

- 1 Climate Emergency Science Law (CESL), established in 2017 by Dr Andrew Boswell, brings together multidisciplinary expertise in science, computing, energy and climate governance, and evidence-based legal and policy analysis to deliver rigorous, scientifically grounded scrutiny of UK climate decision-making. A resume of my professional background is provided in a separate document: my Deadline D1, Part A submission, Section F.
- 2 This submission (Part B of my deadline D1 Written Representation) summarises oral submissions made at the ISH1 on 13 January 2026 on the draft Development Consent Order ("dDCO"), and provides further relevant evidence.
- 3 I have used an AI tool to assist with drafting and refining the textual content of this submission for clarity and presentation. A full statement<sup>1</sup> on the use of AI is provided at Section E.
- 4 This submission has two in-document short appendices A and B provided as further background information directly related to the submission content. In addition, three full documents have been submitted to the examination library, as noted in the footnote<sup>2</sup>.

**D1 / Part B / Section A The DCO and the bounds of environmental assumptions in the ES**

- 5 This submission addresses a specific drafting omission in the CQLCP dDCO: the absence of provisions requiring that CQLCP generates electricity with its carbon capture, transport and storage infrastructure operational and CCS operating at the assessed capture rate (95%) in the ES.
- 6 The directly comparable precedents—the Net Zero Teesside Order 2024 and the Keadby 3 Order 2022—both secure these requirements explicitly in the DCO itself, following amendments by the Secretary of State, notwithstanding the existence of Environmental Permits or commercial agreements.
- 7 The ES does not assess two developments (one with CCS at 95% capture rate, and one with CCS at lower or no capture rates). It assesses one development whose conclusions on operational GHG effects depend on CCS operating at the assessed capture rate (i.e. 95%).
- 8 As addressed separately in CESL's Deadline D1 Part A submission on Climate Change, CESL has also raised concerns as to whether the ES lawfully establishes that this assumed capture

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<sup>1</sup> In accordance with PINS guidance on "Use of artificial intelligence in casework evidence", 6 September 2024

<sup>2</sup> Appendices provided as full documents for the examination library:

(1) The Net Zero Teesside Order 2024;  
(2) The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022  
(3) Net Zero Teesside, Decision letter, 16/02/2024

rate represents a reasonable worst-case; the present submission proceeds on the basis of the assumptions relied upon in the ES as submitted.

- 9 The ES explicitly defines a quantitative operational envelope: a CO<sub>2</sub> capture rate of 95% or above<sup>3,4</sup>. Operation outside that envelope is not assessed. Absent a DCO control, there is no mechanism within the Order preventing sustained operation at a materially lower CCS capture rate, irrespective of any subsequent regulation of emissions through the Environmental Permit.
- 10 Where the ES relies on CCS at a 95% capture rate as a defining design parameter of the assessed development, the DCO must secure it as a condition of operation, rather than leaving its delivery to other regimes.
- 11 For the avoidance of doubt, CESL does not characterise the capture rate as an operational performance target, but as a defining design parameter without which the development assessed in the ES would not exist in the form presented for consent.

## **D1 / Part B / Section B CESL's proposed dDCO change**

### ***B.1 Net Zero Teesside DCO precedent***

- 12 In material respects, Net Zero Teesside (NZT) is a similar development to CQLCP: a new CCGT power station with CCS. The enacted 2024 DCO for NZT contains clauses which secure that the electricity is generated by the power station, under these conditions:
  - (a) when the development's carbon capture plant (CCP) is also in operation; and
  - (b) when the CCP operates at a minimum rate of the of the assessed scheme (90% in the case of NZT); and
  - (c) when it is connected to the relevant infrastructure to export captured carbon dioxide to the offshore storage network.
- 13 The relevant clauses from the enacted NZT DCO are provided in Appendix B of this document, and reproduced below. CESL has also submitted the enacted NZT DCO to the examination library as a stand-alone document.
- 14 Condition (b) above is expressed under Article 2, "Interpretation":

*'“CCP” means the carbon capture plant, which is designed to capture a minimum rate of 90% of the carbon dioxide emissions of the generating station operating at full load,’*
- 15 Conditions (a) and (c) above are expressed under Requirement 31 (3) ("Carbon dioxide transport and storage"):

*"Work No. 1A may not be brought into commercial use without Work Nos. 1C, 7 and 8 also being brought into commercial use and Work No. 8 being connected to an operational storage site."*

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<sup>3</sup> At 20.6.32 of EIA Chapter 20 [APP-058], the applicant states that each of the three operating cases is specified "with an approximate 95% carbon capture rate": this is taken forward as a fixed assumption for the EIA.

