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Your Ref: EN010103
Our Ref: 13626



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Dear Mr Wagstaff

APPLICATION REF: EN010103 – THE NET ZERO TEESIDE PROJECT

SECRETARY OF STATE’S REQUEST FOR FURTHER INFORMATION IN RESPECT OF THE NET ZERO TEESIDE DEVELOPMENT CONSENT ORDER (‘THE NET ZERO TEESIDE 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 response to the Secretary of State’s request for further information dated 16th May 2023 relating to the Net Zero Teesside (“N^{ZT}”) Development Consent Order (“**DCO**”) Application.

In response to the Secretary of State’s request, the following updated Application documents accompany this letter:

1. Application Guide (Document Ref. 1.2, Rev. 18.0) – new and updated documents highlighted in yellow.
2. Funding Statement and appendices (Document Ref. 3.3, Rev. 3.0) – clean and tracked versions.
3. Planning Statement and appendices (Document Ref. 5.3, Rev. 3.0) – clean and tracked versions.

The above documents can be downloaded using the following link to a secure file share site:



[Request for Further Information](#)

The Applicants’ responses to the Secretary of State’s request for further information are provided below. The same headings and numbering used in the Secretary of State’s letter have been adopted below.

The terms “offshore elements” and “Wider NZT Project” are not defined in the request. For clarity, in our below responses we adopt the following definitions:

- **"NEP Project"** – the CO₂ transportation and storage system that will enable CO₂ from carbon capture utilisation and storage ("**CCUS**") projects on Teesside and the Humber to be transported to the Endurance Store, encompassing the Offshore Elements;



- **“Offshore Elements”** – the works below Mean Low Water Springs (**“MLWS”**), promoted by the Northern Endurance Partnership (**“NEP”**) and relating to CO₂ transport and storage comprising:
 - the construction and operation of the NZT CO₂ export pipeline “seaward” of Mean Low Water Springs (being the boundary of Work Number 8 as described in Schedule 1 of the final DCO [REP12-003]) to the Endurance Store; and
 - the operations to inject CO₂ from the NZT CO₂ export pipeline into a part of the Endurance Store¹.
- **“Overlap Zone”** – the overlapping area of seabed within which both the Hornsea 4 Project and the NEP Project are proposed to be consented; and
- **“Wider NZT Project”** – the development that is the subject of the present DCO Application (the **“Proposed Development”**) together with the Offshore Elements. (The Applicants consider that this definition is consistent with and reflects paras. 1.1.4-1.1.5 of the Applicants' Environmental Statement Non-Technical Summary [**APP-081**], in accordance with paragraph 3 of the Secretary of State’s letter).

Other defined terms are as defined in the body of this letter, or otherwise as defined in the relevant Applicants' submissions being cited.

The Wider Net Zero Teesside (“NZT”) project & offshore consenting

Paragraph 3

The Applicants have carefully considered this request, noting that they have provided detailed and robust information, technical evidence and submissions on this matter, both into the NZT and Hornsea 4 DCO examinations. In order to assist the Secretary of State the Applicants have consolidated and summarised this information as follows:

- The boundary of the Proposed Development does not extend to the Overlap Zone and thus the Proposed Development remains acceptable and deliverable in its own right, regardless of the Secretary of State's determination in his decision-making on the Hornsea 4 DCO application in relation to the Overlap Zone (see e.g. paras. 6.2.8-12 of **REP 2-060 (e-page 12)**; **REP4-030 (e-pages 8-9)**).
- If the Overlap Zone cannot be utilised, the Endurance Store could only be developed outside the Overlap Zone, meaning it would only achieve approximately 30% of its potential capacity (see e.g. para. 10.4 of bp's technical submissions to the Hornsea 4 DCO examination, appended at **REP2-021 (e-page 135)**; para. 6.2.30 of **REP8-049 (e-page 22)**).
- In such circumstances, the Wider NZT Project remains viable, in principle. It is anticipated that the CO₂ emitted and captured from the Proposed Development and transported and injected through the Offshore Elements will largely settle at the crest of the Endurance Store outside of the Overlap Zone and will be less in volume than the 30% technical storage capacity available within this residual area of the Endurance Store (see e.g. para. 8.4.2 of **REP6-122 (e-page 20)** and paras. 9.4.9 and 9.4.16 of **REP11-014 (e-pages 41-42)**).

