



Meeting note

Project name	Net Zero Teesside Project
File reference	EN010103
Status	Final
Author	The Planning Inspectorate
Date	15 September 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 is continuing to progress the engineering definition of the project. This includes defining options presented in the Development Consent Order (DCO) and expects to have completed this work by the end of the year (2021).

The Applicant stated that this would aid Stakeholders by removing some optionality and giving greater clarity on the elements that will form the Proposed Development.

The Inspectorate advised that the Applicant would need to make a request for a material/ non-material change to an application which has been accepted for Examination and inform the Examining Authority (ExA) in writing. Details of the process can be found in the Inspectorate's Advice Note 16.

The Applicant stated that they are aware of the process and shall follow the guidance. The proposed changes would seek to reduce optionality and the red line boundary, so would most likely be considered as non-material changes.

The Applicant stated that the Relevant Representations period is likely to begin in mid/late October 2021, with a duration of six to eight weeks; more than the minimum period of 28 days for representations.

The Applicant asked that, if the project proceeds as indicated, what would be the likely start date for the Examination?

The Inspectorate advised that once certification had been made under s56 (Planning Act 2008), the ExA, once appointed, will start making arrangements for the Preliminary Meeting (PM) and issuing the Rule 6 letter. The Examination will begin following the close of the PM.

If the information regarding the proposed changes to the application were submitted, the ExA may seek representations on these changes prior to the commencement of the PM.

The Applicant is working to submit the request for changes before the Examination begins and is targeting Q1 2022.

The Inspectorate advised that there would need to be a period for stakeholders and the ExA to assimilate the information, and the Applicant should consider this with regard to its timescales. If the information was submitted as indicated, a PM could take place in early/mid February 2022, however this is subject to the ExA's decision.

The Inspectorate advised that the Northern Endurance Partnership (the consortium responsible for the offshore pipeline and storage facility) should engage with the process, for instance by becoming an Interested Party when the opportunity to do so arises. This will allow the ExA to request information directly, in particular about consenting timescales and certainty of delivery in relation to the Endurance Reserve.

Clarification of changes suggested in s55 checklist/s51 advice

The Applicant confirmed that the corrupted documents referred to in the Inspectorate's s51 advice letter of 16 August 2021 had been corrected and resubmitted.

The Applicant stated that it is in the process of reviewing the other advice given in the letter, especially in regard to works plans and shall be amending the documents accordingly.

The Applicant asked if the optionality provided in the DCO would be reflected on the works plans, bearing in mind the work being done with regard to reducing the options.

The Inspectorate advised that if the timescales suggested were accurate, then the change request would not have been submitted at the proposed commencement of the Relevant Representations period. Stakeholders should be provided with details of the existing Proposed Development, including the Works Plans, on which to base their comments as it is at the time of the registration period.

The Applicant was reminded that the ExA may decide not to accept a change request, so should not presume that a forthcoming iteration of the Proposed Development would prevail.

Work No. 1 'subsection e'

The Inspectorate asked the Applicant to clarify what the works in this section would relate to, as it appears that the elements could be located anywhere within the Work No. 1 footprint.

The Applicant confirmed that this is intentional; these elements final location are not yet known and the approach used is to provide flexibility. The Environmental Statement has taken the elements within Work 1 into account, but they do not influence the assessments due to the minor nature of the elements. An updated Explanatory Memorandum will explain the elements and demonstrate that these are captured in the worst-case scenario.

The Inspectorate commented that the placing of these elements is likely to be an issue at the examination. The drafting of the DCO, with regard to Work 1, subsection (e) may also be queried by the ExA.

The Applicant intends to create a signposting document to explain changes to documents in response to the acceptance checklist and s51 letter.

Access and Rights of way plans

The Inspectorate asked the Applicant to give a definition of what 'access land' meant on the Access and Rights of way Plans.

The Applicant explained that; access land is land over which the public has right to roam (Countryside and Rights of Way Act 2000); this was defined in Article 2 of DCO. The power to temporarily stop access to this land is in the DCO. The Applicant will provide an additional sheet to the Access and Rights of way Plans to better show the access land on the beach and dunes to North East.

