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To all Interested Parties, Affected Persons,
Statutory Parties and Other Persons invited
to the Preliminary Meeting

Your Ref:

Our Ref: EN070009

Date: 10 February 2025

Dear Sir/ Madam

Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 (EPR) – Rules 8(3), 9 and 17

Procedural Decision following a request to make changes to the Application, as well as variation of examination timetable and request for further information

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

This letter provides procedural decisions in relation to the Applicant's request to make changes to the Application, as well as variations to the Examination Timetable resulting from the Examining Authority's (ExA) requests for further information from the Applicant and Interested Parties (IPs) under Rule 17 of the EPR. Further information and all documentation associated with this project can be found on the Planning Inspectorate's National Infrastructure website using this link:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN070009>

The Applicant's Second Change Request Report (SCRR) [[REP7-011](#)], submitted at Deadline (DL) 7, provided a summary of the proposed changes to the scheme, comprising:

Change Area No.	Description of area the proposed change covers	Work No.
1	Reduction of overlap with proposed NatPower BESS Site (0.57 hectares (ha) removed from the Order limits).	3A, 6A.1 and 8

2	Reduction at Ineos Nitriles facility, North of Seal Sands Road. (0.27 ha removed from the Order limits).	6A.1
3	Reduction in hydrogen pipeline corridor to the Cowpen Bewley Above Ground Installation (AGI) (5.84 ha removed from the Order limits).	6A.2
4	Removal of an AGI within the Work No 6B.1 area and change to 6A.1 (Saltholme Substation AGI and adjacent Hydrogen Pipeline Corridor) - (No land removed from Order Limits).	6A.1 and 6B.1
5	Reduction to the west of the Main Site (34.02 ha removed from the Order limits). Extension of area for Work Nos 1A.1, 1E.1, 10A.1 and the reduction of areas for Work Nos 1A.2, 1B.2, 1C, 1D, 1E.2, 3A, 4, 5, 6A.1, 7A & 8.	1A.1, 1A.2, 1B.2, 1C, 1D, 1E.1, 1E.2, 3A, 4, 5, 6A.1, 7A, 8 and 10A.1

In addition to the above, the Applicant's SCRR [\[REP7-011\]](#) includes an addition of a sixth change, as set out below:

Change Area No.	Description of area the proposed change covers	Work No.
6	Reductions, as a result of the review undertaken, to the Order limits pursuant to Action Point CAH2-AP3 at Compulsory Acquisition Hearing (CAH) 2, which are a number of minor reductions to remove overlaps with existing buildings. (0.70 ha removed from the Order limits).	6A.1

In accordance with the planning Inspectorates advice '[Nationally Significant Infrastructure Projects: Changes to an Application after it has been accepted for examination](#)', dated 8 August 2024, the Applicant's SCRR [\[REP7-011\]](#) includes:

- Confirmation of the description of the proposed changes, as set out in Section 2 of the SCRR [\[REP7-011\]](#), clearly explaining any changes from those set out in the Second Change Notification [\[AS-045\]](#).
- A confirmed statement setting out the reasons and need for making the change, as set out in Section1 and 2 of the SCRR [\[REP7-011\]](#).
- A full schedule of application documents and plans listing the revisions to each document and plan which would occur because of the change or, as necessary, marked as 'no change', as set out in Table 1.1 of the SCRR [\[REP7-011\]](#), with an

explanation of how the relevant document has been revised by each change set out in Section 2 of the above mentioned document.

- A statement identifying any impact the proposed change would have on securing any consents or licences for the project, confirming the proposed changes would not have an impact on securing consents or licences for the Proposed Development or require any new consents or licences (see Table 1.2 of the SCRR [\[REP7-011\]](#)).
- An updated draft Development Consent Order (DCO) in clean [\[REP7-018\]](#) and tracked change [\[REP7-019\]](#) versions, explaining the Applicant was already submitting an updated DCO for other reasons at DL7 (see Table 1.2 of the SCRR [\[REP7-011\]](#)).

Irrespective of the above, the Applicant further explains it has not submitted a 'Change' version of the DCO at this DL, so as to ensure that there are no issues with version control of the DCO. However, it confirms, at Appendix 1 to its SCRR [\[REP7-011\]](#), it has appended extracts of the DCO to set out what would change in the relevant schedules of the DCO, with the exception of Schedule 14 (documents and plans to be certified), as this will be updated if the Change Application is accepted by the ExA. In addition to the above, the Applicant explains that if the Second Change Application is accepted an updated DCO, including the changes will be submitted at DL8 (see Table 1.2 of the SCRR [\[REP7-011\]](#)).

