



Application by H2 Teesside Limited for the H2Teesside Project

The Examining Authority's written questions and requests for information (ExQ1)

Issued on 4 September 2024

The following table sets out the Examining Authority's (ExA) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe C to the Rule 6 letter of 31 July 2024. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1). The second part of the unique reference number indicates the issue reference, for example, 1 = General and Cross-topic Questions, 2 = Air Quality and Emissions; the full list of topics is shown in the index on page 5. The third part of the unique reference is a sequential number for the question. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact h2teesside@planninginspectorate.gov.uk and include 'H2 Teesside Project' in the subject line of your email.

Responses are due by Deadline 2: Thursday 3 October 2024



Abbreviations used:

AEL	Associated Emission Levels	IAQM	The Institute of Air Quality Management
AGI	Above Ground Installation	IP	Interested Party/ Parties
aOD	above Ordnance Datum	km	Kilometre
BAT	Best Available Technique	LAs	Local Authorities
BGS	British Geological Survey	LBMP	Landscape and Biodiversity Management Plan
BMV	Best and Most Versatile	HSE	Health and Safety Executive
BoR	Book of Reference	LSE	Likely Significant Effect
BRefs	Best Available Techniques Reference Documents	LSOA	Local Super Output Area
CA	Compulsory Acquisition	MAH	Major Accident Hazards
CEMP	Construction Environmental Management Plan	NE	Natural England
CH₄	Methane	NPS	National Policy Statement
CIRIA	Construction Industry Research and Information Association	NPS EN-1	National Policy Statement 1 - overarching NPS for Energy
CO₂	Carbon Dioxide	NSIP	Nationally Significant Infrastructure Project
COMAH	Control of Major Accident Hazards	NWL	Northumbrian Water Ltd
DAS	Design and Access Statement	NZT	Net Zero Teesside
DCO	Development Consent Order	OEMP	Outline Environmental Management Plan
EA	Environment Agency	PA2008	Planning Act 2008
ELVs	Emission Limit Values	PDT	PD Teesport Ltd
EM	Explanatory Memorandum	PEIR	Preliminary Environmental Information Report
EP	Environmental Permit	PP	Protective Provision(s)
ES	Environmental Statement	PRoW	Public Right of Way
ExA	Examining Authority	RCBC	Redcar and Cleveland Borough Council
FRA	Flood Risk Assessment	RR	Relevant Representation
FZ	Flood Zone	SAC	Special Area of Conservation
GHG	Greenhouse Gas	SoS	Secretary of State
GI	Ground Investigation	SoR	Statement of Reasons
GS	Geographical Survey	SPA	Special Protection Area(s)
GWth	thermal Gigawatt	SSC	Seal Sands Chemicals (Company)
HBC	Hartlepool Borough Council	SSSI	Site of Special Scientific Interests
HRA	Habitats Regulations Assessment	STBC	Stockton-on-Tees Borough Council



STDC	South Tees Development Corporation	TTWA	Travel To Work Area
STG	South Tees Group	UK	United Kingdom
tCO₂e	Tonnes of Carbon Dioxide Emissions	UKHSA	United Kingdom Health Security Agency
TP	Temporary Possession	ZTV	Zone of Theoretical Visibility
TPO	Tree Preservation Order		



The Examination Library and Relevant Representations

References in these questions set out in square brackets and starting with APP (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link which will be updated as the examination progresses.

References in these questions set out in square brackets and starting with RR (eg [RR-001]) are to Relevant Representations submitted. References in these questions set out in square brackets and starting with AS (eg [AS-001]) are to Additional Submissions entered into the Examination.

The above References can also be seen by using the following link which will be updated as the examination progresses:

[Examination Library](#)

Citation of Questions

Questions in this table should be cited as follows:

Q : issue reference: ExQ reference: question number. For example, Q1.1.1 – refers to question 1 in this table.



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ExQ1	Question to:	Question:
1. General and Cross Topic		
Q1.1.1	Applicant	Clarification/ Explanation. Paragraph 6.1.23 of the Applicant's Statement of Reasons (SoR) [APP-024] details two areas of 'White Land'. These can be seen on the Land Plans [AS-003] Sheets 4 and 15. Please explain why the Order Limits are shown as such and what the need is for this 'White Land'.
Q1.1.2	Applicant	Clarification/ Explanation. Is there an optimum or target width of pipeline corridor proposed to establish the Application Boundary? Where this is exceeded, please explain the need for this additional width.
Q1.1.3	Applicant	Clarification/ Explanation. Please explain if it is necessary for agreements to supply hydrogen to all business areas before installing pipelines to those sites. If so, please outline the status of these agreements, accepting that these may be commercially sensitive.
Q1.1.4	Applicant	Plan/ Information sought. Please provide a version of the Works Plans which show all the indicative works (pipelines, electrical supply, water, gas etc) together on a single set of plans.
Q1.1.5	National Grid	Clarification. Please confirm that the location of the proposed Above Ground Installation (AGI) next to the pylon and Saltholme Sub Station, as shown on Works Plans [AS-005] Sheet 15 of 44, is acceptable. Please also comment on any other locations where the Order Limits are in close proximity to similar infrastructure.
Q1.1.6	Applicant	Clarification. The Indicative Hydrogen Distribution Network Plan [AS-008] , sheet 14 of 16, shows a small part of the indicative pipeline outside of the Order Limits in the lower left side of the plan. Please confirm the status of this.

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ExQ1	Question to:	Question:
Q1.1.7	Applicant/ Environment Agency (EA)	<p>Clarification/ Views sought</p> <p>The Examining Authority (ExA) notes the use of Amine products within the proposed Carbon Capture element of the Proposed Development and would ask:</p> <ul style="list-style-type: none"> i) By what mechanisms are the use of Amine products controlled (ie do they form part of the Environmental Permit (EP) controls? ii) Should the control of Amine products be dealt with through the Development Consent Order (DCO)?
Q1.1.8	Applicant	<p>Clarification/ Information sought.</p> <p>Chapter 5 (Construction Programme and Management) of the Environmental Statement (ES) [APP-057] refers to a range of ‘Permitted Preliminary Works’ that could be undertaken prior to discharge of any DCO requirements. The Applicant is requested to provide a definitive list of the works that it proposes could be undertaken, particularly regarding the final bullet at paragraph 5.3.8 (ie “<i>any other works agreed by the relevant planning authority...</i>”).</p> <p>In addition to the above, the Applicant is requested to explain what process would be in place to ensure that such activities did not give rise to materially new or different effects from that assessed in the ES, and how any potential adverse effects associated with such activities would be mitigated in the absence of final management plans.</p>
Q1.1.9	Applicant	<p>Clarification/ Additional information.</p> <p>Paragraph 4.3.2 of ES Chapter 4 (Proposed Development) [APP-056] states that natural gas will be the feedstock for the hydrogen production process. However, no estimation of the volume/ quantum of natural gas required appears to have been provided in the ES.</p> <p>Can the Applicant provide an estimate of what volume of natural gas feedstock it anticipates will be required in the operation of the Proposed Development?</p> <p>Additionally, the ExA notes the Relevant Representation (RR) from Climate Emergency Planning and</p>

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ExQ1	Question to:	Question:
		<p>Policy [RR-007] and would ask the Applicant for its full and considered response to that RR, especially in regard to the full impacts of the project under different natural gas supply scenarios, including the project running entirely or at least partially on imported Liquid Natural Gas.</p>
Q1.1.10	Applicant	<p>Clarification.</p> <p>The Applicant is requested to clarify what is meant by “<i>up to approximately 1.2 Gigawatt Thermal</i>” (GWth) of production capacity as specified in Work No. 1 of the draft DCO [AS-013]. Is it considered that the Proposed Development could generate more than 1.2GWth and, if so, explain how this is reflected in the relevant assessments of the ES, noting that paragraph 4.3.7 of ES Chapter 4 (Proposed Development) [APP-056], states that the production capacity is up to 1.2GWth.</p>
Q1.1.11	Applicant	<p>Clarification/ Explanation</p> <p>ES Chapter 4 (Proposed Development) [APP-056] explains that the Proposed Development and the Net Zero Teesside (NZT) project share infrastructure, including the connection to the Carbon Dioxide (CO₂) export pipeline. The shared and overlapping infrastructure is shown on the Applicant’s H2Teesside and NZT Main Site Shared Area Plan [APP-020]. This was envisaged at scoping stage, but the scoping boundary did not include the main NZT site. The Applicant is requested to explain why the main NZT site has been incorporated into the proposed Order Limits and confirm any implications for the assessment in the ES. In responding to this question, the ExA notes your ‘Change Notification Report’ [PDA-019] and Change No. 2.C. However, it is conscious that no formal Change Request submission has yet been made and would seek your response in the absence of such a submission.</p>
Q1.1.12	Applicant	<p>Clarification/ Explanation.</p> <p>When asked to submit an outline Operational Environmental Management Plan (OEMP) with the DCO application you stated that an outline OEMP has not been submitted as it would be prepared by the contractor when appointed. The ExA notes:</p> <ul style="list-style-type: none"> i. the draft DCO [AS-013] does not include a requirement for submission and approval of an OEMP;

ExQ1	Question to:	Question:
		<p>ii. you have listed operational mitigation in the Applicant’s ‘Schedule of Operational Mitigation and Monitoring’ [APP-042] but this is not listed as a certified document in the draft DCO; and</p> <p>iii. Sections 1.5 and 2 of the Applicant’s ‘Schedule of Operational Mitigation and Monitoring’ [APP-042] indicates how operational mitigation would be secured (ie through other management plans, DCO requirements, EPs or regulatory requirements).</p> <p>Bearing the above in mind, please advise how it is intended to secure the outline OEMP (ie through the DCO or another mechanism)?</p>
Q1.1.13	Applicant.	<p>Update.</p> <p>The Applicant is requested to provide an updated iteration of the Other Consents and Licences Statement [APP-037], including an update in regard to the status of its EP application submitted to the EA and any progress in relation to the Control of Major Accident Hazards (COMAH) licence. In responding to this question please include the date of the submission of the EP Application/ COMAH Licence submission, whether the EA/ HSE consider the EP Application/ COMAH Licence submission to be valid, the EP/ COMAH Licence Application/ submission reference number allocated by the relevant body (ie EA or HSE) and confirm the status of those applications/ submissions (ie, are they valid, under consideration, determined, etc.).</p>
Q1.1.14	Applicant.	<p>Clarification/ Update</p> <p>The South Tees Group (STG) at paragraph 5.2 of its RR [RR-003] refer to sensitive receptors as set out in ES Chapter 3 (Description of the Existing Area) [APP-055] relating only to residential properties and ecological designations. However, it notes existing industrial uses within the Teesworks Masterplan area have not been included. Please review and include all sensitive receptors, as appropriate, within the ES or explain why all such sensitive receptors do not need to be considered in the ES.</p>
2. Assessment of Alternatives		
Q1.2.1	Applicant	<p>Clarification/ Evidence.</p> <p>Paragraphs 6.2.5 – 6.2.8 of ES Chapter 6 (Needs, Alternatives and Design Evolution) [APP-058] are noted. However, please explain and provide evidence how the use of ‘Blue Hydrogen’ as proposed in this Nationally Significant Infrastructure Project (NSIP) complies with the United Kingdom (UK) Low</p>

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ExQ1	Question to:	Question:
		Carbon Hydrogen Standard or signpost the ExA as to where in the submitted documentation such evidence has been provided.
Q1.2.2	Applicant	<p>Consideration of alternatives – Clarification.</p> <p>Paragraph 6.4.1 of ES Chapter 6 (Needs, Alternatives and Design Evolution) [APP-058] is noted in terms of the consideration of alternatives. It is also noted that this paragraph states “Blue hydrogen has been selected by bp as the product of H2Teesside...” However, the ExA would ask whether ‘Green Hydrogen’ was considered for selection as the product of H2Teesside, as an ‘alternative technology’ to the use of ‘Blue Hydrogen’ as proposed in this instance.</p> <p>If ‘Green Hydrogen’ was considered as an ‘alternative technology’, please explain why it was discounted and provide evidence of the reasoning for it being discounted.</p> <p>If ‘Green Hydrogen’ was not considered as ‘alternative technology’, please explain why it was not considered and justify your reasoning for that decision.</p>
Q1.2.3	Applicant	<p>Consideration of alternatives – Clarification/ Evidence.</p> <p>Paragraph 6.4.2 – 6.4.5 of ES Chapter 6 (Needs, Alternatives and Design Evolution) [APP-058] are noted but please either:</p> <ul style="list-style-type: none"> i) signpost the ExA to where within the submitted application documentation further information concerning ‘Syngas Generation’ can be found, along with an explanation of how such technology assists with ‘Carbon Capture and Storage’ or ii) enter such information concerning ‘Syngas Generation’, together with an explanation of how such technology assists with ‘Carbon Capture and Storage’ into the Examination.
Q1.2.4	Applicant/ EA	<p>Consideration of alternatives - Clarification.</p> <p>How can the ExA be certain the flexibility and the amount of land included within the limits of deviation, referred to in Paragraph 6.6.1 of ES Chapter 6 (Needs, Alternatives and Design Evolution) [APP-058] are those strictly required and related to this NSIP Application, especially bearing in mind the reference at Paragraph 6.5.9 of the above mentioned document to the potential synergies to be explored in</p>

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ExQ1	Question to:	Question:
		relation to the development referred to as 'HyGreen' and the number of concerns raised in RRs about the Compulsory Acquisition (CA) of land and rights of land.
Q1.2.5	Applicant	Connection Corridor Routing (Hydrogen Distribution Network) – Clarification. Please explain the alternatives considered specifically for the crossing of Greatham Creek and why the Indicative Hydrogen Distribution Network Plan [APP-016] drawing 6 of 16 does not show the existing pipe-bridge, that crosses the Greatham Creek, being used.
Q1.2.6	Applicant	Connection Corridor Routing (Hydrogen Pipeline Corridor) – Clarification. Paragraph 6.7.4 of ES Chapter 6 (Needs, Alternatives and Design Evolution) [APP-058] states “These connections would enable gas blending into the distribution network and transmission system ...”. Please explain this statement in further detail, including why enabling gas blending into the distribution network and transmission system is a benefit.
Q1.2.7	Applicant	Connection Corridor Routing (Hydrogen Pipeline Corridor) – Clarification. Please explain in more detail the relationship of the Proposed Development and 'Project Union' and the National Gas Distribution Network. For example is it intended to connect to 'Project Union' at both to the National Gas Grid's AGI near Billingham Industrial Park and the National Gas Network natural gas AGI at Cowpen Bewley as set out in Paragraph 6.7.4 of ES Chapter 6 (Needs, Alternatives and Design Evolution) [APP-058] ?
Q1.2.8	Applicant	Connection Corridor Routing (Hydrogen Pipeline Corridor) – Clarification. Paragraph 6.7.8 of ES Chapter 6 (Needs, Alternatives and Design Evolution) [APP-058] refers to “The final choice of approach and selection of options will be determined by... the Government's policy in relation to Project Union and hydrogen blending and how the Distribution and Transmission System Operators re-configure their systems to respond to this.” Is there currently any timeline being specified for these matters to be resolved. If so please provide that information.

