
STATUTORY INSTRUMENTS

2024 No. 174

The Net Zero Teesside Order 2024

PART 2

PRINCIPAL POWERS

Development consent etc. granted by this Order

4.—(1) Subject to the provisions of this Order and to the Requirements, NZT Power is granted development consent for Project A to be carried out within the Order limits.

(2) Subject to the provisions of this Order and to the Requirements, NZNS Storage is granted development consent for Project B to be carried out within the Order limits.

(3) Each numbered work must be carried out within the Order limits and situated within the corresponding numbered area shown on the works plans.

Maintenance of authorised development

5.—(1) The undertaker may at any time maintain the authorised development except to the extent that this Order, or an agreement made under this Order, provides otherwise.

(2) This article only authorises the carrying out of maintenance works within the Order limits.

Operation of authorised development

6.—(1) The undertaker is hereby authorised to use and to operate the authorised development.

(2) This article does not relieve the undertaker of any requirement to obtain any permit or licence or any obligation under any legislation that may be required from time to time to authorise the operation of the authorised development.

Benefit of this Order

7. Subject to article 8 (consent to transfer benefit of this Order), the provisions of this Order have effect—

- (a) solely for the benefit of NZT Power in respect of Project A; and
- (b) solely for the benefit of NZNS Storage in respect of Project B.

Consent to transfer benefit of this Order

8.—(1) Subject to paragraphs (3) and (7), the undertaker may with the written consent of the Secretary of State—

- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order (including any of the numbered works but excluding the deemed marine licences referred to in paragraph (2) below) and such related statutory rights as may be agreed in writing between the undertaker and the transferee; or

- (b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order (including any of the numbered works but excluding the deemed marine licences referred to in paragraph (2) below) and such related statutory rights as may be so agreed.
- (2) Subject to paragraphs (3) and (7), the undertaker may with the written consent of the Secretary of State—
- (a) where an agreement has been made in accordance with paragraph (1)(a), transfer to the transferee the whole of a deemed marine licence and such related statutory rights as may be agreed between the undertaker and the transferee; or
- (b) where an agreement has been made in accordance with paragraph (1)(b), grant to the lessee the whole of a deemed marine licence and such related statutory rights as may be so agreed.
- (3) The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the whole of the benefit of the provisions of a deemed marine licence.
- (4) Where a transfer or grant has been made in accordance with paragraph (1) or (2) references in this Order to the undertaker, except in paragraph (5), include references to the transferee or the lessee.
- (5) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) or (2) is subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by the undertaker.
- (6) Where an agreement has been made in accordance with paragraph (1) or (2)—
- (a) the benefit transferred or granted (“the transferred benefit”) includes any rights that are conferred, and any obligations that are imposed by virtue of the provisions to which the benefit relates; and
- (b) the transferred benefit resides exclusively with the transferee or, as the case may be, the lessee and the transferred benefit will not be enforceable against the undertaker.
- (7) The consent of the Secretary of State is not required for the exercise of powers under paragraph (1) or (2) where—
- (a) the transferee or lessee is—
- (i) a person who holds a licence under section 6 (licences authorising supply, etc.) of the 1989 Act⁽¹⁾ or section 7 (licensing of public gas transporters)⁽²⁾ of the 1986 Act; or
- (ii) in relation to a transfer or a lease of any works within a highway, a highway authority responsible for the highways within the Order land; or
- (iii) in relation only to a transfer or lease of all or part of Work No. 3, NGET; or
- (b) the time limits for all claims for compensation in respect of the acquisition of land or effects upon land under this Order have elapsed and—
- (i) no such claims have been made;
- (ii) any such claims that have been made have all been compromised or withdrawn;
- (iii) compensation has been paid in final settlement of all such claims;
- (iv) payment of compensation into court in lieu of settlement of all such claims has taken place; or
- (v) it has been determined by a tribunal or court of competent jurisdiction in respect of all claims that no compensation is payable.

(1) 1989 c. 29. Section 6 was amended by section 30 of the Utilities Act 2000 (c. 27), and by section 89(3) of the Energy Act 2004 (c. 20). There are other amendments to this section that are not relevant to this Order.

(2) Section 7 was amended by section 5 of the Gas Act 1995 (c. 45) and section 76(2) of the Utilities Act 2000 (c. 27). There are other amendments to the section that are not relevant to this Order.

(8) Where the consent of the Secretary of State is not required under paragraph 8(7), the undertaker must notify the Secretary of State and, where the transfer or grant relates to the STDC area, STDC and Teesworks Limited in writing before transferring or granting a benefit referred to in paragraph (1) or (2).

(9) The notification referred to in paragraph (8) must state—

- (a) the name and contact details of the person to whom the benefit of the powers are to be transferred or granted;
- (b) subject to paragraph (8), the date on which the transfer is expected to take effect;
- (c) the powers to be transferred or granted;
- (d) pursuant to paragraph (4), the restrictions, liabilities and obligations that are to apply to the person exercising the powers transferred or granted; and
- (e) where relevant, a plan showing the works or areas to which the transfer or grant relates.

(10) The date specified under paragraph (9)(b) must not be earlier than the expiry of five working days from the date of the receipt of the notice.

(11) The notice given under paragraph (8) must be signed by the undertaker and the person to whom the benefit of the powers will be transferred or granted as specified in that notice.

(12) The undertaker must, within 10 working days after entering into an agreement under paragraph (1) or (2) in relation to which any of the benefit of the deemed marine licence is to be transferred to another party, notify the Environment Agency and the MMO in writing, and the notice must include particulars of the other party to the agreement under paragraph (1) or (2) and details of the extent, nature and scope of the functions to be transferred or otherwise dealt with which relate to the functions of any of those bodies.

Amendment and modification of statutory provisions

9.—(1) The York Potash Harbour Facilities Order 2016 is amended for the purposes of this Order only as set out in Schedule 3 (modifications to and amendments of the York Potash Harbour Facilities Order 2016).

(2) The following provisions do not apply in relation to the construction of any work or the carrying out of any operation required for the purpose of, or in connection with, the construction of any part of numbered works 2A, 6 or 10 and any works that may be carried out in association with those numbered works—

- (a) byelaws and directions made under the 1966 Act, the 1974 Order or the 1994 Order which prevent, restrict, condition or require the consent of the Tees Port Authority or the harbour master to any such works; and
- (b) requirements of section 22 (licensing of works) of the 1966 Act.