In terms of the Explanatory Memorandum, the Applicant confirms no change is required to the EM at this stage and it currently intends to submitting a final version of the EM at DL8 (see Table 1.2 of the SCRR [\[REP7-011\]](#)).

- Confirmation that the Change Requests do not include additional land within the meaning of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations) and so the documents referred to in Regulation 5 of the CA Regulations are not required to be submitted (see Table 1.2 of the SCRR [\[REP7-011\]](#)).
- Confirmation the Change Requests does not result in any new or different likely significant environmental effects arising from the proposed changes (see Table 1.2 of the SCRR [\[REP7-011\]](#)).
- Confirmation that no non-statutory consultation for the proposed changes has been undertaken for the reasons explained in the Applicant's Second Change Notification [\[AS-045\]](#) and agreed with the ExA as set out in its letter dated 22 January 2025 [\[PD-019\]](#). Irrespective of this the Applicant, in response to the ExA's request to set out the parties the Applicant has engaged with in bringing forward each of Changes (see first paragraph of page 3 of [\[PD-019\]](#)), has included this information within the description of each Change contained in Section 2.0 of its SCRR [\[REP7-011\]](#).

In addition to the above, in accordance with the Examination timetable, the Applicant has also submitted a number of other documents at DL7. A full list of these documents has been including in the Applicants DL7 Cover letter, which can be located in the Examination Library using the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN070009/EN070009-000422-H2Teesside%20-%20NEW%20Examination%20Library.pdf>

The Applicant considers the changes to be non-material either individually or cumulatively. This is because in all cases they represent either a reduction in the Order limits and Order land and the Proposed Development would not change from that previously proposed. The Applicant further considers that the Change Request would not engage the need for consultation under CA Regulations. Consequently, the Applicant considers that further consultation is not required as the changes are considered to be localised which affect only those directly affected by the Proposed Development at the location of the Change Areas and will be of limited public interest. The Applicant also considers, any parties who are interested in the Change Request will be able to participate in the Examination to give any comments that they may have on the Change Request.

The ExA's reasoning and decision

The ExA has reviewed the information provided, and assessed the Applicant's request in accordance with Government guidance: '[Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects](#)' (MHCLG and DLUHC, 2024) and the Planning Inspectorates advice '[Nationally Significant Infrastructure Projects: Changes to an Application after it has been accepted for examination](#)', dated 8 August 2024.

The ExA recognises that in considering whether or not to accept the proposed changes for examination it needs to act reasonably and in accordance with the principles of natural justice. The ExA must be satisfied that anybody affected by the proposed changes would have a fair opportunity to make their views on them known and to have their views properly taken into account.

The ExA agrees with the Applicant that when taken individually or cumulatively the proposed changes are not material. Additionally, having reviewed the Change Request and all related documents, the ExA is satisfied:

- The changes would not mean the project is effectively a different one from that contained in the application.
- The application (as changed) is still of a sufficient standard for examination.
- These proposed changes are unlikely to give rise to new or materially different likely significant effects already assessed within the Environmental Statement or the report to inform the Habitats Regulations Assessment (HRA). In terms of the HRA, this is due to the fact that the Change Request would make no difference to the outcome of the Report to inform the HRA.
- No consultation on the Change Requests are required, as the focus of the Change Requests is a reduction of land requirements and rights within the Order limits. This is due to:
 - the particular interest to Affected Persons in question, would be localised affecting only those directly affected by the Proposed Development at the location of the Change Areas resulting in limited public interest; and

- any parties who are interested in the Change Request will be able to participate in the Examination to give any comments that they may have on the Change Request.
- The changes would not breach the principles of fairness and reasonableness for parties participating in the examination.
- The Application can be undertaken to allow for the examination to be completed within the statutory timetable, as enough time would remain within the statutory six months Examination period.

For the reasons set out above and having reviewed the information provided by the Applicant at DL7, the ExA does not consider the CA Regulations would be engaged.

Overall, the ExA is content that the supporting information provided with the notification of the proposed changes is of a satisfactory standard for examination. The ExA has very carefully considered the remaining time in the Examination, and whether the proposed changes could be properly and fairly examined. The amendments to the Examination timetable, as set out below provides an opportunity for IPs to submit written comments on the Applicant's change request documentation submitted at DL7.

