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Date:	23 June 2022	
Your ref:	EN010103	
Our ref:	NESBITP\073687-010159	

Sent via the Portal

To Whom It May Concern

Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8

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 Project – EN010103

Deadline 3 Submission – Comments on the Applicant's draft Development Consent Order

Unique Reference: 20029905

This letter is sent on behalf of INEOS Nitriles (UK) Limited ("INEOS"), registered as an Interested Party for the above application, in response to the Rule 8 letter dated 19 May 2022.

Please find attached to this letter INEOS' comments on the Applicant's draft Development Consent Order in accordance with Deadline 3 of the Examination Timetable.

I trust that the above is clear; however please do not hesitate to contact me should you have any queries.

Yours sincerely

Peter Nesbit Partner For Eversheds Sutherland (International) LLP

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Response to Deadline 3

INEOS Nitriles (UK) Limited

General Part of the draft DCO	Specific Part	Commentary
Schedule 2 – Requirements Requirement 32: Decommissioning	Requirement 32(1)	The draft DCO, as most recently amended, now states that within 12 months of the date that any part ceases operation" the undertaker must submit a decommissioning environmental management plan necessary planning consents have been granted for decommissioning in relation to that part to the There is no definition for 'permanently ceases', which means there is no way to determine at what pre environmental management plan and evidence of necessary planning consents having been granted are required to be submitted. The drafting of this Requirement therefore lacks precision. PDL suggests that there should either l or a specific period of time should be quantified within the Requirement.
Schedule 2 – Requirements Requirement 32: Decommissioning	Requirement 32(2)	The draft DCO, as most recently amended, provides that no decommissioning works can be underta to Requirement 32(1) has been approved by the relevant planning authority. There is no provis planning authority to insist upon a further submission from the undertaker in the event that the m As decommissioning is only required on approval of the scheme, the Requirement could become un

art of the authorised development "permanently lan for that part together with evidence that any he relevant planning authority.

point it can be deemed that a decommissioning ted for any part of the authorised development

r be a definition given for 'permanently ceases'

rtaken until the information submitted pursuant vision within this Requirement for the relevant e material submitted is insufficient for approval. unenforceable.