

Net Zero Teesside Project

Planning Inspectorate Reference: EN010103

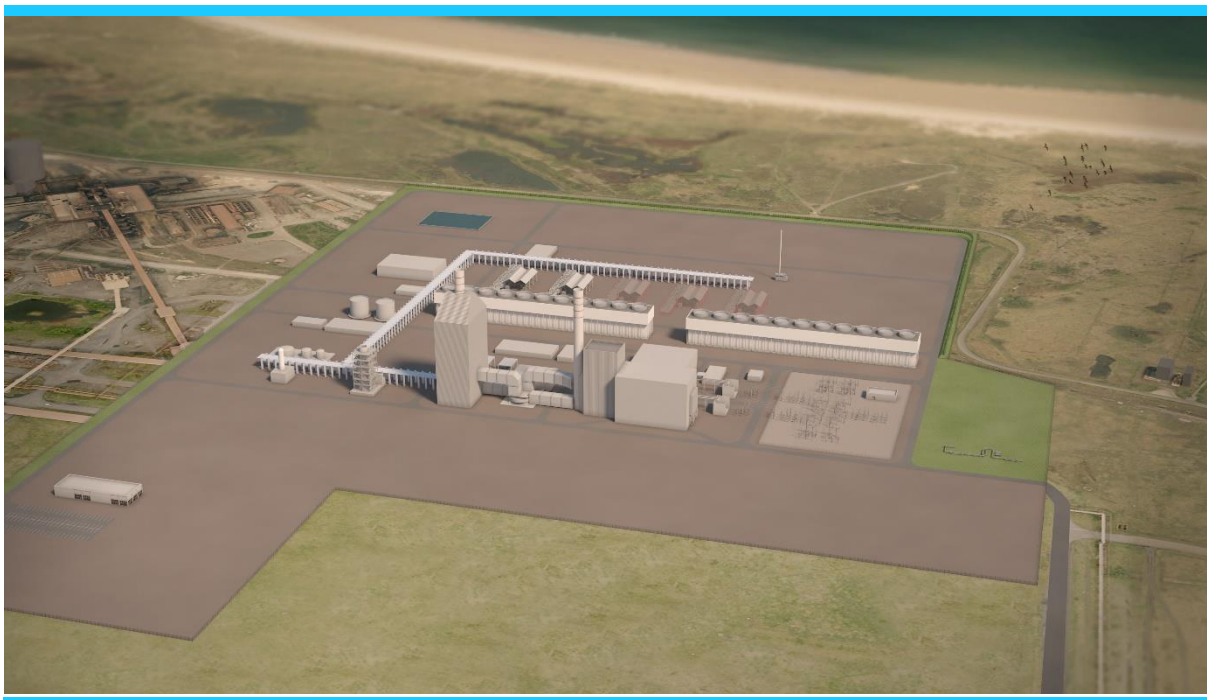
Land at and in the vicinity of the former Redcar Steel Works site, Redcar and in Stockton-on-Tees, Teesside

The Net Zero Teesside Order

Document Reference: 9.44 Written Summary of Oral Submissions for Compulsory Acquisition Hearing 3 (CAH3)

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009



Applicants: Net Zero Teesside Power Limited (NZN Power Ltd) & Net Zero North Sea Storage Limited (NZNS Storage Ltd)

Date: October 2022

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APPENDICES

Appendix

1.0 INTRODUCTION

1.1 Overview

- 1.1.1 This Written Summary of Oral Submissions for Compulsory Acquisition Hearing 3 ('CAH3') (Document Ref. 9.44) has been prepared on behalf of Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the 'Applicants'). It relates to the application (the 'Application') for a Development Consent Order (a 'DCO'), that has been submitted to the Secretary of State (the 'SoS') for Business, Energy and Industrial Strategy ('BEIS'), under Section 37 of 'The Planning Act 2008' (the 'PA 2008') for the Net Zero Teesside Project (the 'Proposed Development').
- 1.1.2 The Application was submitted to the SoS on 2 and was accepted for Examination on 16 August 2021. A change request made by the Applicants in respect of the Application was accepted into the Examination by the Examining Authority ('ExA') on 6 May 2022. A further change request has been submitted to the ExA at Deadline 6 on 23 August 2022.