<sup>4</sup> As specified at Table 20-8, footnote a [APP-058]

16 Works 1A being the NZT CCGT power station, work 1C the CCP unit, work 7 the CO<sub>2</sub> compression station, and work 8 being the CO<sub>2</sub> export pipeline. The clauses above are highlighted in Appendix B for clarity.

### ***B.2 SoS endorsement for Net Zero Teesside DCO precedent***

17 The Net Zero Teesside decision letter<sup>5</sup>, at paragraph 4.24, shows that the SoS amended the DCO to include the above provisions.

*“ClientEarth proposed the inclusion of a provision in the DCO requiring that at least 90% of the total carbon emissions generated by the power plant must be captured at all times during its commercial operation. They suggested drafting to mirror that in the definitions section of the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022, to provide for the applicable minimum capture requirements on the operation of the generating station applying when it is operating “at full load”. The Applicants considered that the EP and DPA would sufficiently address this issue and the ExA concluded that the EP would provide appropriate controls to secure the capture rate. The Secretary of State has considered this issue and the representations of the Applicants, the EA and ClientEarth. Whilst the EA has stated that it is likely that a 95% capture rate would be provided for in the EP, an amendment to the definitions section of the DCO as proposed by ClientEarth will secure a minimum capture rate in the DCO itself and is consistent with the approach in Keadby 3. The DCO has been amended accordingly.”*

18 The SoS noted that the NZT applicants had considered that the “EP and DPA would sufficiently address this issue”.

19 The SoS amended the DCO because the amendment “will secure a minimum capture rate in the DCO itself” and “is consistent with the approach in Keadby 3”.

### ***B.3 Keadby 3 DCO precedent***

20 The Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 also addresses conditions (a), (b) and (c) as follows. CESL has submitted the enacted Keadby 3 DCO to the examination library.

21 Keadby 3 DCO under Article 2 “Interpretation”:

*“carbon capture and compression plant” means the building and associated works comprised in Work No. 1C and Work No. 7 in Schedule 1 shown on the works plans and which are designed to capture, compress and export to the National Grid Carbon Gathering Network, a minimum rate of 90% of the carbon dioxide emissions of the generating station operating at full load;’*

22 Keadby 3 DCO under Requirement 33 (3) (“Carbon capture and compression plant”):

*“Work No. 1A may not be brought into commercial use without Work No. 1C and Work No. 7A also being brought into commercial use.”*

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<sup>5</sup> NZT Decision letter. Document: EN010103-002914 [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipp/uploads/projects/EN010103/EN010103-002914-Decision%20Letter\\_Net%20Zero%20Teesside%20Project.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipp/uploads/projects/EN010103/EN010103-002914-Decision%20Letter_Net%20Zero%20Teesside%20Project.pdf), provided as a stand-alone appendix in examination library.

#### ***B.4 CESL's proposed DCO change***

- 23 At ISH1, CESL requested that the CQLCP dDCO be amended to include wording consistent with that adopted in the Net Zero Teesside and Keadby 3 Orders, each made by the Secretary of State following DCO examinations for comparable CCGT power stations with CCS.
- 24 CESL provides illustrative and proposed drafting changes to the dDCO [APP-019] in Appendix A, as briefly outlined at the oral hearing.

#### **D1 / Part B / Section C Issues Raised at ISH1**

- 25 At the ISH1, the applicant gave three reasons against following the precedents from the DCOs above. CESL awaits the applicant's written submissions following its oral submissions at ISH1. However, I make some brief comments at this stage below.

##### ***C.1 Environmental Permit***

- 26 The applicant said that the development's Environmental Permit (EP) was the "relevant pollution control regime". By contrast, the Net Zero Teesside decision letter indicates that the SoS for NZT considered that amendments to the DCO were necessary beyond the existence of an EP.
- 27 CESL respectfully requests that the ExA invite the applicant:
  - (1) to clarify whether any material change has occurred since the NZT decision letter; and
  - (2) to update the Examination on the status of the CQLCP Environmental Permit, and to provide the draft permit to the Examination Library.

##### ***C.2 Dispatchable Power Agreement (DPA)***

- 28 The applicant said that the development's Dispatchable Power Agreement (DPA) had a role too. By contrast, the Net Zero Teesside decision letter indicates that the SoS for NZT considered that amendments to the DCO were necessary beyond the existence of a DPA. CESL respectfully requests that the ExA invite the applicant to clarify whether any material change has occurred since the NZT decision letter.

