at Deadline 2.</p>
<p>4.16 Part 3 (10)(2) – the MMO previously advised (29 March 2021, paragraph 2.3.8), that a time frame must be included in which sediment sampling should be provided to the MMO, and suggested the inclusion of the following wording:  <i>'A sediment sampling plan must be requested from the MMO at least 6 months prior to the commencement of dredging. The sediment sampling and analysis must be completed by a laboratory validated by the MMO at least 6 weeks prior to the commencement of dredging. The licensed activities must not commence until written approval is provided by the MMO'.</i>            The MMO do not consider that the current wording meets the MMO's criteria for a condition.</p>	<p>4.16 The Applicants accept the proposed drafting. This change will be made in the dDCO submitted at Deadline 2.</p>
<p>4.17 Part 3 (11) – the MMO welcomes the inclusion of a timeframe for the Construction Environment Management Plan (CEMP). While the MMO recommends a longer time</p>	<p>4.17 The Applicants will change the submission of the CEMP to at least 3 months prior to commencement of the licensable activities for that part. This change will be made in the dDCO submitted at Deadline 2.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>frame of 3 months, the risk lies with the applicant if further consultation is required. The applicant may wish to provide a longer timeframe, to avoid unnecessary delays should consultation be required.</p>	
<p>4.18 Part 3 (11) The MMO request that wording is provided so that the works are submitted to and approved by the MMO in writing and that the licensed activities must not commence until written approval of the CEMP is provided by the MMO.</p>	<p>4.18 The Applicants accept the proposed drafting. This change will be made in the dDCO submitted at Deadline 2.</p>
<p>4.19 Part 3 (12) – the MMO welcome the amendment of the submission timeframe from 4 weeks to 8. For the reasons noted above in paragraph 4.10, the MMO recommend a longer timeframe of 3 months to avoid unnecessary delays to the project.</p>	<p>4.19 The Applicants will change the submission of the method statement to at least 3 months prior to commencement of the licensable activities for that part. This change will be made in the dDCO submitted at Deadline 2.</p>
<p>4.20 Part 3 (12)(3) &amp; (4) – The MMO note that there is some inconsistency in drafting language for some of the conditions, e.g. “the method statement for licensable activities” and “The marine method statement for licensable activities”. The MMO request that this is amended so that a more uniform format is used for all relevant conditions.</p>	<p>4.20 The Applicants will re-visit the consistency in the format of the licence conditions. Any updates that are required will be made in the dDCO submitted at Deadline 2.</p>
<p>4.21 Part 3 (13) – The MMO request that further detail of the information required is included. At a minimum it should contain the following: name, address, company</p>	<p>4.21 The Applicants accept the proposed changes to the drafting. This change will be made in the dDCO submitted at Deadline 2.</p>



RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>number where appropriate and function. The MMO consider that there should also be provision for any changes to the agents, contractors or sub-contractors to be notified to the MMO included within the DML.</p>	
<p>4.22 Part 3 (15) As noted in paragraph 4.18, the MMO request that wording is provided so that the works are submitted to and approved by the MMO in writing.</p>	<p>4.22 Paragraph 3(15) already states that the WSI must be “submitted to and approved in writing by the MMO”. The Applicants would welcome clarification from the MMO as to the potential amendments required.</p>
<p>4.23 Part 3 (16) The MMO suggest that the square brackets are removed.</p>	<p>4.23 The Applicants will remove the square brackets in the dDCO to be submitted at Deadline 2.</p>
<p>4.24 Part 3 (16) – The MMO note that currently no definition has been provided for ‘the river’ and suggest this is included within Part 1 (1) of the DML.</p>	<p>4.24 The Applicants will change reference to “the river” to the “River Tees”. This change will be made in the dDCO submitted at Deadline 2.</p>
<p>4.25 Part 3 (19) - The MMO note that current wording states ‘vibratory or drilled ‘pin’ piling must be used as standard, with percussive piling only used if required to drive a pile to its design depth. The MMO suggest the following wording is also included at the end of the sentence’: and drill or vibro piling has been unsuccessful.</p>	<p>4.25 The Applicants propose to accept the drafting amendments subject to making a further amendment that the undertaker can establish that drill or vibro piling will be unsuccessful based on desk top studies informed by survey information.</p>
<p>4.26 Part 3 (22)(1) – The MMO recommend the wording of this condition is amended so that it is in line with other DCO DML conditions (e.g. Sizewell C) and that the loss should be reported ‘as soon as possible and in any even</p>	<p>4.26 The Applicants accept the proposed amendments and will update the DMLs for Deadline 2 to specify that such losses must be reported “asap and in any event within 48 hours of becoming aware”.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>within 48 hours of becoming aware'. Although the MMO recommend 24 hours is a more appropriate timeframe.</p>	
<p>4.27 Part 3 (22) – The MMO considers that the undertaker should use 'reasonable endeavours' to locate the material and recover it. The MMO suggest the following wording is used:</p> <p><i>"If the MMO reasonably considers such material to constitute a navigation or environmental hazard (dependent on the size and nature of the material), the MMO must notify the undertaker and the undertaker must use reasonable endeavours to locate the material and recover it. In that event, the undertaker must demonstrate to the MMO that reasonable attempts have been made to locate, remove or move any such material."</i></p>	<p>4.27 The Applicants accept the proposed drafting. This change will be made in the dDCO submitted at Deadline 2</p>
<p>4.28 Part 3 (22)(1) &amp; (2) – the MMO note that there are still references to licence holder which should be replaced with "undertaker", the preferred MMO wording.</p>	<p>4.28 The Applicants will change the references to "undertaker". This change will be made in the dDCO submitted at Deadline 2.</p>
<p>4.29 Part 3 (23) – The MMO do not consider the provision for 'force majeure' is necessary. This is because defence is already included within Section 86 of the Marine and Coastal Access Act (2009). The MMO therefore suggest that this provision is removed.</p>	<p>4.29 The Applicants accept that the provision for "force majeure" may be deleted. This change will be made in the dDCO submitted at Deadline 2.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>4.30 Part 3 (25) – The MMO note that ‘works’ is not defined within Part 1 (1) of the DML.</p>	<p>4.30 The Applicants will update the DMLs to refer to “licensable activities” instead of “works”. The “licensable activities” is defined under the DMLs as the activities in Part 2 of the DMLs, namely the marine licensable activities related to the construction, maintenance and operation of the Work Nos referred to in each of the DMLs. This change will be made in the dDCO submitted at Deadline 2.</p>
<p>4.31 With regard to Part 3 (24) – the MMO note that the Applicant is seeking to consent the detonation of unexploded ordnance (UXOs) within the DCO and DMLs. The MMO would like to reiterate our position of UXO’s within DMLs as noted in our previous advice to the Applicant (29 March 2021, paragraph 2.3.17): The MMO’s current position on UXO clearance is that it is a high risk activity and therefore the MMO is best placed to manage it within a separate Marine Licence. This approach would allow consideration of best available evidence and technology closer to the time that the activity is taking place, and for implementation of this as appropriate. The MMO will advise the Applicant should this process change.</p>	<p>4.31 The Applicants propose to retain the current drafting but propose new wording requiring a plan to be submitted that incorporates need to use best available evidence and technology prior to starting UXO clearance. The Applicants consider that this would ensure MMO retain control over works and concerns over historic evidence and technology can be satisfactorily addressed. It will discuss this proposal further with the MMO.</p>
<p>4.32 As noted in our 29 March 2021 response (paragraph 2.3.18), if the Applicant does require the detonation of UXOs, a Wildlife Licence may be required to protect species covered under the Wildlife and Countryside Act 1981. If a Wildlife Licence is required, this will need to be sought from the MMO’s Marine Conservation Team (MCT). The</p>	<p>4.32 The Applicants note the potential requirement for Wildlife Licence and will engage early with MCT prior to seeking a Wildlife Licence, if required.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>MMO recommend the Applicant engages early with MCT prior to seeking a Wildlife Licence, if required.</p>	
<p>5 Other Application Documents  <u>5.1 DCO 2.2 - Explanatory Memorandum - Oct 2021 Rev.2.0</u></p> <p>5.1.1 Paragraph 3.8.83 – the MMO note that the applicant is seeking confirmation that the horizontal directional drilling for the micro-bored tunnel is exempt from requiring a marine licence, and thus inclusion within the Deemed Marine Licence (under Article 35 of the Marine Licensing (Exempted Activities) Order 2011. While the onus is on the applicant to determine if the works require a licence, the applicant may find it useful to check the MMO's interactive assistance tool to which will hopefully provide further clarity and confidence:</p>	<p><b>5 Other Application Documents</b></p> <p>Pursuant to the change application submitted by the Applicants on 28 February 2022 and accepted by the Examining Authority on 6 May 2022, the micro-bored tunnel option has been removed from the DCO. No deemed marine licence or exemption is therefore required for these works. The Applicants have retained an option for the construction of a subsea crossing underneath the River Tees by horizontal directional drilling techniques pursuant to Work No. 6, and horizontal direction drilling and works to facilitate such drilling pursuant to Work No. 8. These activities have been included in Schedule 11, Part 2 of the DCO (the DML for Project B).</p>
<p>6 Environmental Statement (ES)  <u>6.1 Chapter 9 Surface Water, Flood Risk and Water Resources</u></p> <p>6.1.1 With regard to paragraph 9.4.68 – there appears to be a minor spelling error</p> <p>6.1.2 The MMO note that tidal velocities have been stated for the Tees Bay area (paragraph 9.4.30), however, the MMO were unable to find a description of the velocities</p>	<p>6.1.2 : The Coastal Modelling Report [APP-321] provides details of measured current data in the estuary. Section 3.1.2 of the report presents current speed and direction data from two transects carried out on a mid-range tide and fixed station measurements carried out for both a spring and neap tide, including data for both near bed and near surface as well as mid-depth.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>within the Tees Estuary. The MMO would appreciate a signpost to these if available or recommend these are provided within the ES.</p>	
<p>6.1.3 Table 9.9 provides wave height return intervals for the Tees North Wave Buoy, but the MMO were unable to find within the ES a description of the location of this wave buoy. Without this information, the return intervals lose meaning without understanding the associated location. The MMO would like to see this provided, ideally in map form.</p>	<p>This data was obtained from the published York Potash Harbour Facilities Order – Environmental Statement Section 5 Hydrodynamic and Sedimentary regime 2016 [Online - <a href="https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR030002/TR030002-000440-ES%20Section%205%20Hydrodynamic%20and%20sedimentary%20regime.pdf">https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR030002/TR030002-000440-ES%20Section%205%20Hydrodynamic%20and%20sedimentary%20regime.pdf</a>] and originally published in the Northern Gateway Container Terminal Environmental Statement: Hydrodynamic and Sedimentation Studies (HR Wallingford, 2006). No further detail on location was provided other than that a waverider buoy was deployed 400m north of the North Tees Wave Buoy. It should be noted that this data does not form the basis of any assessment or modelling for the Proposed Development and is included for providing baseline context only. Further data was requested from PD Teesport to inform the baseline understanding but no response was received.</p>
<p>6.1.4 The application appears to overlook the potential of the project to impact local sediment transport in the context of erosion and scour. Considering this application is for works extending down to the Mean Low Water Spring, the MMO consider the possibility of these impacts must be addressed (or be shown to be negligible) within the application.</p>	<p>6.1.4 An assessment of the impact of sediment disturbance on water quality is given in Section 9.6 in relation to construction and also operation. This includes consideration to sediment disturbance in relation to the jack-up-barge and installation of new outfall head during construction. With regard to operation of the outfall, it is stated that, "design of the diffuser head and scour protection will be undertaken post-DCO consent and will include appropriate hydrodynamic assessment of the risk of erosion. As a worst case it is considered that there may be a moderate adverse but very localised impact. Given that the waterbody is low importance for morphology, this results in a Slight effect (not significant)". On this basis, no significant effects have been</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
	<p>identified relating to scour or sediment disturbance. If there are other additional queries from the MMO we would be grateful if these could be clarified in order that we can provide further information.</p>
<p><u>6.2 Chapter 11 Noise and Vibration</u></p> <p>6.2.1 The MMO note that the standard approach for the estimation of noise levels from underwater explosions is to use the methodology from Soloway and Dahl (2014), which is a relatively simple semi-empirical calculation. The MMO do not consider the approach used in the assessment to be overly clear as the report makes reference to the fact that a wave coefficient of <math>A=10</math> has been assumed for UXO. Nevertheless, the predicted impact ranges for fish and marine mammals for the 55 kg and 100 kg charge weights look reasonable/as expected from the Soloway and Dahl methodology.</p>	<p>In response to paragraph 6.2.1 of RR-0039, Soloway and Dahl (2014) state that a wave coefficient of <math>A = 10</math> should be used for an unbounded medium when considering underwater explosions within shallow water. The findings of this report show that the influence of the bounded underwater wave guide is for energy conservation to be reflected, Soloway and Dahl (2014) stating that: the energy flux will tend to go as <math>1/R</math> which would put the coefficient exactly equal to 5. Although it is recognised that the use of geometric formulae has some limitations, we have taken a precautionary approach to ensure that the likely Zones of Influence have been identified, even if potentially overstated.</p>
<p>6.2.2 The MMO note that changes in underwater soundscape have been considered as part of the potential cumulative effects assessment. The report concludes that given the low likelihood that activities from cumulative developments would occur concurrently or consecutively, the potential for cumulative impacts is negligible and therefore the effect is Not Significant. The MMO would like to highlight that there is a lot of planned activity taking place within the Tees estuary, so it is important that activities are carefully managed to ensure that there are no</p>	<p>In response to paragraph 6.2.2 of RR-0039, The Applicants have taken into consideration a number of planned activities within the Tees estuary as part of the cumulative effects assessment. However, piling/drilling and the dredging of a pocket at the outfall head, will take place in the Tees Bay away from other development activities in the River Tees. Therefore, the potential for cumulative effects is considered limited.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>detrimental effects to marine wildlife, and to migratory species.</p>	
<p><u>6.3 Chapter 14 Marine Ecology and Nature Conservation</u></p> <p>6.3.1 The MMO consider noise exposure criteria for fish and non-impulsive sources are limited; Popper et al. (2014) provide thresholds for recoverable injury and TTS (Temporary Threshold Shift) based on the SPLrms metric, for fish with swim bladder involved in hearing (as per Table 14-11 in Chapter 14). Based on our own experience of assessing continuous sources, such as dredging for example, we could expect to see recoverable injury close to the source (i.e. tens of metres) for a stationary receptor and 24-hour exposure, with TTS extending to greater distances (&gt;1.5 km). This is conservative as it is unlikely that a receptor would remain within those distances of the dredger for a full 24-hour period. However, it is reasonable to expect behavioural effects and displacement, and masking from continuous sources.</p>	<p>In response to paragraph 6.3.1 of RR-0039, A precautionary approach has been taken when making the geometric spreading calculations, which can only give a rough approximation to actual spreading loss, particularly in a shallow coastal environment where the spreading model cannot account for the manner in which underwater sound interacts with a topographically complex seafloor. Environmental factors such as sediment conditions and seasonal stratification is not considered. The Sound Source Level (178 rms) used to calculate the potential Zones of Influence for dredging (TTS, for 12 hrs = 74 m) has been taken from literature sources (Greene, 1987; in Genesis, 2011). The distance within which TTS may occur requires an individual to remain in proximity to the sound source for 12 hrs, whilst for recoverable injury this time is 48 hrs. The fish with the highest hearing sensitivity are members of the herring family (Clupidea) and are generally pelagic species that are highly mobile and wide-ranging and are expected to move away from the sound source. For behavioural disturbance, there is a lack of scientific information to provide quantitative thresholds and instead reference has been made to those provided by Popper et al. (2014), where qualitative impact criteria are provided in terms of relative risk (high, moderate, low) given for fish at three distances (near (N), intermediate (I), and far (F)) from the source. However, it is important to note that preparatory dredging in the Tees Estuary is no longer required. Dredging is only required to create a pocket around the existing outfall head in Tees Bay. This is in a worst-case scenario where the outfall head is replaced and fitted with a diffuser. These works will be away from the mouth of the River Tees and will be very short in duration and temporary.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>6.3.2 With regard to Table 14-14 - the MMO assume that the source level of 232 dB (rms) has an equal level for the source 1 second SEL (Sound Exposure Level). In reality, this is likely to be conservative, as the source could be pulsed (thus the 1 s SEL could be lower than the rms level).</p>	<p>In response to paragraph 6.3.2 of RR-0039, Sound source level data is provided in dB (rms), but in order to calculate impact distances a 1 second SEL is required. It is therefore a standard approach to have a conversion to 1 second SEL that is equal to the dB (rms) value. Although the dB (rms) value is often higher than what would be expected for the 1 second SEL, this method is conservative and therefore remains the approach taken.</p>
<p>6.3.3 Table 14-14 in Chapter 14 shows the predicted effect ranges for marine mammals and impulsive geophysical survey sound sources (i.e. swathe or multibeam echosounders, side scan sonar, and USBL). The MMO note that the 1- hour and 24-hour exposures have been considered as well as the instantaneous SPLpeak. However, it is not clear how the predicted effect ranges have been derived (based on the model parameters). The MMO request further explanation be included as to what approach has been used. For example, for a swathe or multibeam echosounder source level of 232 dB (rms) (which is very high), a conservative transmission loss of 15 log R, and a conservative 24-hour exposure period, we would expect to see far larger effect ranges than those presented in Table 14-14. Nevertheless, it is important to acknowledge that in reality, the source and the animal would be moving so a simple modelling approach is very conservative.</p>	<p>In response to paragraph 6.3.3 of RR-0039, Geophysical surveys will not be required as part of the DCO, only for site investigation works that will require a separate Marine Licence. Multi-beam surveys in shallower waters (&lt;200m) are not subject to JNCC mitigation requirements as it is thought the higher frequencies typically used fall outside the hearing frequencies of cetaceans. In addition, variance in sound source levels can result in significantly smaller propagation zones: sound source levels with changes of 3 dB (decibels being a log scale) can result in the halving of the sound source intensity, resulting in significantly smaller propagation zones. All of the SEL calculations have used the m-weightings provided by the NMFS (2018). Although it is recognised that the use of geometric formulae has some limitations, we have taken a precautionary approach to ensure that the likely Zones of Influence have been identified, even if potentially overstated.</p>
<p>6.3.4 Paragraphs 14.2.13 &amp; 14.2.14 – As noted above in paragraph 3.2, the North East Marine Plan has now been</p>	<p>In response to paragraph 6.3.4 of RR-0039, A draft version of the North East Marine Plan was published at the time writing Chapter 14 Marine Ecology and</p>



RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>formally adopted by the Secretary of state and should be updated where required.</p>	<p>Nature Conservation [APP-096]. The ES was considered compliant with the broad scope of these plan policies at the time of writing. This can be considered within the DCO requirement, if necessary.</p>
<p>6.3.5 The MMO note that there are some inconsistencies throughout the ES report regarding the extent of drilling/piling works. For instance, Table 14-4 states that 'piling works will no longer take place in the River Tees which substantially reduces impacts on diadromous species using the River Tees'. However, the Applicant also suggests that 'as both drilling of pin piles and dredging would be undertaken near the Tees mouth which is already characterised by a high level of marine traffic, the Applicant do not consider potential for these activities to create an acoustic barrier in the River Tees thus, not impeding migration'. Furthermore, paragraph 14.6.95 states that "Both the drilling of pin piles and dredging may need to be undertaken in the Tees Bay, approximately 1 km to the east of the Tees Mouth (for the existing outfall) with the replacement outfall being a further 2 km east (i.e. a total of approximately 3 km from the Tees Mouth). Therefore, there is not considered to be the potential for these activities to result in a temporary acoustic barrier in the River Tees". The MMO have concerns that percussive/impact piling might be necessary to drive the piles to their design depth and recommend that the Applicant provides further information on the duration and exact location of the potential impact piling activities to</p>	<p>In response to paragraph 6.3.5 to clarify, Chapter 14 is correct, there will be no piling in the Tees Estuary. However, there may be a need to drill pin piles if a diffuser head is to be installed for the outfall in Tees Bay.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>facilitate an accurate estimation of potential impacts on fish receptors.</p>	
<p>6.3.6 The MMO do not consider the issue of noise propagation within an estuary, i.e., a small channel, compared to the open water environment, has been sufficiently addressed. In an estuarine environment, noise and vibration from all forms of piling has the potential to create an acoustic 'barrier' across the width of the channel, which can impede fish movement and migration and cause behavioural responses, injury and mortality in fish. Therefore, from the information provided within the ES on the location of the works (i.e., 1 km east of the Tees mouth), it is very difficult to comprehend the exact location and width of the River Tees where the proposed drilling of piles is expected to occur. The MMO request further information and a map of the locations of the proposed works that specifies the width of the river at these locations.</p>	<p>In response to paragraph 6.3.6 Installation of a new outfall head and diffuser would include a short campaign of pin pile drilling to secure the structure. If the diffuser cannot be secured via this method, then non-impact piling methods will be used. The requirement for pin pile drilling, would be decided as part of the front-end engineering phase. The drilling would occur in Tees Bay and not within the river. Given the location of the existing and alternative outfall options, there is not considered to be the potential for these activities to result in a temporary acoustic barrier in the River Tees. Behavioural responses to the drilling sound source would occur at near and intermediate distances (tens/hundreds of metres from sound source) in accordance with Popper et al. (2014) threshold values. Furthermore, it is likely that South Gare Breakwater may act as an acoustic shield to underwater sound which propagates from these construction activities.</p>
<p>6.3.7 The MMO note that there appear to be some contradictions throughout the consultation documents regarding the extent of dredging works. In some instances, it is suggested that preparatory dredging works are no longer required, and, in case dredging works are required, they will be subject to DML conditions (e.g., sediment sampling and subsequent sample analysis following the MMO's Sample Plan) and secured within the DML before</p>	<p>In response to paragraph 6.3.7 of RR-0039, Preparatory dredging in the Tees Estuary is no longer required. Dredging is only required to create a pocket around the existing outfall head in Tees Bay which is located 1 km south-east of the mouth of the River Tees. This is in a worst-case scenario where the outfall head is replaced and fitted with a diffuser. The alternative outfall option (located approximately 3 km south-east of Tees Mouth) has not yet been designed and therefore Rochdale Envelope principles apply. However, a dredged pocket may be required as part of this scenario. These works will be</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>the commence of works. The MMO note that dredging campaign(s) facilitating the removal of material from the seabed required for the construction of works and backfill/side cast (as required) are already included within the draft DML. The MMO would appreciate further information on the timing, exact location, and quantities of material to be dredged is provided, in order to consider the likelihood of significant impacts on fish occurring as a result of dredging activity, either as a standalone activity, or in combination with piling/drilling activity.</p>	<p>away from the mouth of the River Tees and will be very short in duration and temporary. Furthermore, the dredging footprint would be small in extent (approximately 10m x 10m), where backfill/side cast methods will be used. Where dredging is required, pre-construction sediment contamination testing shall be carried out in consultation with the MMO to identify whether there is potential for direct effects to marine water quality. This shall be conducted in accordance with the MMO's Sample Plan and subsequent Sample Analysis ('SAM') process and is anticipated to be secured via condition of the Draft DML.</p>
<p>6.3.8 The MMO note that the river Tees crossing works are expected to take approximately 9 months. However, the duration (i.e., estimated months and hours per day) of potential activities that generate underwater noise is not clearly stated within the documents provided. It is recommended that further information on the expected schedule of construction work is provided.</p>	<p>In response to paragraph 6.3.8 of RR-0039, The HDD crossing of the Tees would be undertaken at depths of approximately 50m bgl in bedrock in order to avoid existing services, so considered no pathway for impact on marine ecology receptors, including underwater sound.</p>
<p>6.3.9 Paragraph 14.6.47 states, "Although demersal life stages are less able to adapt to adverse levels of turbidity and deposition, many are known to be reasonably tolerant of smothering (Kjørbe et al., 1981). Overall, the sensitivity of fish and shellfish to increased SSC [Suspended Sediment Concentrations] and deposition is considered to be low". The MMO consider the latter statement could be easily misinterpreted as a general statement which is inaccurate. It is recommended that this statement is revised to</p>	<p>In response to paragraph 6.3.9 of RR-0039, The level of detail provided is considered proportionate to the potential impacts to fish. This is on the basis that if dredging is required it will be very limited in extent (approximately 10m x 10m) and short in duration. Dredging will take place in the Tees Bay and away from other projects where cumulative effects are expected. The sediment within the bay is sand and gravel and will resettle quickly (within hundreds of metres). Migrating fish, such as salmonids (who can show avoidance behaviour), would be travelling further north into the River Tees, away from the area of dredging and potential Zone of Influence.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>highlight the potential risks from elevated SSC on fish receptors based on more recent evidence sources (see Annex 1 of this document). Migratory species such as salmonids, are known to exhibit avoidance reactions and move away from the vicinity of adverse sediment conditions, if refuge conditions are present (Sigler et al., 1984; Bash et al., 2001). The MMO also consider that there is a high likelihood of cumulative potential impacts to occur as result of multiple activities undertaken simultaneously within the Tees and this should be taken into consideration.</p>	
<p>6.3.10 Paragraph 14.6.49 provides a description of sandeel biology supporting conclusions such as “Although sandeel do exhibit site fidelity, this species is considered adaptable and physiologically capable of relocating to alternative adjacent habitat temporarily and recolonising suitable sediments following completion of the works”. The MMO note that there is no mention to peer reviewed sources to support this statement and request that appropriate sources are provided.</p>	<p>In response to paragraph 6.3.10 of RR-0039, Sandeel are known to display strong site fidelity, spending most of their life buried in sediment, for which they have very specific habitat requirements (van Deurs et al., 2013). Sandeel are known to be central place foragers with a fairly limited range, remaining close to areas of suitable habitat. However, there is known to be some mixing in the distribution of this species between areas of preferred habitat, which although is limited can occur over distances of up to 5 km and between nearby fisheries (Jensen et al., 2011). Increases in SSC as a result of potential dredging around the outfall head in Tees Bay would be of low intensity considering the limited size of the dredge envelope, short in extent (given that the sediment consists of sand and gravel and would settle over short distances) and would be temporary. The Tees Bay consists of extensive homogenous subtidal sand habitat that has the potential to be suitable for sandeel. Sandeel are not sessile species and would be able to move away from the small area of disturbance to nearby suitable habitat if necessary. This single disturbance event, over a very small area, will affect a small portion of the sandeel</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
	<p>population in the bay and the temporary relocation to suitable habitats nearby is not considered to result in impacts to the functional ecology of this species.</p>
<p>6.3.11 Paragraph 14.6.97 states that “The fish with the highest hearing sensitivity are members of the herring family (Clupeidae) and are generally pelagic species that are highly mobile and wide ranging. Thus, for all construction activities it is unlikely that these individuals will remain within the impact zone. Thus, no injurious impacts in fish, from any continuous sound sources are anticipated”. The MMO consider the above statement to be generalised and assumes that fish can distance themselves by fleeing the source of impact. In principle the MMO agree that mobile fish species are likely to move away from noise. However, the above statement overlooks the different swimming speeds and capabilities of fish depending on their size and developmental stage, and does not consider the biological drivers and philopatric behaviours which some fish species exhibit.</p>	<p>In response to paragraph 6.3.11, the level of detail provided was proportionate to the potential impacts from the project, which for continuous sound sources is limited in extent and temporary. The activities with the highest sound source levels are the potential dredging and pin pile drilling that would be required in Tees Bay only, at the outfall option locations.</p> <p>Although juveniles would move away from continuous sound at slower speeds than adult individuals, the overall effect would still be limited behavioural disturbance.</p>
<p>6.3.12 The MMO note that ‘No dig’ trenchless techniques will be used to install the gas connection and CO2 Network, and CO2 export pipeline across the River Tees. The MMO agree that these methods remove potential impacts on fish receptors as works will be undertaken underground.</p>	
<p>6.3.13 With regard to piling works, the MMO note that good practice and design mitigation measures have been</p>	<p>In response to paragraph 6.3.13, please see previous response for further detail on pin pile drilling campaign (if required). Impact piling methods will not</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>proposed in this chapter (paragraph 14.5) 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. The MMO recommend that the timing, duration and exact location of the potential impact piling activities is provided, as noted in paragraph 6.3.7 above.</p>	<p>be used. However, JNCC (2010) guidance on piling protocol has still been proposed within the Construction Environmental Management Plan (CEMP).</p>
<p>6.3.14 The MMO note that there is no longer a requirement to abstract water from the River Tees as cooling water will be supplied by Northumbrian Water. As such, potential impacts resulting from fish impingement and/or entrainment of marine organisms within the Cooling Water System is no longer considered as part of the Proposed Development. The MMO consider this to be appropriate.</p>	
<p>6.3.15 Construction works, in particular, activities that generate impulsive underwater sound within the marine environment (i.e. geophysical survey works) shall not be undertaken at night. The MMO consider this will allow suitable quiet periods of 'downtime' for marine receptors during hours of darkness. As noted previously, the MMO have concerns that percussive/impact piling might be necessary to drive the pile to its design depth and recommend that the timing, duration and exact location of the 'potential' impact piling activities is provided.</p>	<p>In response to paragraph 6.3.15, the framework CEMP is committed to activities that generate impulsive underwater sound within the marine environment not to be undertaken at night. Impact piling will not be required as part of the project. Any pin pile drilling will take place in the Tees Bay and not within the river. It not considered that a seasonal restriction would be required.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>6.3.16 The MMO welcome the inclusion of standard best practice prevention measures for preventing water pollution, spillage risk and the dispersion of suspended sediments.</p>	
<p>6.3.17 With regard to 14.5.13, the MMO note that activities that generate impulsive underwater sound within the marine environment (i.e. geophysical survey works and UXO detonation) shall not be undertaken at night. The MMO would like to highlight that this mitigation may be required as a condition within the DML.</p>	<p>In response to paragraph 6.3.17, this avoidance measure is included within the Framework CEMP. The Final CEMP will be prepared by the Contractors in accordance with the Framework CEMP. This can be added to the DML if required.</p>
<p><u>6.4 Chapter 24 Cumulative and Combined Effects</u></p> <p>6.4.1 The MMO note that York Potash has been both scoped in (ID 2, Table 24-12) and scoped out (ID 71, Table 24-12) within the same table and would appreciate further clarification on this.</p>	<p>In response to paragraph 6.4.1, York Potash: ID2 is the harbour facilities DCO whilst ID71 is the main mining application, the nearest part of which to NZT is the processing area at Wilton. Therefore, there is considered to be no combined pathway for effect to the marine environment.</p>
<p>6.4.2 The MMO note that the Tees South Bank Quay project has not been included within the list of scoped in developments (Table 24-12). It is the opinion of the MMO that, due to the location and the nature of the works proposed for Tees South Bank Quay (i.e., capital dredging up to 1.8 million m3 between 2021-2023) this development should be included in the cumulative impact assessment. Alternatively, the Applicant should provide suitable justification for scoping it out</p>	<p>In response to paragraph 6.4.2, the South Bank project is a light industrial development by STDC and not a marine project. Could the MMO be referring to ID79 –Northern Gateway (PD Teesport). This development was Scoped In. The South Bank project is a light industrial development by STDC and not a marine project. Could the MMO be referring to ID79 –Northern Gateway (PD Teesport) This development was Scoped In.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>6.4.3 The MMO note that Anglo American Harbour Facilities (DCO activities yet to commence) are not scoped in as part of the cumulative impact assessment. To the best of the MMO's knowledge, this project includes dredging up to 750,000 m<sup>3</sup> (phase 1) and dredging up to 372,000 m<sup>3</sup> (phase 2) from the Tees approach channel and berth pocket. Again, this development should be included in the cumulative impact assessment, unless suitable justification for scoping it out can be provided.</p>	<p>In response to paragraph 6.4.3, the Anglo American project is scoped in and referred to as part of ID2 - York Potash Harbour Facilities. The various elements of the Anglo American project have multiple different names, but have been considered as part of the cumulative effects assessment.</p>
<p>6.4.4 Paragraph 24.5.71 – It is noted that the Applicant has concluded that there will be no significant cumulative impacts on fish receptors due to the temporary, short-term nature of the proposed works and the low likelihood of dredging and piling operations occurring concurrently. Conversely, the MMO note that the Applicant acknowledges; i) adverse cumulative impacts are likely to occur should dredging/ piling-drilling works occur at the same time at different sites (paragraphs 24.5.80 and 24.5.83), and ii) exact timeframes of each activity are currently unknown (paragraphs 24.5.73). The MMO have concerns relating to the likelihood of potential cumulative impacts occurring, should dredging/piling/drilling work from this and other nearby developments occur simultaneously. For example, the following developments are proposed within the River Tees and Estuary with overlapping construction works:</p>	<p>In response to paragraphs 6.4.4 and 6.4.5, dredging and piling/drilling operations would be required in Tees Bay only, away from activities within the river. Furthermore, the extent of dredging and piling/drilling (if required) is temporary and small in extent. It is considered that these activities would not result in a barrier to diadromous fish, based on the location of the outfall head options (see Dredging and Piling responses for further detail). Furthermore, many of these projects would be screened out from potential cumulative effects on the basis that they would occur before the NZT project would start.</p> <p>However, NZT welcome the opportunity to coordinate with the timings of other project activities. It would be appreciated if the MMO can advise on how this should be secured as part of the DML and the methods which should be adopted to manage this coordination in the future, based on previous project experience.</p>



RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<ul style="list-style-type: none"> <li>• York Potash Harbour facilities - includes capital dredging of approx. 1 million m<sup>3</sup> on the southern bank of the river Tees. Construction underway with all works scheduled for completion by 2024.</li> <li>• Sembcorp Utilities (UK) Limited – Tees. The project will utilise existing Gas and National Grid connections. Construction period from 2019-2022 with potential for further construction works until 2030.</li> <li>• Northern Gateway Container Terminal is proposing a 5-day cycle for piling (percussive/impact) 20min+ durations and drilling (auguring) techniques over 7-8 hrs for approx. 120 weeks until 2028 with additional dredging works of up to 4.8 million m<sup>3</sup> to be carried out 24 hours per day.</li> <li>• Tees South Bank Quay and Anglo-American Harbour Facilities works (as described in points 44-45 respectively), will add additional pressure in the river Tees channel and Estuary between 2021-2023.</li> <li>• Ongoing maintenance dredging at Hartlepool and in the Tees estuary for an average of ca. 1 million m<sup>3</sup> per year.</li> <li>• Dawsons No 2 (quay 1 and 2) proposed dredging and piling works for a duration of 2 years (unknown timing of works).</li> </ul> <p>6.4.5 Considering the sensitivities of marine receptors in the Tees, the potential for an acoustic 'barrier' to impede fish migration, and the strong likelihood for potential overlapping of multiple construction activities from multiple developments within the Tees occurring during</p>	

