

Aldbrough Hydrogen Storage - EN030003

Aldbrough Hydrogen Storage Limited

Section 51 Advice Log

Version: 21 October 2024

There is a statutory duty under [section 51 \(s51\) of the Planning Act 2008](#) for the Planning Inspectorate to record the advice that it gives in relation to an application or potential application, and to make this publicly available.

This document comprises a record of the advice that has been provided by the Inspectorate to the Applicant (Aldbrough Hydrogen Storage Limited) and their consultants during the pre-application stage. It will be updated by the Inspectorate after every interaction with the Applicant during which s51 advice has been provided. The applicant will always be given the opportunity to comment on the Inspectorate's draft record of advice before it is published.

The Applicant will use this Advice Log as the basis for demonstrating regard to section 51 advice within the application.

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Date of meeting	Meeting overview
17 November 2022	<p><u>Inception Meeting:</u></p> <ul style="list-style-type: none"> • The Proposed Development • Scoping Boundary • Proposed NSIP • Activities to date • Consenting Programme • Stakeholder Engagement and Consultation <p>A meeting note is available for this meeting on the National Infrastructure Planning Website and this can be viewed at: View meeting note (PDF, 123KB).</p>
4 April 2023	<p><u>Project Update Meeting:</u></p> <ul style="list-style-type: none"> • Project Update • Scoping • Consenting Programme <p>A meeting note is available for this meeting on the National Infrastructure Planning Website and this can be viewed at: View meeting note (PDF, 96KB).</p>
18 October 2023	<p><u>Project Update Meeting:</u></p> <ul style="list-style-type: none"> • Non-Statutory Consultation • Project Update • Consenting Programme <p>A meeting note is available for this meeting on the National Infrastructure Planning Website and this can be viewed at: View meeting note (PDF, 116KB).</p>
9 April 2024	<p><u>Project Update Meeting:</u></p> <ul style="list-style-type: none"> • Project and Programme Updates • Any other business • • Specific decisions/follow up required <p>A meeting note is available for this meeting on the National Infrastructure Planning Website and this</p>

	can be viewed at: View meeting note (PDF, 120KB).
9 October 2024	<p><u>Project Update Meeting:</u></p> <ul style="list-style-type: none">• Project and Programme Update• Pre-Application Service commencement and expectations• Feedback received at Statutory Consultation• Consultation with Health & Safety Executive including the approach to Hazardous Substances Consent and a potential multi-partite meeting• Draft Document Review – Preparation and timing

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Topic	Meeting date: 17 November 2022
Scoping – Optionality	<p>The Applicant outlined that with regard to the pipeline corridor to connect the underground storage caverns to the proposed Humber Low Carbon Pipelines project, there are three potential proposed routes that the Applicant intends to scope on, with the green route preferred. The Inspectorate expressed a preference for scoping to be on a single option, to avoid unnecessary consultation but stated that the degree of optionality was for the Applicant to determine, subject to satisfying the requirements of Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.</p>
Planning Act 2008 Nationally Significant Infrastructure Project – Criteria in relation to Hydrogen	<p>The Applicant explained its reasoning as to why it considered the project falls within the Planning Act 2008 criteria. This is because the hydrogen storage exceeds the thresholds set out in section 17 of the Planning Act 2008, in both working capacity and maximum flow rate. The Applicant pointed out marine works, the pipeline and other associated development will also be included in the DCO.</p> <p>The Applicant also confirmed it considered that s.235 of the Planning Act 2008 supports hydrogen as a “gas” on the basis that the definition includes natural gas but is not listed as being exhaustive. The Inspectorate confirmed that it could not provide a legal opinion or legislative interpretation and suggested the Applicant discussed the matter directly with the Department for Business, Energy & Industrial Strategy (BEIS).</p>
Topic	Meeting date: 4 April 2023
Information provided by the Applicant in relation to proposed scope of the Application, Scoping, and the Consenting Programme.	<p>A meeting note is available for this meeting on the National Infrastructure Planning Website and this can be viewed at: View meeting note (PDF, 96KB).</p> <p>An update was provided by the Applicant in relation to the proposed scope of the Application, Scoping, and the Consenting Programme. The Inspectorate did not provide identifiable advice on these matters falling within the scope of its duty under section 51 of the Planning Act 2008.</p>
Topic	Meeting date: 18 October 2023
Early Adopters Programme	<p>The Applicant enquired about the Early Adopters Programme (EAP) which is currently ongoing with seven pre-application cases and the ten components that form part of this trial. Following this enquiry, the Applicant subsequently asked if it would be possible to view templates of EAP documents. The</p>