¹ The works to inject CO₂ from the NZT CO₂ export pipeline into the Endurance Store comprise infrastructure that it is intended will also be utilised for the purposes of injection of CO₂ from the CO₂ export pipeline for the Zero Carbon Humber project. However the common infrastructure for the injection of CO₂ into the Endurance Store would be required for the Wider NZT Project in any event and is not contingent on the Zero Carbon Humber project coming forward. A further explanation of the relationship between the Wider NZT Project, the Zero Carbon Humber project and the Northern Endurance Partnership is provided at pages 7 to 9 of the Applicants Written Summary of Oral Submission at Issue Specific Hearing 1 [**REP1-035**].

- However, in these circumstances, where only 30% of the Endurance Store's potential capacity is achieved, the wider East Coast Cluster ("ECC") plan, which aims to deliver 20 million tonnes per annum (MTPA) of CCUS capacity by 2030 with further expansion to 27 MTPA by 2035, would be rendered unviable (see e.g. **REP4-030 e-pages 6-9**).

This is further articulated at paras. 6.2.27-32 of **REP8-049 (e-pages 21-22)**.

The Applicants have also made submissions on the potential impact of the Wider NZT Project on the Overlap Zone, in circumstances where the Overlap Zone cannot be used for CCUS and the capacity of the Endurance Store is thereby constrained. The conclusion was that, even allowing for the potential for some small part of the CO₂ plume to migrate slightly into the Overlap Zone in the worst case, there was not anticipated to be any inconsistency between the development of wind turbines within the Overlap Zone and the storage of emissions captured from the Proposed Development within the remaining part of the Endurance Store outside of the Overlap Zone (for the reasons described in depth in para. 9.4.9 of **REP11-014 (e-pages 41-42)**).

The Applicants note that the Secretary of State's letter requests "*further information*" and it is acknowledged that the Secretary of State may be seeking some specific information in addition to that summarised and signposted above. The Applicants are not aware of any change in circumstances since the above information was provided which would require that information to be amended, supplemented or updated, or which would lead to any change in the conclusions drawn from it. If there is any specific further information in relation to this matter that the Secretary of State requires in order to inform his decision-making, the Applicants would ask that this be identified so that they can assist by providing it.

Paragraph 4

As summarised above and previously submitted by the Applicants, the Proposed Development and the Wider NZT Project remain viable, in principle, without the use of the Overlap Zone, and the Proposed Development alone does not extend to the Overlap Zone. If the Overlap Zone is not used, there is no interface between the Wider NZT Project and the Hornsea 4 Project.

However, if the NEP Project is to be developed as envisaged, fully utilising the Endurance Store to enable the ECC plan, co-existence of the NEP Project and the Hornsea 4 Project across the whole of the Overlap Zone is not feasible, and there are no management measures which could facilitate this (see e.g. **REP4-030 e-page 7**).

The feasibility of co-existence was contested by bp (on behalf of the NEP) and Hornsea Project Four Limited in the Hornsea 4 DCO examination and its post-examination submissions, and it was the Applicants' position throughout the NZT DCO examination that these matters should not be re-litigated in parallel (see e.g. para 6.4.2 of **REP13-019 (e-page 18)**). Nevertheless, bp's technical evidence as to the infeasibility of co-existence across the whole of the Overlap Zone (originally submitted into the Hornsea 4 DCO examination) was provided to the NZT examination as appendices at **REP2-021 e-page 115** onwards; **REP4-030 e-page 15** onwards and **REP6-121 e-pages 247-267**.

In a situation where conflicts between the Wider NZT Project and Hornsea 4 Project remain to be resolved by the time of consenting the Offshore Elements, these conflicts would fall to be managed through the offshore consenting process discussed in the below response to paragraph 5 of the Secretary of State's letter.

The Applicants are not aware of any other potential adverse impact on, or conflict with, any other proposed development in the area of seabed within which the Endurance Store is located; however, any such interface that did emerge would also be identified and assessed as part of the offshore consent process as necessary.

