

# **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 H2Teesside Order

Document Reference: 7.10 Change Notification 2 (Notification of Further Proposed Changes to the H2Teesside DCO Application and Response to CAH2-AP4)

The Planning Act 2008



#### Applicant: H2 Teesside Ltd

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## APPENDICES

**APPENDIX 1: PROPOSED CHANGES PLANS** 



### 1.0 INTRODUCTION

#### 1.1 Overview

- 1.1.1 The H2Teesside Project Development Consent Order ('DCO') Application was submitted by the Applicant, H2Teesside Limited, to the Secretary of State (the 'SoS') for the Department for Energy Security and Net Zero ('DESNZ') on 25 March 2024 under Section 37 of the Planning Act 2008 (the 'PA 2008'). The DCO Application was accepted for examination on 22 April 2024.
- 1.1.2 The H2Teesside Project (the 'Proposed Development') will be one of the UK's largest blue hydrogen production facilities with a capacity of up to approximately 1.2 gigawatts ('GW') thermal, representing more than 10% of the Government's low carbon hydrogen production target of 10 GW by 2030.
- 1.1.3 The Proposed Development is a complex 'first-of-a-kind' project. As confirmed by the Government's decision to select the Proposed Development to connect to the East Coast Cluster (one of the first two carbon capture, usage and storage clusters to be taken forward by the Government), it is a critical part of efforts to decarbonise the power and industrial sectors both in Teesside and nationally.
- 1.1.4 Since submission of the DCO Application, the Applicant has continued with detailed design development and refinement, while also engaging with Interested Parties with a view to addressing their comments and agreeing common ground. This reflects best practice and Government expectations of Applicants as set out in its Guidance on compulsory acquisition, to seek to reach negotiated settlements.
- 1.1.5 This led to many of the changes progressed as part of the first Change Request submitted in the first part of the Examination (CR1-044), but this work has continued on through the Examination period.
- 1.1.6 That continued engagement has led to the development of 5 areas of change that the Applicant has been focussing on, and which were discussed at some length at Compulsory Acquisition Hearing 2 ('CAH2'). These areas are as follows:
  - Change Area 1: Overlap with the proposed NatPower BESS Site, East of the Main Site.
  - Change Area 2: INEOS Nitriles facility, south of Seal Sands Road
  - Change Area 3: Pipeline Corridor to Cowpen Bewley AGI the 'Coffee Cup Handle'
  - Change Area 4: Saltholme Substation AGI and adjacent Hydrogen Pipeline Corridor
  - Change Area 5: Main Site Phase 2 Area
- 1.1.7 All five of these Change areas are focussed on reducing the Order limits of the Proposed Development and/or reducing the powers sought over land that will remain in the Order limits.



- 1.1.8 The Applicant's proposal is that, in light of the work that has taken place in respect of these change areas, and the discussions that are still on-going with the relevant Affected Persons, it will bring forward a Change Request ('Change Request 2') on the following basis:
  - in respect of Change Areas 1 and 2, the Applicant is in the position where the extent of the changes to the Order limits is known. It will therefore bring forward a Change Request for these changes irrespective of what happens with Changes 3 to 5;
  - in respect of Change Area 3, the position on how the Order limits would change is known, but is dependent on the County Archaeologist confirming that they are content with the results of the archaeological investigations that inform the changes to the Order limits in this area; and
  - in respect of Change Areas 4 and 5, discussions with the relevant Affected Persons are not yet complete, which means the Applicant is not yet certain that a Change Request will be able to be brought forward in sufficient time for them to be adequately considered within the remaining time in the Examination.
- 1.1.9 Further to the discussions at CAH2 on 13<sup>th</sup> January 2025, the Applicant is aware that it would not be appropriate to bring forward two separate Change Requests in the remaining time in Examination. It is therefore focussing on preparing one Change Request (Change Request 2), which deals with all proposed changes, and that can be appropriately considered in the remaining Examination period.
- 1.1.10 However, the Applicant and the relevant Interested Parties and Affected Persons also need the time to try and complete discussions on Change Areas 3 to 5 to, if possible, include them in the Change Request, to enable the ExA to report on a settled position in the Recommendation period.
- 1.1.11 As such, the Applicant is proposing that the Change Request is submitted at Deadline 7. For Change Areas 3 to 5, whilst the Applicant will prepare for the best case scenario of them being able to be included in the Change Request to aid efficiency, it is working to a deadline of 31 January with the relevant parties to give sufficient time for the Change Request application (in particular the suite of plans) to be updated in time for Deadline 7. This responds to Action Point **CAH2-AP4**.
- 1.1.12 As such, in light of the above information, in this document, the Applicant is notifying the Examining Authority ('ExA') of its intention to formally request a change to the DCO Application at Deadline 7. The Change Request will be accompanied by information on the proposed changes and by updated application documents and additional information as required.
- 1.1.13 The Planning Inspectorate has issued advice 'Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination, 8 August 2024', which provides information on how an applicant can request a change to a Nationally Significant Infrastructure Project ('NSIP') application after it has been



accepted for examination. The process for requesting a change to an application involves four main steps as follows:

- Step 1 The change notification is submitted.
- Step 2 Advice is provided by the ExA.
- Step 3 The Applicant consults about the proposed change.
- Step 4 The change application/request is submitted.
- 1.1.14 This document represents Step 1 of the process, the change notification, and has been prepared in accordance with the requirements of that advice and to assist the ExA in its consideration of the factors set out within it.