1.2 Description of the Proposed Development

- 1.2.1 The Proposed Development will work by capturing CO₂ from a new the gas-fired power station in addition to a cluster of local industries on Teesside and transporting it via a CO₂ transport pipeline to the Endurance saline aquifer under the North Sea. The Proposed Development will initially capture and transport up to 4Mt of CO₂ per annum, although the CO₂ transport pipeline has the capacity to accommodate up to 10Mt of CO₂ per annum thereby allowing for future expansion.
- 1.2.2 The Proposed Development comprises the following elements:
- **Work Number ('Work No.') 1** – a Combined Cycle Gas Turbine electricity generating station with an electrical output of up to 860 megawatts and post-combustion carbon capture plant (the '**Low Carbon Electricity Generating Station**');
 - **Work No. 2** – a natural gas supply connection and Above Ground Installations ('AGIs') (the '**Gas Connection Corridor**');
 - **Work No. 3** – an electricity grid connection (the '**Electrical Connection**');
 - **Work No. 4** – water supply connections (the '**Water Supply Connection Corridor**');
 - **Work No. 5** – waste water disposal connections (the '**Water Discharge Connection Corridor**');
 - **Work No. 6** – a CO₂ gathering network (including connections under the tidal River Tees) to collect and transport the captured CO₂ from industrial emitters (the industrial emitters using the gathering network will be responsible for consenting their own carbon capture plant and connections to the gathering network) (the '**CO₂ Gathering Network Corridor**');

- **Work No. 7** – a high-pressure CO₂ compressor station to receive and compress the captured CO₂ from the Low Carbon Electricity Generating Station and the CO₂ Gathering Network before it is transported offshore (the '**HP Compressor Station**');
- **Work No. 8** – a dense phase CO₂ export pipeline for the onward transport of the captured and compressed CO₂ to the Endurance saline aquifer under the North Sea (the '**CO₂ Export Pipeline**');
- **Work No. 9** – temporary construction and laydown areas, including contractor compounds, construction staff welfare and vehicle parking for use during the construction phase of the Proposed Development (the '**Laydown Areas**'); and
- **Work No. 10** – access and highway improvement works (the '**Access and Highway Works**').

1.2.3 The electricity generating station, its post-combustion carbon capture plant and the CO₂ compressor station will be located on part of the South Tees Development Corporation (STDC) Teesworks area (on part of the former Redcar Steel Works Site). The CO₂ export pipeline will also start in this location before heading offshore. The generating station connections and the CO₂ gathering network will require corridors of land within the administrative areas of both Redcar and Cleveland and Stockton-on-Tees Borough Councils, including crossings beneath the River Tees.

1.3 The Purpose and Structure of this document

1.3.1 The purpose of this document is to provide a Written Summary of the submissions made orally by the Applicants at CAH3 held on Wednesday 19 October 2022 at 10am. Table 2-1 in Section 2 of this document contains the Applicants' summary and is structured so that the summary of each agenda item is on a separate row. Table 2-1 document also contains the Applicants' response to the action points arising from CAH3 [EV10-005] published on the Planning Inspectorate's website on 21 October 2022 following completion of the hearings.

2.0 WRITTEN SUMMARY OF ORAL SUBMISSIONS

Table 2-1 Summary of Oral Submission at CAH3

| | AGENDA | SUMMARY OF ORAL CASE |
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| 1. | Item 1 Welcome, Introductions, and arrangements for the Compulsory Acquisition Hearing | N/A |
| 2. | Item 2 Purpose of the Hearing | N/A |
| 3. | Item 3 Change Requests <ul style="list-style-type: none"> 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. | <p>In response to questions from the Examining Authority, Hereward Philpott KC (“HPKC”) for the Applicants confirms that there are two proposed changes to the DCO to be brought forward.</p> <p>The two changes can be summarised as follows:</p> <ul style="list-style-type: none"> Firstly, the selection of an outfall. The Application currently includes two wastewater discharge routes. Work No. 5A, utilises the existing STDC outfall and Work No. 5B involves the construction of a new outfall. Secondly, the removal of the Tees Dock Road access route to the Teesworks site. <p>Selection of an outfall</p> <p>Following completion of technical assessments, the Applicants can confirm their intention to select construction of a new outfall under Work No. 5B and therefore to remove Work No. 5A from the DCO. This change will be submitted by the Applicants as part of their finalised DCO submissions at Deadline 12 on the 1st November. The change is limited to a reduction of Order Land for areas which are included within it solely in relation to Work No. 5A (i.e. no other Work Nos. overlap with the area to be removed). The DCO application currently seeks powers of temporary possession only over the parts of the Order land relating to Work No. 5A and which would be removed.</p> <p><i>[Post-hearing note: The Applicants note that removal of Work No. 5A would include the removal of plot 305, which has the benefit of powers associated with Work No. 10 (but solely related to activities for Work No. 5A)]</i></p> <p>The Applicants’ intention to select one of the outfalls and to remove the other during the course of the examination has been known since the submission of the DCO Application and has been made clear throughout. Interested parties have been able to make fully informed representations on the two respective options.</p> <p>No interested party has expressed an objection to or strong preference for either outfall option, although STDC has made representations in relation to the route of the connection between the PCC Site and the existing outfall infrastructure, relevant only to Work No. 5A – those representations would no longer be relevant following the removal of Work No. 5A.</p> <p>The Environmental Statement considered the potential for either option to come forward.</p> <p>Whilst removal of Work No. 5A is being confirmed relatively late in the examination, for the reasons here summarised the Applicants consider that the change is non-material, and does not involve the introduction of any new or additional development or powers. Consequently, the nature of the change means there is no issue in terms of being able properly to examine the application as changed, or possible prejudice to IPs.</p> |

