

Date: 23 August 2022  
Your Ref: EN010103  
Our Ref: 13626



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Dear Ms Evans

**APPLICATION REF: EN010103 - THE NET ZERO TEESSIDE PROJECT**

**REQUEST FOR FURTHER PROPOSED CHANGES TO THE NET ZERO TEESSIDE DEVELOPMENT CONSENT ORDER ('THE NET ZERO TEESSIDE ORDER') APPLICATION**

**LAND AT AND IN THE VICINITY OF THE FORMER REDCAR STEEL WORKS SITE (TEESWORKS SITE), REDCAR AND IN STOCKTON-ON-TEES**

I write on behalf of the Applicants, Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited, in relation to the Net Zero Teesside (NZN) Development Consent Order (DCO) Application, which was accepted for Examination on 16 August 2021.

At Deadline 4 on 7 July 2022, the Applicants submitted the Document Ref. 9.21 'Notification of Further Proposed Changes and Update on Remaining Optionality' **[REP4-031]** to the Examining Authority (ExA). This document explained the Applicants' intention to propose a number of further changes to the DCO Application. It identified the nature of the changes proposed and advised of the Applicants' intention to submit a formal change request and updated Application documents at Deadline 6. The Applicants provided a summary of the proposed changes during CAH2 on 13 July 2022 **[REP5-026]** and confirmed to the ExA that the updated Application documents would be submitted at Deadline 6.

**Change Request**

Since submission of the Applicants first change request on 28 April 2022 **[AS-047 to AS-195]** and the ExA's acceptance of that request on 6 May 2022 **[PD-010]**, the Applicants have continued to engage with affected parties and progress Front End Engineering Design (FEED). As a result, the Applicants are in a position to further reduce optionality and the extent of the Order Limits.

The proposed changes are:

1. selection of the method of crossing the River Tees for the CO<sub>2</sub> Gathering Network (Work No. 6);

2. selection of the Electrical Connection (Work No. 3A) routeing over the Tees Valley railway line within the Teesworks site; and a
3. reduction of temporary possession land following progress made during FEED and continued landowner discussions.

The proposed changes set out above are described below in terms of changes to the individual Work Number (Nos.) listed at Schedule 1 ‘Authorised Development’ of the updated draft DCO (Document Ref. 2.1) and shown on the updated Works Plans (Document Ref. 4.4). The Applicants are proposing four changes in total, which are summarised in **Table 1** below. Changes 14 and 16 involve greater reductions in the Order Limits than were indicated at Appendix A of **REP4-031** following further assessment by the Applicants since Deadline 4.

**Table 1 – Summary of Proposed Development Changes**

Change No.	Description
14	Removal of optionality for the CO <sub>2</sub> Gathering Network by removal of Option 2 for the crossing of the River Tees by horizontal directional drilling resulting in a reduction in the Order Limits (Work Nos. 6 and 9B) and downgrading of rights sought from compulsory acquisition to temporary possession ( <b>Work No 6</b> ).
15	Removal of optionality for the Electrical Connection by removal of Option 1B, resulting in a reduction in the Order Limits ( <b>Work No. 3A</b> ).
16	Removal of parcels of land subject to temporary possession powers from North Tees Land Limited land as they are no longer necessary following landowner discussions and technical assessment (Work No. 6) and a reduction in rights sought from compulsory acquisition to temporary possession for some parcels of land ( <b>Work No. 6</b> ).
17	Removal of parcels of land subject to temporary possession powers from STDC land as they are no longer necessary following landowner discussions and technical assessment ( <b>Work No. 9A</b> ).

The Applicants have discussed the further proposed changes with the affected landowners. The further proposed changes do not introduce any additional land.

### Materiality of the Changes

Neither ‘The Planning Act 2008’ nor ‘The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011’ define what constitutes a material change to a project.

Planning Inspectorate Advice Note 16 clarifies that “*whether the change is substantial*” will be an appropriate consideration in identifying a material change. The matter is ultimately a question of planning judgement, which Advice Note 16 confirms may be based on criteria including:

1. whether the change would generate new or different likely significant environmental effect(s); and
2. whether (and if so the extent to which) a change request involves an extension to the order land, particularly where this would require additional compulsory acquisition powers, e.g. for new plots of land and/or interests.

The further proposed changes relate solely to reductions to the Order Limits – no additional land is involved and no additional compulsory acquisition powers are sought – and the removal of optionality for Work Nos. 3A and 6. As set out below, the further proposed changes do not generate new or different likely significant environmental effects. As such, and taking into account the previous changes to the DCO Application, the Applicants consider that the further proposed changes are non-material. The Applicants also note that the optionality for Work No. 6 was subject to previous non-statutory consultation, and following acceptance of the Applicants’ previous changes, Interested Parties have had the opportunity to make representations on the Work No. 6 options.

### Environmental Information

The further proposed changes have been subject to environmental and other relevant assessment, the full details of which are contained within the Second Environmental Statement (ES) Addendum (Documents Refs. 7.11.1 to 7.11.2), which forms part of the formal change request.

The Second ES Addendum should be read in conjunction with the original ES [**APP-081 to APP-347**] and the ES Addendum submitted in April 2022 [**AS-049 – AS-132**]. It considers how the further proposed changes affect the assessments presented as part of the original ES and the April 2022 ES Addendum.

