

Date: 13 March 2025  
Our Ref: 13626

[REDACTED]  
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Department for Energy Security and Net Zero  
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Email: [netzeroteessideproject@planninginspectorate.gov.uk](mailto:netzeroteessideproject@planninginspectorate.gov.uk)

Dear [REDACTED],

## **THE NET ZERO TEESSIDE ORDER 2024 (S.I. 2024 NO. 174) (THE 'ORDER')**

### **PROPOSED APPLICATION FOR A NON-MATERIAL CHANGE IN RESPECT OF SCHEDULE 1 'AUTHORISED DEVELOPMENT' AND SCHEDULE 2 REQUIREMENT 3(4) 'WORK NO. 3 DETAILS' OF THE ORDER**

### **LAND AT AND IN THE VICINITY OF THE FORMER REDCAR STEEL WORKS SITE (TEESWORKS SITE), REDCAR AND IN STOCKTON-ON-TEES**

#### **Introduction**

I write on behalf of Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited, together the 'Applicants', to submit an application for a non-material change (the 'Application' or 'NMC') to The Net Zero Teesside Order 2024 (S.I. 2024 No. 174) (the 'Order') pursuant to Section 153 of 'The Planning Act 2008' (the 'PA 2008') and Regulation 4 of 'The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011' (the '2011 Regulations'), to the Secretary of State for Energy Security and Net Zero ('DESNZ').

The registered address of the Applicants is, in each instance, Chertsey Road, Sunbury On Thames, Middlesex, United Kingdom, TW16 7BP. The registered address of DWD Property and Planning Limited (the 'Agent') is 69 Carter Lane, London, EC4V 5EQ.

The remainder of this letter summarises the relevant provisions of the DCO and the non-material change that is sought and provides the information required by the 2011 Regulations.

#### **The Order**

The Net Zero Teesside Order 2024 (S.I. 2024 No. 174) was made by the Secretary of State ('SoS') for DESNZ on 16 February 2024 and came into force on 11 March 2024. We can confirm that the Applicants are the same entities which applied for and have the benefit of the DCO (PINS Ref. EN010103).

The Order granted consent for the construction, operation and maintenance of the Net Zero Teesside Project ('NZN' or 'the Project'), including associated development on land at and in the vicinity of the former Redcar Steel Works site, Redcar and in Stockton-on-Tees, on Teesside (the 'Site'). The former Steel Works site, along with other land required for the Proposed Development, lies within the boundary of the land controlled by the South Tees Development Corporation ('STDC'), which is now known as 'Teesworks'.

A Correction Order, 'The Net Zero Teesside (Correction) Order 2024' (S.I. 2024 No. 1384) (the 'Correction Order'), was made in respect of the DCO on 20<sup>th</sup> December 2024 and came into force on 21<sup>st</sup> December 2024. The Correction Order corrected minor drafting and typographical errors within the Order.

Copies of the Order and the Correction Order accompany this NMC Application.

### **The Application Documents**

The Application comprises the following documents;

1. An Application Statement (in the form of this letter).
2. The original DCO.
3. The Correction Order.
4. A draft Amendment Order – in the form that the Applicant requests to reflect the changes set out in this letter.
5. A tracked change version of the DCO Order – a copy of the Order (as amended by the Correction Order) that incorporates the changes made by the draft 2025 Amendment Order), with the proposed amendments shown as track changes.
6. A Regulation 4(2) Checklist – a checklist confirming the details required by Regulation 4(2) of the 2011 Regulations (as Attachment 1 to this Letter).
7. Consultation and publicity information, including a copy of the Regulation 7(3) letter; and
8. A copy of the proposed consultee list submitted to the Secretary of State on 05 November 2024.
9. A copy of the Regulation 6 Notice to be published in local newspapers circulating within the vicinity of the land to which the DCO relates for two consecutive weeks (the Teesside Gazette and the Northern Echo on 20 and 27 March 2025, and the Darlington and Stockton Times on 21 and 28 March 2025). Copies of the Notice as published will be provided as part of the Consultation and Publicity Statement to be submitted after the consultation requirements have been completed.
10. A DCO Non-Material Change Environmental Statement Addendum (February 2025), consisting of:
  - DCO ES Addendum Volume 1 – Main Text (DCO Doc Ref. 6.7a);
  - DCO ES Addendum Volume 2 – Figures (DCO Doc Ref. 6.7b); and
  - DCO ES Addendum Non-Technical Summary (DCO Doc Ref. 6.7c).
11. Updated certified plans comprising the following:
  - Land Plans – Revision 7 (DCO Doc Ref. 4.2);
  - Works Plans – Revision 7 (DCO Doc Ref. 4.4)
  - Access and Rights of Way Plans – Revision 7 (DCO Doc Ref. 4.5);
  - Landscape and Biodiversity Plan – Revision 5 (DCO Doc Ref. 4.15);
  - Net Zero Teesside & Anglo American Shared Areas Plan – Revision 2 (DCO Doc Ref. 4.17);

