



National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol, BS1 6PN

Customer Services: 0303 444 5000  
e-mail: [H2teesside@planninginspectorate.gov.uk](mailto:H2teesside@planninginspectorate.gov.uk)

---

Applicant and all Interested Parties

Your Ref:

Our Ref: EN070009

Date: 19 February 2025

---

Dear Sir/ Madam

## **The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17 - Request for further information**

### **Application by H2 Teesside Limited for an Order Granting Development Consent for the H2Teesside Project**

We are writing under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) (EPR).

Following receipt of the Deadline (DL) 7A submission the Examining Authority (ExA) has decided to seek further information from the Applicant and named Interested Parties (IPs). The information sought under Rule 17 of the EPR is set out in Annex A to this letter. Whilst the request for further information is addressed to the Applicant and named IPs, any IP wishing to respond may do so.

The DL for the submission of the information sought is DL8, Monday 24 February 2025, although if any part of the requested information is able to be submitted prior to that DL, the Applicant and IPs are requested to submit that information as soon as possible. Any IP wishing to respond to the ExA's request for further information should also do so by DL8. The ExA has the discretion to accept any additional submissions from IP's wishing to comment on information submitted by the Applicant in response to its questions set out in Annex A. All responses should be marked as relating to Rule 17 Questions of 19 February 2025.

Responses to this request for further information will be published shortly after DL8, Monday 24 February 2025.

Yours faithfully

*Christopher Butler*

**Christopher Butler**

**Lead Member of the Panel of Examining Inspectors**

This communication does not constitute legal advice.  
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

Information sought under Rule 17 of the EPR.			
Question	Information sought from:	Information sought:	Respond by
1	Applicant	<p>At Compulsory Acquisition Hearing 2 (CAH2), the Examining Authority (ExA) asked the Applicant to explain the need for the Cowpen Bewley Access Track, which is mainly seen in Plot No. 4/24 and is part of Open Space Land. In the submitted document 'Summary of Applicant's Oral Submission at the CAH2' [REP6a-018], the Applicant states at Agenda Item 5(iv) that the track is needed for a circular traffic management route around the Cowpen Bewley Above Ground Installation (AGI). The summary of CAH2 also states that Cowbridge Lane, which is used to access the AGI, is one-way.</p> <p>Although there is no access from the A1185 onto Cowbridge Lane, the status of a one-way road is not clear and there is no evidence from signage and road markings that the whole of Cowbridge Road is a one-way road. In fact Cowbridge Road would appear to be two-way when accessing from Wolviston Back Lane, past the access AGI and up and beyond the Cowpen Bewley Access Track (Plot No. 4/24). Therefore please provide evidence, in the form of the Road Traffic Order, or other similar Order/ evidence, which details the presence and location of a one-way street that makes the whole/ part Cowbridge Road a one-way Road, including a plan of where the one-way section of the road starts and finishes.</p>	No later than Deadline (DL) 8 (DL8), Monday 24 February 2025, but earlier if available prior to DL8.
2	Applicant and any other affected Interested Party (IP)	The Statement of Reasons (SoR) [CR1-013] at paragraph 9.1.36 states the plots required, 4/4 and 4/24, are plots over which the public currently have access but form access tracks rather than woodland. It goes on to state at paragraph 9.1.44 that no permanent surface installation works will be required within the Cowpen Bewley	No later than DL8, Monday 24 February 2025, but earlier if available prior to DL8.

Information sought under Rule 17 of the EPR.			
Question	Information sought from:	Information sought:	Respond by
		<p>Access Track Open Space and at paragraph 9.1.46 (bullet point one) that the physical appearance of the Cowpen Bewley Access Track Open Space will be unaffected.</p> <p>The ExA commented during CAH2 that during its Accompanied Site Inspection 3, no existing access track was evident at this location, rather this was an area which has woodland vegetation, trees and no track suitable for use by maintenance or construction vehicles.</p> <p>Taking this into account, please clarify how the proposed access track would be constructed as required for construction and maintenance access without surface construction and without changing the physical appearance of the Cowpen Bewley Access Track Open Space. Please provide suitable photographs of the existing access track and full details of the existing and proposed access tracks and enabling works required.</p> <p>In the light of this, please confirm if you consider the statements in the SoR remain correct and if you consider the test under section (s) 132(3) of the Planning Act 2008 (PA2008) remains satisfied.</p> <p>Please can other affected IPs comment on the use of the existing track and impact of the proposed track with reference to the commitments in the SoR and if you consider the test under s132(3) of the PA2008 remains satisfied.</p>	
3	Applicant	National Gas Transmission PLC's (NGT) DL7A submission <a href="#">[REP7a-059]</a> , paragraph 2.8 states you have not provided full justification for changes to its standard Protective Provisions (PP). Please provide full reasoning why you	No later than DL8, Monday 24 February 2025, but earlier if available prior to DL8.

