

Planning Act 2008 – Section 91; The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 13; and The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 - Regulation 14.

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

Agenda for Issue Specific Hearing 3 into Environmental Matters (Virtual):

Hearing	Date and Time	Location
<p>Issue Specific Hearing (ISH) 3 (ISH3) into Environmental Matters and to allow any Additional Interested Party or Additional Affected Person, as a result of the accepted Change Request (CR), to make oral representations on the matters previously discussed at ISH1.</p>	<p>Tuesday 14 January 2025</p> <p>Virtual Arrangements Conference from: 9:30am</p> <p>Hearing starts: 10:00am</p>	<p>By virtual means using Microsoft Teams.</p> <p>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.</p>
<p>A preliminary agenda was published as Annex D to the Examining Authorities Rule 8(3) and 13 letter issued on 9 December 2024 [PD-017]. This detailed agenda differs only in the addition of a single bullet point, bullet point 3, to Agenda Item 9 (Design, Landscape and Visual Considerations). All other text remains unchanged.</p> <p>The joining instructions remain as set out in Annex D of the Examining Authorities Rule 8(3) and 13 letter issued on 9 December 2024.</p>		

Please note that the following agenda is indicative and may be amended by the Examining Authority (ExA) at the start of the hearing session.

1.	<p>Welcome, introductions, arrangements for the Hearing:</p> <p>The ExA will welcome participants, lead introductions and address housekeeping matters. The public livestream and recording will start.</p>
2.	<p>Purpose of the Issue Specific Hearing:</p> <p>The ExA will explain the purpose of the hearing and the range of topics which will be covered.</p>

3.	<p>Change Request</p> <p>In accordance with Regulation 14(2) of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, the ExA will give an opportunity for any Additional Interested Party or Additional Affected Person, as a result of the accepted CR submitted by the Applicant to amend its Development Order Consent application, to make oral representations on the matters previously discussed at ISH1.</p>
4.	<p>The details and the impact of the CR accepted into the Examination.</p> <p>The ExA will ask questions of the Applicant in relation to the following:</p> <p>The Applicant will be asked to explain the substantive changes to the design approach as set out within the most recent CR accepted into the Examination and whether these could potentially lead to further changes in design.</p>
5.	<p>Air Quality and Emissions</p> <p>The ExA will ask the Applicant to:</p> <ul style="list-style-type: none"> • Explain its approach to the assessment of ammonia and acid emissions/ depositions from vehicles in regard to the impact on the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) (See Natural England’s (NE) Relevant Representation (RR) [RR-026], Written Representation (WR) [REP2-072] and its Deadline (DL) 4 submission [REP4-028] under NE Key Issues: NE10 (Matter 1) and NE28. • Provide a detailed explanation of how it has addressed the concerns of NE as raised in RR [RR-026], WR [REP2-072] and its DL4 submission [REP4-028] under NE Key Issue NE12, in relation to the “Close Loop” Carbon Capture process and treatment of amine and non-amine emissions including the handling of maintenance phases and any unplanned events that might lead to temporary releases. • Explain the controls and measures to be implemented for venting or emergency emissions during maintenance with reference to NE’s RR [RR-026], WR [REP2-072] and its DL4 submission [REP4-028] under NE Key Issue NE12. • Explain the assessment and approach to waste emissions and the potential impact on protected sites, in particular minimal waste, amine and non-amine wastes or other waste or emissions having regard to the issues raised by NE in its RR [RR-026], WR [REP2-072] and its DL4 submission [REP4-028] under NE Key Issue NE12. • Explain its approach in relation to NE Key Issues NE17 (Nitrogen Deposition) (Matter 1) and NE18 (Operational Emission of Amine and Amine Degradation Products) (Matter 1) and how it is seeking to address the concerns of NE.

- Explain what progress there has been in regard to NE's Key Issue NE29 (Teessmouth & Cleveland Coast SSSI and National Nature Reserve - Scope of pollutants considered in the construction and operational assessments) and NE31 (Teessmouth & Cleveland Coast SSSI and National Nature Reserve Air Quality Impact of pollutants at SSSIs, including SSSIs underlying European designations) providing a timescale for progress in relation to this matter.

The ExA will ask NE and any other Interested Parties for comment, observations or their views related to the above matters at any appropriate point during this item and the ExA may ask questions.

