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Planning  
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To:  
All Interested Parties and Affected  
Persons

Our Ref: EN010103

Date: 11 October 2022

Dear Sir/ Madam

## **Planning Act 2008 (as amended)**

### **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.**

#### **Hearing Agenda**

Further to my letter dated 16 September 2022 [PD-019] please find attached at Annex A the agendas for Issue Specific Hearing 5 (ISH5) on the draft Development Consent Order (Tuesday 18 October), Compulsory Acquisition Hearing 3 (CAH3) and ISH6 on environmental matters (Wednesday 19 October).

#### **Second Accompanied Site Inspection Itinerary**

The itinerary for the second Accompanied Site Inspection (ASI2) can be found at Annex B.

Please note that the Examining Authority's (ExA) inspection of sites is not an opportunity to provide any oral representations on the project or discuss evidence. It is an opportunity for the ExA to look at the physical features that can be seen on, or from the sites. Participants may be invited by the ExA to point out specific features or sites of interest.

#### Joining the site inspection

Anyone wishing to attend ASI2 should already have notified us of their intention at Deadline 10 on 10 October 2022. Because of the nature of the Order land and the associated security issues, it is only possible to allow access to a limited number of people at any one time. If you have not already notified us of your wish to attend please contact the Case Team at the details above, however, please note that your request may not be granted at this stage.

The site inspection will commence at 09:00 with the meeting point being the car park at the Sabic gatehouse along Huntsman Drive (TS2 1TT), indicated by the X on Figure 2 in Annex B. This is accessed from Seaton Carew Road. Participants are asked to assemble promptly as the ExA will not wait for parties who are not present at the start time. ASI2 will take place by mini-bus.

To ensure the smooth running of the ExA's inspection, attendees may wish to provide contact details for the day, notify the Case Team if there are any changes in attendance, and ensure the Planning Inspectorate is made aware of any special access requirements. The Case Manager, Paige Hanlon, can be contacted on 07925 357844.

### Prerequisites

Attendees will need a driving licence or passport with them to gain access to site.

All electronic devices must be stored safely in vehicles or at lockers at the gatehouse.

The following minimum PPE is required to attend ASI2:

- Safety helmet
- Safety glasses / Over glasses / Safety prescription spectacles
- Anti-Static Safety boots
- Anti-Static Flameproof Overalls
- Safety gloves

### Cancellations

Please note that in the unlikely event that the ASI is cancelled we shall endeavour to contact attendees beforehand, but we ask that you regularly check the Planning Inspectorate's website which can be viewed here:

<https://infrastructure.planninginspectorate.gov.uk/projects/north-east/the-net-zero-teesside-project/>

Yours faithfully

*Kevin Gleeson*

**Lead Member of the Examining Authority**

## Planning Act 2008 – Section 91

**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.****Issue Specific Hearing into the draft Development Consent Order (dDCO) (ISH5)**

**Date:** Tuesday 18 October 2022

**Time:** 10:00am  
Room opens / Arrangements Conference from 9:30am

**Venue:** Virtual Event (Microsoft Teams) and Jurys Inn Hotel, Carlton, Dinsdale & Eston Rooms, Fry Street, Middlesbrough, TS1 1JH.

**Access and Parking:** Limited free on-site parking with public car parks nearby.

**Background**

All Interested Parties are invited to attend Issue Specific Hearings but as this is a blended event it would assist with the running of the hearing if you could let the Inspectorate's Case Team ([NetZeroTeessideProject@planninginspectorate.gov.uk](mailto:NetZeroTeessideProject@planninginspectorate.gov.uk)) know if you wish to participate in the hearing and if you wish to attend in person, or virtually through Microsoft Teams, so that the relevant instructions can be sent for you to join the event. The event will also be livestreamed and a link for watching the livestream will be posted on the project page of the National Infrastructure website closer to the event date.

The hearing venue will be open 30 minutes prior to the start of each hearing to enable a prompt start. Hearings will finish as soon as the Examining Authority (ExA) deems that all those present have had their say and that all matters have been covered.