Paragraph 5

A note on the consents required for the Offshore Elements was submitted by the Applicants at Appendix 5 of **REP1-035 (e-pages 163-164)**. That note observed that the main outstanding consent is a storage permit under the Storage of Carbon Dioxide (Licensing etc.) Regulations 2010 ("**2010R**"), to be granted by the North Sea Transition Authority ("**NSTA**"). Said consent cannot be granted without the agreement of the Secretary of State, acting by the Offshore Petroleum Regulator for Environment and Decommissioning ("**OPRED**"), pursuant to Regulation 4 of the Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020 ("**2020R**").

As observed at para 6.2.46 of **REP8-049 (e-pages 24-25)**, it is extremely likely that the Hornsea 4 DCO will have been determined before decisions are made under the offshore consenting process, and hence there should not remain any unresolved conflicts between the Wider NZT Project and Hornsea 4 Project by the time of those decisions. Either the Hornsea 4 DCO will have provided for adequate safeguards for bp (on behalf of the NEP) or it will not, in the latter case meaning – absent an agreement with Orsted – bp would be unable to carry out works in the Overlap Zone.

Nevertheless, in the unlikely scenario that conflicts should fall to be resolved in the offshore consenting process, the aforementioned para 6.2.46 described how Orsted would have the ability to make submissions into the consenting process for consideration by the decision-makers. Any conflict or competing interest remaining between the Wider NZT Project and the Hornsea 4 Project could be considered and addressed as part of this process. For the purposes of determining the application for the NZT DCO, the Secretary of State must assume that this process will be carried out by the decision-makers appropriately and with regard to all material considerations.

A summary of how the process can be used to manage conflicts or competing interests is as follows:

Offshore environmental impact assessment ("ESIA")

- As a project falling under Schedule 1, para. 3 2020R, the Offshore Elements must not be consented by the NSTA without the agreement of the Secretary of State, acting by OPRED (and references in the following to OPRED mean OPRED on behalf of the Secretary of State). OPRED cannot agree to the grant of consent for a project unless an ESIA has been carried out (Regulations 4 and 5(1) 2020R).
- Before submitting an environmental statement, a developer may apply for a scoping opinion from OPRED (Regulation 9 2020R) or engage in an informal scoping process to inform the scope and level of detail of the environmental statement to be submitted. In respect of the ESIA being prepared for the offshore components of the NEP Project, bp engaged in an informal scoping process with OPRED in September – November 2021. As part of this, bp engaged with Orsted to ensure that they had the opportunity to comment on the scope of the ESIA, and Orsted provided its comments on 15 October 2021.
- Once the developer has submitted an environmental statement to OPRED, the developer must engage in a period of public consultation, during which any person may submit representations to OPRED in relation to the project (Regulation 11(3) 2020R). Should Orsted have concerns about the environmental impacts of the Offshore Elements, it can make submissions to OPRED at this stage. OPRED may, as a result of this or otherwise, request further information from the developer (Regulation 12 2020R).
- In then deciding whether to agree to the grant of consent for the project, OPRED must reach a conclusion on the significant effects of the project on the environment, taking into account the environmental statement, information obtained by or provided to OPRED, any representations received relating to the environmental effects of the project and any conditions that OPRED can attach to the agreement to the grant of consent (Regulation 14(1)-

(2) 2020R). OPRED would therefore be required to take into account relevant submissions made by Orsted and weigh those when reaching a conclusion on the environmental effects of the project.

- When OPRED notifies the developer of agreement to the grant of consent, OPRED may attach conditions to the agreement that the developer must comply with, including environmental conditions to avoid, prevent, reduce or offset any significant adverse effects on the environment (Regulation 4(4) 2020R).

