

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: 1.6 Applicant's response to PINS comments on draft Application Documents

The Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 – Regulation 5(2)(q)



Applicant: H2 Teesside Ltd

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H2Teesside – EN070009**Section 51 advice regarding draft application documents submitted by H2 Teesside Limited**

On 12 January 2024 H2 Teesside Limited submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service¹:

1. Land Plans
2. Works Plans Key Plan sheets 1-10
3. Works Plans sheets 1-43
4. Draft DCO
5. Explanatory Memorandum
6. PEIR Appendix 12A report to inform HRA screening

The advice recorded in the table below relates solely to matters raised upon the Planning Inspectorate's review of the draft application documents listed above. The advice is limited by the maturity of the documentation provided by the Applicant and the time available for consideration and is raised without prejudice to the acceptance decision or the final decision about whether development consent should be granted.

Since the submission of the draft documents for review, the Secretary of State for Energy Security and Net Zero granted consent for the Net Zero Teesside (NZT) project. As such, it is advisable for the Applicant to carry out a comprehensive review of the H2Teesside draft DCO and if necessary, carry out amendments following the NZT decision.

The Inspectorate notes that the Order Limits (as shown on the draft Works' Plans (Document 2.4)) now include the main site of the NZT DCO. It is unclear from the information provided at draft documents stage why this change has been made and any implications for the drafting of the DCO and the assessment of the Proposed Development in the ES. The Inspectorate advises that an explanation should be provided in the DCO application documentation, including information about how it is proposed that the two projects would be managed during construction and operation to avoid conflict and/ or worsening of effects. In addition, the Inspectorate draws the Applicant's attention to the Inspectorate's comments in the Scoping Opinion, which should be addressed in the DCO application:

- ID 2.1.1 – the ES should describe the relationship between the Proposed Development and any connected projects, including the extent to which it is reliant on their delivery.
- ID 2.2.2 – the ES should explain any implications for the future baseline of the Proposed Development arising in the event that development authorised by the NZT DCO commences.

¹ See <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

Preliminary Environmental Information Report (PEIR) Appendix 12A Report to Inform Habitats Regulation Assessment (HRA) Screening (the ‘draft Report to Inform HRA Screening’) <i>NB. The following comments are based on the draft Report to Inform HRA Screening report provided by the Applicant as part of the suite of draft application documents for review by PINS. These comments do not cover any separate HRA reports, such as the Report to Inform Appropriate Assessment referred to in the draft Report to Inform HRA Screening.</i>			Applicant Response
Ref No.	Paragraph/Section	Comment/Question	
1.	General	The Inspectorate notes that the draft Report to Inform HRA Screening submitted forms an Appendix to the PEIR and that there are cross-references in the report to further information in the PEIR, for example at paragraphs 1.2.4, 4.3.11 and 5.1.3. The Inspectorate advises that the DCO application version of the Report to Inform HRA Screening should be updated with cross-referencing to DCO documents, including their document numbers and specific paragraph numbers.	Updated cross references have been provided in the report to inform HRA submitted with the DCO.
2.	General	The Report to Inform HRA Screening does not include information about any consultation on the HRA that has been undertaken with Natural England as the Appropriate Nature Conservation Body (ANCB). The Inspectorate refers the Applicant to section 6 of Advice Note Ten: Habitats Regulations Assessment relevant to nationally significant infrastructure projects (version 9) (AN10). Evidence of any agreement or otherwise between the Applicant and relevant ANCB on the scope, methodologies, interpretation, and conclusions of the screening assessment should be provided.	Table 12-2 within the Ecology Chapter of the ES summarises the consultation which has been completed to inform the Proposed Development. ES Volume II, EN070009/APP/6.12).
3.	General	The Inspectorate notes that several surveys (including for birds) and modelling assessments (including for noise and transport) are ongoing and that, on a precautionary basis the Report to Inform HRA has concluded that Likely Significant Effects (LSE) for several European sites and impact pathways cannot be excluded in the absence of this information, and that these would be considered in a Report to Inform Appropriate Assessment. It is unclear whether this work will be complete at the point of DCO application submission. For avoidance of doubt, sufficient information to inform the competent authority’s appropriate assessment (should one be required) should be provided with the DCO application.	The report to inform HRA has been updated to take into account all relevant survey and modelling assessments and will be provided with the DCO application.
4.	Paragraph 2.1.3	The Inspectorate notes from the Report to Inform HRA Screening that there are several European sites and impact pathways where the Applicant could not exclude LSE and that it proposes to submit a Report to Inform Appropriate Assessment with the DCO application. If separate reports are submitted for the screening and appropriate assessment stages of the HRA, any cross-referencing between the reports should use specific paragraph numbers to ensure the relevant evidence can be located.	The Screening section of the report to inform HRA has been updated. The Report to Inform HRA submitted with the DCO application includes both Screening and Appropriate Assessment stages together.
5.	Section 3.2	Section 3.2 describes the qualifying features, conservation objectives and threats and pressures for the European sites considered in the Report to Inform HRA Screening. The Inspectorate notes that conservation objectives are not presented for the Teesmouth and Cleveland Coast Ramsar site. The HRA should provide the conservation objectives for this site or explain the approach that has been taken to the HRA in the absence of conservation objectives and provide evidence of whether the approach has been agreed with Natural England, as the ANCB. This section should also identify the conservation status (ie favourable or unfavourable) of the European sites, where this information is available.	The Information Sheet on Ramsar Wetlands for the Teesmouth and Cleveland Coast Ramsar does not set out conservation objectives. It is considered that the conservation objectives for the Teesmouth and Cleveland Coast SPA would also apply to the Ramsar.