6. **Biodiversity, Ecology and Nature Conservation, including Ornithology and Marine Ecology**

The ExA wishes to explore/ examine the following matters:

- NE maintain that further specific information is required regarding the treatment, pathways and composition of effluent streams (both aerial and liquid) before it can agree with the conclusion of No Adverse Effect on Integrity (AEOI) in relation to its Key Issues NE18 and NE20. NE advise that these impacts remain to be assessed alongside any exacerbating effects of reduced water availability before any mitigation measures can be identified and agreed. The ExA will ask the Applicant to advise on progress concerning/ resolving these matters, explaining what is being done to address/ satisfy NE in this regard, and providing timescales for reaching such resolution/ agreement on these matters.
- With regard to Impacts to Teessmouth and Cleveland Coast SPA/Ramsar/SSSI and Functionally Linked Land (FLL), NE maintains it is concerned in regard to the applicant's methodology when considering impacts from the development on protected bird species and assemblages and advises it cannot agree with the applicant's conclusion of no AEOI, as presented in the Report to Inform an HRA. (See NE's Key Points: NE2, NE5, NE6, NE7 & NE8).

NE also advises the scale of the loss of FLL was unclear (NE Key Point: NE3) with it pointing out although direct loss of habitat from the Teessmouth and Cleveland Coast SPA is to be avoided by utilising Horizontal Directional Drilling (HDD), there remains the potential for direct loss of habitat in the event of HDD collapse.

The Applicant will be asked to provide the ExA with an update in regard to progress on the NE Key Points listed above, including whether reaching a resolution is possible within the remaining Examination period and, if so, the expected timescales for such resolution.

- The ExA has noted NE's Key Action Points NE14 (Clarification of the in combination assessment process) and NE19 (Teessmouth and Cleveland Coast SPA/Ramsar Site (Construction and Operation))

In-combination assessment) and that it “...has taken an action to review and confirm what project information is needed to achieve the requested, additional in combination assessment work.” [REP4-028]. The ExA would ask NE for an update in regard to the above and a timeline for clarification on this matter. The Applicant will be asked to respond.

- The ExA notes NE’s DL4 submission [REP4-028] and its update regarding NE’s Key Points NE15 (Internationally Designated Sites – Process followed in the Habitats Regulation Assessment) and NE26 (North Northumberland Coast Special Area of Conservation (SAC), The Humber Estuary SAC and the Wash and North Norfolk Coast SAC - Noise disturbance – Seals). The ExA will ask the Applicant for an update in regard to these NE Key Points, including whether reaching a resolution within the remaining Examination period is possible and, if so, the expected timescales for such resolution.
- The ExA notes NE’s current position regarding its Key Points NE34 (Biodiversity Net Gain (BNG)) and NE35 (Soils/ Best and Most Versatile land) and would ask the Applicant to provide an update on progress in regard to these Key Points, including whether reaching a resolution within the remaining Examination period is possible and, if so, the expected timescales for such resolution.
- The ExA notes that none of NE’s submissions [RR-026], [REP2-072] or [REP4-028] appears to include NE’s Key Point NE30 and would seek clarification from NE in this regard.

The ExA will ask NE and any other Interested Parties for comment, observations or their views related to the above matters at any appropriate point during this item and the ExA may ask questions.

7. Climate Change

- In the light of Climate Emergency Planning and Policy’s DL4 submission [REP4-038], the ExA would ask the Applicant for a detailed explanation of the 95% capture rate of the Proposed Development, including its assessment and the evidence basis, and in particular the assumptions relating to the 5% unabated carbon dioxide emissions.
- The EA will be asked to explain the mechanism by which the EP will ensure the monitored carbon capture rate does not exceed the 95% threshold.
- The ExA notes the draft SoCG with the Environment Agency (EA) [REP4-019], which if signed/ dated, would confirm it is agreed that the 95% capture rate will be monitored by the Environmental Permit. However, irrespective of previous submissions on this matter, including oral submissions at ISH2, the ExA would ask the Applicant to further explain why the proposed Development should be distinguished from