Information sought under Rule 17 of the EPR.			
Question	Information sought from:	Information sought:	Respond by
		have sought to change the NGT standard PPs.	
4	Applicant	In the light of South Tees Group's (STG) DL7A submission [ <a href="#">REP7a-077</a> ], please provide a full explanation as to why no negotiations or approaches have been made regarding the acquisition of land at the Foundry/ main site out with that for Phase 1 of the Proposed Development. Please provide the ExA with clarification as to why there should be no doubt that phase 2 will be constructed, noting the particular circumstances the STG find themselves in regarding their obligation to develop the land in question.	No later than DL8, Monday 24 February 2025, but earlier if available prior to DL8.
5	National Grid Electricity Transmission	At DL7A the Applicant submitted a document entitled 'Saltholme Interaction Report' [ <a href="#">REP7a-015</a> ] that summarised the negotiations and recent optioneering in regard to the Saltholme Substation. Please provide a response to this submission, with a particular focus on the Applicant's suggested options for the design of the substation upgrade. Please also provide an answer to Question 4 of the ExAs Rule 17 letter of 10 February 2025 [ <a href="#">PD-020</a> ].	No later than DL8, Monday 24 February 2025, but earlier if available prior to DL8.
6	Applicant	Noting the comments of Natural England (NE) in its response to the ExA's Rule 17 questions dated 10 February 2025 [ <a href="#">REP7a-061</a> ] concerning mitigation and monitoring of noise and visual disturbance to Special Protection Area (SPA) birds during construction, the Applicant is requested to submit an updated Framework Construction Environmental Management Plan (CEMP) that includes a commitment to measures during the wintering period of October to March (including the further mitigation for noise	No later than DL8, Monday 24 February 2025, but earlier if available prior to DL8.

Information sought under Rule 17 of the EPR.			
Question	Information sought from:	Information sought:	Respond by
		<p>of up to 10dB), and reflect its commitment to monitoring in Table 10-1. The Applicant is requested to explain what steps would be taken to consult NE on the final measures and how this would be secured in the Development Consent Order (DCO).</p> <p>In addition to the above, NE advise</p> <p>i) you have committed to monitoring of bird populations both during the construction and post construction phases of the proposed development and this should be secured within the CEMP. NE also advise that it should be consulted on this; and</p> <p>ii) if details provided within the phasing plan (Chart 1: Indicative Outline Construction Programme, Annex J (Assessment of Impacts Upon the Waterbird Assemblage of The Teesmouth and Cleveland Coast SPA/ Ramsar Accounting for the Project Work Phases) and Annex K (Response to NE's Relevant Representation NE5 regarding Lamax)) are to change it must be consulted on such changes.</p> <p>Please respond to i) and ii) above and advise how consultation is to be secured within the CEMP/ DCO or provide wording within these documents to secure such consultation.</p>	
7	Applicant	<p>NE notes "...the Report to Inform the Habitats Regulation Assessment and Annex J considers habituation to current sources of noise and visual disturbance by SPA birds is provided as justification as to why the predicted activity from the construction phase of the project will not result in harmful effects on bird populations.". However, NE advises it</p>	<p>No later than DL8, Monday 24 February 2025, but earlier if available prior to DL8.</p>

Information sought under Rule 17 of the EPR.			
Question	Information sought from:	Information sought:	Respond by
		does not accept this justification and requires demonstration as to how the predicted noise, noise source and visual disturbance is comparable and compatible to those currently tolerated by SPA bird populations. Please advise how you intend to resolve yours and NE's differing position in this regard, within the remaining examination period, and how such a resolution, if any, is to be secured within the DCO or other relevant document.	
8	Applicant	<p>NE notes that there is a possibility of noise/ visual disturbance during any maintenance/ repair work, especially on the Above Ground Infrastructure (sic) sites. NE advises such works have the potential to exceed 55db in noise, especially if works require the breaking of concrete and that a DCO requirement is needed to ensure consultation with NE on maintenance/ repair works on areas outside the main site to determine the potential for bird disturbance and any avoidance steps or mitigation required. NE advises it has come to the above opinion based on the details provided in the Report to Inform the Habitats Regulation Assessment and Annex K, however, it considers if these details are to change it must be consulted on such changes. Please advise how you intend to address the above mentioned concerns raised by NE regarding consultation on:</p> <p>i) maintenance/ repair works on areas outside the main site to determine the potential for bird disturbance and any avoidance steps or mitigation required; and</p> <p>ii) changes to the details provided in the Report to Inform the Habitats</p>	No later than DL8, Monday 24 February 2025, but earlier if available prior to DL8.