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>sensitive migratory season for salmonids (i.e., May August), the MMO consider that a regional and collaborative approach to impact assessment is required. For example, each developer should be able to provide an accurate estimation of the proposed timing of their construction activities. The information should be shared as a collaborative exercise so that each developer is able to determine the likelihood of their works overlapping with those of other projects in the Tees. Such a document might help to avoid disagreement between the Applicants' conclusions and the opinions of consultees. For example, based on the number of developments in the planning and consented stage within the River Tees (as per list above), it is the MMO's opinion is that the likelihood of works occurring simultaneously is high whereas the Applicant thinks it is rather low. The MMO recommend the Applicant engages with the MMO and Applicants of other projects in the Tees to keep track of when works are scheduled to occur at each project location using a 'works tracker' document which details the type (e.g., dredging, piling, drilling, number of piles etc) and timing of work at each Tees project site. This will enable all developers to track progress and provide more accurate information for consideration in cumulative impact assessments.</p>	
<p><u>6.5 Chapter 19 Marine Heritage</u></p>	<p>Response to paragraph 6.5.1, the adoption of the North East Marine Plan has been noted and will be referenced in any update of the assessment.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>6.5.1 Paragraph 19.2.3 – As noted above in paragraph 3.2 and 6.3.4, the North East Marine Plan has now been formally adopted by the Secretary of state and should be updated where required.</p>	
<p><u>7 Summary</u></p> <p>7.1.1 The MMO have outstanding concerns regarding potential effects resulting from cumulative and in-combination impacts resulting from multiple activities being undertaken simultaneously within the Tees. 7.1.2 We strongly recommend that the Applicant engage with the MMO throughout the process in order to ensure the assessment is as smooth as possible and agreements can be reached through a Statement of Common Ground.</p>	

## 35.0 RESPONSE TO SABIC UK PETROCHEMICALS LIMITED

35.1.1 The RR provided by SABIC UK Petrochemicals Limited (RR-038) and the Applicants' response is provided in **Table 35.1** as follows:

