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All Interested Parties, Statutory Parties

Your Ref:

Our Ref: EN070009

Date: 31 July 2024

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Dear Sir/ Madam

**Planning Act 2008 – Section 88 and 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 6, 9 and 13**

**Application by H2 Teesside Limited for an Order Granting Development Consent for the H2Teesside Project**

**Invitation to the Preliminary Meeting, notification of Procedural Decisions and Notification Of Hearings**

Following my appointment by the Secretary of State as the lead member of the Examining Authority (ExA) to carry out an Examination of the above application I am writing to introduce myself and the other members of the ExA. My name is Christopher Butler and the other members of the ExA are Matthew Sims and Sharon Bennett-Matthews. A copy of the appointment notice can be viewed under the [Documents tab](#) on the project webpage of the National Infrastructure Planning website ([project webpage](#)).

We would like to thank those of you who submitted Relevant Representations. These representations have assisted us when considering how we will examine this application.

**Invitation to the Preliminary Meeting**

As a recipient of this letter you are invited to the Preliminary Meeting to discuss **the procedure** for the Examination of the above application.



Date	Start time	Joining details
<b>Wednesday 28 August 2024</b>	<b>Registration Process from: 9:30am</b>  <b>Preliminary Meeting starts: 10am</b>	This Preliminary Meeting will be held virtually using Microsoft Teams  Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
<p><b>IMPORTANT:</b> The Preliminary Meeting should be completed before 1:00pm on 28 August 2024. However, a reserve period has been scheduled for 2:00pm on the same day to allow for the meeting to be resumed in exceptional circumstances e.g. to account for a failure of technology. Normally the reserve period will not be required and confirmation of this will be provided by the ExA at the end of the Preliminary Meeting and subsequently notified on the <a href="#">project webpage</a>. However, should the reserved period be required, the Issue Specific Hearing planned for 2pm on 28 August 2024 (See below), will be rescheduled to start at 10:00am on the 29 August 2024.</p>		

**You must register by the Procedural Deadline A of Thursday 15 August 2024 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).**

If you simply wish to observe the Preliminary Meeting then you do not need to register as you will be able to watch a livestream of the event. A link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin. You will also be able to watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.

Please note that by attending the event you are agreeing to be filmed for the purposes of the online livestream of the event and the recording of the event which will get published on the project page of our website. Should you not wish your image to be filmed during the event you may keep your camera switched off for the duration of the Preliminary Hearing. A transcript of the event will also be published on the project page of our website after the event.

### **Purpose of the Preliminary Meeting**

The purpose of the Preliminary Meeting is to enable views to be put to us about how the application should be examined. The ExA will therefore limit the scope of the Preliminary Meeting to consideration of **how the application will be examined**. See **Annex B** to this letter and the Planning Inspectorate's [Advice Note 8.3 - Influencing how an application is Examined: the Preliminary Meeting](#) for more information.



The Preliminary Meeting is **not** an opportunity for you to give your views about what you like or don't like about the application. The merits or disadvantages of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed. All relevant and important matters will be taken into account when we make a recommendation to the Secretary of State for the Department of Energy Security and Net Zero, who will take the final decision in this case.

The agenda for the meeting is at **Annex A** to this letter. This has been set following our Initial Assessment of Principal Issues arising from our reading of the application documents and the Relevant Representations received. The Initial Assessment of Principal Issues is set out in **Annex C** to this letter.

### Written submissions about how the application should be examined

The Planning Act 2008 establishes a principally written process for the Examination of applications for Development Consent Orders and **representations made in writing carry equal weight to oral representations at all stages of the process.**

We are now requesting written submissions from recipients of this letter about how the application should be examined. We particularly wish to hear from you if:

- You consider changes need to be made to the draft Examination Timetable set out at **Annex D** to this letter; and/or
- you wish to comment about the arrangements for future Examination hearings, including the use of virtual and blended methods.

You are invited to make a written submission about how the application is to be examined by **Procedural Deadline A** (Thursday 15 August 2024) (see **Annex D** to this letter).

We request that all submissions are made using the '[Have your say](#)' page on the [project webpage](#) on or before **Procedural Deadline A**. **Annex H** to this letter provides further information about using the '[Have your say](#)' tab.

### Requests to participate at the Preliminary Meeting

Please note that **you are not required to attend, or make written submissions to, the Preliminary Meeting in order to participate in the Examination.** If you are an Interested Party you can make a Written Representation and comment on the Written Representations made by other Interested Parties during the Examination. You will also be able to participate in any hearings that are arranged.

If you wish to participate at the Preliminary Meeting you are required to notify the ExA in writing on or before **Thursday 15 August 2024** (see **Procedural Deadline A**).

Any request to participate in the Preliminary Meeting **must include** the following information:



- Name and unique reference number (found at the top of your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- the agenda item on which you wish to speak and a list of the points you wish to make.

Requests to participate should be made by email or the [‘Have your say’](#) tab on or before **Procedural Deadline A** (Thursday 15 August 2024).

Please contact the Case Team using the contact details at the top of this letter if you require any support or assistance to attend this virtual Preliminary Meeting.

### Format of Examination Events – Preliminary Meeting and Hearings

The Examination of the application will principally be a written process (see [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings (see [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#)).

Both blended (part in-person and part virtual) and fully virtual events form part of the Planning Inspectorate’s operating model. We remain flexible and will confirm the format of any hearings to be held during the Examination Stage when we provide formal notification of each hearing at least 21 days in advance of it taking place.

We are providing formal notification that the **Preliminary Meeting will be a virtual event. We are also providing formal notification of an Issue Specific Hearing (ISH)** looking at the scope of the development, including its relationship to the extent of the Order Limits and progress of development design, hereafter referred to as ISH1. ISH1 will also be held as a virtual event. The Agenda for the Preliminary Meeting is set out in Annex A, whilst the notification and agenda for ISH1 is set out in Annex E to this letter.

### After the Preliminary Meeting

After the Preliminary Meeting we will issue a letter (known as the Rule 8 letter) setting out the finalised Examination Timetable. A note of the meeting will also be published on the [project webpage](#).

### Notification of initial hearings

We have made a Procedural Decision to hold the following initial hearing:

An **ISH** into the scope of the development, including its relationship to the extent of the Order Limits, and progress of development design (**ISH1**) on **Wednesday 28 August 2024 at 2pm**, as a **Virtual Event**, with a reserve date of 29 August 2024 at 10am (if required).

**Note** – The reserve date for ISH1 will be used in the event of:



- the Preliminary Meeting having to be deferred to its reserve date and time, as set out above and in the draft timetable at Annex D; or
- a failure of technology, which in the Opinion of the ExA means the reserved date is required to be used; or
- ISH1 not closing on 28 August 2024.

Requests to participate actively in the ISH1 must be received by **Procedural Deadline A** (Thursday 15 August 2024) by email ([h2teesside@planninginspectorate.gov.uk](mailto:h2teesside@planninginspectorate.gov.uk)) or the 'Have your say' tab.

Further important information about ISH1 is contained in **Annex E** to this letter, including what details need to be provided with a request to be heard at this hearing and the procedure that will be followed.

### **Procedural Decisions made by the ExA**

We have made some further Procedural Decisions which are set out in detail at **Annex F** to this letter. They are summarised as follows:

- Preliminary Meeting and ISH1 to be held as Virtual Events.
- Statement(s) of Common Ground (SoCG) and Statement(s) of Commonality of SoCG.
- Land Rights Tracker.
- National Policy Statement Tracker, New Policy Intentions Tracker related to Critical Infrastructure, National Planning Policy Framework Tracker and National Development Management Policies Tracker.
- Examination Progress Tracker.
- Request for suggested locations for an Accompanied Site Inspection (ASI) and requests to attend the ASI.
- Notification by Statutory Parties or Local Authorities of their wish to be considered as an Interested Party.
- Written Representations.
- Request for Local Impact Reports.
- Application Guide (Application Document Tracker).
- Requests for a Compulsory Acquisition Hearing.
- Requests for an Open Floor Hearing.
- Deadline for the Submission of responses to Relevant Representations.
- Additional Submissions.
- Schedule of changes to the draft Development Consent Order.
- Regular updates to documents during the Examination.
- Visuals for Hearings.
- Closing Submissions.



## Changes to land interests

When the Applicant becomes aware that there has been a change in ownership, or a new interest, in relevant land the Applicant is requested to make the relevant person aware that they can make a request to the ExA to become an Interested Party under section 102A of the PA2008 by e-mailing [h2teesside@planninginspectorate.gov.uk](mailto:h2teesside@planninginspectorate.gov.uk). The Examination Timetable includes various Deadlines for the submission of an updated Book of Reference and schedule of changes to the Book of Reference, which should include confirmation that relevant persons have been informed of their rights under section 102A.

## Managing Examination correspondence

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email as electronic communication is more environmentally friendly and cost effective for the taxpayer.

If you have received a letter but are able to receive communications by email, please inform the Case Team using the contact details at the top of this letter as soon as possible.

As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with the [project webpage](#).

A '[Have your say](#)' tab is available on the website which provides a portal through which parties should make written submissions at relevant deadlines during the Examination. Further information about the '[Have your say](#)' portal is provided at **Annex H** to this letter.

There is also a function on the left-hand side of the [project webpage](#) called 'Get updates'. This provides you with an opportunity to register to receive automatic e-mail updates at key stages during the Examination.

## Your status in the Examination

You have received this letter because you fall within one of the groups described in the Planning Inspectorate's document [What is My Status in the Examination?](#)

If your reference number begins with '2004', 'H2TS-0', 'H2TS-AFP', 'H2TS-S57' 'H2TS-ISP' 'H2TS-APP' you are in Group A. If your reference number begins with 'H2TS-SP' you are in Group B. If your reference number begins with 'H2TS-OP' you are in Group C. The meaning and purpose of those groups are explained in the document published at the link above.

If having read this document you are still unsure about your status, please contact the Case Team using the details at the top of this letter.

## Awards of costs



All parties will normally be expected to meet their own costs. Costs can be awarded against a party who has acted unreasonably and has caused the party applying for the award of costs to incur unnecessary or wasted expense during the Examination. You should be aware of the relevant costs guidance [Awards of costs: examinations of applications for development consent orders](#).

## Management of information

Information, including representations, submitted in respect of this Examination (if accepted by the ExA) and a record of any advice which has been provided by the Planning Inspectorate is published on the [project webpage](#).

Examination Documents can also be viewed electronically at the locations listed in **Annex G** to this letter.

