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All Interested Parties, Statutory Parties

Your Ref:

Our Ref: EN070009

Date: 30 August 2024

Dear Sir/ Madam

Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8 and 9.

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

Examination Timetable and procedure.

This letter (the Rule 8 letter) provides important information about the Examination of this application. The letter includes:

- The Examination Timetable
- An invitation to submit Written Representations
- Details of the publication of the Examining Authority's (ExA) written questions
- Other Procedural Decisions made by the ExA, including a request for Statements of Common Ground (SoCG)
- Information about Hearings and Accompanied Site Inspections
- Information about the availability of Examination Documents
- Guidance on the use of the 'Have your say' tab on the [project webpage](#)

All documentation associated with this Examination, including a note of the Preliminary Meeting and the recording of that meeting, can be viewed under the [Documents tab](#) on the [project webpage](#) of the National Infrastructure Planning website.

It should be noted that other Procedural Decisions, including in relation to the request for Local Impact Reports from Local Authorities, were set out in our Rule 6 letter of the 31 July 2024 [[PD-005](#)].

The Examination Timetable

We have made a Procedural Decision about the way the application will be examined. The final Examination Timetable is attached at **Annex A** to this letter.

The Examination Timetable replaces the draft timetable that was included in our [Rule 6 letter](#). In finalising the Examination Timetable, we have sought to accommodate requests and suggestions made orally or in writing to the Preliminary Meeting. A list of the main changes we made to the draft Examination Timetable is set out at **Annex B** to this letter.

Please note that the Examination Timetable contains a number of Deadlines for receipt of information by the Planning Inspectorate. All Deadlines are at 23:59 on the date specified. Please ensure submissions arrive by the Deadline. If you do not make your submissions by the dates specified in the timetable, we may disregard them.

We request that all Interested Parties make their submissions using the '[Have your say](#)' page on the [project webpage](#) on or before the applicable Deadline. **Annex E** to this letter provides further information about using the '[Have your say](#)' page.

If we consider it necessary to vary the Examination Timetable during the Examination, notification will be sent to Interested Parties and Statutory Parties invited to the Preliminary Meeting. The changes will be published on the [project webpage](#).

Written Representations

Following our decisions in relation to the Examination Timetable, as referred to above and detailed in Annex B to this letter, all Interested Parties are now invited to submit:

- Comments on the Relevant Representations submitted by **Deadline 1** (Tuesday 17 September 2024) in the Examination Timetable.
- Written Representations by **Deadline 2** (Thursday 3 October 2024) in the Examination Timetable.

Written Representations can cover any relevant matter and are not restricted to the matters set out in our Initial Assessment of Principal Issues or to the content of our written questions (see next heading below).

Any person, other than the Applicant, who submits a Written Representation must identify those parts of the application with which they agree and those parts with which they do not agree, explaining the reasons why. Interested Parties should also provide with their Written Representations any data, methodology and assumptions used to support their submissions to avoid delays in the Examination (see paragraph 74 of [Planning Act 2008: Guidance for the examination of applications for development consent](#)).

We have requested further types of written submissions at various points in the Examination (see **Annex A**).

Any Written Representations and any further written submissions requested during the Examination, which exceed 1500 words, should also be accompanied by a summary which should not exceed 10% of the original text. The summary should set out the key facts of the written submission and must be representative of the submission made.



Representations **must not include hyperlinks** to documents/ evidence hosted on third party websites. Please see Planning Inspectorate's Advice for members of the public: [Advice for submitting representations or comments](#) for important information about making written submissions.

Examining Authority's Written Questions

We have prepared written questions (ExQ1) about the application and the representations received so far. These questions will be published on the [project webpage](#) no later than Wednesday 4 September 2024.

Responses to ExQ1 must be provided by **Deadline 2** (Thursday 3 October 2024) in the Examination Timetable.

If you require an editable Microsoft Word version of ExQ1, please [contact the Case Team](#) using the contact details at the top of this letter.

