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Date: 17 September 2024
Our ref: 50303/24/HS/TK/32820924v1
Your ref: 20049353 Anglo American

Dear Rammiel

H2 Teesside Examination: Deadline 1 Submissions

We write on behalf of our client, Anglo American Woodsmith (Teesside) Limited; Anglo American Woodsmith Limited; and Anglo American Crop Nutrients Limited (collectively 'Anglo American').

Following the Planning Inspectorate's publication of the Rule 8 letter on 30 August 2024, Anglo American is submitting the following as part of the Deadline 1 submissions (17 September 2024):

- Confirmation that Anglo American wish to participate at the Compulsory Acquisition Hearing(s) (CAHs), with respect to its land interests and the Applicant's proposals – and requests confirmation of the date and format of any CAHs; and
- Written summaries of its oral submissions made at the Preliminary Meeting 28 August 2024. These are provided at Annex 1 of this letter.

Yours faithfully

Tabitha Knowles
Associate Director
BAviation MPlan FRAeS

ANNEX 1: Written submission of oral submissions made at the Preliminary Meeting 28 August 2024 – Deadline 1 submission

Anglo American Woodsmith Limited, Anglo American Woodsmith (Teesside) Limited and Anglo American Crop Nutrients Limited (together “Anglo American”) virtually attended the Preliminary Meeting (“PM”) with respect to the H2 Teesside DCO application on Wednesday 28 August 2024 at 10am. Anglo American (AA) made the following oral submission:

The initial assessment of the principal issues – ITEM 3

We would like to make clear to the Examining Authority that AA will be directly affected by the H2 Teesside proposals in terms of land acquisition, and interface with its own consented nationally significant infrastructure in the Teesside area.

AA faced a similar situation in the context of the Net Zero Teesside DCO Project, where that project proposed DCO Order Limits that overlapped with AA existing operations. During the application process for the Net Zero Teesside DCO the applicant and AA engaged constructively in discussions to secure voluntary land agreements, and discussions to arrange suitable management of future construction and operations. AA expects the Applicant promoting the H2 Teesside DCO to engage in similar discussions to ensure AA’s interests and its own DCO are not disadvantaged.

On the NZT DCO – the ExA for the NZT DCO was rightly reluctant to recommend that another NSIP applicant should have Compulsory Acquisition (CA) powers which would effectively override an existing NSIP. In its Recommendation Report, the ExA noted that it recognised the importance of Anglo American’s Woodsmith Project to the region and the need to have regard to the timetable for its delivery, with the harbour works being the ‘last piece in the jigsaw’ for their project. It noted that the interface between the two projects was inevitable but had been dealt with appropriately in the dDCO. The ExA also noted that discussions had been ongoing and productive, with good progress made on the property agreements – the outcome being that both parties agreed that appropriate provisions should be included within the DCO in order to ensure that the two NSIPs can be delivered and neither one prejudices the other.

AA necessarily intends to take a similar approach for this DCO and Examination as it did for the NZT DCO. Equally it is essential that the H2 Teesside Applicant adopts the same approach.

The deadlines for the Statement of Common Ground – ITEM 5

We note that AA has yet to have sight of certain documents for review. These are:

- the draft SoCG (our expectation is that there would be a SoCG between the Applicant and AA and we note that the ExA has requested such in the Rule 6 Letter) [*Post meeting note: the Applicant has since issued to Anglo American a first draft SoCG for comment. Anglo American has subsequently provided comments to this first draft, in advance of Deadline 1.*];
- draft HoTs for required land arrangements;
- proposed amendments to the dDCO;
- Protective Provisions to populate the blank Schedule in the dDCO (we would note that it is extremely irregular for a dDCO in application to include a blank schedule and runs contrary to published Guidance on applications. Clearly as the Schedule is blank, AA is unable to comment on whether proposed protective measures are satisfactory or adequate). AA does acknowledge that discussions have started to take place; and
- HoTs for a Side Agreement to provide for interface measures.

AA has no concerns with the timetable proposed by the ExA in the Rule 6 Letter.

The date and format of any Compulsory Acquisition Hearings – ITEM 6

AA confirms that it is likely that it will wish to participate at the CAHs, with respect to its land interests and Applicant's proposals – so requests confirmation of the date and format of any CAHs.

The date and format of any Specific Issue Hearings relating in particular to the dDCO and to the interface with the York Potash DCO – ITEM 6

AA confirms that it wishes to participate at ISHs relating in particular to the dDCO and to the interface with the York Potash DCO – so requests confirmation of the date and formats of any ISH covering this.

The date and format of Accompanied Site Visit – ITEM 6

AA has requested that the following locations are included in the Accompanied Site Visit. These areas are identified in paragraph 4.4 of the Relevant Representation submitted by Anglo American as the key interfaces between AA interests in the vicinity of the proposed Order limits, and, although we note that some of these interfaces are proposed to be removed by the Applicant's Change Request, we consider that it would still be useful and informative for the ExA to attend these locations for context on AA's development proposals and how the projects might co-exist:

- 1 The Red Car Bulk Terminal frontage on the Tees (dDCO land plans doc APP-008 ref 2.2 - page 13);
- 2 The Anglo American Port Handling facility which is identified as the site for construction of the proposed micro tunnel (dDCO land plans page 11);
- 3 The site of the proposed H2 pipeline, being the York Potash overland conveyor route (dDCO land plans page 15);
- 4 The proposed construction laydown area (dDCO land plans page 18).