After careful consideration, the ExA has decided to accept these proposed changes to the application for examination on the basis they represent a non-material change. The Examination will therefore be completed on the basis the application to be reported upon is as changed by the Applicant's SCRR [[REP7-011](#)], dated 6 February 2025, submitted into the Examination at DL7.

Please note that any documents refer to by the Applicant above as being submitted at DL8 will be required to be submitted by a new DL of DL7a (Monday 17 February 2025), as a result of the Amendments to the Examination timetable set out below.

Amendments to the Examination Timetable

As a result of the above mentioned Change Request being accepted and having considered all submissions received to date, including those received at DL6A and DL7, as well as the Applicant's DL7 submissions covering letter, the ExA considers there is a need to amend the Examination timetable. Therefore, the ExA has made the procedural decision to amend the Examination Timetable, as set out at Annex A of the ExA's Rule 8 letter [[PD-007](#)] dated 30 August 2024, and as amended by previous Rule 8(3) letters, including its Rule 8(3) letter [[PD-014](#)], dated 24 October 2024, and its Rule 8(3) letter [[PD-017](#)], dated 9 December 2024, by:

- i) Inserting a new DL at Item 20 of DL7A of Monday 17 February 2025 that either moves existing items from a previous or current DL and/ or adds new items (as shown in **Bold**). As such DL7A includes for receipt by the ExA of:
 - **Responses to the Applicant's Change Request accepted into the Examination on 10 February 2025.**

- Responses to questions raised under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 (EPR), as set out in Annex B to this letter.
- Comments on any submissions received at DL7, including any responses to comments on the Report on Implications for European Sites (RIES) received at DL7.
- Applicant's Final Preferred Development Consent Order (DCO) in the SI template validation report and a validated copy of the DCO.
- Applicant's preferred DCO in word format.
- Final Schedule of Changes to the dDCO.
- Final Statements of Common Ground (SoCG)
- Final Statement of Commonality for SoCG.
- Final BoR in clean and tracked versions.
- Schedule of Changes to the BoR in clean and tracked versions.
- Applicant's final update to the Land Rights Tracker (CA/ TP Schedule), together with an agreed position statement on the Lands Rights Tracker, setting out where the Applicant and relevant Interested Parties agree or disagree with the various elements of its content, which is signed by both parties confirming their respective positions.
- Final Application Guide (Application Document Tracker), in clean and tracked versions.
- Final Examination Progress Tracker.
- Final update to tracking documents, if required, related to any relevant developing/emerging:
 - National Policy Statements;
 - New policy intentions related to critical infrastructure;
 - National Planning Policy Framework; and
 - National Development Management Policies.
- Updates to Local Impact Reports (LIRs), if required.
- Any further information requested by the ExA (if required).

ii) DL8, at Item 21, being moved to Monday 24 February 2025 and amended to as shown in **DL8**). As such the following is required to be submitted at DL8:

- Applicants Comments on the responses to the Applicant's Change Request accepted into the Examination on 10 February 2025.
- Comments on Applicant's Final Preferred DCO in the SI template validation report and a validated copy of the DCO and its preferred DCO in word format, including all Articles and Schedules.
- Closing submissions.
- Comments on any submissions received at DL7A, including on any updates on LIRs, responses to the questions raised under Rule 17 of the EPR (as referred to in Item 20 above) and responses on final SoCG.
- Any further information requested by the ExA (if required).

iii) Inserting a new DL at Item 22 of DL9 of Friday 28 February 2025 that requires the following, with the additional text shown in **Bold**. As such DL9 includes for receipt by the ExA of:

- **Applicant's final right of reply to anything received at DL8.**

The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months.

No other changes to the Examination Timetable have been made at this time.

Please note that should the ExA consider it necessary to issue any further written questions, whether they relate to the Applicant's accepted proposed changes or not, we will do so under Rule 17 of the EPR.

The Examination Timetable from Item 20 onwards can be found at **Annex A** of this letter, with the above alterations/ additions in **bold**.

Request for further information

The ExA has considered the DL7 submissions and has decided to seek further information and comments. Questions under Rule 17 of the EPR are set out in Annex B. They are addressed to the Applicants and to named IPs and all registered IPs. However, other IPs wishing to respond may do so.

