



The Planning Inspectorate

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
Email: h2teesside@planninginspectorate.gov.uk

To: All Interested Parties

Our Ref: EN070009

Date: 15 October 2024

Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rules 13 and 16

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

Notification of Hearings and Notification of Accompanied Site Inspection

The Examination Timetable at Annex A of the Examining Authority's (ExA) Rule 8 letter [[PD-007](#)], dated 30 August 2024, included reserved dates for Hearings and an Accompanied Site Inspection (ASI) in the week commencing 11 November 2024.

We are now writing to advise you that the following Hearings will be held under Sections 91 and 92 of the Planning Act 2008. We also advise you that an ASI will be held under Rule 16 of the Infrastructure Planning (Examination Procedure) Rules 2010.

Important details are set out at **Annex A** (Hearings) and **Annex B** (ASI) to this letter, with preliminary agendas and general arrangement details for the Hearings attached at **Annex C** for the Compulsory Acquisition Hearing and **Annex D** for the Issue Specific Hearing into the draft Development Consent Order.

Event	Date	Start time	Location
Accompanied Site Inspection 1 (ASI1)	Tuesday 12 November 2024	8:30 am	Wilton Centre Car Park, Redcar, TS10 4RF
Compulsory Acquisition Hearing 1 (CAH1) Compulsory Acquisition, Temporary Possession and Related Matters	Wednesday 13 November 2024	Registration and seating available from: 9.00am Virtual Registration Process from: 9:00am Event start: 9.30am	Leonardo Hotel, Fry Street, Middlesbrough. TS1 1JH and By virtual means using Microsoft Teams

Issue Specific Hearing 2 (ISH2) Draft Development Consent Order	Thursday 14 November 2024	Registration and seating available from: 9.00am Virtual Registration Process from: 9:00am Event start: 9.30am	Leonardo Hotel, Fry Street, Middlesbrough. TS1 1JH and By virtual means using Microsoft Teams
NOTES: (i) Full instructions on how to join Hearings online or by telephone will be provided in advance to those who have pre-registered. (ii) If any of the above Hearings are no longer required then notification will be published as soon as practicable on the project webpage of the National Infrastructure Planning website, providing reasonable notice to Interested Parties of the decision to cancel. (iii) The Applicant is reminded of its duty to notify and publicise hearings under Rule 13(6) and 13(7) of The Infrastructure Planning (Examination Procedure) Rules 2010.			

ISH2 and CAH1 will be held as blended events. This means that they will take place at the above address, and also virtually using Microsoft Teams. Please inform us if you plan to attend these hearings either virtually or in person (even if you do not wish to speak), by **Deadline 3 Monday 21 October 2024**.

Preliminary agendas for the above mentioned hearings are attached to this letter at Annex C for CAH1 and Annex D for ISH2. More detailed agendas for these hearings, if required, will be published on the Application [project webpage](#) of our website at least five working days before each event takes place. A provisional list of Interested Parties whom the ExA would like to hear from at each Hearing has been included in the preliminary agendas for those Hearings.

With regard to the ASI, a finalised timetable for it will be published on the Application [project webpage](#) of the National Infrastructure website no later than 5 days before the ASI is due to take place.

If you are unsure as to whether you or the organisation you represent should attend any of the above mentioned events (hearings and/ or the ASI), please contact the Case Team.

An Open Floor Hearing (OFH) was detailed in the Examination Timetable for the week commencing 11 November 2024, if required. Whilst the ExA has received two requests for an OFH, submitted at Deadline 1, we have taken a procedural decision to defer holding an OFH until the Hearings scheduled for January 2025, as set out in the Examination timetable attached to our Rule 8 letter dated 30 August 2024. As such we will not be holding an OFH during the week commencing 11 November 2024. Further notifications in regard to Hearings, including the OFH, set out in the Examination timetable to take place in January 2025 will be given closer to those Events taking place.

