

National Infrastructure Planning
Net Zero Teesside DCO Case Team

BY EMAIL AND VIA MAKE A SUBMISSION TAB:
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Your Ref
Unique Reference: 20029934;
EN010103

Our Ref
RAQ/TGH/203316.0001

Date
23 June 2022

Dear Sir or Madam

Application by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the Applicants) for an Order Granting Development Consent for the Net Zero Teesside Project (the Project)

Deadline 3 Submission and Request to Attend Hearings - South Tees Development Corporation

This letter sets out South Tees Development Corporation's (STDC's) comments on the Applicants' Deadline 2 submissions.

STDC continues to object to the Project in its current form and requires amendments to the Order Limits and amendments to requirements and protective provisions in the dDCO to ensure other development proposals on the Teesworks site are not prevented or unduly interfered with. STDC remains concerned with the lack of progress made by the Applicants in resolving its concerns, and will not be able to offer in-principle support if those objections are not resolved prior to the conclusion of the examination.

An updated version of the draft SoCG between STDC and the Applicants has been prepared, which sets out STDC's concerns in full. STDC has agreed that the Applicants will submit this document as part of their Deadline 3 submissions.

Draft DCO [REP2-002]

STDC notes the updated DCO and refers the Examining Authority to the comments made in its Written Representation [REP2-097] at section 5. STDC is seeking:

- i. an approval role over Schedule 2 requirements which directly relate to its interests; and
- ii. amendments to the protective provisions which restrict use of compulsory acquisition powers without STDC consent, to protect STDC and safeguard other development proposals.

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Book of Reference [REP2-006]

STDC's Written Representation referred to the existence of reasonable alternatives, including means of construction access. In particular STDC draws the Examining Authority's attention to the reasonable alternative to the access currently proposed at Tees Dock Road (plots 274 and 279) set out in paragraph 3.9-3.12 of STDC's Written Representation.

The Statement of Common Ground between the parties submitted at Deadline 1 [REP1-007] made clear that the extent of Order Land would be reduced for Work Nos. 9A and 9B, as some of this land is no longer required. STDC welcomes the reduction in scope of powers proposed at Plot 292 from permanent rights to temporary possession. However Plots 292, 293, 295 and 291, 298, 299, 309 have not been reduced in size. STDC requires a reduction to be made to the Order Limits at the next available deadline to reflect that some of these areas are not required by the Applicants.

Applicants' Response to the Examining Authority's Written Questions [REP2-016]

STDC wishes to make the following comments on the Applicants' responses:

GEN.1.9 – Chapter 5 of the ES (Construction Programme and Management) [APP-087] still fails to provide details as to the location and quantities of any arisings being stored / stockpiled in the Order Limits on lay-down areas or other STDC land subject to temporary possession powers. There is no apparent obligation e.g. in the Schedule 2 Requirements, to ensure that residual arisings are removed within a set period so as to avoid unnecessary sterilisation of land because of stockpiling thereon. STDC continues to strongly resist the sterilisation of its land being used for stockpiling purposes.

GEN.1.11 – STDC would like to clarify that prior approval was obtained for the remediation works rather than planning permission. Permitted development rights exist in relation to the demolition, and a prior approval from the local authority was required for the method of demolition and any proposed restoration.

DLV.1.2 – STDC maintains that the Project is in conflict with Development Principles STDC1 and STDC2 of the South Tees Area SPD, until assurances are given or sufficient controls are inserted into the dDCO to protect STDC's interests from sterilisation. STDC continues to resist the proposals on the basis that they have the potential to stymie or prevent further phases of development.

TT.1.2 – STDC would like to clarify that the Tees Dock Road access is an unused, secured gate, and is not suitable nor safe as a form of construction access as compared to the alternative being offered by STDC (Lackenby Gatehouse). STDC queries whether the response from the Applicants addresses peak construction period movements, which seems to have been overlooked.

Yours faithfully

[Redacted signature block]

BDB Pitmans LLP

[Redacted contact information]