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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 CHANGE 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 ('NZT') Development Consent Order (DCO) Application, which was accepted for Examination on 16 August 2021.

As part of their Deadline 8 submission [**REP8-001**], the Applicants indicated their intention to make two further changes to the DCO Application. At Deadline 11 on 26 October 2022, the Applicants submitted Document Ref. 7.13a 'Notification of Further Proposed Changes' [**REP11-011**] to the Examining Authority ('ExA'), which described the nature of the proposed changes and the Applicants' intention to submit a formal change request and updated Application Documents at Deadline 12.

The first change relates to the selection of an outfall for the disposal of wastewater to Tees Bay. The Application currently includes two wastewater discharge options. Work No. 5A utilises the existing STDC outfall, while Work No. 5B involves the construction of a new outfall. The Applicants have now selected the new outfall option (Work No. 5B) and propose that the STDC outfall option (Work no. 5A) is removed from the Application.

The second change relates to the removal of the Tees Dock Road Access (part of Work No. 10) from the Application. This change is dependent on securing a legally binding voluntary agreement with STDC. While progress has been made on this agreement between the parties, the Applicants do not expect it to be concluded before the end of the Examination, therefore, this change is expected to occur post-Examination.

This change request therefore only relates to the selection of the new outfall option and the removal of the STDC outfall option from the Application.



## Change Request

As a result of further Front End Engineering Design ('FEED') work, the Applicants are in a position to further reduce optionality and the extent of the Order Limits through the following change:

- Removal of the STDC outfall option (Work No. 5A) from the Application.

The proposed change set out above is described in Table 1 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).

**Table 1 – Summary of Further Proposed Change**

Change No.	Description
18	Proposed Change: Removal of optionality for the disposal of wastewater to Tees Bay by removal of Work No. 5A (repair and upgrade of the existing STDC water discharge infrastructure to the Tees Bay) resulting in a reduction in the Order Limits ( <b>Work Nos. 5A &amp; 10</b> ).

The proposed change would further reduce optionality and the amount of land required for the Proposed Development. Its overall effect would therefore be positive in reducing the potential effects of the Proposed Development on Interested Parties and the number of issues to be considered by the ExA.

## 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.

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:

- whether the change would generate new or different likely significant environmental effect(s); and
- 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 Applicants' intention to select one of the outfalls and, if possible, remove the other during the Examination, has been known since the submission of the Application and has been made clear throughout the course of the Examination. Interested parties have had sufficient opportunity to make fully informed representations in respect of the two options.

No Interested Party has expressed an objection to or strong preference for either of the outfall options, although STDC made representations in relation to the route of the connection between the PCC Site and the existing outfall infrastructure. Those representations are relevant only to Work No. 5A, which is the option that the Applicants propose to remove.

The Applicants consider that the change is non-material, as it involves the removal of an option and does not involve the introduction of any new or additional land, development or powers. Given all of the above factors, the nature of the change means that there is no issue in terms of being able to examine the Application as changed, or possible prejudice to Interested Parties.

### Description and Rational for the Further Proposed Change

The Applicants confirmed during CAH3 that following completion of technical assessments, they had selected the construction of a new outfall (Work No. 5B) and therefore intended to remove the option of using the existing STDC outfall (Work No. 5A) from the Application.

The change request for the removal of Work No. 5A is limited to a reduction in the Order Land/Limits and powers. The Order Land to be removed is for the sole purpose of Work No. 5A, including Plot 305, which is also covered by Work No. 10 (but solely related to activities for Work No. 5A).

The Application currently seeks powers of temporary possession only over the parts of the Order Land relating to Work No. 5A and 10, which would be removed.

The change would result in the removal of complete land plots from the Book of Reference (Document Ref. 3.1), Land Plans (Document Ref. 4.2) and Crown Land Plans (Document Ref. 4.3). The impacted plots are Plot Nos. 297, 304, 305, 306, 307, 308, 310, 311, 312, 326 and 371.

The area of land to be removed from the Application is shown on the plan at Appendix 1 of the Notification of Further Proposed Changes document (Document Ref. 7.13a) that was submitted at Deadline 11.

### Environmental Information

The further proposed changes have been subject to environmental and other relevant assessment, the full details of which are contained within the Third Environmental Statement (ES) Addendum (Documents Refs. 7.15.1 to 7.15.2), which forms part of the formal change request.

