

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 H2 Teesside Order

Document Reference: 8.7 Examination Progress Tracker

The Planning Act 2008



Applicant: H2 Teesside Ltd

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CONTENTS

1.0 INTRODUCTION AND PURPOSE	4
2.0 EXAMINATION PROGRESS TRACKER.....	7

TABLES

Table 2-1: Examination Progress Tracker

1.0 INTRODUCTION AND PURPOSE

- 1.1.1 This Examination Progress Tracker relates to an application (the ‘Application’) made by H2 Teesside Limited (the ‘Applicant’), to the Secretary of State for Energy and Net Zero for a Development Consent Order (‘DCO’) under Section 37 of the Planning Act 2008 (the ‘PA 2008’) for the H2Teesside Project (the ‘Proposed Development’).
- 1.1.2 The Application has been accepted for examination. The Examination commenced on 29 August 2024.
- 1.1.3 This Examination Progress Tracker has been prepared by the Applicant in response to the Examining Authority’s (‘ExA’s’) letter dated 31 July 2024 (‘The Infrastructure Planning (Examination) Rules 2010 – Rules 6, 9 and 13’) (the ‘**Rule 6 letter**’), and was confirmed by the ExA’s letter dated 30 August 2024 (‘The Infrastructure Planning (Examination) Rules 2010 – Rule 8 and 9’) (the ‘**Rule 8 letter**’)
- 1.1.4 The ExA set out in Annex F of the Rule 6 letter the following requirements:
- “The ExA has made a Procedural Decision to request from the Applicant an Examination Progress Tracker, in the form of a table, reporting on what it considers are the principle, and other notable issues in the Examination.*
- The ExA would like the Applicant to set this out by issue and/or sub issue, the IP(s) [Interested Parties] which have raised them, the summary of the concern(s)/objection(s) and the progress being made (if any), and the updated position and any progress to resolution. The Applicant could consider “traffic-lighting” the table for ease of reference.*
- The ExA would like this tracker to include progress on negotiations on outstanding concerns.”*
- 1.1.5 The Rule 8 letter outlines the milestones of the Examination Progress Tracker, summarised as follows (*the Applicant’s updated comments as at Deadline 7 are underlined and italicised*):
- **Deadline 1 (DL1):** An Examination Progress Tracker. This should be prepared by, and submitted by the Applicant. This was submitted at DL1.
 - **Deadline 2 (DL2):** Comments/responses to the Applicant’s Examination Progress Tracker submitted at DL1. The Applicant will note comments/responses received (if any). The Applicant’s DL2 cover letter set out that there were no further updates and no updated version was submitted.
 - **Deadline 3 (DL3):** The Applicant will update the Examination Progress Tracker submitted at DL1. The Applicant’s DL3 cover letter set out that there were no further updates and no updated version was submitted.
 - **Deadline 4 (DL4):** Comments/responses to the Applicant’s Examination Progress Tracker submitted at DL3. The Applicant will note comments/responses received (if any). The Applicant’s DL4 cover letter set out that there were no further updates and no updated version was submitted.

- **Deadline 5 (DL5):** The Applicant will update to the Examination Progress Tracker submitted at DL3. The Applicant provided an updated Examination Tracker.
- **Additional Deadline 5A (DL5A) – No request to submit an updated Examination Tracker.**
- **Deadline 6 (DL6):** Comments/responses to the Applicant’s Examination Progress Tracker submitted at DL5.
- **Additional Deadline 6A (DL6A) – No request to submit an updated Examination Tracker.**
- **Deadline 7 (DL7):** The Applicant will submit the final Examination Progress Tracker. *This is provided as per this document.*

1.1.6 The initial Examination Progress Tracker, in the form of a table, as requested by the ExA, is set out at Section 2.0.

1.1.7 The status of the issues within the Examination Tracker is based on a Red, Amber, Green (‘RAG’) rating as follows:

	Currently subject to disagreement
	Subject to further/on-going discussion
	Agreed

2.0 EXAMINATION PROGRESS TRACKER

2.1.1 **Table 2-1** provides a summary of the principal/notable issues raised by Interest Parties and the status of those issues.