- Sembcorp Pipeline Corridor – Protective Provisions Supporting Plan – Revision 2 (DCO Doc Ref. 4.19); and
  - Sembcorp Protection Corridor – Protective Provisions Supporting Plan – Revision 2 (DCO Doc Ref. 4.20).
12. Application Guide – Revision 20 (DCO Doc Ref. 1.2).
  13. Second Supplementary Book of Reference (DCO Doc Ref. 3.1b).
  14. Design and Access Statement – Revision 6 (DCO Doc Ref. 5.4).
  15. Habitats Regulations Assessment Addendum – (DCO Doc Ref. 5.13a).
  16. Site Location Plan – Revision 6 (DCO Doc Ref. 4.1) (Key Plan and Sheets).
  17. NZT NMC – Site Boundary Comparison Plan – Revision 1 (DCO Doc Ref. 9.54).

Please note that the document with DCO Doc Reg 3.1b (the Second Supplementary Book of Reference) is named the “Supplemental Book of Reference” for the purposes of the draft Net Zero Teesside Amendment Order 202\* that is provided by the Applicants within this non-material change Application.

All of the Application documents can be downloaded using the following link to a secure file share site: <https://dwd.ctit.co/url/a3krhxucynrxbs4i>

The application fee of £6,891.00 was paid electronically on 10 March 2025.

The proposed non-material change application seeks to make the following changes (together ‘the Proposed Changes’) to Schedule 1 ‘Authorised Development’ of the Order:

- **Change 1** – The addition of ‘Work No. 6A’ which would comprise an Above Ground Installation (‘AGI’) for the CO<sub>2</sub> gathering network and associated apparatus to be located at Seal Sands and the addition of ‘Work No 9G’ consisting of a temporary construction laydown area to be located on land adjacent to the new AGI at Work No. 6A. The proposed AGI under Work No. 6A is located within the existing Order Limits, with the proposed temporary laydown area requiring new land to be included within the Order Limits. The temporary laydown is needed to facilitate the construction of the AGI.
- **Change 2** – An extension to the area allocated for Work No. 2B (natural gas AGI) at the CATS Terminal (Seal Sands). This minor expansion of the proposed AGI area for Work No. 2B follows further detailed land discussions with interested parties and is located entirely within the existing Order Limits and within the existing area of Work No. 2A (natural gas pipeline).
- **Change 3** – Within the Power, Capture and Compression (‘PCC’) Site, the Applicants propose the addition of a new AGI under Work No. 6A and the realignment of the CO<sub>2</sub> gathering network under Work No. 6. Both the new AGI and realigned CO<sub>2</sub> pipeline are located entirely within the existing Order Limits.
- **Change 4** – Areas of land to be added to existing Work No. 3A (electrical connection), including areas both within and outside the existing Order Limits. The proposed additional areas of above ground and underground high voltage (‘HV’) electrical cabling under Work No. 3A will also include two support structures adjacent to existing bridges over the Tees Valley Line, River Fleet and existing pipelines to support the cables (rather than using the existing bridges as previously specified).

In association with the Work No. 3A change set out above (Change 4), the proposed non-material change application also requests a change to Requirement 3(4) of Schedule 2 ‘Requirements’ of the Order, as a means to ensure that details of the two proposed cable support structures are submitted for the approval of the relevant planning authority.

### This Application Letter

The remainder of this letter covers the following matters:

- the proposed non-material changes;
- the approach to materiality;
- the scope of the proposed non-material change application;
- the scope of the proposed consultation; and
- compliance with Regulation 4(2) of the 2011 Regulations.