If you have any further queries, please do not hesitate to contact the Case Team
h2teesside@planninginspectorate.gov.uk.

Yours faithfully

Christopher Butler

Lead Member of the Panel of Examining Inspectors

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

Hearings

Purpose of Hearings

Please refer to the Planning Inspectorate's Advice for members of the public: [The stages of the NSIP process and how you can have your say](#) for information about the purpose of Open Floor, Issue Specific and Compulsory Acquisition Hearings.

Registration and requests to participate in Hearings

For those who have not already registered or notified the Examining Authority of a wish to speak at the Hearings, requests to participate should be made by email (h2teesside@planninginspectorate.gov.uk) or by using the “[Have your say](#)” tab by Monday 21 October 2024 if you intend to participate in the Hearings and provide all the information requested.

If you have any difficulty, please contact the Case Team.

Please note that by attending the event either in person or online you are agreeing to be filmed for the purposes of the online live stream of the event and the recording of the event which will get published on the [project webpage](#). A limited number of seats will be available for observers who wish not to be filmed at the event. Please contact the case team to notify them if you prefer not to be filmed at the event. A transcript of the event will also be published on the [project webpage](#) after the event.

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 and the Land Plans; and
- the Examination Library reference number (with paragraph/ page number where appropriate) of any documents you wish to refer to.

Joining instructions for Hearings will be issued by the Case Team via email shortly before the Hearing dates.

Please contact the Case Team if you require any support or assistance to attend any Hearing, either virtually or in person.

If you simply wish to observe any of the Hearings then you can either:

1. 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; and/ or
2. Watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.

Alternatively, you can attend the physical event at the venue to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to observe only by **Deadline 3** (Monday 21 October 2024) via email or using the “**Have your say**” tab. Please note that it may not be possible to participate on the day if you have failed to register by the date specified in the Examination timetable as confirmed by our Rule 8 letter, dated 30 August 2024.

Attendees

We would find it helpful if the following parties could attend:

- Compulsory Acquisition Hearing 1 (CAH1) – As listed in Annex C;
- Issue Specific Hearing 2 (ISH2) – As listed in Annex D.

Hearing Agendas

Preliminary agendas and general arrangement details for the Hearings are attached at Annex C (for the CAH1) and Annex D (for ISH2). Updated agendas for these Hearings, if required, together with any additional information regarding arrangements for the Hearings will be published on the [project webpage](#) at least five working days before the Hearings. However, the actual Agendas on the day of each Hearing may be subject to change at our discretion.

Procedure at Hearings and Post Hearing submissions

The procedure to be followed at Hearings is set out in The Infrastructure Planning (Examination Procedure) Rules 2010.

Participation in a Hearing will be subject to the Examining Authority’s (ExA) powers of control. It is for the ExA to determine how the Hearings will be conducted, including the time allowed at the Hearing for the making of a person’s representations. The Hearings will be managed in the interests of ensuring fair access to the Hearings for all parties, and to ensure that the submissions of all invited persons are fully heard within the allotted time. For the Issue Specific Hearing, Interested Parties may be invited to make oral representations on the specific issues being examined at the Hearing as set out in the Agenda.

All Hearings are recorded. The recordings and transcripts will be made available on the [project webpage](#) as soon as practicable following 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 at a Hearing. It is therefore important to note that anyone speaking at the Hearing will need to introduce themselves, including any organisation or groups that they represent, **each time they speak** to ensure that someone listening to the recording after the Hearing is clear who was speaking.

As the recordings are retained and published, they form a public record that can contain personal information to which the General Data Protection Regulation (GDPR) applies. Please refer to our [Privacy Notice](#) for further information. Participants must do their best to avoid making public any information which they would otherwise wish to 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 transcripts and retain them for a period of five years from the Secretary of State's decision on the Development Consent Order. If you actively participate in the Hearing, it is important that you understand that you will be recorded and that the recording and transcript will be made available in the public domain.