Guidance under the Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings.

Participants may be legally represented if they wish, but the Hearing will be conducted to ensure that legal representation is not required.

The following agenda is indicative and may be amended by the ExA at the start of the Hearing session. Furthermore, the ExA may wish to raise other matters arising from submissions and pursue lines of inquiry in the course of the discussion which are not on the agenda and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a Hearing does not preclude further examination of this issue, including the asking of further Written Questions.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. Should the consideration of the issues take less time than anticipated, the ExA may conclude the Hearing as soon as all relevant contributions have been made and all questions asked and responded to. Alternatively, it may be necessary to prioritise matters and defer others to further Written Questions.

All Interested Parties are welcome to attend the Hearing and are entitled to make oral representations. This is subject to the ExA's discretion to control the hearing in the interests of efficient use of time.

The ExA requests that the following attendees participate in ISH5 into the dDCO:

- **Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the Applicants)** – including representatives of the Applicants who are in a position to discuss the matters on the agenda;
- **Redcar and Cleveland Borough Council (RCBC);**
- **Stockton on Tees Borough Council (STBC);**
- **South Tees Development Corporation (STDC);**
- **Environment Agency (EA);**
- **Marine Management Organisation (MMO);**
- **Natural England;**
- **Anglo American;**
- **CATS North Sea Limited;**
- **ClientEarth;**
- **North Tees Group;**
- **Orsted Hornsea Project Four Limited;**
- **Redcar Bulk Terminal Limited;**
- **Sembcorp Utilities (UK) Limited;**
- **Teesside Gas & Liquids Processing and Teesside Gas Processing Plant Limited; and**
- **Any other Interested Parties (IPs)** – with an interest in the drafting of the DCO, the implementation or discharge of proposed articles, requirements or other provisions.

All Examination documents are provided with a unique identification number for referencing purposes shown in square brackets [X]. The application version of the dDCO (Revision 0) has the reference [APP-005]. The Applicants' latest version of the dDCO submitted at Deadline 8 has the reference [REP8-003].

ISH5 will address the structure and content of protective provisions within Schedule 12 Part 4 to Part 27. The land interests in those protective provisions, in addition to those for statutory undertakers covered by Part 1 to Part 3 of Schedule 12 will be addressed in CAH3.

## Agenda

### 1. Welcome, introductions and arrangements for Issue Specific Hearing 5

- The ExA will welcome participants, lead introductions, and address housekeeping matters. The public livestream and recording will start.

### 2. Purpose of the Hearing

- The ExA will explain the purpose of the Hearing into the dDCO.

### 3. Articles of the dDCO

- The Applicants will be asked to provide a brief overview of the proposed changes to the Articles of the dDCO including the reasons for the changes, since ISH4.
- The ExA will specifically ask the Applicants to address IP submissions in relation to:
  - Article 2 'permitted preliminary works'



- Article 8 Consent to transfer benefit of the Order
- Article 49 Modification of Interface Agreement
- IPs will also be invited to ask questions of clarification in relation to DCO Articles.

## 4. Schedule 2 of the dDCO – Requirements

- The Applicants will be asked to provide a brief overview of the proposed changes to the Requirement (R) in Schedule 2 of the dDCO including the reasons for the changes, since ISH4.
- The ExA will specifically ask the Applicants to address IP submissions in relation to:
  - R3 Detailed design
  - R13 Contaminated land and groundwater
  - R16 Construction environmental management plan
  - R31 Carbon dioxide capture transfer and storage
  - R32 Decommissioning
- IPs will also be invited to ask questions of clarification in relation to Schedule 2.

## 5. Schedules 10 and 11 of the dDCO – Deemed Marine Licences

- To obtain an update on progress between the Applicants and the Marine Management Organisation regarding draft marine licences.

## 6. Schedule 12 Part 4 to 27 of the dDCO – Protective Provisions

- The Applicants and IPs will be asked to provide an update on progress regarding the bespoke protective provisions set out in Part 4 to Part 27 of Schedule 12, an explanation of any important differences of view and a timescale for resolution.

