

# Deadline 4 submission - H2NorthEast Limited



## 1 INTRODUCTION

- 1.1 This submission is made on behalf of H2NorthEast Limited (H2NE) in respect of Deadline 4 of the H2Teesside Development Consent Order Application (reference EN070009).
- 1.2 This submission summarises the oral submissions made on behalf of H2NE at Compulsory Acquisition Hearing 1 (CAH1) on Wednesday 13 November 2024.

## 2 COMMENTS ON ISH2

- 2.1 H2NE notes the question raised by the Examining Authority at Issue Specific Hearing 2 as to whether H2NE was seeking protective provisions to be included within the draft DCO [see Recording of Issue Specific Hearing 2 (ISH2) - Part 2 - 14 November 2024 (EV6-003 at 1:19:00)].
- 2.2 H2NE considers that the Applicant accepted at CAH1 that legal protections should be in place to manage the interactions between the Proposed Development and the H2NorthEast project. The Applicant confirmed that they were drafting an interface agreement on this basis.
- 2.3 H2NE considers that it is important to have suitable legal protections in place. At this point, no draft interface agreement has been shared with H2NE. H2NE reserves its position to seek protective provisions if no progress is made. If it considers necessary to do so, H2NE will submit a preferred form of protective provisions at Deadline 5.

## 3 SUMMARY OF SUBMISSIONS MADE AT CAH1

### Background to H2NE and update on project status

- 3.1 H2NE is progressing the development of a low carbon hydrogen production and distribution facility and associated pipeline distribution network. This facility is planned to be developed in an area adjacent to the existing CATS terminal facility on Teesside, which is owned and operated by CATS North Sea Limited.
- 3.2 H2NE is supportive of the principle of the Proposed Development, but seeks further engagement with the Applicant to ensure that the Proposed Development does not sterilise land from future development.
- 3.3 The H2NorthEast Project is close to completing its front-end engineering design. With the design well progressed, H2NE is also now progressing the consenting aspects for the project. H2NE has recently submitted an application to the Secretary of State for Energy Security and Net Zero for a direction under section 35 of the Planning Act 2008. That remains under consideration, but H2NE is confident based on previous precedent, such as the H2Teesside project that it will be granted in due course. H2NE will then be progressing towards an application for consent, and anticipates requesting a Scoping Opinion in Q1 2025.
- 3.4 H2NE is also reasonably well advanced in pursuing and negotiating voluntary agreements with a range of landowners where it requires land or rights for the project.

### Concerns raised

- 3.5 The concern that H2NE has is that the broad rights sought by the Applicant, coupled with the lack for design detail within the application increases the complexity in developing the H2NorthEast project.
- 3.6 There is significant concern that the compulsory acquisition rights sought sterilise large areas of land and could prevent future development.

- 3.7 H2NE considers that it would be possible to address these concerns through regular technical meetings and entering into a co-operation agreement that provides a framework for the parties to resolve any potential conflicts. H2NE welcomed the comment from the Applicant that it was preparing a draft interface agreement and would share that with H2NE.
- 3.8 H2NE is pleased that a regular meeting has now been set up with the Applicant's team to discuss technical matters and will work with the Applicant to agree the terms of an interface agreement.
- 3.9 At this point, and on a protective basis, H2NE are maintaining their objection to the DCO.

**Burges Salmon LLP**

**20 November 2024**