The DL for the submission of the information sought is DL7A, Monday 17 February 2025. Any IP wishing to respond to the ExA's questions should do so at that DL (DL7A, Monday 17 February 2025).

Any IP wishing to comment on information submitted in response to this request at DL7A may do so by DL8, Monday 24 February 2025.

All responses should be marked as relating to Rule 17 Questions of 10 February 2025.

Responses to the questions in this letter will be published shortly after DL7A, Monday 17 February 2025.

Other matters.

A number of IPs/ Affected Parties in their DL6A submissions repeated requests made at Hearings held during the week commencing 13 January 2025 for an additional CAH. The ExA during those Hearings highlighted that the Examination is a predominantly written process and that due to the limited amount of time remaining in the hearing it considered the Applicant and IPs/ Affected Parties should focus on their negotiations seeking to resolve any matters between them. The ExA's view on this matter has not changed and it sees no benefit to holding a further CAH, partly due to the fact it would divert the resources of the relevant parties away from those negotiations.

Irrespective of the above, the ExA notes there is limited time remaining in the Examination. Rule 6 of the Infrastructure Planning (Examination Procedure) (Amendment) Rules 2024 related to the application of the rules state they do not apply to any application for an order granting development consent under section 37 (Applications for orders granting development consent) of the Act made before 30th April 2024. As such Rule 13(1) of EPR, related to Hearings, applies to this Application and states the ExA “...*must ensure that the deadline is at least 21 days after the date on which notice of the deadline is given.*”

As such, the ExA does not consider adequate time remains in the Examination to provide such notice. Even if the ExA had made a Procedural Decision to hold a CAH as soon as the DL6A submissions were received on 24 January 2025, the ExA does not consider adequate time remained in the Examination period for post hearing submissions, responses to any action points arising from a further CAH, responses to those submissions and the Applicants right of reply.

Therefore, the ExA considers holding a further CAH so late in the Examination period is not possible and even if more than 21 days remained in the Examination period holding a further CAH would have conflicted with the principles of fairness and reasonableness for parties participating in the Examination. The ExA would reiterate the Examination is a predominantly written process and any outstanding concerns related to the proposed development should be put in writing before the close of the Examination.

If you have any questions about the content of this letter, please contact the Case Team on the details above.

Yours faithfully

Christopher Butler

Lead Panel Member (Examining Authority)

This communication does not constitute legal advice.

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Annexes

Annex A – Amended Examination Timetable

Annex B – Request for Further Information

The Infrastructure Planning (Examination Procedure) Rules 2010 (EPR) – Rule 8(3)

Varied timetable

20	<p>Deadline 7A (DL7A)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to the Applicant's Change Request accepted into the Examination on 10 February 2025. • Responses to questions raised under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 (EPR), as set out in Annex B to this letter. • Comments on any submissions received at DL7, including any responses to comments on the Report on Implications for European Sites (RIES) received at DL7. • Applicant's Final Preferred Development Consent Order (DCO) in the SI template validation report and a validated copy of the DCO. • Applicant's preferred DCO in word format. • Final Schedule of Changes to the dDCO. • Final Statements of Common Ground (SoCG). • Final Statement of Commonality for SoCG. • Final BoR in clean and tracked versions. • Schedule of Changes to the BoR in clean and tracked versions. • Applicant's final update to the Land Rights Tracker (CA/ TP Schedule), together with an agreed position statement on the Lands Rights Tracker, setting out where the Applicant and relevant Interested Parties agree or disagree with the various elements of its content, which is signed by both parties confirming their respective positions. • Final Application Guide (Application Document Tracker), in clean and tracked versions. • Final Examination Progress Tracker. • Final update to tracking documents, if required, related to any relevant developing/emerging: <ul style="list-style-type: none"> - National Policy Statements; 	<p>Monday 17 February 2025</p>
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	<ul style="list-style-type: none"> - New policy intentions related to critical infrastructure; - National Planning Policy Framework; and - National Development Management Policies. • Updated Local Impact Reports (LIRs) (if required). • Any further information requested by the ExA (if required). 	
21	<p>Deadline 8 (DL8)</p> <ul style="list-style-type: none"> • Applicant's Comments on the responses to the Applicant's Change Request accepted into the Examination on 10 February 2025. • Comments on Applicant's Final Preferred DCO in the SI template validation report and a validated copy of the DCO and its preferred DCO in word format, including all Articles and Schedules. • Closing submissions. • Comments on any submissions received at DL7A, including on any updates on LIRs, responses to the questions raised under Rule 17 of the EPR (as referred to in Item 20 above) and responses on final SoCG. • Any further information requested by the ExA (if required). 	Monday 24 February 2025
22	<p>Deadline 9 (DL9)</p> <ul style="list-style-type: none"> • Applicant's final right of reply to anything received at DL8. <p>The ExA is under a duty to complete the Examination of the application by the end of the period of 6 months.</p>	Friday 28 February 2025

Submission times for Deadlines

The time for submission of documents at any Deadline (DL) in the timetable is 23:59 on the relevant DL date, unless instructed otherwise by the ExA.