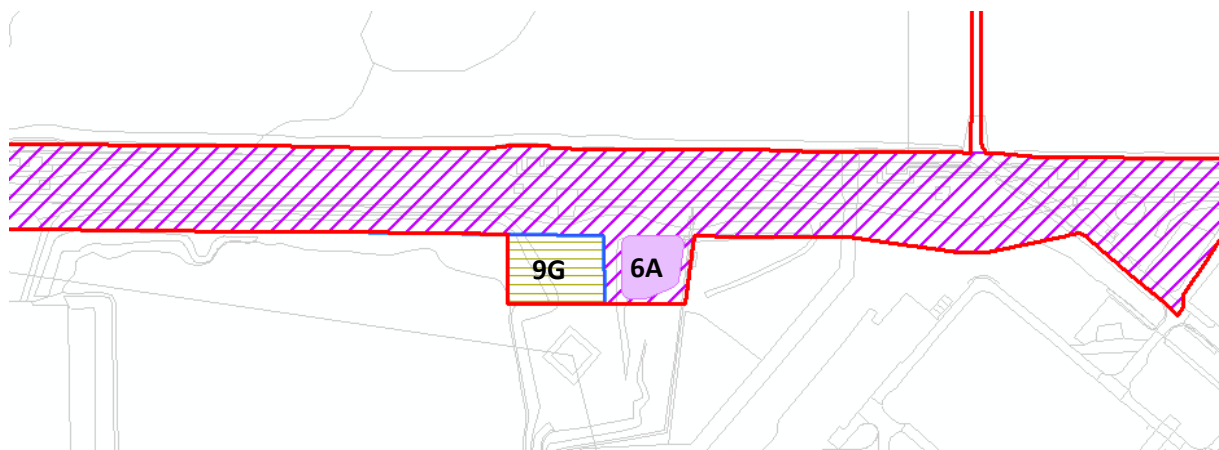
### The Proposed Non-Material Changes

#### ***Change 1: Work No. 6A (AGI at Seal Sands) & Work No. 9G (Temporary Construction Laydown Area for AGI)***

An additional AGI (Work No. 6A) is required to enable a spur line connection to potential emitters from the CO<sub>2</sub> gathering network to industrial emitters as selected by the Government. The proposed AGI will be located to the north of the Tees, at Seal Sands (as shown at **Figure 1** below). It is wholly within the existing Order Limits, and will comprise a new civil base, and the above ground apparatus will consist of piping, a PIG launcher, valves and an electrical and instrumentation kiosk. As the proposed AGI is within the Order Limits (and Order Land), and the Order already includes powers of compulsory acquisition, the Applicants are not seeking any additional or different land powers.

Work No. 9G seeks the inclusion of approximately 0.26 hectares (‘ha’) of additional land within the Order Limits (adjacent to Work No. 6A) to be used as a temporary construction laydown area (see Figure 1). This additional land will be used for construction purposes, including for the laydown and storage of plant and materials, along with the parking of construction site personnel vehicles. Whilst the additional land is located outside the existing Order Limits, the Applicants are not seeking any compulsory acquisition powers over the land and will secure it by agreement.

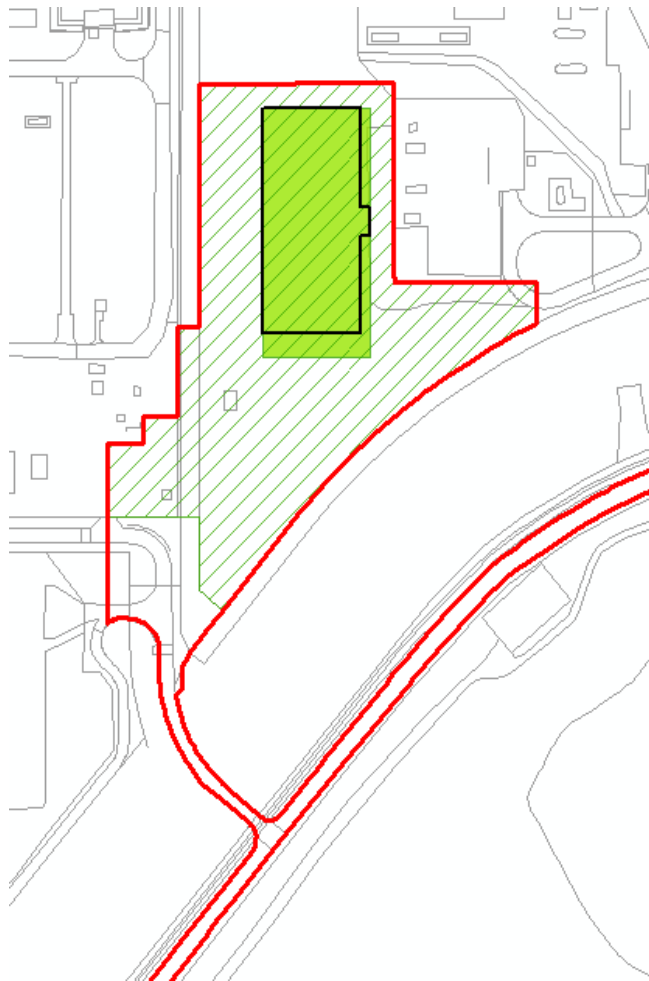
***Figure 1 (Change 1) – Illustrating approximate areas for AGI (purple) Work No 6A; Laydown Area (green hatched) Work No 9G; and with the blue line showing existing Order Limits.***



