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To:  
All Interested Parties and Affected Persons

Our Ref: EN010103

Date: 16 September 2022

Dear Sir/ Madam

## **The Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 8(3), 13, 16 and 17**

### **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.**

#### **Notification of hearings and Accompanied Site Inspection, change to the timetable and request for further information**

##### **1. Notification of Hearings**

The Examination Timetable at Annex A of the Examining Authority’s (ExA) Rule 8 letter, dated 19 May 2022 [PD-011], included dates for hearings in October 2022. We are now writing to confirm the arrangements for the following Issue Specific Hearings and Compulsory Acquisition Hearing under Sections 91 and 92 of the Planning Act 2008:

<b>Date</b>	<b>Hearing</b>	<b>Time</b>	<b>Venue</b>
Tuesday 18 October 2022	Issue Specific Hearing 5 on the draft Development Consent Order	Start: 10:00am (Arrangements Conference: 9:30am)	Jurys Inn Hotel, Carlton, Dinsdale & Eston Rooms, Fry Street, Middlesbrough, TS1 1JH
Wednesday 19 October 2022	Compulsory Acquisition Hearing 3	Start: 10:00am (Arrangements Conference: 9:30am)	and
Wednesday 19 October 2022	Issue Specific Hearing 6 on environmental matters	Start: 2:00pm (Arrangements Conference: 1:30pm)	virtually through Microsoft Teams



Those Interested Parties who wish to speak at any of the above hearings should notify the Case Team at the postal or email address above by D9, **Thursday 6 October 2022**, clearly indicating which hearing(s) you wish to be heard at and whether you wish to attend in person, or virtually through Microsoft Teams. It would also assist us if you could notify us of any special needs you may have (eg disabled access, hearing loop etc). Please include your Interested Party reference number in your correspondence. This can be found either in the email covering this letter or on the letter you received.

For those parties who do not wish to participate in these hearings, they will be available to view on the National Infrastructure Planning website through the Livestream or the recordings which will be published as soon as practicable after each hearing.

We will aim to publish a draft agenda for each Hearing on the project page of the National Infrastructure Planning website at least five working days before the Hearing date. However, the actual agenda for each Hearing may be subject to change at the discretion of the ExA.

## **2. Accompanied Site Inspection**

Accompanied Site Inspections (ASI) will only be necessary to view land to which there is no public right of access, or with no clear view from nearby locations with open public access. The purpose of ASIs is familiarisation only and no discussion of the merits of the Proposed Development will be entertained during an ASI.

An ASI will be held on **Thursday 20 October 2022**, commencing at 9:00am.

North Tees Group of Companies (NTG) requested an ASI in their Deadline (D)1 submission [REP1-051] and repeated their request at D5 [REP5-036] and D6 [REP6-138]. These submissions noted that the ExA's previous ASI [EV1-002] did not include NTG respective landholdings and interests such that the constraints, complexity and nature of the land may not be understood.

The ExA requests that NTG (and any other IP or AP which wishes to request a site or location for an ASI) submits detailed proposals, including any access requirements, for an ASI at D9 **Thursday 6 October**. The itinerary for the ASI will be published at least five working days before the date of the ASI.

Interested Parties who wish to attend the ASI on Thursday 20 October should notify the Case Team of their wish to do so by **Monday 10 October**.

## **3. Report on the Implications for European Sites**

The Examination Timetable at Annex A of the Examining Authority's (ExA) Rule 8 letter, dated 19 May 2022 [PD-011], set out that a Report on the Implications for European Sites (RIES) would be published on Tuesday 20 September if required. The RIES is published today, accompanying this letter and any comments on the RIES should be submitted by D9, **Thursday 6 October**. An amended Examination Timetable is set out at Annex A.

#### **4. Proposed Schedule of Changes to the draft Development Consent Order**

The Examination Timetable [PD-011] also set out that the ExA would publish its proposed schedule of changes to the draft Development Consent Order (dDCO) on Tuesday 20 September if required. In light of the Applicants proposing to submit a revised dDCO at D8 the ExA will not be publishing proposed changes on 20 September but may do so later during the Examination if required.

#### **5. Responses to Second Written Questions**

Second written questions (ExQ2) were published on Tuesday 9 August 2022. Responses to ExQ2 were due to be submitted by D6 23 August. A number of questions were not answered by Interested Parties (IPs) and therefore Annex B lists the remaining ExQ2 which the ExA would wish to have responses on, by D9 Thursday 6 October.

#### **6. Request for Further Information**

The ExA has reflected on matters raised by recent submissions and has decided to seek further information and comments under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR). They are set out in Annex C and are addressed to the Applicants, the Environment Agency (EA) and ClientEarth. However, other IPs wishing to respond may do so.

