

H2Teesside Project

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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: 4.1a: Schedule of Changes to the Draft Development Consent Order



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1.0 SCHEDULE OF CHANGES MADE TO THE DRAFT DEVELOPMENT CONSENT ORDER ('DCO')

1.1 Introduction

1.1.1 The table below details the changes made to the draft DCO since its submission, providing the changes made at each relevant deadline. The latest amendments to the draft DCO are in the white shaded rows, with previous ones shown shaded grey. The latest amendments to the draft DCO relate to those made at Deadline 6A. The table below does not detail minor amendments made in relation to typographical errors, formatting and style errors and updates in cross-referencing (unless they were matters highlighted by the Examining Authority as part of their First Written Questions which have been included here for completeness). These minor amendments can be seen on the tracked version of the draft DCO submitted at Deadline 6A.

Article	Change	Reason for change	Date change made
Contents	Reference to 'Temporary Traffic Measures' for Schedule 7 amended to 'Traffic Regulation Measures'.	Amendment made for consistency with the relevant article and Schedule further to the Examining Authority's (ExA) First Written Questions (FWQs).	Deadline 2
Contents	Reference to 'National Grid Electricity Transmission' amended to 'National Grid Electricity Transmission PLC'.	Amendment made for consistency with the relevant set of Protective Provisions further to the ExA's FWQs.	Deadline 2
Contents	Reference to 'National Grid Gas PLC' amended to 'National Gas Transmission PLC'.	Amendment made to correct error further to the ExA's FWQs.	Deadline 2
Preamble	Deleted square brackets and optionality in '[a single appointed person / a panel]' in the second paragraph so that it refers only to 'a panel'.	Amendment made further to the ExA's FWQs.	Deadline 2
Preamble	Deleted reference to section 149A of the Planning Act 2008.	Amendment to correct error further to the ExA's FWQs.	Deadline 2
Article 2 (Interpretation)	Amended "traffic regulation measures plans" to "temporary traffic regulation measures plan".	This amendment was made following receipt of the ExA's section 51 advice.	May 2024 [AS-014]

Article (Interpretation)	2	Definition of ‘flood risk assessment’ amended to ‘means the document of that description which is certified as part of the environmental statement by the Secretary of State under article 44 for the purposes of this Order’.	The definition has been amended for consistency following consideration of the ExA’s FWQs.	Deadline 2
Article (Interpretation)	2	Amended the definition of <i>“maintain” includes, inspect, repair, adjust, alter, remove, refurbish, reconstruct, replace and improve any part of, but not remove, reconstruct or replace the whole of, the authorised development provided that such activities do not give rise to any materially new or materially different adverse effects that have not been assessed in the environmental statement and “maintenance” and “maintaining” are to be construed accordingly;’</i>	This amendment has been made in response to the ExA’s FWQs and provides consistency between the ‘tailpiece’ used in the ‘maintain’ definition and in the definition for ‘permitted preliminary works’ (PPW).	Deadline 2
Article (Interpretation)	2	Definition of permitted preliminary work inserted ‘(including archaeological investigations)’ after ‘environmental surveys’.	Insertion for clarity that archaeological surveys can be undertaken as part of the permitted preliminary works after consideration of ExA’s FWQs.	Deadline 2
Article (Interpretation)	2	Inserted a new definition of ‘The York Potash Harbour Facilities Order 2016’.	Insertion made further to the ExA’s FWQs.	Deadline 2
Article (Interpretation)	2	Inserted a new definition of ‘application guide’.	Insertion to improve clarity.	Change Request App (rev.3)
Article (Interpretation)	2	Inserted a new definition of ‘NSMP entities’.	Insertion in order to provide a definition for NSMP entities to align with the changes made to Schedule 2 – Requirement 3.	Deadline 4
Article (Interpretation)	2	Definitions inserted for Change Application Report and Change Application Report – Appendices.	Insertion to reflect how these documents have been added to certified documents table in Schedule 14	Deadline 5

<p>Article (Interpretation)</p> <p>2</p>	<p>Amended definition of ‘commissioning’ as follows (insertions in bold and underline for ease of reference): <i>“commissioning” means the process of testing systems, <u>infrastructure</u> and components of <u>any part of</u> the authorised development (which are <u>is</u> installed or in relation to which installation is nearly complete) in order to ensure that <u>that part</u> they, and the authorised development as a whole, functions in accordance with the plant design specifications and the undertaker’s operational, <u>contractual</u> and safety requirements;’</i></p>	<p>Amendments made to improve clarity and consistency.</p>	<p>Deadline 5</p>
<p>Article (Interpretation)</p> <p>2</p>	<p>Inserted two new definitions: “cowpen bewley special category land (acquisition)” means the land shown as plots 4/5, 4/6, 4/25, 4/28 and 4/29 on the special category land and crown land plans; “cowpen bewley special category land (rights)” means the land shown as plots 4/4, 4/5, 4/6, 4/24, 4/25, 4/28, 4/29 and 4/30 on the special category land and crown land plans;</p>	<p>The new definitions relate to the amendments made to article 29 (special category land and replacement special category land) below.</p>	<p>Deadline 5</p>
<p>Article (Interpretation)</p> <p>2</p>	<p>Inserted a new definition of ‘Sembcorp’.</p>	<p>Insertion to provide a definition of Sembcorp to reflect changes made at Deadline 5 to make Sembcorp a consultee for a number of Requirements.</p>	<p>Deadline 6A</p>
<p>Article (Interpretation)</p> <p>2</p>	<p>Inserted a new definition of ‘Teesworks Limited’.</p>	<p>Insertion as set out in the Applicant’s Response to D5 Submissions [REP6-006] to reflect changes made at Deadline 4 to refer to Teesworks Limited in article 8 and</p>	<p>Deadline 6A</p>

		in response to South Tees Group’s submissions at Deadline 6.	
Article 7 (Benefit of this Order)	Deleted ‘sub-paragraph (2) of’ so it reads ‘subject to article 8’.	Deletion made to improve clarity and following consideration of the ExA’s FWQs and comments about article 8.	Deadline 2
Article 8 (Consent to transfer benefit of this Order)	<ul style="list-style-type: none"> – Amended article 8(1) to change reference to paragraph 4 to paragraph 2. – Amended article 8(2) to the following: <i>‘The consent of the Secretary of State is required for a transfer or lease pursuant to this article, except where paragraph (6) applies.’</i> – Amended article 8(3) to change reference to paragraph 6 to ‘this paragraph 3’. 	<p>Amendments made to improve clarity of drafting and following consideration of the ExA’s FWQs and comments about article 8.</p> <p>The amendment to article 8(2) is to ensure it is clear that the Secretary of State’s consent is required for a transfer or lease pursuant to the article, unless any of the exceptions in article 8(6) apply.</p>	Deadline 2
Article 8 (Consent to transfer benefit of this Order)	Deleted references to Work Nos. 6A.3 and 6B.3 from article 8(6)(a)(iii).	Deleted as Work Nos. have been removed from Schedule 1 as part of the Change Request Application.	Change Request App (rev. 3)
Article 8 (Consent to transfer benefit of this Order)	Article 8(7) inserted an obligation for the undertaker to notify STDC and Teesworks Limited where there is a proposed transfer to a third party which is not subject to Secretary of State approval and where the transfer or grant relates to the STDC area.	Amendment made in response to comments received from South Tees Group as part of its Statement of Common Ground and reflects the position reached on the equivalent article in The Net Zero Teesside Order 2024. Please also see related amendments to articles 25(2) and 25(3).	Deadline 4
Article 9 (Application and modification of statutory provisions)	In article 9(2) deleted reference to ‘authorised development’ replaced with the following: <i>‘numbered works 1, 2, 4, 5, 6A.1, 6B.1, 8, 9 or 10A.1 and works that may be carried out in association with those numbered works’.</i>	The amendment is made in response to PD Teesport’s (PDT) concerns about the disapplication of the byelaws and directions made under as well section 22 of the Tees and Hartlepoons Port Authority Act 1966. The Applicant is still engaged in negotiations with PDT on this point, but	Deadline 5