##### ***C.3 UK Emissions Trading Scheme***

- 29 At ISH1, CESL understood the applicant to suggest, that UK Emissions Trading Scheme could be used to offset carbon leakage from the operation of CQLCP if the planned CO<sub>2</sub> capture and storage levels could not be secured. Whilst CESL awaits the applicant's explanation of this, I make the following initial comments.
- 30 The ES for CQLCP is predicated on the assumption that CCS operates at the planned levels as a defining design parameter of the assessed development, and such that operational GHG emissions are materially lower than those of unabated generation by a quantified margin modelled in the ES and derived from the assumed capture rate. Continued operation of the plant in circumstances where carbon dioxide is not captured at 95% (or above) is therefore not covered by the assessed reasonable worst-case (and Rochdale Envelope) and would constitute a materially different form of development.

31 Reliance on economy-wide instruments such as emissions trading does not remove the obligation for the DCO to describe and secure the project as assessed. Otherwise, the development authorised is not the development assessed.

## **D1 / Part B / Section D Conclusions**

32 The directly comparable precedents—the Net Zero Teesside Order 2024 and the Keadby 3 Order 2022—both secure these requirements explicitly in the DCO itself, following amendments by the Secretary of State, notwithstanding the existence of Environmental Permits or commercial agreements. CESL does not contend that prior DCOs are determinative. Rather, where directly comparable CCS-equipped CCGT developments have recently been made subject to explicit DCO controls by the Secretary of State, departure from that approach would require a clear and evidenced justification.

33 The issue raised is therefore not one of policy preference, nor of detailed operational regulation, but of whether the Development Consent Order secures the form of development that has been assessed in the Environmental Statement and presented for consent. CESL does not contend that the DCO must regulate day-to-day operational performance, nor that any temporary deviation during commissioning, testing, or short-term unavailability renders operation unlawful. The issue is more fundamental. Where the Environmental Statement relies on a quantitative capture rate as a defining design parameter of the assessed development to establish the conclusions on environmental effects, that parameter defines the development that has been assessed. In those circumstances, the DCO must secure that sustained commercial operation (i.e. beyond commissioning, testing and short-term outages within the assessed envelope) does not occur outside the assessed envelope. This is not a matter of regulatory allocation between regimes, but of ensuring that the development authorised by the Order is the development that has been environmentally assessed.

34 The amendment sought is narrow and targeted. It does not seek to prevent commissioning, testing, or short-term outages within the assessed envelope, but to ensure that sustained commercial operation remains consistent with the assumptions on which the environmental assessment is based. Absent such a control, the Order would authorise a form of sustained commercial operation that the Environmental Statement has not assessed.

35 CESL accordingly submits that inclusion of an explicit DCO requirement reflecting the approach adopted in the Net Zero Teesside and Keadby 3 Orders would provide clarity, certainty, and alignment between the consented development and the environmental assessment on which it relies.

## **D1 / Part B / Section E Statement on the use of Artificial Intelligence**

- 36 This statement is made in accordance with PINS guidance on “*Use of artificial intelligence in casework evidence*”, 6 September 2024.
- 37 This submission was prepared over the period approximately from 17 January 2026 to 27 January 2026.
- 38 During this period, I used a standard commercially available artificial intelligence tool (OpenAI ChatGPT v5.2) to assist with researching issues, and drafting and refining textual content for clarity, structure, and readability.
- 39 The AI tool was used solely in response to prompts provided by me and drew on publicly available information and the content of documents and material supplied by me; it was not used to generate original evidence or data.
- 40 The text in this submission may therefore have been influenced by the use of AI for research support and proof-reading during the drafting process.
- 41 I submit that any use of AI in preparing this submission has been responsible and lawful, and has been directed to clarifying and structuring the issues presented.
- 42 I am responsible for the factual accuracy of this submission. All information has been reviewed and checked by me and, to the best of my knowledge and understanding, is true and accurate.
- 43 Any numerical work, including any tables of figures or graphs in this document, is entirely my own work.
- 44 No images, video, or visual material have been created, altered, or enhanced using artificial intelligence in this submission.
- 45 This submission does not contain any personal data, and no personal information has been disclosed or processed using AI. Any use of AI complies with data protection, confidentiality, and copyright requirements.