The evidence presented orally at Hearings should be included in post Hearing submissions and submitted at the relevant deadline in the [Examination timetable](#).

Accompanied Site Inspection (ASI)

Please note that the Examining Authority's (ExA) inspection of sites is **not** an opportunity to provide any oral representations on the project or discuss evidence. It is an opportunity for the ExA to look at the physical features that can be seen on, or from, the sites. Participants may be invited by the ExA to point out specific features or sites of interest.

Joining the ASI

Notification of a wish to attend the ASI was required by **Deadline 2** (Thursday 3 October 2024), as set out in the Examination timetable attached to our Rule 8 letter dated 30 August 2024. For those that have registered to attend the ASI we will use the contact details you have provided to notify you in the event that the ASI is running late or needs to be cancelled with minimal notice.

If anyone registered to attend the ASI know of any mobility needs that may affect transportation, please could you contact the Case Team, via the contact details given at the top of this letter as soon as possible.

Participants are asked to assemble promptly as the ExA will not wait for parties who are not present at the start time.

For logistical and safety reasons, capacity on the transport that will be used for the ASI may be limited. Priority will be afforded to the Planning Inspectorate staff, the Applicant, Local Authorities and relevant Statutory Parties. In the case of a large number of attendees any Interested Parties who express a wish to attend the ASI for its duration may be contacted by the Case Team to discuss the option of meeting the ExA at relevant locations in the itinerary instead.

Clothing

The inspection is likely to include some walking on uneven or wet ground. The Planning Inspectorate therefore advises attendees to wear clothing that is appropriate for the weather and sturdy footwear. At times during the ASI it will be necessary to wear a high visibility vest or coat. Attendees who have their own high visibility vest or jacket should bring it with them. For anyone who does not have either a high visibility vest or coat, the Applicant will provide a vest for use during the course of the ASI. Finally, there may be a requirement for specialist Personal Protective Equipment (PPE) when accessing some of the locations on the ASI, further details of these will be given to those who register as soon as they are available.

Sites on private land

Access onto private land is at all times by permission of the person controlling it; householders, occupiers and landowners may refuse to allow some persons accompanying the ExA onto their land. Under those circumstances, the ExA will decide whether or not to proceed with that part of the inspection and may ask those refused access to wait outside.

Refreshments and welfare

Please note refreshments will not be provided, however there will be opportunities provided in the schedule to access refreshment and welfare facilities.

Cancellations

Please note that in the unlikely event that the ASI is cancelled we shall endeavour to contact attendees beforehand, but we ask that you regularly check the [project webpage](#).

Further information about Site Inspections can be found in the Planning Inspectorate's Advice for members of the public: [The stages of the NSIP process and how you can have your say](#).

The final itinerary for the ASI will be published on the [project webpage](#) approximately one week in advance.



The Planning Inspectorate

Planning Act 2008 – Section 92 and The Infrastructure Planning (Examination Procedures) Rules 2010 – Rule 13

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

Preliminary agenda for Compulsory Acquisition Hearing 1

The letter, to which this preliminary agenda is attach, contains the Examining Authority's (ExA) notification to Affected Persons (AP)/ Interested Parties (IP) of its decision to hold a Compulsory Acquisition Hearing into the above matter. It is being held as a blended event on the following date:

Hearing	Date and Time	Location
Compulsory Acquisition Hearing 1 (CAH1)	Wednesday 13 November 2024 Hearing Starts at 9.30am* Registration and seating available at venue from 09.00am and virtual Registration Process from 09.00am**	Leonardo Hotel, Fry Street, Middlesbrough. TS1 1JH and By virtual means using Microsoft Teams

* Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate.

** If you are joining as an active participant, please follow the joining instructions for the virtual event carefully and connect to the Hearing in good time. In common with traditional Hearings, the event will start on time irrespective of any late arrivals, for whom access may not be possible.