Please note that in the interest of facilitating an effective and fair Examination, it is necessary to publish some personal information. To find out how we handle your personal information please view our [Privacy Notice](#).

We look forward to working with all parties in the Examination of this application.

Yours faithfully

*Christopher Butler*

## Lead Member of the Examining Authority

### Annexes

- A** Agenda for the Preliminary Meeting
- B** Introduction to the Preliminary Meeting
- C** Initial Assessment of Principal Issues
- D** Draft Examination Timetable
- E** Notification of Initial Hearing(s)
- F** Other Procedural Decisions made by the Examining Authority
- G** Availability of Examination Documents
- H** Information about the 'Have your say' page

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.





## Agenda for the Preliminary Meeting

**You must register by the Pre-Examination Deadline (Procedural Deadline A) of Thursday 15 August 2024 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).**

Please note that by speaking at the event you are agreeing to be filmed for the purposes of the online livestream of the event and the recording of the event which will be published on the [project page](#). A transcript of the event will also be published on the project page of our website after the event.

If you simply wish to observe the Preliminary Meeting then you do not need to register as you will be able to watch a livestream of the event. A link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin. You will also be able to watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.

<b>Date:</b>	<b>Wednesday 28 August 2024</b>
<b>Registration Process:</b>	<b>9.30am</b>
<b>Meeting start time:</b>	<b>10.00am</b>
<b>Venue:</b>	<b>Virtual event (Microsoft Teams)</b> Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered.
<b>Attendees:</b>	<b>Invited parties who have pre-registered</b>

<b>Agenda for the Preliminary Meeting</b>	
<b>9.30am</b>	<p><b>Virtual Registration Process</b></p> <p>Please arrive at 9.30am to enter the virtual lobby. From here you will be admitted to the virtual meeting by the Case Team, greeted and given further instructions.</p> <p>The Registration Process will commence at 9.30am. This will be hosted by the Case Team and cover the housekeeping arrangements for the Preliminary Meeting and allow for any questions to be asked about how to take part.</p>
<b>10.00am</b>	<p><b>Preliminary Meeting</b></p> <p>The Preliminary Meeting will formally open at <b>10.00am</b>. The Examining Authority will join, welcome participants and lead introductions.</p>
<b>Item 1</b>	
<b>Item 2</b>	The Examining Authority's remarks about the Examination process,



	including reference, where appropriate, to any procedural requests to this item that have been submitted to the Planning Inspectorate in writing by Procedural Deadline A (PDA) (Thursday 15 August 2024).
<b>Item 3</b>	Initial Assessment of Principal Issues – <b>Annex C</b> to Rule 6 letter.
<b>Item 4</b>	Procedural Decisions taken by the ExA – <b>Annex F</b> to Rule 6 letter.
<b>Item 5</b>	Draft Examination Timetable – <b>Annex D</b> to Rule 6 letter Including the deadlines for submission of: <ul style="list-style-type: none"> <li>• Written Representations;</li> <li>• Local Impact Reports;</li> <li>• Responses to the ExA’s Written Questions;</li> <li>• Statements of Common Ground; and</li> <li>• Procedural requests relating to these items that have been submitted to the Planning Inspectorate in writing by PDA (Thursday 15 August 2024).</li> </ul>
<b>Item 6</b>	Dates and formats of Hearings and Accompanied Site Inspection (if required) (ASI): <ul style="list-style-type: none"> <li>• Date and format of any Open Floor Hearing (if required) (OFH);</li> <li>• Date and format of any Compulsory Acquisition Hearing (if required) (CAH);</li> <li>• Time period and format reserved for any Issue Specific Hearings (if required) (ISH);</li> <li>• Date of ASI to application site and surrounding area (including draft itinerary)(if required); and</li> <li>• Procedural requests relating to this item that have been submitted to the Planning Inspectorate in writing by PDA (Thursday 15 August 2024).</li> </ul>
<b>Item 7</b>	Any remaining questions or submissions regarding procedural matters not set out in the agenda that have been submitted to the Planning Inspectorate in writing by PDA (Thursday 15 August 2024).
<b>Item 8</b>	Any other matters.
<b>Close of the Preliminary Meeting</b>	

Please join the virtual lobby promptly using the instructions that will be sent to you. The event will start at **10.00am** irrespective of any late arrivals, for whom access may not be possible.

It may take some time to admit participants from the virtual lobby, your patience whilst you are waiting is appreciated.

The agenda for the Preliminary Meeting is subject to change at the discretion of the Examining Authority (ExA), although in making changes the ExA will be mindful of the need to provide opportunities for fair involvement to all invited parties.

Any request to participate in the Preliminary Meeting **must include** the following information:

- Name and unique reference number (found at the top your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable); and
- the agenda item on which you wish to speak and a list of the points you wish to make.

## Introduction to the Preliminary Meeting

### Background

The Preliminary Meeting (PM) will take place virtually, using Microsoft Teams.

The Examining Authority (ExA) is conscious of video-conferencing fatigue and will aim to keep the proceedings focussed and as efficient as possible. This annex provides advance access to information that would usually be included in the ExA's introductory remarks. Please read this carefully. The ExA will only present a summary of the key points set out here in order to ensure that the time available for participants to speak is maximised.

### The Examining Authority and the Case Team

The ExA will introduce themselves at the start of the PM.

The ExA will be supported by the Planning Inspectorate Case Team. During the Registration Process a member of the Case Team will welcome and admit participants from the virtual lobby, and will be available to answer questions by email before and after the PM. The contact email address is:

[h2teesside@planninginspectorate.gov.uk](mailto:h2teesside@planninginspectorate.gov.uk)

### The purpose of the Preliminary Meeting

The PM is being held to discuss the arrangements for the Examination of the application for a Development Consent Order (DCO) for the H2 Teesside Project, which is a Nationally Significant Infrastructure Project (NSIP), and which will generally be referred to in the PM and Examination as the 'Proposed Development'. The application has been made by H2 Teesside Limited, which will be referred to as 'the Applicant'.

You will find information about the application and, in due course, documents produced for the Examination on the project webpage of the National Infrastructure Planning website ([project webpage](#)). The project webpage has links to the Examination Timetable, Relevant Representations and Examination documents and Examination procedure.

You are encouraged to look at the [project webpage](#) if you haven't already done so, because it will be used to communicate with you and to provide access to documents throughout the Examination.

The main purpose of the PM is to discuss the arrangements for the Examination of the application. It focuses on the process only, and it will not be looking at the substance of the proposals. Questions, discussions and representations about the merits or disadvantages of the Proposed Development are for the Examination itself which will begin the day after the close of the PM.

The PM will be your opportunity to influence the process that the ExA intends to follow. The agenda for the PM is attached to this Rule 6 letter at **Annex A**. It is

important to have the letter and the agenda in front of you and to refer to them during the course of the PM. You may wish to print these in advance of the PM for reference.

### **Government guidance and policy**

The application is a NSIP under the Planning Act 2008 (PA2008) as a consequence of a Direction Letter on behalf of the (then) Secretary of State (SoS) for Business, Energy and Industrial Strategy made under Section (s) 35(1) of the PA2008 on the 22 December 2024. (See the Applicant's Planning Statement [[APP-035](#)] at Appendix 1 (s35 Direction dated 22 December 2022)). The Direction Letter includes a determination on behalf of the SoS that the 'H2 Teesside Project' be treated as development of national significance for which development consent is required under s35(1) and s35ZA of the PA2008." The Direction Letter defined the following two elements of the H2 Teesside Project as constituting the 'proposed Project' for the purposes of the SoS's direction:

- A low carbon hydrogen production plant of up to 1,200 MW thermal (lower heating value) capacity to be developed in two phases – each up to 600 MW; and
- Hydrogen distribution pipelines that do not constitute NSIPs under the PA2008. These will supply hydrogen to various off-takers on Teesside and within the surrounding area, such pipelines to be utilised in association with the hydrogen production plant. The hydrogen pipelines will run up to tie-in points with the relevant off-taker (likely to be, but not necessarily having to be) at the off-takers' site boundaries. Any works beyond this tie-in point will be progressed separately by the relevant off-taker and are not the subject of this direction.

The SoS's Direction Letter also set out that the SoS is satisfied that:

- The 'proposed Project' is in the field of energy and will be wholly within England and waters adjacent to England up to the seaward limits of the territorial sea and the Renewable Energy Zone when completed;
- The 'proposed Project' is of national significance;
- The 'proposed Project' does not currently fall within the existing definition of a "nationally significant infrastructure project" and it is appropriate, therefore, to consider use of the power in s35(1) of the PA2008; and
- the direction request constitutes a "qualifying request" in accordance with s35ZA(11) of the PA2008.

As such the SoS's Direction Letter directed that the 'proposed Project' is to be treated as development for which development consent is required. The SoS further directed, in accordance with s35ZA(3)(b) and (5) of the PA2008, that an application for a consent or authorisation mentioned in s33(1) or (2) of the PA2008 or similar to that described in this Direction for the 'proposed Project' is to be treated as a proposed application for which development consent is required.

Designated National Policy Statement (NPS) EN-1 (the Overarching NPS for Energy (November 2023)), together with NPS EN-4 (for Gas Supply Infrastructure and Gas and Oil Pipelines (November 2023)); and NPS EN-5 (for Electricity Networks

Infrastructure (November 2023) apply to this Examination and to decision-making relating to this application.

The ExA will consider the Proposed Development in accordance with the NPSs and any other applicable policy or considerations the ExA deem to be important and relevant. The PA2008 makes it clear that, in making a decision, the relevant SoS “*must decide the application in accordance with any relevant NPS*” (s104(3)), subject to certain provisos. Essentially, the provisos are that the application must not breach legal or treaty obligations, and that any adverse impact of the Proposed Development would not outweigh its benefits.

The SoS is entitled to disregard any representations that relate to the merits of the designated NPS. In practice, this means that the ExA will not spend time examining representations that challenge policy set out in NPSs, or the validity of NPSs themselves. The focus will be on the merits or disadvantages of the Proposed Development, tested to the appropriate extent using the tests set out in relevant designated NPSs that are in force.

Other important and relevant planning policies that the ExA may consider include policies in the relevant local authorities’ development plans. However, if these conflict with policy in a NPS, then the NPS will take precedence.

