

H2Teesside Project

Planning Inspectorate Reference: EN070009

Land within the boroughs of Redcar and Cleveland and Stockton-on-Tees, Teesside and within the borough of Hartlepool, County Durham

The H2 Teesside Order

Document Reference: 1.5 Section 55 Checklist

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 – Regulation 5(2)(q)



Applicant: H2 Teesside Ltd

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The Planning Inspectorate
Yr Arolygiaeth Gynllunio

Section 55

Acceptance of Applications Checklist

Appendix 3 of [Advice Note Six: Preparation and submission of application documents](#)

Version: October 2019

Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at [legislation.gov.uk](http://www.legislation.gov.uk), here:

<http://www.legislation.gov.uk/ukpga/2008/29/section/55>

DISCLAIMER: This Checklist is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate to complete. Completion or self-assessment by the Applicant does not hold weight at the Acceptance stage. Unless specified, **all references to the Planning Inspectorate are made in relation to functions being carried out on behalf of the Secretary of State for Housing, Communities and Local Government.**

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:			Planning Inspectorate comments	
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project ¹ (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order ² (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which category or categories in ss14 to 30 does the Proposed Development fall)?	<p>Yes:</p> <p><i>The Application Guide (Application Document Refs. 1.2) states:</i></p> <p><i>“Under the PA 2008 (the Planning Act 2008), development consent can be granted in the form of a DCO for certain types of Nationally Significant Infrastructure Projects (‘NSIPs’) by the relevant SoS – in the case of energy infrastructure projects, this is the SoS for DESNZ.</i></p> <p><i>However, the Proposed Development does not fall within any of the categories of NSIPs under Section 14 of the PA 2008 as</i></p>		

¹ NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15 to 30

² Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

If the development does not fall within the categories in ss14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?

- *gas production facilities are not mentioned as a category of NSIPs; and*
- *in respect of the Hydrogen Pipeline Corridor, further to the Energy Act 2023 and recent Government consultations, the Government intends that hydrogen distribution will require a gas transporter licence. As such consideration needs to be given to the Section 14 category of gas transporter pipe-lines, the criteria of which are defined by Section 20 of the PA 2008. The Hydrogen Pipeline Corridor proposed as part of the Proposed Development does not meet those Section 20 criteria.*

It is noted that in the earlier stages of development of the Proposed Development, prior to the Government legislating the Energy Act 2023, the Applicant had also considered the Section 14 category of “construction of a pipe-line other than by a gas transporter”, being, pursuant to section 21 of the PA 2008, that which would require “authorisation under ... the Pipe-Lines Act 1962”. According to the Pipe-Lines Act 1962, a cross-country pipeline means a pipeline whose length exceeds, or is intended to exceed 16.093 kilometres (‘km’) (i.e. 10 miles). At that earlier stage, it was noted that it was likely that the Proposed Development’s Hydrogen Pipeline Corridor would meet that distance threshold and thus could potentially be a NSIP, but that this was not definitive.

In light of this, and given the national significance of the Proposed Development and the desire to ensure that all aspects of the Proposed Development could be consented together the Applicant sought direction under Section 35 of the PA 2008 from the SoS for the Hydrogen Production Facility and the Hydrogen Pipeline Corridor (to the extent that the latter is not automatically a NSIP, which further to the Energy Act 2023, is now the entire corridor) to be treated as development for which development consent is required.

On 22 December 2022, the SoS took the decision within the conditions as required by Section 35A of the PA 2008 to issue a Direction in these terms. The other elements of the Proposed Development are being brought forward as ‘associated development’ to that development.

As a result of the above, the Applicant is required to obtain a DCO to authorise the Proposed Development under the PA 2008. Section 37 governs the form and content of the documents that are required as part of a DCO application. The requirements are implemented through ‘The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended)’ (the ‘APFP Regulations’), which, amongst other things, state that an application must be accompanied by an Environmental

		<p><i>Statement ('ES'), where a development requires an Environmental Impact Assessment ('EIA') (also known as an 'EIA development') under 'The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended)' (the 'EIA Regulations').</i></p> <p><i>Development consent is required for the Proposed Development as it is the subject of a Direction dated 22 December 2022 made by the SoS under Sections 35(1) and 35ZA of the PA 2008 and other parts of the Proposed Development are associated development. The DCO, if made by the SoS, would be known as 'The H2 Teesside Order' (the 'Order')."</i></p>
3	Summary: Section 55(3)(a) and s55(3)(c)	
Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)		
4	In accordance with the EIA Regulations ³ , did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?	<p>Yes:</p> <p><i>The Applicant notified the SoS pursuant to EIA Regulation 8(1)(b) 'Notification of Intention to Provide an Environmental Statement' and requested a scoping opinion under EIA Regulation 10(1) 'Request for a Scoping Opinion' on 30th March 2023. The SoS issued the scoping opinion on 17th May 2023. The Section 42 consultation for the First Consultation commenced on 14th September 2023.</i></p> <p><i>Section 16 of the Consultation Report (Document Ref. 5.1) describes how the Applicant carried out consultation in accordance with the EIA Regulations.</i></p>
5	Have any Adequacy of Consultation Representations ⁴ been received from 'A', 'B', 'C' and 'D' local	n/a

³ Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations)

⁴ Section 55(4) of the PA2008 provides that the Planning Inspectorate must have regard to the Consultation Report, and any Adequacy of Consultation Representations received

	<p>authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?</p>	
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Section 42: Duty to consult

Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?

6	<p>Section 42(1)(a) persons prescribed⁵?</p>	<p>Yes:</p> <p><i>Persons as prescribed were consulted by letter. A lists of the prescribed persons is provided at Appendix 7.1 of the Consultation Report (Document Ref. 5.1).</i></p> <p><i>Letters were issued by Royal Mail First Class Post on 14th September 2023 for the First Consultation and were also emailed (where email addresses were available) on the same date. The letters included a secure fileshare link to the consultation documents and materials and a copy of the combined Section 42, 47 and 48 notice.</i></p> <p><i>A small number of letters were returned. Where this happened they were re-issued to an alternative address where possible.</i></p> <p><i>Letters were issued by Royal Mail First Class post on 13th December 2023 for the Second Consultation. The letters were emailed on 14th December 2023 where email addresses were available. The letters included a fileshare link to the consultation documents and materials and a copy of the Section 48 notice.</i></p> <p><i>Again, a small number of letters were returned. Where this happened they were re-issued to an alternative address where possible.</i></p> <p><i>On a precautionary basis, and taking account of experience from another project, the Applicant issued a Section 42 letter to the Office of Health Improvement and Disparities ('OHID'), care of the Department of Health and Social Care on 31st January 2024. The OHID were issued with the same Section 42 letter and information that had been</i></p>
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⁵ Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