	Incorporated the sections/provisions of the Land Drainage Act 1991, Water Resources Act 1991 and Environmental Permitting (England and Wales) Regulations 2016 previously disapplied pursuant to article 9(2) into a newly inserted article 9(3).	the purpose of the amendment is narrow the scope of the disapplication from the entire “authorised development” to specified Work Number areas.	
Article 16 (Traffic Regulation Measures)	Inserted a new article 16(4): <i>‘(4) Before exercising the power conferred by paragraph (2) the undertaker must— (a) consult with the chief officer of police in whose area the road is situated; and (b) obtain the written consent of the traffic authority.’</i>	Insertion added following consideration of the ExA’s FWQs for clarity that the consent of the traffic authority is required when exercising powers under article 16(2).	Deadline 2
Article 18 (Felling or lopping of trees and removal of hedgerows)	The reference to Schedule title in article 18(5) has been amended from ‘(removal of important hedgerows)’ to ‘(important hedgerows to be removed)’.	Amendment made further to the ExA’s FWQs.	Deadline 2
Article 18 (Felling or lopping of trees and removal of hedgerows)	Deleted the definition of ‘authorised development’ from article 18(6).	Amendment made further to consideration of the ExA’s FWQs.	Deadline 2

<p>Article 25 (Compulsory acquisition of rights etc.)</p>	<p>In article 25(3), deleted reference to article 7 and amended to: 'The Secretary of State's consent is not required for any statutory undertakers to whom the benefit of the Order has been transferred pursuant to article 8(6) (consent to transfer benefit of this Order)'.</p>	<p>Amendment made for clarity and to cross-reference to the correct part of the DCO, as the previous drafting referred to statutory undertakers in article 7 where there are none.</p>	<p>Deadline 2</p>
<p>Article 25 (Compulsory acquisition of rights etc.)</p>	<p>In article 25(4) inserted reference to paragraph (3) alongside paragraph (2).</p>	<p>Amendment made further to the ExA's FWQs to make it clear that the liability for the payment of compensation 'must remain with the undertaker' whether the Secretary of State's consent is required or not to transfer the power to a statutory undertaker as defined in the article.</p>	<p>Deadline 2</p>
<p>Article 25 (Compulsory acquisition of rights etc.)</p>	<p>Deleted duplicate 'on the' in article 25(5).</p>	<p>Amendment made further to ExA's FWQs.</p>	<p>Deadline 2</p>
<p>Article 25 (Compulsory acquisition of rights etc.)</p>	<p>At the end of article 25(2), inserted 'pursuant to article 8(2) (consent to transfer benefit of this Order)'. Amended article 25(3) to (underlined text has been inserted and text in strike-through has been deleted): '(3) <u>The powers of paragraph (1) may also be exercised by a statutory undertaker in any case where the undertaker transfers the power to a statutory undertaker and the Secretary of State's consent is not required</u> for any statutory undertakers to whom the benefit of the Order</p>	<p>Amendments made for greater clarity so that a statutory undertaker can exercise powers to compulsorily acquire rights pursuant to article 25 so long as the statutory undertaker has been granted or transferred the benefit of the Order in accordance with the process in article 8. The amendments have been made in response to comments received during Issue Specific Hearing 2.</p>	<p>Deadline 4</p>

	<p>has been transferred pursuant to article 8(6) (consent to transfer benefit of this Order) and the undertaker has notified the Secretary of State and, where the transfer or grant relates to the STDC area, STDC and Teesworks Limited in writing pursuant to article 8(7).'</p>		
<p>Article 29 (Special category land and replacement special category land)</p>	<p>Inserted the words '<i>the undertaker has exercised a relevant Order power over the replacement special category land</i>' into Article 29(1) so that it reads: '<i>The undertaker must not exercise the relevant Order powers in respect of the cowpen bewley special category land until the undertaker has exercised a relevant Order power over the replacement special category land and the relevant planning authority has approved a scheme for the layout of the replacement special category land.</i>'</p> <p>Inserted at the beginning of article 29(3): '<i>The undertaker must lay out and provide the replacement special category land in accordance with the scheme approved under paragraph (1) and on the date...</i>'</p> <p>In article 29(7), inserted reference to paragraph (3) alongside paragraph (1).</p>	<p>Amendments made further to the ExA's FWQs to provide further certainty that the Replacement Special Category Land will be laid out by the Applicant.</p>	<p>Deadline 2</p>
<p>Article 29 (Special category land and replacement special category land)</p>	<p>Inserted additional text into articles 29(1) and (2) to read as follows: '29.—(1) The undertaker must not exercise the relevant Order powers in respect of the cowpen bewley special category land until the undertaker has—</p>	<p>The amendments have been made to improve clarity in respect of the provision of vesting of the Cowpen Bewley Special Category Land and the provision of the Replacement Special Category Land. The amendments to article 29(1) make it clear and provide certainty that the Cowpen Bewley Special</p>	<p>Deadline 5</p>

	<p>(a) exercised a relevant Order power over or has taken possession of the replacement special category land;</p> <p><u>(b) obtained the approval of the relevant planning authority for a scheme for the layout of the replacement special category land; and</u></p> <p><u>(c) notified the relevant planning authority of the extent of the cowpen bewley special category land (acquisition) and cowpen bewley special category land (rights) that paragraph (2) is to operate against when all of the requirements in this paragraph have been satisfied.</u></p> <p>(2) On the requirements of paragraph (1) being satisfied—</p> <p><u>(a) the extent of</u> the cowpen bewley special category land <u>(acquisition) that was notified to the relevant planning authority under paragraph (1)(c),</u> vests in the undertaker and is discharged from all rights, trusts and incidents to which it was previously subject <u>save for any rights held or apparatus owned or operated by statutory undertakers; and</u></p> <p><u>(b) the rights and restrictive covenants set out in column 2 of table 1 in respect of the extent of each plot of the cowpen bewley special category land (rights) that was notified to the relevant planning authority under</u></p>	<p>Category Land cannot vest in the undertaker until all the requirements set out in article 29(1) have been fulfilled. These are:</p> <ol style="list-style-type: none"> 1. Either exercised a power such as temporary possession over the Replacement Special Category Land or taken possession of it via an agreement. 2. It has obtained approval for a scheme for the layout of the Replacement Special Category Land. 3. It has notified the relevant planning authority about the extent of the Cowpen Bewley Special Category Land it wants to acquire outright and the extent of the land it wants to acquire permanent rights within. <p>The amendments to article 29(2) aim to describe how the Cowpen Bewley Special Category Land vests to the extent as notified by the undertaker to the relevant planning authority.</p> <p>The new terms “Cowpen Bewley Special Category Land (acquisition)” and “Cowpen Bewley Special Category (rights)” inserted into article 2(1) are drafted to enable flexibility in what the Applicant acquires in the Cowpen Bewley Special Category Land overall. The “Cowpen Bewley special category land (acquisition)” plots are pink plots only while the “Cowpen Bewley special category land (rights)” consists of both pink plots and blue plots – this is to enable a scenario where, if following detailed design, the Applicant decided that it only needed to acquire permanent rights in what is shown as a pink plot on the special category land plans, then it would be able</p>	
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	<p><u>paragraph (1)(c) are vested for the benefit of the undertaker and its undertaking and, to the extent of each plot that was notified under paragraph (1)(c), are also discharged from all rights, trusts and incidents to which it was previously subject save for any rights held or apparatus owned or operated by statutory undertakers.</u></p> <p>Insertion of a new Table 1 setting out the rights and restrictive covenants to be acquired or imposed through the powers operating in article 29.</p> <p>Minor amendments to drafting in article 29(4), (5) and (6).</p>	<p>to “roll-back” from the pink position on the plans and have permanent rights (blue) instead.</p> <p>Article 29(2) is also drafted to account for protected interests of statutory undertakers in the Cowpen Bewley Special Category Land.</p> <p>The new Table 1 sets out the rights and restrictive covenants to be acquired or imposed through the powers operating in article 29. The corresponding entries for these plots in Schedule 9 have been deleted to avoid duplication.</p> <p>This is similar to how the DCO’s main compulsory acquisition powers operate, allowing the undertaker to acquire a ‘lesser’ interest where possible.</p>	
<p>Article 29 (Special category land and replacement special category land)</p>	<p>In article 29(1)(b) inserted ‘and management’ after ‘scheme for the layout’ so that it reads (additional text in bold and underline): <i>‘obtained the approval of the relevant planning authority for a scheme for the layout <u>and management</u> of the replacement special category land’.</i></p>	<p>The text was inserted in response to a query from the ExA during the Issue Specific Hearing 4 about how the commuted sum for the replacement special category land would be secured.</p>	<p>Deadline 6A</p>
<p>Article 32 (Temporary use of land for carrying out the authorised development)</p>	<p>Inserted ‘necessary for the authorised development within the Order land’ at the end of article 32(14).</p>	<p>Amendment made in response to comments from the Examining Authority in the Issue Specific Hearing 2. It provides for consistency of drafting between article 32(14) and article 33(13).</p>	<p>Deadline 4</p>
<p>Article 34 (Statutory undertakers)</p>	<p>Amended Schedule numbers to “16 to [39]”.</p>	<p>Amendment reflects the inclusion of draft public protective provisions for third parties at the end of the DCO.</p>	<p>Deadline 5</p>

