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To:
All Interested Parties and Affected
Persons

Your Ref:

Our Ref: EN010103

Date: 6 September 2022

Dear Sir / Madam

The Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 17

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

Request for Proposed Changes to the Net Zero Teesside Development Consent Order Application

We are writing to inform you of the Procedural Decision made by the Examining Authority (ExA) following the change request made by the Applicants dated 23 August 2022 (Examination Library Reference [REP6-105]). Table 1 of REP6-105 summarises the four proposed changes, which would reduce optionality and the extent of the Order Limits. These are in addition to the changes already accepted by the ExA on 6 May 2022 [PD-010].

This formal change request follows the Applicants' letter of 7 July 2022 [REP4-031] 'Notification of Further Proposed Changes and Update on Remaining Optionality', which identified the nature of the changes proposed. The Applicants provided a summary of the proposed changes during Compulsory Acquisition Hearing 2 (CAH2) on 13 July 2022 [REP5-026] and optionality for Works No. 6 was subject to previous non-statutory consultation. It is the ExA's understanding from the Applicants' letter of 23 August 2022 [REP6-105] that the proposals have been discussed with the affected landowners.

The ExA has reviewed the information provided and assessed the Applicants' request against paragraphs 109 to 115 of the DCLG Guidance 'Planning Act 2008: Examination of Applications for Development Consent'¹ and the Planning Inspectorate's Advice Note 16².

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-final_for_publication.pdf

²<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2015/07/Advice-note16.pdf>

The Applicants have concluded that the proposals would not constitute a material change. This is because they would relate solely to reductions to the Order Limits and no additional compulsory acquisition of land is sought. In addition, the proposed changes have been subject to environmental assessment (as detailed in the Second ES Addendum [REP6-107 and REP6-108]) and the Applicants have determined that they would not generate new or different likely significant effects. We have also considered the Applicants' revised Habitats Regulations Assessment report [REP6-109] and conclude that the proposed changes would make no difference to the outcome of this.

The ExA is satisfied that the information provided as part of the second change request is of a satisfactory standard for examination and that there is sufficient time within the Examination for the proposed changes to be properly and fairly examined. The consultation procedures and timetable established as part of the Examination are also considered to meet the requirement for consultation in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

On this basis, the ExA agrees with the Applicants that the proposed changes are non-material and can be accepted into the Examination.

Please provide any representations on the proposed changes by Deadline 8 (20 September 2022) and any comments on these representations by Deadline 9 (6 October 2022).

Yours faithfully

Kevin Gleeson

Lead Member of the Examining Authority

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