



To:
H2 Teesside Limited
The Crown Estate
National Grid Electricity Transmission plc
Anglo American
Net Zero North Sea Storage Limited
Net Zero Teesside Power Limited
North Tees Group Ltd
Northumbrian Water Limited

Our Ref: EN070009

13 June 2025

Dear Sir or Madam,

Planning Act 2008 and The Infrastructure Planning (Examination Procedure) Rules 2010

Application by H2 Teesside Limited (“the Applicant”) for an Order granting Development Consent for the proposed H2Teesside development (“the Proposed Development”)

REQUEST FOR INFORMATION

1. Following the completion of the Examination on 28 February 2025, the Examining Authority submitted a Report and Recommendation in respect of its findings and conclusions on the above application to the Secretary of State on 28 May 2025. In accordance with section 107 of the Planning Act 2008, the Secretary of State has three months to determine the application.
2. There are issues on which the Secretary of State would be grateful if the **Applicant, The Crown Estate (“TCE”), National Grid Electricity Transmission plc (“NGET”), Anglo American (“AA”), Net Zero North Sea Storage Limited (“NZNSS”), Net Zero Teesside Power Limited (“NZTP”), North Tees Group Ltd (“NTG”), and Northumbrian Water Limited (“NWL”)** could provide updates or information as appropriate.

Crown land – the Applicant and TCE

3. Notably, the Applicant had not obtained the outstanding relevant Crown consents by the close of Examination. The **Applicant and TCE** should confirm whether all necessary consents have been obtained from TCE pursuant to section 135(2) of the Planning Act 2008 to allow provisions relating to TCE land or rights in an order granting development consent for the Proposed Development.

4. If TCE's consent has not been obtained, the **Applicant** should set out the reasons for this, including any outstanding issues. The **Applicant** should share its new correspondence with TCE. The **Applicant** should confirm when these issues will be resolved by.
5. If agreement is reached with TCE, but the section 135(2) consent is not finalised, then the **Applicant** and **TCE** should both confirm this in their responses. The section 135(2) consent itself must then be subsequently provided by the **Applicant** as soon as possible.

Nitrogen deposition on a Site of Special Scientific Interest ("SSSI") – the Applicant

6. Based on the air quality modelling outputs at APP-064 and REP7-027, the Secretary of State notes that the Proposed Development, when considered alone, would contribute 1.1% (0.11 kg N/ha/yr) of the critical load for nitrogen deposition at the Teesmouth and Cleveland Coast SSSI, specifically affecting calcareous dune habitats. NE considers this contribution to form part of a significant cumulative impact on the SSSI.
7. NE at REP8-044 has identified a range of potential mitigation measures. The **Applicant** is requested to:
 - a. Provide a without prejudice In-Principle Nitrogen Deposition Mitigation Plan detailing how the 0.11 kg N/ha/yr project contribution could be mitigated. This should include measures identified by NE where applicable.
 - b. Quantify how the proposed mitigation measures are expected to reduce nitrogen deposition, demonstrating that the total reduction can reach at least 0.11 kg N/ha/yr.
 - c. Provide any necessary without prejudice drafting to secure the proposed mitigation(s) within the DCO and any other relevant control documents.
8. The Secretary of State also notes the Applicant's voluntary commitment REP7-027; REP-019 to work with nature conservation bodies to deliver strategic mitigation. The **Applicant** should provide without prejudice drafting to secure this intention within the DCO.

Protective Provisions ("PPs"), legal side agreements, and the Cowpen Bewley Arm – the Applicant and NGET

9. The **Applicant** and **NGET** should provide any updates regarding whether bespoke PPs have been voluntarily agreed upon since the close of the Examination. Where PPs are now agreed, copies should be provided. An update should still be provided if bespoke PPs have not been agreed.
10. If any further legal side agreements have been made for the protection of assets in relation to the Proposed Development, information on these should be provided by the **Applicant** and **NGET**.

11. The **Applicant** should confirm if its position remains as at REP6A-018 that the removal of the ‘Cowpen Bewley Spur’ would not affect either the viability of the Proposed Development as a whole, nor the ability to connect into national gas pipelines at other locations along the hydrogen distribution pipeline network element of the Proposed Development.
12. **NGET** should confirm if its position remains as at REP5-064 that there is no available solution which would allow the expansion of the Saltholme Substation to coexist with the ‘Cowpen Bewley Spur’ of the Proposed Development.

Biodiversity Net Gain (“BNG”) - the Applicant

13. In its Environmental Statement and Outline Landscape and Biodiversity Management Plan, the Applicant has committed to “no net loss, as a minimum” regarding BNG for the Proposed Development.
14. The **Applicant** should provide its views on the proposed drafting for sub-paragraph 2 of Requirement 4, Schedule 2 (addition in bold), as set out below:

“(2) The plan submitted and approved pursuant to sub-paragraph (1) must include details of—

- (a) measures to protect existing shrub and tree planting that is to be retained;*
- (b) details of any trees and hedgerows to be removed;*
- (c) **details of how the plan will secure no net loss as a minimum in biodiversity and the metric that has been used to calculate this; and,***
- (d) biodiversity and habitat mitigation and impact avoidance.”*

Protective Provisions (“PPs”) and legal side agreements – the Applicant, AA, NZNSS, NZTP, NTG, and NWL

15. The **Applicant**, **NTG**, and **NWL** should provide any updates regarding whether bespoke PPs have been voluntarily agreed upon since the close of the Examination. The **Applicant** should also provide an update on its positions with PD Teesport Limited and BOC Ltd. Where PPs are now agreed, copies should be provided. An update should still be provided if bespoke PPs have not been agreed.
16. **AA** should provide its views on the removal or alteration of paragraph 9(c) from the PPs it provided at REP8-046. **NZNSS** and **NZTP** should provide their views on the removal of paragraphs 9(7) and 9(8) from their PPs provided respectively at REP8-062 and REP8-065.
17. If any further legal side agreements have been made for the protection of assets in relation to the Proposed Development, information on these should be provided by the **Applicant**, **AA**, **NZNSS**, **NZTP**, **NTG**, and **NWL** as well.

Deadline for Response

18. Responses to the requested information should be submitted by email only to H2Teesside@planninginspectorate.gov.uk by **23:59 on 27 June 2024**.

19. Responses will be published on the H2Teesside project page of the National Infrastructure Planning website as soon as possible after 27 June 2024:

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

20. This letter is without prejudice to the Secretary of State's consideration of whether to grant or withhold development consent for the Proposed Development or any part of the project.

21. Nothing in this letter is to be taken to imply what the eventual decision might be or what final conclusions the Secretary of State may reach on any particular issue which is relevant to the determination of the application.

Yours faithfully,



John Wheadon

Head of Energy Infrastructure Planning Delivery and Innovation

Department for Energy Security and Net Zero