Other Procedural Decisions made by the Examining Authority

Annex B to this letter contains important details and clarifications about other Procedural Decisions we made at, or following, the Preliminary Meeting. These include Procedural Decisions in relation to:

- SoCG, with the parties specified in the Applicant's Procedural Deadline A response [[PDA-020](#)], plus SoCG with those Interest Parties who indicated a wish to enter into such statements at Procedural Deadline A, together with Statements of Commonality of SoCG.
- Land Rights Tracker, with an agreed position statement setting out the parties' positions by Deadline 7 (Thursday 6 February 2025).
- Written Representations by Deadline 2.
- Changes to land interests
- Errata – Any errors identified in submitted Application documentation should be amended in an updated version of that document and it must be submitted into the Examination at the next available Deadline, in clean and track change versions.

All other Procedural Decisions remain as set out in our Rule 6 letter dated 31 July 2024 and its Annexes.

In regard to the Land Rights Tracker, the ExA noted the point being made by the Applicant, both during the Preliminary Meeting and in its Procedural Decision A response [[PDA-020](#)], concerning the best approach moving forward so that the information provided to the ExA is of the most utility. The Applicant's submissions concerning a possible alternative utilising the Schedule of Negotiations and Powers Sought [[APP-026](#)] and adding key columns has been considered. However, the ExA maintains its Procedural Decision concerning the use and submission of the Land Rights Tracker. Indeed, providing the Land Rights Tracker is correctly completed and used, the ExA is of the view that the Applicant's Schedule of Negotiations and Powers Sought could be dispensed with

providing all relevant information contained within that document is transposed within the Land Rights Tracker.

Format of Examination Events

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

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 from the Planning Inspectorate 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](#)' page is available on the [project webpage](#), which provides a portal through which parties should make written submissions at relevant deadlines during the Examination. Further information about the [project webpage](#) was provided at Annex H to our Rule 6 Letter dated 31 July 2024.

There is also a function on the right-hand side of the [project webpage](#) called 'E-mail 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 D** 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** Examination Timetable
- B** Other Procedural Decisions made by the Examining Authority
- C** Requests to appear and procedure to be followed at hearings
- D** Availability of Examination Documents
- E** Information about the Have Your Say tab

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

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	Procedural Deadline A (PDA) <ul style="list-style-type: none"> • Written submissions on the Examination procedure. • Notification of wish to speak at the Preliminary Meeting (PM) or comment on the agenda for this meeting. • Notification of wish to speak at Issue Specific Hearing (ISH) 1. • Applicant's submission of the Land Rights Tracker (Compulsory Acquisition (CA)/ Temporary Possession (TP) Schedule). • Submission of suggested locations to be included in any Accompanied Site Inspection (ASI) 	Thursday 15 August 2024
2	Preliminary Meeting (PM) (Virtual Event)	Wednesday 28 August 2024 10am
3	ISH1 (Virtual Event) into: <ul style="list-style-type: none"> • the scope of the development and its relationship to the extent of the Order Limits; and • progress of development design. 	Wednesday 28 August 2024 2pm
4	Issue by the Examining Authority (ExA) of: <ul style="list-style-type: none"> • Examination Timetable. 	As soon as practicable after the PM
5	Issue by the ExA of: <ul style="list-style-type: none"> • ExA's First Written Questions (ExQ1). 	Wednesday 4 September 2024
6	Deadline 1 (DL1) Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Written summaries of oral submissions to the PM. 	Tuesday 17 September 2024