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| | | <p>Tees Dock Road access</p> <p>The Applicants' position remains as set out in response to CA.2.7 in the Examining Authority's Second Written Questions [REP6-121].</p> <p>Negotiations are ongoing with STDC and therefore the Applicants are not in a position to remove the Tees Dock Road plots from the DCO at this stage.</p> <p>The Applicants intend to request the relevant plots (the area to be removed has been agreed with STDC) be removed from the DCO upon securing the alternative Lackenby gate access route via a legal agreement with STDC but consider this is now likely to fall after the close of the Examination.</p> <p>Applicants' suggested approach to remaining changes</p> <p>In order to ensure that there is clarity and transparency as to the changes made in the preferred form DCO and to give the Examining Authority and Secretary of State all the information they could need, the Applicants intend to take the following approach at Deadline 12.</p> <p>The Applicants will submit their finalised preferred form DCO as required at Deadline 12, including the amendments required in all circumstances (i.e. not related to the change request) and also including those relating to the outfall selection change request. The Applicants will also submit associated documents (statutory plans, book of reference etc.) which relate to the outfall selection change request, including an ES Addendum.</p> <p>At Deadline 12 the Applicants will also submit a schedule of changes to the DCO and which will clearly identify:</p> <ul style="list-style-type: none"> • Changes made in the finalised DCO which apply in all circumstances. • Changes made in the finalised DCO which relate to the outfall selection change request. This will also allow the Examining Authority to identify the amendments that would be required if the change request for removal of Work No. 5A is not accepted by the ExA, to ensure transparency and that this is available to the ExA if required. • Although not included in the preferred final DCO, the schedule of changes will also detail the amendments required to the DCO to remove the Tees Dock Road access, again to ensure transparency, allow comments by IPs, and that enable drafting to be considered by the ExA/SoS as required. <p>Following the formal selection of an outfall option, the Applicants do not consider that there would be any remaining optionality within the DCO if the resulting change is accepted. As outlined previously, the Applicants will submit a change request at Deadline 12 on the 1st November.</p> <p><i>Post-hearing note: Action 1, Provide an overview of the proposed changes intended to be submitted at Deadline 12 – the Applicants have submitted the document Notification of Further Proposed Changes (Document Ref. 7.13) at Deadline 11.</i></p> |
| 4. | <p>Item 4</p> <p>Compulsory Acquisition</p> <ul style="list-style-type: none"> • 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 | <p>Jack Bottomley ("JB") for the Applicants confirms that there are 17 identified landowners across the Order limits. At the second compulsory acquisition hearing, the Applicants confirmed that they had concluded heads of terms with eight of these landowners. For each of these, draft legal agreements have been prepared by legal representatives and, in most cases, shared with the third party.</p> <p>With agreement, the Applicants have progressed direct to draft legal agreements with STDC and Anglo American (rather than finalising heads of terms first), negotiations are well progressed with both of these parties and the Applicants are confident of concluding agreements shortly.</p> <p>The Applicants are continuing to engage proactively and productively with all of the other landowners listed against this agenda item, and remain confident that the negotiations can be concluded so as to either negate or at least minimise the necessity to use compulsory acquisition powers in practice.</p> |

