



Department for
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BY EMAIL ONLY to: [REDACTED]

Rob Booth
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18 December 2024

Dear Rob Booth,

The Net Zero Teesside Order 2024 – S.I. 2024 No. 174 – Proposed Non-Material Change Application

Regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 - Written consent from the Secretary of State for not consulting a person or authority

1. Thank you for your email of 23 July 2024 on behalf of Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (“the Applicants”), requesting the consent of the Secretary of State for a focused and targeted consultation for the proposed non-material change application, along with a list of the proposed consultees, a letter outlining the scope of the non-material change application and a plan of the site boundaries. Thank you also for providing a further document titled ‘Justification of Consultees’ on 5 November 2024.
2. The ‘Consultee List’ provided on behalf of the Applicants includes those persons notified of the acceptance of the DCO Application pursuant to Section 56 of the Planning Act 2008 and confirms whether they submitted a relevant or written representation during the Examination. The Applicants propose to consult 33 parties including the relevant local authorities, the Environment Agency, Natural England, South Tees Development Corporation as the relevant Development Corporation with respect to the overall project and affected landowners. These parties are unshaded in the ‘Consultee List’ provided. The ‘Justification of Consultees’ states that these parties will be consulted on the Proposed Changes where they have relevant interests in respect of the Environmental Statement (ES) Addendum and Habitats Regulations Assessment (HRA), because one or more of the proposed changes are located within their local authority area; or because they are an organisation with land interests within the area of one or more of the proposed changes.
3. Those persons and organisations the Applicant proposes not to consult are shaded grey in the ‘Consultee List’ provided. In the ‘Justification of Consultees’ the reasons provided for not consulting these persons and organisations are that their functions/interests in land are not impacted by any of the proposed changes. In the ‘Application Scope Letter’ the Applicants state that they do not consider it necessary to consult all those who were informed of, or

involved in, the DCO application process as their view is that the Proposed Changes are limited in nature and will not result in new or different significant environmental effects or have any implications in terms of the Habitats Regulations or for the compulsory acquisition of land. Furthermore, the Applicants state that the Proposed Changes will not impact on local residents or businesses.

4. The Secretary of State has considered the request under regulation 7(3) of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (as amended) (“the 2011 Regulations”).
5. The Secretary of State notes the reasons set out by the Applicants as to why they are proposing to consult, or not consult, the relevant parties and considers that the limited consultation as outlined by the Applicants is appropriate. However, the Secretary of State considers that in addition to the consultees identified, the Applicants should further consult the Health & Safety Executive. The Secretary of State considers that this party should be consulted in relation to the proposed changes, which include the construction of new Above Ground Installations (AGIs) and temporary laydown areas, the rerouting of pipelines, and the construction of new cable support structures adjacent to road bridges.
6. The Secretary of State is satisfied that it is not necessary for other consultees from the Order or from the local area to be included in the reduced consultee list, as they are not directly affected, either because the proposed amendments will not affect their interests or because their interests relate to a different part of the scheme.
7. Accordingly, under the 2011 Regulations, the Secretary of State consents to the reduced list of consultees as specified in this letter.
8. In taking this decision the Secretary of State notes that while some persons on the Consultee List will not be consulted on the non-material change application a notice of the application will be published in line with requirements in regulation 6 of the 2011 Regulations.
9. The Secretary of State’s written consent in this matter should not be taken as indicating approval for any aspects of the proposed changes to the 2024 Order which fall to him for consideration and determination, or whether the proposed changes will ultimately be regarded as material or not.

Yours sincerely,

A black rectangular box redacting the signature of John Wheadon.

John Wheadon
Head of Energy Infrastructure Planning Delivery
Department of Energy Security & Net Zero