

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: 2.1a – Schedule of Changes to the draft Development Consent Order



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

Date: June 2022

THE NET ZERO TEESSIDE ORDER

SCHEDULE OF CHANGES MADE TO THE DRAFT DEVELOPMENT CONSENT ORDER ('DCO') AT DEADLINE 2 (9 JUNE 2022)

Due to the insertion of new paragraphs/requirements in the updated draft DCO, the numbering and internal cross referencing (including the contents) within the draft DCO have been updated accordingly. These changes, along with minor typographical amendments for clarity and consistency are not set out below. The numbering referred to below is to that in the updated draft DCO.

Article / Requirement number in draft DCO	Explanation of Change
Preamble	Updated to refer to examination by appointed panel of three persons.
Article 2 (Interpretation)	Definition of the "2009 Act" (the Marine and Coastal Access Act 2009) has been added.
Article 2 (Interpretation)	Definitions of "CCGT" (combined cycle gas turbine) and "CCP" (carbon capture plant) have been added.
Article 2 (Interpretation)	Definitions of "carbon capture and storage licence" and "carbon capture and storage licence" added. See explanation of change to Schedule 2, Requirement 31 (carbon capture transport and storage) below.
Article 2 (Interpretation)	Definition of "contaminated land environmental risk assessment" has been added.
Article 2 (Interpretation)	Changes to the definition of "date of final commissioning" so that it now means date on which commissioning of the authorised development is completed and it commences operation on a commercial basis or where specified in the Order, the date on which a specified Work No. commences operation on a commercial basis.
Article 2 (Interpretation)	Change to definition of "indicative landscaping and biodiversity strategy" to include the "updated landscaping and biodiversity plan" and new definition inserted of the "updated landscaping and biodiversity plan".
Article 2 (Interpretation)	Definition of "STDC" updated to refer to new registered address.
Article 2 (Interpretation) and Article 44 (Procedure in relation to certain approvals)	Article 44(6) which defined the "consenting authority" has been deleted and the same definition added to Article 2 (Interpretation).

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Article 2 (Interpretation) and Article 49 (Disapplication of Interface Agreement)	Definitions of Interface Agreement and the parties to the Interface Agreement (BP Exploration Operating Company Limited, Carbon Sentinel Limited, Orsted, Hornsea Project Four Limited and Smart Wind Limited) inserted in Article 2, and a new Article 49 inserted that specifies that the Interface Agreement shall no longer have effect, and no claim may be made, nor award granted, for any damages as a result of any alleged antecedent breach of the Interface Agreement prior to the date of the Order. The Applicants' explanation for the need for this provision was provided at Deadline 1, at Appendix 7 to the Written Summary of Oral Case for ISH1 [REP1-035].
Article 2 (Interpretation)	Definition of "Royal Mail" has been added.
Article 2 (Interpretation)	Definition of "undertaker" changed to make the definition set out therein also subject to Article 7 (Benefit of the Order).
Article 8(8)(iv) (Consent to transfer benefit of this Order)	Change made to specify that a transfer or lease of all or part of Work No. 5A will be to Teesworks Limited or such other entity as STDC may "confirm in writing to the undertaker" (reference to "as STDC may nominate" has been deleted).
Article 8(13) (Consent to transfer benefit of this Order)	New provision inserted specifying that within 10 days of entering into any agreement to transfer the provisions of a deemed marine licence the undertaker must notify the Environment Agency (EA) and the Marine Management Organisation (MMO) in writing. The notice must include particulars of the other party to the agreement and details of the extent, nature and scope of the functions transferred or otherwise dealt with which relate to the functions of the EA or MMO.
Article 12(4) (Construction and maintenance of new or altered means of access)	The wording after "displayed" has general effect in respect of limbs a) to e) and has been moved down a line in order that it has general effect.
Article 19(2)(b) (Protective works)	Change to specify that protective works may be carried out to buildings after the completion of that part of the authorised development in the vicinity of the building at any time up to the end of the period of five years beginning with the date "that those works are completed" (previously the "date of final commissioning").

