

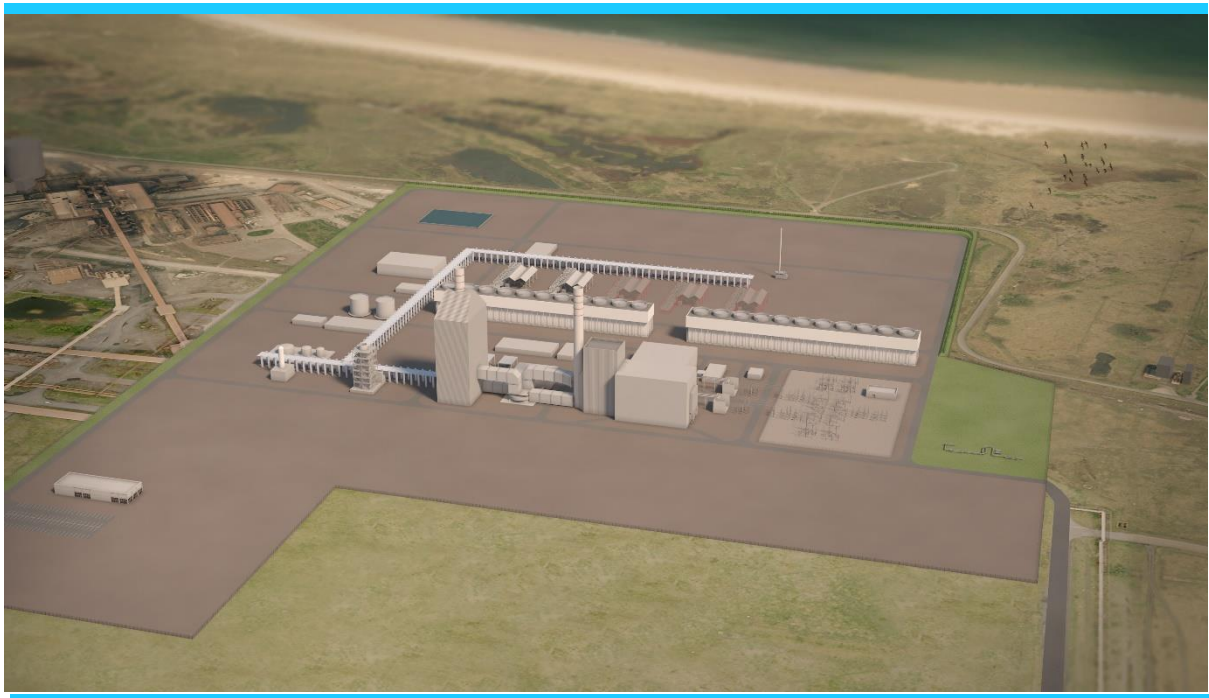
Net Zero Teesside Project

Planning Inspectorate Reference: EN010103

Land lying to the south of Belasis Avenue, Billingham

The Net Zero Teesside Order

Document Reference: 8.23 – Statement of Common Ground with NPL Waste Management Limited



Applicants: Net Zero Teesside Power Limited (NZN Power Ltd) & Net Zero North Sea Storage Limited (NZNS Storage Ltd)

Date: ~~May~~ July 2022

DOCUMENT HISTORY

Document Ref	8.23		
Revision	2 .0		
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Signed		Date	<u>7 July 2022</u>
Approved By			
Signed		Date	
Document Owner			

GLOSSARY

Abbreviation	Description
Applicants	Together NZT Power and NZNS Storage
Application (or DCO Application)	The application for a DCO made to the SoS under Section 37 of PA 2008 in respect of the Proposed Development, required pursuant to Section 31 of the PA 2008 because the Proposed Development is a NSIP under Section 14(1)(a) and Section 15 of PA 2008 by virtue of being an onshore generating station in England or Wales of electrical capacity of more than 50 megawatts, and which does not generate electricity from wind, and by the Section 35 Direction
Associated Development	Defined under S.115(2) of PA 2008 as development which is associated with the principal development and that has a direct relationship with it. Associated development should either support the construction or operation of the principal development or help address its impacts. It should not be an aim in itself but should be subordinate to the principal development
BEIS	Department for Business, Energy, and Industrial Strategy
CCP	Carbon capture plant
CCGT	Combined cycle gas turbine
CCUS	Carbon capture usage and storage
DCO	A Development Consent Order made by the relevant Secretary of State pursuant to the PA 2008 to authorise a NSIP. A DCO can incorporate or remove the need for a range of consents which would otherwise be required for a development. A DCO can also include powers of compulsory acquisition

