



OUR REF T2783.4/CWI/FCG  
YOUR REF  
6 October 2023

Department for Energy Security & Net Zero  
1 Victoria Street  
London  
SW1H 0ET

Dear Secretary of State

**The Proposed Net Zero Teesside Project (EN01003) (the “Project”)  
Response to Letter dated 22 September 2023 requesting progress on protective provisions**

**1. Introduction**

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- 1.1 As set out in our previous submissions, we act on behalf of Teesside Gas Processing Plant Limited (“**TGPP**”) and Teesside Gas & Liquids Processing (“**TGLP**”) in relation to the development consent application by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (together the “**Applicants**”) for the Project (the “**Application**” or the “**DCO**”). TGLP and TGPP’s interests are managed by North Sea Midstream Partners (“**NSMP**”) and they will hereafter be referred to for ease of reading as NSMP.
- 1.2 NSMP owns the Teesside Gas Processing Plant (the “**Gas Processing Plant**”), which is a key national energy infrastructure installation delivering material quantities of gas into the National Transmission System (“**NTS**”) and whose continued safe operation is crucial to security of the UK’s energy supply. As stated in the Powering Up Britain: Energy Security Plan<sup>1</sup>, “[t]he UK’s energy security remains hugely dependent on a reliable, resilient and affordable supply of gas”.
- 1.3 To operate the Gas Processing Plant, NSMP is reliant on crucial rights over areas which are subject to the DCO. Should the DCO be granted in its present form, these rights are at risk of being extinguished. This is an unworkable outcome for NSMP which would jeopardise the safe operation of the Gas Processing Plant and undermine NSMP’s ability to use and develop its land and operations. In particular, preservation of NSMP’s use of the Access Road is fundamental: any disruption in smooth and unimpeded use of this road for even a short window would have severe and immediate consequences to NSMP’s continued ability to safely operate the Gas Processing Plant and maintain a stable flow of gas into the national supply. As the Gas Processing Plant is classified as an Upper Tier Control of Major Accident Hazards (“**COMAH**”) site, any hindrance of access could have very serious adverse consequences.

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<sup>1</sup> HM Government (March 2023), Powering Up Britain: Energy Security Plan, available at: [Powering Up Britain: Energy Security Plan \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/115421/powering-up-britain-energy-security-plan.pdf)

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## **2. Protective Provisions**

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- 2.1 In response to your letter dated 23 August 2023, we confirmed that NSMP have had a number of exchanges with the Applicants but an agreement has not yet been reached and little progress has been made on the points flagged as outstanding in NSMP's Deadline 13 submission. NSMP had requested a meeting with the Applicants to discuss comments made by email on 14 June 2023 in response to an updated draft document NSMP provided on 4 May 2023, which was in turn based on an earlier draft provided by NSMP on 15 February 2023.
- 2.2 Since then, the Applicants have agreed to a meeting which is scheduled to take place on 9 October 2023. NSMP hope to have productive discussions with the Applicants during this meeting and for progress to be made.
- 2.3 However, the Applicants' current position does not address NSMP's substantial and reasonable concerns as set out in detail in NSMP's submissions during the Examination. Therefore, NSMP stands by their request that the Secretary of State grants the protective provisions in the form set out in NSMP's Deadline 13 submission (REP13-032).

Yours faithfully

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For and on behalf of Shepherd and Wedderburn LLP