

# H2Teesside Project

Planning Inspectorate Reference: EN070009

Land within the boroughs of Redcar and Cleveland and Stockton-on-Tees, Teesside and within the borough of Hartlepool, County Durham

The H2 Teesside Order

Document Reference: 8.25.6 Response to ExQ2.6 Compulsory Acquisition and Temporary Possession

Planning Act 2008



**Applicant: H2 Teesside Ltd**

Date: December 2024

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## **1.0 INTRODUCTION**

### **1.1 Overview**

1.1.1 This document has been prepared on behalf of H2 Teesside Limited (the 'Applicant'). It relates to an application (the 'Application') for a Development Consent Order (a 'DCO'), that was submitted to the Secretary of State for Energy Security and Net Zero ('DESNZ') on 25 March 2024, under Section 37 of 'The Planning Act 2008' (the 'PA 2008') in respect of the H2Teesside Project (the 'Proposed Development').

1.1.2 The Application has been accepted for examination. The Examination commenced on 29 August 2024.

### **1.2 The Purpose and Structure of this document**

1.2.1 The purpose of this document is to set out the Applicant's responses to the Examining Authority's ExQ2.6 on Compulsory Acquisition and Temporary Possession, which were issued on 28 November 2024 [PD-015]. This document contains a table which includes the reference number for each relevant question, the ExA's comments and questions and the Applicant's responses to each of those questions.

**Table 1-1: Applicant's Responses to ExQ2.6 Compulsory Acquisition and Temporary Possession**

EXQ2	QUESTION TO:	QUESTION:	RESPONSE
Q2.6.1	Applicant	The Book of Reference (BoR) [REP4-002], submitted at DL4, included text which is highlighted in yellow. Please advise if this has any significance and if so what that is.	The updated Book of Reference which accompanied the Applicant's Change Request Application [CR1-009] showed the changes to the plots and land requirements caused by the changes to the DCO Application in the Change Request Application by the use of yellow highlighting. Plots that are categorised as Additional Land according to the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, being additional land included within the Order limits as well as changes to the rights sought over plots already included in the Order limits, were highlighted in yellow to assist with the identification of the plots and interests affected by this element of the Change Request Application. This yellow highlighting was repeated in the updated Book of Reference [REP4-002] submitted at Deadline 4, but the Applicant acknowledges that now the Change Request Application has been accepted by the ExA this highlighting is not required and it will not feature in future versions of the Book of Reference.
Q2.6.2	Interested Parties (IPs) and Affected Person(s) (AP)	The BoR [REP4-002] has been updated by the Applicant at DL4. Are any Affected Persons or IPs aware of any inaccuracies that remain in the BoR? If so, please set out what these are and provide the correct details.	N/A
Q2.6.3	Applicant and BOC Ltd	In their DL2 submission [REP2-075] at paragraph 7.1, BOC stated the applicant is arguing that BOC should not be entitled to specific standalone Protective Provisions (PPs). Although evidence at Compulsory Acquisition Hearing (CAH) 1 suggested this had now progressed and that PPs were being discussed, please confirm this is the case.	For the avoidance of doubt, the Applicant's position is not that the dDCO should not incorporate specific standalone Protective Provisions in favour of BOC.  The parties continue to negotiate the detailed content of bespoke Protective Provisions for the benefit of BOC, with a marked-up version of the travelling draft previously prepared by the Applicant's solicitors being returned by BOC's solicitors on 6 December 2024.  This has been reviewed by the Applicant's technical and commercial teams and an updated draft is being prepared. This will be shared with BOC's representatives in early course with a view to including an updated version of the Protective Provisions in the dDCO once agreement is reached.
Q2.6.4	Applicant and Lighthouse Green Fuels Ltd	Please provide an update on a potential alternative location for the Compulsory Acquisition (CA) of plot 9/16 as suggested in the Lighthouse Green Fuels response to Q1.6.62 [REP2-084] and as highlighted in CAH1.	The Applicant and Lighthouse Green Fuels have discussed the location of the above ground installation and based on the current design of the Lighthouse Green Fuels project, Lighthouse Green Fuels is agreeable for the above ground installation to be located on plot 9/16 and the necessary land rights sought in relation to this plot provided that appropriate protective provisions are agreed.
Q2.6.5	National Grid Electricity Transmission Plc (NGET)	In its DL2 Written Representation (WR) [REP2-068] NGET stated in paragraph 2.5 that it is "...unable to release, for third party development, any land immediately adjacent to its existing operational assets, including substations, on the basis that the land in question must remain safeguarded to allow for the development of those assets..." Please provide details of the safeguarding requirements in relation to the Proposed	The Applicant has been and remains in discussion with NGET with regards to land requirements in this section. The Applicant has provided a technical justification to NGET explaining why the alternatives to this land are not available due to other restrictions (i.e., environmentally designated land, pylons, and landfills) in the area.

