

Net Zero Teesside Project

Planning Inspectorate Reference: EN010103

Land at and in the vicinity of the former Redcar Steel Works site, Redcar and in Stockton-on-Tees, Teesside

The Net Zero Teesside Order

Document Reference: 8.17 – Statement of Common Ground with Air Products Plc



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

Date: May 2022

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GLOSSARY

| Abbreviation | Description |
|----------------------------------|--|
| Applicants | Together NZT Power and NZNS Storage |
| Application (or DCO Application) | The application for a DCO made to the SoS under Section 37 of PA 2008 in respect of the Proposed Development, required pursuant to Section 31 of the PA 2008 because the Proposed Development is a NSIP under Section 14(1)(a) and Section 15 of PA 2008 by virtue of being an onshore generating station in England or Wales of electrical capacity of more than 50 megawatts, and which does not generate electricity from wind, and by the Section 35 Direction |
| DCO | A Development Consent Order made by the relevant Secretary of State pursuant to the PA 2008 to authorise a NSIP. A DCO can incorporate or remove the need for a range of consents which would otherwise be required for a development. A DCO can also include powers of compulsory acquisition |
| ExA | Examining Authority |
| Land Plans | The plans showing the land that is required for the Proposed Development, and the land over which interests or rights in land are sought as part of the Order |
| NSIP | Nationally Significant Infrastructure Project that must be authorised by the making of a DCO under PA 2008 |
| NZT Power | Net Zero Teesside Power Limited |
| NZNS Storage | Net Zero North Sea Storage Limited |
| NZT | Net Zero Teesside - the name of the Proposed Development. |
| Order | The Net Zero Teesside Order, being the DCO that would be made by the Secretary of State |

| | |
|-------------------------------------|--|
| | authorising the Proposed Development, a draft of which has been submitted as part of the Application |
| Order Land | The land which is required for, or is required to facilitate, or is incidental to, or is affected by, the Proposed Development and over which powers of compulsory acquisition are sought in the Order |
| Order Limits | The limits of the land to which the Application relates and shown on the Land Plans and Works Plans within which the Proposed Development must be carried out and which is required for its construction and operation |
| PA 2008 | The Planning Act 2008 which is the legislation in relation to applications for NSIPs, including preapplication consultation and publicity, the examination of applications and decision making by the Secretary of State |
| Proposed Development (or Project) | The development to which the Application relates and which requires a DCO, and as set out in Schedule 1 to the Order |
| Site (or Proposed Development Site) | The land corresponding to the Order Limits which is required for the construction and operation of the Proposed Development |
| SoCG | Statement of Common Ground |
| Requirements | The 'requirements' at Schedule 2 to the Order that, amongst other matters, are intended to control the final details of the Proposed Development as to be constructed and to control its operation, amongst other matters to ensure that it accords with the EIA and does not result in unacceptable impacts |
| SoS | The Secretary of State - the decision maker for DCO applications and head of Government department. In this case the SoS for the Department for Business, Energy, and Industrial Strategy |
| Work No. | Work number, a component of the Proposed Development, described at Schedule 1 to the Order |
| Works Plans | Plans showing the numbered works referred to at Schedule 1 to the Order and which together make up the Proposed Development |

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1.0 INTRODUCTION

1.1 Overview

1.1.1 This Statement of Common Ground (Document Ref. 8.30) has been prepared by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the 'Applicants') in conjunction with Air Products Plc in respect of the Net Zero Teesside Project (the 'Proposed Development').

1.1.2 The SoCG sets out the matters of agreement between the Applicants and Air Products Plc and also explains those matters which, at the time of writing, remain unresolved between the parties.

1.1.3 The agreements to date have been reached through consultation and continuing discussions between the parties, including interface meetings and regular face to face discussions.

1.2 Air Products Plc Interests

1.2.1 Air Products Plc have interests, namely critical pipeline infrastructure, within and in the vicinity of the Applicants' DCO Order Limits.

