

Date: 8 June 2026
Our Ref: 13626



69 Carter Lane
London
EC4V 5EQ

Mr James Dawkins
Head of Planning
Department for Energy Security and Net Zero
3-8 Whitehall Place
London
SW1A 2AW

Dear Mr Dawkins

THE NET ZERO TEESSIDE ORDER 2024 (S.I. 2024 NO. 174) AS CORRECTED BY THE NET ZERO TEESSIDE (CORRECTION) ORDER 2024 (S.I. 2024 NO. 1384) AND AS AMENDED BY THE NET ZERO TEESSIDE (AMENDMENT) ORDER 2025 (S.I. 2025 NO. 1143) (THE 'ORDER')

SUBMITTED APPLICATION FOR A NON-MATERIAL CHANGE IN RESPECT OF SCHEDULE 15 (DESIGN PARAMETERS) OF THE ORDER

Introduction

We write on behalf of Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (together the 'Applicants') in respect of the consultation response received from Natural England (dated 21 May 2026) with regard to the non-material change 2 ('NMC2') application to 'the Net Zero Teesside Order 2024' (S.I. 2024 No. 174).

The Applicants have reviewed the Natural England consultation response (Ref. 545468) ('the NE Response') and welcome the agreement on the conclusions of the submitted 'Appendix A: Air Quality Technical Note' which accompanied the NMC2 application. The remainder of the NE Response states the following:

"The air quality impacts presented in the Air Quality Technical Note are in line with the impacts Natural England has been consulted on as part of the Environmental Permitting process with the Environment Agency. This concludes that the worst case scenario will result in a significant increase of nitrogen deposition to the Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI) and therefore mitigation and/or compensation is required. We are working with the applicant to develop a suitable compensation strategy. This compensation strategy should equally apply to the impacts raised in the Air Quality Technical note.

It is the responsibility of your authority to consider if the compensation measures secured through the environmental permitting process sufficiently protect the SSSI or if compensation should equally be secured as part of the development consent order amendments."

The Applicants note the comments made by NE above. The Applicants would like to clarify and re-iterate the conclusions of the assessment, which identifies the potential for a marginal increase in nitrogen deposition under a worst-case scenario only. This increase in deposition is relevant to the habitat features of the SSSI.

The mechanism for compensating for the potential impacts to the SSSI that may arise from the marginal increase in nitrogen deposition, if the worst-case scenario is realised during the operational phase of the development, has been discussed and agreed with Natural England and will be fully secured through the environmental permitting regime. To align with the precautionary principle the Applicants is committing to providing compensation for an initial period, followed by a process of verification of the impacts, in order to evaluate whether the compensation is to be continued or can be concluded. This is detailed fully on Page 57 of the Annex 1 to the application.

The Applicants note also NPS EN-1, paragraphs 4.12.9 and 4.12.10, which state (emphasis added):

4.12.9 In considering an application for development consent the Secretary of State should focus on whether the development itself is an acceptable use of the land or sea, and the impact of that use, rather than the control of processes, emissions or discharges themselves.

4.12.10 The Secretary of State should work on the assumption that the relevant pollution control regime and other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity, will be properly applied and enforced by the relevant regulator. The Secretary of State should act to complement but not seek to duplicate those regulatory regimes, but without prejudice to the Secretary of State's duty to 'secure' compliance with the relevant regulatory requirements.

Therefore, it is considered that duplication through the DCO is disproportionate, creates an onerous duplication across regimes contrary to the NPS and is unnecessary. The Applicants note also that securing matters through the Environmental Permit is consistent with the approach taken to date by the regulators in respect of the Net Zero Teesside project and is the appropriate approach in this case.

We would be grateful if you could acknowledge receipt of this letter. If you wish to discuss the points raised in this letter or any other matter relating the NMC2 Application, please do not hesitate to contact me using the details below.

Yours sincerely,

[REDACTED]

Director

DWD

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

[REDACTED]