**Table 35.1: SABIC UK Petrochemicals Limited RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>This relevant representation is submitted on behalf of SABIC UK Petrochemicals Limited(SABIC).</p> <p>SABIC operates facilities at Wilton International manufacturing primarily ethylene and low densitypolyethylene (which is manufactured from ethylene). These facilities are linked via a Link Line Corridor and tunnel to its North Tees site which contains three terminals and storage facilities. Inaddition, there are substantial logistical facilities at Wilton and North Tees, including major storage capacity, a cross-country Link lines network and substantial distribution and shipping services.</p> <p>SABIC is particularly concerned about the interaction of the following aspects of the scheme withits assets:</p> <p>a. The effect of the underground high pressure pipelines on:</p> <ul style="list-style-type: none"> <li>i. Tunnel No. 2 (Options 1A and 1B).</li> <li>ii. The link line at the tunnel head houses (Options 1A and 1B).</li> <li>iii. The link line next to NWL (Option 2)</li> <li>iv. Seal Sands Road (Options 1A and 1B)</li> </ul>	<p>The Applicants held a pre-Consultation meeting with Sabic on 24<sup>th</sup> February 2022 to discuss the issues on a technical level, specifically the proposed use of the Sembcorp No. 2 tunnel for the Carbon Dioxide Gathering Network (Work No. 6 Option 3).</p> <p>a. Since the Relevant Representation period, the Applicants have undertaken a review of the scheme, Order Limits, Works Plans and Land Plans. Following a formal change request by the Applicants in April 2022, which was accepted by the ExA [PD-010], Options 1A and 1B have been removed from the Application. The Applicants are proceeding with Option 2, therefore the only remaining interaction between the Underground High Pressure Gas Pipeline is with the link line next to NWL (point a. iii in SABICs RR).</p> <p>The Applicants propose to utilise the Sembcorp existing processes and procedures for all construction, operation and maintenance work, as the operator of the link line corridor. the Applicants will utilise the Sembcorp safe systems of work for all construction, operations and maintenance work. The Sembcorp permit to work process requires risk assess method statements to be reviewed and approved prior to commencing work, this will consider safety factors, adjacent operational assets and access restrictions. The Applicants are committed to discussing voluntary agreements with all parties in</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
	connection with protective provisions and we note that SABIC are willing to engage and discuss.
b. The effect of the waste water disposal on the Link Line Corridor.	b. The Applicants are unclear as to these concerns. Work No. 5c would consist of effluent pipeline(s) from the PCC site to NWL's Bran Sands WwTP, there is no foreseen interaction with the Link Line Corridor.
c. The effect of the Carbon Dioxide Gathering Network on: i. The whole of the Link Line corridor along the southern edge of the NWL Lagoon (Option 2) ii. Tunnel No. 2. iii. The link line at the tunnel head houses. iv. Seal Sands Road v. The Link Line Corridor west through Seal Sands and Saltholme	c. The Applicants propose to utilise the Sembcorp existing processes and procedures for all construction, operation and maintenance work, as the operator of the link line corridor. the Applicants will utilise the Sembcorp safe systems of work for all construction, operations and maintenance work. The Sembcorp permit to work process requires risk assess method statements to be reviewed and approved prior to commencing work, this will consider safety factors, adjacent operational assets and access restrictions. The Applicants are committed to discussing voluntary agreements with all parties in connection with protective provisions and we note that SABIC are willing to engage and discuss.
d. The effect of the Construction and Laydown Areas, in particular Work 9B (temporary construction and laydown area, Navigator Terminal); and	d. The use of the Construction and Laydown Areas have been included within the Order Limits by the Applicants to ensure deliverability of the scheme. Schedule 1 in the Draft DCO [AS-136] outlines the purpose and use of Work No. 9.
e. The effect the access and highway improvements on: i. The link line next to NWL; and	e. With respect to access and highway improvements in these two areas, these rights are sought to secure the appropriate access

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>ii. Seal Sands Road</p>	<p>required to construct and operate the proposed development. Any activities associated with the rights of Work No. 10 will not impact the link line corridor next to NWL's WwTP. Any existing access rights along Seal Sands Road will not be impacted as the Applicants propose to utilise this infrastructure in an equivalent manner to existing rights holders.</p>
<p>SABIC is also concerned in relation to the proposed powers of compulsory acquisition, in particular power to override its existing rights and create rights which are not compatible with its existing rights, and the taking of temporary possession in respect of the Link Line Corridor near the A1085.</p> <p>SABIC is concerned that these aspects of the scheme will compromise:</p> <ol style="list-style-type: none"> <li>1. The safety and operation of the Link Line Corridors (including Tunnel No.2 which runs under the Tees);</li> <li>2. Uninterrupted Access, including along Seal Sands Road</li> <li>3. Navigation on the River Tees.</li> </ol>	<p>Rights over the link line corridor are sought in the Draft DCO to ensure delivery of the Proposed Development. The Applicants' preference is to reach agreement with Sembcorp. For construction and operations phases it is proposed that the Applicant will comply with Sembcorp processes and procedures, as operator of the Link Line Corridor.</p> <p>1 &amp; 2 – The Applicants will utilise the Sembcorp safe systems of work for all construction, operations and maintenance work. The Sembcorp permit to work process requires risk assess method statements to be reviewed and approved prior to commencing work, this will consider safety factors, adjacent operational assets and access restrictions.</p> <p>3. The Applicants will not require construction or operation activities in the River Tees. The Applicants use of the River Tees will be limited to material import to existing commercial port facilities and will be required to comply with conditions set by the Harbour Authority.</p>
<p>SABIC reserves the right to add further details during the courts of the Examination.</p>	<p>The Applicants are committed to discussing voluntary agreements with all parties in connection with protective provisions. The</p>

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<b>RELEVANT REPRESENTATION ISSUE</b>	<b>APPLICANTS' RESPONSES</b>
Protective Provisions have been proposed by the Applicant. Although these are not currently in a form acceptable to SABIC, SABIC will engage with the Applicant in the hope that it's concerns can be addressed by the end of the Examination.	Applicants have been in contact with Sabic since April 2021 and await a substantive response.

## 36.0 RESPONSE TO ORSTED HORNSEA PROJECT FOUR LTD

36.1.1 The RR provided by Orsted Hornsea Project Four Ltd (RR-039) is as follows:

*“Orsted Hornsea Project Four Limited (Orsted Project Four) holds an Agreement for Lease from The Crown Estate Commissioners in respect of the proposed Hornsea Project Four Offshore Wind Farm (Hornsea Four).*

*Orsted Project Four has applied for a Development Consent Order (DCO) to authorise Hornsea Four, which bears the Planning Inspectorate’s reference EN010098. On 27 October 2021 that DCO application was accepted for Examination. The Examination is due to commence on 22 February 2022. Orsted Project Four is a wholly owned subsidiary of Orsted Power (UK) Limited, which in turn is a wholly owned subsidiary of Ørsted A/S, which is majority owned by the Danish Government. Ørsted’s current installed capacity in the UK is enough green energy to power over 4.4 million UK homes a year (and will rise to over 5.6 million homes by 2022). Hornsea Four will support the UK in its transition to a low carbon economy, helping achieve the Government’s target of 40GW of offshore wind by 2030 and net zero by 2050.*

*Net Zero Teesside Power Limited (NZT Power) and Net Zero North Sea Storage Limited (NZNS Storage) have submitted a DCO application for the onshore part of the wider Net Zero Teesside Project (NZT), which bears the Planning Inspectorate’s reference EN010103. That application was accepted for Examination on 16 December 2021 and at the time of writing a date has not been set for the commencement of the Examination.*

*Chapter 4 of the Environmental Statement submitted in support of the DCO application for the onshore part of the NZT explains that NZNS Storage will also be responsible for the offshore elements of NZT. The Environmental Statement states that “the onshore and offshore works together comprise the wider Project”.*

*The proposed offshore geological CO2 storage site (the “Endurance geological storage facility”), forming part of NZT overlaps materially in area with the proposed Hornsea Four wind farm array. The offshore elements of Hornsea Four includes up to 180 wind turbines, accommodation, cables and substation infrastructure.*

*Therefore, Orsted Project Four wishes to participate in the Examination of the DCO application for the onshore part of the NZT to protect its interests in the overlap zone and to ensure the successful coexistence of NZT, the Endurance geological storage facility, and Hornsea Four.*

*Orsted Project Four and the promoters of NZT are negotiating pursuant to the terms of a commercial agreement between the parties. The terms of that agreement prevented the submission of a relevant representation. Those terms have been varied, such that Orsted Project Four may make this submission.”*

### 36.2 Applicants’ response

36.2.1 As Orsted Hornsea Project Four Limited (Orsted) highlight in their representation, there is an overlapping area of seabed within which both Hornsea Project Four Offshore Wind Farm (Hornsea Project 4) and the Endurance carbon store are



proposed (the Overlap Zone). The Hornsea Project 4 DCO (Planning Inspectorate reference EN010098) is currently in examination (having commenced on 22 February 2022) and bp (as the appointed operator of the Northern Endurance Partnership (NEP)) has made a number of submissions into the Hornsea Project 4 DCO examination in relation to the interface between the respective projects in the Overlap Zone.