#### 1.2 Information to include in a Change Notification

- 1.2.1 The advice sets out the information to include in a change notification. This includes:
  - A clear description of the proposed change(s), including any new/altered works and any new/altered ancillary matters.
  - A statement setting out the reasons and need for making the change(s) with reference to the Government's guidance on the examination stage, any relevant National Policy Statements, and any other important and relevant matters. This statement should include a robust justification for making the change(s), including why the matters driving the proposed change(s) were not identified and dealt with at the pre-application stage.
  - A statement establishing whether the proposed change(s) involves changes to the Order Limits/Land. If the proposed change involves a request to include additional compulsory purchase powers the applicant should confirm if they have the relevant consent from all persons with an interest in the additional land. The applicant must include evidence of the consent. If negotiations are ongoing the applicant should confirm the status of these. If the applicant considers they may not be able to obtain this consent they should include a detailed description of how the procedures in Regulations 5 to 19 of 'The Infrastructure Planning (Compulsory Powers) Regulations 2010' (the 'CA Regulations') can be accommodated within the examination timetable.
  - A statement establishing whether the proposed change(s) to the application is expected to result in any new or different likely significant environmental effects. This should include a summary description of those effects and any mitigation proposed.
  - Information to establish how the applicant considers the change to the application can be accommodated within the remaining statutory timescales.
  - The timescale for the applicant's consultation about the proposed change(s), and the applicant's view on the scope of that consultation, including justification.



• The expected submission date for the 'change application'.

#### **1.3** ExA consideration of the Proposed Changes

- 1.3.1 Government guidance: 'Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects' (DLUHC, 2024) explains at paragraph 018 general considerations around making changes to an application post-acceptance and factors that the ExA will take into account in deciding whether to accept an application for a change such as whether:
  - the changes would mean the project is effectively a different one from that contained in the application;
  - the application (as changed) is still of a sufficient standard for examination;
  - sufficient consultation on the changed application can be undertaken to allow for the examination to be completed within the statutory timetable; and
  - the changes would breach the principles of fairness and reasonableness for parties participating in the examination.
- 1.3.2 The Planning Inspectorate advice 'Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination, 8 August 2024' goes on to say that the ExA will consider whether, following the proposed changes, the project will be substantially the same as the project which was initially applied for and also if the combined impact of a series of incremental changes may collectively result in a materially different project. These factors will be taken into account by the ExA in determining whether the changes would be so substantial as to constitute a materially different project from that which has been submitted.
- 1.3.3 The proposed changes described herein are not considered, individually or cumulatively to be so substantial or different as to lead to the Proposed Development being different in nature or substance to that for which development consent was originally applied for in March 2024, and as amended by the previous Change Request, or which would be so substantial as to constitute a materially different project. The Proposed Development would remain a hydrogen production facility of up to approximately 1.2 GWth lower heating value, including two carbon capture enabled hydrogen units; a hydrogen distribution network and a high pressure carbon dioxide export pipeline for the export of the captured CO<sub>2</sub>.
- 1.3.4 Furthermore, the focus is on reduction of land requirements and rights within the Order limits that are of particular interest to the Affected Persons in question. As such, their positive impacts will be limited to those parties. This means the changes will be unlikely to be of wider interest to the public.
- 1.3.5 It is also considered that the proposed changes would not change the position at Acceptance that the Application is of sufficient standard for Examination they simply lead to amendments to plans to reflect discussions with third parties that have evolved over the course of Examination, since submission of the Application.
- 1.3.6 In considering this point, and mindful of the above Planning Inspectorate advice, it is noted that at this stage, based upon the Applicant's initial assessment of the



proposed changes, they are unlikely to result in new or materially different environmental effects (see below).