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Article 31(4) (Temporary use of land for carrying out the authorised development)	<p>Change to specify that the period during which the undertaker may remain in temporary possession of land is the <u>earlier</u> of:</p> <ul style="list-style-type: none"> • where Schedule 9 (land of which temporary possession may be taken) specifies a purpose for which possession may be taken relating to particular Work Nos., the end of the period of one year beginning with the date of final commissioning of those Work Nos, or • the end of the period of one year beginning with the date of final commissioning of the authorised development.
Schedule 1 (Authorised Development)	<p>“water washing equipment” and “acid washing equipment” have been added to the description of development in Work No. 1(c)(v) and “hydrogen storage” has been added to the description in Work No. 7(d). This has been discussed with the Environment Agency and the Applicants addressed it in the Applicants’ Comments on Relevant Representations [REP1-045].</p>
Schedule 2 (Requirements), Requirement 2 (Notice of start and completion of commissioning)	<p>Change to specify:</p> <ul style="list-style-type: none"> • that notice of the intended start of commissioning of the authorised development must be given to the relevant planning authority within a maximum of seven days instead of fourteen days of the date that commissioning started; and • that notice of the intended date of final commissioning of each of Work Nos. 1 and 6 must be given to the relevant planning authority within a maximum of seven days instead of fourteen days of final commissioning.
Schedule 2 (Requirements), Requirement 4 (Landscaping and biodiversity protection management and enhancement) and Schedule 14 (Documents to be certified)	<p>Corrections as set out in pages 10 - 11 of the Applicants’ Written Summary of Oral Submission for Issue Specific Hearing 2 (ISH2) dated 26 May 2022 [REP1-036].</p>
Schedule 2 (Requirements), Requirement 7 (highways)	<p>Changes to specify that:</p>

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	<ul style="list-style-type: none"> • the reinstatement of accesses after construction must be carried out in accordance with an approved programme and reinstated in accordance with the timing specified in the approved programme (instead of “prior to the date of final commissioning); and • details of any new or modified means of permanent access to a highway must be approved by the relevant planning authority prior to the date of final commissioning “of each relevant Work No.”.
Schedule 2 (Requirements), Requirement 8 (means of enclosure)	Change made to Requirement 8(2) to specify that the temporary means of enclosure must be removed in accordance with the programme approved pursuant to Requirement 8(1). Changes made to Requirements 8(3) and 8(4) respectively to specify that details of any permanent means of enclosure must be approved, and the permanent means of enclosure must be completed, prior to the date of final commissioning “of each relevant Work No.”.
Schedule 2 (Requirements), Requirement 10 (fire prevention)	Cleveland Fire Authority and Health and Safety Executive have been added as consultees on the fire prevention method statement that must be submitted to and approved by the relevant planning authority.
Schedule 2 (Requirements), Requirements 11, 12, 13, 16, 18, 19, 23, 24	South Tees Development Corporation has been added as a consultee to these Requirements that must be submitted to and approved by the relevant planning authority.
Schedule 2 (Requirements) Requirement 13 (contaminated land and groundwater)	<p>Changes made to specify that the scheme to deal with contaminated land must be:</p> <ul style="list-style-type: none"> • Consistent with the contaminated land environmental risk assessment (see new definition in Article 2 above) and any construction environmental management plan submitted under Requirement 16(1); • Include a preliminary risk assessment; • Include an appraisal of remediation options; • Include a remediation strategy including details of the preferred remediation option and a verification plan;

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	<ul style="list-style-type: none"> • Include a materials management plan that is in accordance with the prevailing code of practice. <p>Changes made to require that a verification report must be submitted to the relevant planning authority and EA following completion of the remediation measures, include details of the arrangements for addressing outstanding remediation measures identified in the verification report, and the timescales for completion of the outstanding remediation measures.</p> <p>Changes made to remove the arrangements for deemed approval of a contaminated land scheme that relates to any part of Work Nos. 1, 7, 9A or 10 and that has previously been approved pursuant to an application for planning permission or the discharge of a condition attached to a planning permission. This has been replaced by arrangements for seeking the approval of the relevant planning authority (in consultation with the EA) where the undertaker intends to rely on a contaminated land scheme that has previously been approved in respect of the aforementioned Work Nos.</p>
Schedule 2 (Requirements) Requirement 14 (archaeology) and Schedules 10 and 11 – Deemed Marine Licence Under the 2009 Act: Project A and Project B, Part 3(15)	Changes made to specify that the written scheme of archaeological investigation must set out a process for how unexpected finds will be dealt with.
Schedule 2 (Requirements) Requirement 16 (construction environmental management plan)	<p>Changes made to:</p> <ul style="list-style-type: none"> • include the EA as a consultee on any Construction Environmental Management Plan (CEMP) that is submitted to the relevant planning authority for their approval; and • specify that the approved CEMP must be in accordance with the surface and foul water drainage scheme for that part submitted pursuant to Requirement 11(1) (surface and foul water drainage).
Schedule 2 (Requirements) Requirement 18 (construction traffic management plan)	<p>Changes made to:</p> <ul style="list-style-type: none"> • include Royal Mail as a consultee on any Construction Traffic Management Plan (CTMP) that is submitted to the relevant planning authority for their approval;