Table 2-1: Examination Progress Tracker

IN REF.	TOPIC	PRINCIPLE / NOTABLE ISSUE(S)	INTERESTED PARTY(IES)	SUMMARY OF COMMENTS	PROGRESS BEING MADE (IF ANY)	UPDATED POSITION (WHERE RELEVANT)	RAG RATING
1.	Land requirements	Order Limits and asset/land protection	Landowners	Landowners raised concerns about the extent of the Order Limits and seek protections through DCO Protective Provisions.	The Applicant has responded to the various Relevant Representations ('RRs') submitted at the various Deadlines. The Applicant is in ongoing discussions with all parties who continue to submit RRs, as set out in the Land Rights Tracker [REP5-035].	A Protective Provisions Statement (Document Ref. 8.39) sets out the latest position on what is agreed, and where they are not agreed/the status of discussions. At Deadline 8, a final updated final Land Rights Tracker will be provided.	
2.	Biodiversity/nature conservation	Habitats Regulations Assessment ('HRA')	Natural England ('NE')	Details of the HRA assessment and its conclusions including Nutrient Neutrality.	The Applicant has held a number of meetings and calls with NE since submission of its RR, where good progress	Discussions with Natural England regarding their Relevant Representation and	

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					<p>was made on the issues raised by NE – see the latest Statement of Common Ground ('SoCG') with NE.</p> <p>Discussions with NE will continue as the Examination progresses.</p>	<p>Examination submissions on the Report to Inform HRA continue. The Applicant has submitted an updated Report to Inform HRA at Deadline 6A. The Applicant's position is this iteration of the Report to Inform HRA has adequately taken account of all matters raised in Natural England's Relevant Representation.</p> <p>The Applicant is awaiting feedback on a number of items, expected to be</p>	

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						received at Deadline 7.	
3.	Environmental enhancements	Securing benefits	Natural England ('NE') and Environment Agency ('EA')	Discuss the potential to secure environmental enhancements that contribute to achieving net gain.	The Applicant will continue to discuss this matter with NE and the EA as part of its overall strategy in relation to net gain.	The Applicant is exploring opportunities for environmental enhancements within Teesside. Discussions are ongoing with various stakeholders, including local trusts, environmental authorities, and conservation organisations. As noted at ISH2, it is not considered that these discussions will be completed by the end of Examination.	

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						Natural England and the Environment Agency have now agreed this matter in their respective SoCGs, which the Applicant submits at Deadline 7.	
4.	Flood risk	Flood Risk Assessment ('FRA')	Environment Agency ('EA')	Details of the FRA and its conclusions	The Applicant has held a number of meetings with the EA since submission of its RR, where good progress was made on the issues raised by the EA – see draft SoCG as at Deadline 5. The Applicant has also provided a response to the EA's concerns in its response to the EA's submissions at each deadline.	The Applicant has submitted an updated Flood Risk Assessment into the Examination at Deadline 5 to take account of the Environment Agency's Examination submissions. These matters are now agreed with the Environment Agency, as per the EAs	

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					Discussions with EA will continue as the Examination progresses.	Deadline 6 submission [REP6-008].	
5.	Consents and DCO Requirements	Clarification for disapplication of consents and justification for DCO Requirements	Environment Agency ('EA')	The EA has asked for clarification about the permits/consents the Applicant seeks to disapply and also justification for the inclusion of DCO Requirements		The Applicant is awaiting feedback on this matter from the Environment Agency. In the meantime, the Applicant has responded to the draft Protective Provisions submitted by the EA at Deadline 6A with a small number of clarifications. It is considered that these should be able to be agreed by the end of Examination to allow for the EA to give its section 150 approval for the	

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						relevant disapplications.	
7.	Marine Licensing Exemption	Application to the Proposed Development	Marine Management Organisation ('MMO')	MMO is still considering if the Article 35 exemption can be applied.	The Applicant has signposted the MMO to relevant information for it to consider if the exemption can apply.	The Applicant is confident the Proposed Development will be able to rely on an exemption in place of a Deemed Marine Licence and will be able to fulfil the conditions of this exemption, particularly Condition 2 and is in discussions with NE on this point – noting that the Condition relates to the activities to which the Exemption applies, namely only the drilling activity directly below the	

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						<p>river bed (MHWS), not any other aspect of the Proposed Development.</p> <p>The MMO has stated it is for the Applicant itself to satisfy it is able to meet the conditions of any exemption. The Applicant considers this matter agreed between the two parties as a result.</p>	