EXQ2	QUESTION TO:	QUESTION:	RESPONSE
		Development and advise the ExA if suitable PPs will ensure this safeguarding will be managed, or if the zones in question are absolute.	
Q2.6.6	NGET	Please update the ExA regarding engagement with the Applicant as highlighted in the NGET DL2 WR [REP2-068] paragraphs 6.3 to 6.19 and also regarding the land in the environs of Saltholme Substation.	N/A
Q2.6.7	Applicant	In their response to ExQ1 [REP2-092] Q1.15.1, Northumbrian Water Ltd (NWL) confirmed that no agreement had been reached regarding water supply to the Proposed Development during operation. Please confirm that this lack of agreement will not give rise to the potential of additional or alternative land requirements.	The Applicant confirms that no offtake agreement has been concluded with NWL for water supply. It is standard practice for such utility contracts to be put in place closer to FID and the project remains on track to deliver against these standard timelines. Discussions remain positive and the commercial teams within both NWL and H2T maintain a good dialogue. It is not expected that this lack of agreement will give rise to any additional or alternative land being required.
Q2.6.8	Applicant	In their response to the Applicants reply to ExQ1 [REP3-021] Q1.6.17, SABIC stated that "If the Applicant is unable to identify what rights it needs to extinguish then it is difficult to see how they can satisfy the Secretary of State (SoS) that the powers being sought are no more than is reasonably required for the purposes of the development". Please can the Applicant provide further explanation as to how they are able to satisfy the SoS that the rights sought to be acquired are reasonable.	<p>The Applicant needs powers to extinguish and/or suspend rights and override easements and other rights in the Order land to the extent that they would conflict with the construction or operation of the Proposed Development.</p> <p>Accordingly, the Applicant has included powers in article 26 of the dDCO to ensure that easements and other private rights identified as affecting the land are extinguished or suspended, so as to facilitate the safe, efficient and effective construction and operation of the Proposed Development.</p> <p>Article 26 of the dDCO is therefore necessary and applies in relation to land in which compulsory acquisition or temporary possession are proposed; viz. land tinted pink, blue or yellow on the Land Plans.</p> <p>With respect to land tinted yellow, in respect of which temporary possession only is sought, article 26(4) of the dDCO makes clear that any private rights are only suspended for the period in which the Applicant is in lawful possession of the land i.e. they would only be suspended temporarily.</p> <p>Compensation is payable to anyone whose rights are extinguished, suspended or interfered with under article 26(5) of the dDCO.</p> <p>Furthermore, and notwithstanding the extensive and diligent efforts made by the Applicant to identify all relevant rights and interests in the Order land, there may still be unknown rights, restrictions, easements or servitudes affecting that land which also need to be extinguished or suspended to enable the Proposed Development to proceed.</p> <p>The Applicant does not understand that SABIC objects to the principle of such unknown rights being extinguished or suspended, and it will be appreciated that – by their very nature – it would not be possible for the Applicant to particularise them in advance as they are ‘unknown’.</p> <p>In addition, the Applicant draws attention to article 26(7) of the dDCO. This provides that the Applicant may by notice preserve a right, restriction or interest from being</p>

