

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

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

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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: 20029919

This letter is sent on behalf of CF Fertilisers UK Limited (“CFL”), 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 CFL’s 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

[REDACTED]

Peter Nesbit
Partner
For Eversheds Sutherland (International) LLP

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Response to Deadline 3
CF Fertilisers UK Limited

General Part of the draft DCO	Specific Part	Commentary
Schedule 2 – Requirements Requirement 32: Decommissioning	Requirement 32(1)	<p>The draft DCO, as most recently amended, now states that within 12 months of the date that any part of the authorised development “permanently ceases operation” the undertaker must submit a decommissioning environmental management plan for that part together with evidence that any necessary planning consents have been granted for decommissioning in relation to that part to the relevant planning authority.</p> <p>There is no definition for ‘permanently ceases’, which means there is no way to determine at what point it can be deemed that a decommissioning environmental management plan and evidence of necessary planning consents having been granted for any part of the authorised development are required to be submitted.</p> <p>The drafting of this Requirement therefore lacks precision. PDL suggests that there should either be a definition given for ‘permanently ceases’ or a specific period of time should be quantified within the Requirement.</p>
Schedule 2 – Requirements Requirement 32: Decommissioning	Requirement 32(2)	<p>The draft DCO, as most recently amended, provides that no decommissioning works can be undertaken until the information submitted pursuant to Requirement 32(1) has been approved by the relevant planning authority. There is no provision within this Requirement for the relevant planning authority to insist upon a further submission from the undertaker in the event that the material submitted is insufficient for approval. As decommissioning is only required on approval of the scheme, the Requirement could become unenforceable.</p>