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ExQ1	Question to:	Question:
Q1.2.9	Applicant, Natural England (NE) and the EA	Connection Corridor Routing (Water Corridors) Clarification/ Views sought. Paragraph 6.7.10 of ES Chapter 6 (Needs, Alternatives and Design Evolution) [APP-058] refers to two options in terms of effluent management. When will a final decision be made on the option chosen and are NE/ EA satisfied in regard to 'Nutrient Neutrality' and the final methods of disposal currently detailed in both options
Q1.2.10	NE, the EA and relevant Local Authorities (LAs) (Hartlepool Borough Council (HBC), Redcar and Cleveland Borough Council (RCBC) and Stockton-on-Tees Borough Council (STBC)) together with any other relevant Authority/ Body	Connection Corridor Routing (Water Corridors) Views sought. Are you satisfied in terms of the options under consideration for the disposal of surface water run-off arising from the Proposed Development, as set out in Paragraph 6.7.10 (Third Bullet Point) of ES Chapter 6 (Needs, Alternatives and Design Evolution) [APP-058]?
Q1.2.11	Applicant	Connection Corridor Routing (Electrical Connection) – Clarification. Please explain the alternatives considered specifically for the electrical connection from the main site to the Tod Point Sub Station, as detailed on the Indicative Electrical Connection Plan [APP-014]. Please detail the reason why a route in a similar corridor to the indicative hydrogen and natural gas connection in this area is not considered suitable.
3. Air Quality and Emissions		
Q1.3.1	Applicant	Clarification/ Update sought. Paragraph 8.2.16 of ES Chapter 8 (Air Quality) [APP-060] states that, as the Proposed Development is an emerging technology, there is currently no finalised European Best Available Techniques Reference Documents (BRefs) or Best Available Technique (BAT) guidance documents available for a Hydrogen

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ExQ1	Question to:	Question:
		<p>Production Facility with associated Carbon Capture, and therefore no BAT-Associated Emission Levels (AEL) have been defined for the activity to date. Guidance on Emerging techniques for hydrogen production with carbon capture has been released (EA, 2023) and this has formed the basis for discussions with the EA to agree appropriate BAT and AELs. Bearing this in mind, please provide:</p> <ul style="list-style-type: none"> i) Confirmation on whether an appropriate approach to the BAT and AEL has been agreed with the EA, if not please provide an update on the current position regarding the Applicant's discussions with the EA in this regard. ii) Provide an update on the current position regarding discussions with the EA in respect of the incorporation of BAT and AEL within the EP.
Q1.3.2	Applicant/ EA	<p>Clarification/ View(s) sought.</p> <p>Paragraph 8.2.17 of ES Chapter 8 (Air Quality) [APP-060] states part of the technology used, such as the auxiliary boilers, will need to comply with the Large Combustion Plant BRef, as the aggregated thermal input is predicted to be over 50 MW. However, as the boilers will run on a hydrogen rich tail gas during normal operations, the natural gas Emission Limit Values (ELVs) cannot be used directly and will be updated to take the hydrogen content of the tail gas into account.</p> <ul style="list-style-type: none"> i) Can the Applicant provide a further explanation as to why it considers the natural gas ELVs cannot be used directly. ii) Please confirm whether the EA agrees with the Applicant's approach and assessment, and whether it is considered the approach has any implications for the air quality assessment.
Q1.3.3	Applicant	<p>Clarification.</p> <p>Paragraph 8.2.18 of ES Chapter 8 (Air Quality) [APP-060] states other BRef documents such as the Common Wastewater and Waste Gas Treatment/ Management Systems in the Chemical Sector will also be considered where relevant.</p> <p>Please confirm whether any of the above BRef documents have now been assessed/ considered? If the answer to this question is yes, please provide a detailed explanation of the outcome(s).</p>

ExQ1	Question to:	Question:
Q1.3.4	<p>NE, the EA and relevant LAs (HBC, RCBC and STBC, together with any other relevant Authority/ Body</p>	<p>Views sought.</p> <p>Paragraph 8.3.1 – 8.3.2 of ES Chapter 8 (Air Quality) [APP-060] states that the Study Area for construction dust and construction Non-Road Mobile Machinery emissions has been applied in line with the IAQM guidance 2024 extending:</p> <ul style="list-style-type: none"> • up to 250 m beyond the Proposed Development Site and 50 m from the construction traffic routes (up to 250 m from the Proposed Development Site entrances), for human health receptors; and • up to 50 m from the Proposed Development Site and construction traffic routes (up to 250 m from the Proposed Development Site entrances) for ecological receptors. <p>The ExA would ask the EA, NE and LAs to confirm whether they consider the Study Area distances assessed by the Applicant and set out above, are appropriate and acceptable in respect of the air quality study areas.</p>
Q1.3.5	<p>NE, the EA and relevant LAs (HBC, RCBC and STBC) together with any other relevant Authority/ Body</p>	<p>Views sought.</p> <p>Paragraph 8.3.4 of ES Chapter 8 (Air Quality) [APP-060] states the Study Area or the operational Proposed Development point source emissions extends up to 15 kilometres (km) from the emission sources to assess the potential impacts on ecological receptors. This is in line with the EA Risk Assessment Methodology (Defra and EA, 2016, as updated in 2023) but also includes additional sites requested by the Proposed Development biodiversity specialists:</p> <ul style="list-style-type: none"> • Special Protection Area(s) (SPA), Special Area(s) of Conservation (SAC), Ramsar sites and Sites of Special Scientific Interest (SSSIs) within 15 km of the Proposed Development Site; and • Local Nature Sites (including ancient woodlands, Local Wildlife Sites and National and Local Nature Reserves) within 2 km of the Proposed Development Site. <p>Paragraph 8.3.5 of ES Chapter 8 (Air Quality) [APP-060] lists the additional sites to include the North York Moors SPA and SSSI, the North Cumbria Coast SPA, Durham Coast SAC, Northumbria Coast Ramsar, Cliff Ridge SSSI, Durham Coast SSSI and National Nature Reserve, Hart Bog SSSI, Langbaugh Ridge SSSI, Loe Hill Pools SSSI, Roseberry Topping SSSI and Saltburn Gill SSSI. Please state whether the EA, NE and LAs, together with any other relevant Authority/ Body,:</p> <p>i) considers the Study Area of 15 km to be satisfactory to assess the potential impacts on ecological receptors.</p>

ExQ1	Question to:	Question:
		<p>ii) have any comments and observations on the additional areas included by the Applicant as the ecological receptors for the Study Area.</p> <p>iii) have any other observations to make in respect of Paragraph 8.3.5 – 8.3.6 of ES Chapter 8 (Air Quality) [APP-060].</p>
Q1.3.6	Applicant	<p>Clarification.</p> <p>Paragraph 8.3.6 of ES Chapter 8 (Air Quality) [APP-060] states, in terms of human health receptors, based on similar modelling studies and EA guidance, impacts from the operational Proposed Development become negligible within 2 km and therefore sensitive receptors for the human health impacts are concentrated within a 2 km Study Area.</p> <p>Please signpost where the evidence to support this conclusion is provided within the submitted Application documentation; or if not included please provide the relevant evidence to support this conclusion.</p>
Q1.3.7	LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Views sought.</p> <p>It is stated in paragraph 8.3.10 of ES Chapter 8 (Air Quality) [APP-060] that there may be a period following opening of Phase 1 where Phase 1 will be operational and Phase 2 in construction. There may be construction traffic pollutant emissions from Phase 2 construction at the same time as operation point source emissions from Phase 1 with two different types of emissions sources (road traffic emissions typically extending up to 200 m from the source with emissions released near ground level whilst operational emissions are released over a broader area, from height). This means, that typically, the greatest pollutant contributions at receptors in the Study Area will be very different for the two emission types.</p> <p>For completeness, the predicted contributions at receptors that may experience impacts from both sources have been combined to demonstrate the total pollutant contribution from the two emission sources. It is noted that this is a very precautionary approach as it combines the peak construction traffic pollutant contributions with the combined pollutant contributions from Phase 1 and 2 operations. Bearing the above in mind, please confirm whether the EA and LAs, together with any other relevant Authority/ Body:</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> i) Agree with the approach adopted by the Applicant in paragraphs 8.3.9-8.3.10 of ES Chapter 8 (Air Quality) [APP-060]. ii) Have any comments or observations in relation to the assessment methodology adopted by the Applicant in ES Chapter 8 (Air Quality) [APP-060] and the Applicant's conclusions on the impacts and LSE set out in Paragraph 8.6 of the same document.
Q1.3.8	Applicant	<p>Clarification.</p> <p>Paragraph 8A.2.3 of ES Appendix 8A (Air Quality – Construction Assessment) [APP-190] states that the cumulative impacts from existing sources of pollution in the area are accounted for in the adoption of site-specific background pollutant concentrations from archive sources and a programme of project-specific baseline air quality monitoring in proximity to the Proposed Development Site. However, it was also recognised that there is a potential impact on local air quality from emission sources which were not present at the time of the survey.</p> <ul style="list-style-type: none"> i) Please provide details of the emission sources with a potential impact on air quality which were not present at the time the cumulative impact survey was undertaken. ii) Please explain whether these non-present emission sources are likely to be present during construction and operational phases of the Proposed Development.
Q1.3.9	NE, the EA and relevant LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Clarification/ Views sought.</p> <p>Paragraphs 8B.2.14 and 8B.2.15 of ES Appendix 8B (Air Quality - Operational Phase) [APP-191] sets out a list of cumulative developments which are either consented or about to receive planning consent but yet to come into operation and which have potential operational air quality impacts. The details of the cumulative assessment is presented at 8B.11 (Annex B: Cumulative Assessment Inputs and In-Combination Results) of that document.</p> <p>Bearing in mind the above:</p> <ul style="list-style-type: none"> i) Please confirm whether the LAs, together with any other relevant Authority/ Body, are satisfied with the list of consented, or soon to be consented, cumulative development included in that list.

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ExQ1	Question to:	Question:
		<p>Should any of the Interested Parties (IPs) listed in the question above not be satisfied, please provide full details of those consented or about to be consented development it believes are missing from the list.</p> <p>When providing such details please provide a statement confirming the status of the planning application (ie Planning permission granted, resolution to grant subject to the prior completion of a legal agreement, undetermined, on appeal, etc, as well as details of the planning application, including, but not limited to, the planning application number, a description of and location of the Development, a copy of the planning permission granted or resolution to grant planning permission, etc).</p> <p>ii) Please advise whether the LAs, together with any other relevant Authority/ Body, have any observations or comments on the cumulative assessment set out in 8B.11 Annex B (Air Quality - Operational Phase) [APP-191].</p>
Q1.3.10	<p>Applicant, EA, UK Health Security Agency (UKHSA) and relevant LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body</p>	<p>Clarification/ Views sought.</p> <p>Paragraph 8.3.35 of ES Chapter 8 (Air Quality) [APP-060] states that there will be no emissions to air of amines and amine degradation products during normal operation, as the CO₂ capture process is a closed loop system.</p> <p>i) Can the Applicant explain how the close loop system for the carbon capture process ensures that there will be no emission of amine and amine degradation products during normal operation.</p> <p>ii) Are the UKHSA, EA and LAs, together with any other relevant Authority/ Body, content with the approach adopted by the Applicant in respect of amine and amine degradation products emission during normal operations.</p>
Q1.3.11	<p>EA</p>	<p>View(s) sought.</p> <p>Please could the EA:</p> <p>i) Confirm whether it is satisfied that the approach adopted in Paragraphs 8B 2.2 - 8B 2.4 of ES Appendix 8B (Air Quality - Operational Phase) [APP-191], in regard to the assessment of operational process emissions, is considered to be a reasonable “worst case” scenario.</p>

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ExQ1	Question to:	Question:
		<p>ii) Comment, if required, on the approach used in the dispersion modelling assessment set out in paragraph 8B.2.9 of ES Appendix 8B (Air Quality - Operational Phase) [APP-191].</p> <p>iii) Confirm you are content with the approach adopted to the modelling of the emissions, as set out in paragraphs 8B.3.4 - 8B.3.7 of ES Appendix 8B (Air Quality - Operational Phase) [APP-191].</p> <p>iv) Provide any observations in relation to Tables 8B-2 and 8B-3 of ES Appendix 8B (Air Quality - Operational Phase) [APP-191], as you may consider necessary.</p>
Q1.3.12	Applicant	<p>Response sought.</p> <p>In RR [RR-026] NE raises a number of issues related to Air Quality. These, in particular include:</p> <ul style="list-style-type: none"> • Impacts from ammonia not considered in assessment of traffic emissions (Construction and Operation). • Impacts of acid deposition from aerial emissions (Construction and Operation). • In-combination impacts of nitrogen deposition from aerial emissions (Operation). • Impact of amines from aerial emissions (Operation). • Consideration of sites used to inform in-combination assessment, and resulting conclusion being unclear (Construction and Operation). • Potential sources of air emissions appear to be excluded from the assessments (Construction and Operation). • Clarification required regarding scope of emissions from main site (Construction and Operation). • Impact from emissions during 4-year major overhaul. <p>Please provide a detailed and reasoned response in respect to the issues raised by NE in regard to air quality.</p>
Q1.3.13	Applicant	<p>Clarification.</p> <p>Please explain why the Coastal Dune Grasslands (Grey Dunes) feature of the Durham Coast SAC was considered in the air quality modelling for nutrient nitrogen deposition in ES Appendix 8B (Air Quality - Operational Phase) [APP-191] (Table 8B-31) but not in the Report to Inform Habitats Regulations Assessment (HRA) [AS-016].</p>

ExQ1	Question to:	Question:
4. Habitat Regulations Assessment, Biodiversity, Ecology and Nature Conservation, including Ornithology and Marine Ecology		
Q1.4.1	Applicant	<p>Clarification.</p> <p>Please explain the implications (if any) of the updated bird survey work that was undertaken at Greenabella Marsh (Sector 22), Navigator Terminals foreshore (Sector 25), Dabholm Gut (Section 18) and Tank Farm (Sectors G13, G13a and B25) up to March 2024 (and due to be submitted as an Addendum to the ES) for the assessment and conclusions of the Report to Inform HRA [AS-016].</p>
Q1.4.2	Applicant	<p>Clarification.</p> <p>Paragraph 4.4.3 of the Report to Inform HRA [AS-016] states that the pathway of effects on foraging resources which support qualifying bird species would be considered further at appropriate assessment stage for the decommissioning phase of the Proposed Development. This impact pathway is not referred to again in the Report. The Applicant is requested to clarify what is meant by this reference.</p>
Q1.4.3	Applicant	<p>Clarification.</p> <p>Please confirm your approach to assessment of the Ramsar sites screened in for Likely Significant Effect(s) (LSE) (Teemouth and Cleveland Coast and Northumbria Coast) in the absence of conservation objectives.</p>
Q1.4.4	Applicant	<p>Clarification.</p> <p>Paragraphs 6.1.3 to 6.1.12 of the Report to Inform HRA [AS-016] describe the potential for direct habitat loss at the Teemouth and Cleveland Coast SPA and Ramsar site from horizontal directional drilling collapse during construction. Please confirm the potential area of habitat that could be lost as a result of this impact, in the absence of mitigation.</p>
Q1.4.5	Applicant	<p>Clarification/ view sought..</p> <p>Table 7-1 of the Report to Inform HRA [AS-016] lists the plans and projects which could lead to in-combination effects with the Proposed Development. The Applicants' approach to the assessment</p>

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ExQ1	Question to:	Question:
		only considers potential in-combination effects in relation to effects on site integrity and does not address the potential for in-combination LSEs. Please explain this approach. In responding, please also address the comments raised by NE in its RR [RR-026] , (NE14) about how projects were identified and discounted from the in-combination assessment.
Q1.4.6	Applicant	<p>Clarification.</p> <p>Please confirm that the impact pathway to the Northumbria Coast SPA and Ramsar site as summarised in Table D-5 of Annex D to the Report to Inform HRA [AS-016] should be operational atmospheric pollution and not during construction/ decommissioning.</p>
Q1.4.7	Applicant	<p>Review/ Clarification.</p> <p>The Applicant's Additional Submissions published on 30 May 2024 included the Report to Inform HRA [AS-016]. Before its publication, the ExA raised concern as to the level of redaction and asked the Applicant to review the document. However, having reviewed this document, the ExA is concerned as to the level of redaction now undertaken. In accordance with the Environmental Information Regulations, public authorities must make environmental information available proactively. Regulation 12(5)(g) says that a public authority may refuse to disclose information to the extent it would adversely affect protection of the environment to which the information relates but it is a qualified exception. The public interest test in Regulation 12(1)(b) must be considered and Regulation 12(2) states that a presumption in favour of disclosure must be applied.</p> <p>In the light of the above, the ExA is concerned that the current level of redaction in the Report presents an issue for compliance with the duty, as it includes multiple instances of redaction of information that is already publicly available, for example from NE documents or websites.</p> <p>The Applicant is requested to review the report again and provide a version with an appropriate level of redaction. Guidance is available in Assessing and providing access to sensitive data (nbn.org.uk).</p>
Q1.4.8	NE	Clarification/ Information.