In summary, the PM will establish the procedures and timetable for the Examination of the Proposed Development. It will set a framework for the ExA to enable the SoS to consider and decide the application. In doing so, the ExA will have regard to:

- The positions and representations of all Interested Parties (IPs);
- any Local Impact Reports (LIR) prepared and provided by relevant local authorities;
- other prescribed matters; and
- any other matters that appear to be both relevant and important to the relevant SoS’s decision.

### **Preliminary Meeting invitees**

The Applicant is invited to the PM and is generally given the opportunity to reply to any representations made.

Everyone who has made a valid Relevant Representation has been registered as an IP and has been invited to the PM. All IPs are entitled to involvement in the Examination.

Each person or organisation with an interest in land or rights that are affected by a Compulsory Acquisition request in this application is an Affected Person (AP) and has been invited to the PM. In addition to a general entitlement to involvement in the Examination, APs have a right to be heard in relation to any objection about the effects of Compulsory Acquisition on their interests in land, and a right to be notified

of any Compulsory Acquisition Hearing. All APs are IPs, whether or not they have made a valid Relevant Representation.

Certain bodies are Statutory Parties and they have been invited to the PM. Statutory Parties can elect to become IPs without having made a valid Relevant Representation by notifying the ExA in writing.

The ExA has the power to involve people who are not IPs in the Examination as though they are IPs, including by inviting them to the PM. However, this is only done in exceptional circumstances, for example if it was clear that the application would materially affect a person, they are not automatically an IP or eligible to elect to become an IP and they had been unable to take the necessary action to register as an IP.

The ExA does not consider it necessary to invite any 'Other Persons' to the PM at this time.

### **Conduct of the Preliminary Meeting**

The ExA estimates that the PM will take up to 3 hours to complete.

During the PM participants may have to make allowances and be patient if there are delays associated with the technology used. In recognition of the fatigue associated with on-screen communication, the ExA will provide breaks during the PM as appropriate.

A digital recording of the PM will be made available on the project webpage as soon as practicable following the close of the PM. The recording allows any member of the public who is interested in the application and the Examination to find out what has been discussed at the PM. The making and publication of these recordings are a means by which the ExA meets the legal requirement to hold the PM (and any other hearings) in public. In this regard, **anyone speaking at the PM will need to introduce themselves each time they speak**, to ensure that someone listening to the recording after the event is clear who was speaking. A written note of the PM will be produced and published as soon as practicable following the close of the PM.

As the recordings are retained and published, they form a public record that can contain personal information to which the UK General Data Protection Regulation (UK GDPR) applies. Participants must do their best to avoid providing any information which should otherwise be kept private and confidential. If there is a need to refer to such information, it should be in written form. Although this will also be published, personal and private content can be redacted or removed before it is made publicly available. Any person who is unclear on this point should ask the Case Team for guidance before they place personal and private information into the public domain.

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of five years from the SoS's decision on the DCO. If you actively participate in the PM, it is important that you understand that you will be recorded and that the

recording will be made available in the public domain. Please see our [Privacy Notice](#) for more information about how we handle your data.

Following the ExA's introductions, each participant who has been registered to speak will be asked to introduce themselves, including any organisations or groups that they represent. The ExA will then conduct the meeting in accordance with the agenda. If you prefer not to have your image recorded, you can switch off your camera at any point.

### The Examination process

The Examination of NSIPs follows different processes to those, for example, of a Public Inquiry into a planning appeal following the refusal of planning permission. The main differences are that the Examination of NSIPs are primarily a written process and hearings take on an inquisitorial approach as opposed to an adversarial one.

This means that the ExA will probe, test and assess the evidence primarily using written questions. While some hearings are held to provide supplementary evidence, questions to the Applicant or to witnesses will come from the ExA. Questioning or cross-examination of witnesses by other parties will not generally be allowed.

In terms of opportunities to provide evidence in writing, the draft Examination Timetable makes provision for the following written processes:

- Local authorities can submit LIRs if they wish. Whilst these are voluntary, the PA2008 provides that if they are provided, they must be considered by the SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExA, the SoS and their residents.
- IPs can make Written Representations (WR) and comment on WRs made by other parties.
- IPs can respond to the ExA's written questions (ExQs) and comment on responses to these written questions provided by others.
- IPs may be asked to contribute to the making of Statements of Common Ground (SoCG) if it appears that there are matters on which they and the Applicant agrees, and if it would be useful for this to be clarified. SoCGs most usefully extend to catalogue matters that are not agreed or are outstanding.

The draft Examination Timetable includes a series of numbered Deadlines for receipt of written submissions. Timely submissions received by the relevant Deadline and that address its purpose will be accepted. **Documents received after the relevant Deadline are only accepted at the discretion of the ExA and may not be accepted to ensure fairness to all parties.** Circumstances where documents are submitted late without good reason, causing inconvenience or delay to other parties can amount to unreasonable behaviour.

These written processes will be the principal means used by the ExA to gather information, evidence and views about the application. However, the Examination



will only be effective if all parties resolve to give timely, full, frank, clear and evidenced answers to every question that is relevant to their interests and to engage fully with any other related processes such as the completion of WRs and SoCGs.

There is no merit in withholding or delaying information, or in failing to co-operate, and should it occur, any unreasonable behaviour that caused another party to incur wasted expenditure could lead to an award of costs against the offending party.

The ExA has discretion to make amendments to the Examination Timetable for the wider benefit of the Examination. If possible, events will be arranged for times when all relevant parties are available, but the ExA is under a duty to complete the Examination by the end of the six-month period beginning with the day after the close of the PM. This requirement is set by legislation, and while the ExA will try to rearrange event dates to accommodate all relevant parties, in practice there will be limited scope to alter dates set out in the draft Examination Timetable.

The statutory time limit for the Examination means that where there are matters that still need to be discussed and agreed between the Applicant and IPs, it will be very helpful to the ExA if these could be progressed as early as possible.

## Hearings

The draft Examination Timetable includes provision for hearings, at which the ExA takes oral evidence from the various parties.

Any registered IP may request an **Open Floor Hearing** (OFH) to make oral representations about the application if they believe this to be preferable to relying on their written representation, though both carry equal weight. Oral submissions should be based on representations previously made in writing, but they should not simply repeat matters previously covered in the written submission. Rather, they should focus on specific detail and explanation to help inform the ExA. There should be no new or unexpected material in oral representations. A written summary note with any supporting evidence or references will be requested of each speaker following the hearing.

As with all Examination events, OFHs are subject to the powers of control of the ExA, as set out in the PA2008 and supporting legislation. Participants must register in advance by the Deadline shown in the Examination Timetable and in accordance with the instructions. It is common practice for the ExA to set a time limit for each speaker and speakers with common points are asked to come together to nominate a spokesperson or representative speakers to cover specific topics, so as to avoid repetition. Speakers representing public authorities, community and membership organisations or multiple IPs are normally provided with an additional time allowance, recognising their representative role.

The Applicant's draft DCO provides for the Compulsory Acquisition of land and rights, and the Temporary Possession of land. Affected Persons (ie those whose land or rights over land are affected) have a right to request and be heard at a **Compulsory Acquisition Hearing** (CAH). If one or more APs request to be heard then a CAH must be held. Provisional dates for CAHs are included in the draft

Examination Timetable along with Deadlines by which requests to be heard must be submitted.

The ExA has the discretion to hold **Issue Specific Hearings** (ISHs) if it would aid in the Examination and there is a specific reason this would be more helpful than reliance on written evidence only. The lack of an ISH on one or more topics does not suggest that that topic is less important than others which are subject to a hearing. Rather, it is an indication that the ExA is satisfied that the issues can be fully considered through written submissions and responses to its written questions and that each party has had a fair opportunity to put its case.

The draft Examination Timetable includes a number of dates reserved for ISHs and IPs may make suggestions for topics to be discussed at an ISH in their written or oral representations to the PM.

It may be necessary for the ExA to hold more than one ISH on the draft DCO. This is normal practice, and they are held on a without prejudice basis. Parties can suggest modifications and amendments to the draft DCO provided by the Applicant with the application, without prejudicing their overall position on the application.

Holding such hearings does not imply that the ExA has reached any judgements on the merits of the application. Whatever the ultimate recommendation is, the ExA must make sure that the draft DCO is fit for purpose if the SoS decides to grant consent, as any consent will be subject to Requirements (ie conditions) set out in the DCO.

At hearings it will not normally be necessary for parties to make long and detailed submissions that require (for example) PowerPoint presentations. Any supporting detail/information can be provided in writing following the event by the relevant Deadline.

The draft Examination Timetable includes a Deadline (Deadline 1 (Tuesday 17 September 2024)) for participants to notify the ExA that they wish to speak at an OFH or a CAH.

### **Site inspections**

As part of the Examination process the ExA may undertake site inspections. These can be either unaccompanied or accompanied.

The purpose of these is for the ExA to see features of the proposals within the context of the evidence put forward. Notes of Unaccompanied Site Inspections (USIs) are published on the [project webpage](#).

Accompanied Site Inspections (ASI) will only be necessary to view land to which there is no public right of access, or with no clear view from nearby locations with open public access. The purpose of ASIs is familiarisation only and no discussion of the merits of the Proposed Development will be entertained during an ASI.

The ExA may decide to hold USIs to relevant nominated locations, supported by the submission of additional written, photographic, video or even drone material if this would be preferable to not visiting sites or holding ASIs in circumstances which could make them difficult and unduly time-consuming to conduct (for example if public health restrictions are in place). The ExA may also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of a USI on an access required basis (ARSI).

The draft Examination Timetable includes a Deadline for IPs to make submissions suggesting sites and locations that the ExA should visit. These will be used to inform further USIs/ARSIs as well as possible ASIs.

## Initial Assessment of Principal Issues

This is the Initial Assessment of Principal Issues prepared under Section 88(1) of the Planning Act 2008 (PA2008). It has been prepared by the Examining Authority (ExA) following its reading of:

- the application documents;
- the Relevant Representations received in respect of the application; and
- its consideration of any other important and relevant matters.

It is not a comprehensive or exclusive list of the issues that will be subject to examination and inevitably some issues will overlap or interrelate. The ExA will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the Secretary of State for Energy Security and Net Zero after the Examination has concluded.

The order of the issues listed does not imply any order of prioritisation or importance.

The policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not listed as main issues. It should also be noted that whilst the effects of the proposal in relation to human rights and equalities duties are not listed as main issues, the ExA will conduct all aspects of the Examination with these in mind.