		<p><i>issued for the Second Consultation. The letter was sent by First Class post and asked for any comments or representations by 1st March 2024.</i></p> <p><i>Sections 12, 13 and 14 of the Consultation Report (Document Ref. 5.1) describe how the Applicant has consulted the Section 42(1)(a) persons as prescribed.</i></p>
7	Section 42(1)(aa) the Marine Management Organisation ⁶ ?	<p><i>Yes:</i></p> <p><i>A letter was sent to the Marine Management Organisation ('MMO') by Royal Mail First Class Post on 14th September 2023 for the First Consultation. The letter included a secure fileshare link to the consultation documents and materials and included the combined Section 42, 47 and 48 notice.</i></p> <p><i>A letter was issued by Royal Mail First Class post on 13th December 2023 to the MMO for the Second Consultation. The letters included a fileshare link to the consultation documents and materials and a copy of the Section 48 notice.</i></p> <p><i>Sections 12 and 13 of the Consultation Report (Document Ref. 5.1) describe how the Applicant has carried out consultation with the Section 42(1)(aa) persons.</i></p>
8	Section 42(1)(b) each local authority within s43 ⁷ ?	<p><i>Yes:</i></p> <p><i>Each local authority within Section 43 was consulted by letter sent by Royal Mail First Class post and email on 14th September 2023. The letter included a fileshare link to the consultation documents and materials and included the combined Section 42, 47 and 48 notice.</i></p> <p><i>The local authorities consulted were Redcar and Cleveland Borough Council, Stockton-on-Tees Borough Council, Hartlepool Borough Council, Middlesbrough Council, Hambleton District Council, Scarborough Borough Council, North York Moors National Park Authority, North Yorkshire Council, Durham County Council and Darlington Borough Council.</i></p> <p><i>Although not local authorities for the purposes of Section 43, the Tees Valley Combined Authority ('TVCA') and South Tees Development Corporation ('STDC') were consulted in</i></p>

⁶ In any case where the Proposed Development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

⁷ Definition of 'local authority' in s43(3) of the PA2008: The 'B' authority where the application land is in the authority's area; the 'A' authority where any part of the boundary of A's area is also a part of the boundary of B's area; the 'C' authority (upper tier) where the application land is in that authority's area; the 'D' authority (upper tier) where such an authority shares a boundary with a 'C' authority

		<p><i>the same manner on 14th September 2023 and provided with the same information.</i></p> <p><i>The local authorities and TVCA and STDC were consulted by letter (sent by Royal Mail First Class post on 13th December 2023) and email for the Second Consultation. The letters included a fileshare link to the consultation documents and materials and a copy of the Section 48 notice.</i></p> <p><i>Sections 7, 12 and 13 of the Consultation Report (Document Ref. 5.1) describe how the Applicant has carried out consultation with the Section 42(1)(b) local authorities.</i></p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<p><i>No:</i></p> <p><i>The Greater London Authority was not consulted as the Proposed Development does not involve land in the Greater London area.</i></p>
10	Section 42(1)(d) each person in one or more of s44 categories ⁸ ?	<p><i>Yes:</i></p> <p><i>Letters were issued by Royal Mail First Class post on 14th September 2023 for the First Consultation and were also emailed (where email addresses were available) on the same date. The letters included a secure fileshare link to the consultation documents and materials and a copy of the combined Section 42, 47 and 48 notice.</i></p> <p><i>A small number of letters were returned. Where this happened they were re-issued to an alternative address where possible.</i></p> <p><i>Letters were issued by Royal Mail First Class post on 13th December 2023 for the Second Consultation. The letters were emailed on 14th December where email addresses were available. The letters included a fileshare link to the consultation documents and materials and a copy of the Section 48 notice.</i></p> <p><i>Again, a small number of letters were returned. Where this happened they were re-issued to an alternative address where possible.</i></p> <p><i>Section 42 site notices were erected by the Applicant's Land Referencers around the proposed Order Limits at the beginning of the First and Second Consultations. The site notices were inspected at intervals (each week) throughout the consultation periods and replaced if damaged or removed.</i></p>

⁸ Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim. There is no requirement on the Planning Inspectorate to check the accuracy of the list(s) provided or whether the Applicant has made diligent inquiry

		<p><i>Where the Applicant was unable to establish the owner of land or an interest in it, unknown landowner notices were erected on or close to the land in question and these were checked and maintained during the consultation period.</i></p> <p><i>The Applicant issued a number of letters pursuant to Section 42 in January and February 2024 to additional landownership interests who had been identified. These parties were provided with the same information as had been issued for the Second Consultation.</i></p> <p><i>The Applicant also undertook targeted consultation pursuant to Section 42 in February 2024 in respect of a number of landowners within the vicinity of Cowpen Bewley Village, near Billingham in respect of changes to pipeline routing and replacement open space.</i></p> <p><i>Sections 7, 12, 13 and 14 of the Consultation Report (Document Ref. 5.1) describe how the Applicant has carried out consultation with the Section 42(1)(d) persons.</i></p>
Section 45: Timetable for s42 consultation		
11	<p>Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p><i>Yes:</i></p> <p><i>Each of the letters issued pursuant to Section 42 clearly stated a deadline for the receipt of responses.</i></p> <p><i>The letters issued for the First Consultation on 14th September 2023 provided a deadline for comments of 11.59pm on 26th October 2023, therefore allowing in excess of 28 days to provide comments.</i></p> <p><i>The letters issued for the Second Consultation on 13th December 2023 provided a deadline for comments of no later than 11.59pm on 23rd January 2024, again, in excess of 28 days.</i></p> <p><i>All of the Section 42 letters issued for the additional and targeted consultation in January and February 2024 clearly stated the deadline for comments and provided a period of more than 28 days for the submission of these.</i></p>
Section 46: Duty to notify the Planning Inspectorate of proposed application		
12	<p>Did the Applicant supply information to notify the Planning Inspectorate of the proposed application;</p>	<p><u><i>First Consultation</i></u></p> <p><i>The Applicant did supply information to notify the SoS of the proposed application for</i></p>