Storage permit

- A 'storage licence' was granted for the Endurance Store in 2012 (Licence CS001) pursuant to s.18 Energy Act 2008 and under which bp (on behalf of the NEP) is the operator. The licence holder must subsequently apply to the NSTA for a storage permit in order to construct facilities to inject and store CO₂ (Regulation 6 2010R), providing the information set out in Regulation 6(3) 2010R (as supplemented by guidance). No storage permits have yet been granted in the UK, so the following is the Applicants' understanding of the relevant regulations and guidance.
- Before granting a storage permit, the NSTA must be satisfied of certain matters in Regulations 6 and 7 2010R, including that:
 - under the proposed conditions of use of the storage site, there is no significant risk of leakage or of harm to the environment or human health; and
 - the storage complex and surrounding area have been sufficiently characterised and assessed in accordance with the criteria set out in Annex I to Directive 2009/31/EC, which include that the *"activities around the storage complex and possible interactions with these activities (for example, exploration, production and storage of hydrocarbons...)"* must be documented (Annex 1(1)(k)).

It is anticipated that the Hornsea 4 Project would fall to be considered as part of this assessment as a potential future activity in the vicinity of the Endurance Store.

- The NSTA's 'Guidance on Applications for a Carbon Storage Permit' (December 2022) directs that, in the 'Appraise Phase' leading up to grant of a storage permit, the licence holder must prepare and keep updated a Stakeholder and Engagement Plan to *"demonstrate to the NSTA that the Licensee will consult and, as applicable, has consulted with other interested parties that might be affected by the proposed appraisal activities and any subsequent development activities under any storage permit (if granted) and that such parties will not be unduly compromised by any appraisal and storage development plans."* (para. 77).

It is anticipated that bp (as licence holder) will therefore continue its ongoing dialogue with Orsted as an interested party potentially affected by development of the Endurance Store.

- Having satisfied itself of the regulatory requirements and (it is anticipated) weighed the outcome of the licence holder's consultation with interested parties, the NSTA must decide whether to grant the storage permit. If deciding to grant the permit, the NSTA must include *"requirements designed to prevent any undue interference with other uses of the area surrounding the storage site"* (Regulation 8(1)(f) 2010R). The NSTA could therefore impose requirements on the permit in order to manage any conflicts or competing interests it had identified through the decision-making process.
- While the application is before the NSTA, it may require the licence holder to make any modifications the NSTA considers necessary to the various supporting plans submitted in support of the application (e.g. Regulation 7(5)-(6) 2010R). Once granted, the permit will

include provisions allowing for modifications where there are certain changes to the operation of the site (Regulation 11 2010R).

Taken together, this robust regime allows OPRED and the NSTA sufficient ability to manage environmental effects and interactions with activities around the storage site through the storage permit application and ESIA.

Environmental Assessment

Paragraph 6

The Applicants have set out their response to paragraph 6 in **Appendix 1** of this letter.

Paragraph 7

The Applicants' detailed submissions at Appendix 6 of **REP1-035 (e-page 166 onwards)**, as further discussed at paras. 6.2.20-25 of **REP8-049 (e-pages 20-21)**, express the Applicants' view that there is no legal obligation to consider any impact on the Hornsea 4 Project as part of the NZT DCO environmental statement.

Nevertheless, in Appendix 1 to **REP4-030 (e-pages 6-11)**, the Applicants voluntarily undertook an assessment of the likely impacts on the Hornsea 4 Project of being prevented from constructing and operating turbines within the Exclusion Area (the majority part of the Overlap Zone).

In summary, the assessment concluded that, without mitigation, the impact of Orsted being unable to construct the Hornsea 4 Project within the Exclusion Area would lead to a reduction of approximately 45 turbines from its maximum design envelope, resulting in a major adverse (significant) effect. However, the assessment included suggested mitigations, including relocating turbines from the Exclusion Area to elsewhere within Orsted's site boundary or building out fewer larger turbines. Provided mitigation was undertaken by Orsted, the effects of Orsted being unable to construct the Hornsea 4 Project within the Exclusion Area were assessed to have a residual significance of slight adverse (not significant).

This assessment will be updated, if and to the extent appropriate, in the material being prepared by the Applicants to address the request in paragraph 6 of the Secretary of State's letter, as discussed in Appendix 1.

The Applicants have set out their position in depth on where any necessary mitigations should be secured in paras. 6.2.32-48 of **REP8-049 (e-pages 22-25)**.