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ExQ1	Question to:	Question:
		Please confirm that NE is satisfied that the Applicant has identified all relevant European sites and qualifying features in its Report to Inform HRA [AS-016]. If not, confirm which are missing and for what impact pathways.
Q1.4.9	NE	Clarification/ View sought. Part II of NE's RR [RR-026] states it agrees there would be no adverse effects on integrity for the North Northumberland Coast, Humber Estuary and The Wash and North Norfolk Coast SACs. However, NE26 raises concerns about noise disturbance to seal qualifying features. Can NE confirm if it is satisfied that there is no adverse effects on integrity to these sites. Can NE also confirm if its concerns relate only to noise, ie that it is satisfied by the Applicant's conclusions in [AS-016] on visual disturbance to seal qualifying features.
Q1.4.10	Applicant/ NE	Clarification/ Views sought. Please confirm if Coastal Dune Grasslands (Grey Dunes) is a qualifying feature of the Durham Coast SAC. It does not appear as a qualifying feature on the citation provided in the Applicant's Report to Inform HRA [AS-016], but it has been modelled in the air quality assessment for nutrient nitrogen deposition, as presented in ES Appendix 8B (Air Quality - Operational Phase) [APP-191], Table 8B-31.
Q1.4.11	NE	Clarification. In NE's RR [RR-026] (NE1) you advised that project commitments should be logged in a Framework Construction Environmental Management Plan (CEMP) and that mitigation plans for horizontal directional drilling collapse should be secured in the DCO. Can NE explain what additional measures it considers are needed in the Framework CEMP [APP-043] in this regard, noting that some measures are included under Surface Water (Table 7-2) and Marine Ecology (Table 7-7).
Q1.4.12	NE	Views sought. In NE's RR [RR-026] (NE4 and NE5), you advise that you do not support the use of 'Waterbird disturbance mitigation toolkit (Institute of Coastal and Estuarine Studies', 2013) as evidence has not been collected in a rigorous manner and it has not been peer reviewed. Can NE advise of any

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ExQ1	Question to:	Question:
		alternative guidance that would be appropriate to support the establishment of thresholds for noise levels for bird disturbance.
Q1.4.13	NE	<p>Clarification.</p> <p>In NE's RR [RR-026] (NE9, NE10, NE11 and NE16), you requested consideration of additional pollutants as part of the screening of construction phase emissions to air to the Teesmouth and Cleveland Coast SPA and Ramsar site and a mitigation plan (monitoring plan for construction dust). The Applicant screened out this impact pathway for LSEs, specifically for construction traffic based on the results presented in ES Chapter 8 (Air Quality) [APP-060]. Can NE clarify if it considers that this impact pathway should be assessed at the appropriate assessment stage.</p>
Q1.4.14	NE	<p>Information sought.</p> <p>Can NE provide confirmation of what additional information it requires in relation to the temporal overlap with neighbouring schemes for the purposes of understanding the in-combination assessment in [AS-016], including a list of the schemes the information is required for.</p>
Q1.4.15	Applicant	<p>Response sought.</p> <p>The Applicant is requested to submit a detailed response to items NE1 to NE26 in NE's RR [RR-026], Table 1. Comments in response to RRs are required in the current timetable by Deadline 1 (Tuesday 17 September 2024) and the ExA expects your detailed response to NE's RR by that Deadline. In instances where further consultation or assessment work is proposed, the Applicant is requested to submit a timetable confirming the actions proposed and associated timeframes.</p>
Q1.4.16	Applicant	<p>Clarification.</p> <p>The Applicant's position on biodiversity net gain is set out in the Outline Landscape and Biodiversity Management Plan (LBMP) [APP-039] and the Planning Statement [APP-031]. Whilst the ExA notes that the Applicant has sought to justify its approach with regard to policy requirements in section 4.6 of the Overarching National Policy Statement (NPS) for Energy (NPS EN-1), which states that opportunities</p>

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ExQ1	Question to:	Question:
		<p>should be sought to provide net gains and that applicants are encouraged to use the latest version of the biodiversity metric to calculate the baseline and planned net gain outcomes, it considers there is a lack of clarity in the information presented. The Applicant is requested to provide the following information:</p> <ul style="list-style-type: none"> • How the biodiversity baseline would be established for the Order Limits in the absence of a completed biodiversity metric. • What measures within the outline LBMP would contribute to the Applicant’s approach to no net loss or net gain, as distinct from measures required for mitigation or compensation of adverse effects identified in the ES. • Expected timescales for development of a s106 agreement and whether it is intended to submit a draft and/ or heads of terms into examination.
Q1.4.17	<p>Applicant, NE, and STBC, together with any other relevant Authority/ Body.</p>	<p>Clarification/ Views sought.</p> <p>The ExA has noted the Applicant’s ‘Change Notification’ [PDA-019] submitted on 15 August 2024 and the potential removal of the land at the Northern Gas Networks AGI off the A178 Seaton Carew Road at Saltholme. However, in the absence of a formal Change Request being submitted, the ExA notes ES Chapter 6 (Alternatives and Design Evolution) [APP-058] identifies social and ecological constraints associated with the Cowpen Bewley Woodland Park Local Wildlife Site and Local Nature Reserve (Option A) for the proposed hydrogen distribution network connection and that ES Chapter 12 (Ecology and Nature Conservation (including aquatic ecology) [APP-064] concludes a moderate adverse (significant) effect in regard to the location of Option A arising from loss of woodland habitat, with ES Chapter 22 (Human Health) [APP-075] also identifying a moderate adverse (significant) effect to human health from loss of open space prior to mitigation in the form of replacement open space. Bearing this in mind, the Applicant is requested to provide a clearer explanation of:</p> <ul style="list-style-type: none"> • why Option A is required in addition to the Northern Gas Networks AGI off the A178 Seaton Carew Road at Saltholme (Option B), especially as ES Chapter 6 (Alternatives and Design Evolution) [APP-058] simply states at paragraph 6.7.7 that it is owing to different requirements of transmission and distribution system connections;

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ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • if any alternative options to Option A were considered and, if so, the environmental reasons as to why these were discounted; • how the mitigation hierarchy has been applied to Option A; • how the identified mitigation is proposed to be secured through the draft DCO [AS-013]; and • what measures are proposed to ensure that the Cowpen Bewley Open Space Replacement Land and associated woodland planting is effective as mitigation for the identified human health effects and compensation for the loss of woodland. What commitments are proposed for ongoing maintenance. In this respect, the ExA notes that no measures are set out in the Outline LBMP [APP-039], with Section 5.0 stating it does not need to be included because it is secured in an article of the draft DCO. Provision of the replacement land is included as Work No. 11 and shown on the Works Plans [AS-005] but the draft DCO does not appear to have any provisions relating to agreement of its final design or ongoing maintenance. <p>The Applicant is requested to confirm if any of the woodland habitat to be lost at Cowpen Bewley comprises ancient woodland.</p> <p>NE and STBC are requested to identify any outstanding concerns held about the Applicant’s approach to inclusion of Option A for the hydrogen distribution network connection, including how it proposes to secure the detail design and maintenance of the Cowpen Bewley Open Space Replacement Land.</p>
Q1.4.18	Applicant	<p>Explanation/ Action.</p> <p>In regard to ornithology, it was noted at acceptance stage that bird surveys in selected locations was ongoing until March 2024, and the baseline described in ES Chapter 13 (Ornithology) [APP-065] reflected survey results up to December 2023 in these locations. The Applicant responded to s51 advice on this matter in [AS-002] to confirm that a supplementary Ornithology Baseline Report presenting 2024 data would be submitted prior to the start of the Examination.</p> <p>However, the ExA notes that in your letter titled ‘Written Submissions on the Examination Procedure’ [PDA-020] you advise that in light of NE’s RR [RR-026], you wish to discuss the results of the 2024 surveys with NE first, so they can be considered as part of the wider discussions on their comments relating to matters, and updates that may be required to the Report to Inform HRA [APP-040]. You also</p>

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ExQ1	Question to:	Question:
		<p>state these discussions are on-going and that you are working to submit an updated Report to Inform HRA, with the Supplementary Ornithology Baseline Report, by Deadline 3.</p> <p>The ExA would ask you to explain why these reports cannot be submitted by Deadline 2, allowing a deadline prior to the currently scheduled set of Hearings in November. This would allow an intervening Deadline prior to the November Hearings for responses/ comments on these reports to be made/ submitted into the Examination. This is likely to greatly aid the Examination in being able to focus any Issue Specific Hearings that may be needed that encompass ornithology.</p>
Q1.4.19	NE	<p>View Sought.</p> <p>NE [RR-026] has raised concerns about the assessment of cumulative effects, with regard to uncertainty over timing and temporal overlap of adjacent projects and reliance of the Proposed Development on NZT. It has reserved the right to make further comments about ornithology, air and water quality effects once further information is available.</p> <p>Can NE confirm which neighbouring projects are of particular concern for its understanding of cumulative effects as flagged in [RR-026] and set out the temporal overlap information it needs to understand impacts, noting that construction timescales for shortlisted projects are indicated in ES (Appendix 23C Shortlist of other developments within the Search Area) [APP-223].</p>
Q1.4.20	Applicant	<p>Clarification.</p> <p>The Applicant is requested to explain how it is proposed to ensure that habitat reinstatement, as secured through the LBMP and Requirement 4 of the draft DCO [AS-013], is provided on a like-for-like basis and how this would be demonstrated to the approving bodies.</p>
Q1.4.21	Applicant	<p>Clarification/ Amendments sought.</p> <p>The EA in its RR [RR-009] raises concerns regarding ES Chapter 12 (Ecology and Nature Conservation (including aquatic ecology) [APP-064] and the Outline LBMP [APP-039]. These concerns include:</p> <ul style="list-style-type: none"> • Use of Phase 1 rather than UK Habitat Classification System (UKHab). • The identification of habitats and/ or insufficient habitat. • Habitat and Statutory Site Linkages.

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ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • Inconsistency between documents & weak assessment of value. • invasive nonnative species. <p>Please review and respond to the concerns raised by the EA, as set out above, or signpost the ExA as to where you have provided consideration/ identification in regard to the points made above within the submitted Application Documentation.</p>
Q1.4.22	Applicant	<p>Clarification/ Amendments sought.</p> <p>The EA in its RR [RR-009] raises concerns regarding the Framework CEMP [APP-043]. Specifically its concerns related to:</p> <ul style="list-style-type: none"> • No consideration in the document of what would occur if otter are encountered during works outside of a rest site; or otter being trapped in excavations. • No identification of measures to protect otter from harm being identified in the document. • No consideration in the document in regard to what will occur if water vole are encountered during works not at a burrow; or water vole being trapped in excavations. <p>Please review and respond to the concerns raised by the EA, as set out above, or signpost the ExA as to where you have provided consideration/ identification in regard to the points made above within the submitted Application Documentation.</p>
Q1.4.23	Applicant	<p>Clarification.</p> <p>The ExA notes ES Chapter 14 (Marine Ecology) [APP-067] and specifically paragraph 14.5.11, concerning a frac-out risk assessment and paragraph 14.5.16 that concerning a Hydraulic Fracture Risk Assessment. Bearing the above in mind, please advise whether the risk of Bentonite Breakout has been assessed within the ES Chapter 14 (Marine Ecology) [APP-067] and whether, as part of the Proposed Development, you intend to submit an Outline Marine and Intertidal Pollution Contingency Plan and an Outline Bentonite Management Plan? If the risk of Bentonite Breakout has been assessed within the ES please signpost the ExA as to where within the submitted Application documentation it can be located.</p>

ExQ1	Question to:	Question:
5. Climate Change		
Q1.5.1	<p>Applicant, EA, and relevant LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body</p>	<p>Clarification/ Views sought.</p> <p>Paragraph 19.3.2 of ES Chapter 19 (Climate Change) [APP-072] states due to construction phasing there will be a period following opening of Phase 1 where Phase 1 will be operational and Phase 2 in construction. The assessment methodology for all assessments considers a scenario independent of the overlap of phases, where all construction is completed within a four-year period. This has no impact on the quantification of emissions associated with the Proposed Development.</p> <ul style="list-style-type: none"> i) Please confirm whether there has been any consideration of potential delay in the construction/ operation of Phase 1 and 2 beyond the four-year period. ii) Paragraph 19.3.2 of ES Chapter 19 (Climate Change) [APP-072] states the assessment methodology for all assessments considers a scenario independent of the overlap of phase 1 and 2 of the Proposed Development. Please explain why this approach has been taken in the assessment and why the implications or risks associated with the potential delay in the construction of Phase 1 has not been assessed. iii) Do the EA and/ or LAs have any comments or observations in relation to the implications of any potential delay in the construction/ operation of Phase 1 and/ or Phase 2 beyond the four-year period and whether this is likely to have an impact on the assessment methodology and/ or quantification of emissions associated with the Proposed Development?
Q1.5.2	<p>Applicant</p>	<p>Clarification.</p> <p>In terms of the Impact Assessment and Methodology, paragraph 19.5.9 of ES Chapter 19 (Climate Change) [APP-072] states where data is available, Greenhouse Gas (GHG) emissions arising from construction activities, embodied carbon in materials and operational direct and indirect emissions of the Proposed Development have been quantified using a calculation-based methodology as per the following equation and aligned with the GHG Protocol (World Resource Institute and World Business Council for Sustainable Development, 2004): Activity data x GHG emissions factor = GHG emissions. Bearing the above in mind, please explain what data is not available and why?</p>

ExQ1	Question to:	Question:
Q1.5.3	EA, UKHSA, and relevant LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Views sought.</p> <p>Paragraphs 19.5.12 – 19.5.19 of ES Chapter 19 (Climate Change) [APP-072] sets out the methodology and assessment for determining potential GHG emissions from the Proposed Development during the construction, operational and decommissioning phase, whilst Tables 19-1 - 19-3 summarise the key anticipated GHG emissions sources from the construction, operational and decommissioning stage and whether they have been scoped in or out of the assessment ES Chapter 19 (Climate Change) [APP-072]. With this in mind:</p> <ul style="list-style-type: none"> i) Do the EA, UKHSA and LAs together with any other relevant Authority/ Body agree with the assessment methodology adopted by the Applicant regarding GHG emissions, as set out in paragraphs 19.5.12 – 19.5.19 referred to above? ii) Do the EA, UKHSA and LAs together with any other relevant Authority/ Body have any comments or observations to make in regard to Tables 19-1 - 19-3 concerning potential emission. iii) Can the EA confirm whether the Applicant has agreed appropriate conditions/ measures with them in this regard, which will be incorporated into any EP issued by them, especially in regard to GHG emissions or whether discussions are ongoing. If conditions/ measures have been agreed, please enter a copy of those conditions/ measures into the Examination or explain why that would not be possible.
Q1.5.4	Applicant	<p>Clarification.</p> <p>Paragraph 19.5.42 of ES Chapter 19 (Climate Change) [APP-072] states “The proposed design’s operation is intended to contribute to avoidance of GHG impact by contributing to decarbonisation and the UK’s net zero goals by providing low carbon hydrogen.” It is further stated in Paragraph 19.5.43 set out below:</p> <p>“The main mitigation strategy is carbon capture which is designed to capture in excess of 95% of the emissions resulting from the Proposed Development operation. The capture rate will be addressed in the permit. It is a key assumption that carbon capture is part of the Proposed Development and transported and stored using Northern Endurance Partnership infrastructure.” The inter-relationship between the Proposed Development and the Northern Endurance Partnership is clearly set out in Paragraph 6.2.8 of ES Chapter 6 (Needs, Alternatives and Design Evolution) [APP-058].</p>

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ExQ1	Question to:	Question:
		<p>Bearing the above in mind, it would appear to the ExA that the Proposed Development is reliant on the Northern Endurance Partnership, as well as the NZT DCO, in regard to transportation and storage of the CO₂. The NZT DCO has recently been the subject of an unsuccessful judicial review, but the ExA would ask whether the Applicant is aware of any potential appeal to this judgement and, if so, what the likely impacts could be in regard to the Proposed Developments deliverability?</p>
Q1.5.5	Applicant	<p>Clarification.</p> <p>Paragraph 19.2.50 of ES Chapter 19 (Climate Change) [APP-072] states the UK Low Carbon Hydrogen Standard (DESNZ, 2023) provides standards to define what constitutes low carbon hydrogen at the point of the production, whilst Paragraph 19.2.52 indicates the requirements around fugitive hydrogen emissions are set in that Standard. These include expected rates of emissions, the need for producing a plan for how hydrogen emissions will be minimised and the need for monitoring plans.</p> <p>Paragraph 19.5.76 of ES Chapter 19 (Climate Change) [APP-072] states further that there is a potential that fugitive emissions of hydrogen (including from the Hydrogen Distribution Network) could contribute to the impact of the Proposed Development, so, in line with the Low Carbon Hydrogen standard, the operation of the Proposed Development will minimise cold venting and fugitive emissions of hydrogen throughout the operation.</p> <p>Bearing the above in mind:</p> <ul style="list-style-type: none"> i) Please explain how expected fugitive hydrogen emissions of the Proposed Development will be minimised and monitored in line with the UK Low Carbon Hydrogen Standard (2023). ii) Please confirm whether the UK Low Carbon Hydrogen Standard (2023) sets a threshold of what is considered to be low fugitive emissions. iii) Please provide further details, including any assessment model(s) and references to threshold figures for low hydrogen fugitive emissions (if applicable) that demonstrate how the operation of the Proposed Development will minimise cold venting and fugitive hydrogen emissions, in accordance with the UK Low Carbon Hydrogen Standard (2023).
Q1.5.6	Applicant	<p>Clarification.</p> <p>Paragraph 19.5.58 of ES Chapter 19 (Climate Change) [APP-072] sets out how the magnitude of climate change impacts associated with operating the Proposed Development and the GHG emissions</p>