***Change 2: Work No. 2B (AGI Area Extension)***

Following further discussions with interested parties associated with the natural gas connection works, the Applicants propose a minor extension to the area designated for Work No. 2B of approximately 770 m<sup>2</sup> (as shown in **Figure 2** below). The additional area proposed will be located wholly within the existing Order Limits (within the existing area of Work No. 2A (natural gas pipeline)) and therefore the Applicants are not seeking changes to compulsory acquisition powers. It is considered that the new area for inclusion within Work No. 2B is insignificant in respect of the existing area of the Work No. and the wider NZT Project.

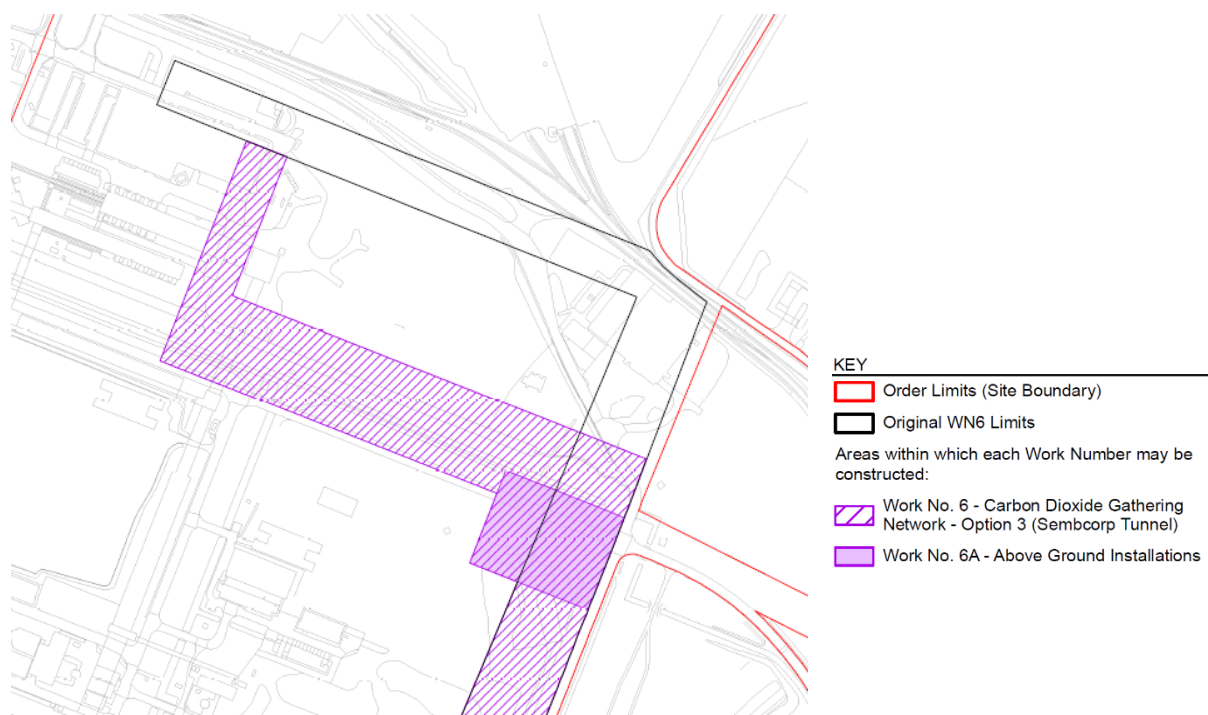
***Figure 2 (Change 2) – showing approximate area for CATS AGI area extension in green coloured area (black line depicts existing Work No. 2B area)***