	<p>Inspectorate was not able to give a definitive answer, but it is understood that advice given would be reflected in s51 advice published under the duty.</p>
<p>Scoping – Late Comments from Local Authorities</p>	<p>Due to resourcing constraints Environmental Impact Assessment Scoping comments from East Riding of Yorkshire Council were outstanding but the Applicant understood that the Local Authority will shortly be submitting some comments. The Inspectorate made clear that these would be processed as late Scoping responses and published on the National Infrastructure Website once received, in line with standard practice.</p>
<p>Draft Document Review – Documents and timeline for review feedback</p>	<p>The Applicant asked which documents would be expected at a Draft Documents Review and the Inspectorate made it clear this was a decision for the party making an application for Development Consent. However, the Applicant was advised that it can be helpful to see the project description chapter of the Environmental Statement, and the HRA.</p> <p>Other documents might be worth consideration of inclusion of submission for a Draft Document Review were suggested to be a draft Development Consent Order, Explanatory Memorandum, Land Plan, Work Plan, Book of Reference, Statement of Reasons and the Consultation Report. The Inspectorate confirmed that their standard but not guaranteed timeframes for Draft Document Review is six to eight weeks.</p>
<p>Topic</p>	<p>Meeting date: 9 April 2024</p>
<p>Applicant – Special Purpose Vehicle</p>	<p>Equinor and SSE are in the process of establishing a new Special Purpose Vehicle company to act as the Applicant for the project. The timing of this change in relation to the Statutory Consultation was queried by the Inspectorate and the Applicant confirmed that the new company would be identified as the Applicant for the Statutory Consultation.</p>
<p>Stakeholder Engagement – Health and Safety Executive and the Aldbrough Community Liaison Group</p>	<p>The Inspectorate asked about the Applicant’s engagement with the Health and Safety Executive. The Applicant advised that there had been a previous meeting which was held last year and that there is another planned for May 2024.</p> <p>The Applicant reminded the Inspectorate that outside of the Development Consent Order (DCO) process, it regularly meets with a local interest group (Aldbrough Community Liaison Group) to provide consistent information about project as well as other matters connected to the Aldbrough site.</p>
<p>Topic</p>	<p>Meeting date: 9 October 2024</p>

Submission date	The Inspectorate made the Applicant aware that there has been feedback from other Hydrogen projects about the lack of Hydrogen availability in the UK at present, and asked if this would impact this project and cause a delay to timescales. The Applicant replied that the government is looking at business models to support Hydrogen and is carrying out an independent review of the market, but it is unlikely there will be any impacts on the project timescales. The Inspectorate advised that the Applicant may wish to ensure this is clearly reflected in the documentation submitted as part of the submission of an application for development consent.
Review of Programme Document	The Inspectorate reiterated that the Programme Document must be maintained throughout and published on the Applicant's website.
Review of Programme Document – Adequacy of Consultation	<p>In relation to the Programme Document (PD), the Applicant should ensure that the PD contains the Adequacy of Consultation Milestone, timescales for any meetings with the Inspectorate (including the multi-partite meeting) and dates for the submission of draft documents for review. The Inspectorate advised that the Adequacy of Consultation documentation should be submitted at least 3 months prior to submission to enable the Applicant to amend if needed.</p> <p>The Applicant queried what it will need to submit and the Inspectorate advised the Applicant to refer to the Prospectus and to submit a statement on how it has conducted the consultations. The Applicant confirmed that it would use the S55 checklist and append supporting documents to this. The Inspectorate confirmed that this approach appears to be sensible.</p>
Review of Programme Document – Project Update Meetings and Multi-party meetings	The Inspectorate advised of the information, and timescales, it needs to consider attendance at a multi-partite meeting, in line with the Pre-Application Prospectus.
Review of Programme Document – Pre-Exam & timeframe	The Inspectorate noted that the Programme Document currently anticipates 3 months as the timescale for the pre-examination stage but advised that 4 months is a more reflective time period at present.
Embedded risk review process	The Applicant asked if the Inspectorate could elaborate on this as it is referenced in the Prospectus. The Inspectorate explained that the new pre-application process contains steps that are designed to help minimise risk, such as the introduction of Programme Documents, Adequacy of

	<p>Consultation Milestones and Issues/Risk tracking. It is expected that the pre-application stage is frontloaded and applicants seek to resolve as many issues as possible ahead of the submission of the application.</p>
<p>Statutory Consultation</p>	<p>The Inspectorate queried if the Planning Performance Agreement (PPA) with East Riding of Yorkshire Council covers examination and post decision stages or if it is just for pre-application stage. The Applicant agreed to review this and the Inspectorate advised the Applicant to consider how it could support the continued engagement of key parties throughout the process.</p>
<p>Statutory Consultation – Key Themes</p>	<p>Following the Applicant’s update on key themes arising from the recent statutory consultation, the Inspectorate reminded the Applicant of the requirement to clearly demonstrate regard to the comments, as well as advice provided by the Inspectorate, in the application documents.</p>
<p>Statutory Consultation</p>	<p>The Applicant must ensure that it clearly demonstrates how it has applied the mitigation hierarchy in the application documents, e.g. addressing the comments from Natural England received during the statutory consultation.</p>
<p>Habitats Regulation Assessment and Marine Conservation Zone Report</p>	<p>The Applicant should consider sharing the draft Habitats Regulations Assessment and Marine Conservation Zone Report with Natural England again prior to submission, in order to try to seek agreement on key matters.</p>
<p>Draft Document Review</p>	<p>The Applicant queried if it could submit a Marine Conservation Zone Report with its draft documents to be reviewed by the Inspectorate. The Inspectorate advised that although having advance sight of the document may be beneficial, the Inspectorate could not offer comments on it as it falls outside of the scope of the standard pre-application service. The Inspectorate also advised that the Applicant must provide a firm submission date for the draft documents so it can prepare for resourcing and also noted the 6 week review period.</p> <p>When submitting draft documents for review, the Applicant should provide well progressed and ideally final versions of documents, rather than early drafts. This will enable the Inspectorate to provide more meaningful comments on the submitted documents.</p>