Preliminary Environmental Information Report (PEIR) Appendix 12A Report to Inform Habitats Regulation Assessment (HRA) Screening (the ‘draft Report to Inform HRA Screening’) <i>NB. The following comments are based on the draft Report to Inform HRA Screening report provided by the Applicant as part of the suite of draft application documents for review by PINS. These comments do not cover any separate HRA reports, such as the Report to Inform Appropriate Assessment referred to in the draft Report to Inform HRA Screening.</i>			Applicant Response
Ref No.	Paragraph/ Section	Comment/Question	
6.	Paragraph 4.3.6	The Inspectorate is unclear what the approach to screening of LSE to the North Yorks Moors Special Area of Conservation (SAC) and Special Protection Area (SPA) from operational atmospheric pollution, as contradictory information is presented, and reference is made to reviewing the conclusion based on guidance for the environmental statement (ES). The Inspectorate advises that this paragraph should be reviewed and amended for clarity and to clearly explain the screening conclusion and the basis on which it has been made. As these are two different European sites with different qualifying features, it may improve clarity to consider the sites separately.	The report to inform HRA has been updated to clarify which European designated sites have been considered and the potential pathways to LSE. Effects upon the North York Moors SPA and SAC are considered separately. The report to inform HRA and Chapter 8: Air Quality (ES Volume I, EN070009/APP/6.2) concludes that there will be no LSE upon the North York Moors SPA or SAC and potential effects from air pollution can be screened out because at receptor OE_7 in the SAC/SPA the nitrogen deposition contribution of the Proposed Development is imperceptible.
7.	Paragraph 4.3.8	In considering the potential for LSE from operational phase traffic, consideration should also be given to the thresholds in Natural England’s approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations (2018). For clarity, this paragraph should name the National Highways’ guidance that is being used as the basis for establishing the screening threshold.	An assessment of construction traffic upon designated sites is provided in Chapter 8: Air Quality (ES Volume I, EN070009/APP/6.2). National Highways Guidance has been used to inform the air quality assessment and the report to inform HRA.
8.	Paragraph 4.4.3	The list of potential effect pathways during decommissioning includes “ <i>effects on foraging resources which support qualifying bird features</i> ” in addition to direct habitat loss and loss of functionally linked land (FLL). This additional pathway is not discussed for the construction or operational phase, nor is it referenced in Appendix C Screening Matrices, but from information presented the Inspectorate notes that it is possible it may relate to habitat loss, including FLL. The Inspectorate advises that further information should be provided in the Report to Inform HRA Screening to explain the nature of this effect pathway and for which phases of the Proposed Development it is considered.	The report to inform HRA has been updated to clarify potential pathways of effect considered at screening and taken forward to Appropriate Assessment. As habitat loss and pollution effects could result in effects on foraging resources, these pathways are discussed in the updated document rather than separating out effects on foraging resources.
9.	Paragraphs 5.1.1 to 5.1.3	It is stated that the potential for in-combination effects would be investigated for projects or plans proposing development in “ <i>adjacent authorities</i> ”, with a list of projects and plans provided at paragraph 5.1.3. Limited information is provided about how these projects and plans have been selected. The Inspectorate advises that the HRA should explain the scope and methodology of the in-combination assessment, including any zone of influence that has been applied for the purpose of selecting plans and projects to be assessed. An indication of whether the list has been agreed with relevant consultation bodies, including Natural England, should be provided. Consideration should be given to plans and projects within the host local authority, as well as authorities within the defined zone of influence, not just adjacent authorities. The Inspectorate notes that the offshore component of the carbon dioxide (CO ₂) export, including the Endurance storage, has not been identified in the list at paragraph 5.1.3 (noting that it may be addressed in Chapter 23 of the PEIR). The Inspectorate advises that this project should be considered or the HRA should explain why it can be discounted for potential likely significant in-combination effects.	The updated report to inform HRA and Chapter 23: Cumulative and Combined Effects (ES Volume I, EN070009/APP/6.2) includes a list of plans and projects which have been assessed in combination, information on how these projects and plans have been selected and consultation undertaken when preparing the list. The NZT offshore elements have been included.
10.	Appendix A, Figure 1-1	The Inspectorate notes that Figure 1-1 showing the Order Limits and development components does not appear to be consistent with the current iteration of the Proposed Development, as shown on the draft Works’ Plans (Document 2.4). Illustration of the Order Limits and information about the Proposed Development components should be consistent across plans and drawings.	Figures have been updated and are provided with the report to inform HRA submitted with the DCO.