## **D1 / Part B / Section F Appendix A**

### ***F.1 Illustrative and proposed drafting changes to the dDCO [APP-019]***

46 Under Article 2 “Interpretation”, add in alphabetic order:

*‘ “CCP” means the carbon capture plant, which is designed to capture a minimum rate of 95% of the carbon dioxide emissions of the generating station operating at full load;’*

47 Under Schedule 2 “Requirements”, add new section “Carbon dioxide capture transfer and storage” which contains at least these clauses:

*“Work No. 1 (a) may not be brought into commercial use without Work Nos. 1 (b), 1(c), 1(e), 7 and 8 also being brought into commercial use and Works No. 7 and 8 being connected to an operational storage site.”*

## **D1 / Part B / Section G Appendix B**

- 48 The following pages are extracted<sup>6</sup> from the Net Zero Teesside Order 2024, as published on legislation.gov.uk downloaded 14<sup>th</sup> January 2026. I have added yellow boxes to highlight the relevant sections.
- 49 CESL has submitted the full NZT Order to the examination library separately.

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<sup>6</sup> By the straightforward image capture tool ("Take a snapshot") within Adobe Acrobat

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STATUTORY INSTRUMENTS

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**2024 No. 174**

**INFRASTRUCTURE PLANNING**

**The Net Zero Teesside Order 2024**

*Made* - - - - - *16th February 2024*

*Coming into force* - - - *11th March 2024*

An application has been made to the Secretary of State under section 37 (applications for orders granting development consent) of the Planning Act 2008(1) (the “2008 Act”) in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009(2) for an Order granting development consent.

The application was examined by a Panel as Examining authority appointed by the Secretary of State pursuant to sections 61(3) and 65(4) of Part 6 of the 2008 Act and carried out in accordance with Chapter 4 of Part 6 of the 2008 Act and the Infrastructure Planning (Examination Procedure) Rules 2010(5). The Examining authority having considered the application with the documents that accompanied the application, and the representations made and not withdrawn, has, in accordance with section 74(2)(6) of the 2008 Act, submitted a report and recommendation to the Secretary of State.

The Secretary of State having considered the representations made and not withdrawn, the report and recommendation of the Examining authority and having taken into account the environmental information in accordance with regulation 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(7) and having had regard to the documents and matters referred to in section 104(2)(8) (decisions in cases where national policy statement has effect) of the 2008 Act has determined to make an Order granting development consent for the development comprised in the application on terms that, in the opinion of the Secretary of State, are not materially different from those comprised in the application.

The Secretary of State is satisfied that open space comprised within the Order land, when burdened with the new rights authorised for compulsory acquisition under the terms of this Order, will be no less advantageous than it was before such acquisition, to the persons in whom it is vested, other

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(1) 2008 c. 29. Section 37 was amended by Chapter 6 and Part 6 of, and Schedule 13 to, the Localism Act 2011 (c. 20).  
(2) S.I. 2009/264.  
(3) Section 61 was amended by section 128(2) and Schedule 13, paragraph 18 to the Localism Act 2011 c. 20 and by section 26 of the Infrastructure Act 2015 c. 7.  
(4) Section 65 was amended by Schedule 13 paragraph 22(2) and Schedule 25, paragraph 1 to the Localism Act 2011 c. 20 and by section 27(1) of the Infrastructure Act 2015 c. 7.  
(5) S.I. 2010/103, amended by S.I. 2012/635.  
(6) Section 74 was amended by the Localism Act 2011 (c. 20) section 128(2) and 237, Schedule 13 paragraph 29 and Schedule 25, Part 20.  
(7) S.I. 2017/572.  
(8) Section 104 was amended by section 58(5) of the Marine and Coastal Access Act 2009 (c. 23) and by section 128(2) and Schedule 13, paragraphs 1 and 49(1) to (6) of the Localism Act 2011 c. 20.

persons, if any, entitled to rights of common or other rights, and the public and that, accordingly, section 132(3)(9) of the 2008 Act applies;

Accordingly, the Secretary of State, in exercise of the powers conferred by sections 114, 115, 120(10), 140 and 149A of the 2008 Act, makes the following Order—