- 1.3.7 The proposed changes are explained in more detail in Section 2 below, including the rationale and justification for each change. The location and extent of the proposed changes and the corresponding updates to the Order limits are shown on the plans at **Appendix 1** (which show changes to the Land Plans without plot numbers). These show the land proposed to be removed from the Order limits for Change Areas 1 to 3 hatched black, but not Change Areas 4 and 5, given that discussions are ongoing with the relevant Affected Persons.
- 1.3.8 From an environmental point of view, the Applicant can confirm that none of the proposed changes will change the conclusions of the submitted HRA information and none of the proposed changes will lead to the need for protected species licences. Section 2 explains the Applicant's position in respect of the ES, but in short, concludes that none of the changes would lead to materially new or materially different effects to those reported in the ES.
- 1.3.9 The Applicant confirms that none of the changes being considered in the Change Areas will involve 'additional land' for the purposes of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 and so those Regulations are not invoked.
- 1.3.10 Finally, the Applicant confirms that it proposes that <u>no</u> non-statutory consultation is undertaken for the proposed Change Request. Not only is there insufficient time in the Examination timetable to do so, but the Applicant notes in any event that all of the changes are localised changes which affect only those directly affected by the Proposed Scheme at the location of the Change Areas and will be of limited public interest. Furthermore any parties who are interested in the Change Request will be able to participate in the Examination to give any comments that they may have on the Change Request. It is also relevant that the proposed changes or the context around each has to some degree already been addressed within the Examination, rather than being matters which are first raised in this notification. As such, it is considered that no prejudice would be caused by consultation not taking place.
- 1.3.11 In this context, given the limited nature of the changes, that they are focussed predominantly on managing impacts to parties who have asked for the change; and the environmental conclusions set out in this Change Notification, the Applicant considers that (a) the proposed Change Request would not lead to a materially different project and (b) there will be sufficient time in Examination for the Change Request to be examined if submitted at Deadline 7.



## 2.0 DESCRIPTION AND RATIONALE OF THE PROPOSED CHANGES

<u>Change Area 1 – Overlap with the proposed NatPower BESS Site, East of the Main</u> <u>Site.</u>

- 2.1.1 A change is proposed in this area as a result of the Examination submissions of South Tees Group ('STG'), who have brought to the Applicant's attention a planning application by NatPower UK for a Battery Energy and Storage System (BESS) project to the east of the Main Site.
- 2.1.2 Currently, the Order limits for the Proposed Development slightly overlap with the western edge of that development. Following discussions with STG and in the spirit of co-operation, the Applicant has agreed to reduce the flexibility sought in relation to the construction of its project in this area and remove the areas of overlap from the Order limits.
- 2.1.3 This change is shown at a high level on Sheet 1 of Appendix 1. The Applicant can confirm that this change will:
  - necessitate a slight reduction in size of plots 15/36 and 15/166 of the Land Plans (to be also reflected in the Book of Reference);
  - necessitate the removal of Work No. 6A.1 (hydrogen pipeline) on Sheets 22/23, and Work No. 8 (oxygen and nitrogen connections) on Sheet 12, from the Works Plans at these locations; but
  - not require any changes to the draft DCO, the Special Category Land and Crown Land Plans, the Access and Rights of Way Plans or Temporary Traffic Regulation Measures Plans.
- 2.1.4 As this change involves a very small reduction in the Order limits for Connection Corridors, it is expected to have very limited effect, if any, to the findings of the ES and therefore no materially new or materially different effects when compared to the ES will arise.

Change Area 2 – Ineos Nitriles facility, North of Seal Sands Road

- 2.1.5 A change is proposed in this area following engagement with Ineos Nitriles, who were concerned as to the extent of temporary possession within its facility to facilitate the construction of the hydrogen pipeline corridor, in particular the need for staging areas to support the construction of pipe bridges.
- 2.1.6 Following discussions with Ineos Nitriles and a constructability review, the Applicant has agreed that the staging areas can be removed from the Order limits, whilst imposing no impediment to the delivery of the Proposed Scheme as the adjacent parts of plot 10/24 are sufficient in facilitating the construction of the support infrastructure and pipelines.
- 2.1.7 This removal is shown at a high level on Sheet 2 of Appendix 1. The Applicant can confirm that this change will:
  - necessitate a slight reduction in size of plot 10/24 of the Land Plans (to be also reflected in the Book of Reference);



- necessitate the removal of Work No. 6A.1 (hydrogen pipeline) from those areas from Sheet 20 of the Works Plans; but
- not require any changes to the draft DCO, the Special Category Land and Crown Land Plans, the Access and Rights of Way Plans or Temporary Traffic Regulation Measures Plans.
- 2.1.8 As this change involves a very small reduction in the Order limits for the Hydrogen Distribution Network, it is expected to have very limited effect, if any, to the findings of the ES and therefore no materially new or materially different effects when compared to the ES will arise.

<u>Change Area 3 – Pipeline Corridor to Cowpen Bewley AGI – the 'Coffee Cup</u> <u>Handle'</u>

2.1.9 A change is proposed in this area following the results of archaeological investigations undertaken for this area. As explained in the Order Width Explanatory Note (REP2-037):

"Along the Cowpen Bewley corridor the pipeline will be buried. The route width is currently influenced by the fact that at a late stage during the preparation of the application, the Royal Society for the Protection of Birds (RPSB) indicated that part of the area sought to be utilised for this corridor was proposed to be used for an ecological enhancement project. The existing habitats at this location are mapped and assigned a level of ecological importance with reference to CIEEM guidelines and have been assessed in the ES accordingly.