Preliminary Environmental Information Report (PEIR) Appendix 12A Report to Inform Habitats Regulation Assessment (HRA) Screening (the 'draft Report to Inform HRA Screening')			Applicant Response
<p>NB. The following comments are based on the draft Report to Inform HRA Screening report provided by the Applicant as part of the suite of draft application documents for review by PINS. These comments do not cover any separate HRA reports, such as the Report to Inform Appropriate Assessment referred to in the draft Report to Inform HRA Screening.</p>			
Ref No.	Paragraph/Section	Comment/Question	
11.	Appendix C Screening Matrices	The Inspectorate refers the Applicant to AN10 . The requirement for screening matrices is no longer identified in Advice Note Ten; instead, paragraph 6.1 identifies that Applicants should provide a summary table of all European sites and qualifying features and each pathway of effect considered at each HRA stage for each phase of the Proposed Development. This can be in the form of screening matrices.	Updated screening matrices are provided within the report to inform HRA submitted with the DCO.
12.	Appendix C Screening Matrices	If the Applicant includes the screening matrices in the submission version of the Report to Inform HRA Screening, the Inspectorate advises that a review of Appendix C should be carried out to ensure that the information presented is consistent. For example, it is noted that Table C1 indicates likely significance effects from noise and visual disturbance during operation are screened out but note b states that on a precautionary basis noise effects cannot be excluded because noise modelling is ongoing. No reference is made in note b to visual disturbance. Note c to Tables C10 and C11 does not explain why the sea lamprey qualifying features is proposed to be screened in for likely significant effects.	Updated screening matrices are provided within the report to inform HRA submitted with the DCO.
13.	N/A	The Inspectorate refers the Applicant to AN10, which requires a copy of the citation/ Natura 2000 data sheet for each European site to be provided as part of the HRA. This information should be included with the HRA Report submitted with the DCO application.	A copy of the citation / Natura 2000 data sheets for each European site has been provided as Annex F to the report to inform HRA submitted with the DCO.

Draft Development Consent Order (dDCO) and Explanatory Memorandum (EM)			Applicant Response
Ref No.	Article/Requirement/Schedule	Comment/Question	
14.	Page 3 intro	Correct; section 104 of PA2008 applies now that the energy NPS EN-1 has effect for the Proposed Development.	Noted and agreed.
15.	Article 2 Requirement 4	<p>There are definitions of an 'indicative landscape and biodiversity strategy' as well as an 'updated landscape and biodiversity plan'. Should the reference to 'updated' be deleted, as this was particular to the Net Zero Teesside Project (NZZ)?</p> <p>Is there a plan, a strategy, or both?</p> <p>Requirement (R) 4 relates to 1) a 'landscape and biodiversity protection plan' and 4) a landscape and biodiversity management and enhancement plan, and 5) f) a landscape and biodiversity strategy – care should be taken with labelling of these documents and definitions in the dDCO to avoid confusion.</p>	The draft DCO submitted for comment reflected the ongoing nature of the development of the DCO and associated documents. The submitted DCO has definitions which now align with the plans and strategies submitted with the DCO application.
16.	Article 2	<p>It is not necessary to define the following if they are not otherwise included in the dDCO:</p> <ul style="list-style-type: none"> • CCP, MMO, Royal Mail 	The draft DCO definitions are now aligned to terms that are used in the Order.