Further clarification on Wider NZT Project consenting and environmental assessment:

Paragraph 6.3.1 of **REP13-019 (e-pages 16-17)** lists the Applicants' submissions in the NZT DCO examination which respond to Orsted's submissions regarding the interface concern, many of which are cited in part in the above responses to paragraphs 3 – 7 of the Secretary of State's letter. Should the Secretary of State require any further clarification of this material or these responses, the Applicants would be happy to assist.

Request for further proposed change – Removal of Tees Dock Road Access

Paragraph 8 – The Applicants have no comments to make in respect of paragraph 8 of the Secretary of State's letter.

Recent Government Publications

Paragraph 9 – The Applicants have reviewed the updated draft National Policy Statements ('NPSs') and the Powering Up Britain Strategy published in March 2023.

An updated Planning Statement has been submitted that takes account of the updated draft NPSs and the Powering Up Britain Strategy.

The Applicants note that updated draft NPS EN-1 confirms that the need for the types of energy infrastructure set out in the NPS is “urgent” in contrast to the September 2021 draft, which states that the need “will often be urgent”. The updated draft of EN-1 recognises the role of combustion power plants (with carbon capture) in providing dispatchable generation to complement intermittent renewables and continues to underline the importance of technologies such as carbon capture and storage in decarbonising power generation and industry in order to achieve Net Zero by 2050. It also confirms that there is “an urgent need” for new carbon capture and storage infrastructure to support the transition to a Net Zero economy.

In summary, the Applicants consider that the Proposed Development aligns with the March 2023 drafts NPS and that they do not materially alter the overall assessment of the Proposed Development. If anything, updated draft EN-1 reinforces the need for projects such as the Proposed Development to be delivered at pace.

Powering Up Britain highlights the UK’s substantial offshore carbon dioxide storage potential providing substantial opportunities for growth through international trade. It states that the Government will provide up to £20 billion of funding (announced at the Spring 2023 budget) for early deployment of carbon capture and storage to unlock private investment and jobs. Furthermore, that the Government remains committed to delivering 20 to 30 mtpa of carbon dioxide storage in four operational carbon capture and storage clusters, including the East Coast Cluster, by 2030.

Powering Up Britain therefore underlines the Government’s support for carbon capture and storage and projects such as the Proposed Development.

Responses to Secretary of State’s Letter dated 3rd April 2023

Paragraph 10 – The Applicants would comment as follows on the responses received by the Secretary of State to his letter of 3rd April 2023:

- National Gas Transmission PLC – The Applicants have no further comment.
- Air Products (Chemicals) Teesside Limited – The Applicants acknowledge the update provided by Air Products on 13th April 2023. The Applicants confirm that progress has been made with negotiations and both parties are continuing to engage with the aim of reaching agreement prior to a decision being made by the Secretary of State.
- North Sea Midstream Partners – The Applicants have no further comment.
- Exolum Seal Sands Ltd and Exolum Riverside Ltd – The Applicants have no further comment.

In addition, the Applicants can confirm that since their response (dated 11th April 2023) to the Secretary of State’s letter of 3rd April 2023, they have completed a private side agreement with Northern Powergrid. Northern Powergrid have subsequently withdrawn their objection to the DCO Application via a letter to PINS dated 30th April 2023.

Additional Information***Funding Statement***

An updated Funding Statement has been submitted to reflect changes to the partners for Net Zero North Sea Storage Limited. Appendix 1 of the Funding Statement has been updated to reflect minor changes to the bp corporate structure and Appendices 2 to 4 include updated annual accounts.

Application Guide

An updated Application Guide has been submitted to reflect the changes to the partners for Net Zero North Sea Storage Limited and to take account of the submission of the updated Funding Statement and updated Planning Statement.

I would be grateful if you could confirm receipt of this submission.

Yours sincerely

A black rectangular redaction box covering the signature of Geoff Bullock.

Geoff Bullock
Partner – Head of Planning
DWD – on behalf of NZT Power Limited & NZNS Storage Limited

Appendix 1 – Detailed response to paragraph 6 of the Secretary of State’s request for further information dated 16th May 2023

The Secretary of State requests that the Applicants provide an updated Environmental Impact Assessment and Habitats Regulations Assessment Report which include assessment, alone and cumulatively, of the offshore elements of the Wider NZT Project, including the use of the Endurance Store.

