



The Planning Inspectorate  
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Your Ref  
URN: 20049389  
Our Ref  
MTP/TGH/207930.0002  
Date  
6 February 2025

Dear Sir or Madam

## **EN070009: H2TEESSIDE DCO EXAMINATION DEADLINE 7 SUBMISSIONS**

On behalf of our client the South Tees Group (“**STG**”), we enclose one document for submission at Deadline 7, containing STG’s comments regarding:

- the Applicant's proposed change notification [[AS-045](#)]; and
- the Applicant’s latest updated dDCO [[REP6A-007](#)].

The remainder of this letter addresses the draft Statement of Common Ground (“**SoCG**”) and the Protective Provisions (“**PPs**”) between the parties.

### SoCG

Regarding the SoCG, the Applicant has proposed that the parties submit an updated SoCG shortly after Deadline 7, so that it accounts for the Applicant’s change request. STG is content with this approach and awaits the Applicant’s proposed updates to the document.

### PPs

Regarding the PPs still under negotiation, STG provided the Applicant with its updates on 15 and 17 January, which the Applicant acknowledged but did not include in its Deadline 6A draft DCO submission [[REP6A-007](#)]. The parties met online on 27 January to discuss STG’s proposed amendments, after which the Applicant agreed to prepare a revised version reflecting the changes made since the one published in the Deadline 6A dDCO [[REP6A-007](#)].

STG was provided with a copy of the Applicant’s updates on 5 February, which did not allow time to comment on the document at Deadline 7. STG will therefore review the amended PPs after Deadline 7.

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If agreement is not reached on the PPs before the end of Examination, STG will submit its preferred form at Deadline 8 with a request for the Examining Authority to recommend that the Secretary of State include them in the Order in place of the Applicant's preferred form.

Yours faithfully



**Partner**

**For and on behalf of Broadfield Law UK LLP**

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enc STG responses to Applicant's proposed change notification [AS-045] and updated dDCO [REP6A-007]

## H2Teesside DCO Examination

### South Tees Group (20049389) – Deadline 7 Submissions

As per the Examination Timetable [PD-017], STG's primary Deadline 7 submission relates to the Applicant's recent change notification [AS-045] ("the change notification"). STG also includes further comments on the Applicant's Deadline 6A submission [REP6A-007], where relevant to STG's submission at that deadline [REP6A-037].

#### 1 Applicant's notification of further proposed changes to the H2Teesside DCO application and response to CAH2-AP4 [AS-045]

##### *Change Area 1*

- 1.1 STG welcomes the Applicant's commitment to removing from the Order Limits the area of overlap between the Proposed Development and the proposed NatPower BESS site ("**Change Area 1**"), in line with its stated intention at CAH2 [REP6A-018].
- 1.2 STG also welcomes and agrees with the ExA's conclusion that such a reduction at Change Area 1 will not give rise to "new or materially different likely significant effects" from those already assessed [PD-018]. STG looks forward to seeing the reduction at Change Area 1 included in the Applicant's formal change request to be submitted at Deadline 7.

##### *Change Area 5*

- 1.3 The Applicant's change notification stated that it was in discussion with STG concerning STG's objections to the inclusion of land at the Foundry (referred to as the "Phase 2 land", but including land proposed for Phase 1 construction and pipeline corridor), and that the Applicant was "*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*".
- 1.4 Despite intensive negotiations, the parties have not, at this stage, been able to reach agreement over terms that would allow STG to be satisfied that its development plans for the Foundry (including the Phase 2 land) can co-exist with the Applicant's Proposed Development.
- 1.5 STG will comment at the next deadline once it has sight of the Applicant's submitted change request. To the extent that the change request includes a reduction in the Phase 2 land area, STG will comment on the implications of the reduction.
- 1.6 In the meantime, STG notes that one of the substantive barriers to reaching agreement with the Applicant relates to the Health and Safety Executive's ("**HSE's**") consultation zones for hazardous development, and the extent to which these might ultimately sterilise land on the Teesworks site, by reason of the HSE potentially advising against future planning applications. The Examining Authority is directed to the HSE's on-line land use planning methodology: <https://www.hse.gov.uk/landuseplanning/methodology.htm>.

1.7 STG has been seeking more information from the Applicant regarding the anticipated locations of consultation zones in relation to the Proposed Development, to better understand the extent of their impact on its own development plans in the area, and to understand how this has been mitigated by the Applicant. However, as of this Deadline 7 the Applicant has not provided such detail.

1.8 STG will continue to explore a resolution with the Applicant on this matter. STG will expand further on this issue at Deadline 8 if its concerns are not resolved with the Applicant before then, having regard to the scope of the Applicant's change request as submitted at Deadline 7. At this stage, STG emphasises that if it cannot reach a position where it is satisfied that the consultation zones will not adversely affect development planned for the Teesworks Estate, STG may need to move to a position where it objects to the Proposed Development in its entirety

## **2 Updated dDCO [[REP6A-007](#) (clean) / [REP6A-008](#) (tracked)]**

2.1 Although the Applicant was unable to include its modification of STG's preferred form of protective provisions in the dDCO submitted at Deadline 6A [[REP6A-007](#)], STG welcomes the addition of Steel River Power Limited to the definition of "STG" in Schedule 30, following on the Applicant's prior acceptance of that addition [[REP6-006](#)].

2.2 STG also notes the Applicant's updated drafting in Schedule 2 requirement 33, which addresses its prior concerns about this provision [[REP6A-037](#)].