

Date
3 October 2024

By Email

Dear Planning Inspectorate

Application by H2 Teesside Limited (H2T) for an Order granting Development Consent for the H2Teesside (H2T Project)

Planning Inspectorate Reference: EN070009

Deadline 2 Submission

Introduction

This written representation is made on behalf of Lighthouse Green Fuels Limited (LGF) in respect of the proposed H2Teesside project (H2Teesside). LGF are in the process of seeking to promote sustainable energy, via the production of sustainable aviation fuel, through its Lighthouse Green Fuels project (the LGF Project), which is intended to also be located within Teesside. As part of the LGF Project, LGF is keen to utilise low carbon hydrogen at the facility, where possible.

LGF made a Relevant Representation [[RR-002](#)] on this Application seeking to protect its existing infrastructure and assets within the order limits. As set out in its Relevant Representation, LGF strongly welcomes the principle of the H2Teesside Project, and in particular, that the H2Teesside proposals include the necessary infrastructure and associated powers to distribute low carbon hydrogen. This support is subject to its concerns relating to its assets in the area being fully addressed.

Summary of LGF's Position

LGF is an affected person in respect of existing infrastructure within the proposed order limits, which benefit the sites that it currently occupies. The Land Plans [[APP-008](#)] and Book of Reference [[APP-023](#)] identify 7 plots where LGF has a Category 1 interest over which powers of compulsory acquisition of land or rights are sought. To the extent that the Applicant seeks powers in the draft DCO to either (a) compulsorily acquire land (including subsurface) or rights or (b) to extinguish, suspend or override existing rights, the maintenance, operation and development of LGF's infrastructure must be preserved. LGF also require confirmation that infrastructure, which are currently or may in the future be owned or used by us, including those owned or controlled by Air Products plc, will not be impacted by the proposals. LGF objects to the

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Registered office: Lighthouse Green Fuels Limited, 1 Cornhill, London, EC3V 3ND

proposed powers of compulsory acquisition over land in which it has an interest unless adequate protection in the form of an asset protection agreement or protective provisions can be agreed.

LGF also notes that the proposed order limits for the H2Teesside Project interact with the proposed order limits of the LGF Project. It is anticipated that pipelines connected to both H2Teesside and the LGF Project will be located along existing pipeline routes in and around the existing TV1 and TV2 sites occupied by LGF, on land at Port Clarence, near Stockton-on-Tees. The H2Teesside order limits include the access roads at Riverside Road and Huntsman Drive connecting to the A178 (Seaton Carew Road), which are also included in the proposed order limits for the LGF Project. In addition, the potential hydrogen AGI location is under discussion between LGF and the Applicant (located in plot 9/41 on sheet 9 of the Lands Plans [[APP-008](#)]). The proposed route of the low carbon hydrogen pipeline into the LGF site needs to be agreed between the parties. LGF do not consider the current proposed connection location and pipeline that spur into the LGF site represents the best solution. Therefore, we have suggested an alternative connection closer to the Linkline corridor that reduces the number of affected land interests.

LGF are keen to continue discussions with the Applicant, in relation to the proposed route to ensure that the pipeline does not impact on LGF's existing assets or circumvent LGF's future use of the land.

LGF further requests the Applicant engage with LGF in relation to the production of the H2Teesside's Construction Traffic Management Plan, Construction Environmental Management Plan, Framework Construction Workers Travel Plan, and the Framework Construction Traffic Management Plan to ensure the two projects manage construction and traffic effects of the two projects collaboratively.

LGF would also seek to collaborate on assumptions and parameters for our respective cumulative environmental effects assessments and any potential opportunities for natural and social capital or net gain, including through involvement in the proposed local liaison group. LGF are particularly keen to liaise with H2T on managing cumulative construction and operational effects, particularly around overlaps relating to traffic, noise, and air quality. We note that H2T have considered cumulative effects but have not identified any with the LGF Project which is welcomed but we feel that ongoing dialogue is important to be able to maintain that position.