## PART 1

### PRELIMINARY

#### Citation and commencement

1. This Order may be cited as the Net Zero Teesside Order 2024 and comes into force on 11th March 2024.

#### Commencement Information

**I1** Art. 1 in force at 11.3.2024, see [art. 1](#)

#### Interpretation

2.—(1) In this Order—

- “the 1961 Act” means the Land Compensation Act 1961(11);
- “the 1965 Act” means the Compulsory Purchase Act 1965(12);
- “the 1966 Act” means the Tees and [F]Hartlepools] Port Authority Act 1966(13);
- “the 1974 Order” means the Tees and Hartlepool Port Authority Revision Order 1974(14);
- “the 1980 Act” means the Highways Act 1980(15);
- “the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(16);
- “the 1984 Act” means the Road Traffic Regulation Act 1984(17);
- “the 1986 Act” means the Gas Act 1986(18);
- “the 1989 Act” means the Electricity Act 1989(19);
- “the 1990 Act” means the Town and Country Planning Act 1990(20);
- “the 1991 Act” means the New Roads and Street Works Act 1991(21);

(9) Section 132 was amended by section 24(3) of the Growth and Infrastructure Act 2013 (c. 27).

(10) Sections 114, 115 and 120 were amended by sections 128(2) and 140 and Schedule 13, paragraphs 1, 55(1), (2) and 60(1) and (3) of the Localism Act 2011. Relevant amendments were made to section 115 by section 160(1) to (6) of the Housing and Planning Act 2016 (c. 22).

(11) 1961 c. 33.

(12) 1965 c. 56.

(13) 1966 c. xxv.

(14) S.I. 1975/693.

(15) 1980 c. 66.

(16) 1981 c. 66.

(17) 1984 c. 27.

(18) 1986 c. 44.

(19) 1989 c. 29.

(20) 1990 c. 8.

(21) 1991 c. 22.

“the 1994 Order” means the Tees and Hartlepool Harbour Revision Order 1994(22);  
“the 2000 Act” means the Countryside and Rights of Way Act 2000(23);  
“the 2004 Act” means the Traffic Management Act 2004(24);  
“the 2008 Act” means the Planning Act 2008(25);  
“the 2009 Act” means the Marine and Coastal Access Act 2009(26);  
“access and rights of way plans” means the plans which are certified as the access and rights of way plans by the Secretary of State under article 45 (certification of plans etc.) for the purposes of this Order;  
“access land” has the same meaning as in section 1(1) (principal definitions for Part I) of the 2000 Act;  
“address” includes any number or address used for the purposes of electronic transmission;  
“apparatus” has the same meaning as in Part 3 (Street works in England and Wales) of the 1991 Act and further includes pipelines (and parts of them), aerial markers, cathodic protection test posts, field boundary markers, transformer rectifier kiosks, electricity and fibre-optic cables, pipe and cable protection telecommunications equipment and electricity cabinets;  
“application guide” means the document of that description which is certified by the Secretary of State as the application guide under article 45 for the purposes of this Order;  
“authorised development” means the development described in Schedule 1 (authorised development) and any other development authorised by this Order within the meaning of section 32 (meaning of “development”) of the 2008 Act;  
[<sup>F2</sup>“book of reference” means the documents of that description which are certified by the Secretary of State as the book of reference and the supplemental book of reference under article 45 for the purposes of this Order;]  
“building” includes any structure or erection or any part of a building, structure or erection;  
“carbon dioxide storage licence” means a licence for the activities under section 17 of the Energy Act 2008 for the carbon dioxide storage site;  
“carbon dioxide storage site” means the site for the storage of carbon dioxide captured or collected by the authorised development;  
“carriageway” has the same meaning as in the 1980 Act;  
“CCGT” means combined cycle gas turbine;  
“CCP” means the carbon capture plant, which is designed to capture a minimum rate of 90% of the carbon dioxide emissions of the generating station operating at full load;  
“commencement” means—  
(a) in relation to works seaward of MHWS, the first carrying out of any licensed marine activities authorised by the deemed marine licences, save for operations consisting of pre-construction monitoring surveys approved under the deemed marine licences; or  
(b) in respect of any other works comprised in or carried out for the purposes of the authorised development, the first carrying out of any material operation, as defined in section 155 (<sup>F3</sup>... when development begins) of the 2008 Act,  
and the words “commencement” and “commenced” and cognate expressions are to be construed accordingly;

(22) S.I. 1994/2064.

(23) 2000 c. 37.

(24) 2004 c. 18.

(25) 2008 c. 29.

(26) 2009 c. 23.