Yours faithfully

*Kevin Gleeson*

**Lead Member of the Examining Authority**

Annex A: Amended Examination Timetable  
Annex B: Outstanding Second Written Questions  
Annex C: Request for Further Information

## Amended Examination Timetable

21.	<p><b>Publication by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• Report on the Implications for European Sites (RIES)</li> </ul>	<p><b>Friday 16 September 2022</b></p>
22.	<p><b>Deadline 8</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Updated SoCGs (clean and tracked versions)</li> <li>• Updated Statement of Commonality for SoCGs</li> <li>• Revised Statement of Negotiations Schedule (clean and tracked versions)</li> <li>• Updated dDCO (clean and tracked versions)</li> <li>• Updated schedule of changes to the dDCO</li> <li>• Revised Application Guide (clean and tracked versions)</li> <li>• Comments on any other information submitted at Deadline 7</li> <li>• Representations on the changes submitted by the Applicants on 23 August 2022</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> </ul>	<p><b>Tuesday 20 September 2022</b></p>
23.	<p><b>Deadline 9</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on the RIES</li> <li>• Updated SoCGs (clean and tracked versions)</li> <li>• Updated Statement of Commonality for SoCGs</li> <li>• Revised Statement of Negotiations Schedule (clean and tracked versions)</li> <li>• Updated Book of Reference</li> <li>• Updated Statement of Reasons</li> <li>• Revised Application Guide (clean and tracked versions)</li> <li>• Comments on any other information submitted at Deadline 8</li> <li>• Comments on any representations on the changes submitted by the Applicants on 23 August 2022</li> <li>• Notification of wish to speak at hearings to be held on 18 and 19 October 2022</li> </ul>	<p><b>Thursday 6 October 2022</b></p>

	<ul style="list-style-type: none"> <li>• Submission of suggested sites to be included in Accompanied Site Inspection to be held on 20 October 2022, including reasons why the site needs to be visited on an accompanied basis and any access requirements</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> </ul>	
<b>24.</b>	<p><b>Deadline 10</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Notification of wish to attend Accompanied Site Inspection</li> </ul>	<b>Monday 10 October 2022</b>
<b>25.</b>	<p><b>Publication by the ExA of:</b></p> <p>The ExA's Third Written Questions (ExQ3) (if required)</p>	<b>Thursday 13 October 2022</b>
<b>26.</b>	Issue Specific Hearing 5 on the draft Development Consent Order	<b>Tuesday 18 October 2022</b>
<b>27.</b>	Compulsory Acquisition Hearing 3	<b>Wednesday 19 October 2022 (am)</b>
<b>28.</b>	Issue Specific Hearing 6 on environmental matters	<b>Wednesday 19 October 2022 (pm)</b>
<b>29.</b>	<b>Accompanied Site Inspection</b>	<b>Thursday 20 October 2022</b>
<b>30.</b>	<p><b>Deadline 11</b></p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Post hearing submissions, including written submission of oral case and any post-hearing notes requested at the hearings</li> <li>• Responses to the ExA's ExQ3 (if required)</li> <li>• Responses to comments on the RIES</li> <li>• Comments on any other information submitted at Deadline 10</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> </ul>	<b>Wednesday 26 October 2022</b>
<b>31.</b>	<p><b>Deadline 12</b></p> <p>Deadline for receipt by the ExA of:</p>	<b>Tuesday 1 November 2022</b>

	<ul style="list-style-type: none"> <li>• Comments on responses to the ExA's ExQ3 (if required)</li> <li>• Finalised SoCGs (clean and tracked versions)</li> <li>• Finalised Statement of Commonality for SoCGs</li> <li>• Finalised Statement of Negotiations Schedule (clean and tracked versions)</li> <li>• Finalised dDCO (clean and tracked versions)</li> <li>• Finalised schedule of changes to the dDCO</li> <li>• Finalised Explanatory Memorandum</li> <li>• Updated and finalised Environmental Statement</li> <li>• Finalised Application Guide (clean and tracked versions)</li> <li>• Comments on any other information submitted at Deadline 11</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> </ul>	
<b>32.</b>	<p><b>Deadline 13</b></p> <ul style="list-style-type: none"> <li>• Comments on any other information submitted at Deadline 12</li> <li>• Any further information requested by the ExA under Rule 17 of the Examination Rules</li> </ul>	<p><b>Monday 7 November 2022</b></p>
<b>33.</b>	<p><b>End of Examination</b></p> <p>The ExA is under a duty to complete the examination of the application by the end of the period of 6 months</p> <p>Please note that the ExA may close the Examination before the end of the six-month period if it is satisfied that all relevant matters have been addressed and discussed.</p>	<p><b>Thursday 10 November 2022</b></p>