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	<ul style="list-style-type: none"> • clarify that the CTMP may be discharged “in part” as applies to other construction stage Requirements; • add an additional limb in sub-paragraph 3 to require the CTMP to include a mechanism to inform major road users about works affecting local highways.
Schedule 2 (Requirements) Requirement 20 (construction hours)	Reference in R20(2)(a) corrected to refer to Requirement 21 (not Requirement 22).
Schedule 2 (Requirements) Requirement 21 (control of noise - construction)	<p>Change made so that the scheme that must be submitted to control construction noise must be in accordance with the principles set out in Chapter 11 of the Environmental Statement (ES).</p> <p>Reference to “vibration” in Requirement 21 has been deleted. Details of the scheme to be approved under sub-paragraph 2 of Requirement 21 relate solely to noise. Controls over vibration during the construction phase are set out in the Framework CEMP. This is secured by Requirement 16 which specifies that the CEMP submitted to and approved by the relevant planning authority must be in accordance with the Framework CEMP.</p>
Schedule 2 (Requirements) Requirement 22 (control of noise - operation)	Change made so that the scheme that must be submitted to control operational noise must be in accordance with the principles set out in Chapter 11 of the ES.
Schedule 2 (Requirements) Requirement 23 (piling and penetrative foundation design)	<p>Change made so that:</p> <ul style="list-style-type: none"> • the piling and penetrative foundation design method statement must be in accordance with the piling mitigation measures in paragraph 10.8 of Chapter 10 of the ES, the principles set out in Chapter 11 of the ES and the Framework CEMP; and • in addition to STDC and the Environment Agency, Natural England has been added as a consultee on the method statement to be submitted to and approved by the relevant planning authority.
Schedule 2 (Requirements) Requirement 24 (waste management on site - construction wastes)	Change made so that the Construction Site Waste Management Plan must be in accordance with Framework Site Waste Management Plan (which is included as Annex A to the Framework CEMP).

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Schedule 2 (Requirements) Requirement 25 (restoration of land used temporarily for construction)	<p>Changes made to specify:</p> <ul style="list-style-type: none"> • that prior to the date of final commissioning “of each relevant Work No.”, a scheme for the restoration of any land used temporarily for construction must, for each part of the authorised development, be submitted to and approved by the relevant planning authority; • that land used temporarily for construction must be restored within one year of the date of final commissioning “of each relevant Work No.”(or such longer period as the relevant planning authority may approve). This is instead of three years of the date of final commissioning (or such longer period as the relevant planning authority may approve).
Schedule 2 (Requirements) Requirement 31 (carbon capture transfer and storage)	Changes made to Requirement as set out in pages 30 - 31 of the Applicants’ Written Summary of Oral Submission for Issue Specific Hearing 2 (ISH2) [REP1-036] .
Schedule 2 (Requirements) Requirement 32 (decommissioning)	<p>Changes made to specify that:</p> <ul style="list-style-type: none"> • a decommissioning environmental management plan (DEMP) for the decommissioning of any part of the authorised must be submitted to the relevant planning authority for approval within 12 months of the permanent cessation of operation of any part of the authorised development (or such longer period as may be agreed in writing by the relevant planning authority). This replaces the previous trigger for submission of “within 12 months of the date that the undertaker decides to decommission”. • evidence of any necessary planning consents for the decommissioning of any part of the authorised development must be submitted to the relevant planning authority within 12 months of the permanent cessation of operation of that part of the authorised development (or such longer period as may be agreed in writing by the relevant planning authority). • No decommissioning works may be undertaken until the relevant planning authority has approved the DEMP and confirmed that it is satisfied with the evidence confirming that all necessary planning consents for the decommissioning works have been secured.