Electricity Generating Station (or CCGT / Low Carbon Electricity Generating Station)	A new electricity generating station fuelled by natural gas and with a gross output capacity of up to 860 megawatts
Land Plans	The plans showing the land that is required for the Proposed Development, and the land over which interests or rights in land are sought as part of the Order
NSIP	Nationally Significant Infrastructure Project that must be authorised by the making of a DCO under PA 2008
NZT Power	Net Zero Teesside Power Limited
NZNS Storage	Net Zero North Sea Storage Limited
NZT	Net Zero Teesside - the name of the Proposed Development.
Order	The Net Zero Teesside Order, being the DCO that would be made by the Secretary of State authorising the Proposed Development, a draft of which has been submitted as part of the Application
Order Land	The land which is required for, or is required to facilitate, or is incidental to, or is affected by, the Proposed Development and over which powers of compulsory acquisition are sought in the Order
Order Limits	The limits of the land to which the Application relates and shown on the Land Plans and Works Plans within which the Proposed Development must be carried out and which is required for its construction and operation
PA 2008	The Planning Act 2008 which is the legislation in relation to applications for NSIPs, including preapplication consultation and publicity, the examination of applications and decision making by the Secretary of State
Proposed Development (or Project)	The development to which the Application relates and which requires a DCO, and as set out in Schedule 1 to the Order
Site (or Proposed Development Site)	The land corresponding to the Order Limits which is required for the construction and operation of the Proposed Development
SoCG	Statement of Common Ground
Requirements	The 'requirements' at Schedule 2 to the Order that, amongst other matters, are intended to control the final details of the Proposed Development as to be constructed and to control

	its operation, amongst other matters to ensure that it accords with the EIA and does not result in unacceptable impacts
Section 35 Direction	The direction under section 35 of the PA 2008 dated 17 January 2020 from the SoS that the Specified Elements together with any matters/development associated with them should be treated as development for which development consent under the PA 2008 is required
SoS	The Secretary of State—the decision maker for DCO applications and head of Government department. In this case the SoS for the Department for Business, Energy, and Industrial Strategy
Specified Elements	Those elements of the Proposed Development that, by virtue of the Section 35 Direction, are to be treated as development for which development consent under the PA 2008 is required being: the CO2 gathering network, including the CO2 pipeline connections from the proposed CCGT Electricity Generating Station and industrial facilities on Teesside to transport the captured CO2 (including the connections under the tidal River Tees), a high-pressure carbon dioxide compressor station to receive captured CO2 from the CO2 gathering network, and a section of the CO2 transport pipeline for the onward transport of the captured CO2 to a suitable offshore geological storage site
Work No.	Work number, a component of the Proposed Development, described at Schedule 1 to the Order
Works Plans	Plans showing the numbered works referred to at Schedule 1 to the Order and which together make up the Proposed Development

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1.0 INTRODUCTION

1.1 Overview

1.1.1 This Statement of Common Ground (Document Ref. 8.23) has been prepared by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the 'Applicants') in conjunction with NPL Waste Management Limited in respect of the Net Zero Teesside Project (the 'Proposed Development').

1.1.2 The SoCG sets out the matters of agreement between the Applicants and NPL Waste Management Limited and also explains those matters which, at the time of writing, remain unresolved between the parties.

1.1.3 The agreements to date have been reached through consultation and continuing discussions between the parties, including interface meetings and regular face to face discussions.

1.2 NPL Waste Management Limited Interests

1.2.1 Freehold interest in land lying to the south of Belasis Avenue and west of Haverton Hill, Billingham.

1.3 The Purpose and Structure of this Document

1.3.1 The purpose of this document is to summarise the agreements reached between the parties on matters relevant to the Examination of the Application and to assist the Examining Authority ('ExA'). It also explains the matters which remain unresolved at the time of writing, but which both parties are working positively toward resolving. As such, it is expected that further iterations of the SoCG will be submitted to the ExA throughout the Examination and prior to the making of any Development Consent Order ('DCO') for the Proposed Development.

1.3.2 The SoCG has been prepared with regard to the guidance in 'Planning Act 2008: examination of application for development consent' (Department for Communities and Local Government, March 2015).