	<ul style="list-style-type: none"> • An updated draft Development Consent Order (dDCO) in clean, tracked and Word versions (if required). • Comments on Relevant Representations (RRs). • Comments on Additional Submissions. • Comments on any submissions made at PDA • Local Impact Report (LIR) from Local Authorities. • Statements of Common Ground (SoCG) requested by ExA. • Statement of Commonality for SoCG. • Updated Book of Reference (BoR) and Schedule of Changes to the BoR (in clean and tracked versions) (if required). • A Schedule of Changes to the dDCO (if required). • Comments on the Applicant's Land Rights Tracker (CA/ TP Schedule) submitted at DL1. • An Application Guide (Application Document Tracker) (if required). • An Examination Progress Tracker. • Submission of Tracking documents, if required, in regard to any relevant developing/ emerging: <ul style="list-style-type: none"> - National Policy Statements (NPS); - New policy intentions related to critical infrastructure; - National Planning Policy Framework (NPPF); and - National Development Management Policies (NDMP). • Notification of wish to speak at an Open Floor Hearing. • Notification of wish to speak at a Compulsory Acquisition Hearing. • Comments on the suggested locations to be included in any ASI submitted at PDA. • The Applicant's draft itinerary for an ASI. • Notification by any Statutory Parties and Local Authorities who have not submitted a RR of their wish to be considered as an IP. • Any further information requested by the ExA. 	
7	<p>Deadline 2 (DL2) Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on any submissions received at DL1, including LIRs any updated dDCO and the Applicant's draft itinerary for the ASI. • Any post-PM submissions requested by the ExA. 	<p>Thursday 3 October 2024</p>

	<ul style="list-style-type: none"> • Written Representations (WRs) (including summaries of all WRs exceeding 1500 words). • Responses to comments on RRs. • Responses to ExA's ExQ1. • Updated BoR and Schedule of Changes to the BoR, in clean and tracked versions (if required). • An updated dDCO in clean, tracked and Word versions (if required). • Applicant's first update to the Land Rights Tracker (CA/ TP Schedule). • An updated Schedule of Changes to the dDCO (if required). • An updated Application Guide (Application Document Tracker) (if required), in clean, tracked and Word versions. • A statement of progress on SoCG that remain outstanding and submission of SoCG not completed at DL1. • Statement of Commonality of SoCG. • Updated tracking documents, if required, in regard to any relevant developing/emerging: <ul style="list-style-type: none"> - NPSs; - New policy intentions related to critical infrastructure; - NPPF; and - NDMP. • Notification of wish to attend ASI. • Comments/ Responses to the Applicant Examination Progress Tracker submitted at DL1. • Any further information requested by the ExA. 	
8	<p>Deadline 3 (DL3) Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on any submissions received at DL2, including in regard to any post-PM submissions and WRs. • Responses to comments on LIRs. • Comments on responses to ExA's ExQ1. • An updated dDCO in clean, tracked and Word versions (if required). • An updated Schedule of Changes to the dDCO (if required). • Updated BoR and Schedule of Changes to the BoR in clean and tracked versions (if required). • Comments on the Applicant's first update to the Land Rights Tracker (CA/ TP Schedule). 	<p>Monday 21 October 2024</p>

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

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

	<ul style="list-style-type: none"> • Notification of wish to speak at the ISH scheduled for 9 January 2025, 10 January 2025 and week commencing 13 January 2025, if any ISHs are required. • Any further information requested by the ExA. 	
13	<p>If required, dates/ weeks reserved for hearings:</p> <ul style="list-style-type: none"> • Issue Specific Hearing(s). • Compulsory Acquisition Hearing(s). • Open Floor Hearing(s). • ASI. 	9 January 2025, 10 January 2025 and week commencing 13 January 2025
14	<p>Deadline 6 (DL6)</p> <ul style="list-style-type: none"> • Comments on responses to ExQ2 (if required). • Comments on the Applicant's second update to the Land Rights Tracker (CA/ TP Schedule). • Updated tracking documents, if required, in regard to any relevant developing/emerging: <ul style="list-style-type: none"> - NPSs; - New policy intentions related to critical infrastructure; - NPPF; and - NDMP. • Comments/ Responses to the Applicant Examination Progress Tracker submitted at DL5. 	Monday 13 January 2025
15	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • The ExA's schedule of changes to the dDCO (if required). • Report on Implications for European Sites (RIES) (if required). 	Thursday 16 January 2025
16	<p>Deadline 7 (DL7)</p> <ul style="list-style-type: none"> • Written summaries of oral submissions at hearings (if required). • Comments on any submissions received at DL5 and DL6. • Comments on the RIES (if required). • Comments on the ExA's proposed schedule of changes to the dDCO (if required). • Finalised SoCGs. • Final Statement of Commonality for SoCG. • Final BoR in clean and tracked versions. • Final Statement of Reasons in clean and tracked versions. • Schedule of Changes to the BoR in clean and tracked versions. 	Thursday 6 February 2025

