



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

Your Ref:

Our Ref: EN070009

Date: 25 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) 8 submissions the Examining Authority (ExA) has decided to seek further information from the Applicant. The information sought under Rule 17 of the EPR is set out in Annex A to this letter.

The DL for the submission of the information sought is DL9, Friday 28 February 2025, although if any part of the requested information is able to be submitted prior to that DL, the Applicant is requested to submit that information as soon as possible.

Should any Interested Party (IP) wish to comment on the additional information requested, as set out in Annex A, the ExA has the discretion to accept any additional submissions made from IPs.

All responses should be marked as relating to Rule 17 Questions of 25 February 2025.

Responses to this request for further information will be published shortly after DL9, Friday 28 February 2025.

In addition to the above, the ExA notes the continued requests from IPs to hold further Compulsory Acquisition Hearings. This is not possible for the reasons given in our Rule 17 letter dated 10 February 2025 [[PD-020](#)].

Furthermore, we also note a number of IPs suggesting they will provide the ExA with a post close of Examination update regarding completion of Side/ Other Agreements, Etc. To be clear, and as stated previously (most recently in our Rule 17 letter dated

10 February 2025 [[PD-020](#)]), the ExA will not see any submissions received after the close of Examination.

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>With less than a week remaining in the Examination, the Examining Authority (ExA) would express its disappointment to the Applicant in regard to the apparent lack of progress on a significant number of matters ranging from Protective Provisions (PP) and side/ other agreements to Statements of Common Ground (SoCG). Many Interested Parties (IP), throughout their written submissions have expressed dissatisfaction in regard to many of these matters. In summary allegations include:</p> <ul style="list-style-type: none"> <li>• negligible progress over a protected period, as well as no substantive changes being made to documents being discussed;</li> <li>• the Applicant's failure to engage on substantive issues with IPs;</li> <li>• the Applicant being inflexible regarding drafting, resulting in IP's having to submit their own draft versions of PPs for consideration and leaving IP's with no opportunity to comment on the Applicant's final draft PPs, should they remain unagreed;</li> <li>• not expecting to conclude negotiations/ no hope of completing side/ other agreements prior to the close of the Examination. Indeed one IP advising "<i>Negotiations were stopped at that time (27 January 2025) because of seemingly irreconcilable differences...</i>" and ceasing progress on any Side Agreements due to "<i>...seemingly irreconcilable points of disagreement.</i>";</li> <li>• Applicant failing to provide the PPs in a form for execution, or a timetable for execution;</li> <li>• Limited progress on SoCG with such progress and further work being undertaken being described</li> </ul>	No later than Deadline (DL) 9 (Friday 28 February 2025), but earlier if available prior to DL9.

Information sought under Rule 17 of the EPR.			
Question	Information sought from:	Information sought:	Respond by
		<p>as 'redundant'. (This list is not intended to be exhaustive).</p> <p>The ExA would like to express its dissatisfaction and disappointment in regard to being put in this position, despite highlighting the importance of reaching early agreement on all of these matters, including PPs and side/ other agreements, at the first Issue Specific Hearing 1 on the 28 August 2024, repeated again at subsequent hearings held in November 2024 and January 2025 and in written questions throughout the examination.</p> <p>Please explain in detail why:</p> <ul style="list-style-type: none"> <li>i) you have failed to reach agreement with a number of IPs regarding the matters referred to above, with so many IPs appearing to be dissatisfied about engagement with you; and</li> <li>ii) you have placed the ExA in such an unsatisfactory position.</li> </ul>	
2	Applicant	<p>In response to Question 17 of our Rule 17 letter of 10 February 2025 <a href="#">[PD-020]</a>, concerning your 'Technical Note for the Implications of Change 3 on Cultural Heritage' <a href="#">[REP7-013]</a>, you provided copies of e-mail exchanges between yourselves and Tees Archaeology.</p> <p>The ExA notes the above mentioned Technical Note appears to suggest a suitable programme of archaeological mitigation has been agreed. However, upon reading the e-mail exchanges (see Appendix A of your response to the Rule 17 dated 10 February <a href="#">[REP7a-040]</a>) it would appear Tees Archaeology advises it is satisfied with the proposed mitigation measures for the 'teacup handle', but seeks further information</p>	No later than DL9 (Friday 28 February 2025), but earlier if available prior to DL9.

Information sought under Rule 17 of the EPR.			
Question	Information sought from:	Information sought:	Respond by
		<p>concerning the 'western corner' near Venator and the need to remove or minimise impacts on the anti-glider posts. Additionally, it appears to indicate that it would be looking to evaluate the mitigation planted area to the north of Cowpen Bewley before other on-site works take place to determine the most appropriate mitigation.</p> <p>Please clarify and advise how you are seeking to address these two matters that appear to be outstanding in terms of agreed mitigation?</p>	
3	Applicant	Your response to question 10 of the Rule 17 letter dated 10th February 2025 is noted. However, the ExA would be grateful if you could provide some form of timescale regarding your final paragraph which reads " <i>The Crown has confirmed that the Section 135 consenting process will start once the matter has been passed to the Lawyers.</i> ".	No later than DL9 (Friday 28 February 2025), but earlier if available prior to DL9.
4	Applicant	<p>Question 1 of our Rule 17 letter dated 10 February 2025 [PD-020] is responded to by you in your document entitled 'Response to questions in the Rule 17 Letter dated 10 February 2025' ([REP7a-040]), where you state:</p> <p><i>"Please note that these documents show changes north from plot 3/6 – which is the 'mainline' pipeline corridor; as it is from that point that the spur would need to be removed, not just north of the Saltholme Substation. This is because in the scenario that the 'spur' is removed, the Applicant would not need to get to or past the Saltholme Substation from the mainline corridor and so plots to the west and south of the substation would also need to be</i></p>	No later than DL9 (Friday 28 February 2025), but earlier if available prior to DL9.

Information sought under Rule 17 of the EPR.			
Question	Information sought from:	Information sought:	Respond by
		<p><b>removed</b>". (use of 'Bold' is the ExA's emphasis)</p> <p>Although no plan clarifying this statement was submitted at DL7a, the ExA understood this to mean that the corridor from the originally proposed Saltholme Substation Above Ground Installation, west and south through to the Billingham Industrial Estate would not be achievable in this scenario. However, your DL8 submissions include a suite of plans and documents you have included in a folder entitled '<i>Without prejudice without Cowpen Bewley Arm Documents</i>', where the Land Plans and Works Plans show the spur west and south of the Saltholme substation remaining, thus maintaining the spur to Billingham and clearly showing it still to be in place.</p> <p>Please confirm how you have now been able to include the pipeline to west and south of Saltholme Substation when your DL7a submission suggested this would not be possible.</p> <p>Please also ensure, and confirm in response to this question, that all plans and documents submitted in your folder entitled '<i>Without prejudice without Cowpen Bewley Arm Documents</i>', and/or as may be submitted at DL9, reflect the answer to this question.</p>	
5	Applicant	In the light of Natural England (NE) maintaining its position regarding NE Key Point 31, bearing in mind it's DL8 response to the ExA's Rule 17 letter dated 19 February 2025 [PD-022], are there any measures it could take to further restrict the location of the stacks within the areas defined for Work No. 1A that could further reduce the contribution of the proposed	No later than DL9 (Friday 28 February 2025), but earlier if available prior to DL9.

Information sought under Rule 17 of the EPR.			
Question	Information sought from:	Information sought:	Respond by
		development to nitrogen deposition on the Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI)? For example would it be possible to refine the design of the Proposed Development to ensure the locations of the stack(s) are at a greater distance from the SSSI/ relevant habitat?	