	<p>other similar Development Consent Orders, such as Net Zero Teesside (NZN) and Keadby 3 (both Combined Cycle Gas Turbine), where:</p> <ol style="list-style-type: none"> i) the required Carbon Capture Rate was included in Article 2 (interpretation) of the Development Consent Order (DCO). See Article 2 (interpretations) 'Carbon Capture Plant' in relation to the NZN DCO) and Article 2 (interpretations) 'Carbon Capture and Compression Plant of the Keadby 3 DCO; ii) a Requirement (Requirement 31 related to NZN and Requirement 33 related to Keadby 3) was included within the DCO that prevented critical elements of the Proposed Development not being brought into commercial use without other critical elements related to Carbon Capture and its transportation also being brought into commercial use. <p>The ExA may ask the EA and any other Interested Parties for comment, observations or their views related to the above matters at any appropriate point during this item and the ExA may ask questions.</p>
8.	<p>Geology, Hydrogeology and Land Contamination</p> <p>The ExA will ask the Applicant and relevant Local Authority/ Authorities to provide an update with regard to the EA's observations [REP3-010] concerning land registered under Part 2A of the Environmental Protection Act 1990 in the location formerly referred to as the Seal Sands Chemical Company and the implications of this in relation to the Proposed Development. This update must include an update in regard to any discussions with Stockton-on-Tees Borough Council (STBC) and or other relevant bodies.</p> <p>The ExA may ask the EA and any other Interested Parties for comment, observations or their views related to the above matters at any appropriate point during this item and the ExA may ask questions.</p>
9.	<p>Design, Landscape and Visual Considerations.</p> <p>The ExA will ask the Applicant to:</p> <ul style="list-style-type: none"> • Outline the impact of the Change Request accepted into the examination in regard to the landscape and visual assessments, including the selection of viewpoints and the effectiveness of the photomontages entered into the Examination. • Explain and provide an update on the progress of the design process to date. • Explain what design work(s), illustrative or otherwise, related to the potential alternative site for Phase 2, in the location of the current proposed HyGreen development, has been undertaken and highlight where that design work has been submitted into the Examination.

	<ul style="list-style-type: none"> • Explain the measures incorporated into the Proposed Development to secure the highest possible design quality, including the effectiveness of Requirement 3 of the draft DCO in securing a high quality of design and enhancement to the environmental quality of the surrounding area. • Explain the effectiveness of Requirement 4 of the draft DCO to ensure a high quality and effective landscaping and biodiversity scheme. <p>The ExA may ask relevant Local Planning Authorities (Redcar and Cleveland Borough Council (RCBC), STBC and Hartlepool Borough Council (HBC), as well as the South Tees Development Corporation (STDC) and any other Interested Parties for comment, observations or their views related to the above matters at any appropriate point during this agenda item and the ExA may ask questions.</p>
10.	Any other business.
11.	<p>Action points arising from the Hearing.</p> <p>Applicant is to provide a summary of Action Points arising out of ISH3.</p> <p>The ExA:</p> <ul style="list-style-type: none"> • will ask other Interested Parties for any comments or observations in relation to the Applicant's list of Action Points; and • consider the list of Action Points against its own notes regarding Action Points.
12.	<ul style="list-style-type: none"> • Close of ISH3

Purpose of ISH3

The main purpose of ISH3 is to undertake and facilitate questioning of certain topics, matters arising from the application documentation and representations relating to Environmental Matters, including matters relating to Climate Change, Air Quality and Biodiversity/ Ecology, as well as in relation to Landscape and Visual Consideration.

Please note that the ExA will not accept representations at ISH3 in the form of video or audio recordings.

Attendance at the hearing

The ExA would find it helpful if the following parties could attend this hearing:

- Applicant, including its representatives in a position to discuss the matters on the agenda;
- RCBC;
- STBC;
- HBC;
- STDC;

- EA;
- Climate Emergency Planning and Policy;
- NE; and
- Any other Interested Parties, with an interest in the Environmental Matters on this agenda.

However, this does not indicate that other parties 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 the ExA's ability to control the Hearing.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the Hearing. The details set out below are indicative and the ExA may find it necessary to include additional Agenda items or to amend the order in which the items are dealt with. Anyone wishing to speak at the Hearing, who has not already advised the Case Team of this, should do so as soon as possible.

The Hearing will be a virtual event. Participants may join online using the Microsoft Teams platform. 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 ISH3 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 Interested Party wishing to respond to any matters raised from observing ISH3 (real time or otherwise) should do so in accordance with the details specified in our letter and Annex B above.

Timing

The ISH3 is scheduled to take place on **Tuesday 14 January 2025 at 10.00am**. The ExA will keep to the agenda as much as possible and ISH3 will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. ISH3 is not expected to go beyond 5pm. 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 6A (Wednesday 22 January 2025).

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.

Please Note: In order to ensure timely publication of this preliminary agenda, it was drafted prior to Deadline 5 (Wednesday 18 December 2024). Consequently, the ExA may need to adjust this preliminary agenda no later than 5 days prior to CAH2 taking place or at the meeting to allow for responses or additional submissions received after Deadline 5.

Registration Process

Parties who have registered to speak 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 **10.00am** those attending virtually should join promptly at **9.30am** to ensure that all virtual attendees can complete the Registration Process in good time.

Procedure at ISH

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 IP has had a fair chance to put its case.