

Date: 28th November 2023
Your Ref: EN070009
Our Ref: 16373

DWD

69 Carter Lane
London
EC4V 5EQ

Lily Robbins
Case Manager
National Infrastructure (Energy)
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol, BS1 6PN

By email: H2Teesside@planninginspectorate.gov.uk

Dear Ms Robbins

THE H2TEESSIDE PROJECT

LAND WITHIN THE BOROUGH OF REDCAR AND CLEVELAND AND STOCKTON-ON-TEES, TEESSIDE AND WITHIN THE BOROUGH OF HARTLEPOOL, COUNTY DURHAM

SECTION 46 'DUTY TO NOTIFY THE SECRETARY OF STATE OF PROPOSED APPLICATION' OF THE PLANNING ACT 2008

I write on behalf of H2 Teesside Limited (the 'Applicant') in respect of the H2Teesside Project.

It has come to our attention that we did not notify the Secretary of State as required by Section 46 of the Planning Act 2008 (the 'PA 2008') on or before the Applicant commencing its Section 42 consultation in relation to the H2Teesside Project in September 2023.

The Applicant's intention had been to notify the Secretary of State (the 'SoS') in accordance with Section 46 of the PA 2008 on 11th September 2023 in advance of the Section 42 consultation commencing on 14th September 2023. A copy of the letter that was prepared to notify the SoS (the 'Section 46 Letter') and the Section 48 Notice that was to be enclosed with it accompanies this letter. Due to an administrative error, the Section 46 Letter was not then subsequently submitted to the SoS on or before the start of the Section 42 consultation on 14th September 2023, as it should have been.

Whilst it is acknowledged that Section 46 of the PA 2008 has not been complied with in this instance, we do not consider that any persons have been prejudiced by the failure to submit the Section 46 Letter to the SoS for the reasons set out below.

Section 46 only requires an applicant to supply the SoS with the same information that is to be provided to the Section 42 consultees on or before commencing the Section 42 consultation. There is no requirement for the SoS to review or approve that information, nor is there a requirement for the SoS to consent to the start of the Section 42 consultation. In addition, Section 46 does not require the applicant to notify the SoS before commencing the Section 47 community consultation or be sent any information that is required to be sent pursuant to a published Statement of Community Consultation ('SoCC'). Neither does Section 46 require the applicant to notify any other persons of the start of the consultation. Furthermore:



- The Applicant consulted the relevant persons pursuant to Section 42(a), (aa), (b) and (d) of the proposed application. Letters were sent to the Section 42 consultees on 14th September 2023 providing details of how to access the consultation documents and accompanied by a copy of the Section 48 Notice. The letters were also emailed to the Section 42 consultees where email addresses were available. The letters confirmed that comments should be submitted by 26th October 2023, therefore providing more than the required 30 days.
- A Section 42 Site Notice was erected at points around the proposed application site boundary. The notices were in place for the start of the Section 42 consultation and were inspected periodically throughout the consultation period to ensure that they remained in place.
- A Section 48 Notice was published in the Telegraph, London Gazette and Fishing News on 14th September, Lloyds List on 15th September, Northern Echo on 15th and 22nd September, Teesside Gazette on 14th and 21st September and Darlington and Stockton Times on 14th and 21st September.
- The community consultation was carried out over the period 14th September to 26th October 2023 in accordance with the SoCC published pursuant to Section 47(6). A range of consultation methods, as set out in the SoCC, were employed for the community consultation, including a newsletter and consultation brochure, social media, project website, virtual consultation room and face-to-face consultation events.

The Applicant therefore carried out a comprehensive and robust statutory consultation exercise in accordance with Sections 42, 48 and 47 of the PA 2008 during September and October 2023.