Principal Issue	Brief Amplification To include but not necessarily limited to:
<b>Assessment of Alternatives</b>	<ul style="list-style-type: none"> <li>• Development scenarios and the Rochdale Envelope, including the rationale of the selected main development site and pipeline routes (including the river crossing point) and the discounting of other potential pipeline routes.</li> <li>• Selection of sites for the Above Ground Installations (AGI) along the pipeline routes.</li> <li>• The need for this type of energy infrastructure, and specifically for the Proposed Development.</li> </ul>
<b>Air Quality</b>	<ul style="list-style-type: none"> <li>• Air quality assessment methodology and assumptions used to inform modelling and assessment of risks, including the approach to amines.</li> <li>• Effects of the Proposed Development on human health and ecological receptors, during construction and operation.</li> <li>• Potential impacts on human health and ecological receptors from dust during construction and the adequacy of proposed mitigation measures.</li> </ul>
<b>Biodiversity, Ecology and Nature</b>	<ul style="list-style-type: none"> <li>• Potential effects on the ecological value of species and habitats (including ornithology) in the terrestrial and aquatic/marine environments.</li> </ul>

<p><b>Conservation including Ornithology and Marine Ecology</b></p>	<ul style="list-style-type: none"> <li>• The effect on the integrity of European sites.</li> <li>• Implications for designated sites, including European sites; nationally designated sites; regionally and locally designated sites; and habitats of nature conservation importance. Specifically, <ul style="list-style-type: none"> <li>○ Teesmouth and Cleveland Coast Special Protection Area (SPA)/Ramsar and features of interest of the Teesmouth and Cleveland Coast Site of Special Scientific Interest.</li> <li>○ North York Moors SPA/Special Area of Conservation (SAC).</li> <li>○ Northumbria Coast SPA/Ramsar.</li> <li>○ Durham Coast SAC</li> </ul> </li> <li>• Potential cumulative and in-combination impacts.</li> <li>• Adequacy of proposed mitigation, monitoring and management and how it is to be secured in the Development Consent Order (DCO).</li> <li>• Opportunities for the conservation and enhancement of biodiversity.</li> </ul>
<p><b>Climate Change</b></p>	<ul style="list-style-type: none"> <li>• The effects of the construction and operation of the Proposed Development on climate change, including ‘worst-case’ scenarios and potential impacts in using different natural gas supplies.</li> <li>• The overall change in greenhouse gas emissions that may arise from the construction and operation of the Proposed Development.</li> <li>• The achievement of sustainable development including the mitigation of, and adaptation to, climate change.</li> <li>• Government policy for net-zero emissions target by 2050, as well as consideration of carbon budgets and the current Carbon Budget Order.</li> <li>• Relationship of the development to Net Zero Teesside, including Carbon Capture Usage and Storage (CCUS) deployment timescales.</li> <li>• The effectiveness of measures to mitigate the effects of, or adapt to, climate change.</li> <li>• Carbon emissions generated by H2 Teesside, including how they are captured and whether such capture is secured in the DCO.</li> <li>• Implications of R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council and others, especially in regard to upstream emissions and the CO<sub>2</sub> calculations arising from the Proposed Development.</li> <li>• The suitability of proposed mitigation measures and the Framework Construction Environmental Management Plan.</li> </ul>

<p><b>Compulsory Acquisition and Temporary Possession</b></p>	<ul style="list-style-type: none"> <li>• The need for and amount of land, rights and powers sought to be compulsorily acquired and whether the intended use for the plots is clear.</li> <li>• Whether the temporary possession powers sought are justified and proportionate.</li> <li>• Whether there is a compelling case in the public interest for the compulsory acquisition of the land, rights and powers sought and justify interference with Human Rights and would accord with the Equality Act 2010.</li> <li>• Whether all reasonable alternatives to compulsory acquisition and temporary possession have been fully explored.</li> <li>• Whether adequate funding is likely to be available to enable the Applicant to carry out the compulsory acquisition within the statutory period.</li> <li>• Effects on Statutory Undertaker land and apparatus, including the approach to Protective Provisions.</li> <li>• Effects of extinguishment of existing rights and other matters relating to all category parties, including the approach to Protective Provisions.</li> <li>• Whether special category land has been adequately assessed and exchange land is adequate.</li> <li>• The approach to the identification of Category 3 parties.</li> <li>• Whether the proposals meet the requirements of PA2008 in all other respects.</li> </ul>
<p><b>Cultural Heritage</b></p>	<ul style="list-style-type: none"> <li>• The effects on designated and non-designated heritage assets and their settings.</li> <li>• The effects on archaeological remains and whether further investigation is required to understand potential archaeological deposits, primarily along the Hydrogen Pipeline Corridor.</li> </ul>
<p><b>Cumulative and Combined Effects</b></p>	<ul style="list-style-type: none"> <li>• The approach to cumulative and combined effects.</li> <li>• The relationship with and implications for existing and proposed neighbouring uses or infrastructure and other proposed major projects.</li> <li>• The scope of the Proposed Development as a Track 1 (East Coast Cluster) project.</li> <li>• Effects of/ on utilities and other pipelines and infrastructure both existing and proposed.</li> </ul>
<p><b>Draft Development Consent Order (dDCO)</b></p>	<ul style="list-style-type: none"> <li>• The construction, form, extent and definitions of the dDCO.</li> <li>• The appropriateness and effectiveness of proposed Requirements and the process for discharging them (where relevant).</li> </ul>

	<ul style="list-style-type: none"> <li>• Appropriateness and effectiveness of protective provisions and whether they are appropriate/ adequate for all that require them.</li> <li>• Relationships with other projects and consents including connections to the Hydrogen pipeline network.</li> <li>• Whether the crossing of the River Tees and Greatham Creek are adequately covered by Article 35 'Bored Tunnels' exemption within The Marine Licensing (Exempted Activities) Order 2011, including the conditions imposed, and how the crossing and compliance with the said conditions are secured in the DCO.</li> <li>• The approach to and effectiveness of mitigation measures.</li> <li>• Whether all other necessary consents and licences have been considered.</li> <li>• Whether the dDCO is satisfactory in all other respects.</li> </ul>
<p><b>Geology, Hydrogeology and Land Contamination</b></p>	<ul style="list-style-type: none"> <li>• Timing, scope and responsibility for ground investigation, remediation and monitoring.</li> <li>• Assessment of risks to human health and controlled waters.</li> <li>• Contamination risks during construction, operation and decommissioning and whether there is sufficient information presented to ensure that the risk to the water environment, as a result of the Proposed Development, is effectively mitigated.</li> <li>• Options for foundations and the environmental implications of these, including geotechnical risks, creation of pollution/contamination pathways, Etc.</li> <li>• Implication for safeguarded mineral deposits/ wharf(s) (ie Tees Dock).</li> <li>• Implications of the proposed development on York Potash Harbour Facilities Order 2016.</li> </ul>
<p><b>Landscape, Visual Amenity and Design</b></p>	<ul style="list-style-type: none"> <li>• Zone of Theoretical Visibility - The impact of the Proposed Development on landscape and visual amenity</li> <li>• The 'Rochdale Envelope'.</li> <li>• The flexible approach to the design parameters and the adequacy of the design information.</li> <li>• Consideration of design options and how they can be secured.</li> <li>• The effects on landscape character including any local and national designations.</li> <li>• The visual effects on the landscape, including any potential impacts from lighting (temporary and permanent), and the likely receptors including recreational users and tourists.</li> <li>• Landscaping and boundary treatment.</li> </ul>



	<ul style="list-style-type: none"> <li>• The extent to which the Proposed Development would impact public rights of way.</li> <li>• Suitability of options for AGIs advanced by the Applicant.</li> <li>• The extent to which the design of permanent structures should be controlled and secured through any DCO.</li> </ul>
<b>Materials and Waste</b>	<ul style="list-style-type: none"> <li>• Waste management during construction, operation and decommissioning and impacts on the disposal off site on traffic flows and circulation in both the local and wider context.</li> <li>• Implication for safeguarded waste sites (ie New Road).</li> </ul>
<b>Noise and Vibration</b>	<ul style="list-style-type: none"> <li>• Construction, operational and decommissioning noise and vibration effects on sensitive receptors, including local residents, businesses, recreational users and wildlife.</li> <li>• Impacts resulting from operational noise arising from the Proposed Development together with the management and monitoring of such noise impacts.</li> <li>• Mitigation measures and their effectiveness.</li> </ul>
<b>Socio-economics and Land Use, including Human Health and Major Accidents and Disasters</b>	<ul style="list-style-type: none"> <li>• The extent to which the Proposed Development would result in any socio-economic benefits, or adverse socio-economic effects, in terms of national, regional or local economy.</li> <li>• The effects of the Proposed Development on human health from contamination (such as air quality (including from operational process emissions), noise and vibration, Etc).</li> <li>• The extent to which the Proposed Development would create any public health risks, including any AGIs.</li> <li>• Control of Major Accident Hazards (COMAH) Designation and impacts on any COMAH sites located in the vicinity of the Proposed Development.</li> <li>• Potential effects on the safety and monitoring of surrounding sites.</li> <li>• Suitability of management and Mitigation.</li> </ul>
<b>Surface Water, Flood Risk and Water Resources</b>	<ul style="list-style-type: none"> <li>• Assessment of risks to controlled waters, human health and biodiversity.</li> <li>• Compliance with the Water Framework Directive and whether any enhancements are needed as a result of the Proposed Development.</li> <li>• Discharge of water and the strategy for discharging process water and/ or storm water.</li> <li>• Flood Risk and the sequential test.</li> <li>• Assessment of groundwater flooding.</li> </ul>
<b>Needs Case and the</b>	<ul style="list-style-type: none"> <li>• The National Policy Statements and the needs case for the development.</li> </ul>

<b>proposals relationship with other development in the area</b>	<ul style="list-style-type: none"><li>• The scope of the Hydrogen distribution network.</li><li>• The lifecycle of the Proposed Development.</li><li>• Construction methodology, phasing and timetabling.</li></ul>
<b>Traffic and Transport</b>	<ul style="list-style-type: none"><li>• Construction effects on the surrounding road network.</li><li>• Alternative access points.</li><li>• Effects on non-motorised users</li><li>• The approach to the delivery of abnormal loads.</li><li>• The effect of the Proposed Development on highway and pedestrian safety.</li></ul>

## Draft Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the Examination of the application by the end of the period of six months beginning with the day after the close of the Preliminary Meeting.

The Examination of the application primarily takes the form of the consideration of written submissions. The ExA will also consider any oral representations made at hearings.