Purpose of the CAH1

CAH1 is being held for the ExA to examine the Applicants case for Compulsory Acquisition (CA) and Temporary Possession (TP) and for APs, who have registered to speak, and the Applicant to make oral representations about those matters. Please note that the ExA will not accept representations at CAH1 in the form of video or audio recordings.

The Hearing will be a blended event, whereby the principal means of conducting the Hearing will be face-to-face within the venue cited above. Participants may join online if they wish using the Microsoft Teams platform. As set out in the Examination timetable, contained in the ExA's Rule 8 letter of the 30 August 2024, notification of a wish to speak at a Compulsory Acquisition Hearing was required by Deadline 1 (Tuesday 17 September

2024). However, should you wish to observe this CAH1 this can be done in person at the venue given above or virtually.

Should you wish to observe virtually in real time, then you will be able to access a public livestream on the [project webpage](#) of the National Infrastructure Planning website. For those who choose to observe CAH1 later, after the Event has closed, a digital recording of the event will be made available as soon as reasonably possible. This will also be published on the [project webpage](#) of the National Infrastructure Planning website. Any APs/ IPs wishing to respond to any matters raised from observing CAH1 (real time or otherwise) should do so in writing by Deadline 4 (Wednesday 20 November 2024).

Agenda and Participation at the CAH1

This preliminary agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

Subject to the ExA's power of control over the conduct of the CAH1, it will invite relevant parties to make an oral submission at the appropriate point in the agenda. Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. Should the consideration of these issues take less time than anticipated, the ExA may conclude the CAH1 as soon as all relevant contributions have been made and all questions asked and responded to.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time, there may be a need to continue the session for longer on the day. Alternatively, it may be necessary to prioritise matters and defer others to further written questions.

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an AP has had a fair chance to put its case.

Further information on how to participate in a Nationally Significant Infrastructure Event can be found using the following link: [Registering to speak at, or attend, a Nationally Significant Infrastructure Project event](#).

Attendees: APs who have pre-registered.

In addition to the Applicant, the following APs/ IPs are invited to participate by the ExA to make an oral submission concerning CA/ TP:

- Air Products (Air Products Public Limited Company (Plc); Air Products (BR) Limited (Ltd); Air Products Renewable Energy Ltd; and Air Products Chemicals Teesside Ltd);
- Anglo American;

- BOC Ltd;
- CATS North Sea Ltd/ Kellas Midstream Ltd;
- CF Fertilisers UK Ltd;
- Hartlepool Borough Council;
- Industrial Chemicals Ltd;
- INEOS Nitriles (UK) Ltd;
- Lighthouse Green Fuels Ltd;
- National Grid Electricity Transmission Plc;
- National Gas Transmission Plc;
- Natara Global Ltd;
- Navigator Terminals Ltd;
- Northern Powergrid Plc;
- Northumbrian Water Ltd;
- NSMP Entities (Northern Gas Processing Ltd/ Teesside Gas Processing Plant Ltd/ Teesside Gas and Liquids Processing);
- PD Teesport Ltd;
- Mrs S. Peel;
- Redcar Bulk Terminal Ltd;
- Redcar and Cleveland Borough Council;
- SABIC UK Petrochemicals Ltd;
- Sembcorp Utilities (UK) Ltd;
- South Tees Group;
- Stockton-on-Tees Borough Council; and
- Venator Materials Ltd.

Irrespective of the above list, all APs/ IPs are invited to attend and make oral representations on the matters set out in the agenda, subject to the ExA's ability to control the Hearing.

The ExA has sought to provide sufficient detail to assist APs/ IPs to prepare for CAH1. The details set out above are indicative and the ExA may find it necessary to amend the agenda by including additional agenda items; amending agenda items, including the order in which items are dealt with; or excluding agenda items.

Please Note: In order to ensure timely publication of this preliminary agenda, it was drafted shortly after the receipt of submissions for Deadline 2 (Thursday 3 October 2024). Consequently, the ExA may need to adjust this preliminary agenda in a more detailed agenda to be published no later than 5 days prior to CAH1 taking place or at the meeting to allow for responses or additional submissions received after Deadline 2.