Draft Development Consent Order (dDCO) and Explanatory Memorandum (EM)			Applicant Response
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17.	Article 29	<p>Article 29 (4) has been amended from 12 months to 24 months. The EM states 12 months; which is correct? Explanation should also be given in the EM as to why such a long period for provision of replacement land is proposed.</p> <p>The Inspectorate is unable to comment fully on Special Category Land or its replacement as the plots are not labelled on the submitted plans.</p>	<p>This article has been developed to set out the Applicant's position on this matter and the EM is consistent with it which explains the Applicant's position. This article is being discussed further with Interested Parties.</p>
18.	Article 39	<p>Article 39 – the Applicant is advised to have regard to the Hillside judgement and recent DCOs which include this type of Article.</p> <p>EM refers to Article 38(3) and (4) in the text of paragraph 3.7.2 – this should be changed to Article 39.</p>	<p>The Applicant has been considering this judgment closely and has considered discussions on the point in other DCO Examinations such as Lower Thames Crossing.</p>
19.	Article 45	<p>Many of the definitions refer to Article 45 in terms of certified documents.</p> <p>Article 45 refers to plans/documents listed in Schedule 13 – this should be Schedule 12 (Schedule 13 is Design Parameters).</p>	<p>Noted – cross references in the DCO are now correct.</p>
20.	Schedule 1	<p>It is assumed that the Works will all become clearer once all the documents are submitted including indicative layout, but the Work Nos 1, 3, 6, 9 and 10 as set out in Schedule 1 are particularly confusing. For example on first sight it is not clear whether 1A.1 and 1A.2 are options for one Hydrogen Production Facility or if two are proposed, given they are worded exactly the same.</p> <p>Cross referencing between the Work Nos is difficult due to the labelling.</p> <p>There are also uncertainties over whether connections will be above ground installations (AGI) or underground.</p> <p>This labelling and optionality could lead to confusion during the Examination.</p> <p>Overall, the Inspectorate considers that there is a lack of clarity in the drafting as to whether the separation of some works nos. into parts A and B is enabling two sets of infrastructure to be constructed. For example, Work No. 1.B1 and 1B.2 relating to water effluent treatment plant and 1E.1 and 1E.2 relating to connections and ancillary works seem to allow for construction and operation of two water effluent treatment plants and two flares, one for each phase. The Inspectorate advises that this should be made clearer in the drafting and whatever is proposed should be consistent with what has been assessed in the ES.</p>	<p>Where connections are not stated to be above ground or below ground, they could be either, and the ES has assessed the worst case for each discipline.</p> <p>The Works Numbers have been set up to allow for flexibility given the Proposed Scheme is a two phase scheme. In particular, it may be the case that common infrastructure built for the first phase could also be used for the second phase, but that is unconfirmed at this time.</p> <p>As such, it is not proposed that all range of infrastructure within each zone is necessarily built, but the wording allows for flexibility to allow for different configurations to be developed depending on the requirements for each phase.</p>
21.	Schedule 1 Works Plan 7 of 10, Sheet 24	<p>Work No.7 – dDCO refers to carbon dioxide export pipeline and an AGI but the description of Work No.7 on page 12 of the EM also includes a compression station. What are the compression facilities and are they in addition to those already proposed as part of NZT?</p> <p>This area of the extended Order Limits is that which is proposed for the Power Capture and Compression (PCC) site for NZT. See above.</p>	<p>Reference to the compression station has been removed from Work No. 7, as compression will be undertaken at NZT.</p>
22.	Schedule 2	<p>The Inspectorate is unable to comment on requirements in detail as no commentary has been given in the EM. In addition, the Inspectorate notes that several of the requirements are drafted based on consistency with principles in the ES. The Inspectorate has not had sight of the ES at draft documents stage, so is not</p>	<p>As a starting point, the Applicant's position is that H2T is a different project to NZT. As such, it should not be the case that just because protections and drafting were included in NZT they should automatically be in the H2T Order.</p>