The Third ES Addendum should be read in conjunction with the original ES **[APP-081 to APP-347]**, the First ES Addendum submitted in April 2022 **[AS-049 to AS-132]** and the Second ES Addendum submitted in August 2022 **[REP-107 & 108]**. It considers how the further proposed change affects the assessments presented as part of the original ES and the April and August 2022 ES Addendums.

The potential use of the existing outfall (Work No. 5A) is described in the Environmental Statement ('ES') at Chapter 4: Proposed Development **[AS-019]**, Chapter 5: Construction Programme and Management **[APP-086]** and Chapter 6: Alternatives and Design Evolution **[APP-088]**. The environmental effects of its use are assessed in Chapter 9: Surface Water, Flood Risk and Water Resources **[APP-091]**, Chapter 14: Marine Ecology and Nature Conservation **[APP-096]** and Chapter 24: Cumulative and Combined Effects **[APP-106]**. Reusing the existing outfall would have lower environmental effects than constructing a replacement (with one exception considered in the next sentence), although no effects in relation to either outfall option are assessed as 'significant'. The exception noted is water quality impacts on Tees Bay, where the effects arising from use of the existing outfall would be greater due to closer proximity to the Tees Estuary (see preliminary modelling included as Appendix A to the Nutrient Nitrogen Briefing Paper **[REP9-015]**). Removing the existing outfall option from the Application would therefore result in either no change or, in one case a reduction in the environmental impacts assessed in the ES.

The Third 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. As noted above, both outfall options were considered in the Application (submitted around 15 months ago) and the environmental effects of the outfalls were considered in the ES, and Interested Parties have already therefore had a considerable period of time to consider and make representations on both the principle of the outfall options and their respective environmental effects. In addition, the Applicants have already advertised their intention to submit a change request and the nature of the change through submissions at prior written deadlines and at the hearings, as noted above. All relevant persons will be notified of the submission of the change request, and there is an opportunity for persons interested in the DCO Application to comment on this submission.

### Documentation

The change request comprises the following additional and updated documentation:

1. This letter (Document Ref. 7.13b).
2. Application Guide (Document Ref. 1.2).
3. Final Draft DCO (Document Ref. 2.1).
4. Explanatory Memorandum (Document Ref. 2.2).
5. Book of Reference (Document Ref. 3.1).
6. Statement of Reasons (Document Ref. 3.2).
7. Guide to Land Plan Plots (Document Ref. 3.4).
8. Location Plan (Document Ref. 4.1).
9. Land Plans (Document Ref. 4.2).
10. Crown Land Plans (Document Ref. 4.3).
11. Works Plans (Document Ref. 4.4).
12. Access and Right of Way Plans (Document Ref. 4.5).
13. Indicative Power Capture and Compressions (PCC) Facility Plans (Document Ref. 4.6.1 to 4.6.2)
14. Indicative Water Connection Plan (Document Ref. 4.9)
15. Surface Water Drainage Plan (Document Ref. 4.13).
16. Deemed Marine Licence Coordinate Plans (Document Ref. 4.14)
17. Indicative Landscape and Biodiversity Plan (Document Ref. 4.15)
18. Parking Plan (Document Ref. 4.16.2).
19. Design and Access Statement (Document Ref. 5.4).

20. Habitat Regulations Assessment (Document Ref. 5.13).
21. ES Volume II (Figures) (Document Refs. 6.3.1 to 6.3.72, 6.3.121 to 6.3.123 and 6.3.124 to 6.3.129).
22. Non-Technical Summary of Third Environmental Statement ('ES') Addendum (Document Ref. 7.14).
23. Third ES Addendum – Volume I (Main Report) (Document Ref. 7.15.1).
24. Third ES Addendum – Volume II (Figures) (Document Ref. 7.15.2).
25. Habitats Regulations Assessment for Change Request (Document Ref. 7.16).

The Applicants have also submitted a Schedule of Changes to the draft DCO (Document Ref. 2.1f), which clearly identifies:

- Changes made in the finalised draft DCO which apply in all circumstances.
- Changes made in the finalised draft DCO which relate to the outfall selection change request. This will allow the ExA to identify the amendments that would be required if the change request for the 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 draft 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 Interested Parties, and that enable the drafting to be considered by the ExA/SoS as required.

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**