The Applicant will be carrying out further statutory consultation on the H2Teesside Project from mid-December 2023 until late January 2024. This relates to a number of changes to the proposed application site boundary, as a result of further design development and technical assessments. This further consultation will comprise the following:

- The issue of letters to all the identified Section 42 consultees providing details of how to access the relevant information. This includes the previous consultation documents, including the Preliminary Environmental Information Report ('PEIR'), as being still the preliminary environmental information of relevance to the H2Teesside Project, and an Update Leaflet referred to below, which will include information on the extent to which changes to the proposed application site alter the environmental effects reported in the PEIR.
- For land interests, the Section 42 letter will include information (including supporting plans) on how the proposed application site boundary has changed.
- Erection of Section 42 Site Notices around the proposed application site boundary.
- Publication of a further Section 48 Notice in the Telegraph, London Gazette, Fishing News and Lloyds List for one week and the Northern Echo, Teesside Gazette and Darlington and Stockton Times for two consecutive weeks.
- An Update Leaflet, which will accompany the Section 42 letters, to be uploaded to the project website, advertised on social media and updates to the project website, and through letters to residents and businesses within the Inner Consultation Zone defined in the published SoCC.

The Applicant will notify the SoS pursuant to Section 46 prior to commencing the further Section 42 consultation detailed above, meaning that the SoS will then have full access to the consultation material that has been available to Section 42 consultees at both stages of consultation.

The above approach has been endorsed by the Project's legal advisors, Pinsent Masons LLP, as a meaningful way to ensure that the Project's overall approach is consistent with Part 5 of Chapter 2 of the PA 2008.

Should you have any questions or require further clarification please do not hesitate to contact me.

Yours sincerely



Geoff Bullock
Director – Head of Planning
DWD



Enc. Section 46 Letter dated 11 September 2023 & Section 48 Notice dated 14 September 2023

Date: 11 September 2023
Your Ref: EN070010
Our Ref: 16373

DWD

6 New Bridge Street
London EC4V 6AB
T: 020 7489 0213
F: 020 7248 4743
E: info@dwdllp.com
W: dwdllp.com

National Infrastructure
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol, BS1 6PN

FAO: Lily Robbins – Case Manager

By email to: H2Teesside@planninginspectorate.gov.uk

Dear Ms Robbins,

THE H2TEESSIDE PROJECT – LAND EITHER SIDE OF THE RIVER TEES WITHIN THE BOROUGH OF REDCAR AND CLEVELAND AND STOCKTON-ON-TEES ON TEESSIDE AND THE BOROUGH OF HARTLEPOOL IN COUNTY DURHAM

NOTIFICATION IN ACCORDANCE WITH SECTION 46 ‘DUTY TO NOTIFY SECRETARY OF STATE OF PROPOSED APPLICATION’ OF THE PLANNING ACT 2008

I write on behalf of H2 Teesside Limited (the ‘Applicant’) in connection with the H2Teesside hydrogen project (the ‘Project’).

The Applicant is proposing to submit an application (the ‘Proposed Application’) seeking development consent pursuant to Section 37 ‘Applications for orders granting development consent’ of the Planning Act 2008 (the ‘PA 2008’) from the Secretary of State (the ‘SoS’) for the Department of Energy Security and Net Zero (‘DESNZ’) for the construction, operation and maintenance of the Project on land either side of the River Tees within the boroughs of Redcar and Cleveland and Stockton-on-Tees on Teesside and Hartlepool within County Durham.

H2Teesside will be one of the UK’s largest hydrogen production facilities with a capacity of up to 1.2 gigawatts (‘GW’) thermal, representing more than 10% of the Government’s hydrogen production target of 10 GW by 2030. This equates to the production of approximately 160,000 tonnes of low carbon hydrogen per annum, with up to two million tonnes of CO₂ being captured and stored each year.

The Project will use natural gas to produce hydrogen (known as ‘blue’ hydrogen) with the carbon dioxide (CO₂) created during the hydrogen production process being captured and compressed for onward transportation and storage, under agreement with the Northern Endurance Partnership (the ‘NEP’). NEP will store the CO₂ securely below ground within the Endurance storage site and other nearby CO₂ stores that NEP holds CO₂ storage licences for. These are located approximately 145 kilometres (‘km’) offshore from Teesside under the North Sea.

The site for the Project (the ‘Project Site’) comprises land either side of the River Tees within boroughs of Redcar and Cleveland and Stockton-on-Tees on Teesside and the borough of Hartlepool in County Durham. The Project Site extends to approximately 1,350 hectares in total.



It is anticipated that the proposed application for development consent will be submitted to the Planning Inspectorate ('PINS'), acting on behalf of the SoS for DESNZ, in Q1 2024.