Publication dates

All information received will be published on the [project webpage](#) as soon as practicable after the DLs for submissions.

Report on the Implications for European Sites (RIES)

As the Applicant provided a Habitats Regulations Assessment (HRA) Report with the Application, the ExA issued a RIES [PD-018] on 16 January 2025. The RIES is a factual account of the information and evidence provided to the ExA on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExA's opinion on HRA matters. Comments on the RIES were invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the Secretary of State. The ExA may also raise questions in the RIES to confirm or clarify matters that remain outstanding.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017 and/or Regulation 28 of The Offshore Marine Regulation.

Questions/ matters raised under Rule 17 of the EPR.			
Questions / matters raised under EPR Rule 17	Question/ matter to:	Question/ matter:	Respond by
1.	Applicant and relevant Interested Parties (IP)	In the Deadline (DL) 7 submission, it was detailed that an agreed resolution is not able to be provided for the routing of the hydrogen distribution network through the Saltholme Sub Station site. In light of this, please provide a clear and detailed explanation as to whether it is considered that Compulsory Acquisition (CA) rights can be sought, and the Planning Act 2008 (PA2008) tests be satisfied, for all land in the Application, from and including the land at Saltholme Substation north to the Cowpen Bewley Above Ground Installation. This explanation should additionally cover the eventuality that CA rights are not recommended for land owned by National Grid Electricity Transmission PLC at Saltholme Substation as a Statutory Undertaker.	DL7A (Monday 17 February 2025).
2.	IPs	The Examining Authority (ExA) would invite all IPs to summarise their position, in regard to: i) any outstanding objection(s); ii) Protective Provisions (PP); iii) CA/ temporary possession; and iv) the status of any side agreement, interface agreement or other relevant agreements they consider necessary to provide relevant protections or mitigations from the Proposed Development.	DL7A (Monday 17 February 2025).
3.	Applicant	The ExA would remind the Applicant of the provisions of Section 127 of the PA2008, especially in regard to the matter of 'serious detriment', and notes that the majority of objections from Statutory Undertakers remain, including in relation to reaching finalised agreement on PPs and/ or related side agreements. In the absence	-

Questions/ matters raised under Rule 17 of the EPR.			
Questions / matters raised under EPR Rule 17	Question/ matter to:	Question/ matter:	Respond by
		<p>of confirmation from relevant Statutory Undertakers in regard to:</p> <ul style="list-style-type: none"> i) withdrawal of outstanding objections; ii) agreeing finalised PPs; and/ or iii) reaching agreement with regard to any side agreements required, <p>the ExA is concerned about the status of PPs, the absence of written confirmation from Statutory Undertakers agreeing those PPs, and a number of side and other agreements not being concluded.</p> <p>In the light of this concern the ExA would urge the Applicant to resolve these matters with Statutory Undertakers as a matter of urgency and would remind the Applicant that it will be unable to consider any matters resolved after the close of the Examination in its Recommendation Report to the Secretary of State. This would include any agreement as to PPs, side agreement, interface agreement or other relevant agreements received after the close of the Examination.</p>	
4.	Statutory Undertakers	Please can all Statutory Undertakes state if they consider that the Applicant has satisfied the tests in PA2008 in relation to Statutory Undertakers land where this relates to your undertakings.	DL7A (Monday 17 February 2025).
5.	Applicant and relevant IPs	Pursuant to the matter highlighted in 3. above, as stated by the ExA at a number of the Hearings, the ExA will not be asking the Secretary of State to decide and consult further on which version of a PP to include in the final Development Consent Order (DCO) if any are not agreed by the close of the Examination. To that end, please can all parties who are negotiating PPs, including the Applicant, provide by DL7a on Monday 17 February 2025 a	DL7A (Monday 17 February 2025).