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| | <p>the CA Schedule [REP9-022] as a basis for this;</p> <ul style="list-style-type: none"> ○ 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 <ul style="list-style-type: none"> ● 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. | <p>The Applicants will continue to progress with voluntary agreements after the Examination has concluded, and beyond the Secretary of State's decision on the DCO application should any not be signed by that stage.</p> <p>The Applicants summarised the current status of negotiations as follows:</p> <p>Air Products: the Applicants are currently negotiating a side agreement and Protective Provisions, the drafts have been with them since July and we have been chasing. The Applicants had a productive call with Air Products on 7th October and await return of detailed comments.</p> <p>Anglo American: a detailed update was provided at Deadline 8 in the Compulsory Acquisition schedule [REP8-052], the Applicants have now reached agreement on the PPs and side agreement, subject to agreeing other matters alongside this. The Applicants have also exchanged draft legal agreements and hope to conclude these before the end of examination.</p> <p>CATS North Sea Limited: the Applicants have exchanged a set of Heads of Terms and await a response; the Applicants expect to hear shortly however do not expect to conclude before the end of Examination.</p> <p><i>[Post-hearing note: The Applicants received a response on the draft Heads of Terms on 21st October, these comments are under consideration and the Applicants will respond shortly]</i></p> <p>CF Fertilisers: the Applicants have agreed Heads of Terms and shared draft legal agreements in August, and comments have been exchanged on those. Legal agreements are not likely to be concluded during Examination but shortly thereafter.</p> <p>Exolum Seal Sands and Exolum Riverside: the Applicants are currently negotiating the PPs and side agreement, and are finalising those documents. The Applicants are hopeful of concluding the documents before the end of Examination.</p> <p>INEOS Nitriles: The Applicants have agreed Heads of Terms, pending Board approval of INEOS Nitriles. The Applicants do not expect to conclude agreements during Examination, but shortly thereafter.</p> <p>Ineos UK SNS: the Applicants have agreed PPs and continue to negotiate a side agreement, and are hopeful of reaching agreement during Examination.</p> <p>North Tees Group: the Applicants have been engaged since early 2021, and extensive comments have been exchanged back and forth but are not yet agreed. The Applicants do not expect to reach agreement on Heads of Terms during Examination but will continue to work with the North Tees Group to try to achieve voluntary agreement.</p> <p>NPL Waste Management: Harry Stubbs ("HS") on behalf of the Applicants notes that the Applicants have been engaged since late 2020, that Heads of Terms are at an advanced stage although the Applicants are currently awaiting comments on those Terms and do not think there will be agreement by the end of Examination.</p> <p>PD Teesport: JB for the Applicants confirms that PPs were agreed and included in the DCO submitted at Deadline 8 [REP8-003], and the parties are currently agreeing the side agreement. PDT's agreement of the PPs is subject to the side agreement. Positive discussions are being held on the Heads of Terms but do not expect to reach agreement during Examination.</p> <p>Redcar Bulk Terminal: the Applicants have reached agreement on the PPs (subject to the matters set out in RBT's Deadline 9 representation [REP9-034]), are close to agreeing the side agreement, have agreed Heads of Terms and have exchanged draft legal agreements. It is hopeful that agreement can be achieved before the end of examination.</p> |
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| | <p>Sembcorp: HS for the Applicants notes that the Applicants have had numerous engagements with Sembcorp, and Heads of Terms are agreed for the above ground element. The parties hold bi-monthly meetings and have another meeting w/c 24 October.</p> <p>Sabic: JB for the Applicants notes that they shared land agreements some time ago and have received comments back. The parties are working on protective provisions and the side agreement.</p> <p>RCBC: Heads of Terms for the land interests are agreed and the Applicants are hoping to achieve agreement during Examination.</p> <p>STBC: HS for the Applicants note that Sembcorp has confirmed that they are able to grant the Applicants contractual rights to the use of culverts underneath roads (the areas in which STBC has a potential interest, as highway authority). Agreement will be sought if necessary with STBC but this is not anticipated to be required.</p> <p>STDC: JB for the Applicants confirms they are currently frequently exchanging mark-ups for the main site option with STDC and hope to conclude this shortly, although there is doubt whether this can be achieved during Examination. Following conclusion of the main option agreement the parties will negotiate the easement option agreement, and this sequential approach has been agreed with STDC. The parties also continue to exchange drafts of the PPs and side agreement.</p> <p>TGPP and TGLP: the parties are working on PPs and a side agreement, and have exchanged a number of draft comments on these documents and the Heads of Terms. It is however unlikely to conclude Heads of Terms during examination but both sides are working together to try to conclude negotiations as soon as possible.</p> <p>HPKC provided an initial oral response to the points raised by TGLP in respect of access arrangements. By way of overview, he referred to the Applicants' previous responses on this issue at REP6-122. The broad position is that whilst the Applicants do not accept that it would be appropriate to modify the scope of the powers or rights sought (because the solution to such issues lay in appropriate protective provisions regulating the use of such powers or rights), they would engage with the particular issue raised through negotiation outside the Examination and respond in detail at the next deadline.</p> <p><i>Post-hearing note: Action 2, Provide a response to the comments of Mr Innes on behalf of Teesside Gas and Liquids Processing and Teesside Gas Processing Plant Limited about Compulsory Acquisition (CA) concerns:</i></p> <p><i>Mr Innes made a representation on the new rights sought for Work No. 2A in Schedule 7 of the dDCO [REP8-003] and in particular that the wording for Work No. 2A which is broad and allows the Applicants to take access in connection with Work No. 2B. NSMP are concerned that the Applicants could access plot 110 (and further plot 112) via plot 105, the latter being part of TGLP's freehold land and which forms part of the TGPP facility.</i></p> <p><i>These rights are required by the Applicants to ensure that they can install, retain, use and maintain Work Nos. 2A and 2B. Sheets 6 & 7 of the Works Plans [REP6-016] illustrate that Work No. 2B sits within the boundaries of Work No. 2A and doesn't have access specifically between it and the Order Limits or public highway. The Applicants therefore require rights of access in order to get to Work No. 2B, via the areas of Work No. 2A. Such access rights are required to deliver the Proposed Development, and are appropriate given the close interaction and link between Work Nos. 2A and 2B (they are part of the same overall work, to provide a gas supply to the Low Carbon Generating Station (Work No. 1A), and will be carried out together, with construction traffic for Work No. 2A and 2B to a significant degree being 'combined'). In relation to the specific concern raised by Mr Innes, the Applicants' position is that the protective provisions in the DCO are the appropriate mechanism for then restricting powers, where that is necessary. The Applicants consider that NSMP's concerns in relation to plot 105 can be addressed through the provisions of Part 27 of Schedule 12, and have been discussing this particular issue outside the examination process (and seeking to agree protective provisions accordingly). The Applicants will submit its final version of the protective provisions at Deadline 12 (if not agreed), to address this matter.</i></p> |
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| | | <p>Teesside Wind Farm: the parties are working on PPs and a side agreement, have exchanged a number of comments and are hopeful that agreement can be reached during Examination.</p> <p>HPKC summarises on behalf of the Applicants by noting that it is a particularly complex site, with a number of inter-related interests, reflected not only in the number of agreements but also in their nature. The Applicants have made consistent and concerted efforts to engage and negotiate. It is not unusual to have negotiations outstanding by the end of Examination. However the key point is that concerted efforts to negotiate have been made. The fact that agreements have not been reached is part of the importance of being able to utilise powers of Compulsory Acquisition and Temporary Possession if, despite best efforts, the parties are unable to achieve agreement.</p> <p>JB for the Applicants notes that two parties have not submitted representations during Examination:</p> <ul style="list-style-type: none"> • Suez: the parties are working on PPs and a side agreement, and have agreed Heads of Terms. • Navigator: the draft PPs and side agreement have been with their solicitor since July, and the draft legal agreement has been with their solicitor since June. The Applicants await comments on these documents. <p><i>Post-hearing note: Action 3, Provide an overview summarising the position at the end of the Examination regarding the status of negotiations with land interests. This should be a separate document to the main CA Schedule, with particular reference to Affected Persons who have engaged with the Examination: as requested this information will be provided by the Applicants at Deadline 13.</i></p> |
| 5. | <p>Item 5</p> <p>Temporary Possession (TP)</p> <ul style="list-style-type: none"> • 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; | <p>First agenda item:</p> <p>HPKC for the Applicants confirms that the Applicants submitted a change request at Deadline 6 on the 23rd August. This request consisted of four discrete changes to the Application, three of which impacted temporary possession powers:</p> <ul style="list-style-type: none"> • Removal of Work No. 6 Option 2 for the crossing of the Tees by horizontal directional drilling. This resulted in a significant reduction in areas over which temporary possession powers are sought north of the Tees and which would have supported the construction of the crossing. • Removal of parcels of Order Land subject to temporary possession powers and a reduction in rights from compulsory acquisition to temporary possession within North Tees Group interests. • Removal of parcels of Order Land subject to temporary possession powers within STDC interests. <p>The Examining Authority accepted the change request in its letter dated 6 September 2022 [PD-017].</p> <p>Second agenda item:</p> <p>HPKC explained that in the context of compulsory acquisition and use of temporary possession powers, the mere existence of a suitable alternative is not an in-principle obstacle to the confirmation of those powers, particularly where, as here, the Applicant does not have control of the alternative land and the alternative was only advanced by STDC after submission of the application. A critical factor in concluding that compulsory acquisition or temporary possession is justified will often be the substantial public interest benefit of securing the certain and timely availability of the land in question. In all cases, it will be necessary to look at the evidence as to the nature and extent of any private loss that would arise as a result of the powers being exercised and the availability of compensation when loss does arise.</p> <p>The Applicants continue to negotiate in earnest with STDC to complete the relevant legal agreements to secure the alternative access. However, the possibility that such agreements might be concluded does not obviate the crucial need for certainty in obtaining access from the public highway. Without it, the ability to deliver the very significant public interest benefits of the Proposed Development would be threatened. For</p> |