## 7. Consents, Licences and Other Agreements

- The Applicants will be asked to provide an update of progress and timescales for completion of any other consents, licences and other agreements.

## 8. Statements of Common Ground relevant to the DCO

- The ExA will ask the Applicants to provide an update on Statements of Common Ground relevant to the DCO.

## 9. Review of issues and actions arising

## 10. Any other business

## 11. Closure of the Hearing

## Planning Act 2008 – Section 91

### 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.

#### Agenda for Compulsory Acquisition Hearing 3 (CAH3)

**Date:** Wednesday 19 October 2022

**Time:** 10:00am,  
Room opens / Arrangements Conference from 9:30am

**Venue:** Virtual Event (Microsoft Teams) and Jurys Inn Hotel, Carlton, Dinsdale & Eston Rooms, Fry Street, Middlesbrough, TS1 1JH.

**Access and Parking:** Limited free on-site parking with public car parks nearby.

#### Background

All Interested Parties and Affected Persons are invited to attend Compulsory Acquisition Hearings but as this is a blended event it would assist with the running of the hearing if you could let the Inspectorate's Case Team ([NetZeroTeessideProject@planninginspectorate.gov.uk](mailto:NetZeroTeessideProject@planninginspectorate.gov.uk)) know if you wish to participate in the hearing and if you wish to attend in person, or virtually through Microsoft Teams, so that the relevant instructions can be sent for you to join the event. The event will also be livestreamed and a link for watching the livestream will be posted on the project page of the National Infrastructure website closer to the event date.

The hearing venue will be open 30 minutes prior to the start of each hearing to enable a prompt start. Hearings will finish as soon as the Examining Authority (ExA) deems that all those present have had their say and that all matters have been covered.

Guidance under the Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings.

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required.

The following agenda is indicative and may be amended by the ExA at the start of the Hearing session. Furthermore, the ExA may wish to raise other matters arising from submissions and pursue lines of inquiry in the course of the discussion which are not on the agenda and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a Hearing does not preclude further examination of this issue, including the asking of further Written Questions.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any Hearing, there may be a need to continue the session for longer on the day. Alternatively, it may be necessary to prioritise matters and defer others to further Written Questions.



# The Planning Inspectorate

All Interested Parties and Affected Persons are welcome to attend the Hearing and are entitled to make oral representations. This is subject to the ExA's discretion to control the hearing in the interests of efficient use of time.

All Examination documents are provided with a unique identification number for referencing purposes shown in square brackets [X].

Please note that this Agenda was based on submissions up to and including Deadline 9 (D9). It therefore reflects the following documents: Land Plans [REP6-014], Crown Land Plans [REP6-015], draft Development Consent Order (dDCO) [REP8-003], Book of Reference [REP6-007], CA Schedule [REP9-022]. Nevertheless, CAH3 will address any subsequent revisions to these documents and any further relevant submissions on Compulsory Acquisition (CA) matters submitted at D9. The following parties in particular are invited to attend because their submissions raise issues that the ExA may wish to explore at the hearing:

- **Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the Applicants)** – including representatives of the Applicants who are in a position to discuss the matters on the agenda;
- **The Crown Estate;**
- **Affected Persons (APs) and Statutory Undertakers** whose land and/or rights are affected and who wish to object to the application on the basis that the Applicants have not complied with the relevant legal tests, policy and guidance in respect of the Application in general. These include the following organisations that have made representations, but are not limited to:
  - Anglo American;
  - CATS North Sea Limited;
  - CF Fertilisers UK Limited;
  - Exolum Seal Sands;
  - National Grid Electricity Transmission Plc;
  - National Grid Gas Plc;
  - North Tees Group;
  - NPL Waste Management Limited;
  - PD Teesport Limited;
  - Redcar Bulk Terminal Limited;
  - Sembcorp Utilities (UK) Limited;
  - SABIC UK Petrochemicals Limited;
  - Stockton on Tees Borough Council;
  - South Tees Development Corporation (STDC); and
  - Teesside Gas Processing Plant/ Teesside Gas and Liquids Processing
- **Redcar and Cleveland Borough Council and Stockton on Tees Borough Council** are also invited to attend in their role as land owners, Local Planning Authorities and Highway Authorities.