<p>Article 39 (Planning permission, etc)</p>	<p>In articles 39(1) and 39(3), inserted ‘any development consent granted (either prior to or after the Order has come into force) under the powers conferred by the 2008 Act’ after the reference to the 1990 Act. In article 39(3), inserted reference to ‘or requirements’ after ‘conditions’.</p>	<p>These amendments have been made for greater clarity and to be clear that these provisions operate in relation to development consent orders as well as planning permissions.</p>	<p>Deadline 4</p>
<p>Article 41 (Protection of interests)</p>	<p>Amended [22] to [39].</p>	<p>Amendment reflects the inclusion of draft public protective provisions for third parties at the end of the DCO.</p>	<p>Deadline 5</p>
<p>Article 48 (Interface with anglo american permit)</p>	<p>Inserted new article 48 to make it clear that the <i>‘carrying out of an authorised activity by the undertaker shall not constitute a breach of, or non-compliance with the anglo american permit’</i>. The <i>‘anglo american permit’</i> is defined as <i>‘environmental permit number FB3601GS’</i> and <i>‘authorised activity’</i> is defined as <i>‘any works or activities authorised by this Order, works carried out in connection with the authorised development, or the exercise by the undertaker of functions conferred by this Order’</i>.</p>	<p>This article has been inserted to address Anglo American’s (AA) concern (paragraph 4.3 of its Relevant Representation [RR-010]) that their environmental permit covers land that could be compulsorily acquired by the Applicant using the DCO. The concern is that if the land is compulsorily acquired, AA would still be responsible for the operation of the permit. The new article 48 ensures that authorised activity undertaken by the undertaker does not constitute a breach of their permit. It is envisaged that Protective Provisions (following the example in The Net Zero Teesside Order 2024 and to be agreed between the parties) would provide for how the AA is consulted on how the project is built in this area and provide for any access arrangements required for monitoring and for the continued operation of the permit.</p>	<p>Deadline 2</p>

Article 48 (Interface with anglo american permit)		In article 48(1), deleted the words ‘by the undertaker’.	Amendment made to improve clarity of drafting.	Deadline 4
Schedules				
Schedule (Authorised development)	1	Reference to “... the Borough of Stockton and Tees...” has been amended to: ‘the Borough of Stockton on Tees’.	Amendment has been made further to the ExA’s FWQs.	Deadline 2
Schedule (Authorised development)	1	Deleted ‘approximately’ from Work No. 1 so it reads ‘hydrogen production facility of up to 1.2 Gigawatt Thermal (GWth)’.	Amendment has been made to improve clarity further to the ExA’s FWQs.	Deadline 2
Schedule (Authorised development)	1	Work No. 1E.1, inserted reference to carbon dioxide vents in Work No. 1E.1.	This was missed in error from the application DCO.	Deadline 2
Schedule (Authorised development)	1	Deleted comma between “and” and “closed circuit television” in Work No. 9.	This has been amended to provide further clarity.	Deadline 2
Schedule (Authorised development)	1	References to chemical symbols in Schedule 1 have been amended to the full name of the chemical.	This amendment has been made for consistency with the rest of the draft DCO further to ExA’s FWQs.	Deadline 2
Schedule (Authorised development)	1	Amended the last paragraph to: <i>‘In connection with and in addition to Work Nos. 1 to 11, further ancillary development comprising such other works or operations for the purposes of or in connection with the construction, operation and maintenance of the authorised development but only within the Order limits and insofar as they are unlikely to give rise to any materially new or materially different environmental effects which are worse</i>	This amendment has been made following further consideration of the ExA’s FWQs for improved clarity.	Deadline 2

		<i>than those assessed in the environmental statement including...'</i>		
Schedule (Authorised Development)	1	Deleted reference to 'air separation units' in Work No. 1A.1.	Deleted as part of the Change Request Application as these are no longer required for Phase 1.	Change Request App (rev. 3)
Schedule (Authorised Development)	1	Insertion of 'flare' in Work No. 1A.2.	Inserted as part of the Change Request Application.	Change Request App (rev. 3)
Schedule (Authorised Development)	1	Insertion of a new 'Work No. 2C'.	Inserted as part of the Change Request Application.	Change Request App (rev. 3)
Schedule (Authorised Development)	1	Deletion of Work No. 6A.3 and Work No. 6B.3.	Deleted as part of the Change Request Application as part change involving the removal of Northern Gas Networks AGI off the A178 Seaton Carew Road.	Change Request App (rev. 3)
Schedule (Authorised Development)	1	Deletion of references to Work Nos. 6A.3 and 6B.3 from Work No. 10.	Deleted as part of the Change Request Application.	Change Request App (rev. 3)
Schedule (Authorised Development)	1	Inserted text into both descriptions of Work No. 1A.1 and Work No. 1A.2 as follows: one carbon capture enabled hydrogen unit of 600 MW, <u>which is designed to capture a minimum rate of 95% of the carbon dioxide emissions of this hydrogen unit operating at full load</u> , comprising	The amendments to the Works descriptions is in response to comments received from CEPP at Deadline 4 and during the ISH2.	Deadline 5
Schedule (Authorised Development)	1	Inserted text into the description of Work No. 6B.1 as follows: (c) Work No. 6B.1 – above ground installations connecting Work No. 6A.1 to:	This amendment has been made to ensure the description of Work No. 6B.1 better reflects the uses envisaged for the hydrogen above ground installations (AGI) as set out in both ES Chapter 4: Proposed	Deadline 5

		<p>(i) existing gas transmission system and gas distribution networks including tunnel head; and</p> <p><u>(ii) tie-in points to connect to premises or land to which a supply of hydrogen is to be provided;</u> and</p>	<p>Development [APP-056] and in the Explanatory Memorandum [CR1-018].</p> <p>The ES Chapter 4 at paragraph 4.3.21 and the EM at paragraph 3.8.16 describe the hydrogen distribution network and explains how hydrogen “would be exported using the proposed Hydrogen Pipeline Corridor... The hydrogen pipelines would commence and finish at AGIs including metering and pigging skids and tie-in points with the relevant offtaker. The latter are likely to be, but not necessarily having to be, within the off-takers’ site boundaries. Any connection works beyond these AGIs and tie-in points will be progressed and consented separately by the relevant offtaker”.</p>	
Schedule (Requirements)	2	At the start of the Schedule, deleted ‘Article 4’ and inserted ‘Article 2’.	This amendment was made following receipt of the ExA’s section 51 advice.	May 2024 [AS-014]
Schedule (Requirements)	2	Amended article reference at the start of the Schedule to also include ‘Article 4’ so it reads ‘Article 2 and Article 4’.	After additional reflection, this amendment has been made for accuracy and clarity.	Deadline 2
Schedule Requirement (Detailed design)	2 3	– Deleted references to Work Nos. 6A.3 and 6B.3 from Requirement 3(7) and 3(8).	Deleted as these Work Nos. have been deleted as part of the Change Request Application.	Change Request App (rev. 3)
Schedule Requirement (Detailed design)	2 3	– In Requirement 3(2) and Requirement 3(3) inserted ‘NSMP entities’ as a consultee.	Amendment made in response to written representation received from the NSMP entities at Deadline 3.	Deadline 4
Schedule Requirement (Detailed design)	2 3	– In Requirement 3(8)(a), inserted ‘ <i>of the hydrogen distribution network above ground installations</i> ’ after the reference to ‘new permanent buildings and structures’.	Amendment made to improve clarity and in response to comments made by the ExA during Issue Specific Hearing 2.	Deadline 4