### ***Change 3: Work No. 6 (PCC Site CO<sub>2</sub> Gathering Network Realignment) & Work No 6A (PCC Site AGI)***

Following further detailed design work, the Applicants propose the realignment of the CO<sub>2</sub> gathering network within the PCC Site as part of Work No. 6. The rerouting of the pipeline reflects the detailed design now under consideration by the Applicants and their appointed contractor, and takes into account other apparatus proposed to be located within the same part of the Site. A further AGI is also proposed to connect into the CO<sub>2</sub> gathering network within the southern part of the PCC Site (as shown in **Figure 3** below). The new AGI will comprise a new civil base and the above ground apparatus will consist of pipeline equipment, valves and an electrical and instrumentation kiosk. Both the CO<sub>2</sub> gathering network realignment and AGI are located within the existing Order Limits and do not require any additional or different compulsory acquisition powers.

***Figure 3 (Change 3) – Showing the realignment of Work No. 6 (black line shows existing alignment) and the addition of a new AGI within the PCC Area under Work No. 6A***



### ***Change 4: Work No. 3A (Additional HV cabling areas)***

Areas of land for the installation of the HV cable are proposed to be included within the Work No. 3A area immediately to the east of the Teesworks internal access roads, comprising a linear strip of land of approximately 1.5 ha in area and with an approximate width of 20 m to facilitate construction (see **Figure 4** below). The cabling areas will include two steel framed cable support structures adjacent to existing road bridges required in order for the cables to cross over the Tees Valley Line railway, River Fleet and existing pipelines. The need for the additional areas has arisen following detailed technical and land discussions with STDC/Teesworks, along with further detailed design work. No compulsory acquisition powers are sought in respect of the additional areas of land.



**Figure 4 (Change 4) – showing approximate additional areas for inclusion into Work No. 3A (HV cabling) blue line shows existing Order Limits.**



In order to control the cable support structures, which are to be included as part of Work No. 3A, and to ensure their design is still subject to the approval of the relevant local authority, the Applicants propose the following text (in red) is inserted into Requirement 3 (paragraph (4), Work No. 3 details) at Schedule 2 'Requirements' of the Order:

*"(4) No part of the authorised development comprised in Work No. 3 may commence, save for the permitted preliminary works, until details of the following for that part have been submitted to and approved by the relevant planning authority (following consultation with Sembcorp and STDC)—*

- (a) the route and method of installation of the 275 kilovolt electrical cables and control system cables running from Work No. 1 to the existing substation at Tod Point;*
- (b) the connections within the existing substation at Tod Point, including electrical cables, connections to the existing busbars and new, upgraded or replacement equipment; ~~and~~*
- (c) works involving trenchless technologies including their location; ~~and~~*
- (d) the siting and external appearance of support structures."*

The Applicants have included other minor or consequential changes to the Order which are necessary in order to incorporate the additional land areas or works into it. As some of the certified documents require updating to incorporate the Proposed Changes, the Applicants have also updated Schedule 14 (Documents and Plans to be Certified).

### Environmental considerations

The 'Planning Act 2008: Guidance on Change to Development Consent Orders' (2015) ('the Guidance') states that a change might be considered material if it would result in the need for an updated Environmental Statement ('ES') to take account of:

- a new significant effect that was not identified in the ES for the consented project; or
- a materially different effect (positive or negative) when compared to the ES for the consented project.

It is not anticipated that the Proposed Changes to Schedule 1 and 2 will result in any new or materially different environmental effects compared to those reported in the ES for the original scheme as approved. In order to assess the environmental effects of the Proposed Changes, the Applicants have prepared and submitted an ES Addendum which sets out whether any updates to the wording of chapters or the conclusions of assessments presented in the Original ES (as amended) would be necessary as a result of the Proposed Changes.

Section 4 of the submitted ES Addendum states that the Proposed Changes will not result in any assessment updates, it therefore concludes that there would be no changes to the significance of effects predicted in the Original ES (as amended) as a result of the Proposed Changes. For more information, please refer to Section 4 and Table 4.1 of the submitted ES Addendum which provide the assessment of the Proposed Changes against each chapter of the Original ES (as amended).