	<p>and if so, was the information supplied to the Planning Inspectorate on or before the date it was sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p><i>development consent.</i></p> <p><i>The Applicant had intended to notify the SoS of the First Consultation pursuant to Section 46 on 11th September 2023, however, due to an administrative error the Section 46 notification was not sent. After becoming aware of the error, the Applicant wrote to PINS on 28th November 2023 to explain the position, provide PINS with the same information that was made available to the Section 42 consultees as part of the First Consultation and set out the actions to be taken. PINS issued a letter on 29th November 2023 acknowledging receipt of the Applicant’s letter dated 28th November 2023 and the accompanying Section 46 notification dated 11th September 2023 and the combined Section 42, 47 and 48 notice. The letter confirmed that the Applicant had notified PINS of the proposed application for an Order granting development consent for the purposes of Section 46. Copies of the letter dated 28th November 2023, in addition to the Section 46 notification dated 11th September 2023 and PINS acknowledgement letter are provided at Appendices 9.1 and 9.2 of the Consultation Report (Document Ref. 5.1).</i></p> <p><u><i>Second Consultation</i></u></p> <p><i>The Applicant notified the SoS of the Second Consultation pursuant to Section 46 on 12th December 2023 in advance of that consultation starting on 13th December 2023. The SoS was provided with the same information that was being made available to the Section 42 consultees, which also included the PEIR and its NTS (the PEIR and NTS had been made available at the First Consultation). PINS acknowledged the Applicant’s Section 46 notification on 12th December 2023 and confirmed that the Applicant had notified PINS for the purposes of Section 46. A copy of the letter sent to PINS is provided at Appendix 13.2 of the Consultation Report (Document Ref. 5.1).</i></p>
<p>Section 47: Duty to consult local community</p>		
<p>13</p>	<p>Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?</p>	<p>Yes:</p> <p><i>The Applicant prepared a SoCC. The SoCC defined a Consultation Area for the local community consultation pursuant to Section 47 and also set out the consultation methods to be employed. The Applicant’s approach to preparation of the SoCC is described in Section 6 of the Consultation Report (Document Ref. 5.1).</i></p>
<p>14</p>	<p>Were ‘B’ and (where relevant) ‘C’ authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days</p>	<p>Yes:</p> <p><i>The statutory consultation on the content of the draft SoCC took place with Redcar and</i></p>

	beginning with the day after the day that 'B' and (where applicable) 'C' authorities received the consultation documents?	<p><i>Cleveland Borough Council ('RCBC'), Stockton-on-Tees Borough Council ('STBC') and Hartlepool Borough Council between the 17th May and 15th June 2023, a period of more than 28 days. Letters and emails were sent to the three local authorities on 17th May 2023 accompanied by a copy of the draft SoCC.</i></p> <p><i>Although not local authorities for the purposes of Section 43, the Applicant also consulted the Tees Valley Combined Authority ('TVCA') and the South Tees Development Corporation ('STDC') on the draft SoCC at the same time.</i></p> <p><i>Emails were sent to the local authorities and the TVCA and the STDC on the 20th June 2023 confirming that consultation on the SoCC had closed and that the document was being finalised and published. The Applicant's approach to consultation on the content of the draft SoCC is described in Section 6 of the Consultation Report (Document Ref. 5.1). Copies of the emails, letter and the draft SoCC are provided at Appendix 6.3 of the Consultation Report.</i></p>
15	Has the Applicant had regard to any responses received when preparing the SoCC?	<p><i>Yes:</i></p> <p><i>Although no comments were received to the statutory consultation on the draft SoCC, the Applicant did have regard to the comments received from HBC in response to the prior non-statutory consultation on the SoCC, as set out in Table 6.1 of the Consultation Report (Document Ref. 5.1).</i></p>
16	Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of the land which states where and when the SoCC can be inspected?	<p><i>Yes:</i></p> <p><i>The SoCC was publicised by the combined Section 42, 47 and 48 notice that was published by the Applicant in three local newspapers circulating within the vicinity of the land to which the Proposed Development relates. The notice was published as follows:</i></p> <ul style="list-style-type: none"> <i>• Northern Echo 14th & 21st September 2023;</i> <i>• Teesside Gazette 14th & 21st September 2023; and</i> <i>• Darlington and Stockton Times 15th & 22nd September 2023.</i> <p><i>The notice stated where and when the SoCC could be inspected. This included three inspection locations within the Consultation Area where hard/paper and digital copies of the SoCC could be inspected and also the Project Website.</i></p> <p><i>A copy of the SoCC was also posted to approximately 37,000 residential and business addresses within the Inner Consultation Area at the start of the First Consultation.</i></p>

		<i>A copy of the notice and a screenshot of the SoCC and notice from the Project Website are provided at Appendix 6.6 of the Consultation Report (Document Ref. 5.1).</i>
17	Does the SoCC set out whether the development is EIA development ⁹ ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p>Yes:</p> <p><i>The SoCC (paragraphs 1.20 to 1.21) confirms that the Proposed Development is EIA development and sets out how the Applicant intends to publicise and consult on the Preliminary Environmental Information Report as part of the First Consultation.</i></p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p>Yes:</p> <p><i>The commitments set out in the SoCC have been fulfilled as set out in Table 11.3 at Section 11 of the Consultation Report (Document Ref. 5.1). The Applicant has carried out the following in accordance with the final published SoCC:</i></p> <ul style="list-style-type: none"> <i>• Carried out a stage of statutory consultation in accordance with the stated timescale.</i> <i>• Provided environmental information in the form of a Preliminary Environmental Information Report ('PEIR') and its Non-Technical Summary ('NTS').</i> <i>• Issued press and media releases and used social media to publicise the consultation.</i> <i>• Produced and issued a Consultation Leaflet and produced a Consultation Brochure.</i> <i>• Published newspaper notices and placed posters on community notice boards.</i> <i>• Erected site notices.</i> <i>• Arranged and held webinars.</i> <i>• Provided a virtual consultation room.</i> <i>• Arranged and held a number of in-person public consultation events.</i> <i>• Arranged for consultation documents and materials to be available at a number of inspection locations.</i>

⁹ Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

		<ul style="list-style-type: none"> • <i>Made consultation documents and materials available in a number of ways.</i> • <i>Maintained a Project Website throughout the pre-application consultation process.</i> • <i>Set up and managed a Freephone number.</i> • <i>Provided a Freepost address.</i> • <i>Made a Feedback Form available both in paper/hard copy and digital form.</i> • <i>Recorded, analysed and reported on consultation responses.</i> <p><i>The Applicant also provided a non-statutory community update as part of the Second Consultation and a targeted community consultation in respect of changes to pipeline routing and replacement open space in the vicinity of Cowpen Bewley Village near Billingham.</i></p>
Section 48: Duty to publicise the proposed application		
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	<p>Yes:</p> <p><i>For the First Consultation a combined Section 42, 47 and 48 notice was published as follows:</i></p> <ul style="list-style-type: none"> • <i>Telegraph 14th September 2023 (national newspaper);</i> • <i>London Gazette 14th September 2023;</i> • <i>Lloyds List 14th September 2023 (as the Proposed Development involves parts of the tidal River Tees);</i> • <i>Fishing News (an appropriate fishing trade journal) 14th September 2023 (as the Proposed Development involves parts of the tidal River Tees);</i> • <i>Northern Echo 14th and 21st September 2023 (local newspaper circulating within the vicinity of the land to which the Proposed Development relates);</i> • <i>Teesside Gazette 14th and 21st September 2023 (local newspaper circulating within the vicinity of the land to which the Proposed Development relates); and</i> • <i>Darlington and Stockton Times 15th and 22nd September 2023 (local newspaper circulating within the vicinity of the land to which the Proposed Development</i>