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ExQ1	Question to:	Question:
		<p>that are associated with relevant activities were calculated and lists a series of assumptions used to inform those calculations. In relation to up-stream emissions the ES suggests:</p> <ul style="list-style-type: none"> • that the majority of the emissions arise from a scenario of 5% unabated CO₂ from the Hydrogen Production Facility, upstream ‘well to tank’ Methane (CH₄) emissions and imported electricity. With minor contributions coming from flare pilots, flue gas, vent and seal leakage, worker transport and downstream combustion of residual CH₄ in the hydrogen stream. • electricity demand, hydrogen output, CO₂ streams and upstream emissions (well-to tank CH₄ extraction) and downstream emissions (combustion of CH₄ in hydrogen product) doubling in scale after Phase 2. • Natural gas leakage on site being relatively low due to the first process of the Auto Thermal Reformer splitting natural gas, with natural gas leakages only being accounted for in upstream emissions calculations. <p>Can the applicant please explain the justification for these assumptions further, especially the scenario related to the 5% unabated CO₂ referred to in the first bullet point.</p>
Q1.5.7	Applicant and all IPs	<p>Views sought.</p> <p>The Supreme Court has recently (20 June 2024) handed down judgment in the case of R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council and others.</p> <p><u>To the Applicant:</u> Following the Supreme Court judgment, please comment on the relevance or otherwise of the above mentioned Supreme Court judgment, especially in regard to your assessment of GHG emissions in ES Chapter 19 (Climate Change) [APP-072].</p> <p><u>To IPs:</u> Please comment on the relevance or otherwise of the above mentioned Supreme Court judgment in regard to this Proposed Development.</p>
Q1.5.8	Applicant	<p>Clarification.</p> <p>ES Chapter 19 (Climate Change) [APP-072], Table 19-6 presents an estimate of GHG emissions from construction activities. An annual GHG emission total for a period of four years, 2026 to 2030 is also presented. The Applicant is requested to explain why this period has been used for the prediction of construction phase GHG emissions, noting that elsewhere in the ES (including Chapter 4 (Proposed</p>

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ExQ1	Question to:	Question:
		<p>Development) [APP-056] and Chapter 7 (Construction Programme and Management) [APP-057]) the construction period is described as potentially lasting six years, between Q3 2025 and the end of 2030.</p> <p>If predicted construction phase GHG emissions have been underreported, the Applicant is requested to submit an updated climate change assessment reflecting the worst case scenario for the construction phase.</p>
Q1.5.9	Applicant	<p>Clarification.</p> <p>ES Chapter 19 (Climate Change) [APP-072], paragraph 19.5.44 states that process emissions, mainly CO₂, hydrogen and CH₄, would be regulated through an EP. Tables 19-8 and 19-9 include a prediction of the average annual GHG emissions (in tCO₂e/ year) during operation for the 5% of uncaptured CO₂, uncaptured CO₂ from transport movements, and downstream combustion of residual CH₄ in the hydrogen export stream for Phase 1, and Phases 1 and 2 together, respectively. The estimated annualised residual GHG emissions are then compared to the relevant sectoral carbon budget projects in Table 19-11. Figures used for the Proposed Development in Table 19-11 are totalled up by sector (fuel supply, power and domestic transport). Bearing this in mind, the ExA is not entirely clear how these relate to the figures presented in Table 19-8. Please clarify.</p>
<p>6. Compulsory Acquisition and Temporary Possession</p>		
Q1.6.1	Applicant	<p>The accuracy of the Book of Reference (BoR), Land Plans and points of clarification.</p> <p>Explain how the BoR [AS-012] complies with the guidance published by the former Department for Communities and Local Government – Planning Act 2008 (PA2008): Guidance related to procedures for the CA of land Annex D.</p>
Q1.6.2	Applicant	<p>The accuracy of the BoR, Land Plans and points of clarification.</p> <p>Please confirm that the BoR [AS-012] accurately sets out the various plots and interests. Please identify any inaccuracies that have come to light since the submission of the application and any further updates that need to be made at this stage.</p>

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ExQ1	Question to:	Question:
Q1.6.3	Applicant	<p>The accuracy of the BoR, Land Plans and points of clarification.</p> <p>What assurance and evidence can the Applicant provide of the accuracy of the land interests identified as submitted. Additionally, please indicate whether there are likely to be any changes to the land interests, including the identification of further owners/ interests or monitoring and update of changes in interests?</p>
Q1.6.4	Applicant	<p>The accuracy of the BoR, Land Plans and points of clarification.</p> <p>The BoR [AS-012] states that the Applicant has made diligent inquiry for persons in Category 1 and 2, as defined under S57 of PA2008. Please comment on the reliability and accuracy of the BoR in the light of those inquiries.</p>
Q1.6.5	Applicant	<p>The accuracy of the BoR, Land Plans and points of clarification.</p> <p>Please provide further details of the process for identifying Category 3 persons and if the Applicant considers these inquiries are complete. Are there any other persons who might be entitled to make a relevant claim if the draft DCO were to be made and fully implemented and should therefore be added as Category 3 parties to the BoR.</p>
Q1.6.6	Applicant	<p>The accuracy of the BoR, Land Plans and points of clarification.</p> <p>The BoR [AS-012] details the parcels of land in unknown ownership. Please confirm that this is an up to date list of those plots of land where ownership still remains unknown and indicate whether and, if so, what further steps are intended to be carried out to ascertain the ownership of these unregistered parcels of land?</p>
Q1.6.7	Affected Persons/ IPs	<p>The accuracy of the BoR, Land Plans and points of clarification.</p>

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ExQ1	Question to:	Question:
		<p>Are any Affected Persons or IPs aware of any inaccuracies in the BoR [AS-012], SoR [APP-024] or Land Plans [AS-003]? If so, please set out what these are and provide the correct details.</p>
Q1.6.8	Applicant	<p>The scope and purpose of the CA Powers sought.</p> <p>In the SoR [APP-024] the terms ‘rights’, ‘easements’ and ‘covenants’ are all variously mentioned, please explain what the differentiation is between these terms in the context of the Application.</p>
Q1.6.9	Applicant	<p>The scope and purpose of the CA Powers sought.</p> <p>Paragraph 6.1.17 of the SoR [APP-024] states that Articles 23 and 26 of the draft DCO [AS-013] give the Applicant the Power to override easements and other rights.</p> <ul style="list-style-type: none"> • Please provide details of the rights that are anticipated to be extinguished. • Please confirm that all parties or people with rights to be extinguished have been identified and detail how negotiations are being undertaken with people who are not listed in the Schedule of Negotiations and Powers Sought [APP-029]. • Please explain how rights will be reestablished for people who will continue to require them after the construction phase is complete. • Please detail if and how rights holders will be consulted on temporary and/ or permanent alternative routes etc when rights are suspended or extinguished.
Q1.6.10	Applicant	<p>The scope and purpose of the CA Powers sought.</p> <p>The SoR [APP-024], paragraphs 6.1.14 and 6.1.15, refers to Article 25 of the draft DCO [AS-013] and provides a description of the land which is subject to the acquisition of rights or the imposition of restrictive covenants:</p> <ul style="list-style-type: none"> • Please provide an indication of the anticipated content and/ or an initial draft of any restrictive covenants intended to be imposed. • Should a requirement for consultation with relevant owners/ occupiers as regards the drafting of any such restrictive covenants be imposed?

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ExQ1	Question to:	Question:
Q1.6.11	Applicant	<p>The scope and purpose of the CA Powers sought.</p> <p>The Explanatory Memorandum (EM) [APP-028], paragraph 3.6.17, indicates that Article 28 would enable the Applicant to choose instead of acquiring the whole of the land, to acquire only the subsoil underneath, or airspace over the land. Please indicate the circumstances in which this power might be used, and the anticipated purposes of any land so acquired, referencing individual plots as necessary?</p>
Q1.6.12	Applicant	<p>The scope and purpose of the CA Powers sought.</p> <p>Please detail what would happen to rights acquired if and when the pipeline were to be decommissioned and how is this secured in the draft DCO?</p>
Q1.6.13	Applicant	<p>The scope and purpose of the CA Powers sought.</p> <p>Please confirm that all matters ancillary to the development contained within Schedule 5 of the PA2008 are included within the scope for the CA powers sought if relevant.</p>
Q1.6.14	Applicant	<p>The scope and purpose of the CA Powers sought.</p> <p>With respect to the powers of Temporary Possession (TP) sought under Articles 32 and 33 of the draft DCO [AS-013] and to assist with the consideration of whether the extent of the land to be used temporarily is no more than is reasonably required for the purposes of the development to which the development consent will relate, please provide further details to justify the extent of the land sought to be used temporarily. For each area explain why such a size is required and the justification for the extent of the plots proposed to accommodate them.</p>
Q1.6.15	Applicant	<p>The scope and purpose of the CA Powers sought.</p> <p>A number of the plots appear to overlap or are the same as those for which CA and TP has been included within the consented NZT DCO however there is no reference in the BoR to the developer of</p>

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ExQ1	Question to:	Question:
		that project having rights over those plots in any category (as a single example, refer to plots 15/158 and 15/159). Please explain why this is the case and why in many cases the same plots are being acquired for this Proposed Development.
Q1.6.16	Applicant	<p>The scope and purpose of the CA Powers sought.</p> <p>Paragraph 6.1.23 of the SoR [APP-024] details two areas of 'White Land'. One of these is shown Land Plan [AS-003] Sheet 19 of 21. When referenced against the Works Plans, sheet 43 of 44 details a requirement for access over this land. Please explain why this particular section of road is not deemed to need CA of rights or extinguishment of existing rights.</p>
Q1.6.17	Applicant	<p>The scope and purpose of the CA Powers sought.</p> <p>Paragraph 11 of the CA Guidance states that "... <i>The Secretary of State (SoS) will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development...</i>" Please detail how the ExA can be satisfied that this is the case, please reference locations where pipeline corridors appear to exceed the guideline construction widths required as detailed in the SoR [APP-024].</p>
Q1.6.18	Applicant	<p>Whether there is a compelling case in the public interest for the CA of the land, rights and powers that are sought by the draft DCO.</p> <p>The SoR [APP-024] paragraph 13.1.6, states that the Applicant considers the substantial public benefits from the proposed CA would outweigh the private loss that would be suffered by those whose land or interests will be acquired, and therefore justifies interference with such land or rights. However, whilst section 7.0 outlines the benefits delivered by the Proposed Development and its objectives, there is little mention of any consideration given to private loss. Please provide further explanation in relation to the following:</p> <ul style="list-style-type: none"> • What assessment, if any, has been made of the effect upon individual Affected Persons and their private loss that would result from the exercise of CA powers in each case. • If no such exercise has been undertaken, please explain why it is considered unnecessary to do so in this case?

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ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • What is the clear evidence that the public benefit would outweigh the private loss and how has that balancing exercise between public benefit and private loss been carried out?
Q1.6.19	Applicant	<p>Whether there is a compelling case in the public interest for the CA of the land, rights and powers that are sought by the draft DCO.</p> <p>For the avoidance of doubt, what are all the factors that are regarded as constituting evidence of a compelling case in the public interest for the CA powers sought for this NSIP and where, giving specific paragraph references, are these set out in the submitted documentation?</p>
Q1.6.20	Applicant	<p>Whether there is a compelling case in the public interest for the CA of the land, rights and powers that are sought by the draft DCO.</p> <p>The SoR [APP-024] outlines the steps the Applicant has taken to acquire land by negotiation and the status of those negotiations is set out in the Schedule of Negotiations and Powers Sought [APP-026]. Please provide further details, with examples where available:</p> <ul style="list-style-type: none"> • Whether such engagement has helped to shape the proposals and enabled the Applicant to make changes to designs, including the extent of land-take, to minimise the private loss. • Please provide detail, where available, of any direct and indirect impacts thereby identified.
Q1.6.21	Applicant	<p>Whether there is a compelling case in the public interest for the CA of the land, rights and powers that are sought by the draft DCO.</p> <p>What weight has the Applicant attached to the compensation that would be available to those entitled to claim it under the relevant provisions of the national Compensation Code in its assessment of private loss?</p>
Q1.6.22	Applicant	Whether all reasonable alternatives to CA have been explored.

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ExQ1	Question to:	Question:
		<p>The CA Guidance, paragraph 25, state that applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.</p> <ul style="list-style-type: none"> • Please demonstrate the Applicant's compliance with this aspect of the CA Guidance. • Has the Applicant offered full access to alternative dispute resolution techniques for those with concerns about the CA of their land or considered other means of involving those affected? If so please explain these.
Q1.6.23	Applicant	<p>Whether all reasonable alternatives to CA have been explored.</p> <p>In the light of the DCLG Guidance related to procedures for the CA of land (CA Guidance), paragraph 8:</p> <ul style="list-style-type: none"> • How can the ExA be assured that all reasonable alternatives to CA (including modifications to the scheme) have been explored? • Set out in summary form, with document references where appropriate, what assessment/ comparison has been made of the alternatives to the proposed acquisition of land or interests therein in each case.
Q1.6.24	Applicant	<p>Whether all reasonable alternatives to CA have been explored.</p> <p>Further to paragraph 1.1.25 of the SoR [APP-024] please give a detailed explanation of the need to CA freehold for all of the plots detailed as such and explain what alternatives have been assessed to CA.</p>
Q1.6.25	Applicant and relevant IPs.	<p>Whether all reasonable alternatives to CA have been explored.</p> <p>The RR [RR-013] of Navigator Terminals Limited, paragraph 2.13.2, details discussions that have been held regarding the potential for a pipeline tunnel under the River Tees, this is also referenced variously by other RRs. Please explain if these discussions are still proceeding and detail of how they could impact the CA requirements of the Proposed Development.</p>

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ExQ1	Question to:	Question:
Q1.6.26	Applicant	<p>Whether all reasonable alternatives to CA have been explored.</p> <p>Please explain what, if any, account has been taken of responses to pre-application consultation (both in relation to statutory and non-statutory consultation) in the location and design of the scheme in considering whether there are reasonable alternatives to CA.</p>
Q1.6.27	Applicant	<p>Whether adequate funding is likely to be available.</p> <p>In the light of the CA Guidance, paragraph 18, what evidence is there to demonstrate that adequate funding is likely to be available to enable the CA within the statutory period following any DCO being made?</p>
Q1.6.28	Applicant	<p>Whether adequate funding is likely to be available.</p> <p>Please summarise the evidence relied upon to support the conclusion that there is a reasonable prospect that the scheme, if granted consent, would actually be taken forward and in what time period?</p>
Q1.6.29	Applicant	<p>Whether adequate funding is likely to be available.</p> <p>The Funding Statement [APP-025] indicates that the scheme has a most-likely estimate of £2,300 million for Phase 1 and £2,200 million for Phase 2 to cover all costs to deliver the Proposed Development. This estimate includes an allowance for compensation payments relating to the CA of land interests in, and rights over, land and the TP and use of land. It also takes into account potential claims under Part 1 of the Land Compensation Act 1973, Section 10 of the Compulsory Purchase Act 1965 and Section 152(3) of the PA2008. How can the ExA be satisfied as to the reliability of that estimated figure, and what is its degree of accuracy?</p>
Q1.6.30	Applicant	<p>Whether adequate funding is likely to be available.</p> <p>The Funding Statement [APP-025] paragraph 4.1.5 states that there is potentially direct government funding support available for the Proposed Development. Please give further details of the funding stream, including if this has changed or is likely to change since the submission of the application and if</p>