	In Requirement 3(10)(a), inserted ' <i>of the above ground installation</i> ' after the reference to 'new permanent buildings and structures'.		
Schedule 2 - Requirement 5 (Public rights of way)	In Requirement 5(1) amended "relevant section of public rights of way" to "relevant section of the public right of way".	This has been amended to provide further clarity.	Deadline 2
Schedule 2 - Requirement 6 (External lighting)	In Requirement 6(2) moved "in that part" to after "installed" and before the brackets to be consistent in style with Requirement 6(1).	This has been amended to provide further clarity.	Deadline 2
Schedule 2 - Requirement 8 (Site security)	In Requirement 8(1) amended "brought into use" to "commissioned".	This has been amended to ensure a defined term from article 2 is used to provide greater clarity.	Deadline 2
Schedule 2 - Requirement 8 (Site security)	Requirement 8(2) has been amended to 'The scheme must be implemented as approved and must be maintained and operated throughout the operation of the relevant part of the authorised development.'	This amendment has been made further to the ExA's FWQs.	Deadline 2
Schedule 2 - Requirement 9 (Fire prevention)	Requirement 9(1) amended to: "No part of Work No. 1 may commence, save for the permitted preliminary works, until a fire prevention method statement providing details of fire detection measures, fire suppression measures including measures to contain and treat water used to suppress any fire and the location of accesses to all fire appliances in all of the major building structures and storage areas within the relevant part of the authorised development, including measures to contain and treat water used to suppress any fire has, for that part, been submitted to and, after consultation with the Health and Safety Executive and the	This has been amended to provide further clarity.	Deadline 2

	Cleveland Fire Authority, approved by the relevant planning authority.” (Text in bold has been inserted; text in strikethrough has been removed)		
Schedule 2 – Requirement 10 ((Surface and foul water drainage)	In Requirement 10(3), STDC inserted as a consultee.	Insertion added following consideration of the ExA’s FWQs.	Deadline 2
Schedule 2 – Requirement 11 (Flood risk mitigation)	Lead local flood authority inserted as consultee in Requirements 11(1), 11(3) and 11(6).	These amendments have been made to ensure the lead local flood authority is consulted on the schemes for the mitigation of flood risk during construction and operation as well as the Flood Management Plan.	Deadline 2
Schedule 2 – Requirement 11 (Flood risk mitigation)	Amended Requirement 11(7) to state that the flood management plan ‘must be implemented and maintained’.	Inserted for greater clarity after consideration of the ExA’s FWQs.	Deadline 2
Schedule 2 – Requirement 11 (Flood risk mitigation)	Amended first part of Requirement 11(6) from ‘ <i>The authorised development must not be commissioned...</i> ’ To: ‘ <i>No part of the authorised development may be commissioned...</i> ’	Amendment made for clarity and consistency in line with the amendment to definition of ‘commissioning’ in article 2(1).	Deadline 5
Schedule 2 – Requirement 12 (Contaminated land and groundwater)	In Requirement 12(1), inserted ‘ <i>the preparation of facilities for the use of contractors and the provision of temporary means of enclosure and site security for construction (where no foundations are required) after ‘assessing ground conditions’.</i>	Following consideration of the ExA’s FWQs and consideration of the Requirement, the Applicant has inserted carve outs from this Requirement for preparing facilities for contractors and temporary means of enclosure and site security where no foundations are required. This is on the basis that these will not require any foundation or interference with the ground conditions, but enable the construction workforce to take steps to mobilise.	Deadline 2

<p>Schedule 2 - Requirement 12 (Contaminated land and groundwater)</p>	<p>Requirement 12(2)(f) amended to: 'an update to the environmental risk assessment including contaminated land conceptual site model that is informed by any further ground investigation reports and groundwater monitoring in addition to the information in chapter 10 of the environmental statement'.</p>	<p>Amendment to clarify the assessment and model to be updated as part of this Requirement further to the ExA's FWQs.</p>	<p>Deadline 2</p>
<p>Schedule 2 - Requirement 12 (Contaminated land and groundwater)</p>	<p>In Requirement 12(4) amended reference from sub-paragraph (1) to sub-paragraph (2)(c).</p>	<p>This amendment has been made to provide further clarity.</p>	<p>Deadline 2</p>
<p>Schedule 2 - Requirement 15 (Construction environmental management plan)</p>	<p>In Requirement 15(1), inserted STDC as a consultee for the Permitted Preliminary Works Construction Environmental Management Plan.</p>	<p>The Applicant agreed to make this amendment in response to Deadline 3 submissions and during the Issue Specific Hearing 2.</p>	<p>Deadline 4</p>
<p>Schedule 2 - Requirement 15 (Construction environmental management plan)</p>	<p>Inserted the following plans to the list of plans in Requirement 15(7):</p> <ul style="list-style-type: none"> • Soils Management Plan; • Flood Risk Management Action Plan; • Drilling Method Statement; and • HDD Collapse Clean-up Plan. <p>Deleted 'flood' before 'emergency response plan'.</p>	<p>The amendments have been made so that the list of plans in the DCO align and are consistent with the list of plans in paragraph 2.3.2 of the Framework Construction Environmental Management Plan [REP3-003].</p>	<p>Deadline 4</p>
<p>Schedule 2 - Requirement 15 (Construction environmental management plan)</p>	<p>Inserted 'bird mitigation and monitoring plan (produced following consultation by the undertaker with Natural England)' in Requirement 15(7).</p>	<p>The amendment has been made to reflect the position reached in negotiations between the Applicant and Natural England.</p>	<p>Deadline 6A</p>

Schedule 2 – Requirement 17 (Extended planned shutdown maintenance period)	In Requirement 17(1), inserted National Highways as a consultee <i>‘on matters relating to traffic management’</i> . In Requirement 17(4), inserted National Highways as a consultee <i>‘to the extent that the changes relate to traffic management’</i> .	Amendments inserted further to the National Highways Statement of Common Ground submitted at Deadline 4.	Deadline 4
Schedule 2 – Requirement 19 (Construction hours)	Amended construction working hours on a Saturday in Requirement 19(1)(b) to 0700 to 1300.	Amendment made in response to comments received about construction hours from relevant planning authorities in the Local Impact Report (LIR).	Deadline 2
Schedule 2 – Requirement 19 (Construction hours)	Amended Requirement 19(4)(a) to replace reference to “start-up” and “shut-down” periods with “mobilisation and de-mobilisation periods” as follows: <i>‘(a) mobilisation and de-mobilisation periods from 0600 to 0700 and from 1900 to 2000 Monday to Friday; (b) mobilisation and de-mobilisation periods from 0600 to 0700 and from 1300 to 1400 on a Saturday.’</i>	Amendment made for greater consistency with the terms used in the ES following consideration of the ExA’s FWQs. The hours for Saturday have also been amended to reflect the change to Saturday construction hours in Requirement 19(1)(b).	Deadline 2
Schedule 2 – Requirement 19 (Construction hours)	Amended Requirement 19(4)(b) from <i>‘maintenance at any time of plant and machinery engaged in the construction of the authorised development’</i> . To: <i>‘maintenance at any time of plant and machinery engaged in the construction of the authorised development where such activities do not exceed a noise limit measured at the Order limits agreed with the relevant planning authority in accordance with Requirement 20.’</i>	The amendment has been made to provide clarity further to the ExA’s FWQs.	Deadline 2
Schedule 2 – Requirement 22 (Restoration of land used temporarily for construction)	In Requirement 22(1) replaced “for each part of the authorised development” with “for each relevant Work No. of the authorised development”.	This amendment has been made to provide further clarity and so that this drafting is consistent with the drafting at the start of the Requirement.	Deadline 2

