

Date: 18 August 2025
Our Ref: 13626

Mr John Wheadon
Department for Energy Security and Net Zero
3-8 Whitehall Place
London
SW1A 2AW

Email: netzeroteessideproject@planninginspectorate.gov.uk

Dear Mr Wheadon,

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

APPLICANTS' RESPONSE TO SECRETARY OF STATE COMMENTS IN RESPECT OF A NON-MATERIAL CHANGE TO SCHEDULE 1 'AUTHORISED DEVELOPMENT' AND SCHEDULE 2 REQUIREMENT 3(4) 'WORK NO. 3 DETAILS' OF THE NET ZERO TEESSIDE 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', in respect of 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'), submitted to the Secretary of State for Energy Security and Net Zero ('DESNZ') on 13 March 2025. The NMC application seeks to make 'the Proposed Changes' which are described fully in the application.

This letter responds to comments received from DESNZ on 31 July 2025 ('the DESNZ Response') in regard to the submitted NMC Application. Clarifications are therefore provided in relation to the following subjects:

- Consultation Responses
- Land Rights
- Clarifications on ES Addendum, including specific points made in respect of:
 - Change No. 1
 - Change No. 3
 - Change No. 4

The remainder of this letter summarises the relevant points made in the DESNZ Letter and provides the relevant clarifications and responses from the Applicants, using the numbering in the DESNZ Response.

Consultation Responses

The DESNZ Response states the following at Paragraph 2:

2. *“The Secretary of State notes that only Network Rail responded to the Applicants’ consultation. The Applicants are requested to confirm if they have received any representations directly that the Secretary of State may not be aware of or if they wish to inform the Secretary of State of any pre-application consultation undertaken.”*

Applicants’ Response

The Applicants confirm that no consultee responses were received directly by the Agent or Applicants following the publication and issue of consultation materials associated with the NMC Application. The Consultation and Publicity Statement (dated 27 May 2025) sets out the various methods used to publicise the NMC application, including letters issued on 19th March 2025 to the ‘agreed consultees’ in accordance with Regulation 7(3) of the 2011 Regulations. The letters which were issued to the consultees provided a summary of the proposed NMC and a hyperlink to the full suite of submitted application documents, they also provided information on how to submit comments to the PINS.

In terms of pre-application consultation on the proposed changes, the Applicants did engage with affected landowners prior to the submission of the NMC application. Details of the agreements reached with landowners following that engagement is provided in response at Paragraph 3 of this document.

Land Rights

The DESNZ Response states the following at Paragraphs 3 and 4:

3. *“Planning Act 2008: Guidance on Changes to Development Consent Orders” states:*

“a change should be treated as material that would authorise the compulsory acquisition of any land, or an interest in or rights over land, that was not authorised through the existing Development Consent Order. This is because consideration of the need for compulsory acquisition must include a right for the person whose land or rights are being acquired to express their views at a hearing”.

The Applicants state that additional areas of land need to be included within the Order limits to facilitate Changes No. 1 and 4. The application documents state that the land required for Change No. 1 will be acquired by agreement but do not explain how it is proposed that the land for Change No. 4 will be acquired. In respect of both Changes No. 1 and No. 4 the Applicants have not confirmed the identity of the current landowners or their involvement, if any, in the application process. If the Applicants have acquired the land, then this has not been stated or evidenced in their application and this information must be provided to the Secretary of State.

4. *The Applicants have proposed to include, as part of their proposed changes to the Order, provisions which stipulate that the additional land (referred to as “supplemental land”) will not be acquired through the use of compulsory purchase powers. However, it is noted that, even in the absence of compulsory purchase powers, including this land within the Order limits would nonetheless bring it within the scope of various provisions in the Order, including Articles 5, 10, 13, 17, 18, 19 and more. The Applicants’ proposed amendments to the Order do not avoid this outcome. The application documents do not address the impact that this change would have on the existing landowners, if they were to retain ownership of the land. The Secretary of States requires further information before concluding whether this land can be included in the Order limits. The Applicants are invited to propose further amendments to the Order to address the issue outlined above. The Applicants are asked to confirm whether the landowners have been consulted in respect of the*

application and made aware of the provisions in the Order which will affect their land if it is to be included within the Order limits as proposed. Finally, the Applicants are asked to confirm how they propose to proceed in the event that they are unable to acquire the land by agreement, and compulsory acquisition powers are not available.”

