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The Applicant

Your Ref:

Our Ref: EN070009

Date: 22 January 2025

Dear Sir/ Madam

The Planning Act 2008 – Section 89

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

Notice by Applicant of intention to submit a second request for changes to the application

Thank you for your submission of 17 January 2025 giving notice of H2 Teesside Limited’s intention to submit a second request for changes to the application. The Change Request submission document has been published on the National Infrastructure Planning website and can be found in our Examination Library reference [AS-045](#).

The Applicant states that the letter has been submitted in accordance with the Planning Inspectorate advice ‘Nationally Significant Infrastructure Projects: Changes to an application after it has been accepted for examination’, dated 8 August 2024 and is Step 1 of the process. It describes five areas which are likely to be within the change request, which are being proposed following continued detailed design and engagement with Interested Parties.

A summary of the likely areas that may be included in the Change Requests is set out in the table below:

Change Area No.	Description of area the proposed change covers	Work No.	Status of change
1	Overlap with the proposed NatPower BESS Site, East of the Main Site.	6A.1	Will be brought forward in second change request.
2	Ineos Nitriles facility, North of Seal Sands Road.	6A.1	Will be brought forward in second change request.

3	Pipeline Corridor to Cowpen Bewley AGI – the ‘Coffee Cup Handle’.	6A.1	Will be brought forward in second change request subject to County Archaeologist’s comments.
4	Saltholme Substation AGI and adjacent Hydrogen Pipeline Corridor.	6B.1	Will be brought forward in second change request subject to ongoing discussions with relevant Affected Persons.
5	Main Site Phase 2 Area.	1.A.2	Will be brought forward in second change request subject to ongoing discussions with relevant Affected Persons.

In the Applicant’s view, each of the suggested changes are not material, either individually or cumulatively. This is because in all cases they represent either a reduction in the Order limits and Order land and the Proposed Development would not change from that previously proposed. The Applicant further states that the Change Request would not engage the need for consultation under The Infrastructure Planning (Compulsory Acquisition) Regulations 2010. Consequently, the Applicant considers that further consultation is not required as the changes are considered to be localised which affect only those directly affected by the Proposed Development 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.

The ExA considers the Change Notification provides a clear description of proposed changes 1, 2 and 3 along with an explanation of the need for these changes. The Applicant’s appraisal of the implications of the Change Requests on the Environmental Assessment submitted with the original Application are noted and the ExA agrees that these proposed changes are unlikely to give rise to new or materially different likely significant effects already assessed within the Environmental Statement.

With regard to changes 4 and 5, the Applicant has provided a broad description and need for the likely change, accompanied by an explanation of the complexities of providing further information at this time. Although the Applicant also states that the implications of changes to the Environmental Assessment would cause no change to the likely effects stated, the ExA cannot currently take a view on this without further details, particularly in regard to the potential change in location of phase 2 from that currently shown.

With regard to impacts on the examination timetable, the Change Notification states that the formal Change Request will be submitted at Deadline 7, being 6 February 2025. Having considered this proposal, the ExA is satisfied that enough time would be likely to remain within the statutory six months Examination period however, consideration should be given to submission as early as possible, even if it falls between examination deadlines.

The ExA also considers that submission of the change request after Deadline 7 may not give sufficient time within the remainder of the examination period and as such, may not be accepted into the examination.

The ExA accepts that the Applicant's position regarding consultation on the proposed changes is fair, appropriate and proportionate. However, when submitting the formal change request the ExA recommends that the Applicant submits a statement which lists:

- the persons affected by the changes and who it consulted; and
- confirmation that no new Affected Persons have been identified who should be consulted.

If the ExA decides to accept the changes into the Examination, all Interested Parties will have an opportunity to make representations on the changed application in writing. At this stage we consider that there is no requirement for oral hearings.

The Applicant is asked to ensure that the change request responds fully to the points made above. We acknowledge that the change request will be submitted for changes in areas 1 and 2, irrespective of whether changes 3, 4 and/or 5 are included; this does not alter the statements made above.

It should be noted that the ExA does not imply any acceptance of the Change Notification/ Change Request in this letter. Furthermore, please note that should any formal Change Request be accepted by the ExA the proposed Changes would be made on the basis that all the processes can be completed in the required time prior to the close of the Examination and in accordance with any revised Examination Timetable that may be published. Should it not be possible to achieve this, then we would not be in a position to take the change request into account in the ExA's recommendation report to the Secretary of State as it would not have complied with the relevant statutory procedures.

Yours faithfully

Matthew Sims

pp Christopher Butler
Lead Panel Member and Examining Inspector (Examining Authority)

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