## SCHEDULES

### SCHEDULE 1

### Article 2

#### AUTHORISED DEVELOPMENT

##### Commencement Information

**I49** Sch. 1 in force at 11.3.2024, see [art. 1](#)

In the Borough of Redcar and Cleveland and the Borough of Stockton [F22on] Tees a nationally significant infrastructure project as defined in sections 14(1)(a) and 15 of the 2008 Act, and development which is to be treated as development for which development consent is required by direction under sections 35(1) and 35ZA of that Act, and associated development under section 115(1)(b) of that Act, comprising—

##### Textual Amendments

**F22** Word in Sch. 1 substituted (21.12.2024) by The Net Zero Teesside (Correction) Order 2024 (S.I. 2024/1384), art. 1, [Sch. Table](#)

**Work No. 1** – an electricity generating station fuelled by natural gas and with a gross output capacity of up to 860 megawatts (MWe) comprising—

- (a) Work No. 1A – a combined cycle gas turbine plant, comprising—
  - (i) a gas turbine;
  - (ii) a steam turbine;
  - (iii) a heat recovery steam generator (HRSG);
  - (iv) gas and steam turbine buildings;
  - (v) gas turbine air intake filters;
  - (vi) selective catalytic reduction equipment;
  - (vii) HRSG stack;
  - (viii) a transformer;
  - (ix) deaerator and feed water pump buildings;
  - (x) chemical sampling / dosing plant;
  - (xi) demineralised water treatment plant, including storage tanks;
  - (xii) electrical substation, including electrical equipment, buildings and enclosures;
  - (xiii) gas reception facility, including gas supply pipeline connection works, gas receiving area, gas pipeline internal gauge receiver for pipe inspection, emergency shutdown valves, gas vents and gas metering, and pressure reduction equipment;
  - (xiv) auxiliary boiler and emissions stack; and
  - (xv) continuous emissions monitoring system;
- (b) Work No. 1B – CCGT and CCP cooling and utilities infrastructure, comprising—

- (i) mechanical draft cooling towers;
- (ii) cooling water pumps, plant and buildings;
- (iii) cooling water dosing and sampling plant and buildings;
- (iv) standby diesel generator and emissions stack;
- (v) diesel fuel storage tanks and unloading area;
- (vi) fire and raw water storage tanks;
- (vii) chemical storage facilities;
- (viii) wastewater treatment plant and building; and
- (ix) effluent, stormwater and firewater retention ponds;

(c) Work No. 1C – CCP, comprising—

- (i) flue gas pre-treatment plant and blower;
- (ii) carbon dioxide absorption column and associated stack;
- (iii) carbon dioxide stripper and solvent regenerator;
- (iv) carbon dioxide conditioning and compression equipment; and
- (v) ancillary equipment, including pumps, chemical storage, water washing equipment, acid washing equipment and pipework;

(d) Work No. 1D – administration, control room and stores, comprising—

- (i) administration and control buildings; and
- (ii) workshop and stores buildings; and

(e) Work No. 1E – ancillary works in connection with Work Nos. 1A, 1B, 1C and 1D—

- (i) ancillary plant, buildings, enclosures and structures;
- (ii) pipework, pipe runs and pipe racks;
- (iii) firefighting equipment, buildings and distribution pipework;
- (iv) lubrication oils storage facilities;
- (v) permanent plant laydown area for operation and maintenance activities; and
- (vi) mechanical, electrical, gas, telecommunications and water networks, pipework, cables, racks, infrastructure, instrumentation and utilities, including connections between Work Nos. 1A, 1B, 1C and 1D and parts of Work Nos. 2A, 3, 4, 5, 6, 7 and 8.

**Work No. 2** – a gas connection, being works for the transport of natural gas to Work No. 1A, comprising—

(a) Work No. 2A – underground high pressure gas pipeline, comprising—

- (i) an underground high-pressure gas supply pipeline of up to 600 millimetres nominal bore diameter;
- (ii) cathodic protection posts;
- (iii) marker posts; and
- (iv) underground electrical supply cables, transformers and control systems cables; and

(b) Work No. 2B – above ground installations connecting Work No. 2A to the National Transmission System, comprising—

- (i) a compound for National Gas Transmission plc's apparatus, comprising—
  - (aa) an offtake connection from the National Transmission System;
  - (bb) above and below ground valves, flanges and pipework;

- (cc) remotely operated valve and valve bypass;
- (dd) an above or below ground pressurisation bridle;
- (ee) instrumentation and electrical kiosks; and
- (ff) telemetry and communications equipment;
- (ii) compounds for the undertaker's apparatus, comprising—
  - (aa) above and below ground valves, flanges and pipework;
  - (bb) isolation valves;
  - (cc) pipeline inline gauge launching facility;
  - (dd) instrumentation and electrical kiosks; and
  - (ee) telemetry and communications equipment; and
- (iii) in connection with Work No. 2B, access works, vehicle parking, electrical and telecommunications connections, surface water drainage, security fencing and gates, closed circuit television cameras and columns.