This letter represents the Applicants' notification to the SoS of the proposed application pursuant to Section 46 'Duty to notify secretary of state of proposed application' of the PA 2008.

Section 42 'Duty to consult' of the PA 2008 requires prospective applicants for development consent to consult on their proposed application with those persons specified in the PA 2008 and in regulations made pursuant to the PA 2008. The Applicant will commence consultation pursuant to Section 42 by issuing a letter (the 'Consultation Letter') accompanied by consultation documents (the 'Consultation Documents') to the persons specified in the PA 2008 and in regulations made pursuant to the PA 2008 on or around 14 September 2023.

A notice pursuant to Section 48 'Duty to publicise' of the PA 2008 will be published as follows:

- Telegraph – 14 September 2023
- London Gazette – 14 September 2023
- Lloyds List – 15 September 2023
- Fishing News – 14 September 2023
- Northern Echo – 15 and 22 September 2023
- Teesside Gazette – 14 and 21 September 2023
- Darlington and Stockton Times – 14 and 21 September 2023

In accordance with Regulation 13 'Pre-application publicity under Section 48 (duty to publicise)' of 'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017' (the 'EIA Regulations'), the Applicant will also send a copy of the Section 48 Notice to the relevant consultation bodies and to any person notified to the Applicant in accordance with EIA Regulation 11(1)(c) on or around 14 September 2023.

The deadline stated in the Consultation Letter (and on the Section 48 Notice) for the receipt of comments and representations on the Proposed Application is 11:59pm on 26 October 2023.

The Consultation Documents that are to be provided to the persons specified in the PA 2008 and in regulations made pursuant to the PA 2008 (and other 'non-prescribed persons') will be accessible via the download link that accompanies their Consultation Letter (and via the Project Website: www.h2teesside.co.uk) and include:

- a plan showing the extent of the Project Site edged in red and the development areas of the Site (Figures 4-1 to 4-8) of the Preliminary Environmental Information Report);
- the Preliminary Environmental Information Report and its Non-Technical Summary;
- a Consultation Brochure;

- a Consultation Leaflet, which has been sent to people living within the vicinity of the Project Site; and
- the Section 48 Notice that is being published.

The Consultation Documents, along with example versions of the Consultation Letter can be downloaded from the following fileshare link:

<https://dwd.ctit.co/url/ucndwihs47v95qrx>

I look forward to receiving the SoS's acknowledgement of the Applicant's notification to the SoS of the proposed application pursuant to Section 46 'Duty to notify secretary of state of proposed application' of the PA 2008. In the meantime, should you have any questions please do not hesitate to contact with myself or my colleague Nathan Cheung [REDACTED]

Yours sincerely,

[REDACTED]

Geoff Bullock
Partner – Head of Planning
DWD – on behalf of H2 Teesside Limited

[REDACTED]



THE H2TEESSIDE PROJECT

The Planning Act 2008 – Sections 42, 47 and 48

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2008 – Regulation 4

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 – Regulation 13

NOTICE OF PUBLICATION OF A STATEMENT OF COMMUNITY CONSULTATION AND NOTICE PUBLICISING A PROPOSED APPLICATION FOR A DEVELOPMENT CONSENT ORDER FOR THE H2TEESSIDE PROJECT

The Application

1. Notice is hereby given that H2 Teesside Limited (the 'Applicant'), whose registered office is Chertsey Road, Sunbury on Thames, Middlesex, TW16 7BP, intends to submit an application (the 'Proposed Application') to the Secretary of State (the 'SoS') for the Department of Energy Security and Net Zero ('DESNZ') for development consent under Section 37 'Applications for orders granting development consent' of the Planning Act 2008 (the 'PA 2008'), to authorise the construction, operation and maintenance of the H2Teesside hydrogen project (the 'Project').
2. H2 Teesside Limited is owned by bp Plc ('bp'). bp will be the lead developer and operator of the Project.
3. In accordance with Section 47(6) of the PA 2008, this notice publicises where and when the Statement of Community Consultation (SoCC) can be inspected. The SoCC sets out how the Applicant will undertake its consultation on the Proposed Application. Additionally, in accordance with Section 48 of the PA 2008, Regulation 4 of 'The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2008' and Regulation 13 of 'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017', the Applicant has a duty to publicise the Proposed Application. In accordance with those provisions, this notice also summarises the Project and explains where the consultation documents (the 'Consultation Documents') can be viewed.