Schedule Requirement 25 (Local liaison group)	2 – Reference to ‘contactor’ has been amended to ‘contractor’ in Requirement 25(4)(a).	This amendment has been made further to the ExA’s FWQs.	Deadline 2
Schedule Requirement 25 (Local liaison group)	2 – In Requirement 25(1), deleted ‘to establish’ after the reference to ‘the promoter of HyGreen Teesside. – Inserted a new sub-paragraph (5) to define the term ‘convened’ as meaning ‘either the undertaker establishing a new group or becoming part of an existing local liaison group established pursuant to requirement 29 of The Net Zero Teesside Order 2024’.	The amendments have been made in response to comments made during the Issue Specific Hearing 2 – see also amendments made to Requirement 33 below.	Deadline 4
Schedule Requirement 26 (Employment, skills and training)	2 – Insertion of the word ‘authority’ after ‘relevant planning’ at the end of Requirement 26(3).	This amendment has been made further to the ExA’s FWQs.	Deadline 2
Schedule Requirement 28 (Decommissioning)	2 – Inserted as new points (j) and (k) in Requirement 28(6): <i>‘(j) waste management measures required; and (k) how the undertaker has applied the waste hierarchy.’</i>	Amendment to set out that the Decommissioning Environmental Management Plan (DEMP) will include waste management measures and state how the Applicant has applied the waste hierarchy further to the ExA’s FWQs.	Deadline 2
Schedule Requirement 28 (Decommissioning)	2 – In Requirement 28(1), inserted National Highways as a consultee ‘on matters relating to traffic management arrangements pursuant to sub-paragraph (6)(h)’.	Amendment inserted further to the National Highways Statement of Common Ground submitted at Deadline 4.	Deadline 4
Schedule Requirement 28 (Decommissioning)	2 – Inserted CF Fertilisers as a consultee under Requirement 28(1).	Amendment made in response to CF Fertilisers’ D4 submission.	Deadline 5
Schedule Requirement 33	2 – Amend Requirement 33 to: ‘Subject to the relevant planning authority’s approval–	Amendment made further to the ExA’s FWQs and in order to remove the generality of Requirement 33 and to focus	Deadline 2

<p>(Disapplication of requirements discharge under the NZT Order 2024)</p>	<p><i>(a) requirements 25 and 26 in this Schedule may be disapplied where the requirements 29 and 30 have already been discharged pursuant to The Net Zero Teesside Order 2024;</i> <i>(b) requirement 3 in this Schedule may be disapplied where requirement 3 has been discharged pursuant to The Net Zero Teesside Order 2024 in respect of any infrastructure that is to be utilised for the purposes of the authorised development and the authorised development as defined in The Net Zero Teesside Order 2024; and</i> <i>(c) requirement 10 in this Schedule may be disapplied where requirement 11 has been discharged pursuant to The Net Zero Teesside Order 2024 in respect of any surface and foul water drainage systems that are to be utilised for the purposes of the authorised development and the authorised development as defined in The Net Zero Teesside Order 2024.'</i></p>	<p>on specific Requirements where the Applicant considers there is sufficient overlap that the discharge of the Requirement by the Net Zero Teesside project may be sufficient to discharge the equivalent Requirement in the H2Teesside DCO.</p>	
<p>Schedule 2 - Requirement 33 (Disapplication of requirements discharge under the NZT Order 2024)</p>	<p>Sub-heading of the requirement amended to 'Requirements deemed to be discharged under The Net Zero Teesside Order 2024'. Deleted references to Requirements 25 and 26 in the requirement. Inserted new drafting so the Requirement states: <i>'(1) Requirement 3 (detailed design) or 10 (surface and foul water drainage) in this Schedule may be deemed to be discharged in respect of any part of the authorised development where—</i></p>	<p>Amendments made in response to comments made by the ExA about the requirement in the Issue Specific Hearing 2.</p>	<p>Deadline 4</p>

	<p><i>(a) the relevant part of requirement 3 (detailed design) or 11 (surface and foul water drainage) of The Net Zero Teesside Order 2024 has been discharged pursuant to The Net Zero Teesside Order 2024;</i></p> <p><i>(b) the discharge of that relevant part of requirement 3 or 11 in sub-sub-paragraph (a) satisfies all of the relevant requirements in relation to the relevant part of requirement 3 or 10 of this Order; and</i></p> <p><i>(c) the discharge of that relevant part of requirement 3 or 10 of this Order is in respect of infrastructure that is—</i></p> <p style="padding-left: 40px;"><i>(i) to be constructed, maintained and operated in the form as discharged pursuant to The Net Zero Teesside Order 2024; and</i></p> <p style="padding-left: 40px;"><i>(ii) also to be utilised for the purposes of the authorised development.</i></p> <p><i>(2) Sub-paragraph (1) is subject to obtaining the approval of the relevant planning authority.</i></p> <p><i>(3) Where the relevant part of requirement 3 or 10 of this Order requires the relevant planning authority to consult with a third party, then that third party must be consulted before giving approval under sub-paragraph (2).'</i></p>		
<p>Schedule 2 Requirement 33 (Disapplication of requirements)</p>	<p>- In Requirement 33(1)(b) deleted ‘sub-sub-paragraph’ before (a) and replaced with ‘paragraph’.</p>	<p>Correction of ‘sub-sub-paragraph’ to ‘paragraph’ made in response to the ExA’s comments in the Issue Specific Hearing 4 (ISH4) and in alignment with the Statutory</p>	<p>Deadline 6A</p>

<p>discharge under the NZT Order 2024)</p>		<p>Instrument Practice (5th Edition) published November 2017.</p>	
<p>Schedule 2 - Requirement 33 of (Disapplication requirements discharge under the NZT Order 2024)</p>	<p>In Requirement 33(1) and 33(3) deleted <i>'relevant part of'</i> and inserted in its place <i>'the requirements in the relevant paragraph of'</i>. In Requirement 33(1)(c)(ii), inserted <i>'in the form as discharged pursuant to The Net Zero Teesside Order 2024'</i> after <i>'utilised'</i>. The amended Requirement reads as follows (deletions shown in strikethrough and insertions shown in bold): 33.—(1) Requirement 3 (detailed design) or 10 (surface and foul water drainage) in this Schedule may be deemed to be discharged in respect of any part of the authorised development where— (a) the relevant part of requirements in the relevant paragraph of requirement 3 (detailed design) or 11 (surface and foul water drainage) of The Net Zero Teesside Order 2024 has has been discharged pursuant to The Net Zero Teesside Order 2024; (b) the discharge of that relevant part of the requirements in the relevant paragraph of requirement 3 or 11 in sub-sub-paragraph (a) satisfies all of the relevant requirements in relation to the relevant part of requirements in the relevant paragraph of requirement 3 or requirement 10 in this Order; and</p>	<p>Amendments made as set out in the Applicant’s Response to D5 Submissions [REP6-006]. This is in response to comments made by South Tees Group in their D5 submissions (and reiterated during the Issue Specific Hearing 4) that:</p> <ul style="list-style-type: none"> the term “part” appears to be used simultaneously in relation to a physical part of the H2T project, and a part of the NZT requirements – the connection between a “part” of the authorised development and the “relevant” part of NZT requirements 3 and 11 is therefore not entirely clear; and sub-paragraph (c)(ii) needs be clear that the infrastructure is to be utilised for the purposes of the authorised development in that same form as constructed and operated under the NZT scheme. 	<p>Deadline 6A</p>

	<p>(c) the discharge of that relevant part of the requirements in the relevant paragraph of requirement 3 or 10 of this Order is in respect of infrastructure that is—</p> <p>(i) to be constructed, maintained and operated in the form as discharged pursuant to The Net Zero Teesside Order 2024; and</p> <p>(ii) also to be utilised in the form as discharged pursuant to The Net Zero Teesside Order 2024 for the purposes of the authorised development.</p> <p>(2) Sub-paragraph (1) is subject to obtaining the approval of the relevant planning authority.</p> <p>(3) Where the relevant part of requirements in the relevant paragraph of requirement 3 or 10 of this Order requires the relevant planning authority to consult with a third party, then that third party must be consulted before giving approval under sub-paragraph (2).</p>		
<p>Schedule 2 – Requirement 34 (Highway accesses)</p>	<p>Insertion of a new requirement 34 to provide for details of the siting, design and layout of new or modified means of access to be approved by the relevant planning authority.</p>	<p>The insertion has been made in response to comments made by Interested Parties in Issue Specific Hearing 2.</p>	<p>Deadline 4</p>
<p>Schedule 2 – Requirements (various)</p>	<p>Inserted Sembcorp to be consultee for the following requirements: 3(2), 3(3), 3(4), 3(7), 3(8), 3(11), 15(3), 15(7) and 28(1).</p>	<p>Amendments made in response to Sembcorp’s comments and submissions during the ISH2 and at Deadline 4.</p>	<p>Deadline 5</p>