## Responses to Second Written Questions

The ExA request responses to their second written questions (ExQ2) [PD-016] from the following Interested Parties by D9 on Thursday 6 October:

Redcar and Cleveland Borough Council:

- GEN.2.2, GEN.2.12, AQ.2.1, BIO.2.6, DLV.2.1, DCO.2.2, DCO.2.4, GH.2.1, GH.2.2, GH.2.4, HE.2.1, HE.2.3, HE.2.4, HE.2.5, HE.2.6, NV.2.2, PPL.2.1, SET.2.1, TT.2.1, TT.2.4

Stockton-on-Tees Borough Council:

- GEN.2.2, GEN.2.12, DCO.2.2, DCO.2.4, GH.2.2, GH.2.4, HE.2.3, HE.2.4, NV.2.2, PPL.2.1,

Hartlepool Borough Council:

- DLV.2.5, HE.2.1, HE.2.3,

Historic England:

- HE.2.1, HE.2.2, HE.2.3,

If you have any queries about the questions, please contact the Case Team using the details provided at the top of this letter.

## Requests for Further Information

### 1. Question to the Applicants regarding the assessment of combined effects

Appendix 24C of the Environmental Statement, Statement of Combined Effects [AS-032], provided a summary of the potential effects from both the Proposed Development (onshore works) and the associated offshore transport and storage infrastructure. In addition, the Applicants provided an Assessment of the Impact of the Offshore Elements of the NEP Project on Hornsea Project Four (HP4) (Appendix 1 of REP4-030).

- i) Provide an update on whether or not the ExA has a comprehensive and up-to-date list of all the environmental effects from the NEP/ Endurance store, including those that potentially do not interact with effects from the NZT onshore works.
- ii) Are there any additional combined or cumulative effects that the ExA should be aware of?

### 2. Question to the EA, the Applicants and ClientEarth regarding the scope of the environmental permit(s) with particular regard to securing carbon capture

ClientEarth [RR-004, REP2-079, REP4-033, REP5-030, REP6-129] has requested that the DCO is amended to ensure that 90% of carbon emissions from the generating station are captured. ClientEarth's D6 submission [REP6-129] states that *'there is currently no indication that the environmental permit will require that the generating station is operated only when the carbon capture plant is in operation, at a particular capture rate or otherwise'*. The Applicants state that the rate of carbon capture is regulated by the environmental permitting regime (most recently at D7 [REP7-009]). Paragraph 4.10.3 of the NPS EN-1 advises that an ExA should not duplicate other regulatory regimes. It is therefore important that the ExA understands in detail how the generating station and carbon capture plant are likely to be permitted.

- i) The EA states that the permit will require the capture plant to be built to achieve a specified capture rate (BAT is currently 95%) [REP5-032]. ClientEarth has noted that *'As the Environment Agency has confirmed above, rather than imposing a minimum level of emissions abatement on the generation station, the environmental permit will impose BAT capture rate requirements on the capture plant'* [REP6-129]. The Applicants state that the permit applies to both the generating station and carbon capture plant as a whole [REP7-009]. Please would the EA:
  - Clarify whether the BAT rate of 95% carbon capture applies to emissions from the CCGT or to the carbon capture plant only?
  - If the BAT carbon capture rate is only applicable to the carbon capture plant, please explain how emissions from the CCGT, when run in unabated mode, would be regulated?



- ii) The Applicants have stated that carbon capture will be measured by weight (w/w) of carbon dioxide emitted from the CCGT [APP-086]. The Applicants and the EA are requested to explain:
  - Over what time period is this calculated?
  - Does it apply to all emissions over this period, including those produced when the CCGT is run in unabated mode?
  
- iii) ClientEarth notes that the permit would only require the carbon capture plant to have the capability of achieving 95% but would not necessarily require it to deliver this [REP6-129]. The EA and the Applicants are asked whether this interpretation is correct? Is so, please confirm how an actual capture rate of 95% is secured in the permit.
  
- iv) The EA states that the UK Emissions Trading Scheme Monitoring, Reporting & Verification would be used to verify performance [REP5-032]. The EA and Applicants are asked to explain:
  - How this scheme ensures that a minimum level of carbon capture is secured?
  - How this scheme interacts with the permit?
  
- v) ClientEarth's proposed requirement states that '*at least 90% of the total carbon emissions generated by the power plant must be captured at all times during the power plant's commercial operation*' [RR-004]. The Applicants suggest that the plant may need to run in unabated mode for testing and maintenance [REP2-016].
  - Does ClientEarth consider that these activities would be a 'commercial operation'?
  - Could the Applicants explain why the CCGT is able or unable to run at a minimum of 90% carbon capture rate at all times?
  - Could the EA explain under what circumstances the permit would allow the CCGT to run in unabated mode?

**All responses should be received by Deadline 9 (6 October 2022)**