Timing

The Event will be open 30 minutes prior to the start of CAH1 to enable a prompt start. The ExA will keep to the agenda as much as possible and CAH1 will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. However, anyone who is not able to provide all their oral submissions by the close of the hearing should follow it up in writing prior to the next Deadline, which will be Deadline 4 (Wednesday 20 November 2024). CAH1 is not expected to go beyond 5pm.

If you are joining online as an active participant, please follow the joining instructions for the virtual event carefully and connect to the Hearing in good time. In common with traditional Hearings, the event will start on time irrespective of any late arrivals, for whom access may not be possible.

Registration Process

APs/ IPs who have registered to speak (both in person and virtually) will receive a Joining Instruction email shortly before the Hearing which will include a link to the virtual event on Microsoft Teams, and a telephone number should they need to participate by telephone. To enable the Hearing to start on time at **9.30am** those attending virtually should join promptly at **9.00am** to ensure that all virtual attendees can complete the Registration Process in good time.

Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate.

Compulsory Acquisition Hearing 1 (CAH1) - Preliminary Agenda

Items

1	<p>Welcome, introductions, arrangements for the Hearing.</p> <p>The Examining Authority (ExA) will welcome participants, lead introductions, and go through some housekeeping matters.</p> <p>The public livestream and recording will start.</p>
2	<p>Purpose of the CA Hearing.</p> <p>The ExA will briefly set out the purpose of the Hearing.</p>
3	<p>The Applicant's Case for CA and TP</p>
3(i)	<p>The ExA will invite the Applicant to take up to 20 minutes to provide an overview of:</p> <ul style="list-style-type: none"> • its overall approach to CA and TP in the context of the relevant tests under the Planning Act 2008 and DCLG Guidance (<i>Planning Act 2008, Guidance related to procedures for the CA of land, DCLG, September 2013</i>). • the purpose, structure and content of the Book of Reference (BoR), the Statement of Reasons (SoR) and the Funding Statement. • the powers sought and the overall case for them being granted.
3(ii)	<p>The ExA may ask further questions.</p>
4	<p>Individual objections, issues and voluntary agreements</p>
4(i)	<p>The Applicant will be asked to provide a brief update on the progress of negotiations into CA and TP of land and rights, and deadlines for conclusions of any associated voluntary agreements, especially those listed in the attendees section above.</p>
4(ii)	<p>Each Affected Party registered to speak will be asked to provide a summary of:</p> <ul style="list-style-type: none"> • the location and manner of land interest and/ or list plot numbers; • its objections/ concerns regarding CA/ TP; and • any outstanding matter(s) related to CA/ TP that haven't already been discussed.
4(iii)	<p>The ExA may ask more questions or invite more oral submissions.</p>