The Applicant therefore sought to find a route to divert around this area. This has resulted in the Cowpen Bewley 'coffee cup handle' which contains both the ecological enhancement area and the diversion route within the Order Limits.

The 'coffee cup handle' optionality was introduced into the design because of the RSPB ecological enhancements including ponds and wetland areas which are used by breeding and non-breeding birds. The 'coffee cup handle' avoids the ponds by diverting the Order Limits east and west around them. The eastern arm of the 'coffee cup handle' passes through wetland areas whereas the western arm of the 'coffee cup handle' would avoid the wetland areas. However, the western arm is an area of potential archaeological interest. This is noted in ES Chapter 17 [APP-070] – see paragraph 17.6.30.

Until archaeological surveys are complete it cannot be definitively considered that the diversion route can be taken instead of the ecological enhancement area. These will be confirmed following archaeological surveys that are planned to be completed in this area in Q4 2024 to enable the decision to be taken of which route will be utilised".

2.1.10 Those archaeological surveys are now complete (and will be submitted at Deadline 7) and have concluded that there is no archaeological reason which would prevent this route being used for the Hydrogen Distribution Network subject to appropriate mitigation. This conclusion is in the process of being confirmed with the County Archaeologist.



- 2.1.11 Subject to that confirmation being received (which is needed given this will reduce flexibility for the Applicant), the Applicant proposes to include a change in the proposed Change Request to remove the eastern arm of the coffee cup handle. This change is shown on Sheet 3 of Appendix 1.
- 2.1.12 The Applicant can confirm that this change will:
  - necessitate the removal of plots 3/50-3/52, 3/55-3/56, 3/67-3/68, 3/74-3/84, 3/93-3/97 and 4/88-4/90 of the Land Plans (to be also reflected in the Book of Reference);
  - necessitate the removal of Work No. 6A.1 (hydrogen pipeline) from the area of those plots from Sheet 16 of the Works Plans;
  - necessitate the removal of the above plots from Schedules 9 and 11 of the draft DCO; but
  - not require any changes to the Special Category Land and Crown Land Plans, the Access and Rights of Way Plans (including in respect of Z13 to Z14) or the Temporary Traffic Regulation Measures Plans.
- 2.1.13 This change will ensure that ecological areas will be avoided, and the Applicant's surveys confirm that use of the western arm of the coffee cup handle will not lead to significant effects to archaeological remains with appropriate mitigation in line with what is already committed to in the Framework CEMP. As such, there will be no materially new or materially different effects to those reported in the ES for this change.
- 2.1.14 RSPB will be informed of this proposed change prior to submission of the Change Request, to allow them to comment if desired on this change once it is submitted.

<u>Change Area 4 – Saltholme Substation AGI and adjacent Hydrogen Pipeline</u> <u>Corridor</u>

- 2.1.15 As discussed at CAH2, over the course of Examination, post-application, NGET has been bringing forward proposals for the extension of Saltholme Substation. This was not known by the Applicant at the time of consultation or on submission of the DCO application.
- 2.1.16 It is NGET's position that the Applicant's proposals are mutually incompatible with that project, in particular the AGI proposed to be located at plot 3/19 on the Land Plans. This AGI is required as it is a branching point of the Hydrogen Distribution Network. This branching AGI is required to enable "piggability" of the pipeline branch for commissioning and integrity management purposes.
- 2.1.17 The Applicant's position is that NGET's work is at an early stage and that it is not yet evidenced (whilst the reports submitted at Deadline 5 are acknowledged, they are still based on an early design stage) that an extension of the Saltholme Substation could not be brought forward alongside development of the Proposed Scheme, even if that included an AGI.
- 2.1.18 However, notwithstanding this, the Applicant has been working with NGET to seek to consider how the benefits of the Proposed Development could still be developed



alongside expansion of the substation. As discussed at CAH2, the parties have discussed one potential solution.