**Work No. 3** – works for the export of electricity from Work No. 1A to the National Grid Electricity Transmission system, comprising—

- (a) Work No. 3A – an electrical connection from Work No. 1A to Work No. 3B, comprising 275 kilovolt underground and overground electrical cables and control systems cables, and the connection between Work No. 3B and the National Grid Tod Point substation; and
- (b) Work No. 3B – a new electrical substation at Tod Point, including electrical equipment, buildings, enclosures and extension works at the National Grid substation.

**Work No. 4** – water supply connection works to provide cooling and make-up water to Work No. 1, comprising up to two water pipelines of up to 1100 millimetres nominal bore diameter from the existing raw water main.

**Work No. 5** – wastewater disposal works in connection with Work No. 1, comprising—

- (a) Work No. 5B – a new water discharge pipeline to the Tees Bay; and
- (b) Work No. 5C – up to two new wastewater pipelines between Bran Sands Wastewater Treatment Plant and Work No. 1.

**Work No. 6** – a carbon dioxide gathering network, comprising underground and overground pipelines of up to 550 millimetres nominal bore diameter for the transport of carbon dioxide to Work No. 7.

[<sup>123</sup>**Work No. 6A** – above ground installations required to facilitate Work No. 6, comprising—

- (a) above and below ground piping;
- (b) a PIG launcher;
- (c) remotely operated valves and valve bypass; and
- (d) instrumentation and electrical kiosks.]

**Textual Amendments**

**F23** Words in Sch. 1 inserted (29.10.2025) by The Net Zero Teesside (Amendment) Order 2025 (S.I. 2025/1143), arts. 1, **14**

**Work No. 7** – a high pressure carbon dioxide compression station, comprising—

- (a) inlet metering;
- (b) compression facilities;

- (c) electrical connection and substation;
- (d) hydrogen storage; and
- (e) mechanical, electrical, gas, telecommunications, pipework, cables, racks, infrastructure, instrumentation and utilities, including connections between Work No. 7 and Work Nos. 1A, 1B, 1C, 1D, 6 and 8.

**Work No. 8** – high pressure carbon dioxide export pipeline corridor, comprising an overground and underground pipeline of up to 800 millimetres nominal bore diameter and associated power and fibre-optic cables.

**Work No. 9** – temporary construction and laydown areas, comprising hardstanding, laydown and open storage areas, contractor compounds and construction staff welfare facilities, gatehouse and weighbridge, vehicle parking and cycle storage facilities, internal roads and pedestrian and cycle routes, security fencing and gates, external lighting including lighting columns, and, closed circuit television cameras and columns, comprising—

- (a) Work No. 9A – Teesworks laydown;
- (b) Work No. 9B – Navigator Terminal and Seal Sands laydown;
- (c) Work No. 9C – INEOS laydown;
- (d) Work No. 9D – Saltholme laydown;
- (e) Work No. 9E – Saltholme laydown; <sup>F24</sup> ...
- (f) Work No. 9F – Haverton Hill laydown [<sup>F25</sup>, and]
- [<sup>F26</sup>(g) Work No. 9G – temporary construction laydown area.]

**Textual Amendments**

**F24** Word in Sch. 1 omitted (29.10.2025) by virtue of [The Net Zero Teesside \(Amendment\) Order 2025 \(S.I. 2025/1143\)](#), arts. 1, [15\(a\)](#)

**F25** Word in Sch. 1 substituted for full stop (29.10.2025) by [The Net Zero Teesside \(Amendment\) Order 2025 \(S.I. 2025/1143\)](#), arts. 1, [15\(b\)](#)

**F26** Words in Sch. 1 inserted (29.10.2025) by [The Net Zero Teesside \(Amendment\) Order 2025 \(S.I. 2025/1143\)](#), arts. 1, [15\(c\)](#)

**Work No. 10** – access and highway improvements, comprising works to create, improve, repair or maintain access roads, haul roads and access points.