EXQ2	QUESTION TO:	QUESTION:	RESPONSE
			<p>extinguished or suspended i.e. it is excepted from the operation of the preceding paragraphs of that article.</p> <p>Similarly, the Applicant and the person in or to whom the right or restriction in question is vested, belongs or benefits may “<i>at any time</i>” agree that the extinguishment and suspensive provisions of article 26 do not apply. This means that if the Applicant is made aware of any further unknown rights in the future the dDCO includes provision to ensure that these are not inadvertently extinguished or suspended in circumstances where this would be inappropriate in some fashion.</p> <p>If there are specific rights enjoyed by SABIC about which it is concerned and which are not at present included in the Book of Reference then the Applicant would invite SABIC to particularise same.</p>
Q2.6.9	Applicant	<p>In response to ExQ1 [REP2-024] Q1.6.63, the Applicant stated that it is not anticipated to permanently extinguish existing rights over access roads, private roads or other rights of way and where new rights are being sought over such roads these are anticipated to co-exist with existing rights. The Applicants reply to ExQ1 Q1.6.9 goes on to state that they are committed to suspending rights only during construction and will remain for only as long as the Applicant is in possession of the land. Please advise if it is anticipated to temporarily close and deny access without alternatives along any road (whether private or public), access track or other means of access that are required by other parties to access and operate any part of their land or operation.</p>	<p>At this stage of the project, the Applicant is still in the early design phases, and it is too early to identify specific details regarding temporary closures or their potential impacts. However, the Applicant can confirm that there is no plan or intention to significantly alter or prolong restriction of existing access rights along any road, access track, or other means of access required by other parties.</p> <p>That said, there may be situations during construction where critical activities, such as lifting operations, require temporary closures to ensure safety. In such cases, closures will be carefully planned and timed to minimize disruption, and the Applicant will seek to provide alternatives.</p> <p>The Applicant remains committed to minimising impacts on access and ensuring that affected parties are informed well in advance to mitigate any inconvenience.</p>
Q2.6.10	Applicant and Relevant IPs/APs	<p>At CAH1, the question of routing of the hydrogen pipeline into the Billingham site was raised by a number of parties, in particular the potential use of the ‘eastern pipe bridge route’. This was followed up by CF Fertilisers (UK) Ltd in their submission of 21 November 2024 [AS-024] which was accepted by the ExA following CAH1. Please can the Applicant respond to the points raised in this regard as raised at CAH1 and in the submission from CF Fertilisers (UK) Ltd. Please can relevant IPs/APs provide any further information relating to this matter, including any comments raised in the consultation period.</p>	<p>During the earlier phases of the site selection process the Applicant considered the “eastern pipe bridge route.” Although this route was initially included in the Order limits, it was removed prior to submission of the DCO application. The Applicant removed this alternative route after the Applicant received feedback that when taking into account existing capacity and other projects that propose to use the eastern pipe bridge route, there would be no more capacity on that pipe bridge for an additional pipeline.</p>
Q2.6.11	Applicant	<p>In their DL4 submission [REP4-050], SABIC question how the SoS is to decide whether the level of security being provided under Article 47 (funding for CA compensation) is adequate, especially in light of its concerns about the serious consequences of an incidental suspension of an inconsistent right under Article 26. The Funding Statement [APP-025] at paragraph 3.1.2 states that financial provision has been made in this regard. Please explain how the ExA and SoS can be certain that this is adequately covered.</p>	<p>Article 47(1) (Funding for compulsory acquisition compensation) of the Draft Development Consent Order (Document Ref: 4.1) clearly sets out that it is for the Secretary of State to decide and approve the amount of either the guarantee or alternative form of security required to be given by the Applicant to fund any compulsory acquisition compensation that may arise through the exercise of compulsory acquisition DCO powers. The Applicant is prevented from using the specified compulsory acquisition powers until the financial security amount is approved and put in place. The Applicant would expect the Secretary of State to refer to the combination of legislation, case law and established practice (known collectively as the ‘compensation code’) when determining the amount of security required under</p>