- 2.1.19 At the time of writing, this potential solution is continuing to be discussed, and it is the case that following further work post CAH2, the feasibility of it as a mutually acceptable solution is still being determined.
- 2.1.20 The potential solution being considered would involve:
  - the removal of the AGI from the area of the Substation (plot 3/19 on the Land Plans), and combining the necessary equipment into the already proposed AGI to the north of the Substation (plots 3/35, 3/36, 3/38 and 3/39 on the Land Plans); and
  - replacing the AGI in this area with the 'doubling up' of pipelines, to allow for the hydrogen pipeline to reach the northern AGI, and another hydrogen pipeline to come back from the northern AGI, past the Substation, to head towards Billingham.
- 2.1.21 As the details of the potential solution are not yet confirmed, the extent of change to the Order limits/'downgrading' of powers cannot be shown on Appendix 1 (for example, the width of the 'doubled' pipeline corridor in and around the Substation).
- 2.1.22 If the potential solution is deemed to be feasible to take forward it would, in respect of the application documentation:
  - necessitate a change of plot 3/19 of the Land Plans from pink land for full compulsory acquisition; to blue land for compulsory acquisition of rights and imposition of restrictive covenants (which would then be reflected in the Book of Reference). As noted, the parties are discussing if there would be any change to the size of this plot;
  - necessitate the removal of Work No. 6B.1 (AGI) from the area of plot 3/19 from Sheet 16 of the Works Plans;
  - necessitate the movement of plot 3/19 within Schedule 9 of the draft DCO but no change is required to Schedule 1 as it already provides for hydrogen pipelines; and
  - not require any changes to the Special Category Land and Crown Land Plans, the Access and Rights of Way Plans or Temporary Traffic Regulation Measures Plans.
- 2.1.23 From an environmental perspective, the removal of an AGI from the area of plot 3/19 to create more pipelines, would, in the context of an existing and soon to be expanded substation, have minimal impacts to the ES.
- 2.1.24 It is also understood that if AGI equipment were to be moved to a 'combined' AGI in the area of plots 3/35, 3/36, 3/38 and 3/39, it would be a 'pigging skid', which is equipment with limited noise outputs and, as it is at a low level, which also has minimal landscape or visual impacts. As such, this is also likely to have minimal impact on the ES, given that the ES has assessed 15m high AGIs anywhere within the pink plot locations shown on the Land Plans for AGIs.



- 2.1.25 It is therefore considered that this potential solution will also not lead to any materially new or materially different effects to those reported in the ES.
- 2.1.26 As discussed in Section 1, the Applicant is working closely with NGET to seek to reach a position where the parties have sufficient certainty to enable a change in this area to be brought forward in Examination for the potential solution. However, a Change Request for this potential solution will not be brought forward by the Applicant unless it considers that it has been demonstrated to be a feasible and necessary solution for the Proposed Development.
- 2.1.27 As such, if the potential solution is not able to be taken forward in time to be included within a Change Request at Deadline 7, the Applicant will instead make submissions at Deadline 7 to set out its position on the interrelationship between the projects, taking into account NGET's position as a statutory undertaker.