		<p><i>relates).</i></p> <p><i>The Applicant also published a Section 48 notice for the Second Consultation as follows:</i></p> <ul style="list-style-type: none"> • <i>Telegraph 14th December 2023;</i> • <i>London Gazette 14th December 2023;</i> • <i>Lloyds List 14th December 2023;</i> • <i>Fishing News 14th December 2023;</i> • <i>Northern Echo 14th and 21st December 2023;</i> • <i>Teesside Gazette 14th and 21st December 2023; and</i> • <i>Darlington and Stockton Times 15th and 22nd December 2023.</i>
Newspaper(s)		Date
a)	<p>for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;</p>	<p>Yes:</p> <p><i>This was done for both the First and Second Consultations. The following local newspapers were used:</i></p> <ul style="list-style-type: none"> • <i>Northern Echo;</i> • <i>Teesside Gazette; and</i> • <i>Darlington and Stockton Times.</i> <p><i>First Consultation:</i></p> <p><i>14th September 2023 and 21st September 2023</i> <i>(Northern Echo & Teesside Gazette)</i></p> <p><i>15th September 2023 and 22nd September 2023</i> <i>(Darlington and Stockton Times)</i></p> <p><i>Second Consultation:</i></p> <p><i>14th December 2023 and 21st December 2023</i></p>

			<p><i>(Northern Echo & Teesside Gazette)</i></p> <p><i>15th December 2023 and 22nd December 2023</i></p> <p><i>(Darlington and Stockton Times)</i></p>
b)	once in a national newspaper;	<p><i>Yes (First and Second Consultations):</i></p> <ul style="list-style-type: none"> <i>• The Telegraph.</i> 	<p><i>First Consultation:</i></p> <p><i>14th September 2023</i></p> <p><i>Second Consultation:</i></p> <p><i>14th December 2023</i></p>
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<p><i>Yes (First and Second Consultations):</i></p> <ul style="list-style-type: none"> <i>• The London Gazette.</i> 	<p><i>First Consultation:</i></p> <p><i>14th September 2023</i></p> <p><i>Second Consultation:</i></p> <p><i>14th December 2023</i></p>
d)	<p>where the proposed application relates to offshore development –</p> <p>(ii) once in Lloyds List; and</p> <p>(ii) once in an appropriate fishing trade journal?</p>	<p><i>Yes (First and Second Consultations):</i></p> <ul style="list-style-type: none"> <i>• The Lloyds List.</i> <i>• The Fishing news.</i> 	<p><i>First Consultation:</i></p> <p><i>14th September 2023 (both)</i></p>

			<p><i>Second Consultation:</i> <i>14th December 2023 (both)</i></p>
20	<p>Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?</p>	<p>Yes:</p> <p><i>The combined Section 42, 47 and 48 notice for the First Consultation and the Section 48 notice for the Second Consultation provided the following information:</i></p> <ul style="list-style-type: none"> <i>• the name and address of the Applicant;</i> <i>• a statement that the Applicant intends to make an application for development consent;</i> <i>• a statement that the Proposed Development is EIA development and that an ES will form part of the application;</i> <i>• a summary of the Proposed Development, including its location and National Grid References defining the extent of the proposed Order Limits;</i> <i>• a statement that the consultation documents and materials, including plans and maps could be inspected free of charge at three publicly accessible venues (including details of the hours when those venues would be open) within the vicinity of the land to which the Proposed Development relates and could also be downloaded free of charge from the Project Website. The notices also provided information on how hard/paper copies of the consultation documents (or a USB device containing them) could be obtained from the Applicant.</i> <i>• Both notices confirmed a date up to which the consultation documents and materials would be available for inspection. For the First Consultation this was 26th October 2023. For the Second Consultation this was 23rd January 2024.</i> <i>• Both notices confirmed that hard/paper copies would be provided free of charge with the exception of the PEIR, which would be charged at a maximum of £250.00 per copy.</i> <i>• Both notices set out the different ways people could respond to the consultation and publicity. This included by email; the Freepost address; Freephone telephone number; or Project Website.</i> 	

- Both notices clearly stated a deadline/latest date for the submission of comments and feedback. For the First Consultation this was 11.59pm on 26th October 2023. The last date the notice was published was 22nd September 2023, so the deadline provided more than 30 days. For the Second Consultation this was 11.59pm on 23rd January 2024. The last date the notice was published was 22nd December 2023, so again, the deadline provided more than 30 days.

A copy of the final combined Section 42, 47 and 48 notice (First Consultation) and a copy of the final Section 48 notice (Second Consultation), in additions to copies of the published notices from the various newspapers and publications are provided at Appendices 12.1 and 13.6 of the Consultation Report (Document Ref. 5.1).

Information		Paragraph		
a)	the name and address of the Applicant.	Yes: <u>First Consultation</u> Paragraph 1 of the combined Section 42, 47 and 48 notice states: “Notice is hereby given that H2 Teesside Limited (the ‘Applicant’), whose registered office is Chertsey Road, Sunbury on Thames, Middlesex, TW16 7BP...” <u>Second Consultation</u> Paragraph 1 of the Section 48 notice states: “Notice is hereby given that H2 Teesside Limited (the	b)	a statement that the Applicant intends to make an application for development consent to the Secretary of State Yes: <u>First Consultation</u> Paragraph 1 of the combined Section 42, 47 and 48 notice states: “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

		<p><i>'Applicant'), whose registered office is Chertsey Road, Sunbury on Thames, Middlesex, TW16 7BP...'</i></p>			<p><i>2008 (the 'PA 2008'), to authorise the construction, operation and maintenance of the H2Teesside hydrogen project (the 'Project').'</i></p> <p><u><i>Second Consultation</i></u></p> <p><i>Paragraph 1 of the Section 48 notice states:</i></p> <p><i>"Notice is hereby given that H2 Teesside Limited (the 'Applicant'), who registered office is Chertsey Road, Sunbury on Thames, Middlesex, TW16 7BP, intends to submit an application to the Secretary of State (the 'SoS') for Energy Security and Net Zero 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')."</i></p>
c)	a statement as to whether the application is EIA development	<p>Yes:</p> <p><u><i>First Consultation</i></u></p> <p><i>Paragraph 9 of the combined Section 42, 47 and 48 notice states:</i></p>	d)	a summary of the main proposals, specifying the location or route of the Proposed Development	<p>Yes:</p> <p><u><i>First Consultation</i></u></p> <p><i>Paragraphs 4, 6 and 7 of the combined Section 42, 47 and 48 notice states:</i></p>

“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.”

Second Consultation

Paragraph 10 of the Section 48 notice states:

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“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. An ES will form part of the Proposed Application.”