- 36.2.2 To confirm, the Overlap Zone is exclusively offshore and does not extend to, and is distinct from, the works proposed to be consented as part of the Application. As such, there is no direct interface between Hornsea Project Four and the Proposed Development. The offshore CO2 transport and storage elements (in part within the Overlap Zone) are subject to separate consenting processes (as explained in Other Consents and Licences [APP-077] and the Written Summary of Oral Submission for Issue Specific Hearing 1 (ISH1) (also being submitted at Deadline 1)).
- 36.2.3 Notwithstanding the physical separation between the onshore elements of the NZT Project and Hornsea Project Four, the Applicants will include an Article in the Draft DCO at Deadline 2, to provide for the disapplication of the "Interface Agreement" entered into by bp and Orsted (and The Crown Estate Commissioners) which purported to regulate and coordinate the respective projects' activities in the Overlap Zone. The Applicants will also set out at Deadline 2 the basis of/need for the provision. The Applicants also requests that As both the Hornsea Project 4 DCO and the NZT DCO will ultimately be determined by the same Secretary of State and with the Hornsea Four DCO currently due to be determined ahead of the NZT DCO, the scrutiny of/advocacy for its disapplication be limited to the Hornsea Four DCO examination only, so limiting duplication of time/resource in the NZT DCO.

## 37.0 RESPONSE TO NATIONAL HIGHWAYS

37.1.1 The Applicants have reviewed the additional submission submitted by National Highways (AS-039) and notes that comments relate to the Transport Assessment [APP-327 to APP-332]. Based on the submission, the Applicants confirm that National Highways have accepted the following:

- Peak construction trip generation
- Combined peak vehicle generation
- The daily profile of traffic movement
- The growth factors used from the TEMPRO traffic modelling
- The committed development traffic assumptions are acceptable for inclusion within the Transport Assessment
- The assessment scenarios used as part of the Transport Assessment

37.1.2 In relation to the content of the Transport Assessment, the Applicants confirm that National Highways agree with the following assumptions made:

- There would be no material impact to the Strategic Road Network during the operation of the Proposed Development
- That the effects of decommissioning could not accurately be assessed as part of the Transport Assessment
- That 60% of the workforce will be external and 40% will be local
- That the assumptions around the “local” construction distribution are appropriate.
- That the overall methodology used for the distribution of external works is appropriate.
- That the principle of the HGV assessment in assignment for modelling purposes is agreed.

37.1.3 National Highways have requested further clarification on how local and external workforce traffic has been assigned. This clarification will be included in the Applicants response to TT.1.3 of ExQ1 and this clarification will inform whether further modelling is required and whether A174 / A1053 / B1380 roundabout requires remodelling.

37.1.4 While National Highways have identified that it remains possible that a material, albeit temporary impact may occur on the Statutory Road Network on both the AM and PM network peak hours, the Applicants have already provided the mitigation proposed to remove the conditions whereby a material impact may occur. With regard to the A174 / A1053 / B1380 roundabout and potential queue lengths, there is mitigation presented within the Appendix 16B Framework Construction Worker Travel Plan [APP-333] and Appendix 16C Framework Traffic Management Plan [APP-334] to address this issue also.

## 38.0 RESPONSE TO HUNTSMAN POLYURETHANES (UK) LTD

38.1.1 The RR provided by Huntsman Polyurethanes (UK) Ltd (AS-046)) and the Applicants' response is provided in **Table 38.1** as follows:

**Table 38.1: Huntsman Polyurethanes (UK) Ltd RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>This relevant representation is submitted on behalf of Huntsman Polyurethanes (UK) Limited (HPU) in respect of the Net Zero Teesside Project DCO Application ("the Scheme") .HPU operates facilities at Wilton International manufacturing primarily relating to the production of nitrobenzene and aniline. These facilities are linked via a Link Line Corridor and tunnel to the Exolum Site which operates terminal facilities for HPU's products and raw materials. HPU is particularly concerned about the interaction of the following aspects of the Scheme with its assets:</p> <p>1. The effect of the gas connection pipelines on the link line corridor next to NWL (Option 2) that HPU's aniline pipeline runs through.</p>	<p>In response to the representation submitted, the Applicants respond as follows:</p> <p>1. The Applicants propose to utilise the Sembcorp existing processes and procedures for all construction, operation and maintenance work, as the operator of the link line corridor. The Applicants' preference is to reach voluntary agreement with all parties in connection with protective provisions and we note that HPU are willing to engage and discuss.</p>
<p>2. The effect of the waste water disposal on the Link Line Corridor at the southern end of the proposed works.</p>	<p>2. The Applicants are unclear as to these concerns. Work No. 5c would consist of effluent pipeline(s) from the PCC site to NWL, there is no foreseen interaction with the Link Line Corridor.</p>
<p>3. The effect of the Carbon Dioxide Gathering Network on:</p> <p>a. The whole of the Link Line corridor next to NWL (along the southern edge of the NWL Lagoon (Option 2)) that HPU's aniline pipeline runs through.</p> <p>b. Tunnel No. 2.</p> <p>c. The link line at the tunnel head houses.</p>	<p>3. The Applicants propose to utilise the Sembcorp existing processes and procedures for all construction, operation and maintenance work, as the operator of the link line corridor. The Applicant is committed to reaching voluntary agreement with all parties in connection with protective provisions and we note that HPU are willing to engage and discuss.</p>

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
d. The link line corridor south of the Exolum Site where HPU's aniline pipeline runs through Tunnel No.2.	
4. The effect the access and highway improvements on the link line next to NWL	4. With respect to access and highway improvements in these two areas, these rights are sort to secure the appropriate access required to construct and operate the proposed development. Any activities associated with the rights of Work No. 10 will not impact the link line corridor next to NWL. While any existing access rights along Seal Sands Road will not be impacted as the Applicant proposes to utilise this infrastructure in an equivalent manner to existing rights holders.
HPU is also concerned in relation to the proposed powers of compulsory acquisition, in particular power to override its existing rights and create rights which are not compatible with its existing rights, and the taking of temporary possession in respect of the Link Line Corridor near the A1085.	Understood and noted. Rights over the link line corridor are sought in the Draft DCO to ensure delivery of the Proposed Development. The Applicants' preference is to reach agreement with Sembcorp. For construction and operations phases it is proposed that the Applicants will comply with Sembcorp processes and procedures, as operator of the Link Line Corridor.
HPU is concerned that these aspects of the scheme will compromise: 1. The safety and operation of the Link Line Corridors (including Tunnel No.2 which runs under the Tees); 2. Uninterrupted Access,	1 & 2 – The Applicants will utilise the Sembcorp safe systems of work for all construction, operations and maintenance work. The Sembcorp permit to work process requires risk assess method statements to be reviewed and approved prior to commencing work, this will consider safety factors, adjacent operational assets and access restrictions.
3. Navigation on the River Tees.	3. The Applicants will not require construction or operation activities in the River Tees. The Applicants use of the River Tees will be limited

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<b>RELEVANT REPRESENTATION ISSUE</b>	<b>APPLICANTS' RESPONSES</b>
<p>HPU reserves the right to add further details during the courts of the Examination.</p> <p>Protective Provisions with HPU have not yet been proposed by the Applicant. HPU will engage with the Applicant in the hope that it's concerns can be addressed by the end of the Examination.</p>	<p>to material import to existing commercial port facilities and will be required to comply with conditions set by the Harbour Authority.</p> <p>The Applicants proposed protective provisions to HPU in May-22 and await a substantive response.</p>

## 39.0 RESPONSE TO EXOLUM

### 39.1.1 The RR provided by Exolum (AS-196) is as follows:

*"We have been engaging with the solicitors acting for Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited ("the Promoter") to agree protective provisions in relation to the Scheme.*