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| | <ul style="list-style-type: none"> 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 | <p>those reasons, in the absence of agreement securing the alternative access, the public interest decisively justifies the grant of temporary possession powers over Tees Dock Road.</p> <p>Third agenda item</p> <p>In response to comments from the NT Group, JB for the Applicants clarifies in respect of REP7-005 that the reference to a plan in the Appendix was made in error from a previous (superseded) version of the draft Statement of Common Ground. The Applicants' view is that the plan is no longer required because subsequent changes to the land plans already reflect the changes that were reflected in that plan. The Applicants are happy to annex the plan to the final SoCG however note it now shows historical information.</p> <p><i>[Post-hearing note: The Applicants can confirm that it was agreed between parties that Appendix A1 referred to in the Deadline 7 SoCG with NT Group [REP7-005] was to be included. Therefore, the Applicants have included this in Appendix 1 of this summary of oral submission for the benefit of NT Group and the ExA.]</i></p> <p>In response to comments from the North Tees Group regarding previous changes of plots within NT Group's land from those where new rights were sought to now seeking powers of temporary possession, HPKC for the Applicants notes that there is no justification for the Applicants to seek the relevant plots on a permanent basis when only temporary possession is required. HPKC also noted that the access concerns raised by the North Tees Group are addressed in the PPs, which govern the exercise of those rights. Schedule 12 Part 26 to the draft DCO [REP8-003] requires consent by the North Tees Group before commencing any part of the authorised development including access to land within and adjacent to the Order Limits. The Applicants must also submit the works details for approval of the North Tees Group prior to the commencement of development.</p> <p>In terms of the extent of land (in the area of plots 124a and 128a), HPKC confirms that these areas are required to support Work Number 6, which involves construction activities and material laydown for crane operation, required in relation to Work No. 6 being constructed over an existing high level pipe rack. The precise location of the crane is not yet fixed, due to ground conditions and detailed construction design yet to be undertaken. That is why the land is required, and the PPs are the answer to mitigating the impact on the North Tees Group – see above in relation to NT Group's access.</p> <p><i>Post-hearing note – the Applicants have also separately responded to the Position Statements of NT Group [AS-207 and AS-208] in Applicants Comments on Deadline 9 Submissions and Additional Submissions (Document Ref. 9.42).</i></p> |
| 6. | <p>Item 6</p> <p>Crown Land</p> <ul style="list-style-type: none"> 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 | <p>HPKC for the Applicants notes that the Applicants provided a response to Second Written Question CA.2.19 initially at Deadline 6 [REP6-121] and a further update at Deadline 9 [REP9-020].</p> <p>The Applicants know of no reason why Crown consent would not be granted, and that prospect has not been mentioned in their correspondence with the Crown. The Applicants expect that S135 consent will be provided before the end of the examination.</p> <p>The Applicants' Deadline 9 response to ExAWQ2 CA.2.19 [REP9-020], explained that the Crown have confirmed that S135 consent will be granted. The Applicants' response also provided examples of where Crown consent was granted late in the DCO process, including a number of instances where the consent was granted following the close of Examination.</p> <p>Accordingly, the Applicants do not consider it to be unusual that Crown consent has not yet been granted, and considering the examples the Applicants provided, it would not be atypical for Crown consent to be provided after the end of Examination. The Applicants cannot control the timescale in which the Crown grant consent. In the event that it is not granted prior to the conclusion of the Examination, the Applicants will</p> |