The Project

4. The site for the Project (the 'Project Site') comprises land either side of the River Tees within boroughs of Redcar and Cleveland and Stockton-on-Tees on Teesside and the borough of Hartlepool in County Durham. The Project Site extends to approximately 1,350 hectares in total. National Grid References (NGRs) for the Project Site are provided below:
 - Mid-point – 454538 524086
 - North – 451524 526936
 - East – 458780 521588

- South – 456998 520748
 - West – 446938 521612
5. Plans are available within the ‘Consultation Documents’ on the Project Website: www.h2teesside.co.uk (see further below) showing the current Project Site boundary.
 6. H2Teesside will be one of the UK’s largest blue hydrogen production facilities with a capacity of up to 1.2 gigawatts (‘GW’) thermal, representing more than 10% of the Government’s hydrogen production target of 10 gigawatts by 2030. This equates to the production of approximately 160,000 tonnes of low carbon hydrogen per annum, with up to two million tonnes of CO₂ being captured and stored each year. The Proposed Application will, amongst other matters, seek development consent (granted in the form of a Development Consent Order ‘DCO’) for the construction, operation and maintenance of:
 - a. a hydrogen production plant of up to 1.2 GW thermal to be developed in two phases;
 - b. a natural gas supply connection for the supply of natural gas to the hydrogen production plant;
 - c. an air separation unit or oxygen and nitrogen supply pipelines to supply these industrial gases for the hydrogen production process;
 - d. an electricity grid connection to provide power to the Project;
 - e. water supply and treatment and wastewater infrastructure;
 - f. hydrogen storage;
 - g. CO₂ capture and compression facilities and a connection to the NEP infrastructure for the transport and storage of the CO₂;
 - h. hydrogen distribution pipelines to supply the low carbon hydrogen to industrial offtakers across Teesside;
 - i. other associated development, including hydrogen storage; external lighting; fencing and boundary treatment; security measures; surface water and foul water drainage systems; water, electricity, gas and other utilities connections; hard and soft landscaping; biodiversity mitigation and enhancement measures; temporary contractor facilities and construction laydown areas; vehicle access roads, crossing, parking and pedestrian and cycle facilities.
 7. The hydrogen production plant and its associated development (e.g. natural gas supply connection, air separation unit/oxygen and nitrogen supply pipelines, electricity grid connection, water infrastructure, hydrogen storage and CO₂ capture and compression facilities and connection) and ancillary development will be located within the administrative area of the borough of Redcar and Cleveland. The hydrogen distribution pipelines corridors will extend either side of the River Tees to several potential industrial offtakers and encompass land within the administrative areas of the boroughs of Redcar and Cleveland, Stockton-on-Tees and Hartlepool.
 8. The DCO to be sought would also authorise, if required, the permanent and/or temporary compulsory acquisition of land and/or rights in land for the Project; the extinguishment and/or overriding of easements and other rights over or affecting land required for the Project; and/or the temporary occupation of land required for the Project; the application and/or disapplication of legislation relevant to the Project as may be required; permanent and temporary changes to the highway and public rights of way network as may be required; tree and hedgerow removal; a deemed marine licence for those parts of the Project within or affecting the tidal section of the River Tees or other sections of the UK Marine Area; and such ancillary, incidental and consequential works, provisions, permits, consents, waivers or releases as are necessary and/or convenient for the successful construction, operation and maintenance of the Project.

Environmental Impact Assessment

9. The Applicant has notified the SoS in writing under Regulation 8(1)(b) of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations') that it intends to provide an Environmental Statement ('ES') in respect of the Project. The Project is therefore 'EIA development' for the purposes of the EIA Regulations and an ES will form part of the proposed application for development consent.
10. Information so far compiled about the Project's environmental impacts is contained in a Preliminary Environmental Information Report ('PEIR') and summarised in a Non-Technical Summary.