	<ul style="list-style-type: none"> • Applicant's final update to the Land Rights Tracker (CA/ TP Schedule), together with an agreed position statement on the Lands Rights Tracker, setting out where the Applicant and relevant Interested Parties agree or disagree with the various elements of its content, which is signed by both parties confirming their respective positions. • Final Application Guide (Application Document Tracker), in clean and tracked versions. • Final Examination Progress Tracker. • Final update to tracking documents, if required, related to any relevant developing/emerging: <ul style="list-style-type: none"> - NPSs; - New policy intentions related to critical infrastructure; - NPPF; and - NDMP. • Applicant's Final Preferred Development Consent Order (DCO) in the SI template validation report and a validated copy of the DCO. • Applicant's preferred DCO in word format. • Final Schedule of Changes to the dDCO. • Any further information requested by the ExA (if required). 	
17	<p>Deadline 8 Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on any submissions received at DL7. • Updated LIRs (if required). • Closing submissions. • Any further information requested by the ExA (if required). 	Thursday 20 February 2025
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>	Friday 28 February 2025

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.

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.

Other Procedural Decisions made by the Examining Authority (ExA)

We have made a number of Procedural Decisions following the Preliminary Meeting (PM):

1. Examination Timetable

The ExA has made the Procedural Decision to amend the Examination timetable as follows:

- i. Remove the reserve Hearing date for Issue Specific Hearing 1, formally Item 3, from the Examination timetable, as that Hearing was concluded and closed without the need for the reserved date.
- ii. Split Item 4 in the Examination timetable, being a list of items to be issued by the ExA, into 2 Items. The first becoming Item 3 and the issuing of the Examination Timetable as soon as practical after the PM. The second being Item 4 and the issuing of the ExA's first Written Questions (ExQ1) no later than Wednesday 4 September 2024.
- iii. Deadline 1 (Item 6 in the Examination Timetable). Add a Bullet Point to read: "Comments on any submissions made at PDA."
- iv. Deadlines 1 and 2 (Items 6 and 7 in the Examination Timetable). Move the Bullet Point items which read: "Any post-PM submissions requested by the ExA" and "Written Representations (WRs) (including summaries of all WRs exceeding 1500 words)" from Deadline 1 and relocate them to Deadline 2 (Thursday 3 October 2024).
- v. Deadline 3 (Item 8 in the Examination Timetable). Add:
 - o to the end of the first bullet point the following text: ", including in regard to any post-PM submissions and any WRs."; and
 - o an additional bullet point which reads: "Notification of wish to speak at the Issue Specific Hearings schedule for week commencing 11 November 2024, if any Issue Specific Hearings are required."
- vi. Deadline 4 (Item 10 in the Examination Timetable). Add the following text to the third bullet point: ", including responses to the comments made on any post-PM submissions and any WRs."
- vii. Deadline 5 (Item 12 in the Examination Timetable). Add an additional bullet point which reads: "Notification of wish to speak at the Issue Specific Hearings schedule for the 9 January 2025, 10 January 2025 and week commencing 13 January 2025, if any Issue Specific Hearings are required.."
- viii. At item 13 in the Examination Timetable, change the dates of Hearings to read "9 January 2025, 10 January 2025 and week commencing 13 January 2025"
- ix. Deadline 7 (Item 16 in the Examination Timetable). Add to the end of the Bullet Point which reads "Applicant's final update to the Land Rights Tracker (CA/ TP Schedule)" the following wording ", together with an agreed position statement on the Lands Rights Tracker, setting out where the Applicant and relevant Interested

Parties agree or disagree with the various elements of its content, which is signed by both parties confirming their respective positions.”