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	<ul style="list-style-type: none"> A new sub-paragraph 3(g) has been added specifying that the DMEP must include details of the traffic management arrangements during any demolition, removal and remediation works.
Schedule 3 (Modifications to and amendments of the York Potash Harbour Facilities Order 2016)	<p>Following a request from Anglo American (Woodsmith Project), Schedule 3 has been amended so that the inserted protective provisions are not Part 3 of Schedule 10 of the York Potash Harbour Facilities Order 2016 but instead are a new Schedule 12 of the York Potash Harbour Facilities Order 2016.</p> <p>The previous paragraph 32 has been deleted, see Schedule 12 below for further details.</p>
Schedules 10 and 11 – Deemed Marine Licence Under the 2009 Act: Project A and Project B, Part 1(1)	New definitions of “office hours” and “working days” inserted to clarify meaning of terms as used elsewhere in the licences.
Schedules 10 and 11 – Deemed Marine Licence Under the 2009 Act: Project A and Project B, Part 1(2)	Reference to “pre-construction surveys” deleted. No pre-construction surveys are authorised by the deemed marine licences.
Schedules 10 and 11 (Deemed Marine Licences Under the 2009 Act: Project A and Project B) Part 1(4).	Postal address for Natural England corrected to Natural England, Foss House, Kings Pool, 1-2 Peasholme Green, York, YO1 7PX; Tel: 0300 060 3900.
Schedules 10 and 11 – Deemed Marine Licence Under the 2009 Act: Project A and Project B, Part 2(5)	Deletion of list of articles authorised for deposit. The Applicants agree with the MMO’s comments in its Relevant Representation dated 17 December 2021 [RR-0037] that the broader list of articles that may be disposed of is inconsistent with paragraph 5(1) (which specifies that the substances authorised for disposal are solely dredging arisings).
Schedules 10 and 11 – Deemed Marine Licence Under the 2009 Act: Project A and Project B, Part 2(6)(b)	Deletion of the provision which addresses the potential movement over time of the Mean High Water Springs. The Applicants agree with the MMO’s comments in its Relevant Representation dated 17 December 2021 [RR-0037] that this is addressed in the definition of “mean high water springs” in Part 1(1).

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Schedules 10 and 11 – Deemed Marine Licence Under the 2009 Act: Project A and Project B, Part 3(8)	The timescale for reporting spillages to the MMO have been amended to “as soon as reasonably practicable and in any event” within 12 hours of the spillage being identified. The arrangements for reporting the spillage are set out in the condition but now subject to the undertaker and the MMO agreeing alternative arrangements.
Schedules 10 and 11 – Deemed Marine Licence Under the 2009 Act: Project A and Project B, Part 3(10)	<p>New wording added that:</p> <ul style="list-style-type: none"> • the sediment sampling and analysis must be carried out at least 6 weeks prior to the commencement of dredging activities, as requested by the MMO in its Relevant Representation dated 17 December 2021 [RR-0037]; and • the Environment Agency must be consulted on the sediment sampling plan under sub-paragraph (1) and dredging and disposal following the carrying out of the sediment sampling analysis under sub-paragraph (2) must not begin without the approval of the MMO following consultation with the Environment Agency.
Schedules 10 and 11 – Deemed Marine Licence Under the 2009 Act: Project A and Project B, Part 3(11)	New wording added that the construction environmental management plan (CEMP) must be submitted to the MMO for approval at least 3 months prior to the commencement of the licensed activities, as requested by the MMO in its Relevant Representation dated 17 December 2021 [RR-0037] . New sub-paragraph inserted specifying that the licensed activities must be carried out in accordance with the approved CEMP.
Schedules 10 and 11 – Deemed Marine Licence Under the 2009 Act: Project A and Project B, Part 3(12)	New wording added that the marine method statement must be submitted to the MMO for approval at least 3 months prior to the commencement of the licensed activities. New sub-paragraph inserted specifying that the licensed activities must be carried out in accordance with the approved marine method statement.
Schedules 10 and 11 – Deemed Marine Licence Under the 2009 Act: Project A and Project B, Part 3(13)	New wording added to require details of the name, address and company number if applicable of any agent, contractor or subcontractor carrying on a licensable activity.
Schedules 10 and 11 – Deemed Marine Licence Under the 2009 Act: Project A and Project B, Part 3(15)	New wording added to specify that the Written Scheme of Investigation must include:

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	<ul style="list-style-type: none"> • Details of the measures to protect or preserve any significant archaeological features that may be found and set out a process for dealing with unexpected finds; • A geoarchaeological assessment that determines the extent to which any deposits or paleoenvironmental features exist.
Schedules 10 and 11 – Deemed Marine Licence Under the 2009 Act: Project A and Project B, Part 3(19)	New wording added to specify that percussive piling may only be used where the undertaker has established following the carrying out of a desk top study, informed by appropriate survey information, that vibratory or drilled ‘pin’ piling would be ineffective.
Schedules 10 and 11 – Deemed Marine Licence Under the 2009 Act: Project A and Project B, Part 3(22)	New wording added to specify that any rock material that is misplaced or lost below MHWs must be reported “as soon as possible and in any event” within 48 hours and that ‘reasonable endeavours’ must be used to locate the material and recover it where it constitutes a navigational or environmental hazard.
Schedules 10 and 11 – Deemed Marine Licence Under the 2009 Act: Project A and Project B, Part 3(23)	Condition deleted. The Applicants agree with the MMO’s comments in its Relevant Representation dated 17 December 2021 [RR-0037] that the “force majeure” condition is unnecessary given the defence under Section 86 of the Marine and Coastal Access Act 2009.
Schedules 10 and 11 – Deemed Marine Licence Under the 2009 Act: Project A and Project B, Part 3(23)	New limb to condition added which requires that the UXO clearance methodology must include information to demonstrate how the best available evidence and technology has been taken into account in formulating the methodology.
Schedules 10 and 11 – Deemed Marine Licence Under the 2009 Act: Project A and Project B, Part 3(26)	New condition added requiring the undertaker to notify the MMO if it becomes aware that any of the information on which the granting of the licence was based was materially false or misleading and to specify that plans, protocols or statements approved under the licence, the plans, protocols or statements so approved are taken to include provided that they do not give rise to any materially new or materially different environmental effects to those assessed in the environmental information.
Schedules 10 and 11 – Deemed Marine Licence Under the 2009 Act: Project A and Project B, Part 3(27)	New condition added that specifies that Work No. 5B must be carried out in accordance with the maximum parameters set out in paragraph 9.3.28 of chapter 9 of the environmental statement.

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Schedules 10 and 11 (Deemed Marine Licences Under the 2009 Act: Project A and Project B)	Minor amendments to drafting of licences to reflect drafting comments in the Relevant Representation from the MMO dated 17 December 2021 including removing square brackets, replacing reference to “licence holder” with “undertaker” and “authorised scheme” to “authorised development”, reference to “river” being replaced with “River Tees” and deletion of reference to notifying “transport managers” (this being an undefined term that duplicates the duty to notify “masters of vessels”).
Schedule 12 (Parts 3, 6, 8, 10, 13, 17, 20 – 23)	<p>New protective provisions have been inserted for the benefit of INEOS UK SNS Limited, EDF Renewables, Low Carbon Limited, Navigator Terminals North Tees Limited and Huntsman Polyurethanes (UK) Limited.</p> <p>Amendments made to protective provisions for the benefit of PD Teesport Limited (Part 13), INEOS Nitriles (UK) Limited (Part 8) and CF Fertilisers UK Limited (Part 6) – these have been updated following negotiations between these parties and the Applicants.</p> <p>Amendments made to protective provisions for the benefit of National Grid Gas plc and National Grid Electricity Transmission plc (Part 3), Network Rail Infrastructure Limited (Part 10) and Anglo American (Part 17), and a similar change in Schedule 3 as noted above – the Applicants have not yet concluded agreements with these parties for the acquisition of land or rights needed for the Proposed Development, and in the absence of those needs to maintain the ability to exercise the powers in the DCO in order to be able to construct, operate and maintain it. Negotiations with these parties are ongoing, as reported in the updated Compulsory Acquisition Schedule also submitted at Deadline 2.</p> <p>There are consequential changes to the paragraph referencing throughout Schedule 12 due to the amendments above.</p>
Schedule 14 (Documents to be certified)	<p>Updates made to:</p> <ul style="list-style-type: none"> • Refer to updated revision number and date for the Book of Reference and Application Guide; • Include the updated landscaping and biodiversity plan.
Schedule 15 (Design parameters)	Inner diameter of the absorber stack changed from 6.5m to 6.6m to align with the maximum inner diameter used for the purposes of the dispersion modelling in the

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Explanatory Note	The address for inspection of the DCO, plans and Book of Reference has been inserted.