## Agenda

### 1. Welcome, introductions and arrangements for the Hearing

- The ExA will welcome participants, lead introductions, and address housekeeping matters. The public livestream and recording will start.

### 2. The Purpose of the Hearing



- The ExA will explain the purpose of the Hearing and the range of topics which will be covered.

### 3. Change Requests

- The ExA will ask the Applicants to provide an overview and update of the forthcoming proposed change request, specifically the amendments which affect land and rights and the reasons for them; and
- The Applicants are asked to confirm whether any optionality would remain and if any further changes are likely to be requested before the end of the Examination.

### 4. Compulsory Acquisition (CA)

- The Applicants are asked to provide a brief update on the progress of negotiations into CA of land and rights, and deadlines for conclusions of any associated voluntary agreements, using the following list of APs who have submitted representations, and the CA Schedule [REP9-022] as a basis for this:
  - Anglo American;
  - CATS North Sea Limited;
  - CF Fertilisers UK Limited;
  - Exolum Seal Sands;
  - National Grid Electricity Transmission Plc;
  - National Grid Gas Plc;
  - North Tees Group;
  - NPL Waste Management Limited;
  - PD Teesport Limited;
  - Redcar Bulk Terminal Limited;
  - Sembcorp Utilities (UK) Limited;
  - SABIC UK Petrochemicals Limited;
  - Stockton on Tees Borough Council;
  - South Tees Development Corporation (STDC); and
  - Teesside Gas Processing Plant/ Teesside Gas and Liquids Processing
- Affected Persons in attendance and wishing to speak in relation to an objection or issue raised that is relevant to CA matters are to briefly set out any outstanding concerns that haven't already been discussed.

### 5. Temporary Possession (TP)

- The Applicants are asked to provide an update on any amendments to the proposed use of TP powers since CAH2 and their post-hearing submission [Item 5, REP5-026]; and
- The Applicants are asked to provide clarification and any additional information further to their answer to part iii) of ExQ2 CA.2.7 [REP6-121] and in general further to reasonable alternatives in relation to plots proposed for TP having regard to South Tees Development Corporation's (STDC) submissions [REP6-144 and REP7-017];
- STDC are also asked to provide clarification and any additional information further to their answer to part iii) of ExQ2 CA.2.7 [REP6-144 and REP7-017], in particular to clarify their comments in relation to Human Rights and whether there is a need to demonstrate a compelling case in the public interest;
- North Tees Group are asked to provide a summary of their concerns in relation to TP matters; and





- Affected Persons in attendance and wishing to speak in relation to an objection or issue raised that is relevant to TP matters are to briefly set out any outstanding concerns that haven't already been discussed.

## **6. Crown Land**

- The Applicants are asked to provide an update on the progress of negotiations with the relevant Crown Authorities in view of their further response to CA.2.19 [REP9-020]; and
- If Section 135 consent from the Crown is not received by the end of the Examination, clarify how the project could proceed if Crown land has to be removed from the Order land.

## **7. Statutory Undertakers' Protective Provisions (Articles 33 and 41, and Schedule 12 Parts 1,2, 3, 10, 11, 13, 24, and 25 of the dDCO)**

- The Applicants are asked to summarise any outstanding land and rights matters relating to Protective Provisions for the following Statutory Undertakers;
  - National Grid Electricity Transmission plc & National Grid Gas plc
  - Network Rail Infrastructure Limited
  - Northern Gas Networks Limited
  - Northern Powergrid Plc
  - Northumbrian Water
  - OpenReach Limited
  - PD Teesport
  - Telefonica UK
  - Vodafone and Cornerstone Telecoms
- Any Statutory Undertaker or other relevant body in attendance and wishing to speak in relation to an objection or issue raised that is relevant to the effects of the Proposed Development on its undertaking, apparatus or land will be invited to put oral submissions to the ExA.