Questions/ matters raised under Rule 17 of the EPR.			
Questions / matters raised under EPR Rule 17	Question/ matter to:	Question/ matter:	Respond by
		<p>statement of agreement of a single version of PPs with that agreed version presented to the ExA. If this is not possible please provide the following:</p> <ul style="list-style-type: none"> • Your preferred version of PPs which should be highlighted to show where there is disagreement. • Commentary as to the reason for the disagreement and why this disagreement has not been resolved. • Commentary on the potential consequences if this is not resolved in your favour. • Statement of progress on any side agreements. <p>We reiterate that we will not be rewriting PPs, we will be recommending one of the versions which is presented to us by the end of the Examination.</p> <p>All parties will have a further opportunity to comment on DL7a submissions at DL8 on Monday 24 February 2025 with the Applicant's final reply to these comments at DL9 on Friday 28 February 2025.</p> <p>If PPs are subsequently agreed after DL7a and before the close of the Examination, the ExA will accept these as additional submissions at any time between DLs with conformation from both parties that these are indeed an agreed version.</p>	
6.	Natural England (NE)	With regard to NE's Key Issue NE3, please confirm you are satisfied with the Assessment of Permanent Loss of Functionally Linked Land (FLL) at Navigator Terminal, which can be located at Appendix A of the Applicant's 'Comments on Submissions received at DL6A' [REP7-024] submitted by Applicant	DL7A (Monday 17 February 2025).

Questions/ matters raised under Rule 17 of the EPR.			
Questions / matters raised under EPR Rule 17	Question/ matter to:	Question/ matter:	Respond by
		<p>at DL7,? If not please explain why not.</p> <p>Additionally:</p> <ul style="list-style-type: none"> i. provide any further evidence you hold that supports categorisation of those sectors of the main site being FLL; and ii. comment on the Applicant's definition of FLL, and any implications for its advice on the main site if this definition is used given the survey shows gull using sectors 9 and 12 outside of wintering season. 	
7.	Applicant	Please explain the implications of permanent loss of sectors 9 and 12 of the main site if the land were assumed to be FLL, in the wider context of available roosting habitat.	DL7A (Monday 17 February 2025).
8.	NE	The ExA has not been able to locate any further detailed comments from NE, submitted at DL7, in regard to NE's key Issues NE2, NE10, NE15 and NE17. Please provide NE's detailed comments on NE's Key Issues listed above, which are outstanding or signpost where within NE's examination documentation submitted to date these detailed comments can be located.	DL7A (Monday 17 February 2025).
9.	Applicant	With regard to NE's Key Issue NE7, please submit details of expected maintenance works at the River Tees crossing and how these have been accounted for in the Report to Inform Appropriate Assessment. Additionally please explain how the development was designed to avoid disturbance impacts to Special Protection Area birds.	DL7A (Monday 17 February 2025).

Questions/ matters raised under Rule 17 of the EPR.			
Questions / matters raised under EPR Rule 17	Question/ matter to:	Question/ matter:	Respond by
10.	Applicant/ The Crown Estate	<p>The ExA notes the Applicant's updates regard to Crown Consent, during both CAH1 and CAH2. It also notes the Applicant's oral submissions at CA Hearing 2, contained in [REP6a-018], where it states, <i>"The applicant continues to await comments on the land agreement from the Crown Estate."</i></p> <p>Please can the Applicant/ The Crown Estate:</p> <ul style="list-style-type: none"> i. confirm the outstanding Crown consent(s) has/ have now been obtained, entering a copy of that/ those Crown consent(s) into the Examination; or ii. provide a full and detailed explanation, in writing, as to why the outstanding Crown consent(s) have not been obtained and why the relevant parties have failed to resolve obtaining/ providing the Crown consent within the 6-month Examination period. 	DL7A (Monday 17 February 2025).
11.	The Mission to Seafarers	<p>In the light of your submissions [RR-050] and [REP5-093] the ExA sort an update with regard to consultation between the Applicant and yourselves during the second CA Hearing. The applicants oral response is set out in [REP6a-018] (see Applicants response to Agenda Item 2 and Action Point CAH2-AP12). The ExA would ask whether the Applicant's response, including adding the following paragraph to its Construction Environmental Management Plan (CEMP) [REP7-009] satisfies your concerns and enables you to remove your concerns/ objections to the Proposed Development.</p>	DL7A (Monday 17 February 2025).