Schedule 3 – Modifications to and Amendments of the York Potash Harbour Facilities Order 2016	Insertion of a draft set of protective provisions for the benefit of the Applicant to be included in the York Potash Harbour Facilities Order 2016.	The text of these protective provisions (PPs) for H2T Undertaker inserted into the Schedule is a draft and not agreed form and still subject to negotiations between the Applicant and Anglo American. This is the Applicant’s preferred form and it is intended that these are reciprocal form of PPs based on the PPs that have been inserted toward the back of the H2T DCO for the benefit of Anglo American (new Schedule 29) The text has been inserted at the request of the ExA made in ISH2.	Deadline 5
Schedule 3 – Modifications to and Amendments of the York Potash Harbour Facilities Order 2016	Various minor amendments have been made to the text in the Schedule.	The amendments reflect further consideration of the drafting and the ongoing negotiations between the parties.	Deadline 6A
Schedule 4 (Streets subject to street works)	Table 1 – inserted additional row for works for the improvement of the access at point marked M1 and M1a on access and rights of way plans.	This amendment was made following receipt of the ExA’s section 51 advice.	May 2024 [AS-014]
Schedule 4 (Streets subject to street works)	Table 1 – deleted row for works for the improvement of access at point marked J1 and J1a on access and rights of way plans.	Deleted as part of the Change Request Application.	Change Request App (rev. 3)
Schedule 5 (Access)	Table 2 - inserted additional row for part of access marked M1a on access and rights of way plans.	This amendment was made following receipt of the ExA’s section 51 advice.	May 2024 [AS-014]
Schedule 5 (Access)	Table 3 - inserted additional row for part of access marked M1 on access and rights of way plans.	This amendment was made following receipt of the ExA’s section 51 advice.	May 2024 [AS-014]

Schedule 5 (Access)	Table 2 – deleted row for part of access marked J1a on access and rights of way plans.	Deleted as part of the Change Request Application.	Change Request App (rev. 3)
Schedule 5 (Access)	Table 3 – deleted row for part of access marked J1 on access and rights of way plans.	Deleted as part of the Change Request Application.	Change Request App (rev. 3)
Schedule 6 (Temporary closure of streets and public rights of way)	Table 4 - inserted additional row to show temporary closure, restriction or diversion between points marked MA and MB on access and rights of way plans.	This amendment was made following receipt of the ExA's section 51 advice.	May 2024 [AS-014]
Schedule 6 (Temporary closure of streets and public rights of way)	Table 4 – deleted row showing temporary closure, restriction or diversion between points JA and JB on access and rights of way plans.	Deleted as part of the Change Request Application.	Change Request App (rev. 3)
Schedule 6 (Temporary closure of streets and public rights of way)	Table 4 – deleted row showing temporary closure, restriction or diversion between points JC and JD on access and rights of way plans.	Deleted as part of the Change Request Application.	Change Request App (rev. 3)
Schedule 7 (Traffic regulation measures)	Table 6 - amended “traffic regulation measures plans” to “temporary traffic regulation measures plan”.	This amendment was made following receipt of the ExA's section 51 advice.	May 2024 [AS-014]
Schedule 8 (Important hedgerows to be removed)	Moved Schedule from Schedule 11 to Schedule 8.	This amendment has been made to comply with PINS AN15 at 8.2 where Schedules should be numbered according to the order in which they are mentioned in the substantive articles in the draft DCO. This Schedule is given effect by article 18 and so should come after the Traffic Regulation Measures in Schedule 7 but before the Land Schedules. Schedules from this point have been	Deadline 2

		renumbered accordingly and updates made to cross-references throughout draft DCO.	
Schedule 8 (Important hedgerows to be removed)	In Table 7, amended reference to '2 x hedgerows' to '5 x hedgerows'.	This amendment reflects the latest version of 2.15 Important Hedgerows to be Removed Plan (rev. 2) [PDA-002].	Deadline 2
Schedule 9 (Land in which new rights etc. may be acquired)	Moved Schedule from Schedule 8 to Schedule 9.	This amendment has been made following the change to Schedule 8 (Important hedgerows to be removed) as explained above.	Deadline 2
Schedule 9 (Land in which new rights etc. may be acquired)	Interpretation section - inserted: <i>““Work No. 3A infrastructure” means any works or development comprised within Work No. 3A, ancillary apparatus and any other necessary works or development permitted within the area delineated as Work No. 3A on the works plans including the alteration, diversion or construction of statutory undertakers’ apparatus;”</i> between definitions for “Work No. 2B infrastructure” and “Work No. 3B.1 infrastructure”.	This has been inserted to ensure there are definitions for all work no. infrastructure in the interpretation section of this Schedule.	Deadline 2
Schedule 9 (Land in which new rights etc. may be acquired)	Interpretation section – inserted: <i>““Work No. 3B.3 infrastructure” means any works or development comprised within Work No. 3B.3, ancillary apparatus and any other necessary works or development permitted within the area delineated as Work No. 3B.3 on the works plans including the alteration, diversion or construction of statutory undertakers’ apparatus;”</i> between definitions for “Work No. 3B.1 infrastructure” and “Work No. 4 infrastructure”.	This has been inserted to ensure there are definitions for all work no. infrastructure in the interpretation section of this Schedule.	Deadline 2

Schedule 9 (Land in which new rights etc. may be acquired)	In Table 8, amended reference to plot “7/1-“ to plot ‘7/10’.	Amendment to typo made following consideration of the ExA’s FWQs.	Deadline 2
Schedule 9 (Land in which new rights etc. may be acquired)	In Table 8, deleted reference to plot 13/6.	Amendment made following consideration of the ExA’s FWQs.	Deadline 2
Schedule 9 (Land in which new rights etc. may be acquired)	<p>Interpretation section – inserted: ““Work No. 2C infrastructure” means any works or development comprised within Work No. 2C, ancillary apparatus and any other necessary works or development permitted within the area delineated as Work No. 2C on the works plans including the alteration, diversion or construction of statutory undertakers’ apparatus;”</p> <p>In Table 8 – inserted a row for plots relating to Work No. 2C and inserted new rights relating to Work No. 2C.</p>	Inserted as part of the Change Request Application to account for new rights in respect of new Work No. 2C.	Change Request App (rev. 3)
Schedule 9 (Land in which new rights etc. may be acquired)	<p>Interpretation section – deleted definitions to Work No. 6A.3 and Work No. 6B.3.</p> <p>In Table 8 – deleted rows with plots relating to Work Nos. 6A.3 and 6B.3.</p>	Deleted as part of the Change Request Application to reflect how these works have been removed from the DCO.	Change Request App (rev. 3)
Schedule 9 (Land in which new rights etc. may be acquired)	Table 8 – amendments to plot numbers throughout reflecting the changes, such as Order limits reduction and changes in types of rights sought, pursuant to the Change Request Application.	Amendments are part of changes to plots and interests sought as a result of the Change Request Application.	Change Request App (rev. 3)
Schedule 9 (Land in which new rights etc. may be acquired)	Deleted plots 4/4, 4/5, 4/6, 4/24, 4/25, 4/28, 4/29 and 4/30 from the Schedule.	Deleted from the Schedule as part of the amendments arising from article 29 amendments. This avoids duplication as the rights in relation to these plots will be	Deadline 5

		as a result of the exercise of powers under article 29 and not article 25.	
Schedule 10 (Land of which temporary possession may be taken)	Deleted erroneous additional references to plots 5/91 and 5/93 in first row of Table 8.	This amendment was made following receipt of the ExA's section 51 advice.	May 2024 [AS-014]
Schedule 11 (Land of which temporary possession may be taken)	Moved Schedule from Schedule 10 to Schedule 11.	This amendment has been made following the change to Schedule 8 (Important hedgerows to be removed) as explained above.	Deadline 2
Schedule 11 (Land of which temporary possession may be taken)	Deleted row with plots relating to 'temporary use to facilitate carrying out of Work No. 6A.3'.	Deleted as part of the Change Request Application to reflect how this work has been removed from the DCO.	Change Request App (rev. 3)
Schedule 11 (Land of which temporary possession may be taken)	Amendments to plot numbers throughout reflecting the changes such as Order limits reduction and changes in types of rights sought further to the Change Request Application.	Amendments are part of changes to plots and interests sought as a result of the Change Request Application.	Change Request App (rev. 3)
Schedule 12 (Appeals to the Secretary of State)	Moved Schedule from Schedule 15 to Schedule 12.	This amendment has been made to comply with PINS AN15 at 8.2 where Schedules should be numbered according to the order in which they are mentioned in the substantive articles in the draft DCO. This Schedule is given effect by article 43(2) and so should be before the Procedure for Discharge of Requirements Schedule. This amendment also accounts for the Schedule containing Protective Provisions moving to the end of the draft DCO.	Deadline 2