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| | <p>Crown land has to be removed from the Order land.</p> | <p>invite the Examining Authority to make a positive recommendation on the application, subject to the grant of Crown consent. Plainly the Secretary of State could only authorise the Proposed Development insofar as it affects Crown Land if that consent had been granted.</p> <p><i>[Post-hearing note: Action 4, Supply a list of Crown land plot numbers: Part 4 of the Book of Reference [REP6-007] confirms the Crown interests are plots 218 (Work No. 6), 371 (Work No. 5A), 528 (Work No. 5B & 8) and 530 (Work No. 5B & 8). The Applicants note that the plot relating to Work No. 5A will be removed from the Order land by the change request to be submitted at Deadline 12 (to delete Work No. 5A from the DCO).]</i></p> |
| <p>7.</p> | <p>Item 7</p> <p>Statutory Undertakers’ Protective Provisions (Articles 33 and 41, and Schedule 12 Parts 1, 2, 3, 10, 11, 13, 24 and 25 of the dCO)</p> <ul style="list-style-type: none"> • The Applicants are asked to summarise any outstanding land and rights matters relating to Protective Provisions for the following Statutory Undertakers; <ul style="list-style-type: none"> ○ 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 ○ 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. | <p>HPKC for the Applicants notes that in the event there are statutory undertakers or electricity code operators, the Applicants consider the general PPs in Parts 1 and 2 of Schedule 12 of the draft development consent order [REP8-003] to be adequate.</p> <p>The Applicants provided the following update on the listed third parties.</p> <p>Open Reach</p> <p>So far as the Applicants are aware, there are no outstanding matters. There has been no reply to the Applicants’ correspondence and the Applicants consider the draft Protective Provisions in Part 2 of Schedule 12 to be appropriate.</p> <p>Vodafone, Cornerstone and Telefonica</p> <p>None of these parties have responded or provided comments on the protective provisions. Nevertheless, Part 2 should be retained to protect parties that have not yet come forward.</p> <p>Part 3 – National Grid</p> <p>National Grid returned comments on the protective provisions in June 2022, and at this point the Applicants were informed that the powers were being split out under National Grid Electricity Transmission and National Grid Gas. They provided comments on 29 July, the Applicants returned on 12 August and they returned to the Applicants on the 12 October. The Applicants have been advised that instructions are being sought.</p> <p>Part 10 – Network Rail</p> <p>Network Rail provided the initial draft framework agreement on 12 May, which the Applicants returned on 24 June, and a substantive response has been awaited since that time. It is the Applicants’ expectation that the framework agreement will be entered into alongside the property agreements.</p> <p>Part 11 – Northern Powergrid</p> <p>The parties continue to negotiate the PPs with a draft most recently returned by the Applicants on 13 October.</p> <p>Part 13 – PD Teesport</p> <p>The Deadline 8 DCO version of the PPs are agreed (subject to the side agreement), and the side agreement is agreed but not yet completed.</p> <p>Part 24 - Northumbrian Water Limited</p> <p>The parties continue to negotiate the PPs based upon their template, with the DCO version updated at Deadline 8 to account for some of the agreed updates.</p> <p>Part 25 – Northern Gas Networks</p> |