1.3.3 The SoCG is structured as follows:

- Section 2 – sets out consultation and related discussions held between the Applicants and NPL Waste Management Limited.
- Section 3 – sets out the matters discussed and agreed to date.
- Section 4 – sets out matters to be agreed and the proposed way forward.

2.0 SUMMARY OF CONSULTATION AND DISCUSSIONS

2.1 Overview

2.1.1 This section provides a summary of how the Applicants have consulted NPL Waste Management Limited on the Proposed Development and also sets out the discussions that have taken place between the parties.

2.2 Consultation

2.2.1 **Table 2.1** (below) provides a summary of how the Applicants have consulted NPL Waste Management Limited and how NPL Waste Management Limited have responded to that consultation.

Table 2.1: Summary of Consultation

Consultation Stage/Date	NPL Waste Management Limited Response
Stage 1 Consultation (non-statutory) – 2 nd October to 19 th November 2019	No response
Stage 2 Consultation (statutory) – 7 th July to 18 th September 2020	No response
Section 42 Update Consultation – 7 th December 2020 to 25 th January 2021 (further targeted consultations held 12 th February to 16 th March 2021 & 26 th March to 3 rd May 2021)	Raised questions on the intention and scope of the Proposed Development directly with the Applicants.
Consultation on proposed changes to DCO Application – 10 th March to 14 th April 2022	No response

2.3 Discussions

2.3.1 A summary of the discussions that have taken place between the parties is set out in the table below. Where appropriate, email follow-up has taken place to provide each party with information to support the progression of discussions.

Table 2.2: Summary of Discussions

Meeting Date	Meeting Type	Topics Discussed
January 2021	Introduction	General Project Background and Introductions
September 2021	Teams Meeting	Dalcour Maclaren and Fisher German Priestner – Heads of Terms negotiations.
March 2022	Phone call	Dalcour Maclaren and Fisher German Priestner – Heads of terms discussions.
April 2022	Correspondence	Calls and emails between the parties regarding the terms.
May 2022	Teams Meeting	General project update prior to Examination and negotiation of Heads of Terms.

<u>June 2022</u>	<u>Email Correspondence</u>	<u>Exchange of emails and updated heads of terms following recent meetings.</u>
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3.0 MATTERS AGREED

3.1 Overview

This section sets out the matters agreed between the parties

3.2 Easement Consideration

- 3.2.1 The easement consideration has been agreed as part of the voluntary agreement between The Applicants and NPL Waste Management Limited.

3.3 Option Fee

- 3.3.1 The Option Fee has been agreed as part of the voluntary agreement between The Applicants and NPL Waste Management Limited

3.4 Exercise of Compulsory Acquisition Rights

- 3.4.1 The Applicants note NPL's concerns relating to the acquisition of rights, in particular NPL's mineral rights. The Proposed Development will be carried out so as not to interact with NPL's underground mining activities.

The Applicants will not exercise rights over NPL's mineral interests through compulsory acquisition powers. An updated Book of Reference (Document Ref 3.1) has been submitted at Deadline 4 which excludes these interests, using similar wording to that used for Crown interests.

~~The Applicants consider that this can be achieved by an amendment to the Draft DCO.~~

3.5 Order Limits and Option Plan

- 3.5.1 The Applicants and NPL Waste Management Limited agree the extent of the Order Limits and extent of the temporary and permanent land as shown on the Land Plans [AS-146].

4.0 MATTERS TO BE AGREED

4.1 Overview

4.1.1 This section sets out matters to be agreed between the parties and the proposed way forward

4.2 Voluntary Agreement

4.2.1 The Applicant and NPL Waste Management Limited are negotiating Heads of Terms for an Option Agreement and Easement for the installation and operation of apparatus required for the Proposed Development. A number of clauses remain unagreed and the parties are working together in order to agree the outstanding terms.

4.3 Protective provisions

4.3.1 Parties are negotiating protective provisions, however they are not yet agreed.

4.4 Contaminated Land

4.4.1 NPL Waste Management Limited has raised concerns in relation to contamination. The Applicants have included provisions within the updated Heads of Terms to be included in any voluntary option agreement addressing these matters. At the time of writing the Applicants are yet to receive a response and the matter is not yet agreed.

4.5 Insurance provisions

4.4.14.5.1 ~~4.5.1~~ At the time of writing insurance and indemnity provisions are being discussed between NPL and the applicant, they are not yet agreed but the applicant has issued a full updated clause.