Information sought under Rule 17 of the EPR.			
Question	Information sought from:	Information sought:	Respond by
		<p>Regulation Assessment and Annex K.</p> <p>In addition to the above, please advise how the above is secured/ to be secured in the DCO or other relevant Examination document.</p>	
9	Applicant	<p>The ExA notes that the Applicant will provide further information in respect of NE8 at DL8. In doing so, the Applicant is requested to respond to NE's advice [REP7a-060] (Statement of Common Ground (SoCG) Update) that monitoring of noise and visual disturbance to SPA birds during operation should be secured in the DCO.</p> <p>NE also advises monitoring of birds during the operational phase at the development should also take place, in order to better understand the application technology and its potential to result in disturbance impacts on SPA bird populations, and this should also be secured through a Requirement in the DCO.</p> <p>The ExA considers an updated version of the Schedule of Operational Mitigation and Monitoring [APP-042] should be provided to incorporate any additional commitments required in relation to noise and visual disturbance during operation. Additionally, the ExA would seek your response to NE's comments, as precis above, and provide wording for the inclusion such Requirements within the DCO or provide justification as to why such additional Requirements are not necessary.</p>	No later than DL8, Monday 24 February 2025, but earlier if available prior to DL8.
10	Applicant	<p>The ExA notes the Applicant's commitment in the Outline Landscape and Biodiversity Management Plan [REP7-021] regarding habitat restoration timescales (immediately after</p>	No later than DL8, Monday 24 February 2025, but earlier if



Information sought under Rule 17 of the EPR.			
Question	Information sought from:	Information sought:	Respond by
		construction works are complete) and monitoring. The Applicant is requested to explain how this commitment aligns with Requirement 22 of the draft DCO [REP7a-003], which requires approval of the scheme for restoration of land used temporarily for construction and restoration within 1 year of final commissioning.	available prior to DL8.
11	Applicant/ NE	<p>The ExA notes NE's Key Point NE31, related to conclusions on effects from air quality emissions to Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI), still remains outstanding and is not agreed (See NE's DL7A update related to its comments on the SoCG [REP7a-061]).</p> <p>NE has reviewed the Report to Inform Assessment of Air Quality Impacts on Teesmouth and Cleveland Coast SSSI [REP7-027] and agreed Adverse Effect on Integrity to the SPA can be excluded based on the assessment, but does not agree that the assessment excludes harm to the SSSI due to impact on vegetated designated features cumulatively. It notes the project alone adds 1.1% of critical load for nitrogen deposition and 10.1% in-combination. It states no mitigation has been secured but points out it has previously advised on mitigation.</p> <p>The Applicant in response [REP7-027] suggests strategic action could be carried out but NE consider this approach not to be established and therefore cannot be relied on as mitigation for this project. The ExA notes the Applicant, in its response to second written questions concerning the Habitat Regulations Assessment [REP5-042], did not identify any non-strategic mitigation but made reference to Critical National Priority, as referred to in</p>	No later than DL8, Monday 24 February 2025, but earlier if available prior to DL8.

Information sought under Rule 17 of the EPR.			
Question	Information sought from:	Information sought:	Respond by
		<p>Paragraph 4.2.17 of NPS EN-1. The Applicant's Environmental Position Statement [REP7a-039] maintained it was a small contribution and not appropriate for the project to assume responsibility for strategic mitigation. It committed to setting out its position in relation to NPS policy at DL8.</p> <p>Please advise on how the Parties intend to resolve this matter.</p> <p>Does NE have any advice on project specific mitigation that could be implemented?</p>	
12	Applicant/ PD Teesport Ltd	The ExA notes PD Teesport Ltd's DL7a submission [REP7a-067], especially its comment concerning its preferred PPs would substantially resolve the objections to the DCO application, with the exception of the proposed disapplication of the Tees and Hartlepool Port Authority Act 1966, as more particularly described in its 'Summary of Oral Representations' [REP4-048]. Bearing in mind the limited time remaining in the Examination, the ExA would ask how this matter can be resolved to the satisfaction of both parties and whether the parties are actively engaging with a view to coming to an amicable solution.	No later than DL8, Monday 24 February 2025, but earlier if available prior to DL8.
13	Applicant	The ExA notes PD Teesport Ltd's DL7a submission [REP7a-067], especially its comment that it has not received a clear assurances or explanation from the Applicant that the proposed River Tees crossing would not interfere with development of its proposed container port development, in particular the proposed piling operations to the potential depth of 35 metres, which would be within the Order limits and the parameters of the Tees Crossing works.	No later than DL8, Monday 24 February 2025, but earlier if available prior to DL8.

Information sought under Rule 17 of the EPR.			
Question	Information sought from:	Information sought:	Respond by
		<p>In seeking to address this PD Teesport Ltd state its proposes PPs, through the addition of a protection which would require any proposed tunnelling or micro bore construction to be a minimum off 60 metres deep, would provide an appropriate vertical separation to its proposed works.</p> <p>The ExA notes the Applicant's Summary of Oral Submissions at the Issue Specific Hearing 4 [<a href="#">REP6a-020</a>] stated the proposed trenchless crossings will be installed at a minimum depth of 25 metres below the bed of the River Tees at the deepest point of the crossing and a maximum depth of 60 metres.</p> <p>With a view to resolving this matter the ExA would ask the Applicant to respond to PD Teesport Ltd's suggestion, commenting on whether it would be possible to specify the trenchless crossing be installed at a depth of 60 metres, and if so to amend all the relevant documentation, as necessary, specifying this depth. If it is not possible to specify the above mentioned depth, please provide a fully reasoned justification as to why it is not possible.</p>	