The Applicant shall review the Explanatory Memorandum on this matter to ensure clarity.

Any Other Business

The Inspectorate advised that a new online portal for submissions is now being used throughout National Infrastructure to make submissions and that this will be available for the project.

Date: 24 September 2021
Your Ref: EN010103
Our Ref: 13626



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Dear Mrs Hanlon

THE NET ZERO TEESSIDE PROJECT

THE PLANNING ACT 2008 (AS AMENDED) – SECTION 51 ‘ADVICE FOR POTENTIAL APPLICANTS AND OTHERS’

ADVICE FOLLOWING ISSUE OF DECISION TO ACCEPT THE APPLICATION FOR EXAMINATION

We write in response to the Planning Inspectorate’s advice to the Applicants (Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited) provided under Section 51 ‘Advice for potential applicants and others’ of ‘The Planning Act 2008’ (the ‘PA 2008’) dated 16th August 2021 and further to the meeting between the Inspectorate and Applicants on 15th September 2021.

This letter represents the Applicants’ interim response to the Inspectorate’s Section 51 advice and sets out the proposed timetable for notifying persons of the decision to accept the Application pursuant to Section 56 ‘Notifying persons of accepted application’ of the PA 2008 and Regulation 16 ‘Accepted application – publicity and consultation for EIA development’ of ‘The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the ‘EIA Regulations’).

The letter also outlines the Applicants’ intention to seek changes to the Application in advance of the start of the Examination.

Submission of updated Application Documents

The following updated Application Documents were submitted to the Inspectorate by the Applicants on 13th and 17th September 2021:

- Application Document Ref. 5.2 – Project Need Statement.
- Application Document Ref. 5.8 – Combined Heat and Power Assessment.
- Application Document 5.11 – Indicative Lighting Strategy.
- Application Document Ref. 6.3.74 – ES Volume II, Figure 17-7a Viewpoint 1 – Albion Terrace, Hartlepool (Summer).

The updated Project Need Statement, Indicative Lighting Strategy and Figure 17-7a Viewpoint 1, replace the previously submitted versions that were corrupted.



The updated Combined Heat and Power Assessment omits the 'Confidential' references in the footers of the previously submitted version, which were included in error.

Works Plans & minor errors and omissions

The Applicants are currently updating the Works Plans (Application Document Ref. 4.2) to take account of the changes requested by the Inspectorate and will also address the minor errors and emissions identified in the Acceptance Checklist.

The Applicants will submit the updated plans and documents prior to the commencement of the notifications and publicity pursuant to Section 56 of the PA 2008 and Regulation 16 of the EIA Regulations.

The Applicants will also provide a 'Signposting Document' detailing the updates that have been made to the plans and documents and providing an explanation for those changes.

Consultees identified on a precautionary basis

The Applicants note that the Inspectorate has identified one person (Box 6 of the Acceptance Checklist) who was not consulted pursuant to Section 42 'Duty to consult' of the PA 2008 and who the Applicants may wish to serve notice upon pursuant to Section 56.

Relevant Representations Period

The Applicants intend to commence the Relevant Representations period by undertaking the notifications and publicity required by Section 56 and EIA Regulation 16 from around mid to late October 2021.

The Applicants are proposing to allow a period of six to eight weeks for the submission of Relevant Representations.

Changes to the Application

At the meeting on 15th September, the Applicants set out their intention to make changes to the Application. These changes are aimed at reducing optionality in the Application, notably around the Gas Connection.

The Applicants are currently undertaking further technical studies to allow a reduction in the number of options and it is anticipated that these studies will be concluded early in Q1 2022. Following the conclusion of the studies the Applicants will make a formal request to the Examining Authority in respect of the changes, cognisant of the advice in Advice Note 16. It is anticipated that this will take place in Q1 2022 in advance of the start of the Examination.

We trust that this letter is of assistance but should you have any questions please do not hesitate to contact either Geoff Bullock ([REDACTED]@dwdllp.com [REDACTED] [REDACTED]) or Rob Booth ([REDACTED]@dwdllp.com [REDACTED]).

Yours sincerely,



DWD – on behalf NZT Power & NZNS Storage