#### Change Area 5 – Main Site Phase 2 Area

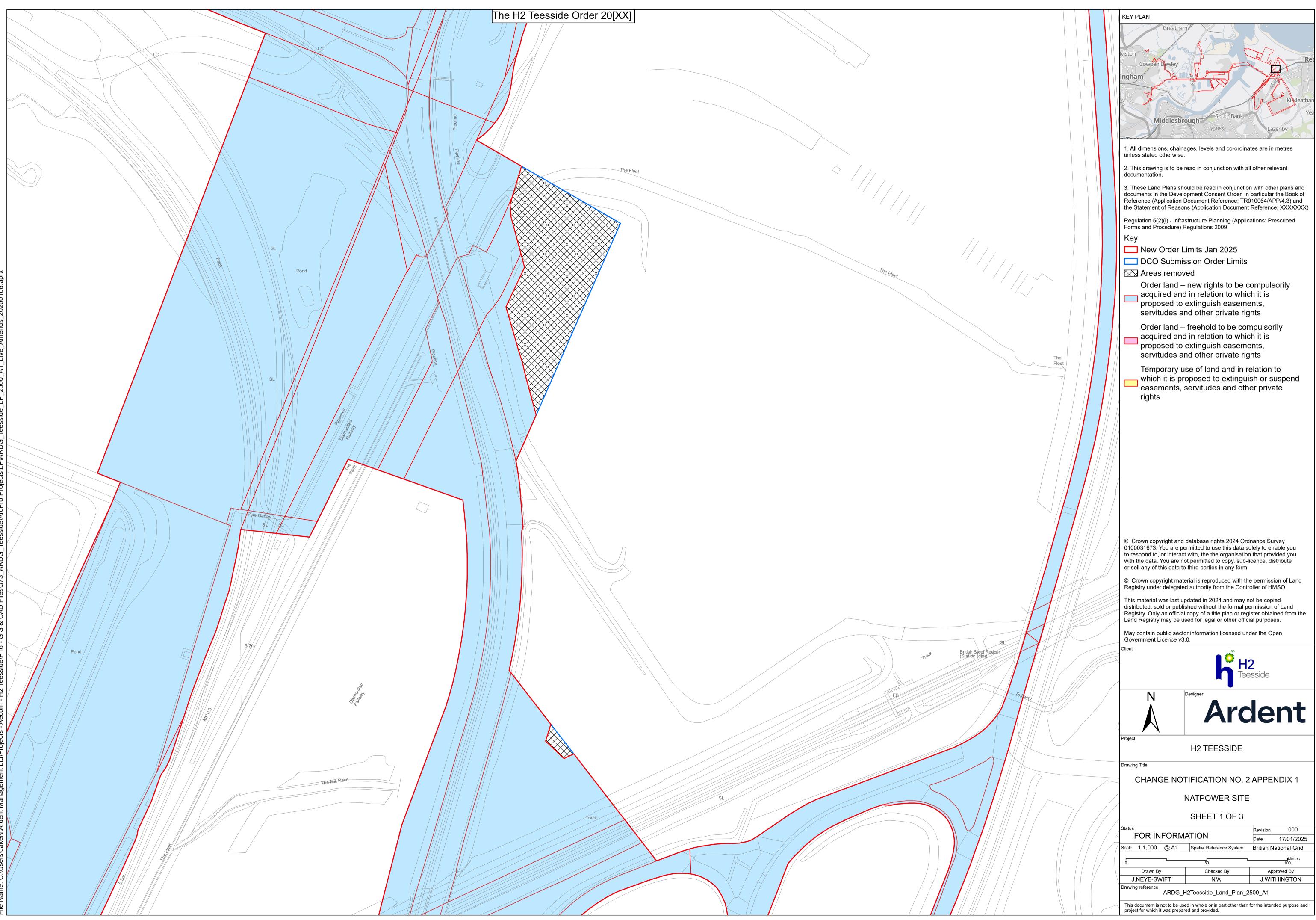
- 2.1.28 As discussed at CAH2, and throughout Examination, the Applicant has made clear its position that the Proposed Development is a two phase 1.2GW project with all the nationally significant benefits that come with a development of that size.
- 2.1.29 Whilst clarity has been achieved on the extent of Phase 1 through discussion with STG, no such clarity yet exists for Phase 2 land on the Main Site. As was sought to make clear at CAH2, the Applicant does <u>not</u> have a preferred location for Phase 2 within the area of land shown in Work 1.A.2 of the Works Plans.
- 2.1.30 As explained in its Examination submissions, the area for Phase 2 on the Works Plans (1.A.2) is sufficient to allow for the flexibility to determine the final location of Phase 2 based on balancing the uncertainties that exist in developing this land, whilst being cognisant of surrounding developments.
- 2.1.31 STG has objected strongly to this flexibility and has confirmed that a third-party developer wishes to bring forward development in the area of the Phase 2 land. It has therefore been seeking for the Applicant to remove as much of the Order limits as possible from the scope of the Phase 2 land to enable this development to come forward.
- 2.1.32 The Applicant has therefore been engaging with STG to seek to find an acceptable solution which does not impact on its ability to construct and operate Phase 2, having regard to the uncertainties, whilst also taking account of STG's aspirations for the area.
- 2.1.33 The Applicant is therefore contemplating bringing forward a change request to reduce the Order limits for the Phase 2 land on the Main Site to facilitate these outcomes. However, it will only be willing to do this if sufficient safeguards are in place to overcome the uncertainties the Applicant is needing to deal with in seeking to bring forward development in this area. The parties are close to this being achieved, but further work is needed by 31 January for the Applicant to be in a robust position to reduce its flexibility by bringing forward a change.