<p>5</p> <p>5(i)</p>	<p>The BoR, SoR, Land Plans, Diligent Enquiries and Updates</p> <p>The Applicant provided an updated Land Rights Tracker [REP2-018] at Deadline 2, setting out progress on discussions regarding CA and TP, voluntary agreements, objections, protective provisions and other matters related to Land. The Applicant will be asked to:</p> <ul style="list-style-type: none"> • Summarise any additional information not covered in agenda items 3 and 4 relating to the progress made during the Examination and the progress anticipated during the remainder of the Examination. • Set out where it has not been able to progress discussions with known parties and what steps will be taken during the Examination to progress such discussions? • Summarise the steps to be taken to identify any unknown parties or interests during the Examination? (The Applicant's response to the ExQ1 - Q1.6.6 [REP2-024] is noted. However, the Applicant will be asked to provide any further update in this regard). • Clarify what steps have been taken/ will be taken to firmly establish the ownership, lessee/ tenant or occupiers of those properties for which "reputed" parties have been identified. (The BoR [REP1-004] refers to "Freehold or Reputed Freehold Owner[s]", "Lessees or Tenants or Reputed Lessees or Tenants" and "Occupiers or Reputed Occupiers, but does not differentiate between these terms within the BoR). <p>The ExA may ask more questions or invite more oral submissions.</p>
<p>6</p> <p>6(i)</p> <p>6(ii)</p> <p>6(iii)</p>	<p>How it is Intended to Use the Land, Whether Reasonable Alternatives have been Explored and Whether the Rights Sought are Legitimate, Proportionate and Necessary</p> <p>Design principles and progress were the subject of ISH1 and submissions have been made at DL2 in the light of this Hearing. The Applicant has advised that most design details are yet to be finalised for the Proposed Development and these will not be finalised until the detailed design is produced post-consent. The ExA needs to be clear that the rights granted by the Development Consent Order are legitimate, proportionate, and necessary. Bearing this in mind, what is the potential for a reduction in the land and rights proposed to be acquired occurring during detailed design and what liaison with affected parties will take place in that event.</p> <p>Please could the Applicant comment on the need for a process to consider human rights to be secured during detailed design? If an appropriate process is not secured, how can the ExA be satisfied that the rights granted by the Development Consent Order would be legitimate, proportionate, and necessary?</p> <p>The ExA may ask more questions or invite more oral submissions.</p>

<p>7</p> <p>7(i)</p> <p>7(ii)</p> <p>7(iii)</p>	<p>Crown Interests, Statutory Undertakers, Special Category Land, Compensation, Funding and Other Matters</p> <p>The Applicant will be asked to summarise any outstanding land and rights matters and matters relating to Protective Provisions for Statutory Undertakers if not previously discussed, especially:</p> <ul style="list-style-type: none"> • CATS North Sea Ltd/ Kellas Midstream Ltd; • National Grid Electricity Transmission Plc; • National Gas Transmissions Plc; • Network Rail Infrastructure Ltd; • Northern Electric Plc; • Northern Gas Networks Ltd; • Northern Powergrid Plc; • Northumbrian Water Ltd; • OpenReach Ltd; • Vodafone Ltd; and • PD Teesport; <p>Any Statutory Undertaker or other relevant body in attendance and wishing to speak in relation to an objection or issue raised that is relevant to the effects of the Proposed Development on its undertaking, apparatus or land will be invited to put oral submissions to the ExA.</p> <p>The Applicant's response to ExQ1 - Q1.6.38 [REP2-024] in terms of Crown Interests is noted. However, the ExA will request an oral update in regard to Crown Interests.</p> <p>If Section 135 consent from the Crown is not received by the end of the Examination, please clarify how the project could proceed if Crown land has to be removed from the Order land.</p> <p>The ExA may ask other Questions or invite additional oral submissions re Special Category Land</p>
<p>8</p> <p>8(i)</p> <p>8(ii)</p>	<p>Any other CA or TP Matters/ Any Other Business</p> <p>Any further potential change request(s) – Without discussing the existing notification of potential change request, received on 15 August 2024, can the Applicant advise on any additional potential change request that it may be considering.</p> <p>Time permitting, and at its discretion, the ExA may invite other oral submissions concerning any other CA or TP matters or in regard to any other business relevant to the CAH1.</p>
<p>9</p>	<p>Close of the Hearing</p>



Planning Act 2008 – Section 91 and The Infrastructure Planning (Examination Procedures) Rules 2010 – Rule 13

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

Preliminary agenda for Issue Specific Hearing 2 concerning the draft Development Consent Order

The letter, to which this preliminary agenda is attach, contains the Examining Authority's (ExA) notification to Interested Parties (IP) of its decision to hold an Issue Specific Hearing into the Development Consent Order. It is being held as a blended event on the following date:

Hearing	Date and Time	Location
Issue Specific Hearing 2 (ISH2) into the Development Consent Order (DCO)	Thursday 14 November 2024 Hearing Starts at 09.30am* Registration and seating available at venue from 09.00am and virtual Registration Process from 09.00am**	Leonardo Hotel, Fry Street, Middlesbrough. TS1 1JH and By virtual means using Microsoft Teams

* Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate.