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| | | <p>A draft side agreement was provided 28 July 2022 and comments returned in September, and returned by the Applicants on 5 October. The Applicants await a response.</p> <p><i>[Post-hearing note: Action 5, the position with regard to EDF Energy Renewables and Teesside Windfarm Limited to be confirmed in respect of whether s127 of the Planning Act 2008 is engaged - the Applicants understand that EDF Energy Renewables Limited is a statutory undertaker (as it has a generation licence), but does not have an interest in land within the Order Limits, and that Teesside Windfarm Limited is not an electricity undertaker (as it has no generation licence). As such s.127 is not engaged in respect of these entities. The Applicants have contacted solicitors for EDF Energy Renewables Limited / Teesside Windfarm Limited and they are in agreement with this analysis.]</i></p> |
| 8. | <p>Item 8</p> <p>Statements of Common Ground relevant to the CA, TP & Protective Provisions</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ 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. | <p>HPKC for the Applicants confirms that in line with the Examination timeline, the Applicants will submit finalised SoCGs at Deadline 12, where comments are received from the relevant third party. The Applicants will share updated drafts with the interested parties in advance of Deadline 12 for comment.</p> |
| 9. | <p>Item 9</p> <p>Review of issues and actions arising</p> | N/A |
| 10. | <p>Item 10</p> <p>Any other business</p> | N/A |
| 11. | <p>Item 11</p> <p>Closure of the Hearing</p> | N/A |

APPENDIX A1 FROM DEADLINE 7 NTG SOCG [REP7-005]



- Key:**
- Rights
 - Temporary
 - Reduction of Rights
 - Plot Removed

Coordinate System: British National Grid
 Projection: Transverse Mercator
 Datum: OSGB 1936

DRAFT

For Internal Use Only

Interest:
 North Tees Limited & North Tees Land Limited & North Tees Rail Limited

Location:
 Land near Huntsman Drive, Billingham, TS2 1TT

Coords: 452,884 523,521

Scheme Name:
 BPE001 - NetZero Teesside

Drawing Name:
 Information Plan

Drawing No: 204482_PLN_INFO_131.1

| Rev | Date | Description |
|-----|------------|-------------|
| - | 25.08.2022 | First Issue |