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			<p>article 47(1) and which would be considered in the context of the compulsory acquisition powers which the Applicant was seeking to use (and for which financial security is therefore required).</p> <p>If, in the event of the Proposed Development obtaining development consent and exercising its compulsory acquisition powers, Sabic were to make a claim for compensation, the onus would be upon them as the claimant to show that the amount being claimed was appropriate in the circumstances. The Applicant's position is, as stated at Compulsory Acquisition Hearing 1 [REP4-015], that it can address Sabic's concerns through providing Protective Provisions in the draft DCO.</p> <p>The Funding Statement [APP-025] does state that the cost estimate set out in paragraph 3.1.1 includes provision for compensation payable in respect of any compulsory acquisition. The Applicant would also refer to its response to ExQ1.6.29 Response to ExQ1 Compulsory Acquisition and Temporary Possession [REP2-024], which explains that appropriate consideration of the relevant compensation provisions has been undertaken to ensure that all compensation potentially payable to affected parties is taken into account and that funding is available. This has been accounted for fully in the Property Cost Estimate that is derived from a detailed review of anticipated costs for acquiring land and rights on a case-by-case basis, whether for temporary or permanent rights or freehold acquisition. This includes allowances for compensation relating to acquisition of land and rights, disturbance claims as well as claims under section 10 of the Compulsory Purchase Act 1965, Part 1 of the Land Compensation Act 1973 and blight claims.</p> <p>As also made clear in the Funding Statement and in the Applicant's response to ExQ1.6.27, the Proposed Development is being developed by project partners (being the ultimate parent companies) BP p.l.c. and Abu Dhabi National Oil Company (ADNOC) who have adequate funds to fund the development.</p>
Q2.6.12	Applicant/ SABIC Companies	In their DL4 submission [REP4-050], SABIC question how the SoS is to decide whether the level of security being provided under Article 47 (funding for CA compensation) is adequate, especially in light of its concerns about the serious consequences of an incidental suspension of an inconsistent right under Article 26. Please confirm if these issues were concluded in the NZT DCO via suitable PPs and Heads of Terms agreements.	<p>The Applicant has considered the protective provisions contained at Part 16 of Schedule 12 to the Net Zero Teesside Order 2024 and does not consider that these contain provisions directly relevant to the issue of financial security for compensation, and nor would the Applicant expect them to do so.</p> <p>The Applicant has further addressed the question of security for compensation in response to Q2.6.11 above.</p> <p>As far as the incidental suspension of an inconsistent right is concerned, please see above in response to Q2.6.8 which explains the purpose of article 26 of the dDCO as well as, importantly, the operation of article 26(7) which enables third party rights to be excepted from the operation of the suspensive powers conferred by that article.</p>
Q2.6.13	Applicant, Stockton-on-Tees Borough Council (STBC), Northern Gas Networks and Church	Please provide an update on the agreement for the Cowpen Bewley Open Space replacement land. Please can STBC, Northern Gas Networks and Church Commissioners for England also advise if they have any comments on Article 29 (Special category land and replacement special category land) of the dDCO [REP4-004].	The Applicant has remained in communication with Stockton on Tees Borough Council, Northern Gas Networks and the Church Commissioners for England to progress negotiations for land agreements in relation to the existing Cowpen Bewley Woodland Park land and the replacement land. These are being developed, in the context of the