### ***Habitats and Protected Species***

The Guidance states that a proposed change to a project might be considered material if it would invoke a need for a Habitats Regulations Assessment ('HRA'), or the need for a new or additional licence in respect of European Protected Species.

The DCO application for NZT included a 'Habitats Regulations Assessment Report' (Application Document Ref. 5.13), which considered whether there would be any Likely Significant Effects ('LSE'), which may arise from the Proposed Development, either alone or in combination with other plans or projects, upon any European designated site. The HRA Report concluded that with the identified mitigation measures in place to address construction / decommissioning noise and construction and decommissioning and operational water quality impacts on the Teesmouth & Cleveland Coast SPA / Ramsar, there will be no adverse effect on the integrity of any European site either alone or in combination with other plans and projects. The Secretary of State's decision letter on NZT confirmed that she was satisfied that NZT will not lead to any adverse effect on the relevant SACs, SPAs or Ramsar site (paragraph 5.11).

The Applicants have reviewed the HRA Report in light of the Proposed Changes and have also undertaken a review of any new plans or projects within the relevant study area since the NZT DCO was granted. It is not considered that the matters which were considered in the HRA Report (and Secretary of State's decision-making on Habitats Regulations matters) will be impacted or altered by the Proposed Changes.

Further to the above, no European protected species are present within the areas of Work No. 2B (natural gas AGI), Work No. 3A (HV cabling) or within the proposed areas for Work No. 6 (AGI), Work No. 6A (AGI at Seal Sands) and Work 9G (AGI construction laydown), nor will there be a consequential impact on any European protected species within the locality.

There have been no material changes in the conclusions of the HRA Report, this has been verified and confirmed in the documentation supporting the non-material change application.



### ***Compulsory Acquisition***

The Guidance states that a proposed change might be considered material if it would result in a need for the compulsory acquisition of any land that was not authorised through the existing DCO.

The Proposed Changes do require some additional land to be included within the Order Limits for Work Nos. 3A and 9G, however, there are no proposed additions or alterations to the powers of compulsory acquisition included in the Order. The Applicants have been engaging with the relevant landowners in relation to the Proposed Changes, in some cases changes have arisen from these discussions.

### ***Impacts on Business and Residents***

The Guidance makes clear that the potential impact of a proposed change on businesses and local residents will also be a consideration in determining whether a change is material. The Guidance notes that material changes might include impacts relating to visual amenity from changes to the size or height of buildings; impacts on the natural or historic environment; and impacts arising from additional traffic.

The locations of the Proposed Changes are remote from local residents, however, each lies within the vicinity of several businesses and apparatus. The Applicants do not consider that there will be any material change to the impacts upon local residents or businesses as already assessed as a result of the Proposed Changes on the basis that:

- The proposed AGI and HV cabling would result in a negligible to minor change in the external appearance of the consented NZT Project at the respective locations. The HV cabling will be principally underground, and the cable support structures will be similar in scale and nature to existing or proposed structures in the area. Whilst the Work No. 6A AGI is 'new' apparatus within the Order Limits, it is comprised of pipes, valves and similar equipment, which is already encompassed within the Order and commonly seen with pipelines as already present in the Seal Sands area.
- There will be a negligible increase in the footprint of the NZT Project and only small areas of additional land are required for inclusion within the Order Limits, one of which is temporary for the period of construction. The total area of additional land to be added to the Order Limits via the Proposed Changes would be 1.75 ha, making the total Order Limits area of approximately 247 ha. The new areas of land proposed to be added to the Order Limits are shown on the submitted 'Site Comparison Plan – Ref. NZT\_240514\_P118' for reference.
- It is not anticipated that there will be any material change to the environmental effects reported in the ES or new significant environmental effects (as set out in Tables 1 to 4 above).
  - There will be no change to the construction programme duration.
- The changes are very limited and immaterial when considered within the context of the overall consented NZT Project.

For the reasons set out above, it is considered that the Proposed Changes are therefore non-material.

### **Scope of consultation**

The 2011 Regulations set out statutory publicity and consultation requirements for non-material change applications.