1. The Applicants will supply the Secretary of State with an update to the Environmental Impact Assessment and Habitats Regulations Assessment Report as requested. However additional time will be required for this information to be prepared and it is anticipated that its submission will have procedural implications that may require a short additional extension to the statutory deadline for the determination of the DCO Application.
2. The remainder of the response to paragraph 6 sets out:
 - 2.1 The Applicants’ understanding of the additional environmental information that has been requested;
 - 2.2 the format of the documentation that the Applicants intend to submit in order to comply with the request; and
 - 2.3 an explanation of the time that will be required for the Applicants to prepare the aforementioned documentation and the procedural implications.
3. To assist the Applicants in preparing the relevant documentation, the Applicants request that the Secretary of State respond in writing as soon as possible should they consider that, having regard to the content of this response:
 - 3.1 the Applicants appear to have misunderstood any aspect of the Secretary of State’s request; or
 - 3.2 the Secretary of State has concerns regarding any aspect of the proposed format, scope or level of detail in the documentation described below.
4. In addition, if either of those circumstances arise, the Applicants would be grateful if the Secretary of State could provide additional detail or clarification as to the environmental information they are requesting and/or the reason(s) for the request.

Applicants’ understanding of the additional environmental information that has been requested

5. With respect to the Proposed Development:
 - 5.1 The Applicants have already submitted an Environmental Statement [APP-081 to APP-348] (and Addendum Reports [AS-049 to AS-132], [REP6-106 to REP6-108], and [REP12-116 to REP12-119]) that assesses the likely significant effects of the Proposed Development. However, noting that the Secretary of State has asked for the assessment to be updated ahead of their determination of the DCO application, the Applicants understand that the request from the Secretary of State would encompass revisiting the conclusions of those assessments;

5.2 The Applicants have also submitted a Habitats Regulations Assessment Report [REP12-032] that confirms that the Proposed Development will not have an adverse effect on the integrity of any site protected under the Conservation of Habitats and Species Regulations 2017, either alone or in combination with other plans and projects. However the Applicants acknowledge that the Secretary of State has asked for this assessment to be updated ahead of the decision and its conclusions would therefore also be revisited;

6. With respect to the Offshore Elements:

The “Alone” Assessment

6.1 The Applicants have not submitted an Environmental Statement that assesses “alone” the Offshore Elements on the basis that these parts of the Wider NZT Project are not the subject of the DCO application. Further information on the consenting process for the Offshore Elements is set out at paragraph 7. Nevertheless, the Applicants understand that what the Secretary of State is now requesting is an assessment “alone” of the likely significant environmental effects of the Offshore Elements.

6.2 The Applicants have not submitted a Habitats Regulations Assessment (“HRA”) Report that assess “alone” the Offshore Elements for the same reasons as in the preceding paragraph. Nevertheless the Applicants understand that an HRA Report, that assesses “alone” the implications that the Offshore Elements would have on other plans and projects, is also sought by the Secretary of State.

The “Cumulative” Assessment

6.3 The Applicants have submitted a cumulative assessment of the Proposed Development and the Offshore Elements². However, noting what is stated at paragraph 6.1 and paragraph 7 below, it is acknowledged that more up to date information is available, or will shortly be available, to inform the understanding of the environmental effects of the Offshore Elements. That would also inform the preparation of an updated cumulative assessment of the Offshore Elements with the Proposed Development. The Applicants understand that this would be within the scope of the request by the Secretary of State.

6.4 The Applicants have not submitted a cumulative assessment of the Offshore Elements with other plans and projects (i.e. other than with the Proposed Development). The same principles apply as at paragraph 6.3. However the Applicants understand that a cumulative assessment of the Offshore Elements with other plans and projects is also within the scope of the current request from the Secretary of State.