EXQ2	QUESTION TO:	QUESTION:	RESPONSE
	Commissioners for England		operation of article 29 and section 131/132 of the Planning Act 2008, which mean that a number of complex and interrelated agreements will be required.
Q2.6.14	STG	In their DL3 submission [REP3-024] in reply to the Applicants response to ExQ1.6.10, STG state that the DCO should include the requirement for consultation on the drafting of restrictive covenants, something that in their reply at DL4 [REP4-013] the Applicant considers is not appropriate. Please explain further why this is considered necessary in this case and why the PPs and side agreement would not be adequate.	N/A
Q2.6.15	Applicant	As discussed at CAH1, it is understood that the amount of land required and shown in the Land Plans [AS-003] uses the Rochdale Envelope principles and is required as ground investigation and detail design has not commenced or been completed. It is further understood that upon completion of these, the amount of land required will reduce. Please provide a comprehensive explanation of the process and anticipated timeline which allows the ExA to understand how a completed detailed design (which will be post close of the Examination) will result in reduced land requirements and how the ExA can be certain that this will lead to the minimum land and rights required to be acquired by compulsion, should that be necessary. Please reference the appropriate parts of the dDCO and relevant documents as included within Schedule 14 of the dDCO.	<p>As set out in the Summary of Applicant's Oral Submissions at the Issue Specific Hearing 1 (ISH1) [REP1-008], the hydrogen production plant and the pipelines have already been through the concept design and pre-FEED (Front End Engineering and Design) process ahead of the submission of the DCO Application. This level of design has been used to determine the Order limits of the Proposed Development so that they represent a robust but least intrusive extent to which powers are required to deliver the Proposed Development.</p> <p>The Order land (as set out in the Land Plans [CR1-004]) shows, based on the current level of design, land coloured pink indicating the Applicant's need to permanently acquire the freehold, land coloured blue indicating the Applicant's need to permanently acquire new rights over the land, and yellow indicating where the Applicant needs to temporarily possess the land only. The powers of acquisition in Part 5 of the draft Development Consent Order [REP4-004] directly relate to what is shown on the Land Plans. Also, Schedule 1 of the draft DCO describes the specific works required for the Proposed Development and the geographic extent of where each of these specific works could be located is shown in the Works Plans [CR1-007].</p> <p>The exact specification of the final hydrogen plant, the size, footprint and siting of all the elements of the project are to be finalised once detailed design process is completed. This process will be undertaken after the close of the DCO examination. The final layout of the different elements of the project will be determined by several different factors including:</p> <ul style="list-style-type: none"> <li>Accounting for appropriate buffers and safety distances (as explained during Item 3(i) of the ISH1);</li> <li>Technology licensors' input in respect of the sizing and most efficient layout of the infrastructure;</li> <li>Accounting for items and mitigation measures secured by requirement in Schedule 2 of the draft DCO and the fact that Requirement 3 to the DCO requires final design details to be approved by the relevant planning authority after consultation with STDC; and</li> <li>Commercial and business incentives to avoid unnecessary expenditure by making the most efficient use of the land as well as obtaining the necessary land and rights by agreement where possible (seeking land and rights through compulsory acquisition only where required).</li> </ul>

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			<p>The completion of detailed design process will fix the location of the specific works in Schedule 1 of the draft DCO to enable the Applicant to understand the land and rights it requires to construct and operate the project based on that detailed level of design. If, at point of completing detailed design, the need for various plots currently included in the Order limits were to fall away then those plots would not be acquired by the Applicant because it would not be in its interests to acquire them in those circumstances.</p> <p>Also, in terms of exercising powers under the DCO, the DCO allows the promoter to use temporary possession powers to undertake the construction of the project. It is generally the case that the entirety of the construction area would not then be needed during the operation of the project, and therefore that a smaller area can subsequently be subject to compulsory acquisition or that it can operate with land rights only (rather than owning the freehold of the relevant land). Therefore, the powers allow the Applicant only to compulsorily acquire the land rights/land that it actually needs, and where possible to refine this during detailed design and construction. This approach is preceded in general, using compulsory acquisition as a matter of last resort and giving the promoter the ability to acquire rights instead.</p> <p>The Applicant would also note that article 25(1) of the DCO gives the undertaker the flexibility to “acquire such rights over the Order land as may be required for any purpose for which that land may be acquired under article 22 (compulsory acquisition of land), by creating them as well as acquiring rights already in existence”. This enables the Applicant to reduce the extent of the interference compared to the submitted DCO Application by only acquiring rights even if the plot is coloured pink (freehold acquisition) on the Land Plans.</p> <p>The Applicant is working with interested parties to seek to acquire the necessary land and rights by agreement rather than by using the compulsory acquisition powers in the DCO. The compulsory acquisition powers in the DCO are required to be used as a last resort in the event that agreement cannot be reached in order to secure the delivery of the consented project.</p>
Q2.6.16	Applicant	The above question relates to the holistic approach to land requirements following detailed design. Please give further details specifically in regard to the crossing of the River Tees and how the ExA can be satisfied that only the land required is being sought and how this will be reduced following detailed design and ground investigation.	<p>The current extent of the DCO Order limits for the River Tees crossing is informed by the preliminary (pre-FEED) crossing design. The area of land outlined for siting the Tees crossing shaft at each side of the river reflects the design maturity of the preliminary design. The plots and Order limits shown in the Land Plans [CR1-004] would allow for flexibility in detailed design of the crossing.</p> <p>The final location of the shafts is influenced by a number of factors and can be confirmed following:</p> <ul style="list-style-type: none"> <li>• Non-intrusive surveys to determine presence and locations of buried underground services. This is planned to take place in 1Q 2025.</li> <li>• Determination of suitable offset distances from existing infrastructure including existing buried pipelines (via FEED design and stakeholder engagement).</li> </ul>