## **8. Statements of Common Ground relevant to the CA, TP & Protective Provisions**

- The ExA will ask the Applicants to provide an update on the following Statements of Common Ground relevant to the Affected Parties with interests in land and rights:
  - Anglo American, National Grid Electricity Transmission plc & National Grid Gas, Northern Powergrid, PD Teesport, Telefonica, Vodafone and Cornerstone, Network Rail Infrastructure, Air Products, CATS North Sea, CF Fertilisers, Exolum Seal Sands, Ineos Nitriles, Ineos UK SNS, Marlow Foods, NPL Waste, Redcar Bulk Terminal, SABIC, Sembcorp, STDC, Suez Recycling and Recovery, North Tees Group, Huntsman and North Sea Midstream Partners.
- Any AP in attendance is invited to put to the ExA their oral submissions in relation to progress of Statements of Common Ground.

## **9. Review of issues and actions arising**

## **10. Any other business**

## **11. Closure of the Hearing**



### **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.**

#### **Issue Specific Hearing into Environmental Matters (ISH6)**

- Date:** Wednesday 19 October 2022
- Time:** 2.00pm, room opens / Arrangements Conference from 1.30pm
- Venue:** Virtual Event (Microsoft Teams) and Jurys Inn Hotel, Carlton, Dinsdale & Eston Rooms, Fry Street, Middlesbrough, TS1 1JH.
- Access and Parking:** Limited free on-site parking with public car parks nearby.

#### **Background**

All Interested Parties are invited to attend Issue Specific Hearings but as this is a blended event it would assist with the running of the hearing if you could let the Inspectorate's Case Team ([NetZeroTeessideProject@planninginspectorate.gov.uk](mailto:NetZeroTeessideProject@planninginspectorate.gov.uk)) know if you wish to participate in the hearing and if you wish to attend in person, or virtually through Microsoft Teams, so that the relevant instructions can be sent for you to join the event. The event will also be livestreamed and a link for watching the livestream will be posted on the project page of the National Infrastructure website closer to the event date.

The hearing venue will be open 30 minutes prior to the start of each hearing to enable a prompt start. Hearings will finish as soon as the Examining Authority (ExA) deems that all those present have had their say and that all matters have been covered.

Guidance under the Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that it is the ExA that will probe, test and assess the evidence through direct questioning of persons making oral representations at hearings.

Participants may be legally represented if they wish, but the hearing will be conducted to ensure that legal representation is not required.

The following agenda is indicative and may be amended by the ExA at the start of the Hearing session. Furthermore, the ExA may wish to raise other matters arising from submissions and pursue lines of inquiry in the course of the discussion which are not on the agenda and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a Hearing does not preclude further examination of this issue, including the asking of further Written Questions.

Every effort will be made to ensure that the issues will be discussed on the days that they are scheduled for. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any Hearing, there may be a need to continue the session for longer on the day. Alternatively, it may be necessary to prioritise matters and defer others to further Written Questions.

All Examination documents are provided with a unique identification number for referencing purposes shown in square brackets [X].

Please note that this Agenda was based on submissions up to and including D9.



# The Planning Inspectorate

All Interested Parties are welcome to attend the Hearing and are entitled to make oral representations. This is subject to the ExA's discretion to control the hearing in the interests of efficient use of time. The ExA request that the following parties participate in ISH6 because their submissions raise issues that the ExA may wish to explore at the Environmental Matters hearing, or they are statutory consultees who have the necessary expertise to assist the ExA:

- **Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the Applicants)** – including representatives of the Applicants who are in a position to discuss the matters on the agenda;
- **Redcar and Cleveland Borough Council (RCBC);**
- **South Tees Development Corporation (STDC);**
- **Environment Agency (EA);**
- **Marine Management Organisation (MMO);**
- **Natural England;**
- **Northumbrian Water Limited;** and
- **Any other Interested Parties (IPs)** – with an interest in the environmental matters on this agenda.