Applicants’ Response to Paragraph 3

The Applicants confirm that the position in relation to the land required for Changes 1 and 4 is as follows:

- Change 1 - in respect of both Work Nos. 6A and 9G (i.e. all of Change 1), Sembcorp Utilities (UK) Limited is the freehold owner of the land, and the Applicants have the benefit of an option agreement for leases and which has been completed between the parties;
- Change 4 – in respect of Work No 3, there are two landowners:
 - South Tees Developments Limited is the freehold owner of the majority of the ‘additional land’ and the Applicants have the benefit of an option agreement for an easement which has been completed between the parties.
 - Network Rail Infrastructure Limited is the freehold owner of the remainder of the ‘additional land’ (on which the rail line is situated, and which will be crossed by Work No. 3). The Applicants have the benefit of an option agreement for an easement which has been completed between parties.

In order to reach agreement with these parties the Applicants undertook negotiations in relation to the project, and which included the land which is required to deliver Changes 1 and 4. Those parties were therefore aware of and specifically negotiated (and completed) contracts with the Applicants, in relation to the Changes.

Applicants’ Response to Paragraph 4

Paragraph 4 of the RfI invites the Applicants to provide further information in respect of some provisions of the Net Zero Teesside Order 2024 (the “Order”). Paragraph 4 concerns land, land rights, and the Applicants’ confirmation that they do not require the use of compulsory acquisition powers for the “supplemental land” (as defined in the Applicants’ draft Net Zero Teesside (Amendment) Order 202* submitted with the Non-Material Change Application), and whether the powers in the Order should be further restricted in respect of the supplemental land.

In summary, the Applicants' position is that no further amendments are required in respect of the Order.

The Applicants note that the powers granted under the Order can only be exercised where the undertaker has obtained the necessary land rights. If no land rights are obtained, the undertaker cannot take entry to the land within the Order limits. Therefore in the event the undertaker does not have adequate land rights to certain parcels of land, the undertaker cannot rely upon the powers granted under the Order in respect of those parcels of land. Simply because there is a power to (for instance) maintain the project works, does not mean the undertaker can do so if it did not have land rights that permit this.

The Applicants confirm that they have obtained the necessary land rights to the supplemental land via agreement (please see the Applicants’ response to paragraph 3 of the RfI in this document). The Applicants' notification of the non-material change application included the relevant landowners and this is reported in the ‘Non-Material Change Request 2 Consultee List (December 2024)’.

Accordingly, the Applicants confirm that further amendments to the Order are not required or appropriate.

In reaching their position as set out above the Applicants have considered each article under the Order. Whilst the Applicants' position is that no further amendments are required to the Order for the reasons set out above, the Applicants also acknowledge that article 20 under the Order (authority to survey and investigate the land) could give the undertaker powers to access land where no agreement has been reached. As the Applicants have the necessary land rights (including for surveys if required) by agreement, if the Secretary of State is minded to further amend article 20 of the Order, the Applicants propose the following amended article (amendment text shown in red):

Authority to survey and investigate the land

20.—(1) The undertaker may for the purposes of this Order enter on any land within the Order limits or on any land which may be affected by the authorised development and—

- (a) survey or investigate the land;*
- (b) without prejudice to the generality of sub-paragraph (a), make trial holes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and subsoil and remove soil samples;*
- (c) without prejudice to the generality of sub-paragraph (a), carry out ecological or archaeological investigations on such land; and;*
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and investigation of land and making of trial holes.*

(2) No land may be entered or equipment placed or left on the land under paragraph (1) unless at least 14 days' notice has been served on every owner and occupier of the land.

(3) Any person entering land under this article on behalf of the undertaker—

- (a) must, if so required on entering the land, produce written evidence of their authority to do so; and*
- (b) may take onto the land such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.*

(4) No trial holes are to be made under this article—

- (a) in land located within the highway boundary without the consent of the highway authority; or*
- (b) in a private street without the consent of the street authority.*

(5) The undertaker must compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this article, such compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

(6) Section 13 (refusal to give possession to acquiring authority) of the 1965 Act applies to the entry onto, or possession of land under this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 (application of compulsory acquisition provisions) of the 2008 Act.

(7) The undertaker may not rely upon any powers under this article 20 in respect of the supplemental land.

Clarifications from ES Addendum

The DESNZ Response states the following at Paragraphs 5 and 6:

5. *“The Secretary of State notes that the period laydown areas are required for [Table 3-1] has a construction start date of Q4 2022. The Applicants are required to provide an update to reflect the current anticipated construction programme.*
6. *The Secretary of State notes that smaller scale plant and equipment were not included on the photowires and photomontages in the original Environmental Statement (“ES”), as they were considered to be inconsequential in the context of the larger proposed and existing surrounding industrial structures and installations [APP-099 paragraph 17.6.16]. The Secretary of State requests the Applicants to clarify if the changes proposed, in particular Change No. 4, are regarded as small-scale equipment. If they are considered to be small-scale equipment, the Applicants are asked to explain the basis for this conclusion. If not, the Applicants are asked to include these in updated photowires and photomontages and submit these as necessary.”*

Applicants’ Response

In the Change Application, Table 3.1 has been reproduced from the Original NZT DCO ES with the only change being the addition of Work No. 9G (and other lines in the Table were not altered). All The dates for all lines in Table 3.1 should be read as “2025 to 2028”, based on a revised construction start date of 2025.