All other changes and modifications to the Examination timetable and set out in representations made at Procedural Deadline A (PDA) and orally during the PM were considered by the ExA. However, other than those included in Annex A and as set out in Annex B above, the ExA does not agree or include any of the other changes or modifications sought to the Examination timetable.

2. ExA’s First Written Questions (ExQ1)

Our ExQ1 will be published no later than Wednesday 4 September 2024, as noted in the Examination Timetable set out in Annex A above. Whilst most of our written questions in ExQ1 will be directed at specific parties, no other party should feel inhibited or restricted in responding to any question we ask, even if it is directed elsewhere.

Some of our questions may be directed to specific Statutory Parties which have not, at the time of writing, confirmed that they wish to become Interested Parties for the purposes of the Examination of the application.

All relevant Statutory Parties are requested to check our Written Questions carefully in order that they may identify and respond to any questions posed to them.

For the avoidance of doubt, Statutory Parties are defined as the parties listed in Schedule 1 to [The Infrastructure Planning \(Interested Parties and Miscellaneous Prescribed Provisions\) Regulations 2015](#). Statutory Parties, including relevant local authorities, that have not already registered to become an Interested Party should consider notifying the ExA of their wish to be considered as an Interested Party, under Section 89(2A)(b) of the Planning Act 2008 as soon as possible.

3. Statements of Common Ground (SoCG)

The Applicant is taking the lead in the preparation of SoCGs and it will aid the smooth running of the Examination if all Interested Parties who are participating in the preparation of SoCGs liaise and co-operate with the Applicant in respect of their production. We set out in **Annex F** of our [Rule 6 letter](#) a list of some 44 SoCGs to be sought with various Local Authorities, Statutory Undertakers, Companies and other Parties/ Bodies.

First versions of the SoCG were requested to be submitted by Deadline 1 (Tuesday 17 September 2024) and, if not in their final versions (ie signed by all relevant parties and dated), updated during the Examination of the application with final signed and dated versions of the SoCGs being submitted **by the Applicant** no later than **Deadline 7** (Thursday 6 February 2025).

Irrespective of the above, the Applicant in its PDA response [[PDA-020](#)] has sought to reduce the number of SoCGs and proposed to pursue the following SoCG between the Applicant and the following parties:

1. Durham County Council.
2. Environment Agency.
3. Hartlepool Borough Council.

4. Health and Safety Executive.
5. Marine Management Organisation.
6. National Highways (including the Historical Railway Estate).
7. Natural England.
8. Redcar and Cleveland Borough Council.
9. South Tees Group (including the South Tees Development Corporation, South Tees Developments Ltd and Teesworks Ltd).
10. Stockton-on-Tees Borough Council.
11. Tees Valley Combined Authority.
12. United Kingdom Health Security Agency.

Having considered the comments of the Applicant and all other Interested Parties who made representations on this matter, both at PDA and during the PM, the ExA understands the Applicant's logic and reasoning behind seeking to reduce the number of SoCG. As such the ExA makes the Procedural Decision to reduce the number of SoCG initially sought, as set out in our Rule 6 letter of 31 July 2024, to:

- i. those parties specified above and in the Applicant's PDA response [[PDA-020](#)], and
- ii. those Interested Parties who have indicated a wish to enter into SoCG with the Applicant, as set out in their PDA response.

In addition to the above, Statements of Commonality of SoCG should also be submitted at all Deadlines.

All of the SoCGs listed above should cover the Articles and Requirements in the draft Development Consent Order. Any Interested Party seeking that an Article or Requirement is reworded should provide the form of words which are being sought.

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

4. Land Rights Tracker

The ExA has noted the points being made by the Applicant, both during the PM and in its PDA response [[PDA-020](#)], concerning the Land Rights Tracker and the best approach moving forward so that the information provided to the ExA is of the most utility.

