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To:
All Interested Parties and Affected
Persons

Our Ref: EN010103

Date: 4 November 2022

Dear Sir/ Madam

The Planning Act 2008 – Section 89

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.

Request for Proposed Changes to the Net Zero Teesside Development Consent Order Application.

We are writing to inform you of the Procedural Decision made by the Examining Authority (ExA) following the change request made by the Applicants dated 1 November 2022 [REP12-116]. The letter sets out a single change relating to the selection of the new outfall option for removal of optionality for disposal of wastewater to Tees Bay by removal of Work No 5A (repair and upgrade of the existing South Tees Development Corporation (STDC) water discharge infrastructure) resulting in a reduction in the Order Limits.

This is in addition to the changes already accepted by the ExA on 6 May 2022 [PD-010] and 6 September 2022 [PD-017].

This formal change request follows the Applicants' letter of 20 September 2022 [REP8-001] indicating that they intended to make two further changes and their letter of 26 October 2022 [REP11-011] 'Notification of Further Proposed Changes', which described the nature of the changes. The Applicants have now confirmed that they will be proceeding with one of the changes.

The Applicants state that its 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. The Applicants confirmed during Compulsory Acquisition Hearing 3 (CAH3) on 19 October 2022 [REP11-016] that they had selected the construction of a new outfall

(Work No 5B) and intended to remove the option of using the existing STDC outfall (Work No 5A) from the application.

The Applicants have concluded that the proposal would not constitute a material change. This is because it would relate solely to reductions to the Order Limits and no additional Compulsory Acquisition of land is sought. In addition, the proposed change has been subject to environmental assessment (as detailed in the Third ES Addendum [REP12-118 and REP12-119]) and the Applicants have determined that it would not generate new or different likely significant effects. The ExA have also considered the Applicants' revised Habitats Regulations Assessment report [REP12-120] and conclude that the proposed change would make no difference to the outcome of this.

The ExA have reviewed the information provided and assessed the Applicants' request against paragraphs 109 to 115 of the DCLG Guidance 'Planning Act 2008: Examination of Applications for Development Consent'¹ and the Planning Inspectorate's Advice Note 16².

The ExA is satisfied that the information provided as part of the third Change Request is of a satisfactory standard for examination. The ExA agrees with the Applicants that the proposed changes are non-material and can be accepted into the Examination.

Both options for the outfall have been consulted on during the Examination and it has always been clear that one option would be selected. We are satisfied that all parties have had sufficient opportunity to make informed representations on the proposals. On this basis, the ExA does not consider that additional consultation on this matter is necessary.

If any Interested Parties have comments on the accepted change, they should be submitted by Deadline 13 (7 November 2022) and any comments on these representations made by the end of the Examination (10 November 2022).

Yours faithfully

Kevin Gleeson

Lead Member of the Examining Authority

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-final_for_publication.pdf

²<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-16/>