LGF has been in discussions with H2T in relation to the interaction of these two projects. LGF is committed to continuing to work collaboratively with H2T in relation to the two projects to ensure the benefits of both projects are maximised and any adverse effects are minimised. Those discussions to date have been encouraging, but a formal agreement has yet to be reached.

LGF hereby reconfirm support for the H2T Project, provided that the appropriate agreements, including protective provisions, are reached to safeguard LGF's interests.

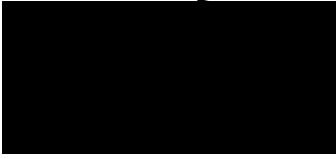
LGF maintains its position to speak virtually at any forthcoming hearings, with a particular interest in the compulsory acquisition hearing.

Other Submissions for Deadline 2

LGF also submits at this deadline responses to relevant first written questions. These are at Appendix 1 to this letter.

LGF confirm that it wishes to attend the accompanied site investigation.

Yours faithfully,



Noaman Al Adhami
Lighthouse Green Fuels Limited

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Appendix 1 – LGF’s Response to ExA’s ExQ1

ExQ1	Question to	Question	LGF Response
6. Compulsory Acquisition and Temporary Possession			
Q.1.6.7	Affected Persons/ IPs	<p>The accuracy of the BoR, Land Plans and points of clarification.</p> <p>Are any Affected Persons or IPs aware of any inaccuracies in the BoR [AS-012], SoR [APP-024] or Land Plans [AS-003]? If so, please set out what these are and provide the correct details.</p>	<p>LGF have not identified any inaccuracies in the BoR [AS-012], SoR [APP-024] or Land Plans [AS-003], however LGF seeks further clarification regarding the compulsory acquisition of plot 11/56 on sheet 11C.</p>
Q1.6.62	Applicant, relevant IPs	<p>General, Detailed or Other Matters.</p> <p>Please detail any land which, following acquisition of rights or freehold and extinguishment of existing right, will be inaccessible, severed, have no access or will be economically unviable.</p>	<p>The potential hydrogen AGI location is under discussion between LGF and the Applicant (located in plot 9/41 on sheet 9 of the Lands Plans [AS-003]. The proposed route of the low carbon hydrogen pipeline into the LGF site needs to be agreed between the parties. LGF do not consider the current proposed connection location and pipeline spur into the LGF site represents the best solution and we have suggested an alternative connection closer to the Linkline corridor that reduces the number of affected land interests.</p> <p>LGF are keen to continue discussions with the Applicant, in relation to the proposed route to ensure that the pipeline does not impact on LGF's existing assets or circumvent LGF's future use of the land.</p> <p>Additionally, in relation to plot 9/16 on sheet 9 of the Land Plans, LGF requires further information from the Applicant on the proposed compulsory acquisition powers sought as the site that LGF currently occupies benefits from several utility services in the corridors proposed to be compulsorily acquired.</p>
8. Cumulative and Combined Effects			
Q1.8.5	LAs (HBC, RCBC and STBC),	View Sought.	LGF disagree with the statement asserting that there is no construction overlap at page 126 of the ES