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ExQ1	Question to:	Question:
		the project delivery is reliant on this funding. Please also explain what would happen if the funding was not available.
Q1.6.31	Applicant	<p>Whether adequate funding is likely to be available.</p> <p>Whilst the Funding Statement indicates that the costs of meeting any valid blight claim will be met by the Applicant, please confirm that the resource implications of a possible acquisition resulting from a blight notice have been taken account of in the overall cost estimate.</p>
Q1.6.32	Applicant	<p>Whether adequate funding is likely to be available.</p> <p>The Funding Statement [APP-025] details the organisational structure of BP Plc along with audited accounts, however there is limited information regarding the project partners, Abu Dhabi National Oil Company. It is accepted that 2.1.9 explains that this information is confidential, however, please explain how the ExA can be assured of the ability and commitment to funding the Proposed Application.</p>
Q1.6.33	Applicant	<p>Whether the purposes of the proposed CA justify interfering with the human rights of those with an interest in the land affected</p> <p>What degree of importance has been attributed to the existing uses of the land proposed to be acquired in assessing whether any interference would be justified, and why?</p>
Q1.6.34	Applicant	<p>Whether the purposes of the proposed CA justify interfering with the human rights of those with an interest in the land affected.</p> <p>The SoR [APP-024], section 11 states that the Applicant acknowledges that the scheme may have an impact on individuals. Both Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights are detailed in the SoR in the context of the exercise powers of CA sought through the draft DCO.</p>

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ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • Please identify all those properties where it is anticipated that Article 8 rights may be a relevant consideration and indicate whether any agreement has been reached with those owners/ occupiers affected in this way? • Please explain separately for each property the necessity and justification for seeking the application of CA or TP powers and how that would comply with Article 8?
Q1.6.35	Applicant	<p>Whether the purposes of the proposed CA justify interfering with the human rights of those with an interest in the land affected.</p> <p>The SoR [APP-024], paragraph 11.1.8, states that the Applicant has considered the potential infringement of the Convention rights in consequence with the CA powers in the order and the balance between that and public benefits of the Proposed Development. Please explain more precisely the factors which have been placed in the balance (including references to any paragraphs of the relevant NPS and Government Guidance), the weight attributed to those factors and how this exercise has actually been undertaken?</p>
Q1.6.36	Applicant	<p>Whether the purposes of the proposed CA justify interfering with the human rights of those with an interest in the land affected.</p> <p>The SoR [APP-024], paragraph 11.1.18 states that the Applicant considers that there is a compelling case in the public interest for the exercise of such powers of compulsory acquisition and that they consider that it would be appropriate and proportionate for the SoS to make the Order, including the CA powers sought.</p> <ul style="list-style-type: none"> • How has the proportionality test been undertaken? • Explain further the proportionate approach which has been taken in relation to each plot?
Q1.6.37	Applicant	<p>Whether the purposes of the proposed CA justify interfering with the human rights of those with an interest in the land affected.</p> <p>In relation to the Applicant's duties under section 149 of the Equalities Act 2010:</p>

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ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • Please explain how the Applicant has had regard to its public sector equality duty in relation to the powers of CA sought and where this can be identified in the Application. • Have any Affected Persons been identified as having protected characteristics?
Q1.6.38	Applicant	<p>Special Category Land and Crown Land.</p> <p>With respect to the ten Crown land interests (plots 1/13, 1/14, 1/15, 1/18, 1/18a, 1/21, 1/22, 8/28, 8/29 and 8/34) listed in Part 4 of the BoR [AS-012], please advise when it is expected that the necessary consent from the appropriate Crown authority to the CA of its affected land will have been obtained.</p>
Q1.6.39	Applicant and IPs	<p>Special Category Land and Crown Land.</p> <p>Please give details of why the replacement land identified, plot numbers 4/94 and 4/95, is considered to be appropriate, or inappropriate, in exchange for that sought to be acquired.</p>
Q1.6.40	Applicant	<p>Special Category Land and Crown Land.</p> <p>Please give an explanation for the need for CA for each of the plots on Open Space land including reference to these specific aspects:</p> <ul style="list-style-type: none"> • Please explain the need for the extent of CA for plot 4/30 and whether following detailed design or further consideration of location for a pipeline crossing of the railway this area could be reduced. Please also explain why the whole plot could not be returned to being open space following completion of construction. • Please explain the need to utilise the Cowpen Bewley Access Track Open Space, primarily shown as plot 4/24 when there is an existing access to the compound, has consideration been given to upgrading or changing the access from the road? • Please give further explanation as to how the order boundary and extent of freehold CA proposed has been established with regard to the permanent AGI when limited detailed design has been undertaken.

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ExQ1	Question to:	Question:
Q1.6.41	STBC, Northern Gas Networks, and other IPs	<p>Special Category Land and Crown Land.</p> <p>The SoR [APP-024], paragraph 9.1.47 states that the Applicant considers that The Cowpen Bewley Access Track Open Space, when burdened with proposed access rights proposed to be subject to CA, will not be any less advantageous to persons in whom it is vested and therefore the test under section 132(3) of the PA2008 is satisfied. Please state if this is considered to be correct or if this is contested.</p>
Q1.6.42	RCBC and other IPs	<p>Special Category Land and Crown Land.</p> <p>The SoR [APP-024], paragraph 9.1.62 states that the Applicant considers that Coatham Marsh Open Space Land, when burdened with proposed access rights proposed to be subject to CA, will not be any less advantageous to persons in whom it is vested and therefore the test under section 132(3) of the PA2008 is satisfied. Please state if this is considered to be correct or if this is contested.</p>
Q1.6.43	Applicant	<p>Special Category Land and Crown Land.</p> <p>Please detail what investigations have been carried out to ensure all potential common land right holders have been sought. The SoR [APP-024] details in paragraph 9.1.62 in relation to Coatham Marsh Open Space Land and paragraph 9.1.41 in relation to The Cowpen Bewley Access Track Open Space that there are no common rights holders, please confirm how all locations have been assessed in addition to these listed.</p>
Q1.6.44	Applicant	<p>The acquisition of Statutory Undertakers' land – s127 PA2008.</p> <p>The SoR [APP-024], paragraph 9.1.66, states that adequate protection for statutory undertakers' assets will be included within the Protective Provisions (PPs) in the draft DCO. The Applicant therefore considers that the statutory undertakers will not suffer serious detriment to the carrying on of the undertaking as a result of the CA of the land or as a result of the acquisition of rights over land.</p> <ul style="list-style-type: none"> • Have any PPs and/ or asset protective agreements between the various parties been agreed. If not, please identify any outstanding areas of disagreement?

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		<ul style="list-style-type: none"> For each Statutory Undertaker or operator of thirds party assets, please explain why the PPs set out in Schedule 12 of the draft DCO are considered to provide adequate protection and why the Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of the undertaking. For each of the Statutory Undertakers listed in the SoR paragraph 9.1.64 please indicate the nature and purpose of the works to be carried out on their land and whether s127, s138 or both applies to the powers sought in respect of their interest.
Q1.6.45	STG	<p>Objections to the grant of powers of CA and TP.</p> <p>The RR of the STG [RR-003] paragraph 3.25 states that ‘...<i>Were the compulsory powers in the DCO granted (in their current form), the South Tees Group is at risk of not being able to bring forward other development proposals for the site</i>’ and suggest that this may not meet the test that ‘...<i>there is compelling evidence that the public benefits that would be derived from the CA will outweigh the private loss that would be suffered by those whose land is to be acquired...</i>’ Paragraph 2.23 explains that the amount of land shown to be acquired would lead to large areas of sterilization. Please give further details of the plots and/ or areas that this is relevant to and the status of negotiations in this regard.</p>
Q1.6.46	Applicant and STG	<p>Objections to the grant of powers of CA and TP.</p> <p>The RR of the STG [RR-003] paragraph 3.4 states that the Order Limits shown are outside the scope of the option agreement for the Proposed Development. Please can STG explain the consequences of this and how this impacts the proposal. Can the Applicant please comment on this concern raised by the RR.</p>
Q1.6.47	Anglo American	<p>Objections to the grant of powers of CA and TP.</p> <p>In the RR of Anglo American [RR-010], at paragraph 4.2.1, it is suggested that acquiring land or rights by CA cannot be fully justified if that land is secured by virtue of a previously consented DCO/ NSIP. Please explain further the reasoning behind this statement and if it is believed that there can be no acquisition of this land whether by CA or negotiation. Please also give an update on negotiations with the Applicant.</p>

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ExQ1	Question to:	Question:
Q1.6.48	Applicant and Anglo American	<p>Objections to the grant of powers of CA and TP.</p> <p>In the RR of Anglo American [RR-010] paragraph 4.4 details a number of specific interfaces which they consider raise concerns regarding their assets and operations. Please provide further details of how these issues are being resolved and how they may impact on the land requirements of the Proposed Development.</p>
Q1.6.49	Applicant	<p>Objections to the grant of powers of CA and TP.</p> <p>The RR of CF Fertilisers UK Ltd [RR-011] suggests at paragraph 3.2 that the Proposed Development “...does not explicitly provide for capacity to be retained within the pipeline corridor for future pipeline infrastructure”. Please explain in this location and any other existing pipeline corridor how future development will not be impacted.</p>
Q1.6.50	Applicant	<p>Objections to the grant of powers of CA and TP.</p> <p>In the RR of Ineos Nitriles (UK) Ltd [RR-012] at paragraph 3.4, it states that they wish to see an alternative location for a temporary construction compound. Please explain the status of these negotiations and if this is being considered, what the impact would be on the land requirements and Order Limits.</p>
Q1.6.51	Applicant and Navigator Terminals Ltd	<p>Objections to the grant of powers of CA and TP.</p> <p>The RR of Navigator Terminals Ltd [RR-013] states at paragraph 2.4 that it has proposals for development on areas of underdeveloped land which may be impacted by the Proposed Development. Please detail how this issue is being progressed with the Applicant and if changes to the design are anticipated and if they are likely to impact on the CA requirements and Order Limits.</p>
Q1.6.52	PD Teesport Ltd (PDT)	<p>Objections to the grant of powers of CA and TP.</p> <p>In the RR of PDT [RR-014], at paragraph 2.2 it is stated that ‘the harbour area is particularly complicated from a land interest perspective with a vast number of businesses relying upon the Port’s activities, historic rights and infrastructure...and PDT must seek to protect these broader interests in the continuing operations of the Port’. Please detail in what regard PDT proposes to protect these</p>

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		businesses in the examination process and are any of these businesses not registered as IPs in their own right.
Q1.6.53	PDT	<p>Objections to the grant of powers of CA and TP.</p> <p>In the RR of PDT [RR-014], at paragraph 2.8 it is stated that “<i>If the relevant land is not removed then PDT considers that material determinant (sic) may be caused to its undertaking, within the meaning set out in section 127 of the 2008 Act.</i>”. Please clearly detail the land this refers to and also detail what options are being proposed which are alternatives to that currently shown in the Proposed Development.</p>
Q1.6.54	Redcar Bulk Terminal Ltd	<p>Objections to the grant of powers of CA and TP.</p> <p>In their RR, Redcar Bulk Terminal Ltd [RR-022] highlight a number of reasons for objecting to the inclusion of CA powers impacting their land and operation; it is also stated that the removal of certain plots is considered to be required. Please provide details of the plots which are considered to need removing from the Application and the reason for this.</p>
Q1.6.55	Applicant	<p>General, Detailed or Other Matters.</p> <p>Land Plans [AS-003] Sheet 3 of 21 implies three options for pipeline locations to the north of Salthome Power Station, with the Indicative Hydrogen Distribution Network Plan 1 of 16 showing the current Option A. Please explain when the preferred location of the pipeline will be established and when non-required land will be known. If this is expected to be after the close of the examination, please explain the process for reducing the land requirements and how this is secured in the draft DCO. If the land as shown is not for options, please explain the need for these three corridors.</p>
Q1.6.56	Applicant	<p>General, Detailed or Other Matters.</p> <p>In the light of the CA Guidance, paragraph 19, please demonstrate:</p> <ul style="list-style-type: none"> • How potential risks or impediments to implementation of the scheme have been properly managed?

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		<ul style="list-style-type: none"> The account taken of any other physical and legal matters pertaining to the application, including the need to obtain any operational and other consents applicable to this type of development.
Q1.6.57	Applicant	<p>General, Detailed or Other Matters.</p> <p>The SoR [APP-024] section 10, refers to the Consents and Agreements Position Statement [APP-037] which identifies the other consents, licenses, permits and agreements that are required for the scheme to be implemented. Please indicate whether there are any changes to the status and/ or timeframe for each consent, licence, permit, and agreement listed within that Statement since the application was submitted.</p>
Q1.6.58	Applicant	<p>General, Detailed or Other Matters.</p> <p>There are a number of locations which are shown on the Works Plans [AS-005] and Hydrogen Distribution Network Plans [AS-008] as being part of the over or underground distribution network and are shown on the land plans as requiring only TP. Please explain why these areas are shown as part of the distribution network but are only temporary. (as an example only, reference plot number 5/97 shown on Hydrogen Distribution Network Plan 7 of 16 and works plan Sheet 17 of 44).</p>
Q1.6.59	Applicant	<p>General, Detailed or Other Matters.</p> <p>The Teesworks and Seal Sands indicative pipeline route shown on Hydrogen Distribution Network Plan [AS-008] 8 and 9 of 16 appears, in parts, to be at the extremity of the red line boundary. Please confirm that the pipeline will be located in a way that does not require a change to the red line boundary or additional land acquisition. This situation is also seen for the Wilton International pipeline shown on drawing 14 of 16 (this is not necessarily and exhaustive list of locations where this occurs).</p>
Q1.6.60	Applicant	<p>General, Detailed or Other Matters.</p> <p>Hydrogen Distribution Network Plan [AS-008] 10 of 16 and sheet 11 of the Land Plans [AS-003] both detail the extent of land required for construction on the pipe network below the River Tees. Please</p>

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		<p>explain the need for the extent of land both for the river itself and on the banks. Please also explain if this will be reduced further following detailed design. (please note this question is in addition to the early question relating to alternative options for pipelines below the River Tees)</p>
Q1.6.61	Applicant	<p>General, Detailed or Other Matters.</p> <p>Land Plan [AS-003] Sheet 15 of 21 and Works Plans [AS-005] Sheet 22 of 44 show a large area of land in the vicinity of the A1085 Trunk Road roundabout and the railway line. The indicative location of the pipelines does not indicate how this extent of land will be used, however there is a substantial area shown as required for electrical connections and natural gas connection. Please explain the requirement for permanent acquisition of land rights over the entire area, including land which is remote from indicative works. Please explain when the preferred location of the pipeline, electrical connections and gas connections will be established and when non-required land will be known. If this is expected to be after the close of the examination, please explain the process for reducing the land requirements and how this is secured in the draft DCO.</p>
Q1.6.62	Applicant, relevant IPs	<p>General, Detailed or Other Matters.</p> <p>Please detail any land which, following acquisition of rights or freehold and extinguishment of existing right, will be inaccessible, severed, have no access or will be economically unviable.</p>
Q1.6.63	Applicant	<p>General, Detailed or Other Matters.</p> <p>Please provide a plan which shows all access roads, private roads and other rights of way which will be subject to extinguishment of existing rights or will have rights changed. For each of these roads. Please detail who currently has rights of access over these. Please also detail how access will be provided for those who require it, please reference RR comments where they have been made regarding access.</p>
Q1.6.64	Applicant	<p>General, Detailed or Other Matters.</p> <p>Please provide a plan which shows the interface and overlap of all consented and future known developments in relation to the Proposed Development and an explanation of the overlap of CA and TP</p>