Having opened a discussion on this matter with all Interested Parties who registered to take part in the PM, the ExA has considered all submissions, including the Applicant's submission concerning a possible alternative utilising the Schedule of Negotiations and Powers Sought [[APP-026](#)] that included adding key columns. However, the ExA maintains its Procedural Decision concerning the use and submission of the Land Rights Tracker. Indeed, providing the Land Rights Tracker is correctly completed and used, the ExA is of the view that the Applicant's Schedule of Negotiations and Powers Sought could potentially be dispensed with, providing all relevant information contained within that document is contained within the Land Rights Tracker.

The ExA also notes the Applicant's justifications for reducing the number of SoCG, as referred to in item 3. above and notes its comments regarding the use and adaptation of the Land Rights Tracker. The only concern the ExA has in this regard is the Land Rights Tracker does not get signed and dated by all Interested Parties subject to the statements being made in that document, unlike a SoCG. Therefore, the ExA makes an Additional Procedural Decision regarding the Land Rights Tracker and requests that an agreed

position statement on the Lands Rights Tracker, setting out where the Applicant and relevant Interested Parties agree or disagree with its content, and which is signed by both parties confirming their respective positions is submitted by **Deadline 7** (Thursday 6 February 2025).

5. Written Representations by Deadline 2.

Dr Boswell (Climate Emergency Planning and Policy) in PDA representation [[PDA-030](#)] made representations concerning the draft Examination timetable, which the ExA notes. In summary Dr Boswell was seeking some leeway on making Written Representation submissions, as he was unavailable in September when Deadline 1 occurs and considered the subsequent deadline of Deadline 2 (3 October 2024) to be unrealistic for him. As such he was seeking to be allowed to make Written Representations at Deadline 3 (21 October 2024).

Both the Applicant and other Interested Parties were asked to comment on the PDA submission made by Dr Boswell. A number of comments were made by the Applicant including:

- Why his Written Representations could not have been submitted before he was unavailable in September, especially when his request was made on 1 August 2024. In making this observation the Applicant noted that no explanation was provided as to why his Written Representations could not be made in August 2024.
- Procedural unfairness in terms of submission of documents with less than 20 days between the close of Deadline 3 (21 October) and the week scheduled for Hearings (Week commencing 11 November). With no Deadline between Deadline 3 and the Hearings scheduled for November, there will be:
 - Limited time for consideration of Dr Boswell's Written Representation by the Applicant and/ or IPs, hampering their ability to adequately prepare for those Hearings; and
 - The Applicant and/ or IPs having no possibility to respond in writing to Dr Boswell's Written Representation prior to the Hearings currently schedule for the week commencing 11 November 2024.

Bearing in mind the above, the Applicant suggested moving the submission date for the Written Representation of Dr Boswell/ Climate Emergency Planning and Policy to Deadline 2 (Thursday 3 October 2024). It considered this would provide time for consideration of the Written Representation; enable adequate, albeit more limited preparation, for the Hearings in November 2024; and provide an opportunity to respond to the Written Representation in writing at Deadline 3 (Monday 21 October 2024), prior to any Hearings being held in November 2024.

Having considered the above, including Dr Boswell's PDA response [[PDA-030](#)], the ExA noted all the comments and concerns made, however, in the interests of fairness to all parties, the ExA cannot agree to Dr Boswell's request concerning making his Written Representation by Deadline 3 (Monday 21 October 2024). The ExA is especially persuaded by the Applicant's point that Dr Boswell provided no explanation as to why his Written Representation could not be made in August 2024, especially when his PDA

response was dated 1 August 2024, prior to him becoming unavailable for the entirety of September.