		Schedules from this point have been renumbered accordingly and updates made to cross-references throughout draft DCO.	
Schedule 12 (Appeals to the Secretary of State)	In paragraph 2(2)(b) inserted text in italics: <i>‘(comprising the relevant application to the local authority, a copy (where it has been provided to the undertaker) of the local authority’s reason for its decision and the undertaker’s reasons as to why the appeal should be granted)’.</i>	The amendment has been made for clarity further to ExA’s FWQs.	Deadline 2
Schedule 12 (Appeals to the Secretary of State)	Amended time period in paragraph 2(2)(g) from ‘10 working days’ to ‘30 working days’.	The amendment follows consideration of the ExA’s FWQs and provides consistency between this paragraph and the equivalent paragraph in Schedule 13 (paragraph 5(2)(e).	Deadline 2
Schedule 12 (Appeals to the Secretary of State)	Amended paragraph 4(7) from: <i>“In considering whether to make any such decisions and the terms on which it is to be made, the appointed person must act in accordance with the relevant Planning Practice Guidance published by the Department for Levelling Up, Housing and Communities, or such guidance as may from time to time replace it.”</i> To: <i>“In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to the Planning Practice Guidance about planning appeals and award costs first published on 3 March 2014 by the Department for Communities and Local Government, as updated from time to time, or any circular or guidance which may from time to time replace it.”</i>	This amendment has been made to provide further clarity and to ensure the references to the Planning Practice Guidance about planning appeals and award costs are consistent between this Schedule and the equivalent paragraph in Schedule 13 (Procedure for discharge of requirements) (please see below).	Deadline 2

Schedule (Procedure discharge requirements)	13 for of	In paragraph 5(5)(b) deleted “[him]” and replaced with “the appointed person”.	This amendment has been made to provide further clarity.	Deadline 2
Schedule (Procedure discharge requirements)	13 for of	<p>Amended text in paragraph 5(11) from:</p> <p><i>“In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to the advice on planning appeals and award costs published on 3 March 2014 by what was then the Department for Communities and Local Government or any circular or guidance which may from time to time replace it.”</i></p> <p>To: <i>“In considering whether to make any such direction and the terms on which it is to be made, the appointed person must have regard to the Planning Practice Guidance about planning appeals and award costs first published on 3 March 2014, by what was then the Department for Communities and Local Government, as updated from time to time, or any circular or guidance which may from time to time replace it.”</i></p>	This amendment has been made to provide further clarity and to ensure the references to the Planning Practice Guidance about planning appeals and award costs are consistent between this Schedule and the equivalent paragraph in Schedule 12 (Appeals to the Secretary of State) (please see above).	Deadline 2
Schedule (Documents and plans to be certified)	14 and	Various amendments to ensure document names, references, revision numbers and dates are up-to-date and accurate.	These amendments were made following receipt of the ExA’s section 51 advice.	May 2024 [AS-014]
Schedule (Documents and plans to be certified)	14 and	Various amendments to ensure document names, references, revision numbers and dates are up-to-date and accurate.	These amendments reflect submissions by the Applicant into the Examination at Procedural Deadline A, Deadline 1 and Deadline 2. The amendment to the row containing	Deadline 2

		The only change of significance is the deletion of the 'Flood Risk Assessment' as a separate row, as this is covered by the Environmental Statement being a certified document.	the Flood Risk Assessment is in response to the ExA's FWQs.	
Schedule 14 (Documents and plans to be certified)		Deleted row referring to the 'design and access statement'.	Deleted for clarity and also for consistency as the Design and Access Statement is not referred to in the rest of the DCO.	Change Request App (rev. 3)
Schedule 14 (Documents and plans to be certified)		Various amendments to ensure document names, references, revision numbers and dates are up-to-date and accurate.	These amendments reflect submissions into the Examination as part of the Change Request Application.	Change Request App (rev. 3)
Schedule 14 (Documents and plans to be certified)		Various amendments to ensure document names, references, revision numbers and dates are up-to-date and accurate.	These amendments reflect submissions made by the Applicant into the Examination at Deadlines 3 and 4.	Deadline 4
Schedule 14 (Documents and plans to be certified)		Various amendments to ensure document names, references, revision numbers and dates are up-to-date and accurate. The only changes of significance is the insertion of new rows for: 7.3 Change Application Report 7.4 Change Application Report - Appendices [H2 Teesside Anglo American Shared Area Plan]	These amendments reflect submissions made by the Applicant into the Examination at Deadlines 5. The Change Application Report and Appendices document have been inserted in response to the ExA's Second Written Questions. The H2 Teesside Anglo American Shared Area Plan has been inserted in square brackets because it is not in an agreed form but it is mentioned in both Schedule 3 and the Anglo American PPs.	Deadline 5
Schedule 14 (Documents and plans to be certified)		Various amendments to ensure document names, references, revision numbers and dates are up-to-date and accurate.	These amendments reflect submissions made by the Applicant into the Examination at Deadlines 6 and 6A.	Deadline 6A
Schedule 15 (Design parameters)		Moved Schedule from Schedule 16 to Schedule 15.	This amendment has been made as a result of the move of Appeals to the Secretary of State Schedule from	Deadline 2

		Schedule 15 to 12 and moving the Protective Provisions Schedule to the end of the draft DCO as described above.	
Schedule 15 (Design parameters)	The Applicant has amended the Design Parameters Schedule to the draft DCO at Deadline 2 to remove reference to ‘diameter’ from the Flare Stack row and has amended the entry to ‘4.0 (flare 1.0 and platform 4.0)’ for clarity.	Amendment has been made for greater consistency with ES and DAS further to the ExA’s FWQs.	Deadline 2
Schedule 15 (Design parameters)	Abbreviation ‘ASU’ has been amended to ‘Air Separation Unit (ASU)’.	This amendment has been made for greater clarity and further to the ExA’s FWQs.	Deadline 2
Schedule 15 (Design parameters)	Amended height of carbon dioxide absorber column from 56m to 59m (Above Ordnance Datum) AOD.	Amended as part of the Change Request Application.	Change Request App (rev. 3)
Schedule 15 (Design parameters)	Amended height of the flash vessels from 58m to 73m AOD.	Amended as part of the Change Request Application.	Change Request App (rev. 3)
Schedule 15 (Design parameters)	Inserted “(min)” beside 78 in the final height column for the Auxiliary Boiler Stack. For all other rows which did not have references to “(min)” or “(max)” next to the figure in the height column, inserted “(max)”.	The insertion of “(min)” next to 78 in the Auxiliary Boiler Stack height was made in response to a request from ExA in Second Written Questions. The remaining insertions have been made to improve clarity.	Deadline 5
Schedule 15 (Design parameters)	Inserted “and max” next to “min” in the final height column for the Auxiliary Boiler Stack.	In its Cover Letter to its Deadline 6 submissions [REP6-005], the Applicant informed the ExA that there had been an error in updating the Auxiliary Boiler Stack row at Deadline 5 and the final column of this row should actually read “(min and max)” rather than just “(min)” to account for how this is both the minimum and the maximum height of the auxiliary boiler stack. This is	Deadline 6A