Item	Matters	Due Date
1	<p><b>Procedural Deadline A</b></p> <ul style="list-style-type: none"> <li>• Written submissions on the Examination procedure.</li> <li>• Notification of wish to speak at the Preliminary Meeting (as detailed in Item 2 below) or comment on the agenda for this meeting (See <b>Annexes A and F</b>).</li> <li>• Notification of wish to speak at Issue Specific Hearing (ISH) 1 (as detailed in Item 3 below) (See <b>Annex E and F</b>).</li> <li>• Applicant's submission of the Land Rights Tracker (CA/ TP Schedule)</li> <li>• (See <b>Annex F</b>).</li> <li>• Submission of suggested locations to be included in any Accompanied Site Inspection (ASI) (See <b>Annex F</b>).</li> </ul>	<p><b>Thursday 15 August 2024</b></p>
2	<p><b>Preliminary Meeting (PM) (Virtual Event)</b></p>	<p><b>Wednesday 28 August 2024 10am</b></p>
3	<p><b>Issue Specific Hearing (ISH) 1 (Virtual Event)</b> into:</p> <ul style="list-style-type: none"> <li>• the scope of the development and its relationship to the extent of the Order Limits; and</li> <li>• Progress of development design.</li> </ul>	<p><b>Wednesday 28 August 2024 2pm</b></p>
4	<p><b>Reserved date for ISH1 (Virtual Event)</b>, as set out in item 3 above, if required.</p>	<p><b>Thursday 29 August 2024 10am</b></p>
5	<p><b>Issue by the Examining Authority (ExA) of:</b></p> <ul style="list-style-type: none"> <li>• Examination Timetable.</li> <li>• ExA's First Written Questions (ExQ1).</li> </ul>	<p><b>As soon as practicable after the PM</b></p>
6	<p><b>Deadline 1 (DL1)</b> Deadline for receipt by the ExA of:</p>	<p><b>Tuesday 17 September 2024</b></p>

	<ul style="list-style-type: none"> <li>• Written summaries of oral submissions to the PM.</li> <li>• Any post-PM submissions requested by the ExA.</li> <li>• An updated draft Development Consent Order (dDCO) in clean, tracked and Word versions (if required).</li> <li>• Comments on Relevant Representations (RRs) (See <b>Annex F</b>).</li> <li>• Comments on Additional Submissions (See <b>Annex F</b>).</li> <li>• Local Impact Report (LIR) from Local Authorities (See <b>Annex F</b>).</li> <li>• Statements of Common Ground (SoCG) requested by ExA – (See <b>Annex F</b>).</li> <li>• Statement of Commonality for SoCG (See <b>Annex F</b>).</li> <li>• Updated Book of Reference (BoR) and Schedule of Changes to the BoR (in clean and tracked versions) (if required).</li> <li>• A Schedule of Changes to the dDCO (if required) (See <b>Annex F</b>).</li> <li>• Comments on the Applicant’s Land Rights Tracker (CA/ TP Schedule) submitted at DL1 (See <b>Annex F</b>).</li> <li>• An Application Guide (Application Document Tracker) (if required) (See <b>Annex F</b>).</li> <li>• An Examination Progress Tracker (See <b>Annex F</b>).</li> <li>• Written representations (WRs) (including summaries of all WRs exceeding 1500 words).</li> <li>• Submission of Tracking documents, if required, in regard to any relevant developing/ emerging: <ul style="list-style-type: none"> <li>- National Policy Statements (NPS);</li> <li>- New policy intentions related to critical infrastructure;</li> <li>- National Planning Policy Framework (NPPF); and</li> <li>- National Development Management Policies (NDMP).</li> </ul> </li> <li>• Notification of wish to speak at an Open Floor Hearing.</li> <li>• Notification of wish to speak at a Compulsory Acquisition Hearing.</li> <li>• Comments on the suggested locations to be included in any ASI submitted at Procedural Deadline A (See <b>Annex F</b>).</li> <li>• The Applicant’s draft itinerary for an ASI.</li> </ul>	
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	<ul style="list-style-type: none"> <li>• Notification by any Statutory Parties and Local Authorities who have not submitted a RR of their wish to be considered as an IP.</li> <li>• Any further information requested by the ExA.</li> </ul>	
7	<p><b>Deadline 2 (DL2)</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on any submissions received at DL1, including WRs, LIRs any updated dDCO and the Applicant's draft itinerary for the ASI.</li> <li>• Responses to comments on RRs.</li> <li>• Responses to ExA's ExQ1.</li> <li>• Updated BoR and Schedule of Changes to the BoR, in clean and tracked versions (if required).</li> <li>• An updated dDCO in clean, tracked and Word versions (if required).</li> <li>• Applicant's first update to the Land Rights Tracker (CA/ TP Schedule).</li> <li>• An updated Schedule of Changes to the dDCO (if required).</li> <li>• An updated Application Guide (Application Document Tracker) (if required), in clean, tracked and Word versions.</li> <li>• A statement of progress on SoCG that remain outstanding and submission of SoCG not completed at DL1.</li> <li>• Statement of Commonality of SoCG.</li> <li>• Updated tracking documents, if required, in regard to any relevant developing/emerging: <ul style="list-style-type: none"> <li>- NPSs;</li> <li>- New policy intentions related to critical infrastructure;</li> <li>- NPPF; and</li> <li>- NDMP.</li> </ul> </li> <li>• Notification of wish to attend ASI.</li> <li>• Comments/ Responses to the Applicant Examination Progress Tracker submitted at DL1.</li> <li>• Any further information requested by the ExA.</li> </ul>	<p><b>Thursday 3 October 2024</b></p>
8	<p><b>Deadline 3 (DL3)</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on any submissions received at DL2.</li> <li>• Responses to comments on LIRs.</li> <li>• Comments on responses to ExA's ExQ1.</li> <li>• An updated dDCO in clean, tracked and Word versions (if required).</li> </ul>	<p><b>Monday 21 October 2024</b></p>

	<ul style="list-style-type: none"> <li>• An updated Schedule of Changes to the dDCO (if required).</li> <li>• Updated BoR and Schedule of Changes to the BoR in clean and tracked versions (if required).</li> <li>• Comments on the Applicant's first update to the Land Rights Tracker (CA/ TP Schedule).</li> <li>• A statement of progress on SoCG that remain outstanding and submission of SoCG completed since DL2 (if required).</li> <li>• An updated Statement of Commonality of SoCG (if required).</li> <li>• An updated Application Guide (Application Document Tracker) (if required) in clean and tracked versions.</li> <li>• Update to the Applicant's Examination Progress Tracker submitted at DL1.</li> <li>• Updated tracking documents, if required, in regard to any relevant developing/emerging: <ul style="list-style-type: none"> <li>- NPSs;</li> <li>- New policy intentions related to critical infrastructure;</li> <li>- NPPF; and</li> <li>- NDMP.</li> </ul> </li> <li>• Any further information requested by the ExA.</li> </ul>	
9	<p><b>If required, week reserved for hearings and ASI:</b></p> <ul style="list-style-type: none"> <li>• Issue Specific Hearing(s).</li> <li>• Compulsory Acquisition Hearing(s).</li> <li>• Open Floor Hearing(s).</li> <li>• ASI.</li> </ul>	<b>w/c 11 November 2024</b>
10	<p><b>Deadline 4 (DL4)</b></p> <ul style="list-style-type: none"> <li>• Written summaries of oral submissions made at any Hearings held during the week commencing 11 November 2024.</li> <li>• Any post-hearing submissions requested by the ExA.</li> <li>• Comments on any other submissions received at DL3.</li> <li>• Updated BoR and Schedule of Changes to the BoR, in clean and tracked versions (if required).</li> <li>• An updated dDCO in clean, tracked and Word versions (if required).</li> <li>• An updated Schedule of Changes to the dDCO (if required).</li> <li>• An updated Application Guide (Application Document Tracker) (if required) in clean and tracked versions.</li> </ul>	<b>Wednesday 20 November 2024</b>

	<ul style="list-style-type: none"> <li>• A statement of progress on SoCG that remain outstanding and submission of SoCG completed since DL3 (if required).</li> <li>• Statement of Commonality for SoCG (if required).</li> <li>• Updated tracking documents, if required, in regard to any relevant developing/emerging: <ul style="list-style-type: none"> <li>- NPSs;</li> <li>- New policy intentions related to critical infrastructure;</li> <li>- NPPF; and</li> <li>- NDMP.</li> </ul> </li> <li>• Comments/ Responses to the Applicant Examination Progress Tracker submitted at DL3.</li> <li>• Any further information requested by the ExA.</li> </ul>	
11	<p><b>Issue by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• ExA's Second Written Questions (ExQ2).</li> </ul>	<p><b>Thursday 28 November 2024</b></p>
12	<p><b>Deadline 5 (DL5)</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Responses to ExQ2 (if required).</li> <li>• Comments on any other submissions received at DL4, including any updated dDCO.</li> <li>• Updated BoR and Schedule of Changes to the BoR in clean and tracked versions (if required).</li> <li>• Applicant's second update to the Land Rights Tracker (CA/ TP Schedule).</li> <li>• An updated dDCO in clean, tracked and Word versions (if required).</li> <li>• An updated Schedule of Changes to the dDCO (if required).</li> <li>• An updated Application Guide (Application Document Tracker) (if required) in clean and tracked versions.</li> <li>• Update to the Applicant's Examination Progress Tracker submitted at DL3.</li> <li>• A statement of progress on SoCG that remain outstanding and submission of SoCG completed since DL4 (if required).</li> <li>• Statement of Commonality for SoCG (if required).</li> <li>• Updated tracking documents, if required, in regard to any relevant developing/emerging: <ul style="list-style-type: none"> <li>- NPSs;</li> <li>- New policy intentions related to critical infrastructure;</li> <li>- NPPF; and</li> </ul> </li> </ul>	<p><b>Wednesday 18 December 2024</b></p>