In connection with and in addition to Work Nos. 1 to 10, further associated development comprising such other works or operations as may be necessary or expedient for the purposes of or in connection with the authorised development, and which are within the Order limits and fall within the scope of the work assessed by the environmental statement, including—

- (a) surface water drainage systems, storm water attenuation systems including storage basins, oil water separators, including works to existing drainage systems;
- (b) electrical, gas, potable water supply, carbon dioxide, foul water drainage and telecommunications infrastructure connections and works, and works to alter the position of services and utilities connections;
- (c) hardstanding and hard landscaping;
- (d) soft landscaping, including embankments and planting;
- (e) biodiversity enhancement measures;
- (f) security fencing, gates, boundary treatment and other means of enclosure;
- (g) external lighting, including lighting columns;

- (h) gatehouses;
- (i) closed circuit television cameras and columns and other security measures;
- (j) site establishment and preparation works, including—
  - (i) site clearance (including vegetation removal, demolition of existing buildings and structures);
  - (ii) earthworks (including soil stripping and storage and site levelling) and excavations;
  - (iii) remediation works;
  - (iv) the creation of temporary construction access points;
  - (v) the alteration of the position of services and utilities; and
  - (vi) works for the protection of buildings and land;
- (k) temporary construction laydown areas and contractor facilities, including—
  - (i) materials and plant storage and laydown areas;
  - (ii) generators;
  - (iii) concrete batching facilities;
  - (iv) vehicle and cycle parking facilities;
  - (v) pedestrian and cycle routes and facilities;
  - (vi) offices and staff welfare facilities;
  - (vii) security fencing and gates;
  - (viii) external lighting;
  - (ix) roadways and haul routes;
  - (x) wheel wash facilities; and
  - (xi) signage;
- (l) vehicle parking and cycle storage facilities;
- (m) accesses, roads and pedestrian and cycle routes; and
- (n) tunnelling, boring, piling and drilling works and management of arisings.

## SCHEDULE 2

## Article 2

### REQUIREMENTS

#### **Commencement of the authorised development**

- 1.—(1) The authorised development may not be commenced after the expiration of five years from the date this Order comes into force.
- (2) The authorised development may not commence unless the undertaker has given the relevant planning authority fourteen days' notice of its intention to commence the authorised development.

#### **Commencement Information**

**I50** Sch. 2 para. 1 in force at 11.3.2024, see [art. 1](#)

#### Commencement Information

I79 Sch. 2 para. 30 in force at 11.3.2024, see [art. 1](#)

#### Carbon dioxide capture transfer and storage

31.—(1) No part of the authorised development, save for the permitted preliminary works, may commence until evidence of the following (or such licence or consent as may replace those listed) has been submitted to and approved by the relevant planning authority—

- (a) that the carbon dioxide storage licence has been granted;
- (b) that the environmental permits have been granted for Work No. 1 and Work No. 7; and
- (c) that any pipeline works authorisation required by section 14 of the Petroleum Act 1998<sup>(48)</sup> for offshore pipeline works from Work No. 8 to the carbon dioxide storage site has been granted.

(2) Prior to the start of commissioning of the authorised development, the undertaker must not without the consent of the Secretary of State—

- (a) dispose of any interest held by the undertaker in the land required for Work No. 1C and Work No. 7; or
- (b) do anything, or allow anything to be done or to occur, which may reasonably be expected to diminish the undertaker's ability, within two years of such action or occurrence, to prepare Work No. 1C and 7 for construction.

(3) Work No. 1A may not be brought into commercial use without Work Nos. 1C, 7 and 8 also being brought into commercial use and Work No. 8 being connected to an operational storage site.

#### Commencement Information

I80 Sch. 2 para. 31 in force at 11.3.2024, see [art. 1](#)

#### Decommissioning

32.—(1) Within 12 months (or such longer period as may be agreed in writing with the relevant planning authority) of the date that any part of the authorised development permanently ceases operation, the undertaker must submit to the relevant planning authority for its approval (following consultation with Sembcorp and the Environment Agency)—

- (a) a decommissioning environmental management plan for that part; and
- (b) evidence that any necessary planning consents have been granted for decommissioning in relation to that part.

(2) No decommissioning works must be undertaken until the relevant planning authority has—

- (a) approved the plan submitted for that part submitted pursuant to sub-paragraph (1)(a); and
- (b) confirmed in writing that it is satisfied as to the evidence submitted for that part pursuant to sub-paragraph (1)(b).

(3) Where the relevant planning authority notifies the undertaker that the information submitted pursuant to sub-paragraph (1) is not approved, the undertaker must within a period of 2 months from the notice (or such other period as may be agreed with the relevant planning authority) make a further submission pursuant to sub-paragraph 1 to the relevant planning authority, unless it has submitted

(48) 1998 c. 17.