

**8 January 2025**

**By Email**

Dear Planning Inspectorate

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

**Planning Inspectorate Reference: EN070009**

**Deadline 5A Submission**

This submission is made on behalf of Lighthouse Green Fuels Limited (LGF) in respect of the proposed H2T Project. LGF are in the process of seeking to promote sustainable energy, via the production of sustainable aviation fuel, through its Lighthouse Green Fuels project (the LGF Project), which is intended to also be located within Teesside. As part of the LGF Project, LGF is keen to utilise low carbon hydrogen at the facility where possible.

LGF does not oppose the principle of the H2T Project subject to its concerns relating to assets in the area being fully addressed.

**Update on protective provisions**

In LGF's response to Q2.9.11 and Q2.9.12 at Deadline 5 [[REP5-077](#)], LGF explained that LGF and the Applicant have had meetings to discuss the mechanism of the protective provisions given the existence of both current and future assets.

There had initially been some progress in agreeing the broad approach. The Applicant and LGF have discussed the principles for drafting and negotiating appropriate protective provisions to provide protections for existing infrastructure as well as future development of LGF's site and infrastructure. However, little progress has been made in relation to agreeing protective provisions. LGF has yet to receive draft versions of the discussed protective provisions.

As a result, LGF submits with this cover letter, its preferred version of the protective provisions to be included in the Applicant's DCO. These provisions provide LGF with protection for its existing assets, as well as its future assets. LGF has aligned its protective provisions with those to be submitted by Air Products PLC, Air Products (BR) Limited, and Air Products Renewable Energy Limited (collectively referred to as Air

Products) as far as possible. LGF has apparatus of a similar nature to Air Products, some of which have shared interests between the parties, and it is considered that alignment of the protective provisions is appropriate. There has been discussion between LGF and Air Products to achieve this alignment and the drafting of the protective provisions is largely preceded in The Net Zero Teesside Order 2024.

Having regard to the relative design stages of the two projects, LGF has included at paragraph 12 of the submitted protective provisions, as agreed in principle with the Applicant, provisions seeking to minimise conflict between the development of the H2T Project and LGF's future development of the Tees Valley 1 and Tees Valley 2 sites. The parties consider these protective provisions will address constructability principles to enable co-operation in the construction and operation of the H2T project and LGF's future development on the Tees Valley 1 and Tees Valley 2 sites. It is considered that as the LGF Project is further refined and nears DCO application submission, the parties will be able to agree more detailed protective provisions, with any such changes to be addressed by the development consent order for the LGF Project.

### **Further side agreements**

For assets where there is shared interest between LGF and Air Products, LGF has a preference for a tripartite asset protection agreement between LGF, Air Products and the Applicant.

If such an agreement cannot be put in place, a side agreement between LGF and Air Products may be required to regulate how the parties will engage with the protective provisions where the affected asset is one in which LGF also has an interest arising out of existing commercial agreements. The parties' solicitors are engaged on the matter and the parties are confident this will be agreed prior to the close of the Examination.

### **Attendance at January hearings**

LGF reserves its position with regard to any matters arising from submissions made during the Examination including the Compulsory Acquisition Hearing 2 on 13 January.

LGF maintains its objection to the compulsory acquisition of plot 9/41 (in relation to the potential hydrogen AGI location) as appropriate protective provisions have not yet been agreed. LGF notes that in its response to the second written question 2.6.4 [\[REP5-077\]](#), LGF responded to the question in relation to plot 9/41 but mistakenly referenced plot 9/16.

Additionally, in relation to plot 9/16 on sheet 9 of the Land Plans, LGF requires, as requested in its Deadline 2 submission [\[REP2-084\]](#), further information from the Applicant on the proposed compulsory acquisition powers sought as the site that LGF currently occupies benefits from several utility services in the corridors proposed to be compulsorily acquired.

LGF are keen to continue to work collaboratively to agree to protections for LGF's existing and future assets. We remain hopeful that the protective provisions will be agreed before the end of examination. Provided that the appropriate agreements are completed, including agreed protective provisions, LGF are in support of the H2T project.

Yours faithfully,



**Lighthouse Green Fuels Limited**