** If you are joining as an active participant, please follow the joining instructions for the virtual event carefully and connect to the Hearing in good time. In common with traditional Hearings, the event will start on time irrespective of any late arrivals, for whom access may not be possible.

Purpose of ISH2

The main purpose of ISH2 into the draft DCO is to undertake an examination of the draft DCOs Articles and Schedules. In particular the ExA is seeking to:

- Clarify issues around how the draft DCO is intended to work – what would be consented, the extent of the powers and what requirements, provisions and agreements are proposed.

- Identify how the draft DCO will interact with other consented and emerging developments, including the York Potash DCO, Net Zero Teesside DCO, HyGreen, Etc.
- Identify any possible issues of prevention, mitigation or compensation which are not covered by the draft DCO, as currently drafted.
- Establish or confirm the views of other IPs as to the appropriateness, proportionality or efficacy of the proposals.

Please note that the ExA will not accept representations at this ISH2 in the form of video or audio recordings.

ISH2 will be a blended event, whereby the principal means of conducting the Hearing will be face-to-face within the venue cited above. Participants may join online if they wish using the Microsoft Teams platform. Should you wish to speak at ISH2 and have not already notified the ExA of this intention, please notify us in writing no later than Deadline 3 (Monday 21 October 2024). The date by which you need to register your intention to speak at an ISH during the week commencing 11 November 2024 was set out in the Examination timetable contained in our Rule 8 letter of the 30 August 2024. However, should you wish to observe ISH2 this can be done in person at the venue given above or virtually.

Should you wish to observe virtually in real time, then you will be able to access a public livestream on the [project webpage](#) of the National Infrastructure Planning website. For those who choose to observe ISH2 later, after the Event has closed, a digital recording of the event will be made available as soon as reasonably possible. This will also be published on the [project webpage](#) of the National Infrastructure Planning website. Any IPs wishing to respond to any matters raised from observing ISH2 (real time or otherwise) should do so in writing by Deadline 4 (Wednesday 20 November 2024).

Agenda and Participation at ISH2

This preliminary agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

Subject to the ExA's power of control over the conduct of ISH2, it will invite relevant parties to make an oral submission at the appropriate point in the agenda. Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. Should the consideration of these issues take less time than anticipated, the ExA may conclude ISH2 as soon as all relevant contributions have been made and all questions asked and responded to.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time, there may be a need to continue the session for longer

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/>

on the day. Alternatively, it may be necessary to prioritise matters and defer others to further written questions.

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at ISH2 will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

Further information on how to participate in a Nationally Significant Infrastructure Event can be found using the following link: [The stages of the NSIP process and how you can have your say](#).

Attendees: IPs who have pre-registered.

In addition to the Applicant, the ExA would find it helpful if the following IPs would attend ISH2.

- Air Products (Air Products Public Limited Company (Plc); Air Products (BR) Limited (Ltd); Air Products Renewable Energy Ltd; and Air Products Chemicals Teesside Ltd);
- Anglo American;
- BOC Ltd;
- CATS North Sea Ltd/ Kellas Midstream Ltd;
- CF Fertilisers UK Ltd;
- Environment Agency;
- Hartlepool Borough Council;
- Industrial Chemicals Ltd;
- INEOS Nitriles (UK) Ltd;
- Lighthouse Green Fuels Ltd;
- Marine Management Organisation;
- National Grid Electricity Transmission Plc;
- National Gas Transmission Plc;
- National Highways;
- Natura Global Ltd;
- Navigator Terminals Ltd;
- Northumbrian Water Ltd;
- NSMP Entities (Northern Gas Processing Ltd/ Teesside Gas Processing Plant Ltd/ Teesside Gas and Liquids Processing);
- PD Teesport Ltd;
- Redcar Bulk Terminal Ltd;
- Redcar and Cleveland Borough Council;
- SABIC UK Petrochemicals Ltd;
- Sembcorp Utilities (UK) Ltd;
- South Tees Group; and

- Stockton-on-Tees Borough Council.