“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*

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,

					<p><i>amongst other matters, seek development consent (granted in the form of a Development Consent Order 'DCO') for the construction, operation and maintenance of:</i></p> <ul style="list-style-type: none"> <i>a. hydrogen production plant of up to 1.2 GW thermal to be developed in two phases;</i> <i>b. a natural gas supply connection for the supply of natural gas to the hydrogen production plant;</i> <i>c. an air separation unit or oxygen and nitrogen supply pipelines to supply these industrial gases for the hydrogen production process;</i> <i>d. an electricity grid connection to provide power to the Project;</i> <i>e. water supply and treatment and wastewater infrastructure;</i> <i>f. hydrogen storage;</i> <i>g. CO₂ capture and compression facilities and a connection to the NEP infrastructure for the transport and storage of the CO₂;</i> <i>h. hydrogen distribution</i>
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					<p><i>pipelines to supply the low carbon hydrogen to industrial offtakers across Teesside;</i></p> <p><i>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.</i></p> <p><i>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</i></p>
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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.”

Second Consultation

Paragraphs 5,7 and 8 of the Section 48 notice states:

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 508 hectares in total. National Grid References (NGRs) for the Project Site are provided below:

- Mid-point – 454719 524286*
- North – 451309 526476*
- East – 458760 521587*
- South – 457001 520748*
- West – 446938 521613*

H2Teesside will be one of the UK’s largest blue hydrogen

					<p><i>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 approximately 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:</i></p> <ul style="list-style-type: none"> <i>j. a hydrogen production plant of up to 1.2 GW thermal to be developed in two phases;</i> <i>k. a natural gas supply connection for the supply of gas to the hydrogen production plant;</i> <i>l. an air separation unit and or oxygen and nitrogen supply pipelines to supply these industrial gases for the hydrogen production process;</i> <i>m. an electricity grid connection to provide power to the</i>
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					<p><i>Project;</i></p> <p><i>n. water supply and treatment and wastewater infrastructure;</i></p> <p><i>o. CO₂ capture and compression facilities and a connection to the NEP infrastructure for the transport and storage of the CO₂;</i></p> <p><i>p. hydrogen distribution pipelines to supply the low carbon hydrogen to industrial offtakers across Teesside;</i></p> <p><i>q. 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.</i></p>
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				<p><i>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 off-takers and encompass land within the administrative areas of the boroughs of Redcar and Cleveland, Stockton-on-Tees and Hartlepool.</i></p>	
e)	<p>a statement that the documents, plans and maps showing the nature and location of the Proposed Development are available for inspection free of charge on a website maintained by or on behalf of the Applicant, including the address of the website; the place on the website where the documents,</p>	<p>Yes: <u>First Consultation</u> <i>Paragraph 16 to 17 of the combined Section 42, 47 and 48 notice states:</i> <i>“...the Consultation Documents (which comprise the PEIR, a Non-Technical Summary to the PEIR, Consultation Brochure,</i></p>	f)	<p>the latest date on which those documents, plans and maps will be available for inspection on the website</p>	<p>Yes: <u>First Consultation</u> <i>Paragraph 16 of the combined Section 42, 47 and 48 notice states:</i> <i>“...the Consultation Documents (which comprise the PEIR, a Non-Technical Summary to the PEIR, Consultation Brochure,</i></p>

plans and maps may be inspected; and a telephone number which can be used to contact the Applicant for enquiries in relation to the documents, plans and maps

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.

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.”

Second Consultation

Paragraphs 15 and 16 of the Section 48 notice states:

”The Consultation Documents to this second consultation comprise the H2Teesside Project Update Brochure and plans and maps showing the proposed changes to the Project Site boundary. The PEIR, a Non-

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.”

Paragraph 18 also confirmed that paper and digital copies of the Consultation Documents could be viewed free of charge at three inspection locations within the vicinity of the land to which the Proposed Development relates until 26 October 2023.

Second Consultation

Paragraph 16 of the Section 48 notice states:

”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 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 Consultation Documents free of charge. Any details you provide to us via

		<p><i>Technical Summary of the PEIR, the Consultation Brochure and Consultation Leaflet for the first consultation are also available to download and view free of charge from the Project Website: www.h2teesside.co.uk until 23 January 2024.”</i></p> <p><i>“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 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 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”</i></p>			<p><i>email or telephone will be subject to our Privacy Notice: http://h2teesside.co.uk/privacy”</i></p> <p><i>Paragraph 18 of the Section 48 also confirms that digital copies of the Consultation Documents could be viewed free of charge at three inspection locations within the vicinity of the land to which the Proposed Development relates until 23 January 2024/.</i></p>
g)	<p>whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge</p>	<p>Yes: <u>First Consultation</u> Paragraph 17 of the combined Section 42, 47 and 48 notice states: “If you are unable to access</p>	h)	<p>details of how to respond to the publicity</p>	<p>Yes: <u>First Consultation</u> Paragraph 19 of the combined Section 42, 47 and 48 notice states: “If you wish to respond to this</p>

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.”

Second Consultation

Paragraph 16 of the Section 48 notice states:

“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 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 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>”

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”**

Second Consultation

Paragraph 18 of the Section 48 notice states:

“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

				<p>ways: Email info@h2teesside.net</p> <p>Post: Freepost H2TEESSIDE</p> <p>Telephone: Freephone 0800 080 3028</p> <p>Project Website: www.h2teesside.co.uk</p>
i)	<p>a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published</p>	<p>Yes:</p> <p><u>First Consultation</u></p> <p><i>Paragraph 21 of the combined Section 42, 47 and 48 notice states:</i></p> <p><i>“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.”</i></p> <p><u>Second Consultation</u></p> <p><i>Paragraph 20 of the Section 48 notice states:</i></p> <p><i>“Please note that all comments and representations must be received by the Applicant no later than 11.59pm on 23</i></p>		

		<i>January 2024. Responses received after this date may not be considered.</i>	
21	Are there any observations in respect of the s48 notice provided above?		
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations ¹⁰ ?	<p>Yes:</p> <p><u><i>First Consultation</i></u></p> <p><i>For the First Consultation a copy of the combined Section 42, 47 and 48 notice was sent to the EIA consultation bodies at the same time as the Section 42 letters on 14th September 2023. All of the Section 42 letters sent to prescribed persons, the MMO, local authorities and landownership interests referenced EIA Regulation 13 and included a copy of the notice. The letters sent to non-prescribed consultees also included the Section 48 notice. Copies of the letters sent (Letters 1 and 2) are provided at Appendix 10.1 of the Consultation Report (Document Ref. 5.1). The list of consultees is provided at Appendix 7.1 of the Consultation Report.</i></p> <p><u><i>Second Consultation</i></u></p> <p><i>For the Second Consultation a copy of the Section 48 notice was sent to the EIA consultation bodies at the same time as the Section 42 letters (Letter 1) on 13th December 2023. As for the First Consultation, all of the Section 42 letters for the Second Consultation sent to prescribed persons, the MMO, local authorities and landownership interests referenced EIA Regulation 13 and included a copy of the Section 48 notice. The letters sent to non-prescribed consultees also included the Section 48 notice. Copies of the letters sent (Letters 1 to 4) are provided at Appendix 13.3 of the Consultation Report. The list of consultees is provided at Appendix 7.1 of the Consultation Report.</i></p>	