ExQ1	Question to	Question	LGF Response
	together with any relevant Authority/ Body	<p>ES Appendix 23D (Stage 4 - Assessment of Cumulative and Combined Effects) [APP-224] presents a summary of the impact, mitigation and effect conclusion by aspect. It includes cumulative effects assessment with the NZT project (onshore and offshore components), upon which the Proposed Development is partly reliant (eg for CO2 export for the carbon capture component and potentially process water discharge via its outfall to Tees Bay). The cumulative water quality assessment for the Proposed Development and NZT has been informed by hydrodynamic dispersion modelling, which is described in ES Appendix 9B (Water Quality Modelling Report) [APP-193], whilst ES Appendix 23E (Socio-economic Cumulative Assessment) [APP-225] provides a detailed assessment of socio-economic cumulative effects for the Proposed Development together with the NZT and HyGreen projects.</p> <p>Do you agree with the plans or projects that have been included within the cumulative effects assessment (ES Chapter 23) (Cumulative and Combined Effects) [APP-076]?</p>	<p>Appendix 23D (Stage 4 - Assessment of Cumulative and Combined Effects) [APP-224].</p> <p>LGF intend to carry out construction from Q3 2026 to Q3 2029. This appears to overlap with the construction programme of the Applicant as set out in Chapter 5 Construction Programme and Management [APP-057], which shows construction from Q4 2025 to Q4 2030 for phases 1 and 2.</p> <p>LGF are particularly keen to liaise with the H2T on managing cumulative construction and operational effects, particularly around overlaps relating to traffic, noise and air quality. We note that H2T have considered cumulative effects but not identified any with the LGF Project which is welcomed but we feel that ongoing dialogue is important to be able to maintain that position.</p>
9. Draft Development Consent Order			
Q1.9.12	LAs) HBC, RCBC and STBC and the STDC, together with any other relevant Authority/ Body.	<p>Clarification.</p> <p>Article 2 (interpretations) “Permitted Preliminary Works” – Are you satisfied as to the extent of the ‘Permitted Preliminary Works’ set out in this Article. If not satisfied please explain in full the reasons why you are not satisfied and what you consider needs to be done to rectify the concerns you are raising.</p>	<p>LGF is comfortable with the scope of the definition for permitted preliminary works provided that an appropriate asset protection agreement and protective provisions are agreed. This would ensure that any works, including permitted preliminary works, that impact LGF would be subject to appropriate procedures e.g. appropriate notification and approval procedures. This would preserve the benefit of both projects and ensure public benefit is maximised.</p>
Q1.9.53	Applicant and LAs (HBC, RCBC and STBC), together with	<p>Clarification/ Views sought</p> <p>. Schedule 2, Requirements 25 (Local liaison group) – Requirement 25(1) specifies “...the undertaker has established, or has convened jointly with either both or one</p>	<p>LGF considers it appropriate for a representative from the LGF project to be invited to the local liaison group. The aim of the local liaison group is to respond to issues that may arise as a result of</p>

ExQ1	Question to	Question	LGF Response
	any other relevant Authority/ Body.	of the undertaker as defined in The Net Zero Teesside Order 2024 and the promoter of HyGreen Teesside to establish, a group to liaise with local residents and organisations about matters relating to the authorised development (a 'local liaison group')." The ExA would ask the Applicant and the LAs listed above, together with any other relevant Authority/ Body, whether other major developments in the area, being constructed at the same time, should be included in this Requirement (Requirement 25(1)). If so please specify which developments should be included, providing details of the Planning Application Reference Number, the name of the Applicant and their contact details, the name of the Development and its location, the date of the permission granted along with a copy of that planning consent.	<p>cumulative impacts arising from projects together. The LGF project is within the same geographical area as H2Teesside, Net Zero Teesside and HyGreen.</p> <p>LGF has not yet received consent for its proposed DCO, but considers it would be beneficial to be included so that LGF can be involved in discussions in relation to impacts which arise and their effects on the environment and local people living or working nearby. This is particularly important given the overlapping red line boundaries and construction timelines.</p> <p>These discussions would also help LGF optimise its design and working practices to maximise public benefit. Involvement in the liaison group would ensure that any lessons learnt from the construction of the three projects (H2Teesside, Net Zero Teesside and HyGreen) are effectively utilised in the provision of further development in the area in the near-future. LGF considers it appropriate for any nationally significant project within such close proximity to be included in the local liaison group.</p> <p>PINS Reference: EN010150 Applicant: Lighthouse Green Fuels Limited Project: Lighthouse Green Fuels Project</p>
Q1.9.67	IPs and Statutory Undertakers	Clarification Schedule 12 (PPs) – Please provide details of discussions and progress regarding PPs (if applicable). If you are in agreement with PPs relevant to you, please confirm this, if not, either provide copies of preferred wording for PPs, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used.	LGF wishes to progress protective provisions H2Teesside. LGF notes there has been positive engagement with H2Teesside, but is yet to receive a first draft of protective provisions and an asset protection agreement.

