

Net Zero Teesside Project (EN010103)

Summary of Development Consent Order Written Representations made on behalf of Air Products Public Limited Company and Air Products Renewable Energy Limited

In summary, the representations are made on behalf of Air Products Public Limited Company and Air Products Renewable Energy Limited (together “**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 (together “**the Applicants**”) to the National Infrastructure Directorate on 19 July 2021. AP has interests in and around the vicinity of the area proposed for a Development Consent Order (DCO).

The Development Consent Order Pre-Application Consultation Response submitted by AP on 21 January 2021 is referred to as PCR. Initial Representations submitted by AP on 17 December 2021 are referred to as IR.

AP’s concerns raised in the PCR and IR have not been properly addressed by the DCO Submission.

It is acknowledged that some amendments to the proposals have been made. However, as AP continue to have interests and rights within the affected area, and the DCO Submission has not addressed AP’s concerns which attach to those rights, the amendments do not fully satisfy AP’s concerns.

Accordingly, AP formally objects to the DCO Submission for reasons set out in the PCR, the IR, the Written Representations and summarised below:

- 1 The documentation provided by the Applicant fails to demonstrate that the DCO will not compromise or risk the integrity and/or maintenance needs of AP’s own gas (and other) pipeline infrastructure and/or such infrastructure in respect of which it has rights (and which is vital to the local energy industry);
- 2 The compulsory acquisition of land and rights in the terms proposed is not proportionate or necessary. The DCO Submission fails to account for existing infrastructure belonging to and/or otherwise used by AP and fails to ensure that AP is granted sufficient rights and interest to maintain its use. 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.
- 3 The construction process, disturbance and duration is not properly addressed in the DCO Submission. 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 the stated intention that the underlying project would remain operational in the long term).
- 4 The Applicants have failed to address the technical questions raised in the PCR involving the extent of rights sought, 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.

AP is concerned that if terms cannot be agreed, the DCO 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. Although discussions are ongoing, these discussions have not satisfied AP.

AP considers that inadequate consultation has taken place contrary to the provisions in Sections 42, 47, 48 and 49 of the Planning Act 2008.

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 also claims an indemnity in respect of its costs.

AP is willing to engage in constructive dialogue with the Applicants 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.