		<p>because the figure represents the different worst-case scenarios for the environmental assessments for air quality (where this is the worst-case minimum height) and landscape and visual impact (where this is the worst-case maximum height). The Applicant said it would make this amendment at Deadline 6A.</p>	
<p>Schedules 16 to 22 (Protective Provisions)</p>	<p>Moved Schedule from Schedule 12 to Schedule 16 and separated each Part into its own separate Schedule.</p>	<p>This amendment has been made in order to simplify the administrative process of updating the draft DCO when Protective Provisions have been agreed with individual parties. By moving them to the end of the draft DCO and separating into separate Schedules the new Protective Provisions just need to be added as a new Schedule and an amendment made to contents page and reference in article 41. If the Protective Provisions remained at Schedule 12 and in separate Parts then each time updated or new Protective Provisions are inserted requires the Schedule paragraphs to be renumbered as well as contents page being added to.</p> <p>The Applicant acknowledges that this is not a conventional approach and is contrary to the approach in AN15 8.2 that Schedules should be presented in article order. However, AN15 at 4.5 does say that separate Schedules for Protective Provisions can be acceptable and the Applicant believes that in this case the approach is justified because of the large number of Protective Provisions expected for this project.</p> <p>The drafting for the Protective Provisions currently forming part of the draft DCO has been amended to</p>	<p>Deadline 2</p>

		reflect that these are now being presented as their own Schedule rather than as Part of a Schedule.	
Protective Provisions	<p>Inserted new Schedules containing Protective Provisions as follows:</p> <p>SCHEDULE 23 — PROTECTIVE PROVISIONS FOR THE PROTECTION OF SUEZ RECYCLING AND RECOVERY UK LIMITED</p> <p>SCHEDULE 24 — PROTECTIVE PROVISIONS FOR THE PROTECTION OF INEOS NITRILES (UK) LIMITED</p> <p>SCHEDULE 25 — PROTECTIVE PROVISIONS FOR THE PROTECTION OF NAVIGATOR TERMINALS SEAL SANDS LIMITED</p> <p>SCHEDULE 26 — PROTECTIVE PROVISIONS FOR THE PROTECTION OF AIR PRODUCTS PLC</p> <p>SCHEDULE 27 — PROTECTIVE PROVISIONS FOR THE PROTECTION OF CF FERTILISERS UK LIMITED</p> <p>SCHEDULE 28 — PROTECTIVE PROVISIONS FOR THE PROTECTION OF NORTHERN POWERGRID (NORTHEAST) PLC</p> <p>SCHEDULE 29 — PROTECTIVE PROVISIONS FOR THE PROTECTION OF ANGLO AMERICAN</p> <p>SCHEDULE 30 — PROTECTIVE PROVISIONS FOR THE PROTECTION OF SOUTH TEES DEVELOPMENT CORPORATION</p> <p>SCHEDULE 31 — PROTECTIVE PROVISIONS FOR THE PROTECTION OF NORTHUMBRIAN WATER LIMITED</p> <p>SCHEDULE 32 — PROTECTIVE PROVISIONS FOR THE PROTECTION OF THE BREAGH PIPELINE OWNERS</p>	<p>Insertion made following ExA’s comments during Issue Specific Hearing 2.</p> <p>The public protective provisions included in the DCO are in draft form and not yet agreed with third parties. The drafting has taken the equivalent NZT PPs as a starting point and developed to reflect the circumstances of H2T.</p> <p>In relation to the Anglo American PPs, the Applicant had received AA’s preferred version of the PPs and the Applicant has incorporated aspects of these that it agrees with into the PPs included in the DCO.</p> <p>In relation to CF Fertilisers, the parties have the following joint statement to make: “CF Fertilisers is not yet content that protective provisions are the appropriate method to protect its interests. In this context, the Applicant and CF Fertilisers are continuing to discuss the appropriate documentation (including a potential form of protective provisions) in order to protect CF Fertilisers’ apparatus and operations. The Applicant and CF Fertilisers agree that the protective provisions that the Applicant has inserted into the DCO at Deadline 5 for CF Fertilisers’ benefit are not yet agreed and are subject to ongoing negotiation.”</p>	Deadline 5

	<p>SCHEDULE 33 — PROTECTIVE PROVISIONS FOR THE PROTECTION OF CATS NORTH SEA LIMITED</p> <p>SCHEDULE 34 — PROTECTIVE PROVISIONS FOR THE PROTECTION OF SABIC PETROCHEMICALS UK LIMITED</p> <p>SCHEDULE 35 — PROTECTIVE PROVISIONS FOR THE PROTECTION OF PD TEESPORT LIMITED</p> <p>SCHEDULE 36 — PROTECTIVE PROVISIONS FOR THE PROTECTION OF REDCAR BULK TERMINAL</p> <p>SCHEDULE 37 — PROTECTIVE PROVISIONS FOR THE PROTECTION OF TEESSIDE GAS & LIQUIDS PROCESSING, TEESSIDE GAS PROCESSING PLANT LIMITED & NORTHERN GAS PROCESSING LIMITED</p> <p>SCHEDULE 38 — PROTECTIVE PROVISIONS FOR THE PROTECTION OF THE BOC APPARATUS OPERATOR</p> <p>SCHEDULE 39 — PROTECTIVE PROVISIONS FOR THE PROTECTION OF NORTHERN GAS NETWORKS LIMITED</p>	<p>In relation to Sembcorp the parties have the following joint statement to make: “The Applicant and Sembcorp Utilities (UK) Limited are at a critical stage of negotiations of the protective provisions for the Proposed Development and it would therefore not be constructive for protective provisions to be submitted at deadline 5. The Applicant and Sembcorp Utilities (UK) Limited will continue negotiations but with the Christmas break approaching, it is considered that deadline 7 is a more realistic date by which finalised protective provisions can be submitted.”</p>	
<p>Schedule 16 – Protective Provisions for the Protection of Electricity, Gas, Water and Sewerage Undertakers</p>	<p>At the end of paragraph 1, inserted <i>‘or unless any other provisions in Schedules 17 to [39] of this Order apply to the utility undertaker concerned’</i>.</p>	<p>Amendment made to ensure clarity that these generic protective provisions apply only if the utility undertaker is not covered by other or does not have its own bespoke set of protective provisions in the DCO.</p>	<p>Deadline 6A</p>
<p>Schedule 17 – Protective Provisions for the Protection of Operators of Electronic</p>	<p>At the end of paragraph 1(1), inserted <i>‘or unless any other provisions in Schedule 16 or Schedules 18 to [39] of this Order apply to the operator’</i>.</p>	<p>Amendment made to ensure clarity that these generic protective provisions apply only if the operator is not covered by other, or does not have its own bespoke set of protective provisions in the DCO.</p>	<p>Deadline 6A</p>

Communications Code Networks			
Schedule 18 – Protective Provisions for the Protection of Third Party Apparatus	In paragraph 1 deleted ‘this Schedule’ and replaced with ‘Schedules 16, 17 or 19 to [39] of this Order’.	Amendment made to ensure clarity that these generic protective provisions apply only if the apparatus is not protected by other protective provisions in the DCO.	Deadline 6A
Schedule 18 – Protective Provisions for the Protection of Third Party Apparatus	Insertion of a new paragraph 5 and 6 relating to replacement rights for third party apparatus.	To ensure that the generic protective provisions contains replacement rights for apparatus to offer same level of protection on this point as with any of the other protective provisions.	Deadline 6A
Schedule 21 – Protective Provisions for the Protection of Railway Interests	Various minor amendments have been made to the text in the Schedule.	The amendments reflect further consideration of the drafting and the ongoing negotiations between the parties.	Deadline 6A
Schedule 29 – Protective Provisions for the Protection of Anglo American	Various minor amendments have been made to the text in the Schedule.	The amendments reflect further consideration of the drafting and the ongoing negotiations between the parties.	Deadline 6A
Schedule 30 – Protective Provisions for the Protection of South Tees Group	Title of the Schedule amended from ‘Protection of South Tees Development Corporation’ to ‘Protection of South Tees Group’. There are also a number of various other amendments made to the text in the Schedule.	The title amendment and various other amendments made to the text in the Schedule reflect further consideration of the drafting and the ongoing negotiations between the parties. The Table of Contents has also been amended.	Deadline 6A
Schedule 30 – Protective Provisions for the Protection of South Tees Group	Deletion of definitions of ‘STDC’, ‘STDC area’ and ‘Teesworks Limited’ from definition paragraph of the Schedule (paragraph 2).	The deletions of these terms from the definition paragraph of the Schedule, reflect how these terms are already defined in article 2(1) (interpretation) of the draft	Deadline 6A

H2 Teesside Ltd

Schedule of Changes to the Draft Development Consent Order

Document Reference: 4.1a



		DCO and have been made to avoid unnecessary duplication.	
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