¹⁰ Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

s49: Duty to take account of responses to consultation and publicity

23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p>Yes:</p> <p><i>The Applicant has had regard to any relevant responses received to the First Consultation, the Second Consultation, the additional Section 42 consultation and the targeted Cowpen Bewley consultation.</i></p> <p><i>How the Applicant has had regard to the consultation responses is set out at Section 15 and Tables 15.1 to 15.6 of the Consultation Report (Document Ref. 5.1).</i></p>
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Guidance about pre-application procedure

24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' ¹¹ ?	<p>Yes:</p> <p><i>The Applicant has complied with the requirements of the PA 2008 (and related regulations) as confirmed above. In formulating their consultation approach and strategy, preparing the SoCC, undertaking the pre-application consultation and publicity and preparing the Consultation Report, the Applicant has had regard to the PA 2008 and related regulations, the DCLG 'Planning Act 2008: Guidance on the pre-application process', the statements of community involvement of the host local authorities, and PINS Advice Notes 3, 4, 11 and 14.</i></p> <p><i>Section 3.0 'Legislative Context and Relevant Guidance' of the Consultation Report (Document Ref. 5.1) lists the legislation, guidance and advice notes that the Applicant has had regard to in formulating its consultation proposals and carrying out the pre-application consultation. In addition, Table 3.2 of the Consultation Report demonstrates how the Applicant has complied with relevant pre-application consultation requirements.</i></p>
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¹¹ The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50

25	Summary: Section 55(3)(e)	
s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)		
26	<p>Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include:</p> <ul style="list-style-type: none"> • a brief statement which explains why it falls within the remit of the Planning Inspectorate; and • a brief statement that clearly identifies the location of the application site, or the route if it is a linear scheme? 	<p>Yes:</p> <p><i>The Application Form (Document Ref. 1.3):</i></p> <p><i>Box 4 of the Application Form states:</i></p> <p><i>“Development consent is required for the Proposed Development as it is the subject of a Direction dated 22 December 2022 made by the Secretary of State (SoS) under Sections 35(1) and 35ZA of the Planning Act 2008 (PA 2008).”</i></p> <p><i>Box 6 of the Application Form states:</i></p> <p><i>“The Proposed Development Site (the ‘Site’) lies within the administrative boundaries of the boroughs of Redcar and Cleveland south of the River Tees and Stockton-on-Tees north of the Tees on Teesside and within the borough of Hartlepool in County Durham also north of the Tees. The Site extends to a total area of approximately 507 hectares.</i></p> <p><i>The hydrogen production facility and its ancillary development, including its carbon capture and compression facilities, will be located on part of the Foundry Site, which forms part of Teesworks, within the borough of Redcar and Cleveland. Teesworks is a major brownfield industrial site and Freeport, part of which was formerly occupied by the Redcar Steel Works.</i></p> <p><i>The hydrogen production facility (also referred to as the ‘Main Site’) will be located on part of the Foundry adjacent to the Northern Endurance Partnership (‘NEP’) infrastructure. The CO₂ captured from the hydrogen production processes will be transported by pipeline to the NEP infrastructure for onward transport and storage within the Endurance storage site. The Main Site extends to approximately 89 hectares.</i></p> <p><i>The natural gas, electrical and water connections will be located to the east and south-east of the Main Site within the borough of Redcar and Cleveland. The hydrogen distribution network will extend either side of the River Tees to several potential industrial off-takers, including north of the Tees into the boroughs of Stockton-on-Tees</i></p>

		<i>and Hartlepool.”</i>	
27	Is it accompanied by a Consultation Report?	Yes: <i>Document Ref. 5.1</i>	
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? ¹²	<p>Yes:</p> <p><i>Key plans have been provided for each of the following plans, which comprise three or more separate sheets:</i></p> <ul style="list-style-type: none"> - <i>Ref. 2.1 Location Plan (Key Plan and Sheets 1-11).</i> - <i>Ref. 2.2 Land Plans (Key Plan and Sheets 1-21).</i> - <i>Ref. 2.3 Special Category Land and Crown Land Plans (Key Plan and Sheets 1-6).</i> - <i>Ref. 2.4 Works Plans (Key Plan and Sheets 1-44).</i> - <i>Ref. 2.5 Access and Rights of Way Plans (Key Plan and Sheets 1-11).</i> - <i>Ref. 2.6 Indicative Hydrogen Production Facility and Above Ground Installations Plan</i> - <i>Ref. 2.10 Indicative Hydrogen Distribution Network Plans (Key plan and Sheets 1-16).</i> - <i>Ref. 2.13 Temporary Traffic Regulation Measures Plan (Key Plan and Sheets 1-6).</i> - 	
29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	Yes: <i>The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below:</i>	
Information		Document	
a)	Where applicable, the	Yes:	b) The draft Development
			Yes:

¹² Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

<p>Environmental Statement required under the EIA Regulations¹³ and any scoping or screening opinions or directions</p>	<p><i>The Application is accompanied by an Environmental Statement ('ES') provided in four volumes as follows:</i></p> <ul style="list-style-type: none"> • <i>ES Non-Technical Summary (Application Document Ref: 6.1).</i> • <i>ES Volume I (Main Report) (Application Documents Ref: 6.2 – 6.2.24).</i> • <i>ES Volume II (Figures) (Application Documents Ref: 6.3 – 6.3.103).</i> • <i>ES Volume III (Appendices) (Application Documents Ref: 6.4 – 6.4.41)</i> <p><i>A copy of the EIA Scoping Opinion issued by the SoS dated 17th May 2023 is contained within ES Volume III Appendix 1B (Document Ref: 6.4.2).</i></p> <p><i>The ES complies with the requirements of Regulation 14, being based on the scoping opinion, containing the elements required in Regulation 14(2), and prepared by competent experts. It has also been prepared with regard to the advice contained in:</i></p> <ul style="list-style-type: none"> • <i>Advice Note 3: EIA Notification and Consultation (PINS, 2017);</i> • <i>Advice Note 7: Environmental Impact Assessment: Process, Preliminary Environmental</i> 	<p>Consent Order (DCO)</p>	<p><i>The Application includes a Draft Development Consent Order ('DCO') (Application Document Ref: 4.1).</i></p> <p><i>The Draft DCO has been prepared in the SI template and validated and has had regard to the advice contained in PINS Advice Notes 13 (2019) and 15 (2018). It is a complete draft, setting out all the necessary provisions required for the authorised development to proceed.</i></p> <p><i>A draft was also reviewed by PINS in advance of the submission of the Application and the Applicant has had regard to those comments in preparing the submission draft (Document Ref. 1.6 'Applicant's Response to PINS Comments on Draft Application Documents').</i></p>
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¹³ The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

