



# **Hornsea Project Four**

**Net Zero Teesside Development Consent Order**

**Comments on the Applicant's Submissions at  
Deadline 8**

**Deadline: 9, Date: 06 October 2022**

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## 1 Introduction

- 1.1 Orsted Hornsea Project Four Limited ("Hornsea Four") has reviewed the submission made by Net Zero Teesside Power Ltd and Net Zero North Sea Storage Ltd ("the Applicant") to the Examining Authority ("ExA") at Deadline 8 in response to the Deadline 7 submissions (REP8-049).
- 1.2 Section 6 of REP8-049 sets out the Applicant's response to the advice of Richard Harwood KC ("the Richard Harwood KC Advice"), submitted by Hornsea Four at Deadline 6 (REP6-139).
- 1.3 Hornsea Four has made detailed submissions on the extent of "the project" which is required to be assessed, the impacts of that project on Hornsea Four Offshore Wind Farm and the need to mitigate any adverse impacts on Hornsea Four Offshore Wind Farm and the appropriateness of protective provisions in this respect.
- 1.4 Hornsea Four's position has not changed as a result of the Applicant's response to the Richard Harwood KC Advice, but it does consider there to be a number of inconsistencies with the assumptions made and arguments advanced by the Applicant and would appreciate clarification on a number of points to allow it to respond more fully. These are set out below.

## 2 The need for the Overlap Zone

- 2.1 At paragraph 6.2.16 the Applicant states "The carbon emitted and captured as part of the "proposed development" (i.e. the DCO elements of the "project") would also largely settle at the crest of the Endurance Store (outside of that part within the Overlap Zone) following transportation and injection" (emphasis added).
- 2.2 At paragraph 6.2.27 the Applicant states "*As set out in the response above to paragraphs 10 – 22, the Applicant's position has always been that the project includes the storage and injection of CO2 into part of the Endurance Store, and that the part of the store that is required for storage of CO2 from the "proposed development" (the DCO project) lies largely outside of the Overlap Zone.*" (emphasis added).
- 2.3 At paragraph 6.2.29 the Applicant states "*What may "proceed" or not is the development required to inject CO2 into the Endurance Store. As the Applicants have made clear: this can be achieved to an extent sufficient for NZT's purposes without affecting HP4.*" (emphasis added).
- 2.4 At paragraph 6.2.30 the Applicant states "*The Applicant's position, as set out in paragraph 8.4.2 of the Applicants Responses to Deadline 5 Submissions [REP6-122], is that the area outside of the Overlap Zone where CO2 from the "proposed development" would be stored, represents approximately 30% of the technical storage of the Endurance Store as a whole (i.e. including the Overlap Zone).*" (emphasis added).
- 2.5 At paragraph 6.2.31 the Applicant states "*The capacity or otherwise of the Endurance Store within the Overlap Zone is a separate question, and one that will be answered as subsequent stages of the NEP project come forward, in line with the timescales/programme advised by BEIS for the implementation of the ECC plan under the cluster sequencing process. This is not*

*a matter that needs to be resolved (or that it is appropriate to attempt to resolve) for the purposes of determining the DCO application." (emphasis added).*

- 2.6 At paragraph 6.2.32 the Applicant states "*As the Applicants have explained (and Orsted must accept) there is no physical/actual nexus between the development proposed to be authorised in the DCO and HP4" (emphasis added).*
- 2.7 The Applicant appears to be suggesting that none of the infrastructure or powers sought as part of the "proposed development" will be used to generate, transport or store gas which will then be stored within the Overlap Zone or otherwise adversely affect Hornsea Project Four. It would be useful if the Applicant could confirm this position as the use of the term "largely outside" within its submissions introduces significant ambiguity. The avoidance of the Overlap Zone also contradicts other submissions made through the examination (for example at Deadline 1 at paragraph 36.2.2 of the Applicant's Comments on Relevant Representations (REP1-045)). If there is, indeed, no need for the proposed development to make use of the Overlap Zone for storage, would the Applicant be agreeable to a restriction being inserted in the DCO to this effect or could such a restriction be imposed?
- 2.8 If there is no nexus between the development proposed in the DCO and Hornsea Four and if the Overlap Zone is not required for the "proposed development", how can the Applicant argue that interference with the Interface Agreement in the terms proposed by draft DCO Articles 49 and 50 is sufficiently related to, or matters ancillary to, the development for which consent is to be granted as is required by Section 120 of the Planning Act 2008.