Change No. 4 specifies that the Electrical Connection corridor will cross the Tees Valley railway line and the River Fleet using steel-framed cable support structures located next to the existing road bridges. Similar structures of comparable height already exist in the area, including the road bridges themselves. Given this context, the proposed structures are considered to be small-scale. They are also not expected to be visible from the identified viewpoints and therefore will not be shown in the photowires or photomontages.

Under Change No. 4 of the ES Addendum, the steel-framed cable supports will have a maximum height of 7.2 m above ground level. This is the same height as the AGI (Work No. 2B) and lower than the substation at Tod Point (12 m above ground level, Work No. 3B), as referenced in paragraphs 17.6.4 and 17.6.16 of the NZT DCO ES. The proposed structures will also be screened by vegetation, existing buildings, and landform, further reducing their visibility such that they are not expected to be visible from the identified viewpoints. As a result of the lack of visibility, the Applicants have not updated the photowires and photomontages.

Change No. 1

The DESNZ Response states the following at Paragraph 7:

7. *“Additional traffic movements resulting from Change No. 1 are defined, but the new percentage increase in HGVs on Link 13 is not presented. The Applicants are required to update the percentage increases in traffic movements as presented in the original ES [APP-098 Table*

16-15] and whether these would remain below the GEART thresholds for assessment used in [APP-098].”

Applicants’ Response

The new percentage increase in HGVs on Link 13 is presented in Table 4-1 of the DCO ES Addendum, within the Chapter 16 section. This indicates an increase in HGVs of 13.3% on Link 13 (B1275 Belasis Avenue).

It is also stated in the DCO ES Addendum that no further assessment was required, as this fell below the threshold of assessment whereby only those sensitive links that show a greater than 10% increase in total traffic flows (or HGV component) or, for all other links, a greater than 30% increase in total traffic or the HGV component are considered when assessing the traffic impact upon receptors. Link 13 is a low sensitivity link, and therefore with an increase of 13.3% (well below the 30% threshold, no further assessment is required.

Change No. 3

The DESNZ Response states the following at Paragraphs 8 and 9:

8. *“The Secretary of State notes that ES Addendum Table 4-3 mentions the pipeline construction but not the new Above Ground Installation (“AGI”) in respect of noise and vibration effects. The Applicants are required to provide information on noise and vibration impacts of the construction of the AGI.”*
9. *“The Secretary of State notes that ES Addendum Table 4-3 states that Works No.6/6A are not predicted to result in any additional construction vehicle trips. The Applicants are required to provide details to justify the conclusion that construction of a new AGI would not result in any additional construction traffic”.*

Applicants’ Response

The construction of the AGI (Work No. 6A) will be within the proposed Power, Capture and Compression (PCC) Site. The typical plant and quantities needed to construct the additional AGI are already included in the overall construction plant list for the PPC Site’s building and general site activities (as provided in Appendix 11A Construction Noise Assessment Methodology [APP-296]) and will remain the same with the addition of the AGI. Therefore, the construction of the AGI (Work No 6A) will not change the conclusions of the construction noise and vibration assessment carried out within the Original NZT DCO ES (as amended) [APP-093].

It is considered that the construction vehicles required to construct a new AGI would not breach the worst-case scenario traffic numbers (e.g. a total of 855 daily arrivals and 855 daily departures) already assessed within the Original NZT DCO Chapter 16 [APP-098]. The proposed works will also not change the peak month of construction that has been assessed within Original NZT DCO Chapter 16 [APP-098].

Change No. 4

The DESNZ Response states the following at Paragraphs 10, 11 and 12:

10. *“The original ES [APP-091] concluded no effects on watercourses resulting from morphological changes and accidental pollution/ sediment runoff due to the use of existing watercourse crossings at the Electrical Connection. Change No. 4 introduces above ground crossings of the Mill Race and Fleet watercourses and works close to these watercourses: the Applicants are*

requested to identify the specific avoidance/ mitigation measures (and relevant control documents) relevant to this change. The Applicants are requested to explain whether they consider any amendments to these control documents are necessary.