ExQ1	Question to	Question	LGF Response
		Note, if this is provided in the requested Land Rights Tracker please signpost this to the ExA.	LGF looks forward to receiving those documents and working with the Applicant to resolve its concerns.
10. Geology, Hydrogeology and Land Contamination			
Q1.10.1	Applicant and relevant LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Clarification/ Views sought.</p> <p>Paragraph 10.3.19 of ES Chapter 10 (Geology, Hydrogeology and Contaminated Land) [APP-062] states the baseline conditions have been determined by a desk review of available information which is set out in the ES Appendix 10A (Desk Based Summary Report) [APP-194]. This document states confirmatory intrusive Ground Investigation (GI) will be undertaken to support the assessments and will also be used to inform the Proposed Development Site detailed design.</p> <p>Paragraph 10.3.21 of the same Chapter of the ES advises that the scope of the GI will be forwarded to the relevant authorities, as appropriate, prior to commencing works. This includes informing LAs, if appropriate, for GI associated with pipeline routes and for the engagement of relevant stakeholders in areas near sensitive ecological receptors.</p> <p>In relation to the above, do the LAs or any other relevant Authority/ Body:</p> <p>vi) consider that there should be any other body in addition to the LAs which should be consulted by the Applicant on the scope of the GI prior to the commencement of works?</p>	Any ground investigations that impact land that LGF occupies or is within the proposed red line boundary of the LGF project, will require LGF's consent. LGF considers this can be addressed through protective provisions for the benefit of LGF to be included in the draft development consent order. LGF looks forward to agreeing the detail of these provisions with the Applicant.
Q1.10.9	Applicant and relevant IPs	<p>Clarification/ Views sought.</p> <p>Paragraph 10.5.10 of ES Chapter 10 (Geology, Hydrogeology and Contaminated Land) [APP-062] states that assessment of the significance of impacts will take into account the principles of assessment in the Construction Industry Research and Information Association (CIRIA)</p>	LGF notes that any works on land that LGF owns, occupies or is within LGF red line boundary may require further risk assessments and permits and any works will need to comply with local site rules and permit systems.

ExQ1	Question to	Question	LGF Response
		<p>Report C552 (2001) and the EA's Guiding Principles for Land Contamination in assessing risks to controlled waters (EA, 2010). It also explains that any such risk-based assessment may indicate the need for mitigation measures additional to those as detailed in the ES. An environmental risk assessment has been submitted at ES Appendix 10C (Contaminated Land Environmental Risk Assessment) [APP-196].</p> <p>Bearing these documents in mind:</p> <p>ii) All relevant IPs are asked to confirm whether they consider the Applicant has used the most up to date and appropriate approaches for undertaking such risk assessments (ie to controlled waters and human health); and if not to explain what approaches to such risk assessments the Applicant should have followed?</p>	
17. Traffic and Transportation			
Q1.17.1	Applicant and relevant IPs	<p>Update/ Views sought.</p> <p>It would be necessary to use accesses in the ownership and use of a number of IPs and other operators. A number of RRs have raised maintenance of their access rights as an issue. Please could all parties provide an update on whether access concerns remain and if the DCO or relevant PPs offer suitable protection to IPs?</p>	<p>LGF has yet to receive detailed information from the Applicant on the use of any accesses over land LGF owns, occupies or is within LGF red line boundary. LGF wishes to discuss this further with the Applicant to ensure that any proposed accesses do not impact on any of LGF's existing accesses or those required for the LGF project.</p>