



To:
All interested parties

Our Ref: EN010103

Date: 20 December 2023

Dear Sir or Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (“the Applicants”) for an Order granting Development Consent for the proposed Net Zero Teesside project (“the Proposed Development”)

1. In letters dated 20 October 2023 and addressed to the Secretary of State and the Environment Agency (EA)¹, Natural England (NE) confirmed that it has had cause to revise the advice it provided regarding the effects of nutrient nitrogen deposition on the Teesmouth and Cleveland SSSI (the SSSI) during the statutory consultation for this DCO application. NE provided this interim updated advice in response to further air quality modelling undertaken by the EA in relation to the Applicants’ application for their Environmental Permit.
2. In a letter dated 28 November 2023 and addressed to the Secretary of State, the Applicants confirmed that they have provided updated modelling to the EA and NE that demonstrates that the Project is capable of achieving a rate of nutrient nitrogen deposition that is less than 1% of the relevant lower critical load on the protected area of the SSSI at Coatham Sands, as recommended by NE, and that the permitting process will ensure that the Project does not exceed this figure when operational.² In a letter of the same date and addressed to the Secretary of State,

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010103/EN010103-002879-Letter%20to%20Environment%20Agency%20-%20Net%20Zero%20Teesside%2020%20Oct%2023.pdf>

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010103/EN010103-002877-231024%20-%20NZN%20DCO%20-%20Letter%20to%20SoS%20regarding%20NRIL%20response.pdf>

² <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010103/EN010103-002889-EN010103%20-%20NZN%20DCO%20-%20Main%20Letter%20to%20DESNZ%20re%20NE%20Letters%20-%2028.11.23.pdf>

Natural England also confirmed that the matters raised in their previous letter had been resolved and they have no further comments to make on the application.³

3. In a letter dated 6 October 2023⁴ and in response to representations from Climate Emergency Policy and Planning (CEPP) sent to the Secretary of State on 6 and 12 September 2023⁵, the Applicants revised their figures in Table 3 of Appendix 6 to the addendum submitted to the Secretary of State on 4 August concerning the Environmental Statement for the Wider Net Zero Teesside Project.⁶ These figures show the contextualisation of residual operational emissions compared to the relevant Carbon Budget Delivery Plan sectoral carbon budgets. As a result of the figures being revised, the estimated residual emissions and percentage contributions for the Power Sector have increased. In the same letter the Applicants responded to concerns raised by CEPP (in paragraphs 4.4 and 4.5 of CEPP's letter of 6 September 2023) regarding a double counting error in [REP6-123].
4. The Secretary of State sent a letter dated 30 November 2023⁷ to the Applicants, requesting them to provide further clarification on these issues. A response was received from the Applicants on 14 December 2023.⁸
5. The Secretary of State notes that she has a duty, under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 to come to reasoned conclusions on the significance of effects of the Proposed Development on the environment, which must be up to date at the time she makes a decision. The representations received from NE and the Applicants regarding nutrient nitrogen deposition on Teesmouth and Cleveland SSSI and the Applicants' revised residual operational emissions figures and comments regarding a double counting error are

³ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010103/EN010103-002886-%E2%80%8BEN010103%E2%80%8B%20Net%20Zero%20Teesside%20-%20NE%20Updated%20Advice%20-%2028%20November%202023.pdf>

⁴ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010103/EN010103-002868-Net%20Zero%20Teesside%20Power%20Limited%20and%20Net%20Zero%20North%20Sea%20Storage%20Limited%20-%20Cover%20Letter%20-%20Response%20to%20the%20SoS%20Consultation%20letter%20dated%2022%20September%202023.pdf>

⁵ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010103/EN010103-002848-Dr%20Andrew%20Boswell%20on%20behalf%20of%20Climate%20Emergency%20Policy%20and%20Planning.pdf>

⁶ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010103/EN010103-002814-NZT%20DCO%206.6%20-%20Appendix%206%20Contextualisation%20against%20CBDP%20and%20Draft%20Revised%20NPS%20response.pdf>

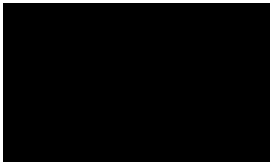
⁷ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010103/EN010103-002884-NZT%20-%20Consultation%20-%20CEPP%20Information%20Request%20-%20301123.pdf>

⁸ <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010103/EN010103-002891-EN010103%20-%20NZT%20DCO%20-%20Letter%20in%20response%20to%20SoS%20RFI%20dated%2030.11.23.pdf>

considered to be new environmental information that is required to be consulted on, in accordance with the regulations.

6. **All interested parties are invited to comment on the correspondence and information detailed above. Responses should be sent via email only to: netzeroteessideproject@planninginspectorate.gov.uk by 23.59 on 19 January 2024.** Responses will be published on the Net Zero Teesside project page of the National Infrastructure Planning website as soon as possible after **19 January 2024**.
7. This letter is without prejudice to the Secretary of State's consideration of whether to grant or withhold development consent for the proposed development. Nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully



John Wheadon

Head of Energy Infrastructure Planning Delivery