## Agenda

### 1. Welcome, introductions and arrangements for the Hearing

- The ExA will welcome participants, lead introductions, and address housekeeping matters. The public livestream and recording will start.

### 2. The Purpose of the Hearing

- The ExA will explain the purpose of the Hearing and the range of topics which will be covered.

### 3. Water Environment

- Update on discussions related to raw water supply and discharge with NWL;
- Issues related to the design/ alignment for the outfall options to Tees Bay;
- Issues of nutrient neutrality and the modelling of dissolved organic nitrogen with reference to the Nutrient Nitrate Briefing Paper [REP9-016];
- WFD assessment including proposed update discussions with the EA;
- The potential effect of rock armouring/ scour protection associated with the proposed new outfall head to the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site in the Habitats Regulations Assessment (HRA).

### 4. Tees Dock Road Access

- The ExA will ask the Applicants to provide an update on the proposed change associated with the access on Tees Dock Road.

### 5. Statements of Common Ground relevant to Environmental Matters

- The ExA will ask the Applicants to provide an update on Statements of Common Ground relevant to the Environmental Matters.

### 6. Review of issues and actions arising

### 7. Any other business

### 8. Closure of the Hearing



Accompanied Site Inspection itinerary

Time	Activity
09:00	Complete site induction video and receive temporary site passes
09:15	Enter site and walk to the pipeline corridor
09:30	Arrive at pipeline corridor to view the CO2 Gathering Network (Work No. 6) route from the access road(s)
10:30	Leave the pipeline corridor and return to the main gatehouse
10:45	Close

