



Meeting note

Project name	Net Zero Teesside Project
File reference	EN010103
Status	Final
Author	The Planning Inspectorate
Date	12 March 2021
Meeting with	Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited
Venue	Telecon
Meeting objectives	Project Update Meeting
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008. Any advice given under section 51 would not constitute legal advice upon which Applicants (or others) could rely.

Introductions

The Inspectorate and Applicant team members introduced themselves and their roles.

Project Update

The Applicant provided an update to the Inspectorate on further section 42 consultation carried out between December 2020 and January 2021, following changes to the Order Limits.

The Applicant stated that it followed up this consultation with a community update, detailing the changes since stage 2, sent to all stakeholders in the inner consultation zone.

All consultation activities shall be covered in the Consultation Report.

The Applicant confirmed that the Development Consent Order (DCO) will include provision for the pipeline for captured carbon out to the mean low water mark and that landfall for the offshore pipeline shall be delivered by utilising a trenchless technique.

Consent for the offshore pipeline and the storage facility (known as the Endurance Reserve) shall be provided through the Oil and Gas Authority / Offshore Petroleum Regulator for Environment and Decommissioning, on similar timescales to the DCO application.

The licencing application for carbon storage was undertaken by National Grid for the White Rose project, which has been transferred to the Northern Endurance Partnership (BP, Eni, Equinor, Shell, Total and National Grid) and which will provide storage for the Net Zero Teesside project and others.

The Inspectorate advised that it would be useful for the project description chapter of the Environmental Statement (ES) to include a description of the entire development (including the DCO application and offshore works) and to explain the routes for consenting those elements which do not form part of the DCO application. The assessment of cumulative/in-combination effects with the offshore elements was discussed.

Section 35 Direction

The Secretary of State for Business, Energy and Industrial Strategy [made a direction under section 35 of the Planning Act 2008](#).

The Inspectorate raised the matter of Associated Development within the designated area (the Order Limits). Items identified as Specified Elements are the subject of the direction and, as such, any Associated Development to these can be consented in the DCO.

Due to the section 35 direction, it would not be possible to obtain consent for any changes to the Specified Elements (e.g. extensions to the carbon dioxide gathering network) through any other planning regime, such as though the Town and Country Planning Act (TCPA). Any such changes would need to be made by a change (non-material or material) to the DCO.

There was a discussion around the section 35 direction and future third parties connecting to the carbon dioxide gathering network, potentially under the TCPA regime. The Applicant stated that those connections would not represent an extension to the carbon dioxide gathering network and therefore a change to one of the Specified Elements of the project.

The Inspectorate advised that the section 35 direction applied to the Order Limits and that the third-party connections would need to be carefully considered within the context of the Direction. The Applicant was advised that it should seek further legal advice on this matter to establish the legal principles around the consenting of third-party connections.

A post consent change to the DCO would likely be the only mechanism available to allow changes which relate to the Specified Elements (in the section 35 Direction).

Draft documents

The Inspectorate provided comments on the following subjects in relation to the draft documents submitted to the Inspectorate for review:

CCGT capacity:

The Applicant stated that the generating plant capacity will be limited by the National Grid connection (circa 860 MWe) and that will determine the upper limit for the DCO.

The Inspectorate asked that without a firm upper limit, how the Applicant intended to assess a worst-case scenario for issues such as air quality.

The Applicant explained that the assessments in the ES and Habitats Regulations Assessment (HRA) Report would be based on the largest available unit being considered.

Restrictive Covenants:

Specify individual covenants for individual plots as scheduled in DCO, rather than blanket approach.

The Inspectorate commented that it may be useful to see a further iteration of the draft DCO ahead of submission to review this approach.

Land Rights:

The Applicant stated that it had no intention to acquire permanent rights over land where only temporary possession is being sought.

The Inspectorate advised that temporary possession of land combined with permanent rights is an approach used to allow, for instance, maintenance of infrastructure.

The Inspectorate advised the Applicant to include any powers it may need and can justify in the DCO, as the provision to "upgrade" the powers of acquisition or temporary possession has been struck out of recent DCOs by the Secretary of State.

The Applicant confirmed that it will check the DCO and Explanatory Memorandum wording to reflect this.

Habitats Regulations Assessment:

The Inspectorate advised that while the HRA Report did not need to contain complete extracts of the ES, the Applicant should ensure clear cross-referencing to specific paragraphs of the ES (or other documents) is provided. Evidence should be easy to locate by all parties, including the Examining Authority. The Applicant confirmed it has conducted a noise assessment to include in the application.

York Potash Harbour Facilities:

The Applicant stated that the project will overlap with the Yorkshire Potash Harbour Facilities Order (York Potash) and that its conveyor belt routes would be crossed by a number of Net Zero Teesside pipelines and cables. The Applicant has been in discussion with York Potash regarding the projects coexisting and plans to amend the York Potash DCO by variation and provide protective provisions in Net Zero Teesside DCO under s120 of the PA2008.

First CCS NSIP Project:

The Applicant noted that this project is a first of its kind (FOAK) and that this can result in the need for additional flexibility to allow for the further detailed design to take place without undue constraint.

The Inspectorate advised the Applicant that whilst the need for flexibility was understood, it should ensure that the assessments presented in the ES and HRA Report include all design characteristics and parameters applicable to the development.

Development parameters should be clearly and consistently defined in the draft DCO and in the ES.

The Applicant explained that there was a greater need for flexibility in respect of CCS requirements and that this was difficult as there was no best available technique available. Current data from similar existing CCS facilities were of limited usefulness due to being based on coal fired power facilities.

The Applicant confirmed that it had been working with the Environment Agency to define processes for monitoring standards and that it was working with potential equipment suppliers to assess equipment layout, such as location and height of exhaust stacks.

The Inspectorate stated that it understood the challenges due to the novel nature of the scheme and that the Applicant should include as much information as possible to assist stakeholders in understanding the preferred approach, including any international comparisons that may be relevant.

Next Steps / Actions

- Next project update meeting arranged for 19th April 2021