The format of the documentation that the Applicants intend to submit in order to comply with the Secretary of State’s request

7. The format of the documentation that is to be provided in response to Item 6 must be considered in the context of the consenting procedures for the Offshore Elements and the work that is already being undertaken to support those applications:

7.1 The Northern Endurance Partnership (“NEP”) who are promoting the Offshore Elements are in the process of preparing the following information in support of the pipeline works

² ES Volume 1 Chapter 24 (Cumulative and Combined Effects) [APP-106] and in Appendix 24C [AS-032].

authorisation application under the Petroleum Act 1992 (the “PWA Consent”) and the application for the Store Permit to the North Sea Transition Authority for the injection of CO₂ into the Endurance Store under the Offshore EIA Regulations (the “Store Permit”)³:

- 7.1.1 an environmental and social impact assessment (“ESIA”) of the Offshore Elements under the Offshore Oil and Gas Exploration, Production, Unloading and Storage (Environmental Impact Assessment) Regulations 2020 (“Offshore EIA Regulations”)⁴; and
 - 7.1.2 as part of the ESIA, an assessment of the implications that the Offshore Elements would have on sites protected under the Conservation of Offshore Marine Habitats and Species Regulations 2017 (“Offshore HRA Regulations”).
- 7.2 The ESIA will encompass all of the “alone” and “cumulative” assessments described at paragraph 6.1 to 6.4.
 - 7.3 An advanced draft of the full ESIA was submitted to the Offshore Petroleum Regulator for Environment and Decommissioning (“OPRED”) for comment on 25th November 2022;
 - 7.4 NEP received comments from OPRED on the draft ESIA on 31st March 2023. The comments received from NEP addressed overarching matters as well the technical content of the ESIA.
 - 7.5 The ESIA is now being updated to address these comments and is projected to be ready for formal submission to OPRED by the end of July 2023.
 - 7.6 The ESIA will also be submitted in tandem with the Store Permit application to the North Sea Transition Authority for the injection of CO₂ into the Endurance Store by July 2023.
 - 8. With the benefit of the ESIA, the Applicants expect to be in possession of all of the environmental information that it requires to respond to the Secretary of State’s request for an “alone” and “cumulative” assessment of the Offshore Elements of the Wider NZT Project. However there is a practical, not substantive, issue with respect to addressing the request for providing an “...updated Environmental Impact Assessment and Habitats Regulations Assessment Report”.
 - 9. The Applicants understand this request to envisage updated versions of the DCO ES [APP-081 to APP-348] (and addendum reports [AS-049 to AS-132, REP6-106 to REP6-108, and REP12-116 to REP12-119) and final HRA Report [REP12-032] submitted with the DCO Application. As the Secretary of State will be aware, those submissions comprise an extensive amount of information across many (several hundred) separate electronic documents. Furthermore, these are documents that interested parties will be familiar with and that have consistently followed the same structure and level of detail throughout the pre-application, submission and acceptance and Examination stages of the DCO application (and which will now be familiar to the Secretary of State, Examining Authority and Interested Parties). The same principles apply with respect to the extensive work that has already been

³ Details of the consents required for the Offshore Elements are included in Table 2.2 at pages 18 – 22 of the “Other Consents and Licences” document [REP11-004]. The Applicants have also previously described the consenting process for the Offshore Elements in Appendix 5 to Written Summary of Oral Submission for Issue Specific Hearing 1 [REP1-035].

⁴ As the Offshore Elements of the Wider NZT Project comprise shared infrastructure that is also required for the injection and storage of carbon from the Zero Carbon Humber project, the EISA assesses the entirety of the environmental effects of the transportation of CO₂ from the export pipelines from the Mean Low Water Springs from Teesside and Humberside, and the subsequent injection and storage of the CO₂ from the aforementioned sources into the Endurance Store.

undertaken on the ESIA and the subject of consultation with OPRED and subsequent work to support the forthcoming applications for the Offshore Elements.