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			<ul style="list-style-type: none"> <li>• Validation of ground condition at the shaft sites.</li> </ul> <p>Completion of detailed design of the River Tees crossing is to be performed as a competitive design process by two specialist crossing engineering and construction companies with specific Microtunnel experience (including construction). Both FEED subcontractors will be provided with the DCO Order limits in order to allow freedom and flexibility in design to allow for company and technology consideration with respect to:</p> <ul style="list-style-type: none"> <li>• Shaft dimensions – Required depth and diameter</li> <li>• Required construction compound and associated laydown areas for materials</li> <li>• Construction methodology and associated spatial constraints</li> </ul> <p>Following completion of the detailed design process, the required shaft locations will be determined and the permanent infrastructure land requirements can be finalised, to match the area associated with the permanent shaft infrastructure. This is expected to be approximately 15 m x 15 m but will be confirmed post detailed design. The tunnel crossings, i.e. connection of the two shafts, can be confirmed following determination of final shaft locations.</p>
Q2.6.17	IPs and APs	At DL2, the Applicant provided a document Order Width Limit Explanatory Note [REP2-037]. Please provide any comments on this note if you have not done so at previous DLs.	N/A
Q2.6.18	Applicant	At DL2, the Applicant provided a document Order Width Limit Explanatory Note [REP2-037], at paragraph 3.2.3 it is stated that the results of the archaeological survey in the Cowpen Bewley corridor will be completed in Q4 of 2024. Please advise when this will be undertaken and if these results will lead to a resolution of the ‘coffee cup handle’ options before the close of the Examination.	The archaeological field evaluation of the Cowpen Bewley corridor was completed between the 18 <sup>th</sup> and 20 <sup>th</sup> of November 2024. An interim report was prepared by the archaeological contractor on the 3 <sup>rd</sup> December 2024 and is currently under discussion with the county archaeologist. The final report, along with any changes to the design will be provided prior to the close of Examination.
Q2.6.19	Applicant	At DL2, the Applicant provided a document Order Width Limit Explanatory Note [REP2-037], at paragraph 3.2.5 it is stated that the width of the corridor at the railway is 120m; similarly paragraph 3.3.2 details the corridor width at Greatham Creek as 125m. Please explain why this width has been chosen and if any particular technical, geographical or physical features, for example, have dictated this width. Please also advise if any further information which supports the need for this amount of land and why geotechnical investigations were not available prior to submission of the Application.	<p>The width of the railway crossing is set approximately as the width of the existing AGI to the north, which the new AGI will be adjacent to and is the eventual tie-in point for the pipeline. The new AGI can be in the centre, to the west or east, and taking the whole width allows flexibility of the crossing towards that location.</p> <p>Greatham Creek has a curved path based on the entry and exit locations of the HDD. 125m is the approximate width of this curved path, and this has been determined due to the following factors. The south side (HDD exit) is more certain as pipe stringing will be parallel to the existing track. The north side (HDD Entry) is less certain due to a lack of project specific geotechnical investigation and the existing pipeline corridor. There is a pond on the north side, north of the pipeline corridor and south of the facility, outside the redline boundary, which had a buffer of 20m applied when drawing the RLB.</p>