Dr. [Name] AL

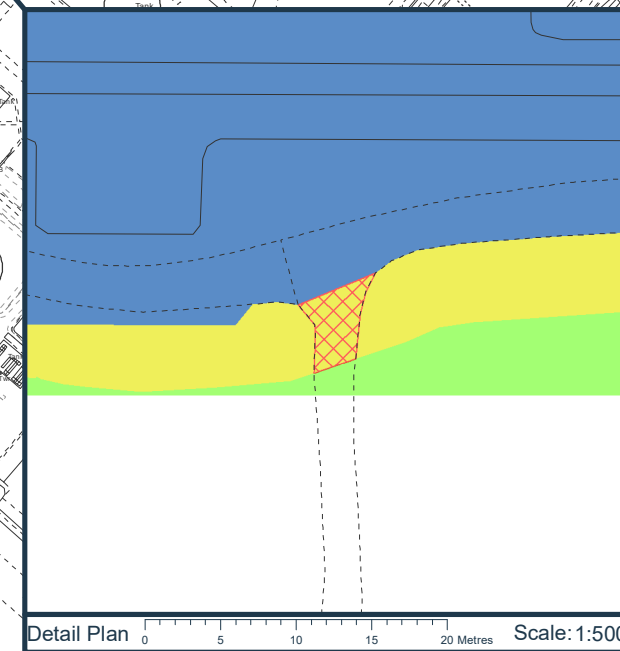
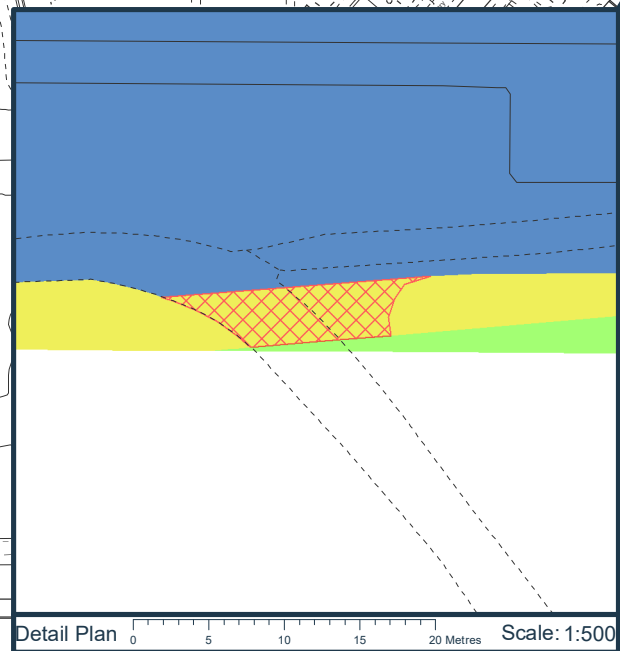
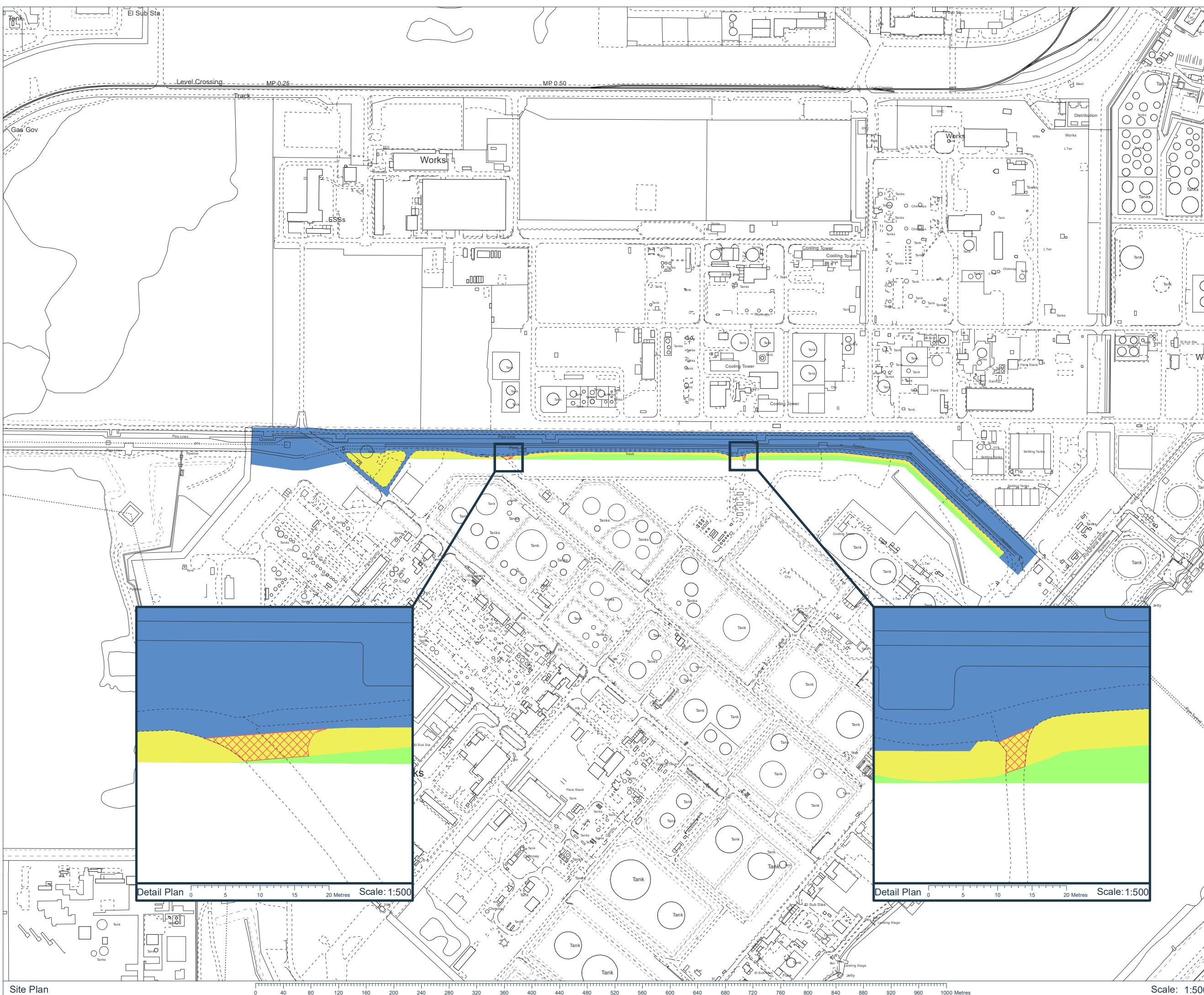
Approved:

Sheet No: 1 of 1

Sheet Size: A3



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Drawing Location: C:\Users\andrew.lambert\OneDrive\Documents\20220824_204482_PLN_INFO_131.1.mxd