10. The Applicants accordingly have serious concerns regarding the practicalities of preparing single “updated” EIAR and HRA Reports for the “Wider NZT Project”. that exercise is likely to take a substantial amount of time (several months) following completion of the ESIA in July 2023. Crucially however the Applicants also consider such an exercise to be entirely unnecessary given the availability of the ESIA. Furthermore, in light of what would then be a need for “root and branch” changes to the existing DCO ES (and Addendums) and HRA Reports, there is a significant risk that this could lead to considerable confusion and uncertainty amongst the stakeholders in the DCO process (not least because their submissions to date are all based on and refer to the existing material) and, in turn, unnecessary complexity in relating the content of the new EIAR and HRA Reports to the Examining Authority’s recommendation report.
11. For the foregoing reasons, the Applicants propose to submit the following documentation to address the request from the Secretary of State:
 - 11.1 The Applicants will submit the final ESIA to the Secretary of State as soon as this has been completed. NEP will in tandem be submitting the information to OPRED at this point in time. That will address all of the “alone” and “cumulative” assessments of the Offshore Elements of the Wider NZT Project which (based on the Applicants understanding) have been requested by the Secretary of State. As explained above, the scope of the EISA encompasses an assessment (both alone and cumulatively) of the environmental effects of the transportation of CO₂ from the Mean Low Water Springs on Humberside as well as Teesside, and the subsequent injection of CO₂ from both sources into the Endurance Store.
 - 11.2 The Applicants will submit an EIA and HRA Addendum that:
 - 11.2.1 Reports on the conclusions on the likely significant effects of the Wider NZT Project, as fully assessed and collectively reported upon in the DCO ES (and Addendums) and HRA Report, and the ESIA (to the extent that its findings relate to the Wider NZT Project).
 - 11.2.2 Reports on any new or materially different environmental effects (to the extent they are identified) of the Wider NZT Project (both “alone” and “cumulatively”) that have not been identified in the DCO ES (and Addendums) and HRA Report, and/or the ESIA (to the extent that its findings relate to the Wider NZT Project). That will include, but not be limited to, consideration of the environmental effects at the points of interaction between the Proposed Development and Offshore Elements. In short, this element of the EIA and HRA Addendum serves to eliminate any perceived risk that likely significant environmental effects of the Wider NZT Project “fall between the cracks” by virtue of the scope and format of the documentation that has been submitted.
 - 11.2.3 Reports on any updates to the environmental effects (“alone” and “cumulative”) of the Proposed Development in order to address the passage of time since the submission of the DCO ES (and Addendums) and HRA Report (or otherwise provides confirmation that there is no change to the effects reported on in those assessments).

12. In summary, the Applicants consider that this approach would be the most efficient and proportionate way to address the Secretary of State’s request, whilst ensuring that all of the information on the environmental effects of the Wider NZT Project has been made available to the Secretary of State. It also avoids duplication of work and the “retrofitting” of pre-existing environmental information which does not best serve the Applicants’, Interested Parties’ or the Secretary of State’s understanding of the environmental effects of the Wider NZT Project.

The timescales for the Applicants and its instructed consultants to prepare the aforementioned documentation and the procedural implications

13. The ESIA is not projected to be completed until the end of July 2023. Accordingly that is the earliest it could be submitted to the Secretary of State. However, noting the proposed content of the EIA and HRA Addendum, and to reduce the risk of confusion in any subsequent consultation, the Applicants consider that it would be prudent to submit the ESIA and ES and HRA Addendum at the same time.
14. As substantial progress has now been made with preparing the ESIA, the Applicants can now commence some work on the ES and HRA Addendum. It will not be possible, however, to verify the accuracy and completeness of all of that work, and finalise the ES and HRA Addendum, until the ESIA has been completed.
15. Taking into account these considerations and based on their initial discussions with instructed environmental consultants, the Applicants estimate that the ESIA and ES and HRA Addendum could be submitted to the Secretary of State by August 2023.
16. The Applicants anticipate that the submission will constitute “further information” that is directly relevant to the Secretary of State reaching a reasoned conclusion on the significant effects of the development⁵. Accordingly we assume the new documentation will be subject to additional consultation with Interested Parties and those consultation responses will require due consideration by the Secretary of State before their determination of the DCO Application.
17. The scope of any further consultation, and the timescales for completing that exercise and making a decision, are ultimately matters for the Secretary of State.
18. Depending on the Secretary of State’s assessment of those matters, an extension to the statutory deadline for the determination of the DCO Application may be required to accommodate the Secretary of State’s request at paragraph 6.
19. The Applicants would be happy to address any additional matters that the Secretary of State considers relevant in light of this response.

⁵ Regulation 3(1) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.