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			Geotechnical information was not available as it is currently scheduled to be performed next year. A desktop report was produced using existing BGS boreholes (and others known/available) in the previous phase, ahead of DCO submission. The desktop report and existing boreholes were used to select HDD as the preferred crossing technology/method.
Q2.6.20	Applicant	In ExQ1 Q1.6.30 [PD-008], the ExA sought information about Government funding for the Proposed Development. Please update the ExA on any further developments or changes in this regard.	<p>The position previously outlined in the Applicant response to ExQ1 Q1.6.30 [PD-008] remains valid.</p> <p>Since the submission, H2Teesside's negotiations with the Government to secure the required funding through the Low Carbon Hydrogen Agreement (LCHA) and Net Zero Hydrogen Fund (NZHF) have progressed well. As set out in our previous response, a Statement of Principles was agreed in summer 2024, which allowed the project to progress to final negotiations.</p> <p>The Applicant remains confident that the necessary Government support will be provided and that this will help to ensure the project's successful implementation and contribution to the UK's net zero targets.</p>
Q2.6.21	Applicant	In ExQ1 Q1.6.59 [PD-008], the ExA sought information about parts of the Proposed Development where the indicative hydrogen pipelines shown on the Indicative Hydrogen Distribution Network Plans [AS 008] were seemingly touching or very close to the Order limits. The Applicant in their response [REP2 024] stated that this question was addressed in the Order Width Limit Explanatory Note [REP2 037]. However, the ExA is not certain that this is the case and would request the Applicant to signpost to the appropriate statement or provide further information to assure the ExA that the Proposed Development could be constructed within the Order limits.	<p>The Applicant notes that it was not possible to provide an explanation about each individual area in the Order Width Limit Explanatory Note [REP2 037] without that document being very long, and has provided some further information below.</p> <p>The Indicative Hydrogen Distribution Network Plans [AS 008] contain indicative routes, meaning that they have been developed in 2 dimensions in GIS software and have had a site survey for confirmation on feasibility. As part of design development in the current phase of Engineering and into the Detailed Design phase, for the above ground sections, a laser scan will be performed to produce a 3-dimensional model of the area, and within that model, the pipeline will be routed accurately. This will include bends, pipe supports, structural steel etc. The DCO redline boundary is imported into the 3D model to ensure the pipeline and construction activities will comply with (i.e. remain within) the Order limits.</p> <p>For this reason, the areas where the routes are very close to the Order limits on the indicative map [AS 008] is a temporary matter in these indicative plans, and will be more illustratively represented on engineering 3D Models.</p> <p>Areas where the indicative routes are close to the Order limits, which have been updated on the live 3D model t, include the railway crossing at Cowpen Bewley, and the northern leg within Wilton International parallel to A1085 Trunk Road.</p>
Q2.6.22	Applicant	An Additional Submission from Greenergy International Ltd [AS-043] was accepted by the ExA on 13 November 2024. Please provide a response to this submission.	The Applicant confirms that they have sent an email to Rapleys, who act on behalf of Greenergy International Limited in respect of their interests in Teesside on 13 December 2024 to request a meeting to discuss the Proposed Development,

EXQ2	QUESTION TO:	QUESTION:	RESPONSE
			<p>Greenergy International Ltd’s submission and any Protective Provisions that may be required. The Applicant has had a meeting with Greenergy International Limited to discuss these matters. It was confirmed in this meeting that Greenergy International Limited do not own land within the Order Limits, however, they have interests. The parties have started discussing appropriate protections for these.</p>
Q2.6.23	Applicant	<p>In the Additional Submission from Greenergy International Ltd [AS-043] referenced above, they state that “...It would be normal and expected for the applicant to make diligent inquiries of potential Section 44 parties and commence negotiation regarding purchase of land or interests ahead of CPO action..”. Please confirm if there are other parties listed in the BoR who may not have been approached, and if so please provide a list and an explanation of why they have not been approached by the Applicant.</p>	<p>The Applicant confirms that they have taken all necessary steps to conduct a comprehensive inquiry into all Section 44 parties. This includes obtaining and reviewing land registry data, issuing land interest questionnaires, following up with non-respondents, and posting site notices. This has allowed The Applicant to initiate negotiations with interested parties about the extent of compulsory acquisition powers in the DCO application. As a result of the Applicant's diligent inquiry and consultations, the Applicant can confirm that all parties listed in the BoR have been engaged and notified about the DCO application.</p>