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		rights. Please also detail how NZT, HyGreen and H2Teesside will be constructed and operated to minimise the amount of CA and TP required.
Q1.6.65	Applicant	<p>General, Detailed or Other Matters.</p> <p>Please justify the land take for the temporary construction compounds detailing the need for the size, quantity and location. Please explain how alternatives were assessed and the reason for selecting those shown.</p>
Q1.6.66	Applicant	<p>General, Detailed or Other Matters.</p> <p>Paragraph 9.1.77 of the SoR [APP-024] states that there are 'overlaps' with the proposed HyGreen Project which is being promoted by BP. It is unclear from this paragraph what the overlap is, why it is required and if there are area sought for CA for the Proposed Development which may be needed for HyGreen or not be required if HyGreen does not progress. Please give further details, including use of plans, to detail the overlap and differing requirements as they relate to the Proposed Development.</p>
Q1.6.67	Applicant	<p>General, Detailed or Other Matters.</p> <p>Paragraph 3.1.34 of the SoR [APP-024] states that there are various options for connections in relation to the East Coast Hydrogen Project. Paragraph 3.1.35 signposts to Figure 4.3 for options, however this figure does not detail options for these connections. Please provide a plan which details these options and explain the potential impact of CA requirements and how these options may change the BoR and in what timescale this may occur.</p>
Q1.6.68	Applicant	<p>General, Detailed or Other Matters.</p> <p>Paragraph 3.1.37 of the SoR [APP-024] states that there are various options for electrical connections to the main site. Paragraph 3.1.38 signposts to Figure 4-6 [APP-089] for the options. Please confirm that the work area for electrical connection shown on the Indicative Electrical Connection</p>

ExQ1	Question to:	Question:
		Plan [APP-014] encompasses all potential connection options and further, please explain when the assessment required to refine these options and reduce the land area required will be completed.
7. Cultural Heritage		
Q1.7.1	Applicant	<p>Assumptions and Limitations – Clarification/ Correction.</p> <p>Paragraph 17.3.29 of ES Chapter 17 (Cultural Heritage) [APP-070] refers to maximum heights considered in the ‘Rochdale Envelope’. It states the flare has a maximum height of 100m above Ordnance Datum (aOD), whilst all other structures on the Main Site will have a maximum height of 60 m aOD. This paragraph goes on to state: <i>“Impacts derived from visual changes to setting assume these worst-case conditions.”</i> However, these heights are less than the heights specified as maximum design parameters as set out in Schedule 16 (Design Parameters) of the DCO. As such how can the measurements set out in this Chapter of the ES be assumed to be the ‘worst-case conditions’ asset out in Paragraph 17.3.29 or that the ‘assessment presents a reasonable ‘worst-case’ approach’ as set out in Paragraph 17.3.34?</p> <p>Please review and explain this discrepancy and revise the relevant parts and conclusions within the ES, where necessary.</p>
Q1.7.2	LAs (HBC, RCBC and STBC)	<p>Assumptions and Limitations – Views sought.</p> <p>Paragraph 17.3.35 of ES Chapter 17 (Cultural Heritage) [APP-070] states archaeological evaluation in the form of a geophysical (magnetometry) survey (Appendix 17A: Heritage Desk Based Assessment [APP-214]) of agricultural land within the Proposed Development has been undertaken, and that the area planned to be surveyed totalled approximately 59 hectares. However, 8 hectares were inaccessible due to being waterlogged or too overgrown to allow access to the survey equipment. The Applicant explains that given the paucity of result in the remainder of the survey areas, it considered that a review of available aerial photographs and light detection and ranging imagery was sufficiently robust to inform the archaeological baseline in these areas. Irrespective of this the Applicant acknowledged in Section 17.7 of this chapter that additional evaluation and/ or monitoring of intrusive works may be required in these fields nonetheless.</p> <p>Additionally, Paragraph 17.3.36 of Chapter advises <i>“...some areas of the Proposed Development Site could not be accessed during the site walkovers due to lack of land access”</i> and that <i>“...the survival of</i></p>

ExQ1	Question to:	Question:
		<p><i>remains associated with the Redcar (SMR5711) and Coatham Iron Works (SMR5709) could not be ascertained where 20th century development may not have subsequently removed them..." but "...as a means to mitigate the risk of significant remains being impacted, the area identified as likely to hold such remains... has been removed from Proposed Development Site."</i></p> <p>Are the LAs satisfied with this approach? If not please specify what measures need to be undertaken to satisfy the LAs in this regard.</p>
Q1.7.3	Applicant	<p>Geophysical Survey – Clarification/ Correction.</p> <p>Paragraphs 17.6.30 and 17.6.31 of ES Chapter 17 (Cultural Heritage) [APP-070] refers to the impact and effect of the proposed hydrogen pipeline corridor on Geographical Survey (GS) Site 2 and GS Site 3 respectively. In terms of GS Site 2 Paragraph 17.6.30 concludes "The construction of the Hydrogen Pipeline Corridor would... result in a Medium magnitude of impact, resulting in a Moderate Adverse effect, which is Significant.", whilst in terms of GS Site 3 paragraph 17.6.31 concludes the same (a medium magnitude of impact, resulting in a Moderate Adverse effect, which is Significant). However when compared to Table 17-6: Summary of Residual Effects the 'Residual Effect Significance' for both GS Site 2 and GS Site 3 are both recorded as 'Minor Adverse'.</p> <p>Please review, explain this anomaly and correct, where necessary.</p>
Q1.7.4	LAs (HBC, RCBC and STBC)	<p>Geophysical Survey – Views sought.</p> <p>There are a number of references throughout ES Chapter 17 (Cultural Heritage) [APP-070] concerning GS Sites 2 and 3 (Paragraphs 17.4.37, 17.4.38, 17.4.40, 17.4.41, 17.6.30, 17.6.31 and 17.8.1, as well as Table 17-6: Summary of Residual Effects). The ExA would seek your views on the Applicant's assessment and conclusions in regard to these sites (GS Sites 2 and 3).</p>
Q1.7.5	Applicant and relevant LAs (HBC, RCBC and STBC)	<p>Impact Avoidance – Clarification/ Views sought.</p> <p>The ExA notes the key measures to be employed during the construction of the Proposed Development, to control and minimise the impacts on the environment, as set out in Paragraph 17.5.4 of ES Chapter 17 (Cultural Heritage) [APP-070]. This paragraph also mentions 'Essential Mitigation', as referred to in Section 17.7 of Chapter 17 and the need to develop a Written Scheme of Investigation, which is secured separately through the DCO, and that a final CEMP will set out how impacts upon cultural heritage will be managed during construction.</p>

ExQ1	Question to:	Question:
		<p>Irrespective of the above, the ExA notes that mitigation on Cultural Heritage does not appear to be specifically secured through Requirement 15 (CEMP) of the DCO. Please can the Applicant explain how the mitigation in regard to Cultural Heritage, including the development of a Written Scheme of Investigation, is to be adequately secured in the DCO as currently drafted.</p> <p>Do relevant LAs consider the Requirements concerning the CEMP (Requirement 15) and Archaeology (Requirement 13), as currently drafted, to be adequate in terms of securing Cultural Heritage mitigation and a Written Scheme of Investigation?</p>
Q1.7.6	Applicant	<p>Impacts and LSEs – Clarification/ Correction.</p> <p>Paragraph 17.6.38 of ES Chapter 17 (Cultural Heritage) [APP-070] states that whilst “no known archaeological remains are present in this field, the works would involve woodland planting which could impact previously unrecorded archaeological remains.” What archaeological investigations are proposed to identify previously unrecorded archaeological remains, how will such impact be assessed and mitigated and how will these measures be secured through the DCO?</p>
Q1.7.7	LAs (HBC, RCBC and STBC)	<p>Essential Mitigation and Enhancement Measures – Views sought.</p> <p>Paragraph 17.7.3 of ES Chapter 17 (Cultural Heritage) [APP-070] notes that some parts of the Proposed Development Site are not suitable for traditional archaeological evaluation measures due to the nature of the ground conditions. (For example, i) made ground on the main development site; and ii) waterlogged and high-moisture content deposits). Therefore, it is recommended that a protocol is adopted to mitigate potential impacts to previously unknown archaeological assets that may be encountered during construction. As such the Applicant proposes a protocol in the Framework CEMP that includes procedures for the reporting, protection and management of unexpected archaeological discoveries. The wording for the protocol is set out in that paragraph.</p> <p>Are relevant LAs satisfied with the Applicant’s proposed protocol and its suggested wording in regard to procedures for the reporting, protection and management of unexpected archaeological discoveries.</p>
<p>8. Cumulative and Combined Effects</p>		

ExQ1	Question to:	Question:
Q1.8.1	Applicant	<p>Other Development – Demolition/ Paragraph 3.3.4 of ES Chapter 3 (Description of Existing Area) [APP-055] states that existing structures on the Main Site will be demolished by South Tees Development Corporation (STDC) prior to the Proposed Development commencing. Paragraph 3.5.2 states that as of March 2024 much of the infrastructure has been demolished or is being dismantled.</p> <p>Bearing the above in mind, the Applicant is asked:</p> <ol style="list-style-type: none"> i. to provide an update on the demolition works that have been undertaken on the site to date and provide commentary whether the current site reflects the baseline as assessed in the ES; ii. explain how, throughout the examination, the demolition works dovetail into the Proposed Development, as set out in the ES, ensuring that effects and timescales remain separate; and iii. how the ExA can be satisfied, throughout the examination, the Proposed Development and demolition works will not result in unacceptable combined and/ or cumulative effects.
Q1.8.2	Applicant	<p>Other Developments.</p> <p>For ease of reference, please add a table insert to Figure 23-2 which shows information already included in Appendix 23A to detail the other developments highlighted on that plan. The table column headings requested are ID; Planning Authority; Applicant and Scheme Title; Timescale Summary; and Status.</p>
Q1.8.3	Applicant	<p>Explanation.</p> <p>Paragraph 23.3.19 of ES Chapter 23 (Cumulative and Combined Effects) [APP-076] states that the long list of developments was updated up to a cut-off point of 1 November 2023. It does not state whether the Applicant proposes to keep the list under review during the Examination.</p> <p>Bearing the above in mind, please explain the steps that it will take to keep information about other developments used in the cumulative effects assessment (ES Chapter 23 [APP-076]) under review, including how any changes would be addressed and reported to the examination.</p>
Q1.8.4	Applicant	Update.

ExQ1	Question to:	Question:
		<p>Please provide an updated cumulative effects assessment that considers the proposed Teesside Flexible Regas Port national significant infrastructure project, for which a Scoping Opinion was adopted in April 2024 and which is located within the Applicant’s zone of influence for cumulative effects (as set out in Table 23-1 of ES Chapter 23 (Cumulative and Combined Effects) [APP-076]).</p>
Q1.8.5	<p>LAs (HBC, RCBC and STBC), together with any relevant Authority/ Body</p>	<p>View Sought.</p> <p>ES Appendix 23D (Stage 4 - Assessment of Cumulative and Combined Effects) [APP-224] presents a summary of the impact, mitigation and effect conclusion by aspect. It includes cumulative effects assessment with the NZT project (onshore and offshore components), upon which the Proposed Development is partly reliant (eg for CO₂ export for the carbon capture component and potentially process water discharge via its outfall to Tees Bay). The cumulative water quality assessment for the Proposed Development and NZT has been informed by hydrodynamic dispersion modelling, which is described in ES Appendix 9B (Water Quality Modelling Report) [APP-193], whilst ES Appendix 23E (Socio-economic Cumulative Assessment) [APP-225] provides a detailed assessment of socio-economic cumulative effects for the Proposed Development together with the NZT and HyGreen projects.</p> <p>Do you agree with the plans or projects that have been included within the cumulative effects assessment (ES Chapter 23) (Cumulative and Combined Effects) [APP-076]?</p>
<p>9. Draft Development Consent Order</p>		
Q1.9.1	<p>Applicant.</p>	<p>Consistency.</p> <p>The Contents page refers to Schedule 7 as ‘Temporary Traffic Measures’, yet within the body of the DCO Article 16 and Schedule 7 are both titled ‘Traffic Regulation Measures’. Please review and amend or explain why no amendment is required.</p>
Q1.9.2	<p>Applicant.</p>	<p>Consistency.</p> <p>Contents Page – Schedule 14, Part 4 should refer to National Grid Electricity Transmission PLC for consistency with the remainder of the DCO document. Please review the whole of the DCO document and amend or explain why no amendment is required.</p>

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ExQ1	Question to:	Question:
Q1.9.3	Applicant.	<p>Clarification/ Error correction.</p> <p>Contents Page – National Grid Transition Gas PLC in its RR [RR-017] have highlighted they have incorrectly been referred to as National Grid Gas PLC throughout the submitted documentation, including Schedule 12, Part 5. Please review the whole of the DCO document and amend, as appropriate, or explain why no amendment is required.</p>
Q1.9.4	Applicant.	<p>Clarification/ Error correction.</p> <p>Contents page – Second full paragraph beneath the listing for Schedule 16 (Design Parameters), please amend by deleting the optionality so the so the start of the sentence reads <i>“The application was examined by a panel appointed by the SoS...”</i>.</p>
Q1.9.5	Applicant.	<p>Clarification/ Error correction.</p> <p>Contents page – Second full paragraph beneath the listing for Schedule 16 (Design Parameters), which starts “Accordingly, the SoS, in exercise of the powers...”, please clarify why section 149A of the PA2008 is listed when no ‘Deemed Marine Licence’ is being sought.</p>
Q1.9.6	Applicant.	<p>Clarification.</p> <p>Article 2 (interpretations) – General comment concerning flexibility, as provided for example in the maintenance article and definition, definition of commencement, power to deviate, Schedule 1 authorised development and requirements.</p> <p>The extent of any flexibility provided by the DCO should be fully explained, such as the scope of maintenance works and ancillary works, limits of deviation and any proposed ability (through tailpieces) of discharging authorities to authorise subsequent amendments.</p> <p>The preferred approach to limiting this flexibility is to limit the works (or amendments) to those that would not give rise to any materially new or materially different environmental effects to those identified in the ES.</p> <p>In regard to the use of ‘tailpieces’, please see section 5.3 17 (Providing flexibility – approving and varying final details) of Advice Note 15 (drafting DCOs).</p> <p>The definition of ‘maintain’ in Article 2 of the draft DCO [AS-013] refers to activities that <i>“are not likely to give rise to any significant adverse effects that have not been assessed in the ES”</i>. This would permit a much wider range of activities than if it were limited to those that would not give rise to any materially</p>

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ExQ1	Question to:	Question:
		<p>new or materially different effects. Additionally, the ExA notes that definition of ‘permitted preliminary works’ refers to the works that will not give rise to any materially new or materially different effects to those assessed in the ES. Bearing in mind the above, the applicant is requested to amend the wording in the definition of ‘maintain’ to reflect this or provide detailed justification for the alternative wording in the definition of ‘maintain’.</p> <p>In terms of drafting which gives rise to an element of flexibility (or alternatives), such drafting should provide clearly for unforeseen circumstances and define the scope of what is being authorised with sufficient precision. For example, the SoS had to amend article 6 (Benefit of Order) of the National Grid (Richborough Connection Project) DCO 2017 at decision stage to remove ambiguity (as later corrected by the National Grid (Richborough Connection Project) (Correction) Order 2018).</p> <p>In relation to the flexibility to carry out advance works, any ‘carve out’ from the definition of ‘commencement’ should be fully justified and it should be demonstrated that such works are de-minimis and do not have environmental impacts which would need to be controlled by requirement. See section 5.7 21 (Defining ‘commencement’ – advance works and environmental protection) of Advice Note 15 (drafting DCOs). Pre-commencement requirements should also be assessed to ensure that the ‘carve out’ from the definition of ‘commencement’ does not allow works which defeat the purpose of the requirement.</p> <p>Please review the DCO, in the light of the above comments, amending the document accordingly or provide full and justified reasoning why such amendments are not required in the instance of this DCO.</p>
Q1.9.7	Applicant, LAs (HBC, RCBC and STBC), the STDC, and any other relevant Authority/ Body	<p>Clarification.</p> <p>Article 2 (interpretations) – The definition of ‘permitted preliminary works’ is noted. However, the ExA asks whether other relevant Environmental Plans, such as Written Schemes of Investigation, are intended to take place prior to the commencement of the Permitted Development and if so should such works also be included within the term ‘permitted preliminary works’?</p>
Q1.9.8	Applicant.	<p>Clarification/ Error correction.</p> <p>Article 2 (interpretations) and throughout the document – It is noted that reference to “the 1980 Act...” appears on Page 4 of the DCO and is marked at the end of the interpretation with footnote (a). However, there are two occurrences of footnote (a) on this page and the one at the bottom of the page</p>

