



SHEPHERD+ WEDDERBURN

WRITTEN SUMMARY OF ORAL SUBMISSIONS ON BEHALF OF

Northern Gas Processing Limited (IP 20049396), Teesside Gas and Liquids Processing (IP 20049393), Teesside Gas Processing Plant Limited (IP 20049397), North Sea Midstream Partners Limited (IP 20049398).

IN CONNECTION WITH THE Application by H2 Teesside Limited for an Order Granting Development Consent for the H2 Teesside Project

## Introduction

- 1.1 This written summary of oral submissions is submitted in accordance with Deadline 1 of the examination timetable for the application by H2Teesside Limited (the “**Applicant**”) for an Order under the Planning Act 2008 granting Development Consent for the H2Teesside Project (the “**Project**”).
- 1.2 This summary of oral submissions relates to submissions made at Issue Specific Hearing 1 (“**ISH1**”) on 28 August, on behalf of:
  - 1.2.1 Northern Gas Processing Limited (IP 20049396) (RR-028);
  - 1.2.2 Teesside Gas and Liquids Processing (IP 20049393) (RR-030);
  - 1.2.3 Teesside Gas Processing Plant Limited (IP 20049397) (RR-031); and
  - 1.2.4 North Sea Midstream Partners Limited (IP20049398) (RR-029)  
together, the “**NSMP Entities**”.
- 1.3 As outlined during ISH1, the NSMP Entities have overlapping concerns and interests in the Project, due to the nature of the ownership arrangements of the Teesside Gas Processing Plant (the “**Gas Processing Plant**”). As a result, the NSMP Entities interests were addressed collectively in oral submissions.

## Submissions under Agenda item 3(ii) ‘coordination with other NSIPs’

- 1.4 The NSMP Entities concerns were addressed under agenda item 3(ii) ‘coordination with other NSIPs’.

### Significance of the Gas Processing Plant

- 1.5 As outlined during ISH1, the NSMP Entities own the Gas Processing Plant located at Seal Sands on Teesside. The Gas Processing Plant has capacity to process up to 19 million cubic metres of gas per day, and therefore meets the threshold for a ‘Nationally Significant Infrastructure Project’ under sections 17, 18 and 19 of the Planning Act 2008, which set a flow rate threshold of at least 4.5 million cubic metres per day.
- 1.6 During ISH1, the importance of the Gas Processing Plant as a key national energy infrastructure installation delivering material quantities of gas into the National Transmission System, the continued safe operation of which is crucial to security of the UK’s energy supply was explained.
- 1.7 It was noted that the Gas Processing Plant is classified as an Upper Tier Control of Major Accident Hazards (“**COMAH**”) site and is operated in compliance with the COMAH Regulations 2015. It was also outlined that, as a major gas processing facility, the Gas Processing Plant is vital national infrastructure. Any negative impacts on the Gas Processing Plant’s operation would have a considerable impact on the UK’s energy security. Being a major energy installation, the Gas Processing Plant is also a highly secure facility and maintaining the highest standards of safety and security at all times is extremely important.
- 1.8 It was outlined that, based on the application documents, the NSMP Entities appear to be impacted by the following works:
  - 1.8.1 Work No.2A – Natural Gas Connection - Underground High Pressure Gas Pipeline;
  - 1.8.2 Work No.6A.1 – Hydrogen Distribution Network - Overground and Underground Pipelines;
  - 1.8.3 Work No.6B.1 – Hydrogen Distribution Network - Above Ground Installations;
  - 1.8.4 Work No.8 – Oxygen and Nitrogen Gas Connections; and
  - 1.8.5 Work No.10A.1 – Access Highway Improvements and Use.

### Key concerns

- 1.9 In oral submissions, it was outlined that the NSMP Entities’ first issue relates to understanding the impact of the Work Nos. on the operation of the Gas Processing Plant. It was outlined that the NSMP Entities have made a number of outstanding requests for engagement and discussion on this issue with the Applicant. It was highlighted that there is a need for the intensity of engagement from the Applicant on these matters to increase.

- 1.10 Secondly, in the context of the nature of interests at play, it was outlined that the NSMP Entities' view is that their concerns cannot be addressed through detailed design or through a requirement in the DCO. Rather, the only way their issues can be resolved is through the development of appropriate protective provisions or via a side agreement with the Applicant.
- 1.11 Relevantly, it was brought to the examining authority's attention that the NSMP Entities had recently been involved as an affected party in the related Net Zero Teesside Project ("**NZT DCO**"), which involved extensive engagement with the applicant for that project. Protective provisions were not able to be agreed during the examination process for the NZT DCO, and those that were ultimately included in the DCO were those arbitrated by the Secretary of State. The Secretary of State expressed concerns regarding this outcome.
- 1.12 It was expressed to the examining authority that the NSMP Entities hope that lessons learned from the NZT DCO process could be applied to negotiations for the Project. Namely, the NZT DCO process highlighted that the interface between the Project and the NSMP Entities interests should be dealt with intensively and as early as possible. This will require early and intensive negotiation.
- 1.13 The Applicant's indication that the protective provisions from the NZT DCO would be the starting point for negotiations in relation to the Project was welcomed. It was also emphasised that the NSMP Entities are prepared to work with the Applicant towards resolving these issues.

**Shepherd & Wedderburn LLP**

**17.09.2024**