11. *ES Addendum Table 4-4 states that there are no changes to the conclusions of the noise and vibration assessment, as the works will only be 15m closer to Noise Sensitive Receptors ("NSRs") to the East and the effects were previously assessed as negligible. However, it is understood that the nature of the proposed construction works at the Electrical Connection (Work No. 3A) has changed, now including piling up to 18m depth for the cable support structures. It is not clear to the Secretary of State whether piling and foundation works would result in higher noise levels than the topsoil strip assumed in the original ES [APP-093 paragraph 11.6.21, APP-296 paragraph 11.12] and whether the ES Addendum should now assess piling and foundation works. There is insufficient information to determine whether this would result in materially different effects at NSR 3, given the original conclusions of minor adverse effects at nighttime [APP-093 Table 11-24] and that predicted noise levels at NSR 3 [APP-093 Table 11-22] were close to noise limits [APP-093 Table 11-19]. The Applicants are required to clarify the noise and vibration implications for Change No. 4.*
12. *The Secretary of State notes that ES Addendum Table 4-4 states that Work No.3A is not predicted to result in any additional construction vehicle trips. The Applicants are required to provide details to justify the conclusion that construction of above ground and underground high voltage cabling and two cable support structures would not result in any additional construction traffic."*

Applicants' Response

The crossings of the Mill Race and The Fleet would be above ground (and over the watercourse) and do not require any works within the channel that might have the potential to cause adverse hydromorphological effects to the bed or banks, or direct water quality effects. Nonetheless, works undertaken above and adjacent to each watercourse for cable crossing installation do create potential for indirect water quality effects relating to runoff of sediments, accidental chemical spillages conveyed to these watercourses, or other debris/materials falling into the channel.

Mitigation outlined in the Original NZT DCO ES remains applicable and would control this risk, thereby ensuring that any residual effects are not significant. In particular, the Original ES Chapter 9 Surface Water, Flood Risk and Water Resources [APP-091] summarised the key management measures for construction site run-off and construction spillage risk. These were expanded upon in the Framework CEMP [REP9-007] Table 5A-3. These measures require a Water Management Plan (WMP) to be appended to the Final CEMP as a technical appendix. The submission and approval of the Final CEMP is secured by Requirement 16 in Schedule 2 to the DCO.

The WMP will provide greater detail regarding the site-specific mitigation to be implemented to protect the water environment from adverse impacts during construction, including water quality monitoring and emergency response and reporting procedures. The WMP will also specifically consider mitigation when working above watercourses for structure installation (e.g. netting to capture falling debris). These mitigation measures would apply equally to the proposed watercourse crossings required by Change No. 4, and would ensure no significant adverse effects to water quality. On this basis, no amendments to the existing control documents are considered necessary.

The table below was produced for this response to present the updated prediction for rotary bored piling and foundation works. Calculations are based on the use of a rotary bored piling rig and associated equipment, including a lorry, compactor, compressor, JCB, and dumper truck. At the closest

approach to NSR 3 (485m), the noise level is predicted to be 49 dB LAeq,T. This level encompasses all activities related to the Electrical Connection (Work No. 3A). During daytime and evening/weekend periods, this results in negligible effects.

The updated noise level for ES Addendum Work No. 3, based on rotary bored piling, is slightly lower than the predicted level for the topsoil strip as assessed in the Original NZT DCO [APP-093] for the Electrical Connection (Work No. 3A], which was 50 dB LAeq,12h for NSR 3 at a distance of 500m.

The Framework CEMP [REP9-007] commits the Applicants and the Construction Contractor to utilising rotary bored piling methods instead of driven piling methods, where feasible. Additionally, the Framework CEMP specifies that no piling works will be conducted at night. Consequently, the conclusions from the Original NZT DCO regarding night-time construction works based on topsoil strip remain applicable.

Table: Indicative Construction Noise Predictions

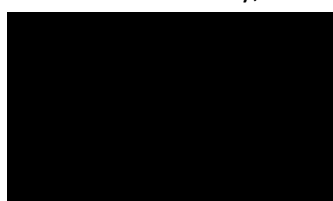
Plant Type	Quantity	BS 5228 SPL	Total dB LWA	Dist. to NSR3 (m)	Operating Hours	Duration as % 12 hr Tt	Predicted Noise Level dB(A) at NSR3
Piling Rig (Bored)	1	83	111	485	12	100	44
Lorry	1	79	107	485	12	100	40
Vibratory Compactor	1	82	110	485	12	100	43
Compressor	1	65	93	485	12	100	26
JCB	1	68	96	485	12	100	29
Dumper Truck	1	81	109	485	12	100	42
						Total	49

The ES Addendum (Table 4-4) states that this development change is not expected to affect the originally stated traffic increases of 3–5% in the Chapter 16: Traffic and Transportation of the Original NZT DCO [APP-098].

The predicted number of vehicle trips associated with above ground and underground high voltage cabling and two cable support structures are within the tolerance (worst case) assessed in the Original ES. Therefore, no further assessment is required.

We would be grateful if you could acknowledge receipt of this letter. 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)