	<ul style="list-style-type: none"> <li>- NDMP.</li> <li>• Any further information requested by the ExA.</li> </ul>	
13	<p><b>If required, week reserved for hearings:</b></p> <ul style="list-style-type: none"> <li>• Issue Specific Hearing(s).</li> <li>• Compulsory Acquisition Hearing(s).</li> <li>• Open Floor Hearing(s).</li> <li>• ASI (if required).</li> </ul>	<b>w/c 6 January 2025</b>
14	<p><b>Deadline 6 (DL6)</b></p> <ul style="list-style-type: none"> <li>• Comments on responses to ExQ2 (if required).</li> <li>• Comments on the Applicant's second update to the Land Rights Tracker (CA/ TP Schedule).</li> <li>• Updated tracking documents, if required, in regard to any relevant developing/emerging: <ul style="list-style-type: none"> <li>- NPSs;</li> <li>- New policy intentions related to critical infrastructure;</li> <li>- NPPF; and</li> <li>- NDMP.</li> </ul> </li> <li>• The Comments/ Responses to the Applicant Examination Progress Tracker submitted at DL5.</li> </ul>	<b>Monday 13 January 2025</b>
15	<p><b>Publication by the ExA of:</b></p> <ul style="list-style-type: none"> <li>• The ExA's schedule of changes to the dDCO (if required).</li> <li>• Report on Implications for European Sites (RIES) (if required).</li> </ul>	<b>Thursday 16 January 2025</b>
16	<p><b>Deadline 7 (DL7)</b></p> <ul style="list-style-type: none"> <li>• Written summaries of oral submissions at hearings (if required).</li> <li>• Comments on any submissions received at DL5 and DL6.</li> <li>• Comments on the RIES (if required).</li> <li>• Comments on the ExA's proposed schedule of changes to the dDCO (if required).</li> <li>• Finalised SoCGs.</li> <li>• Final Statement of Commonality for SoCG.</li> <li>• Final BoR in clean and tracked versions.</li> <li>• Final Statement of Reasons in clean and tracked versions.</li> <li>• Schedule of Changes to the BoR in clean and tracked versions.</li> <li>• Applicant's final update to the Land Rights Tracker (CA/ TP Schedule).</li> <li>• Final Application Guide (Application Document Tracker), in clean and tracked versions.</li> </ul>	<b>Thursday 6 February 2025</b>

	<ul style="list-style-type: none"> <li>• Final Examination Progress Tracker.</li> <li>• Final update to tracking documents, if required, related to any relevant developing/emerging: <ul style="list-style-type: none"> <li>- NPSs;</li> <li>- New policy intentions related to critical infrastructure;</li> <li>- NPPF; and</li> <li>- NDMP.</li> </ul> </li> <li>• Applicant's Final Preferred Development Consent Order (DCO) in the SI template validation report and a validated copy of the DCO.</li> <li>• Applicant's preferred DCO in word format.</li> <li>• Final Schedule of Changes to the dDCO.</li> <li>• Any further information requested by the ExA (if required).</li> </ul>	
17	<p><b>Deadline 8</b> Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> <li>• Comments on any submissions received at DL7.</li> <li>• Updated LIRs (if required).</li> <li>• Closing submissions.</li> <li>• Any further information requested by the ExA (if required).</li> </ul>	<p><b>Thursday 20 February 2025</b></p>
18	<p>The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months.</p> <p>Please note that the ExA may close the Examination before the end of the six month period if it is satisfied that all relevant matters have been addressed and discussed.</p>	<p><b>Friday 28 February 2025</b></p>

### Submission times for Deadlines

The time for submission of documents at any Deadline in the timetable is 23:59 on the relevant Deadline date, unless instructed otherwise by the ExA.

### Publication dates

All information received will be published on the [project webpage](#) as soon as practicable after the Deadlines for submissions.

### Hearing agendas

Please note that for Issue Specific Hearings and Compulsory Acquisition Hearings the ExA will publish a high-level agenda alongside the notification of the hearing to help inform your decision about whether to register to participate. A detailed draft agenda will be made available on the project webpage at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExA. For Open Floor Hearings agendas may not be published.

### **Report on the Implications for European Sites (RIES)**

Where an applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, the ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the Secretary of State. The ExA may also raise questions in the RIES to confirm or clarify matters that remain outstanding.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017 and/ or Regulation 28 of The Offshore Marine Regulations.

## Notification of initial hearing

The Examining Authority (ExA) provides notice of the following initial hearing:

Date	Hearing	Start time	Joining details
<b>Wednesday 28 August 2024</b>	<b>Issue Specific Hearing (ISH1) (Virtual Event) into:</b> <ul style="list-style-type: none"> <li>the scope of the development and its relationship to the extent of the Order Limits; and</li> <li>Progress of development design.</li> </ul>	<b>Registration Process from:</b> <b>1.30pm</b> <b>Hearing starts:</b> <b>2pm</b>	This hearing will be held virtually using Microsoft Teams  Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered
<p><b>NOTE:</b> If any of the above hearings are no longer required then notification that a particular date is no longer required will be published as soon as practicable on the <a href="#">project webpage</a>, providing reasonable notice to Interested Parties of the decision to cancel them.</p>			
<p><b>IMPORTANT:</b> This Issue Specific Hearing should be completed in the afternoon of Wednesday 28 August 2024. However, a <b>reserve date</b> has been scheduled for <b>Thursday 29 August 2024 at 10am</b> to allow for the virtual meeting to take place on that day/time in the event:</p> <ul style="list-style-type: none"> <li>the Preliminary Meeting is delayed to its reserve date/ time; or</li> <li>to account for a failure of technology; or</li> <li>ISH1, if held on <b>Wednesday 28 August 2024</b> is not closed.</li> </ul> <p>Normally the reserve period will not be required and confirmation of this will be provided by the ExA at the end of the ISH1 and subsequently notified on the project webpage.</p>			

**You must register by Procedural Deadline A (Thursday 15 August 2024) if you intend to participate in this hearing and provide all the information requested (see below).**

If you simply wish to observe the hearing then you do not need to register as you will be able to watch a livestream of the event. A link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin. You will also be able to watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Any request to participate in a hearing **must include** the following information:

- Name and unique reference number (found at the top of any letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- confirmation of the hearing you wish to participate in, the agenda item(s) on which you wish to speak and/or brief details of the topic(s) that you would like to raise; and
- the [Examination Library](#) reference number (with paragraph/page number where appropriate) of any documents you wish to refer to.

Requests to participate should be made to in writing by **Procedural Deadline A** (Thursday 15 August 2024).

**Please contact the Case Team using the contact details at the top of this letter if you require any support or assistance to attend any of the hearings.**

### Hearing agendas

An agenda for this hearing has been published alongside this notification on the [project webpage](#) to help inform your decision about whether to register to participate. However, it should be noted that the actual agenda on the day of the hearing may be subject to change at the discretion of the ExA.

### Procedure at hearings

The Examination will principally be a written process (see the Planning Inspectorate's [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings. Please refer to the [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#) as these provide important information about hearing procedures.

The procedure to be followed at hearings is set out in Rule 14 of The Infrastructure Planning (Examination Procedure) Rules 2010. The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties.

### Hearing livestream and recording

A link to a livestream for each hearing will be made available on the [project webpage](#) shortly before any hearing is due to open. The livestream is available to anybody who wishes to observe a hearing in real time.

All hearings are recorded, and the recordings will be made available on the [project webpage](#) as soon as practicable after the close of the hearing. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed.

## Agenda - Issue Specific Hearing 1 (Virtual Event)

### Planning Act 2008 – Section 91

#### Application by H2 Teesside Limited for an Order granting Development Consent for the H2 Teesside Project.

Agenda for Issue Specific Hearing 1 dealing with matters relating to:

- The scope of the development and its relationship to the extent of the Order Limits; and
- Progress of development design.

<b>Agenda for the Issue Specific Hearing 1 – Virtual Event</b>	
<b>1</b>	Welcome, preliminary matters and introductions.
<b>2</b>	Arrangements for the Issue Specific Hearing.
<b>3</b>	Scope of Development and its relation to the extent of the Order Limits. <ul style="list-style-type: none"> <li>• How the order limits have been assessed in relation to the current level of design development.</li> <li>• Coordination with other consented and proposed NSIPs in the vicinity.</li> <li>• Coordination with other development proposals in the vicinity.</li> </ul>
<b>4</b>	Progress of design development. <ul style="list-style-type: none"> <li>• Level of design detail in the Application documents.</li> <li>• Location of preferred route for pipelines, cable routes etc.</li> <li>• Timeline for design refinement and how this is secured in the DCO.</li> </ul>
<b>5</b>	Impact of: <ul style="list-style-type: none"> <li>• Change Request(s) accepted into the Examination prior to the start of the Examination, if any, and the details thereof;</li> <li>• any other potential Change Request(s) and the details thereof; and</li> <li>• any Additional Submissions accepted into the Examination prior to the PM hearing.</li> </ul>
<b>6</b>	Any other business.
<b>7</b>	Action points arising from the Hearing.
<b>8</b>	Close of the Issue Specific Hearing 1.

## Other Procedural Decisions made by the Examining Authority

The Examining Authority (ExA) has made the following Procedural Decisions:

### 1. Preliminary Meeting and Issue Specific Hearing 1 (ISH1) to be held virtually

As set out in the Rule 6 letter, the ExA has made the Procedural Decision to hold the Preliminary Meeting and ISH1 virtually, online. The ExA has also decided that:

- reasoned requests to participate actively in the Preliminary Meeting or to comment on the Agenda for this meeting; and/or
- reasoned requests to participate actively in the ISH1,

must be received by **Procedural Deadline A** (Thursday 15 August 2024) by email ([h2teesside@planninginspectorate.gov.uk](mailto:h2teesside@planninginspectorate.gov.uk)) or the [‘Have your say’](#) page on the [project webpage](#) (See Annex H for further information).

### 2. Statements of Common Ground (SoCG) and Statements of Commonality of SoCG

In relation to some of the Principal Issues identified in **Annex C** to this letter, the ExA would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties (IPs). The draft Examination Timetable at **Annex D** to this letter therefore establishes **Deadline 1** (Tuesday 17 September 2024) for submission of SoCGs.

The aim of a SoCG is to agree factual information and to inform the ExA and all other parties by identifying where there is agreement and where the differences lie at an early stage in the Examination process. It should provide a focus and save time by identifying matters which are not in dispute or need not be the subject of further evidence. It can also usefully state where and why there may be disagreement about the interpretation and relevance of the information. Unless otherwise stated or agreed, the SoCG should be agreed between the Applicant and the other relevant IPs, and submitted **by the Applicant**.

SoCGs are requested to be prepared between the Applicant and:

1. Aggregate Industries UK Limited (Ltd).
2. Air Products Public Limited Company (PLC) (including Air Products (BR) Ltd, Air Products Renewable Energy Ltd and Air Products Chemicals Teesside Ltd).
3. Anglo American PLC (including Anglo American Woodsmith Ltd, Anglo American Woodsmith (Teesside) Ltd and Anglo American Crop Nutrients Ltd).
4. BOC Ltd.
5. CF Fertilisers UK Ltd.