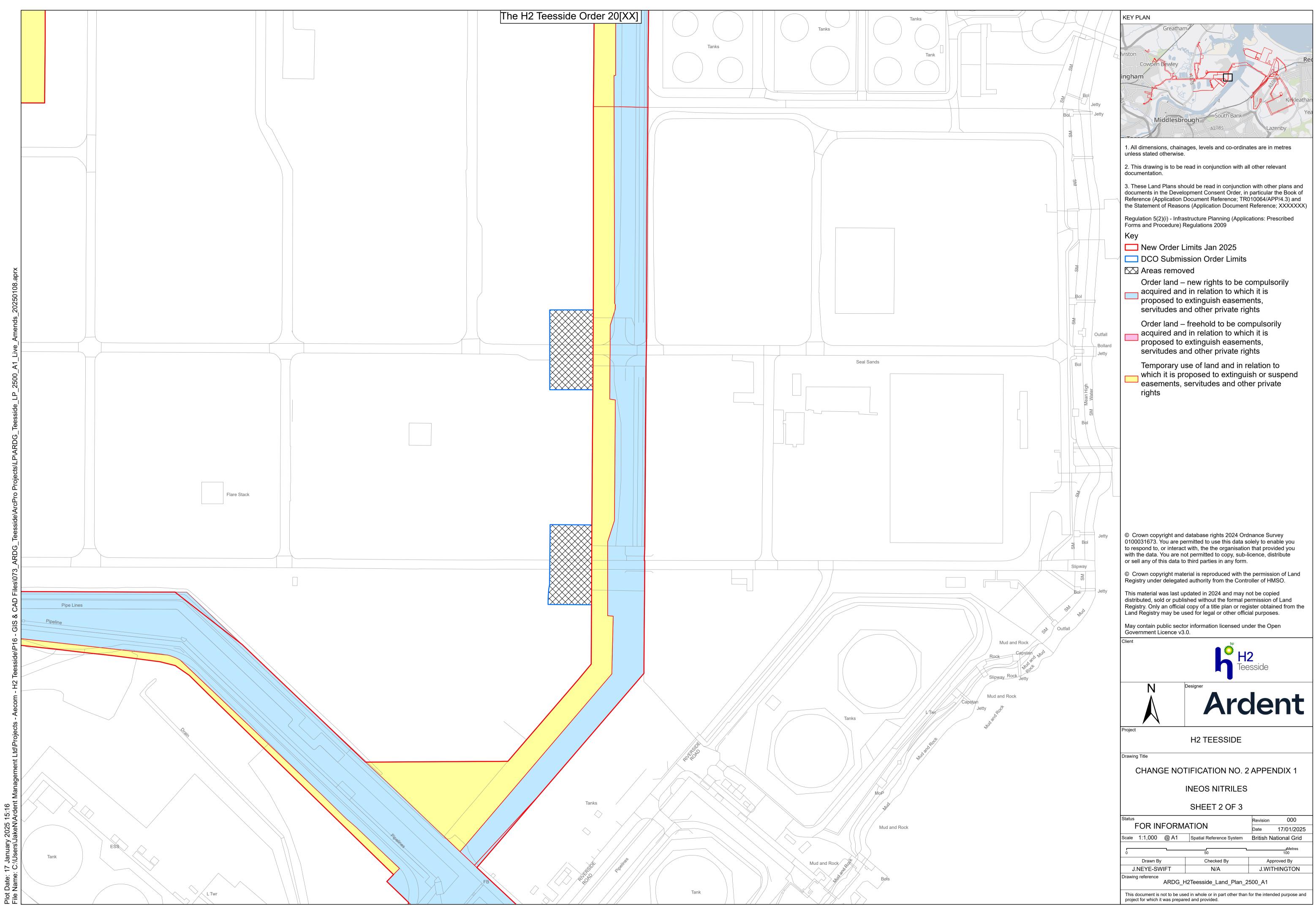
- 2.1.34 As these discussions are ongoing, the scope of change to the Order limits that could form part of any Change Request is not yet confirmed and so nothing is shown for this change in Appendix 1.
- 2.1.35 Any change that is brought forward would predominantly involve changes to the Land Plans, Works Plans, Book of Reference and accompanying DCO schedules in relation to Main Site land.
- 2.1.36 From an environmental perspective, the ES has already assessed a worst-case location within Work 1.A.2 for the operation of Phase 2 facilities and the construction assessments have assumed construction activities at the edge of Work 1.A.2. As such any reduction in the scope of Phase 2 land would still be within the scope of the ES. Such a change would therefore not lead to materially new or materially different effects to those reported in the ES.
- 2.1.37 It is a change that would therefore be able to be considered as part of a Change Request if submitted at Deadline 7.
- 2.1.38 However, in contrast to Change 4, the Applicant's view is that if a Change Request is not made for this issue, the Applicant's position remains as expressed in Examination to date, which is that flexibility is justified at this location given the constraints; and that given the nationally significant importance of delivering the full Hydrogen Production Facility, as set out in the Need Statement [APP-033], a compelling case in the public interest is made out for the Phase 2 land.
- 2.1.39 The Applicant will expand on this further in later Examination submissions as required, given the discussion at CAH2.