Questions/ matters raised under Rule 17 of the EPR.			
Questions / matters raised under EPR Rule 17	Question/ matter to:	Question/ matter:	Respond by
		<p>Paragraph included by the Applicant into the CEMP:</p> <p><i>“The Applicant must seek to minimise the interference with or suspension of rights of access during the construction of the authorised development, including those held by the Mission to Seafarers. The Applicant must notify any party whose rights of access may be affected by the authorised development prior to their access being affected, and provide, except in an emergency, and where reasonably practicable, a diversion route for their access requirements whilst their existing route is affected. The Applicant must keep any party whose rights of access are affected by the authorised development regularly updated as to when the interference or suspension of rights is likely to be lifted and notify them without undue delay when the interference or suspension of rights is lifted.”.</i></p> <p>(See CEMP [REP7-009] Table 8.8 on page 68).</p>	
12.	Environment Agency (EA)	In your DL6 submission [REP6-008] the EA refer to progress on PPs being prepared by its legal team. A further update in regard to this matter was provided at DL7 [REP7-037] . Please enter a copy of the EA’s preferred PPs, which have been supplied to the Applicant, into the Examination.	DL7A (Monday 17 February 2025).
13.	Applicant	The ExA notes your DL7 submissions Covering Letter [REP7-001] where you indicate you are submitting an agreed Statement of Common Ground (SoCG) with the United Kingdom Health Security Agency (UKHSA). Your letter also states <i>“The UKHSA advises it does not sign third</i>	DL7A (Monday 17 February 2025).

Questions/ matters raised under Rule 17 of the EPR.			
Questions / matters raised under EPR Rule 17	Question/ matter to:	Question/ matter:	Respond by
		<i>party SOCG documents but has confirmed its agreement to the SOCG.</i> ". Please provide evidence of the UKHAS's agreement to the DL7 submitted version of the SoCG completed with it.	
14.	UKHSA	The Applicant in its DL7 Covering Letter [REP7-001] advises the SoCG with the UKHSA [REP7-035] is as finally agreed with you. However, it also states " <i>The UKHSA advises it does not sign third party SOCG documents but has confirmed its agreement to the SOCG.</i> ". As such, please confirm that the Applicant SoCG with the UKHSA, as submitted at DL7, has been finally agreed with you.	DL7A (Monday 17 February 2025).
15.	Applicant and IPs with whom the Applicant is seeking to enter into a SoCG with.	The ExA has revised the Examination timetable in relation to the submission of final versions of SoCG (ie signed and dated versions of the document) to DL7A (Monday 17 February 2025). Should it not be possible to submit final SoCG by DL7A, the Applicant and relevant IPs are asked to provide, by the same DL, a detailed explanation as to why it has not been possible to provide a final SoCG, including specifying the areas where disagreement remains.	DL7A (Monday 17 February 2025).
16.	Anglo American	The ExA notes your DL7 submission [REP7-042] , which includes your preferred PPs for our consideration. We also note your comments in regarding Schedule 3 of the draft DCO. In the light of these comments and, in the absence of a response from the Applicant regarding a draft side agreement to reflect the proposed technical arrangements at points of project interface (defined as 'Shared Areas'), the ExA would ask Anglo American to submit its preferred form of wording for Schedule 3 of the DCO.	DL7A (Monday 17 February 2025).

Questions/ matters raised under Rule 17 of the EPR.			
Questions / matters raised under EPR Rule 17	Question/ matter to:	Question/ matter:	Respond by
17.	Applicant	The Applicant's 'Technical Note for the Implications of Change 3 on Cultural Heritage [REP7-013] , submitted at DL7, indicates <i>"The results of the investigation were shared with Tees Archaeology in December 2024 and January 2025..."</i> and states <i>"...a suitable programme of archaeological mitigation was agreed in e-mail exchanges on the 14th, 17th, 20th and 22nd of January 2025."</i> Please submit copies of these e-mail exchanges into the Examination.	DL7A (Monday 17 February 2025).
18.	Stockton-on-Tees Borough Council/ Tees Archaeology	Please confirm you agree with the findings and conclusions set out in paragraph 1.3 (Results and Mitigation) of the Applicant's 'Technical Note on the Implications of Change 3 on Cultural Heritage' [REP7-013] , submitted at DL7, and that a suitable programme of archaeological mitigation referred to in that Technical Note has been agreed by you.	DL7A (Monday 17 February 2025).