### Consultation and Publicity

The Applicants wrote to the Planning Inspectorate ('PINS') and the Secretary of State for DESNZ on 22 July 2024 to confirm its intention to submit a non-material change application and to outline the proposed non-material changes. As part of the same submission, the Applicants consulted the Secretary of State for DESNZ on the proposed scope of the NMC Application. In accordance with Regulation 7(3) of the 2011 Regulations, the Applicant also submitted a letter to the SoS (accompanied by an updated list of those notified pursuant to Section 56 of the PA 2008), seeking the consent of the SoS to undertake a more focussed and targeted consultation for the Application. The updated list identified those consultees that the Applicants proposed to consult and those they did not propose to consult. The Regulation 7(3) letter and accompanying consultee list also form part of this Application.

A response was received from DESNZ (on behalf of the Secretary of State) on 18 December 2024, confirming that it was satisfied with the proposed list of consultees and the publication proposals outlined in the Applicant's letter (subject to the addition of one further entity).

The Applicants also advised the relevant local planning authorities, Redcar and Cleveland Borough Council and Stockton-on-Tees Borough Council, of the proposed non-material change application on 22 July 2024. No response was received from either local planning authority in relation to the Proposed Changes.

The following consultation and publicity activities will be carried out in connection with the Application:

- The Application documents and the notice publicising the Application pursuant to Regulation 6 of the 2011 Regulations will be published on the project website at: <https://www.netzeroteesside.co.uk/>
- The Applicants will publish the Regulation 6 notice for two consecutive weeks in the Teesside Gazette, Darlington and Stockton Times and Northern Echo. The notice will provide details of where the Application documents can be inspected, how to submit comments and the deadline for doing so. The notice will be published in the following publications on the following dates (these are appropriate to give notice of the application in a local newspaper and to ensure notice of the application is provided in the vicinity of the land in any other publication, pursuant to Regulation 6(1)(a) and (b)):
- The Teesside Gazette: 20 and 27 March 2025
- The Darlington and Stockton Times: 21 and 28 March 2025
- Northern Echo: 20 February and 27 March 2025
- A letter will be sent to the relevant consultees (accompanied by the Regulation 6 Notice) providing information on the Application, details of where the Application documents can be inspected, how to submit comments and the deadline for doing so.

A copy of the Regulation 6 Notice forms part of the Application.

### Compliance with Regulation 4(2)

A checklist setting out how the Application complies with Regulation 4(2) of the 2011 Regulations is provided as **Attachment 1** to this letter.

We would be grateful if you could acknowledge receipt of the Application. If you wish to discuss the documents or any other matter relating to the Proposed Changes, please do not hesitate to contact me using the details below.

Yours sincerely,



  
Director

 [@dwd-ltd.co.uk](mailto:____@dwd-ltd.co.uk)



Appendix 1 – Certified Documents Table

Enc.

NMC Application documents.

Attachment 1 – Regulation 4(2) Checklist

# Appendix 1 – Updated or new documents and plans proposed to be certified in Schedule 14 of the NZT DCO

(1) <i>Document name</i>	(2) <i>Document reference</i>	(3) <i>Revision number</i>	(4) <i>Date</i>	<i>Revised version for NMC</i>
access and rights of way plans	4.5	6	March 2023	Revision 7 January 2025
application guide	1.2	17	April 2023	Revision 20 February 2025
book of reference	3.1	8	April 2023	N/A
supplemental book of reference	3.1b	N/A	N/A	Revision 1 January 2025
environmental statement	DCO Non-Material Change Environmental Statement Addendum Volume I – Main Text (6.7a)  DCO Non-Material Change Environmental Statement Addendum Volume II – Figures (6.7b)  DCO Non-Material Change Environmental Statement Non-Technical Summary (6.7c)	N/A	N/A	As shown in the Application Guide
design and access statement	5.4	5	April 2023	Revision 6 February 2025
land plans	4.2	6	March 2023	Revision 7 January 2025
Net Zero Teesside Anglo American Shared Areas Plan	4.17	1	September 2022	Revision 2 January 2025
Sembcorp Pipeline Corridor protective	4.19	1	October 2022	Revision 2 January 2025

provisions supporting plan				
Sembcorp Protection Corridor protective provisions supporting plan	4.20	1	March 2023	Revision 2 January 2025
updated landscape and biodiversity plan	4.15	4	October 2022	Revision 5 March 2025
works plans	4.4	6	March 2023	Revision 7 January 2025