The SoCC and Consultation Documents

11. The Applicant has a duty under Section 47 of the PA 2008 to consult people living within the vicinity of the land to which H2Teesside relates about the Project prior to applying for development consent. Section 47(1) requires an applicant for development consent to prepare a statement (a 'Statement of Community Consultation' or 'SoCC') setting out how they propose to consult people living within the vicinity of the land to which their proposals relate. Section 47(7) requires the applicant to carry out the consultation in accordance with the proposals set out within the SoCC.
12. The Applicant has consulted the relevant local authorities on the SoCC in accordance with Section 47(1) of the PA 2008.
13. Section 47(6) of the PA 2008 requires an applicant for development consent to make the SoCC available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land to which the project relates. In accordance with Section 47(6) this notice confirms when and how a copy of the SoCC, that has been prepared by the Applicant, can be inspected.
14. Additionally, in accordance with Section 48 of the PA 2008, Regulation 4 of 'The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2008' and Regulation 13 of 'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017', this notice publicises the Proposed Application, summarising the Project and explaining where the Consultation Documents can be viewed.
15. The consultation on the proposed application will take place between **14 September and 26 October 2023**.
16. The SoCC and SoCC Notice, and the Consultation Documents (which comprise the PEIR, a Non-Technical Summary to the PEIR, Consultation Brochure, Consultation Leaflet and other documents relating to the Project, including plans and maps showing the nature and location of the Project), are available to download and view free of charge from the Project Website: www.h2teesside.co.uk until 26 October 2023. The SoCC and SoCC Notice and Consultation Documents will also be available to view free of charge at the consultation events being held during September and October 2023. Details of where and when the consultation events are taking place can be found on the Project Website: www.h2teesside.co.uk
17. If you are unable to access the Project Website, please email: info@h2teesside.net or telephone: 0800 080 3028 and you will be offered a paper copy of the SoCC and Consultation Documents free of charge (with the exception of the PEIR which will be charged at a maximum of £250) or a USB device containing the SoCC and Consultation Documents free of charge.

Any details you provide to us via email or telephone will be subject to our Privacy Notice: <http://h2teesside.co.uk/privacy>

18. Paper and digital copies of the SoCC and SoCC Notice and digital copies of the Consultation Documents will also be available to view free of charge at the following inspection locations until 26 October 2023:

Inspection Location	Opening Times
Redcar and Cleveland House, Kirkleatham Street, Redcar, TS10 1RT	Monday to Wednesday 9am to 6pm; Thursday 9am to 5pm; Friday 9am to 6pm; Saturday 9.30am to 12.30pm; Sunday closed
Stockton Central Library, Church Road, Stockton, TS18 1TU	Monday & Wednesday 8.30am to 6pm; Tuesday & Thursday 8.30am to 8pm; Friday 8.30am to 6pm; Saturday 09.30am to 4pm; Sunday closed
Hartlepool Civic Centre, Victoria Road, Hartlepool, TS24 8AY	Mondays to Thursdays 9am to 5pm; Fridays 9am to 4.30pm; Saturday and Sunday closed

How to respond to this notice

19. If you wish to respond to this notice or make comments or representations in respect of the Project, these should be sent to the Applicant. Please include your name and an address where any correspondence relating to the Project can be sent. Comments and representations may be submitted in the following ways:

Email: info@h2teesside.net

Post: **Freepost H2TEESSIDE**

Telephone: **Freephone 0800 080 3028**

Project Website: www.h2teesside.co.uk

20. Any comments received will be analysed by the Applicant and any appointed agent of the Applicant, and copies may be made available in due course to the SoS, the Planning Inspectorate and other relevant statutory authorities so that your comments can be noted. For certain parties, those who own an interest in land or are affected by the Project, the Applicant is under a statutory duty to publish names and addresses as part of its DCO application. In respect of other people, we will request that your personal details are not placed on public record and these will be held securely by the Applicant in accordance with the Data Protection Act 1998 and the General Data Protection Regulation and used solely in connection with the consultation process and subsequent DCO application and, except as noted above, will not be passed to third parties. Please refer to our Privacy Notice: <http://h2teesside.co.uk/privacy>
21. Please note that all comments and representations must be received by the Applicant no later than **11.59pm on 26 October 2023**. Responses received after this date may not be considered.
22. If you would like any further information in respect of this notice or the Project, please contact the Applicant using one of the contact methods set out above.

H2 Teesside Limited

14 September 2023