Draft Development Consent Order (dDCO) and Explanatory Memorandum (EM)			Applicant Response
Ref No.	Article/ Requirement/ Schedule	Comment/Question	
		<p>able to provide detailed advice but would advise the Applicant to ensure that there is consistency across application documentation.</p> <p>R4 (5) (g) refers to minimum Biodiversity Net Gain. The minimum level is currently undefined but this will require full explanation in EM as well as the relevant ES chapter.</p> <p>R3, 4, 7, 8, 11, 16, 18, 21, 23, 25, 29 and 32... of the made NZT DCO include consultation with Sembcorp; it would be helpful if the Applicant could explain why are they not included in similar requirements for H2T, but they are included in R31 (Decommissioning).R3, 4, 7, 8, 11, 16, 18, 21, 23, 25, 29 and 32... of the made NZT DCO include consultation with Sembcorp; it would be helpful if the Applicant could explain why are they not included in similar requirements for H2T, but they are included in R31 (Decommissioning) of the dDCO.</p> <p>R18 - NZT DCO includes consultation with Royal Mail, who are listed in Article 2. It would be helpful if the Applicant could explain why are they not included in H2T.It would be helpful if the Applicant could explain why are they not included in the H2T dDCO.</p> <p>R3, 18, and 29 – NZTDCO includes consultation TG Entities, it would be helpful if the Applicant could explain why are they not included in H2T.R3, 18, and 29 – NZTDCO includes consultation TG Entities, it would be helpful if the Applicant could explain why are they not included in the H2T dDCO.</p> <p>In relation to R20 (Construction hours), the Inspectorate notes that the proposed core construction hours are longer than those agreed in the DCO for NZT. It is unclear from the information provided as to why longer hours are being sought and/ or considered appropriate and whether this is consistent with what has been assessed in the ES. The Inspectorate considers that it would be beneficial for clarity that this is explained in the EM.</p> <p>In relation to R23 (Piling and penetrative foundation design) the need for method statements and mitigation for piling and penetrative foundation design is stated to apply to Work Nos. 1 and 7B; however, the provision for further development at the end of Schedule 1 would allow for piling to take place anywhere within the Order Limits. It should be clear in the DCO application how is it proposed that piling as part of other Work Nos. and/ or in other locations would be controlled to be consistent with the parameters assessed in the ES.</p> <p>R30 – Revisit this Requirement, having regard to the wording of R31 of the made NZT DCO, with particular consideration for the trigger for Work no 7.</p> <p>The NZT DCO included a Requirement relating to a nutrient nitrogen safeguarding scheme (R37). Its currently unclear from the draft documents why this is unnecessary for H2T.</p> <p>Para 2.8.14 of EM should also refer to Hartlepool as a discharging authority.</p>	<p>It is for interested parties to explain why they need to be consulted under the H2T DCO. They are not regulatory bodies and so would not ordinarily be consulted on Requirement discharges in a DCO. It is for those parties to indicate that such protections are necessary above and beyond Protective Provisions.</p> <p>For the reasons set out in the Planning Statement, the Applicant has not submitted a BNG Assessment with the DCO Application and so this Requirement no longer refers to it.</p> <p>H2T is a different project to NZT and has different construction methodologies and requirements. The construction working hours have been considered in the ES assessments and no likely significant effects are identified. There is therefore no requirement for the working hours to be reduced from what is secured in the DCO.</p> <p>The DCO Requirement relating to piling is considered appropriate to the level of risk.</p> <p>The ES and associated WFD Assessments demonstrate that a nutrient nitrogen safeguarding scheme is not required.</p> <p>The requirement relating to CO2 transport and storage infrastructure reflects the passage of time since the NZT application and the nature of consents required for the transport and storage infrastructure.</p>
23.	Schedule 3	With regard to the made NZT DCO, consider whether amendments to York Potash Order are necessary, or are Protective Provisions sufficient?	The H2T DCO Order Limits overlap with those of the York Potash Order, so consideration is likely going to be needed for amendments to that Order. However, that will be discussed with Anglo American.
24.	Schedules 3 to 9, 12 and 13	Not completed so unable to comment.	Noted – these Schedules are now populated.