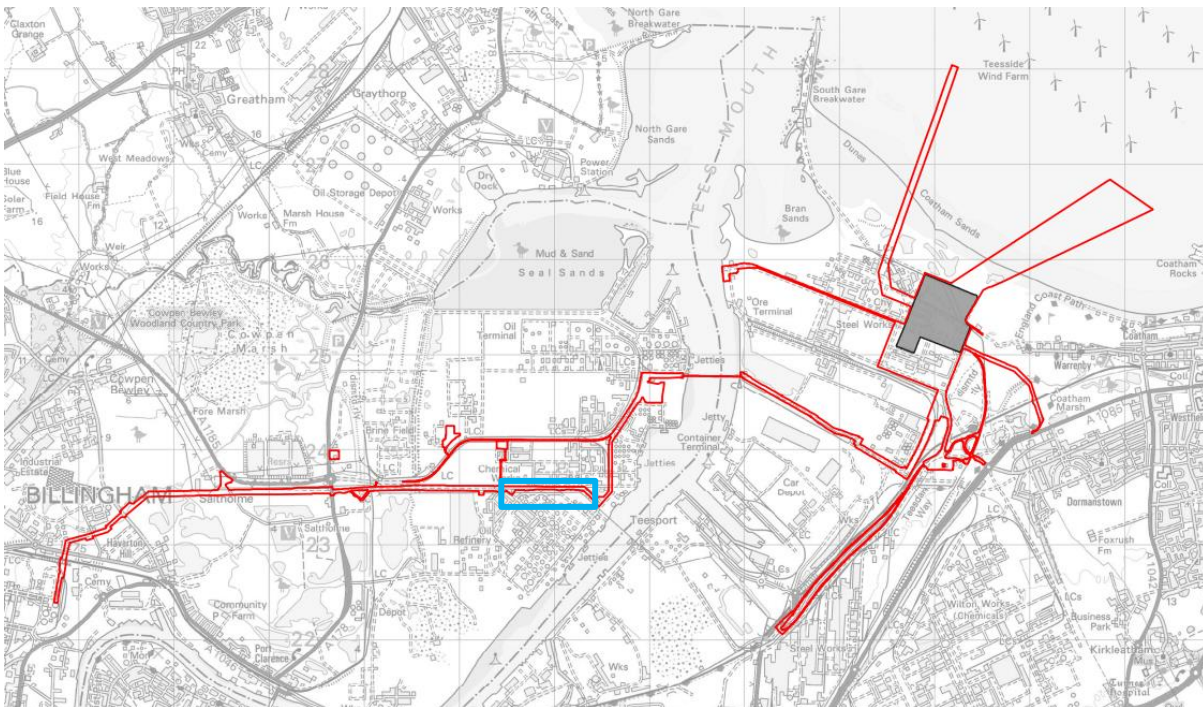


Figure 1 - ASI location and area indicated by blue box

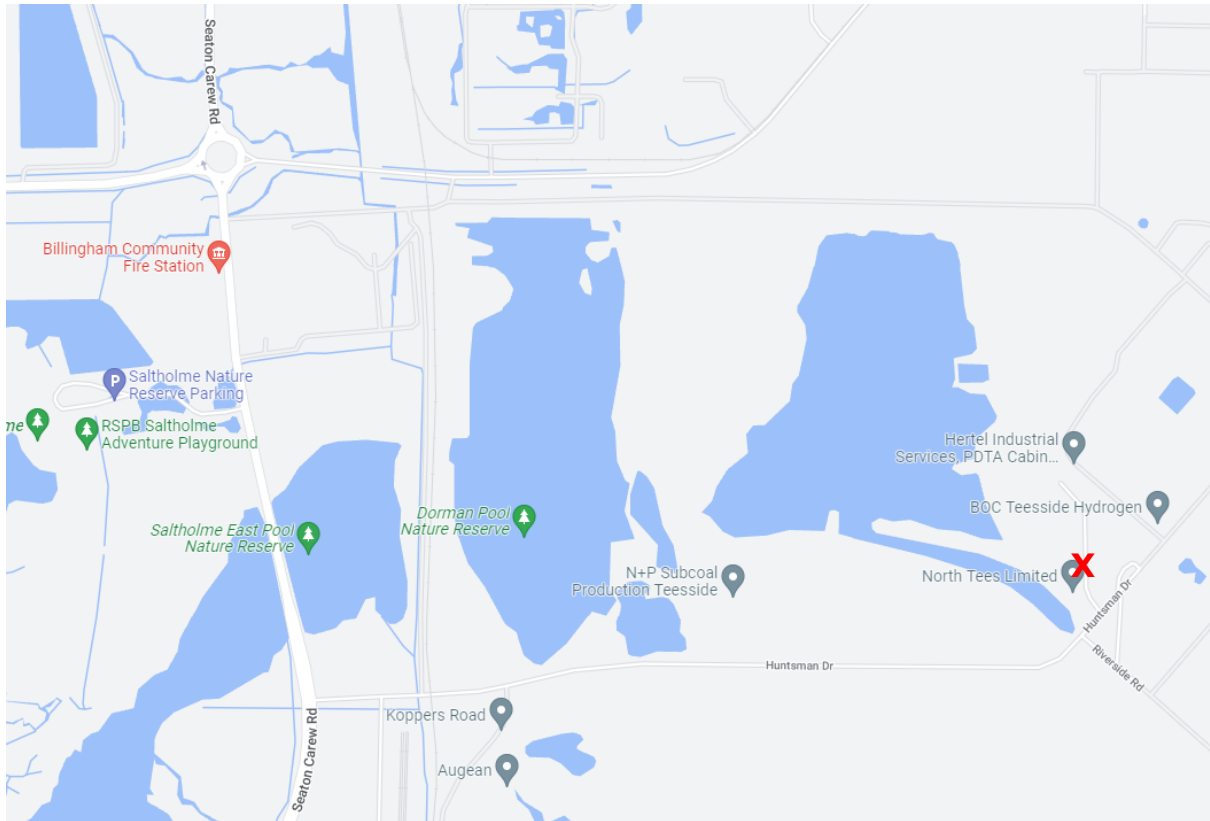


Figure 2 – Meeting point



Figure 3 – Overview of ASI