Irrespective of the above, the ExA considers moving submissions of Written Representations to Deadline 2 (Monday 3 October 2024) would be a reasonable compromise. Therefore the ExA makes the Procedural Decision to move the Deadline of the submission of Written Representations to Deadline 2 (Monday 3 October 2024). However, we do not consider this should be limited to just the Written Representation from Dr Boswell/ Climate Emergency Planning and Policy and therefore our Procedural Decision is widened to the submission of written representations of all Interested Parties by Deadline 2 (Monday 3 October 2024). Additionally the ExA makes the Procedural Decision to require responses to the written submissions made at Deadline 2 to be submitted by Deadline 3 (Monday 21 October 2024).

6. 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 contacting the Case Team via:

- email at h2teesside@planninginspectorate.gov.uk;
- the address at the top of this letter; or
- by using the '[Have your say](#)' page on the [project webpage](#)

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.

7. Errata Report

The ExA has noted the Applicant's Errata Report [[PDA-021](#)] submitted at PDA and makes the Procedural Decision that any errors identified in submitted Application documentation should be amended in an updated version of the document the error was identified in and must be submitted into the Examination, in clean and track change versions, at the next available Deadline in the Examination timetable.

Additional Submissions

In addition to the documentation submitted by PDA, we have exercised our discretion and made a Procedural Decision to accept Additional Submissions from the Applicant and The South Tees Group received on 27 August 2024. These Additional Submissions can be located on the [project webpage](#) or via the following link: [Additional Submissions](#).

Requests to appear and procedure to be followed at hearings

Arrangements for hearings

Our Examination will be principally undertaken through the exchange of written submissions. However, the Examination Timetable reserves periods of time for hearings to be held (if required).

Requests to participate at hearings

Interested Parties are required to notify the Examining Authority (ExA) in writing of their wish to take part in an Open Floor Hearing (OFH) or Compulsory Acquisition Hearing (CAH) on or before **Tuesday 17 September 2024** (see **Deadline 1** of the Examination timetable). We remind Interested Parties this was a Procedural Decision issued with the Rule 6 letter of the 31 July 2024.

Any request to participate in a hearing **should 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);
- for blended events, confirmation of whether you will participate virtually or in-person;
- confirmation of the hearing(s) 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;
- for Compulsory Acquisition Hearings, the plot number(s) of the relevant land provided in the Book of Reference (current version at the date of this letter is [\[AS-012\]](#)) and the Land Plans (current version at the date of this letter is [\[AS-003\]](#)); and
- the [Examination Library](#) reference number (with paragraph/page number where appropriate) of any documents you wish to refer to.

The time, date and place of any confirmed hearing will be notified in writing to all Interested Parties, providing at least 21 days' notice.

Requests to participate should be made by email (h2teesside@planninginspectorate.gov.uk) or by the "[Have your say](#)" tab.

Please contact the Case Team using the contact details at the top of this letter if you require any support or assistance to attend an Event, either virtually or in person.

If no written requests to take part in an OFH or CAH are received by the above Deadline, we are not required to hold such a hearing, although we may choose to do so nonetheless.

We may also choose to hold Issue Specific Hearings (ISH) about topics that we think need to be explored orally. The decision to hold an ISH about a particular topic is not connected to how relevant or important we consider an issue or topic to be.

Hearing agendas

For CAHs and ISHs high-level agendas will be published on the [project webpage](#) no later than 21 days prior to any Hearing taking place. These will be followed by detailed draft agendas that will be published on the project website at least five working days in advance of the hearing dates. 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 an agenda may not be published.

Procedure at hearings

The Examination of the application will principally be a written process supplemented where necessary by various types of hearings. See the Planning Inspectorate's Advice for members of the public: [The stages of the NSIP process and how you can have your say](#) for more information.

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.

Availability of Examination Documents

The application documents and Relevant Representations are available to view 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;
- representation and submission made to the Examination; and
- Procedural Decision made by the Examining Authority.

Each document is given a unique reference number 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 or limitations. 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; Sunday closed	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 tab

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

You will need to enter your unique reference number (‘Your ref’ is found at the top of 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 for members of the public: [Advice for submitting representations or comments](#) for important 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 A** 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.