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ExQ1	Question to:	Question:
		appears below the marking for footnote (h), with the relevant footnote dropping to the following page (Page 5). This is clearly a pagination/ footnote error issue and there are a few similar occurrences of this issue that appear to occur elsewhere in the DCO document. The ExA would ask for the document to be reviewed and corrected, where necessary.
Q1.9.9	Applicant.	Clarification/ Error correction. Article 2 (interpretations) "Flood Risk Assessment" (FRA) and Schedule 14 (Documents and plans to be certified) – The FRA forms part of "the environmental statement" and as such the ExA would ask whether there is a need to list the FRA separately in Article 2 (Interpretations) or in Schedule 14 (Documents and plans to be certified)? If it does need to be listed separately please explain your reasoning.
Q1.9.10	Applicant.	Clarification. Article 2 (interpretations) "The Net Zero Teesside Order 2024" – The ExA notes the inclusion of the "The Net Zero Teesside Order 2024" within Article 2 (Interpretations). However, it also noted the York Pot Ash Harbor Facilities Order 2016 is referred to in the main body of the DCO document (see Article 9 (Application and Modification of Statutory Provisions) and Schedule 3 (Modifications to and Amendments of the York Pot Ash Harbor Facilities Order 2016)), but has not been separately defined in Article 2 (Interpretations). Please amend, or explain why it is not considered necessary to define the York Pot Ash Harbor Facilities Order 2016 within Article 2 (Interpretations).
Q1.9.11	Applicant.	Clarification/ Error correction. Article 2 (Interpretation) – Should "“NGN replacement special category land” reference plot 4/95 in addition to plot 4/94?
Q1.9.12	LAs) HBC, RCBC and STBC and the STDC, together with any	Clarification. Article 2 (interpretations) "Permitted Preliminary Works" – Are you satisfied as to the extent of the 'Permitted Preliminary Works' set out in this Article. If not satisfied please explain in full the reasons

ExQ1	Question to:	Question:
	<p>other relevant Authority/ Body.</p>	<p>why you are not satisfied and what you consider needs to be done to rectify the concerns you are raising.</p>
<p>Q1.9.13</p>	<p>Applicant</p>	<p>Clarification.</p> <p>Article 7 (Benefit of this Order) – This Article, as currently drafted does not require SoS consent for the transfer of any benefit. Whilst the ExA does not consider this is the Applicant’s intention, if any part of this Article is drafted so as to allow any transfer of benefit by the applicant (undertaker) to any other named person or category of person without the need for the SoS’s consent, then full justification as to why a transfer to such person without such consent must be provided.</p> <p>As the Applicant will be aware, where the purpose of the provision is to enable such person(s) to undertake specific works authorised by the DCO the transfer of benefit should be restricted to those works. If the provision seeks to permit transfer of CA powers the applicant should provide evidence to satisfy the SoS that such person has sufficient funds to meet the compensation costs of the acquisition.</p> <p>Bearing the above two paragraphs in mind please confirm whether it is the Applicant’s intent not to require SoS consent for the transfer of any benefit. If so please provide full justification as to why a transfer to such person without such consent must be provided. If not please amend this Article accordingly.</p> <p>In addition to the above the ExA would ask if the reference to paragraph (4) in paragraph (1) is an error and suggests this paragraph (paragraph (1)) be amended to read “subject to paragraph (6), the undertaker may with the written consent of the SoS...”</p> <p>Furthermore, paragraph (3) the ExA would query whether the reference to paragraph (6) should be to paragraph (4), so that it reads “except in paragraph (4)”.</p> <p>The ExA would also ask if reference in paragraph (7) to consent being required by paragraph (2) is incorrect, as all paragraph (2) says is when consent is not required. The ExA considers the Applicant should amend this in line with other amendments to this article to ensure that consent is required for transfer other than where paragraph (6) applies.</p> <p>Finally, the ExA would question whether the transfer to “a person to whom a supply of hydrogen is to be provided” is sufficiently certain and precise and would ask if the ExA can be satisfied that such a person would have the requisite funds to pay all necessary CA compensation? Please provide justification as</p>

ExQ1	Question to:	Question:
		to whether the transfer to “a person to whom a supply of hydrogen is to be provided” is sufficiently certain and precise and explain how it can be satisfied that such a person would have the requisite funds to pay all necessary CA compensation.
Q1.9.14	PDT, as the statutory harbour authority for Teesport.	<p>Dis-application.</p> <p>Article 9 (Application and Modification of Statutory Provisions) - The ExA notes that Article 9 (Application and Modification of Statutory Provisions) seeks to disapply:</p> <ul style="list-style-type: none"> i. requirements of section 22 (licensing of works) of the Tees and Hartlepool Port Authority Act 1966 (the 1966 Act); and ii. a number of bylaws and directions made under the 1966 Act, the Tees and Hartlepool Port Authority Revision Order 1974 and the Tees and Hartlepool Harbour Revision Order 1994, which prevent, restrict, condition or require the consent of the Tees Port and Hartlepool Authority or the Harbour Master to any such works. <p>The ExA would specifically seek the comments of the statutory harbour authority in regard to the proposed dis-applications listed above. Should you consider any or all of the above mentions dis-applications to be of concern, the ExA would welcome any comments or suggestions in regard to how the requirements referred to in i. above and the bylaws and directions referred to in ii. above could be complied with in an acceptable manner and to the satisfaction of the statutory harbour authority without adversely affecting the Applicant’s ability to implement any DCO which may be made by the SoS.</p>
Q1.9.15	Applicant	<p>Clarification.</p> <p>Article 9 (Application and Modification of Statutory Provisions) - The ExA notes the objection of the EA to the disapplication of the need for a Flood Risk Activity Permit, as set out in Article 9(2)(g) of the proposed DCO, in the absence of adequate PPs. Please advise how you are actively seeking to address the concerns of the EA in this regard.</p>
Q1.9.16	Applicant and LAs, together with any other relevant Authority/ Body	<p>Justification/ Views sought.</p> <p>Article 10 (Power to alter layout of streets) – The Applicant’s EM (APP-028], especially paragraphs 3.4.1 and 3.4.2 are noted. However, notwithstanding other precedents, the ExA notes that this is a wide power authorising alteration etc. of <u>any</u> street within the Order limits. As such the ExA considers further</p>

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ExQ1	Question to:	Question:
		<p>justification should be provided clearly setting out why the power related to <u>any</u> streets within the Order limits is necessary (underlining is the ExA's emphasis).</p> <p>The ExA would ask the LAs, together with any other relevant Authority/ Body, as to whether such a wide ranging power is necessary and whether or not this power should be limited to identified streets?</p>
Q1.9.17	Applicant	<p>Justification.</p> <p>Article 13 Temporary stopping up and restriction of use of streets - The Applicant's EM [APP-028], especially paragraphs 3.4.7 to 3.4.9 are noted. However, notwithstanding other precedents, the ExA considers further justification should be provided as to why the powers secured in this Article are considered to be appropriate and proportionate having regard to the impacts on pedestrians and others of authorising temporary working sites in these streets. Please provide such further justification or explain why such further justification is not necessary in this instance.</p>
Q1.9.18	Applicant.	<p>Clarification.</p> <p>Article 16 (Traffic Regulation Measures) – Schedule 15 (Appeals to the SoS) provides the Applicant with a right of appeal where “...<i>a relevant Local Authority (a) refuses an application for any approval under this Order by- ... (iv) article 16...</i>”. However, Article 16 does not appear to require the approval of ‘a relevant local authority’ or ‘traffic authority’ , just written notification from the ‘undertaker’ of an intent do the works (Article 16(4)(a)) and any need to advertise its intent should the ‘traffic authority’ required it to do so in a manner prescribed by it (Article 16(4)(a)). Please clarify and amend, if required.</p>
Q1.9.19	Applicant	<p>Clarification.</p> <p>Article 17 (Discharge of Water) – In regard to this Article, please could the Applicant confirm it is aware of and been mindful of s146 of the PA2008?</p>
Q1.9.20	Applicant, LAs, (HBC, RCBC and STBC), together with any	<p>Clarification.</p> <p>Article 18 (Felling or lopping of trees and removal of hedgerows) - The ExA would ask the Applicant and LAs (RCBC, STBC and HBC), together with any other relevant Authority/ Body, whether any tree(s) within the confines of the Order limits, as defined by the Works Plan [AS-005], or any other tree(s) likely</p>

ExQ1	Question to:	Question:
	<p>other relevant Authority/ Body.</p>	<p>to be impacted by the Proposed Development, are protected by a Tree Preservation Order (TPO) or located within a designated conservation area? If the answer to either questions is yes, please:</p> <ul style="list-style-type: none"> i) specify the relevant reference number of the TPO and provide a copy of the relevant TPO; and ii) provide details of the relevant designated conservation area(s), including: <ul style="list-style-type: none"> a) the name of the conservation area(s); b) a current appropriately scaled map of the designated conservation area(s); c) confirmation of the year of designation and the year of any subsequent conservation area review undertaken; d) copies of any relevant conservation area review document; and e) copies of any relevant conservation area appraisal, together with confirmation of the status of that document.
<p>Q1.9.21</p>	<p>LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body.</p>	<p>Clarification.</p> <p>Article 18 (Felling or lopping of trees and removal of hedgerows) - Article 18(4) allows the removal of hedgerows within the Order limits that may be required for the purposes of carrying out the authorised development. The ExA would seek the views of relevant LAs in regard to this provision, and the effect of such any such provision on:</p> <ul style="list-style-type: none"> i) hedgerows within the Order limits; and ii) the Hedgerow Regulations 1997.
<p>Q1.9.22</p>	<p>Applicant.</p>	<p>Correction.</p> <p>Article 18 (Felling or lopping of trees and removal of hedgerows) - Article 18(5) refers to Schedule 11 but provides an incorrect title, when compared to the Contents Page and Schedule 11. Please review and amend or explain why no amendment is required.</p>
<p>Q1.9.23</p>	<p>Applicant.</p>	<p>Consistency.</p> <p>Article 18 (Felling or lopping of trees and removal of hedgerows) - Article 18(6) provides a definition of the term “Authorised Development”. However the ExA notes this definitions references “<i>Planning Permission... for the purposes of... the Hedgerow Regulations...</i>” differs from the way this matter has been dealt with at Article 9(3) of the DCO. Please review and amend or explain why no amendment is required.</p>

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ExQ1	Question to:	Question:
Q1.9.24	Applicant.	<p>Clarification.</p> <p>Article 19 (Removal of Human Remains) – Having reviewed the submitted application documents, the ExA has not found any direct reference to human remains or potential sites of human remains, including in relation to archaeology. Whilst the ExA is aware of a similar Article within the NZT DCO and notes the Applicant’s EM [APP-028] at Paragraph 3.5.3, the ExA seeks clarification from the Applicant why this Article is considered to be necessary/ relevant to the development being sought and whether the Article would be reasonable in all other respects? This question is asked especially in the light of the fact similar Articles were removed by the SoS in a number of recent decision letters/ made DCOs, where no reasoned justification had been provided during the Examination of those submissions to substantiate their inclusion. (See the HyNet CO₂ Pipeline Order 2024, The Sunnica Energy Farm Order 2024, The Gate Burton Energy Park Order 2024 and The Mallard Pass Solar Farm Order 2024).</p>
Q1.9.25	Applicant	<p>Clarification and correction.</p> <p>Articles 22 - 28 – CA and extinguishment of rights</p> <p>These provisions (and any relevant plans) should be drafted in accordance with the guidance in Advice Note 15 (drafting DCOs), in particular sections 5.9 23 (Extinguishment of private rights over land) and 5.10 24 (Restrictive Covenants). In this regard the SoS for the Department for Transport’s decision in regard to the M4 Motorway (Junctions 3 to 12) (Smart Motorway) DCO should be noted, especially paragraph 62 which said: <i>“to remove the power to impose restrictive covenants and related provisions as he does not consider that it is appropriate to give such a general power over any of the Order land as defined in article 2(1) in the absence of a specific and clear justification for conferring such a wide-ranging power in the circumstances of the proposed development and without an indication of how the power would be used”</i>. Other Department for Transport decisions have included very similar positions, eg the A556 (Knutsford to Bowdon Improvement) DCO and the Lancashire County Council (Torrisholme to the M6 Link (A683 Completion of Heysham to M6 Link Road)) DCO.</p> <p>Where an applicant wishes to create and compulsorily acquire new rights over land, those rights should be fully, accurately and precisely defined for each relevant plot and the CA should be limited to the rights described. This could be done by drafting which limits the CA of new rights to those described in a schedule in the DCO or to those described in the BoR.</p> <p>Please review these Articles in the light of the above comments and amend them and the DCO accordingly. Where the applicant is seeking to create and compulsorily acquire new rights over land,</p>

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ExQ1	Question to:	Question:
		<p>please ensure those rights are fully, accurately and precisely defined for each relevant plot and that the CA has been limited to the rights described.</p> <p>In terms of CA of an interest in land held by or on behalf of the Crown, the ExA would stress that such CA cannot be authorised through this or any other article. Ensuring clarity on this can be achieved, for example, by expressly excluding all interests held by or on behalf of the Crown in the BoR land descriptions for relevant plots (where the DCO is drafted to tie CA powers to the BoR entries) or by excepting them from the definition of the Order land (if 'Order land' definition is not used for other purposes in the DCO) or by drafting the relevant CA article to expressly exclude them. Where an applicant wishes to compulsorily acquire some other person's interest in that same land, that can only be done if the appropriate Crown authority consents to it under s135(1) of the PA2008. Please review these Articles in the draft DCO and the draft DCO generally to ensure the comments in this paragraph are taken into account.</p> <p>The extended definition of statutory undertaker in Article 25(9) relates it to any person who has apparatus (defined in Article 2) within the order limits. Paragraph (2) enables a statutory undertaker to exercise the CA powers (with SoS consent except for those listed in Article 7). The ExA would ask the Applicant why it has used this definition instead of that in the PA2008. In responding please justify your reasoning in relation to the use of this definition and provide commentary on whether the use of this definition has any implications in relation to the exercise of CA powers and ability to pay compensation.</p>
Q1.9.26	Applicant.	<p>Correction.</p> <p>Article 25 (CA of rights etc.) – Article 25(5) has a duplication of the words 'on the' in the second line. Please review and amend.</p>
Q1.9.27	Applicant	<p>Clarification and correction.</p> <p>Article 29 (Special category land and replacement special category land).</p> <p>Article 29(1) says that the undertaker cannot exercise powers over the special category land until the Local Planning Authority has approved a scheme for the layout of the replacement special category land. This would appear to allow the undertaker to acquire the special category land before they have acquired the replacement land and before they have implemented the approved scheme on the replacement land. Please explain how this is acceptable to enable the SoS to be satisfied that the tests</p>

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ExQ1	Question to:	Question:
		<p>in s.131(4) and 132(4) of the PA2008 are met. The tests require the replacement land to be vested in the undertaker subject to the same rights and restrictions as attach to the special category land. While this does not have to happen before the special category land is acquired, it must happen and needs to therefore be secured in the DCO. At present there appears to be nothing to compel the undertaker to acquire the replacement land once it had acquired the special category land following approval of the scheme.</p> <p>Where it is argued that special parliamentary procedure should not apply (before authorising CA of land or rights in land being special category land) full details should be provided to support the application of the relevant subsections in Section 130, 131 or 132, for example (in relation to common, open space or fuel or field garden allotment):</p> <ul style="list-style-type: none"> • Where it is argued that land will be no less advantageous when burdened with the order right, identifying specifically the persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and clarifying the extent of public use of the land. • Where it is argued that any suitable open space land to be given in exchange is available only at prohibitive cost, identifying specifically those costs. <p>As stated above, Article 29(1) says that the undertaker cannot exercise powers over the special category land until the Local Planning Authority has approved a scheme for the layout of the replacement special category land. This would appear to allow the undertaker to obtain the special category land before they have acquired the replacement land and before they have implemented the approved scheme on the replacement land.</p> <p>In the absence of something obliging the undertaker to acquire the replacement land and lay it out in accordance with the approved scheme, it seems to the ExA it is unlikely that it can advise the SoS it is satisfied that the tests in s131(4) and 132(4) are met, requiring the replacement land to be vested in the undertaker subject to the same rights and restrictions as attach to the special category land.</p> <p>Please respond.</p>
Q1.9.28	Applicant and IPs.	<p>Clarification.</p> <p>Article 32 (Temporary use of land for carrying out the authorised development) – Article 32(5)(b) provides and exemption whereby <i>“the undertaker is not to be required to... (b) remove any ground</i></p>