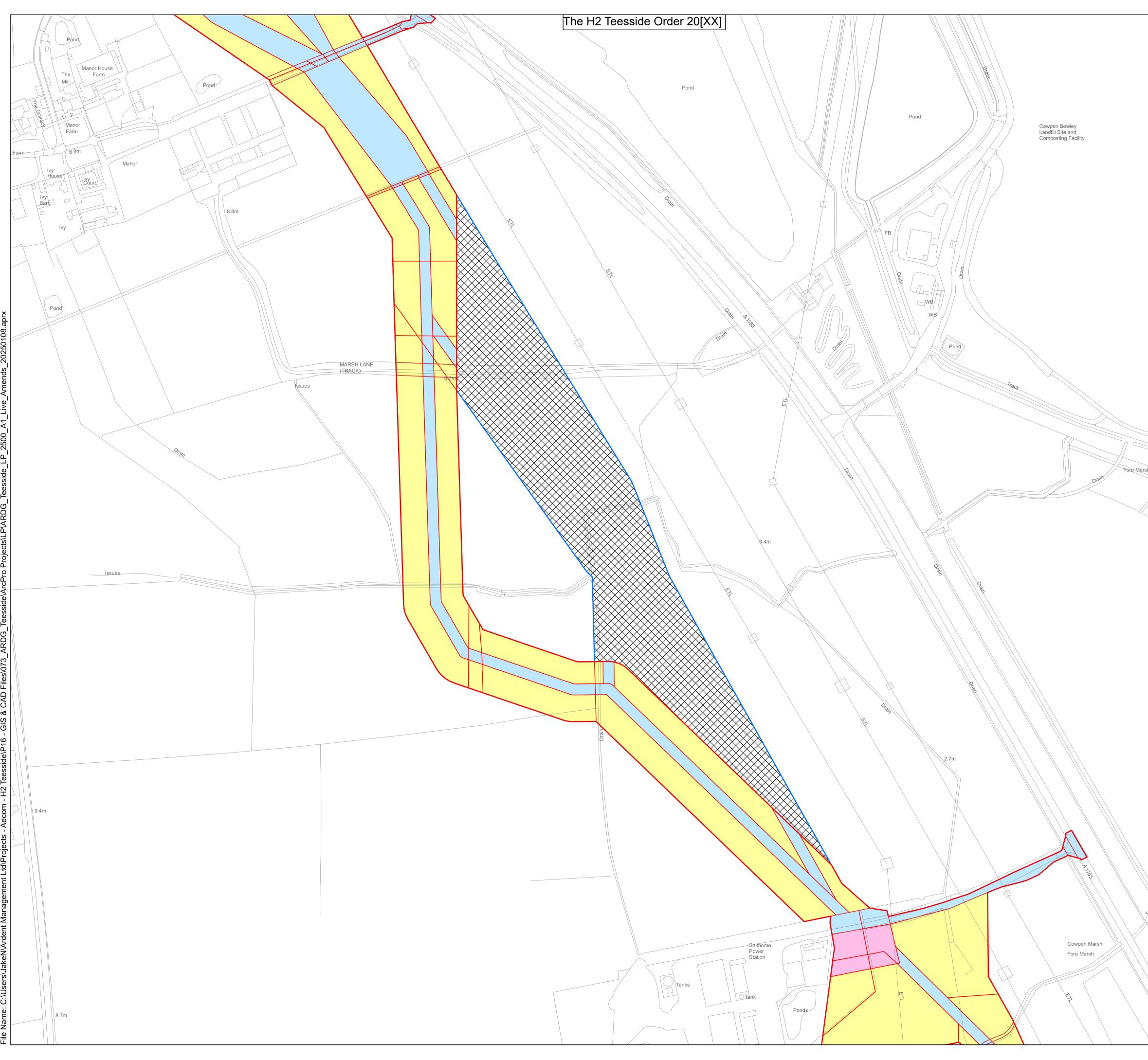
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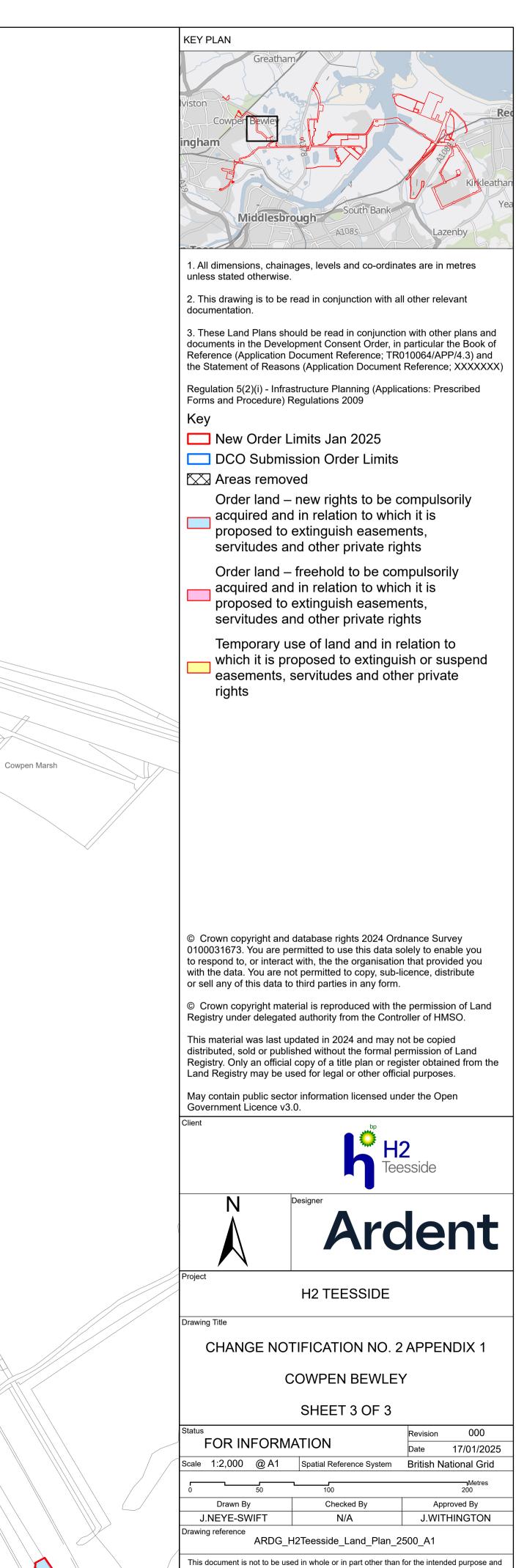
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project for which it was prepared and provided.