		<p><i>Information and Environmental Statements (PINS, 2020;</i></p> <ul style="list-style-type: none"> • <i>Advice Note 9: Rochdale Envelope (PINS, 2018); and</i> • <i>Advice Note 17: Cumulative effects assessment relevant to nationally significant infrastructure projects (PINS, 2019).</i> 		
	Is this of a satisfactory standard?			Is this of a satisfactory standard?
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	<p>Yes:</p> <p><i>The Application includes an Explanatory Memorandum (Document Ref: 4.2).</i></p> <p><i>The Explanatory Memorandum explains the purpose and effect of each article of, and the Schedules to, the draft Order, as required by Regulation 5(2)(c) of the APFP Regulations. It also identifies and explains departures from the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009. It justifies the inclusion of relevant articles and requirements, including setting out the legal power which enables the Secretary of State to include certain provisions. It has been prepared with regard to the advice in PINS Advice Note 13 (2019) and a draft of the Explanatory Memorandum was reviewed by PINS in advance of the</i></p>	d)	<p>Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)</p> <p>Yes:</p> <p><i>The Application includes a Book of Reference (Document Ref: 3.1).</i></p> <p><i>The Book of Reference follows the required statutory form, setting out the information required by Regulation 7 of the APFP Regulations in five parts.</i></p>

		<i>submission of the Application.</i>		
	Is this of a satisfactory standard?			Is this of a satisfactory standard?
e)	A copy of any Flood Risk Assessment	<p>Yes:</p> <p><i>The Application includes a Flood Risk Assessment (Document Ref.6.4.9)</i></p> <p><i>As required by the Overarching National Policy Statement for Energy (EN-1), which details that all energy projects in Flood Zones 2 and 3 in England or all projects with a site area of 1 hectare in Flood Zone 1 should be accompanied by a FRA, the document provides a review of the Proposed Development design in light of the identified flood risks and identification of measures, where necessary, that would manage any residual flood risk to the Site to acceptable levels.</i></p>	f)	<p>A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them</p> <p>Yes:</p> <p><i>The Application includes a Statutory Nuisance Statement (Document Ref. 5.6).</i></p> <p><i>This describes the matters set out in section 79(1) EPA 1990 and how these are addressed in the Proposed Development and considers whether the Proposed Development could cause statutory nuisance. Through the embedded mitigation in place and the controls provided for it is demonstrated that the Proposed Development is unlikely to give rise to any statutory nuisance under the EPA 1990 and, therefore, it is appropriate to include within the Development Consent Order provision for a defence against claims of statutory nuisance.</i></p>
	Is this of a satisfactory standard?			Is this of a satisfactory standard?
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	<p>Yes:</p> <p><i>The Application includes a Statement of Reasons (Document Ref. 3.2) which sets out details regarding the compulsory acquisition powers sought.</i></p>	i)	<p>A Land Plan identifying:-</p> <p>(i) the land required for, or affected by, the Proposed Development;</p> <p>(ii) where applicable, any</p> <p>Yes:</p> <p><i>The Application includes a Land Plan (Key Plan and Sheets 1 to 21) showing the land required for the Proposed Development (Document Ref: 2.2).</i></p> <p><i>The Land Plan shows the land required</i></p>

		<p><i>The Application also includes a Schedule of Negotiations and Powers Sought (Document Ref. 3.4).</i></p> <p><i>The Application includes a Funding Statement (Document Ref. 3.3).</i></p>		<p>land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land;</p> <p>(iii) any land in relation to which it is proposed to extinguish easements, servitudes and other private rights; and</p> <p>(iv) any special category land and replacement land</p>	<p><i>for the Proposed Development. The drawing uses clear colouring and labelling and is at an appropriate scale and has been prepared with regard to the advice in PINS Advice Note 6 (2019).</i></p> <p><i>Colouring on the Land Plan indicates the different categories of land powers which are sought in the draft DCO, including the compulsory acquisition of land, compulsory acquisition of rights, and the temporary occupation of land.</i></p> <p><i>The Order Land includes special category land and Crown land. The Application therefore includes Special Category Land and Crown Land Plans (Key Plan and Sheets 1 to 6) (Document Ref. 2.3).</i></p>
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
j)	<p>A Works Plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear scheme) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for</p>	<p>Yes:</p> <p><i>The Application includes a Works Plan (Key Plan and Sheets 1 to 44) showing the location and extent of the Proposed Development, including the limits of deviation within which it is proposed to be and the route and alignment of the linear elements (Document Ref. 2.4).</i></p> <p><i>The Works Plans show the area within which each Work may be carried out. The draft DCO provides that in respect of each numbered work, the limits of deviation are the</i></p>	k)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p>	<p>Yes:</p> <p><i>The Application includes an Access and Rights of Way Plan (Key Plan and Sheets 1 to 11) showing any new or altered means of access, stopping up, diversions, extinguishments or creations of rights of way or public rights of way (Document Ref. 2.5).</i></p> <p><i>The Access and Rights of Way Plan shows the various access arrangements in and around the Site, including new or altered means of access. The Access and Rights of Way Plan also identifies areas of access land where the rights of</i></p>

	in the draft DCO	<i>outer limits of the corresponding numbered area shown on the Works Plans. The Works Plan uses clear colouring and labelling and is at an appropriate scale. The Works Plans have been prepared with regard to the advice in PINS Advice Note 6 (2019).</i>			<i>public access for the purposes of recreation may be temporarily suspended.</i> <i>No permanent public right of way diversions or stopping up is required. Streets and public rights of way subject to temporary stopping up are shown on the Access and Rights of Way Plan and are described in the draft DCO. The drawing uses clear colouring and labelling and is at an appropriate scale and has been prepared with regard to the advice in PINS Advice Note 6 (2019).</i>
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
l)	Where applicable, a plan with accompanying information identifying:- (i) any statutory/ non-statutory sites or features of nature conservation eg sites of geological/ landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (iii) water bodies in a river basin management plan, together with an	Yes: <i>Report to Informs Habitats Regulations Assessment (Document ref. 5.10A and 5.10).</i> <i>ES Volume I, Chapter 9: Surface Water, Flood Risk and Water Resources (Document Ref. 6.2.9)</i> <i>ES Volume I, Chapter 10: Geology, Hydrogeology and Contaminated Land (Document Ref. 6.2.10)</i> <i>ES Volume I, Chapter 12: Ecology and Nature Conservation (including aquatic ecology) (Document Ref. 6.2.12)</i> <i>ES Volume I, Chapter 13: Ornithology (Document Ref. 6.2.13A)</i>	m)	Where applicable, a plan with accompanying information identifying any statutory/ non-statutory sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development	Yes: <i>The application is accompanied by the ES, which contains assessments of any effects on sites or features of the historic environment in the following chapter:</i> <i>ES, Volume I, Chapter 17: Cultural Heritage (Document Ref. 6.2.17)</i> <i>The Application also includes the following Figures:</i> <i>ES Volume II Figure 17-1: Location of designated heritage assets (Document Ref. 6.3.94)</i> <i>ES Volume II Figure 17-2: Location of non-designated heritage assets (Document Ref. 6.3.95)</i> <i>ES Volume II Figure 17-3: Location of</i>

	assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development	<p>and 6.2.13)</p> <p><i>ES Volume I, Chapter 14: Marine Ecology (Document Ref. 6.2.14)</i></p> <p><i>Chapter 16: Landscape and Visual Amenity (Document Ref. 6.2.16)</i></p> <p><i>ES Volume II Figures 3-1 to 23-3 (Document Ref. 6.3.2 – 6.3.103)</i></p> <p><i>ES Volume III Appendices 1A – 23E (Document Ref. 6.4.1 – 6.4.41)</i></p>			<p><i>cultural heritage events (Document Ref. 6.3.96)</i></p> <p><i>ES Volume II Figure 17-4: Historic landscape character (Document Ref. 6.3.97)</i></p> <p><i>The Application also includes the following Appendices:</i></p> <p><i>ES Volume III Appendix 17A: Cultural Heritage Desk Based Assessment (Document Ref. 6.4.30)</i></p>
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
n)	Where applicable, a plan with any accompanying information identifying any Crown land	<p>Yes:</p> <p><i>The Application includes Special Category Land and Crown Land Plans (Key Plan and Sheets 1 to 6) (Document Ref. 2.3).</i></p>	o)	Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/ structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	<p>Yes:</p> <p><i>Location Plan (Key Plan and Sheets (1-11) (Document Ref. 2.1).</i></p> <p><i>Indicative Hydrogen Production Facility and Above Ground Installations Plan (Document Ref. 2.6).</i></p> <p><i>Indicative Natural Gas Connection and Above Ground Installations Plans (Key Plan and Sheets 1-3) (Document Ref. 2.7).</i></p> <p><i>Indicative Electrical Connection Plan (Document Ref. 2.8).</i></p> <p><i>Indicative Water Connections Plan (Document Ref. 2.9).</i></p> <p><i>Indicative Hydrogen Distribution Network Plans (Key Plan and Sheets (1-16) (Document Ref. 2.10).</i></p> <p><i>Indicative CO₂ Export Pipeline</i></p>

					<p><i>Plan (Document Ref. 2.11).</i></p> <p><i>Indicative Surface Water Drainage Plan (Document Ref. 2.12).</i></p> <p><i>Temporary Traffic Regulation Measures Plan (Key Plan and Sheets (1-6) (Document Ref. 2.13).</i></p> <p><i>H2Teesside and NZT Main Site Shared Area Plan (Document Ref. 2.14).</i></p> <p><i>Important Hedgerows to be Removed Plan (Document Ref. 2.15).</i></p> <p><i>Indicative Industrial Gases Connection Plans (Key and Sheets 1-2) (Document Ref. 2.16).</i></p>
	Is this of a satisfactory standard?			Are they of a satisfactory standard?	
p)	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	Yes: <i>Pipelines Statement (Document Ref. 5.5) as required by APFP Regulation 6(4).</i>	q)	Any other documents considered necessary to support the application	<p>Yes:</p> <p><i>The following documents have been included as part of the Application:</i></p> <ul style="list-style-type: none"> • <i>Cover Letter (Document Ref. 1.1).</i> • <i>Application Guide (Document Ref. 1.2).</i> • <i>Application Form (Document Ref. 1.3).</i> • <i>Notices for Statutory Publicity (Document Ref. 1.4).</i> • <i>Section 55 Checklist (this document) (Document Ref. 1.5) – this document.</i> • <i>Applicant’s Response to PINS</i>

				<p><i>Comments on Draft Application Documents (Document Ref. 1.6).</i></p> <ul style="list-style-type: none"> • <i>Schedule of Negotiations and Powers Sought (Document Ref. 3.4).</i> • <i>Statutory Instrument Validation Statement (Document Ref. 4.3).</i> • <i>Planning Statement (Document Ref. 5.2).</i> • <i>Planning Statement – Planning Policy Assessment Tables (Document Ref. 5.2.1).</i> • <i>Need Statement (Document Ref. 5.3).</i> • <i>Design and Access Statement (Document Ref. 5.4).</i> • <i>Other Consents and Licences Statement (Document Ref. 5.7).</i> • <i>Indicative Lighting Strategy (Operation) (Document Ref. 5.8).</i> • <i>Outline Landscape and Biodiversity Management Plan (Document Ref. 5.9).</i> • <i>Schedule of Operational Mitigation and Monitoring (Document Ref. 5.11).</i> • <i>Framework Construction Environmental Management Plan and Appendices A to C (Document Refs 5.12 to 5.12.3).</i>
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				<ul style="list-style-type: none"> • <i>Nutrient Neutrality Assessment (Document Ref. 5.13).</i> • <i>Water Framework Directive Assessment (Document Ref. 5.14).</i> • <i>Framework Construction Workers Travel Plan (Document Ref 5.15).</i> • <i>Framework Construction Traffic Management Plan (Document Ref 5.16).</i>
	Are they of a satisfactory standard?		Are they of a satisfactory standard?	
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?			
31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by Regulation 48(1)? ¹⁴	<p>Yes:</p> <p><i>The Application includes a Report to Inform Habitats Regulations Assessment (Document Ref. 5.10A and 5.10).</i></p>		
32	If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans ¹⁵	<p><i>Paper copies have not been requested by PINS. Electronic only submission has been agreed between PINS and the Applicant's agents, to be facilitated through the use of a secure fileshare site that has been tested in advance.</i></p>		

¹⁴ Regulation 5(2)(g) of the APFP Regulations

¹⁵ Regulation 5(2)(r) of the APFP Regulations

		<i>Paper copies of Application Documents can be provided on request.</i>
33	Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?	<i>The Applicant has had regard to the statutory guidance 'Planning Act 2008: Application form guidance' when preparing the Application to be submitted to the Planning Inspectorate. The Applicant has also had regard to PINS Advice Note 6 in preparing the Application for submission.</i>
34	Summary - s55(3)(f) and s55(5A)	
The Infrastructure Planning (Fees) Regulations 2010 (as amended)		
Fees to accompany an application		
35	Was the fee paid at the same time that the application was made ¹⁶ ?	<i>No: The fee of £8,244 was made on 5th March 2024, in advance of the submission of the Application on 25th March 2024.</i>

Role	Electronic signature	Date
Case Manager		

¹⁶ The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the PA2008. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made

Acceptance Inspector		
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