6. Cornerstone Telecommunications Infrastructure Ltd (including Vodafone Ltd/ O2 Telefonica UK Ltd, where appropriate and relevant).
7. Durham County Council.
8. Environment Agency.
9. Exolum Seal Sands Ltd.
10. H2NorthEast (including Kellas Midstream Ltd and CATS North Sea Ltd).
11. Hartlepool Borough Council.
12. Health and Safety Executive.
13. Huntsman Polyurethanes (UK) Ltd.
14. Ineos Nitriles (UK) Ltd.
15. Ineos UK SNS Ltd.
16. Lighthouse Green Fuels Ltd.
17. Marine Management Organisation.
18. Natara Global Ltd (Formerly Flavour Specialty Ingredients Ltd).
19. National Gas Transmission PLC.
20. National Grid Electricity Transmission PLC.
21. National Highways (including the Historical Railway Estate).
22. Natural England.
23. Navigator Terminals Ltd.
24. Net Zero North Sea Storage Limited.
25. Net Zero Teesside Power Ltd.
26. Network Rail Infrastructure Ltd.
27. North Sea Midstream Partners Ltd (including Northern Gas Processing Ltd, Teesside Gas & Liquids Processing and Teesside Gas Processing Plant Ltd).
28. North Tees Ltd/ North Tees Land Ltd/ North Tees Rail Ltd.
29. Northern Endurance Partnership.
30. Northern Gas Networks Ltd.
31. Northern Powergrid PLC/ Northern Powergrid (Northeast) PLC.
32. Northumbrian Water Ltd.
33. NPL Waste Management Ltd.
34. PD Teesport Ltd.
35. Redcar and Cleveland Borough Council.
36. Redcar Bulk Terminal Ltd.
37. Royal Mail Group.
38. Sabic UK Petrochemicals Ltd.
39. Sembcorp Utilities (UK) Ltd.
40. South Tees Group (including the South Tees Development Corporation, South Tees Developments Ltd and Teesworks Ltd).
41. Stockton-on-Tees Borough Council.
42. Tees Valley Combined Authority.
43. United Kingdom Health Security Agency.
44. Venator Materials UK Ltd.

The SoCG should cover the following topics where relevant:

- Methodology for Environmental Impact Assessment, including assessment of cumulative effects.

- Data collection methods.
- Baseline data.
- Data/ statistical analysis, approach to modelling and presentation of results (including forecast methodologies).
- Full expression of expert judgements and assumptions.
- Identification and sensitivity of relevant features and quantification of potential impact.
- Likely effects (direct and indirect) on special interest features of sites designated or notified for any nature conservation purpose.
- Feasible and deliverable mitigation and method for securing such mitigation within the Development Consent Order.
- Impact on existing infrastructure, access arrangements, future operations, development plans, Etc.

The suggested content of the SoCG listed above is indicative and does not preclude the inclusion of other matters considered to be important and relevant. All of the SoCGs listed above should cover the Articles and Requirements in the draft Development Consent Order. Any IP(s) seeking that an Article or Requirement is reworded should provide the form of words which are being sought in the SoCG.

Where a particular SoCG cannot be agreed between the parties by **Deadline 1** (Tuesday 17 September 2024), or if any local authority position needs to be signed off at a higher level, draft versions of that SoCG are requested to be submitted by the Applicant and no later than the same Deadline (**Deadline 1** (Tuesday 17 September 2024)). The position of the relevant IPs should then be confirmed in the course of the Examination. The draft Examination Timetable makes provision for updated SoCGs to be submitted at various Deadlines with final versions by **Deadline 7** (Thursday 6 February 2025).

The content of SoCGs will help to inform the ExA about the need to hold any Issue Specific Hearings during the Examination, and to enable the ExA and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

In addition, the ExA request that at Deadlines 2, 3, 4 and 5 the Applicant provides an updated Statement of Commonality of SoCG advising on progress with SoCG and an overview of where the areas of agreement and dispute between the IPs are. A final version of the Statement of Commonality of SoCG is requested at **Deadline 7** (Thursday 6 February 2025).

### 3. Land Rights Tracker

The ExA notes the Applicant's Schedule of Negotiations and Powers Sought [[APP-026](#)] which sets out the position of the Applicant's negotiations to acquire interests in land or to take possession of land required.

However, the ExA wishes to take this data a stage further with the capture and manipulation of all land rights at the outset of the Examination in a simple, usable table. The aim is to make the process of the Applicant's reporting of

ongoing discussions with affected persons and others easier, and the reporting of such matters to the Secretary of State more efficient.

With that in mind, the ExA has made a Procedural Decision to request that the Applicant completes and maintains a Land Rights Tracker (CA/ TP Schedule); an example of which is shown in the figure below and which a copy will be sent to the Applicant by the Case Team. In the example, the structure of the Land Rights Tracker (CA/ TP Schedule) would provide a comprehensive account of the status of affected persons, with certain cells providing a restricted drop-down menu of possible responses. Open cells would only be inputted with succinct, focused wording to ensure the table is readable. The ExA and Secretary of State would, upon receipt of regular updates and final versions of the Land Rights Tracker (CA/ TP Schedule), be able to manipulate and sort the table for accurate referencing and review.

The ExA recognises the figure below is in draft only and is not a statutory requirement. However, it is hoped that the Applicant and Affected Persons will recognise the purpose of the Land Rights Tracker (CA/ TP Schedule) is to simplify the whole examination, recommendation and decision-making process, and the use of drop-down menus will hopefully make the process of updating the tracker a relatively simple and speedy process. The ExA hopes all parties will therefore positively engage in the process.

Should the Applicant consider that the required information for the Land Rights Tracker (CA/ TP Schedule) can be captured in a different and more efficient way or by using different software, they may wish to discuss with the Case Manager and update the ExA at the Preliminary Meeting.

The ExA requests the Land Rights Tracker (CA/ TP Schedule) is submitted into the Examination at **Procedural Deadline A** (Thursday 15 August 2024), and proposes a first update to be submitted at **Deadline 2** (Thursday 3 October 2024), a second update at **Deadline 5** (Wednesday 18 December 2024) and a final version at **Deadline 7** (Thursday 6 February 2025).

Affected Persons will have the opportunity to provide a response at **Deadline 1** (Tuesday 17 September 2024), **Deadline 3** (Monday 21 October 2024), and **Deadline 6** (Monday 13 January 2025).



#### **4. National Policy Statement Tracker, New policy intentions Tracker related to critical infrastructure, National Planning Policy Framework Tracker and National Development Management Policies Tracker**

The Right Honourable Rachel Reeves MP, in her first speech as The Chancellor referred to “...*new policy intentions for critical infrastructure in the coming months, ahead of updating relevant National Policy Statements (NPS) within the year.*” She also referred to reforming the National Planning Policy Framework (NPPF). The submitted Application documentation refers to the existing NPSs and the NPPF through-out and the ExA considers, in the light of The Chancellors speech, that the Applicant should provide:

- a NPS tracker, which sets out the changes/ modifications to any relevant updated draft NPSs as they progress towards designation, as it considers them to be relevant to its NSIP Application.
- A tracker related to any new policy intentions for critical infrastructure that are not address within the NPS Tracker mentioned above.
- updates in regard to consultation on any draft NPPF published, as it considers them to be relevant to its proposed NSIP, as it progresses through consultation towards formal publication/ adoption.

In addition to the above the ExA requests the Applicant also provide a tracker on any National Development Management Policies (NDMP) document(s) published for consultation, as the Applicant considers them to be relevant to its proposed NSIP, as such NDMPs progress through consultation towards formal publication/ adoption.

These trackers should be provided at each Deadline unless there is nothing of relevance to provide in relation to such documents or updates on such documents. Where there is nothing of relevance, the ExA would request the Applicant confirms no update is being provided in a covering letter stating why it does not consider it necessary to submit such documents in regard to any emerging:

- draft NPSs (NPS Tracker document); and/ or
- new policy intentions for critical infrastructure; and/ or
- draft NPPF (NPPF Tracker document); and/ or
- draft NDMP document (NDMP Tracker document).

#### **5. Examination Progress Tracker**

The ExA has made a Procedural Decision to request from the Applicant an Examination Progress Tracker, in the form of a table, reporting on what it considers are the principle, and other notable issues in the Examination.

The ExA would like the Applicant to set this out by issue and/or sub issue, the IP(s) which have raised them, the summary of the concern(s)/objection(s) and

the progress being made (if any), and the updated position and any progress to resolution. The Applicant could consider “traffic-lighting” the table for ease of reference.

The ExA would like this tracker to include progress on negotiations on outstanding concerns.

The ExA requests an initial Examination Progress Tracker to be submitted at **Deadline 1** (Tuesday 17 September 2024) and invites comments from IPs to this tracker at **Deadline 2** (Thursday 3 October 2024).

Updates to the Examination Progress Tracker are requested from the Applicant at **Deadline 3** (Monday 21 October 2024) and **Deadline 5** (Wednesday 18 December 2024), with a final Examination Progress Tracker submitted at **Deadline 7** (Thursday 6 February 2025).

Comments from IPs to the Examination Progress Tracker are requested by the Deadline following the Applicants submission (ie the response to the Deadline 3 submission should be submitted no later than **Deadline 4** (Wednesday 20 November 2024), whilst the response to the Deadline 5 submission should be submitted no later than **Deadline 6** (Monday 13 January 2025), Etc.

## **6. Request for suggested locations for an Accompanied Site Inspection (ASI) and requests to attend the ASI**

The draft Examination Timetable at Annex D to this letter includes a period within which an Accompanied Site Inspection (ASI) could take place. The ExA would seek to hold the ASI (if required) on the morning of Thursday 14 November 2024.

The ExA requests that IPs submit suggested locations for the ExA to visit as part of an ASI by **Procedural Deadline A** (Thursday 15 August 2024). The request must include:

- Sufficient information to identify the location;
- the issues to be observed at the location;
- information on whether the site can be accessed via public land; and
- the reason the location has been suggested.

When suggesting locations for the ExA to visit as part of an ASI, the ExA would draw the attention of the Applicant and IPs to the Unaccompanied Site Inspections (USI) already undertaken by it. The details of these USIs can be found in the [Examination Library](#) References [EV1-001] for USI1, [EV1-002] for USI2 and [EV1-003] for USI3 and they should be taken into account when suggesting locations for the ExA to visit as part of an ASI.