1.3 The Purpose and Structure of this Document

1.3.1 The purpose of this document is to summarise the agreements reached between the parties on matters relevant to the Examination of the Application and to assist the Examining Authority ('ExA'). It also explains the matters which remain unresolved at the time of writing, but which both parties are working positively toward resolving. As such, it is expected that further iterations of the SoCG will be submitted to the ExA throughout the Examination and prior to the making of any Development Consent Order ('DCO') for the Proposed Development.

1.3.2 The SoCG has been prepared with regard to the guidance in 'Planning Act 2008: examination of application for development consent' (Department for Communities and Local Government, March 2015).

1.3.3 The SoCG is structured as follows:

- Section 2 – sets out consultation and related discussions held between the Applicants and Air Products Plc.
- Section 3 – sets out the matters discussed and agreed to date.
- Section 4 – sets out matters to be agreed and the proposed way forward.

2.0 SUMMARY OF CONSULTATION AND DISCUSSIONS

2.1 Overview

2.1.1 This section provides a summary of how the Applicants have consulted Air Products Plc on the Proposed Development and also sets out the discussions that have taken place between the parties.

2.2 Consultation

2.2.1 **Table 2.1** (below) provides a summary of how the Applicants have consulted Air Products Plc and how Air Products Plc have responded to that consultation.

Table 2.1: Summary of Consultation

| Consultation Stage/Date | Air Products Plc Response |
|---|--|
| Stage 1 Consultation (non-statutory) – 2 nd October to 19 th November 2019 | N/A |
| Stage 2 Consultation (statutory) – 7 th July to 18 th September 2020 | N/A |
| Section 42 Update Consultation – 8 th December 2020 to 25 th January 2021 (further targeted consultations held 12 th February to 16 th March 2021 & 26 th March to 3 rd May 2021) | Air Products Plc responded to the Applicants consultation to highlight their existing interests within the proposed DCO order limits. Air Products Plc requested further engagement by the Applicant on the proposed development and potential impacts on its infrastructure. |
| Consultation on proposed changes to DCO Application – 10 th March to 14 th April 2022 | N/A |

2.3 Discussions

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

Table 2.2: Summary of Discussions

| Meeting Date | Meeting Type | Topics Discussed |
|--------------|--------------------------|---|
| March 2022 | Pre-consultation Meeting | General Proposed Development background and update. Overview of proposed changes, their impact on Air Products Plc and alignment on way forward |

3.0 MATTERS AGREED

3.1 Overview

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

3.2 Principle of the Proposed Development

3.2.1 There is an urgent need for the Proposed Development, relating both to the provision of low carbon electricity and the need to provide for the collection, compression and transport of carbon dioxide from a range of emitters in the Teesside area.

3.3 Applicants' application change request

3.3.1 Both the Applicants and Air Products Plc agree that following the change request submitted by the Applicants on 28th April 2022, and accepted into the Examination on 6 May 2022, the Applicants has reduced the impact of the Proposed Development on Air Products Plc apparatus.

3.4 Protective Provisions and Side Agreement

3.4.1 The parties are progressing protective provisions and a side agreement. Whilst not yet in agreed form, the parties expect agreement to be reached during the Examination. The parties' expectation is that these documents will provide the appropriate protection to Air Products Plc's apparatus and operations.

3.5 Air Products Plc Existing Apparatus

3.5.1 Both the Applicant and Air Products Plc have agreed to continue with engagement during the design of the Proposed Development in order to minimise and/or mitigate the impact it will have on Air Products Plc existing apparatus. Air Products indicated the broad location of their apparatus in their Section 42 consultation response. The primary interface is with Work No. 6.

4.0 MATTERS TO BE AGREED

4.1 Overview

4.1.1 This section sets out matters to be agreed between the parties and the proposed way forward.

4.2 Protective Provisions

4.2.1 The Applicants are in active discussion with Air Products Plc on protective provisions but they are not yet agreed.