



# The Planning Inspectorate

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To:  
All Interested Parties

Your Ref:

Our Ref: EN010103

Date: 30 May 2022

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Dear Sir / Madam

## **The Planning Act 2008**

### **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.**

#### **Procedural Decision made by the Examining Authority**

This letter provides you with a Procedural Decision made by the Examining Authority (ExA) in respect of a submission made by the Applicants.

On 23 May the Applicants wrote to the Planning Inspectorate [AS-198] regarding the proposed changes to the DCO Application which were accepted by the ExA in our Procedural Decision dated 6 May 2022. Specifically, the Applicants referred to Change 10 which is the only element of the proposed changes which involves adding a small area to the Order land (the Additional Land). It had previously been indicated that this engaged 'The Infrastructure Planning (Compulsory Acquisition) Regulations 2010' (the 'CA Regulations'), being the 'prescribed procedure' for the purposes of Section 123(4) of the Planning Act 2008. However, the Applicants noted that as they are seeking only powers of temporary possession over the Additional Land, Section 123 is not in fact engaged, since it only applies where the "compulsory acquisition of land" is sought.

Nevertheless, the Applicants have provided equivalent information to that required under Regulation 5 of the CA Regulations in relation to the Additional Land. This allows Interested Parties to understand the extent of the Additional Land and the rationale for seeking powers of temporary possession over it, in the context of the Proposed Development. Consequently, the Applicants provided the following documents which can be accessed through the Examination Library on the National Infrastructure Planning [website](https://infrastructure.planninginspectorate.gov.uk):

- Supplementary Book of Reference [AS-199];

- Supplementary Statement of Reasons [AS-200];
- Supplementary Funding Statement [AS-201]; and
- Additional Land Plan [AS-202].

The ExA has made the Procedural Decision to accept these additional submissions and invites Interested Parties to comment on them, and the case for the inclusion of the Additional Land, by **Deadline 3, 23 June** and for any responses to comments made by **Deadline 4, 7 July 2022**.

Yours faithfully

*Kevin Gleeson*

**Lead Member of the Examining Authority**

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