The Applicant is requested to prepare a draft itinerary for the ASI to be submitted by **Deadline 1** (Tuesday 17 September 2024). This should include:

- relevant locations referred to in the Relevant Representations received;

- any other locations at which the Applicant has predicted likely significant environmental effects; and
- the locations suggested by IPs submitted at Procedural Deadline A (Thursday 15 August 2024).

Comments by IPs on the Applicant's draft itinerary, as well as any requests to attend the ASI, must be received by:

- email ([h2teesside@planninginspectorate.gov.uk](mailto:h2teesside@planninginspectorate.gov.uk)); or
- using the ['Have your say'](#) tab,

on or before **Deadline 2** (Thursday 3 October 2024).

**IPs should be aware that ASIs are not an opportunity to make any oral representations to the ExA about the Proposed Development.** However, participants may be invited by the ExA to indicate specific features or sites of interest.

The ExA will consider each suggested site location, including those provided in the Applicant's draft itinerary, to determine if it could be viewed from public land on an unaccompanied basis or if it is necessary to view it on an accompanied basis. The ExA will also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of an Unaccompanied Site Inspection on an access required basis.

The ExA will publish its final itinerary at least five working days before the date of the ASI.

## **7. Notification by Statutory Parties, or Local Authorities of their wish to be considered as an Interested Party**

The ExA has made a Procedural Decision that, in order to facilitate a timely start to the Examination, Statutory Parties and Local Authorities who have not already done so should decide whether they wish to be considered as an IP and notify the Planning Inspectorate of their decision by **Deadline 1** (Tuesday 17 September 2024).

## **8. Written Representations (WR)**

The ExA has made the Procedural Decision that Written Representations (WR) will be required at **Deadline 1** (Tuesday 17 September 2024) in order to front-load the Examination and maximise the available time. Any WRs exceeding 1500 words should also be accompanied by a separate summary, the length of which should not exceed 10% of the original text.

For the purposes of Rule 10(2) of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR), the 'period of 21 days' which the ExA must provide as notice for the submission of WRs commences on the day of the Preliminary Meeting (Wednesday 28 August 2024). However, as the publication of this letter is more than the required 21 days' notice, the ExA is

satisfied that IPs have been permitted sufficient time in which to draft and submit WRs. By providing this notice, the ExA is ensuring that all IPs will have a reasonable time period in which to draft their WRs, before the deadline for submission.

## **9. Request for Local Impact Reports**

The ExA requests Local Impact Reports (LIRs) from Redcar and Cleveland Borough Council; Stockton-on-Tees Borough Council, Hartlepool Borough Council and Durham County Council and welcomes LIRs from Tees Valley Combined Authority, South Tees Development Corporation and any other County, Local Authority, Development Corporation or Combined Authority who may wish to submit one. All LIRs are to be submitted into the Examination no later than by **Deadline 1** (Tuesday 17 September 2024).

## **10. Application Guide (Application Document Tracker)**

With the exception of Deadline 6, the ExA requests that at each **Deadline**, the Applicant provides an updated Application Guide (Application Document Tracker) which provides a list of the most up to date documents before the Examination. A final version must be submitted by **Deadline 7** (Thursday 6 February 2025). This document should form part of the certification of plans identified within the draft Development Consent Order and should not be removed from subsequent drafts if submitted during the Examination.

## **11. Requests for a Compulsory Acquisition Hearing**

Affected Persons who wish to be heard at a Compulsory Acquisition Hearing (CAH) should make their requests to the Inspectorate by **Deadline 1** (Tuesday 17 September 2024) in the draft Examination timetable set out at Annex D. If the ExA receives one or more requests for a CAH from affected persons within the date specified, we will hold one or more Hearings on the relevant dates in the Examination Timetable (Annex D). The ExA may choose to hold a CAH even if it receives no requests. If the ExA decides to hold one or more CAH then it will give adequate notice to all parties, in line with Rule 13 of the EPR.

## **12. Requests for an Open Floor Hearing**

IPs who wish to be heard at an Open Floor Hearing (OFH), should submit their request in writing to the Inspectorate by **Deadline 1** (Tuesday 17 September 2024) in the draft Examination timetable set out at Annex D. If the ExA receives one or more requests for an OFH, we will hold a Hearing on the relevant dates in the Examination Timetable, which will be confirmed by the ExA in its Rule 8 letter confirming the timetable. The ExA may choose to hold one or more OFH even if it receives no requests. If the ExA decides to hold an OFH adequate notice to all parties will be provided in line with Rule 13 of the EPR.

## **13. Deadline for the submission of responses to Relevant Representations**



Responses to Relevant Representations received into Examination [RR-001] to [RR-037] are sought by **Deadline 1** (Tuesday 17 September 2024), as set out in the draft Examination timetable (Annex D). The Applicant is requested to respond to the matters raised in each Relevant Representation individually. The Applicant may also provide a summary response organised by topics and themes as they emerge across all the Relevant Representations if they wish. IPs may also respond to or comment on the Relevant Representations if they wish.

#### **14. Additional Submissions**

Following the acceptance of the application the Applicant, on 30 May 2024, submitted a number of documents [AS-001] to [AS-022] (inclusive) in response to the Planning Inspectorate Section 51 advice issued on 22 April 2024 [PD-002]. The ExA made a Procedural Decision on the 30 May 2024 to accept these documents ([AS-001] to [AS-022] (inclusive)) as 'Additional Submission(s)'.

In addition to the above, on the 5 July 2024, the ExA made a Procedural Decision to accept 'Additional Submission(s)' from:

- Net Zero North Sea Storage Limited [AS-023]; and
- Net Zero Teesside Power Limited [AS-024].

Furthermore, on the 17 July 2024 the ExA made the Procedural Decision to accept an 'Additional Submission' from Natural England.

These documents are available on the [project page](#) of the National Infrastructure website. IPs are asked to submit any comments they may have on any of these documents by **Deadline 1** (Tuesday 17 September 2024).

#### **15. Schedule of changes to the draft Development Consent Order**

The ExA requests that, whenever changes are made to the content of the dDCO, the Applicant provides clean and tracked versions of that document, as well as a tabulated schedule of amendments setting out what the changes are and the reasons underpinning them.

#### **16. Regular updates to documents during the Examination**

The ExA requests that, whenever changes are made to the content of the following documents, they be submitted in clean and tracked versions.

List of Documents:

- Application Guide.
- Explanatory Memorandum.
- Statement of Reasons.
- Schedule of Negotiations with Land Interests.

- Funding Statement.
- Book of Reference.

## 17. Visuals for Hearings

For all Hearings, the ExA may wish to refer to plans and drawings to assist in the discussion points. The Applicant is therefore requested to make provisions for the electronic display of such plans and drawings. For the Hearing programme to take place week commencing 11 November 2024 (if required) and 6 January 2025 (if required) the ExA will issue confirmation of which plans and drawings are likely to be required no less than five days before those events are due to take place.

For IPs joining virtually, the ExA considers the most appropriate way of participation would be for persons to have available and to hand the Examination Library (EL). As each plan is uploaded, the ExA will notify those persons online of the EL reference number (e.g. APP-007) and IPs can then load the document themselves. This is considered preferable to the alternative of low-resolution drawings being prepared and screened on Microsoft Teams by the Applicant which, despite best intentions, are often difficult to see and navigate for online users.

## 18. Closing Submissions

The ExA request that the Applicant and all IPs submit their closing submissions no later than **Deadline 8** (Thursday 20 February 2025), detailing the respondent's closing positions at the close of the Examination on their principal issues.

**Note** regarding all of the above Procedural Decisions.

The ExA will consider any specific, and well-reasoned requests for additional time to be provided before issuing the final timetable.

## Availability of Examination Documents

The application documents and Relevant Representations are available on the [project webpage](#).

All further documents submitted in the course of the Examination will also be published under the [Documents tab](#) of the project webpage.

## The Examination Library

For ease of navigation, please refer to the [Examination Library](#) (EL) which is accessible by clicking the blue button under the Documents tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- Each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. **Please quote the unique reference number from the EL when referring to any Examination Documents in any future submissions that you make.**

## Electronic deposit locations

Documents can be viewed electronically, free of charge, at the electronic deposit locations listed in the table below. Please note that you may need to register as a member, and you may be asked to provide a form of identification to register and/ or use a computer at these locations.

The opening hours and availability of information technology set out in the table below may be subject to changes. Please check the current circumstances with the relevant locations before you attend.

Local authority	Venue/address	Opening hours	Printing costs
Redcar and Cleveland	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;	A4 BW 15p per side A4 COL 55p per side A3 BW 30p per side A3 COL £1.10 per side

Local authority	Venue/address	Opening hours	Printing Costs
Stockton-on-Tees Borough Council	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	A4 BW 10p per side A4 COL 40p per side A3 BW 20p per side A3 COL 45p per side

## Information about the 'Have your say' page

The ['Have your say'](#) page is available on the [project webpage](#).

You will need to enter your unique reference number ('Your ref' found at the top your postcard or email from the Planning Inspectorate) beginning either 2002 or H2TS-0, H2TS-AFP, H2TS-S57, H2TS-ISP, H2TS-SP, H2TS-OP. If you are making a submission on behalf of another person or organisation, and do not have your own unique reference number, then you should enter the unique reference number of the person or organisation you are representing. If you are not a registered Interested Party then it is at the discretion of the Examining Authority whether or not your submission is accepted.

Submissions will be published on the [project webpage](#) as soon as practicable following the close of the relevant Deadline. For further information about publishing submissions please view our [Privacy Notice](#).

You will be able to submit a document (upload file), make a text representation or both. It is possible to upload multiple files for each individual submission item. Electronic attachments should be clearly labelled with the subject title and not exceed 50MB.

Submissions **must not include hyperlinks** to documents/evidence hosted on a third party website eg technical reports, media articles etc. See the Planning Inspectorate's [Advice Note 8.4: The Examination](#) for further information about making written submissions. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

You should select the relevant Deadline for your submission and then, on the next webpage, select the appropriate Submission item as described in the Examination Timetable at **Annex D** to this letter. Please ensure you make a separate submission for each Submission item and **do not duplicate your submission**. If you consider that your submission does not fit the description of any of the Submission items then please select the Submission item 'Other' and ensure that it is titled appropriately.

If you experience any issues when using the ['Have your say'](#) page please contact the Case Team using the contact details at the top of this letter and they will assist.