However, this does not indicate that other IPs will not be able to contribute. All IPs are invited to attend and make oral representations on the matters set out in the Agenda, subject to those IPs notifying the ExA of this intention in writing prior to Deadline 3 (Monday 21 October 2024) as set out above and/ or the ExA's ability to control the Hearing.

Also, as set out above, any IP wishing to observe ISH2, but not contribute orally, can do so:

- By watching the livestream during the Event; or
- after the Event has closed, by listening to the digital recording of the event that will be published on the project page of the National Infrastructure Planning website.

The ExA has sought to provide sufficient detail to assist the Applicant and IPs to prepare for ISH2. The details set out above are indicative and the ExA may find it necessary to amend the agenda by: including additional agenda items; amending agenda items, including the order in which items are dealt with; or excluding agenda items.

Timing

The Event will be open 30 minutes prior to the start of ISH2 to enable a prompt start. The ExA will keep to the agenda as much as possible and the ISH2 will finish as soon as the ExA deems that it has heard all it needs to from the IPs present. However, anyone who is not able to provide all their oral submissions by the close of ISH2 should follow up in writing prior to the next Deadline, which will be Deadline 4 (Wednesday 20 November 2024). It is not expected that ISH2 will go beyond 3pm.

Registration Process

IPs who have registered to speak (both in person and virtually) will receive a Joining Instruction email shortly before the Hearing which will include a link to the virtual event on Microsoft Teams, and a telephone number should they need to participate by telephone. To enable the Hearing to start on time at **9.30am** those attending virtually should join promptly at **9.00am** to ensure that all virtual attendees can complete the Registration Process in good time.

Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate.

Issue Specific Hearing 2 - Preliminary agenda

Items

1.	Welcome, introductions, arrangements for the Hearing
2.	Purpose of the Issue Specific Hearing
3.	<p>Articles and Schedules of the draft Development Consent Order (DCO)</p> <p>The Applicant will be asked to provide a very brief overview of each part of the draft DCO. The Examining Authority (ExA) will then ask questions in respect of DCO powers, seeking responses where appropriate from the Applicant, the Local Authorities and other Interested Parties (IP), who have registered to speak. These IPs will also be invited to ask questions of clarification in relation to DCO Articles and Schedules.</p>
4.	<p>Schedule 2 of the draft DCO – Requirements</p> <p>The Applicant will be asked to provide an overview of the Requirements. The ExA will then ask questions, seeking responses where appropriate from the Applicant, the Local Authorities, and any other IPs who have registered to speak. These IPs will also be invited to ask questions of clarification in relation to the draft DCO requirements.</p>
5.	<p>Article 44 of the draft DCO – Certification of Plans</p> <p>To review the plans and documents to be certified and seek views as to whether the list is complete and if not, what additional documents would need to be included.</p>
6.	<p>Consents, licences and other agreements, including how the Proposed Development will interact with other DCOs, Planning Consents and other emerging developments</p> <p>The Applicant will be asked:</p> <ol style="list-style-type: none"> 1. to provide an overview of consents, licences and other agreements that would be required in order to undertake the Proposed Development. 2. to provide an update of progress and timescales for completion of such consents, licences and other agreements. 3. how the draft DCO will interact with other DCOs, Planning Consents and emerging developments, including the York Potash DCO, Net Zero Teesside DCO, HyGreen, Etc.

	Following the above responses, the ExA may ask questions, including whether any Planning Obligations/ Section 106 agreements are proposed and if so whether there are any indicative timescales for finalising such documents.
7.	Any other business & action points arising from the Hearing
8.	Close of Hearing