Chapter 2 of the Second ES Addendum – Volume I (Main Report) provides a description of each of the four further proposed changes. Chapter 3 describes the changes to the introductory chapters of the original ES resulting from the further proposed changes. Chapter 3 also includes an update of Table 6-2 (updated from the April 2022 ES Addendum), which provides a summary of the changes in environmental effects as a result of the further proposed changes. The effects arising from the further proposed changes are not considered to be material.

Chapter 4 of the Second ES Addendum identifies that the further proposed changes do not have the potential to modify the assessments of impacts and effects reported in the technical chapters of the original ES.

The assessment of the potential change in effects for other topics is set out in Table 4-1 of Chapter 4 of the Second ES Addendum. Chapter 4 concludes that the further proposed changes will not affect the significance of effects predicted for Air Quality; Surface Water; Flood Risk and Water Resources; Geology and Contaminated Land; Noise and Vibration, Terrestrial Ecology; Aquatic Ecology; Marine Ecology; Ornithology Traffic; Landscape and Visual Amenity; Cultural Heritage, Marine Heritage; Socio-Economic; Climate Change; Major Accidents and Disasters, Public Health; Cumulative and Combined Effects and the Summary of Significant Effects chapters.

The Second ES Addendum constitutes ‘environmental information’ for the purposes of ‘The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017’ (the ‘EIA Regulations’). There is no specific procedure provided for within the EIA Regulations where updated environmental information is submitted post-submission of a DCO Application. The Applicants have, however,

considered more generally the consultation requirements provided for by the EIA Regulations to identify if any procedure contained therein should be followed in the interests of procedural fairness.

The Applicants consider that it is not necessary to undertake any additional notification or consultation processes in the interests of procedural fairness beyond those already provided for by virtue of the examination process. All relevant persons will be notified of the submission of the change request in due course, and there is adequate time and opportunity throughout the Examination for persons interested in the DCO Application to comment on this submission.

The Applicants would suggest that Deadline 8 (20 September) provides Interested Parties with a sufficient period to make any representations on the further proposed changes, with Deadline 9 (6 October) providing a suitable period for the submission of any comments on those representations.

### Documentation

The change request comprises the following documentation:

1. Application Guide (Document Ref. 1.2).
2. Change Request Letter (Document Ref. 7.9) – this letter.
3. Non-Technical Summary of the Second ES Addendum (Document Ref. 7.10).
4. Second ES Addendum – Volume I (Main Report) (Document Ref. 7.11.1).
5. Second ES Addendum – Volume II (Figures) (Document Ref. 7.11.2).
6. Habitats Regulations Assessment for Change Request (Document Ref. 7.12)
7. Draft DCO (Document Ref. 2.1).
8. Schedule of Changes to Draft Development Consent Order (Document Ref. 2.1d)
9. Explanatory Memorandum (Document Ref. 2.2).
10. Book of Reference (Document Ref. 3.1).
11. Statement of Reasons (Document Ref. 3.2).
12. Guide to Land Plan Plots (Document Ref. 3.4).
13. Site Location Plan (Document Ref. 4.1).
14. Land Plans (Document Ref. 4.2).
15. Crown Land Plans (Document Ref. 4.3).
16. Works Plans (Document Ref. 4.4).
17. Access and Right of Way Plans (Document Ref. 4.5).
18. PCC Site Layout and Elevation Plan (Document Ref. 4.6.1).
19. PCC Plant Layout Plan (Document Ref. 4.6.2).
20. Indicative Electrical Connection Plans ((Document Ref. 4.8).
21. Gathering Network Plans (Document Ref. 4.11).
22. Deemed Marine Licence Plans (Document Ref. 4.14).
23. Landscape and Biodiversity Plan (Document Ref. 4.15).

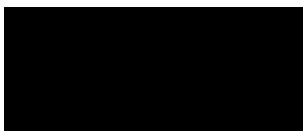
24. Parking Plan (Document Ref. 4.16.2).
25. PCC Site Access Plan (Document Ref. 4.16.3).
26. Water Connection Plan (Document Ref. 4.16.4).
27. Design and Access Statement (Document Ref. 5.4).
28. Electricity Grid Connection Statement (Document Ref. 5.5).
29. Habitat Regulations Assessment Report (Document Ref. 5.13).
30. ES Figures (Document Refs. 6.3) – Please refer to Application Guide.

The draft DCO (Document Ref. 2.1) and Explanatory Memorandum (Document Ref. 2.2) have been updated solely to address changes related to the Applicants' change request. An exception is an update to the drafting in Articles 49 and 50 of the draft DCO to address the interaction with the Hornsea Project 4 DCO (and consequential updates to the Explanatory Memorandum). The drafting in Article 49 in the DCO submitted at Deadline 5 **[REP5-002]** introduced referencing issues into the SI template that it has been necessary to remedy at the earliest opportunity. This has in turn triggered some other referencing corrections in the draft DCO submitted as part of the change request. The Applicants intend to submit a full update to the draft DCO (and corresponding update to the Explanatory Memorandum) at Deadline 8, in accordance with the Examination Timetable.

Tracked and clean versions of the updated Application Documents have been provided where appropriate.

I would be grateful if you could confirm receipt of this submission. Please do not hesitate to contact me if I can help in any way to clarify any matters associated with the change request.

Yours sincerely



**Geoff Bullock**  
**Partner**  
**DWD – on behalf of NZT Power Limited & NZNS Storage Limited**