*Exolum operates a network of fuel distribution pipelines that form a critical part of the UK's fuel supply system. Exolum has been engaging with the Promoter as the Scheme potentially impacts and interferes with Exolum's existing apparatus. The draft DCO contains protective provisions relating to Exolum's apparatus at Schedule 12 Part 7. Exolum requires additional protective provisions to be agreed with the Promoter to ensure its apparatus is adequately protected and to ensure the safe ongoing operation of its pipelines.*

*Whilst Exolum does not have concerns with the Scheme as a whole, Exolum does have concerns over any impact on access to or the operation of its pre-existing apparatus. Exolum therefore objects to any interference with, extinguishment or suspension of the land rights relating to its apparatus or any Scheme activity that risks the operation of its apparatus or rights*

*We are currently negotiating bespoke protective provisions and a side agreement to ensure the ongoing operation and safety of Exolum's apparatus.*

*Exolum will continue to collaborate with the Promoter to progress the protective provisions and side agreement. Should it not be possible to reach agreement of these with the Promoter, Exolum reserves its right to attend compulsory acquisition or issue specific hearings to address the required format of the protective provisions.*

*Exolum looks forward to updating the Planning Inspectorate regarding the state of negotiations.*

*We should be grateful if Exolum's status as an affected party could be noted by the Inspectorate and any relevant correspondence issued to us on behalf of Exolum as appropriate."*

### 39.2 Applicants' response

39.2.1 In terms of the additional protection Exolum requires to ensure its apparatus is adequately protected and to ensure the safe ongoing operation of its pipelines, the Applicants are currently negotiating protective provisions and an asset protection agreement with Exolum to ensure adequate protections are in place in this respect.

39.2.2 As currently drafted the protective provisions provide for Exolum's approval where the authorised development would affect Exolum's operations or access to them. Exolum has the ability to impose conditions on any approval in order to ensure the continued safety and operational viability of its operations, and to ensure reasonable continued access to its operations. The parties are in discussions in relation to the impact of the authorised development on any rights of Exolum, and the Applicants are considering this and are due to respond to Exolum on this point shortly. The

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Applicants' preference is to enter into voluntary agreements with all parties rather than using compulsory acquisition powers, but those are required in order to ensure that the project can be delivered.

39.2.3 The negotiations on the protective provisions and side agreement are at an advanced stage.

## 40.0 RESPONSE TO EDF

40.1.1 The RR provided by EDF (PDA-003) and the Applicants' response is provided in **Table 40.1** as follows:

**Table 40.1: EDF RR and Applicants' response**

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>1. BACKGROUND/CONTEXT</p> <p>1.1 We are instructed by EDF Renewables Energy Limited and Teesside Wind Farm Limited ("EDF") in relation to the development consent application made by Net Zero Teesside Power Limited ("NZT Power") and Net Zero North Sea Storage Limited ("NZNS Storage") (together the "Applicant") for a development consent order ("DCO") authorising the Net Zero Teesside Project (the "Project"). This objection is made on behalf of EDF.</p> <p>1.2 EDF is one of the UK and Ireland's leading renewable energy companies, specialising in wind power, solar and battery storage technology. They develop, build, operate and maintain renewable technologies throughout their lifetime.</p> <p>1.3 EDF has an operational portfolio of 35 wind farms, including two offshore wind farms, and have 1GW of energy in operation currently, with a further 4GW in planning and development.</p> <p>1.4 EDF operates an offshore wind farm known as Teesside Wind Farm ("TWF") consisting of 27 turbines with a generation capacity of 62MW which can power up to 54,000 homes. TWF has been operational since April 2014 and was the North East of England's first large scale commercial wind farm.</p> <p>1.5 The proposed DCO and authorised works have the potential to adversely affect EDF's electric cable infrastructure, namely the</p>	<p>The Applicants note EDF's representation and have been engaging with their representatives since March 2022.</p>



RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>electricity export cable running from TWF to the national grid substation.</p> <p>1.6 As part of the Project, the Applicant seeks to compulsorily acquire new rights over various plots of land over which EDF has rights. The Applicant also proposes to take powers to extinguish, suspend or interfere with EDF's rights and impose new restrictions on such land.</p> <p>2. LAND PLOTS/ISSUES</p> <p>2.1 The land plots in which the Book of Reference identifies that EDF has an interest are set out below:</p> <p>2.1.1 Plots 378, 379, 448, 474, 475 and 477.</p> <p>2.2 Plots 378, 379 and 448 comprise land which is proposed by the Applicant for the construction of the CO2 export pipeline (identified and Work No. 8 within the DCO application).</p> <p>2.3 Plots 379 and 448 comprise land which is proposed by the Applicant for the construction of the replacement outfall connection for the water discharge corridor (identified as Work No. 5B within the DCO application).</p> <p>2.4 These plots comprise land over which existing cabling infrastructure for TWF is present in the form of the electricity export cable connecting to the national grid substation. The Applicant is seeking new rights over these plots. The uninterrupted use, maintenance of and unhindered access to this infrastructure is critical to EDF's continued operations</p>	

RELEVANT REPRESENTATION ISSUE	APPLICANTS' RESPONSES
<p>2.5 To date, the Applicant has failed to identify how such construction will affect the ability of EDF to export electricity generated from TWF.</p> <p>2.6 TWF is identified in the Applicant's Environmental Statement: Volume 1, Chapter 3 however the TWF export cable is not specifically mentioned in the Environmental Statement and no mitigation is proposed.</p>	
<p>3. THE PROTECTIVE PROVISIONS</p> <p>3.1 There is a plainly a need to protect important electricity infrastructure. Currently there are no protective provisions in favour of EDF ER and this must be rectified. Helpfully we are currently in discussions with Applicant to address this.</p> <p>4. OBJECTION</p> <p>4.1 For these reasons EDF must currently OBJECT to the DCO application. It is acknowledged that discussions with the Applicant to date are ongoing and that the concerns identified above should be capable of being addressed through protective provisions and requirements. EDF will update the Examining Authority as soon as possible in this regard</p>	<p>The Applicants provided draft protective provisions to EDF's legal representative on 20 April 2022, and since that time parties have been in discussions in relation to the protective provisions and a side agreement. As currently drafted the protective provisions provide for EDF's approval where the authorised development would have an effect on the operation or maintenance of EDF's operations or access, or where the authorised development would cross EDF infrastructure. Such approval may be subject to conditions required to ensure the continuing safety, use and operational viability of EDF's windfarm, and to ensure reasonable access.</p> <p>With respect to any impact on EDF's property rights or interests, the Applicants' preference is to enter into voluntary agreements with all parties rather than using compulsory acquisition powers. The Applicants are currently considering drawings provided by EDF in relation to its existing infrastructure, in order to confirm that its rights or interests would not be affected.</p> <p>In response to paragraph 2.5. The Applicants have identified that Work No. 5b &amp; 8 will cross below the EDF apparatus in close</p>

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<b>RELEVANT REPRESENTATION ISSUE</b>	<b>APPLICANTS' RESPONSES</b>
	<p>proximity to South Gare Rd. Both of these Work Nos will be constructed using trenchless crossings. EDF have shared with the Applicant design and routeing drawings to support the Applicants' design process. The Applicant will continue to engage with EDF on this matter.</p>

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## **41.0 RESPONSE TO NORTH YORK MOORS NATIONAL PARK AUTHORITY**

41.1.1 The email correspondence provided by North York Moors National Park Authority is as follows:

*“Thank you for the enquiry regarding the above received 25/10/2021. This Authority has appraised the submitted information and have no representations to make. Should you have any further questions, please do not hesitate to contact the Authority.”*

### **41.2 Applicants' response**

41.2.1 The Applicants note that North York Moors National Park Authority has no representation to make with regard to the Proposed Development.