Draft Development Consent Order (dDCO) and Explanatory Memorandum (EM)			Applicant Response
Ref No.	Article/ Requirement/ Schedule	Comment/Question	
25.	Schedule 10	<p>Protective provisions not completed so unable to comment on detail.</p> <p>The Inspectorate notes the list of possible protective provisions provided – noting that some which have been included in Schedule 12 of the made DCO for NZT do not appear, notably South Tees Development Corporation?</p> <p>The Inspectorate draws attention to the number of unresolved protective provisions both at the end of the Examination and on issue of the made DCO for NZT, and therefore advises that for H2T as much progress should be made as possible on the wording of the protective provisions and agreements prior to submission of the application.</p>	<p>Noted. The Applicant is working with relevant parties to seek to develop Protective Provisions. H2T is a different project to NZT with different needs, but the Applicant will seek to build on the matters discussed with the relevant parties on NZT to reach agreement as soon as possible.</p>
26.	Schedule 11	<p>Part 4 – Fees – the Inspectorate advises consideration of a reference to the Amendment Regulations which came into force on 6 December 2023.</p>	<p>The Applicant notes that these Amendment Regulations amend the existing Regulations and so it is right to continue to reference the 2012 Regulations.</p>
27.	Schedule 13	<p>The Inspectorate notes that the design parameters schedule is not currently populated and it is not in a position to provide detailed comments. The Inspectorate would expect this schedule to be fully populated in the final version submitted with the DCO application, and for it to include parameters for components within Work No. 1, which Requirement 3 of the dDCO (Document 4.1) indicates will be carried out in accordance with the design parameters specified in Schedule 13. The parameters should be consistent with what has been established as the Rochdale envelope for the purposes of assessment in the ES. For Work No. 1 parameters that are not included in Schedule 13, it should be clear how these will be controlled to be consistent with the assessment in the ES.</p>	<p>This has been completed for the Application DCO, and the Parameters are consistent with what have been assessed in the DCO.</p>

Works and Land Plans			Applicant Response
Ref No.	Plan ref	Comment/Question	
28.	Works and Land Plans – general	<p>Order limits on Works and Land Plans appear to be consistent.</p> <p>Whilst complicated to navigate, the Works Plans shading and legend are acceptable and the Inspectorate notes that this is the same approach as for NZT.</p> <p>The Inspectorate is unable to comment on the accuracy of plots on land plans as no Book of Reference has been provided for review.</p>	<p>All plans and the Book of Reference are consistent.</p>
29.	Works' Plans – general	<p>The Inspectorate notes that the proposed Order Limits as shown on the Works' Plans Sheets 1 to 43 (Document 2.4) is different to the red line boundary used in the Environmental Impact Assessment (EIA) Scoping Report (dated April 2023). See above.</p>	<p>This is because the scheme has developed comprehensively since Scoping, as reported in the Consultation Report.</p>
30.	Plans – general	<p>The Applicant is requested to submit a plan as part of the DCO application that shows the infrastructure proposed in the overlapping areas of the Proposed Development and NZT project, particularly focussing on the area of Work Nos. 1 and 7 in the NZT DCO, which overlap with Work Nos. 3A.2, 4, 5 and 7 of the Proposed Development. The Inspectorate considers that this plan would be essential to understanding how the projects interact with each other.</p>	<p>This has been submitted (Document Ref. 2.14). Inclusion of connection corridors for the Proposed Development on the NZT main site has been discussed and agreed in principle with the NZT Project.</p>

Works and Land Plans			Applicant Response
Ref No.	Plan ref	Comment/Question	
31.	Works' Plans – general	The Works' Plans (Document 2.4) do not show the location of Work No. 11 (Landscaping and Biodiversity). It is unclear whether this is an accidental or deliberate omission or if it is because the location and nature of these works has not yet been fully defined. The Inspectorate advises that Work No. 11 should be defined on the Works' Plans.	This had been included on the basis that there may be areas of landscaping and biodiversity where that would be the sole land use requirement. Following finalisation of the application documents, this is not the case, so such a Work has not been provided for in Schedule 1 / the Works Plans.
32.	Works' Plans, Drawings 28 to 33	Work No. 9A.2 does not appear to be illustrated in the Works' Plans Sheets 1 to 43 (Document 2.4) (Drawings 28 to 33 showing Work No. 9). This should be corrected in the version submitted with the DCO application.	This has been provided for in the submitted Works Plans.

General

- Where references are provided to other draft application documents it would be beneficial to provide the full title thereof inclusive of document reference number. Should further draft documents be provided for review, the Applicant may wish to consider providing a full list of known application documents (for purpose of signposting) as well as their respective reference number.
- [\[MHCLG\] Application form guidance](#), paragraph 3, states: *“The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.”*