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ExQ1	Question to:	Question:
		<p><i>strengthening works which have been placed on the land to facilitate construction of the authorised development.”</i></p> <p>Please define the term ‘ground strengthening works’ and provide written examples and/ or drawings of what they would be likely to consist of. Additionally the ExA would ask:</p> <ul style="list-style-type: none"> • The Applicant for an explanation of the potential implications of having to removing ‘ground strengthening works’ should Article 32(5)(b) be removed. • Interest Parties for their views as to any potential implications of leaving such ‘ground strengthening works’ in situ.
Q1.9.29	Applicant	<p>Justification.</p> <p>Article 34 (Statutory undertakers) and 35 (Apparatus and rights of statutory undertakers in streets)</p> <p>Where a representation is made by a statutory undertaker (or some other person) that engages section 127(1) of the PA2008 and has not been withdrawn, the SoS will be unable to authorise CA powers relating to that statutory undertaker land unless satisfied of specified matters set out in s127 of the PA2008. If the representation is not withdrawn by the end of the examination, the ExA will need to reach a conclusion whether or not to recommend that the relevant statutory test has been met in accordance with s127.</p> <p>The SoS will be unable to authorise removal or repositioning of apparatus (or extinguishment of a right for it) unless satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates in accordance with s138 of the PA2008.</p> <p>A number of Statutory Undertakers have made Representations, most of which raise concerns over the removal or repositioning of apparatus (or extinguishment of a right for it).</p> <p>Please signpost the ExA as to where within the Application documentation you have provided such justification showing that such extinguishment or removal is necessary or provide such justification.</p>
Q1.9.30	Applicant	<p>Justification.</p> <p>Article 39 (Planning Permission) – This article is intended to allow development not authorised by the DCO to be carried out within the Order limits pursuant to planning permission. Whilst the Applicant’s explanation related to this Article, as set out in the EM (APP-028) is noted, the ExA is concerned that no justification has been provided in terms of this Article appearing to obviate the need, in such circumstances, to apply to change the DCO (through section 153 of the PA2008). As such the ExA would seek justification in this regard to this Article.</p>

ExQ1	Question to:	Question:
Q1.9.31	LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body.	View(s) sought. Article 39 (Planning Permission, etc.) – The ExA is interested in the views of the LAs listed, as well as any other relevant Authority/ Body, in regard to the implications of this Article and its effect, especially Article 39(3).
Q1.9.32	LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body.	View(s) sought. Article 40 (Defence to proceedings in respect of statutory nuisance) – Article 40(1) prevents any Order under the Environmental Protection Act being made against any nuisance falling within section 79(1) (statutory nuisances and inspections therefor.) of that Act and any fine being imposed, under section 82(2) (summary proceedings by persons aggrieved by statutory nuisances) of that Act if the defendant can show: (a) the defendant shows that the nuisance— (i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction sites), or a consent given under section 61 (prior consent for work on construction sites) of the Control of Pollution Act 1974; or (ii) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or (b) is a consequence of the use of the authorised development and that it cannot reasonably be avoided. Article 40(2) states “Section 61(9) of the Control of Pollution Act 1974 does not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.” The Applicant’s EM [APP-028] at Paragraph 3.7.6 states it “...considers that the Requirements provide sufficient protection against the matters that may constitute "statutory nuisances" under section 79(1) of the Environmental Protection Act 1990.” The ExA would ask the LAs listed above, together with any other relevant Authority/ Body: i) whether they agree with the Applicant’s above mentioned statement and if not why they do not agree; and

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ExQ1	Question to:	Question:
		ii) for their considered views on this Article and any implications that may arise as a result of its inclusion in the DCO.
Q1.9.33	Applicant.	Correction. Article 42 (Crown rights) – The ExA considers the word ‘take’ should be removed from this Article or the Applicant should provide full and justified reasoning for its inclusion.
Q1.9.34	Applicant.	Clarification. Article 43 (Procedure in relation to certain approvals) – For the purposes of this Article does the term ‘Application’ need to be defined. If not please explain why not.
Q1.9.35	LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body.	View(s) sought. Article 43 (Procedure in relation to certain approvals) – Article 43(5) sets out that after 6 weeks (42 days) applications made under this Article will gain a deemed approval from the consenting authority, if that consenting authority “...has not notified the undertaker of its disapproval and the grounds of disapproval...”. The ExA would ask the LAs listed above, together with any other relevant Authority/ Body: i) for its views on whether the 6 week period is adequate and if not what alternative period should be specified and why; and ii) should a fee be payable for the submission of details made pursuant to an Article.
Q1.9.36	Applicant.	Error. Schedule 1 (Authorised Development) – First paragraph refers to “... the Borough of Stockton and Tees...” but should read ‘the Borough of Stockton on Tees’. Please amend.
Q1.9.37	Applicant.	Clarification. Schedule 1 (Authorised Development) – Work No. 1 - Should the first reference to a chemical in this Schedule be the name of that chemical followed by its chemicals symbol in brackets, rather than just a

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ExQ1	Question to:	Question:
		reference to the chemical symbol? For example CO ₂ and hydrogen are both listed using their chemical symbols in the first instance and also throughout the remainder of the schedule.
Q1.9.38	Applicant.	Clarification. Schedule 1 (Authorised Development) – Work No. 1A.2 – The ExA notes that this Work No. does not include a flare as specified in Work No. 1A.1. Is this because Work No.1A.2 will utilise the flare provided by Work No. 1A.1. Please confirm. If not please advise why a flare is not included in Work No. 1A.2.
Q1.9.39	Applicant.	Clarification. Schedule 1 (Authorised Development) – Work No. 1B.2 – The ExA notes that area for Work No. 1B.2, as detailed on the Works Plans [AS-005] is much larger than the area shown on the Works Plans for Work No 1B.1. This seems anomalous bearing in mind Work No. 1B.1 is providing water connections and water and effluent treatment plant for Work Nos. 1A.1 and 1A.2, comprising exactly the same plant, networks, pipework, cables, racks, infrastructure, etc., to that proposed in Work No. 1B.2, yet Work No. 1B.2 is only serving Work No. 1A.2. Please provide a detailed explanation as to why the area difference between the two Work Nos. (Work Nos. 1B.1 and 1B.2) is so different?
Q1.9.40	Applicant	Clarification. Schedule 1 (Authorised Development) – Work No. 3B.1 – The ExA notes that the Applicant is seeking to retain optionality in respect of the proposed electrical connection, with potential connections via an AGI at Pellet-Sinter substation (Work No. 3B.1), Tod Point substation (existing) (Work No. 3B.2) or a new substation, which is located on the site of the NZT DCO (Work No. 3B.3). Irrespective of the above, the ExA notes the Pellet-Sinter substation is referred to on the Works' Plans as though it is existing, but the STDC substation is described as having secured planning permission at paragraph 4.3.24 of ES Chapter 4 (Proposed Design) [APP-056]. Additionally new substations, Work Nos. 1E.1 and 1E.2, allow for the construction of substations in connection with the hydrogen production facility but as shown on the Works' Plans, these are not located where Work No. 3B.3 is located. Furthermore, the description of Work Nos. 1E.1 and 1E.2 at paragraph 4.2.2 in ES Chapter 4 (Proposed Design) [APP-056], does not include substations. Bearing these factors in mind, the ExA is unclear if these references to sub-station works in the draft DCO [AS-013] are an error?

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ExQ1	Question to:	Question:
		<p>Is this new substation (Pellet-Sinter substation) something to be constructed as part of the NZT DCO? Are new substations to be included in Work Nos. 1E.1 and 1E.2 as part of the draft DCO [AS-013] and if so, does ES Chapter 4 (Proposed Design) [APP-056] need correcting in this regard? Please clarify.</p>
Q1.9.41	Applicant.	<p>Clarification. Schedule 1 (Authorised Development) – The way Schedule 1 has been drafted, the ExA is unclear as to what Work Nos. within the Schedule constitute ‘Authorised Development’ and what Work Nos. constitute ‘Associated Development’. Please review Schedule 1 (Authorised Development) and make it clear what Work Nos. are ‘Authorised Development’ and what Work Nos. are ‘Associated Development’.</p>
Q1.9.42	LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Views sought. Schedule 2 (Requirements) – General – Several of the Requirements (Requirements 4 (LBMP), 10 (Surface and foul water drainage), 15 (CEMP) and 18 (Construction traffic management plan) say that plans must be in “substantial accordance with” outline plans, framework plans or indicative plans. Do you consider the above to be sufficiently precise and certain to secure any relevant mitigations reference in those Requirements? Please provide full and reasoned answers and if you do not consider these Requirements to be sufficiently precise and certain, please suggest how the Requirement can be amended to address the concerns you have.</p>
Q1.9.43	Applicant, LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body.	<p>Views sought. Schedule 2 (Requirements) – General – The ExA notes Requirement 31 (Amendments agreed by the relevant planning authority), as well as the use of ‘tail pieces’ throughout the Requirements, such as “...unless otherwise agreed with the relevant planning authority.” The ExA is concerned in regard to the use of such ‘tail pieces’ due to the fact they can create a risk that significant changes to the development could be made and/ or statutory routes to vary such requirement could be avoided thus depriving third parties of the opportunity to comment. Caselaw (Hubert v Carmarthenshire CC [2015] EWHC 2327 (Admin))’ exists on this matter. In that case permission had been granted for the construction of a wind turbine and it was held that a condition stating that the turbine should be of certain dimensions ‘unless given the written approval of the local</p>

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		<p>planning authority' could lead to the approval of a turbine of a greater scale and environmental impact than had been permitted; the clause had to be removed.</p> <p>In the light of the above and the ExA's would seek the views of both the Applicant and the LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body, as to the inclusion of Requirement 31 (Amendments agreed by the relevant planning authority) and the use of such 'tail pieces' throughout Schedule 2 (Requirement).</p>
Q1.9.44	Applicant	<p>Clarification.</p> <p>Should Schedule 2, Requirement 3 of the draft DCO [AS-013] also refer to the detailed design of Work Nos. 1 to 8 being in accordance with the design principles, as set out in the Design and Access Statement (DAS) [APP-034]?</p>
Q1.9.45	LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body.	<p>Views sought.</p> <p>Schedule 2, Requirements 4 (LBMP) – Requirement 4(6) specifies a period of five years after planting, for any shrub or plant that “...is removed, dies or becomes... seriously damaged or diseased...” to be “...replaced in the first available planting season with a specimen of the same species and size as that originally planted...”. The ExA would ask whether a period of five years is an acceptable timeframe and if not why not?</p>
Q1.9.46	Applicant.	<p>Clarification.</p> <p>Schedule 2, Requirements 8 (Site Security) – Requirement 8(1) requires a written scheme to be submitted and approved, whilst Requirement 8(2) required the approved scheme to be maintained and operated. However, there is no implementation the details approved pursuant to this Requirement. Please review this requirement, along with all the other Requirements in Schedule 2, and amend the Requirement(s), as necessary, to ensure implementation of any approved details is specified.</p>
Q1.9.47	Applicant and STDC	<p>Views sought.</p> <p>Schedule 2, Requirements 10 (Surface and foul water drainage) – Requirement 10(3) – Should STDC be included in the list of consultees?</p>

ExQ1	Question to:	Question:
Q1.9.48	Applicant.	<p>Clarification.</p> <p>Schedule 2, Requirements 11 (Flood risk mitigation) – Requirement 11(1) requires the approved flood management plan to be implemented throughout the commissioning and operation of the relevant part of the authorised development. However, there is no requirement for those works to be maintained throughout the same period. As such they could be implemented and then immediately removed. Whilst The ExA is certain there is no such intention on the part of the Applicant, the requirement should include the element to maintain those works throughout the commissioning and operation of the relevant part of the authorised development.</p> <p>Please also review all other Requirements in Schedule 2 and ensure they are amended, as necessary, to include the need to maintain the relevant approved details for the relevant period required.</p>
Q1.9.49	Applicant.	<p>Clarification.</p> <p>Schedule 2, Requirements 12 (Contaminated land and groundwater) – Requirement 12(2)(f) refers to the updating of “...<i>the hydrogeological impact assessment including hydrogeological conceptual model...</i>”. Please could you signpost the ExA to the location of the existing hydrogeological impact assessment and hydrogeological conceptual model within the submitted Application documentation.</p>
Q1.9.50	Applicant and LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body.	<p>Clarification/ Views sought.</p> <p>Schedule 2, Requirements 12 (Contaminated land and groundwater) – Requirement 12(7) provides for an alternative option to seeking approval of a scheme to deal with the contamination of land, including groundwater, which is likely to cause significant harm to persons or pollution of controlled waters or the environment. Specifically Requirement 12(7) would allow the Undertaker to:</p> <p><i>“...rely on any scheme to deal with the contamination of land (including groundwater) which relates to any part of the authorised development that has been previously approved by the relevant planning authority pursuant to an application for planning permission or an application to approve details under a condition attached to a planning permission.”</i></p> <p>The ExA would ask:</p>

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ExQ1	Question to:	Question:
		<p>The Applicant in regard to whether its intention is for this sub-paragraph to also include other DCOs and Requirements imposed under them, which have been previously approved by the relevant planning authority pursuant to a DCO or a Requirement to approve such details under/ attached to that DCO?</p> <p>LAs and any other relevant Authority/ Body for their comments/ views on this sub-paragraph (Requirement 12(7)) generally, together with the following two subsequent sub-paragraph (Requirement 12(8) and 12(9)), especially in regard to whether sub-paragraph (Requirement 12(7)) should allow alternative options, including schemes to deal with contamination of land (including groundwater) that have been previously approved by the relevant planning authority pursuant to an application for planning permission/ or made DCO or an application to approve details under a condition/ requirement attached to a planning permission/ DCO?</p>
Q1.9.51	<p>LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body.</p>	<p>Clarification.</p> <p>Schedule 2, Requirements 18 (Construction traffic management plan) – Requires the Approval of a Construction Traffic Management Plan, whilst Requirement 18(3) specifies what the plan should contain. Requirement 18(3)(f) specifies the inclusion of <i>“details of how the undertaker will seek to engage with the undertaker as defined in the Net Zero Teesside Order 2024 and the developer of HyGreen Teesside to manage cumulative construction transport impacts.”</i> The ExA would ask the LAs listed above, together with any other relevant Authority/ Body, whether other major developments in the area should be specified in Requirement 18(3)(f) and listed to ensure the Applicant has explained how they have sought to engage with other developers of major development in the area.</p>
Q1.9.52	<p>Applicant and LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body.</p>	<p>– Clarification/ Views sought.</p> <p>Schedule 2, Requirements 19 (Construction hours) – Requirement 19(4)(a) makes reference to ‘Start-up’ and ‘Shutdown’ periods.</p> <p>Could the Applicant direct the ExA as to where in the Applicant Documentation these terms (‘Start-up period’ and ‘Shutdown periods’) are defined. Such definitions must clearly explain what can take place during the Start-up’ and ‘Shutdown’ periods.</p> <p>Could the LAs listed above, together with any other relevant Authority/ Body, confirm they are satisfied, or not, with the timings of the Start-up’ and ‘Shutdown’ periods. If not satisfied, please provide a detailed explanation as to why you are not satisfied.</p>

ExQ1	Question to:	Question:
Q1.9.53	Applicant and LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body.	Clarification/ Views sought. Schedule 2, Requirements 25 (Local liaison group) – Requirement 25(1) specifies “...the undertaker has established, or has convened jointly with either both or one of the undertaker as defined in The Net Zero Teesside Order 2024 and the promoter of HyGreen Teesside to establish, a group to liaise with local residents and organisations about matters relating to the authorised development (a ‘local liaison group’).” The ExA would ask the Applicant and the LAs listed above, together with any other relevant Authority/ Body, whether other major developments in the area, being constructed at the same time, should be included in this Requirement (Requirement 25(1)). If so please specify which developments should be included, providing details of the Planning Application Reference Number, the name of the Applicant and their contact details, the name of the Development and its location, the date of the permission granted along with a copy of that planning consent.
Q1.9.54	Applicant and LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body.	Clarification/ Views sought. Schedule 2, Requirements 25 (Local liaison group) – What are/ should be the terms of reference of this Local Liaison group? What is it seeking to achieve and how will it’s aims be secured in this Requirement? How are the Local Liaison groups achievement to be measured and what mechanisms are to be put in place/ are in place to ensure its aims are successfully delivered. What provisions are in place to ensure the Local Liaison group does not fail in delivering its terms of reference/ aims? What happens in the event of failure? How will such failure be redressed through this Requirement? Please clarify/ provide your responses to all of the questions set out above.
Q1.9.55	Applicant.	Clarification. Schedule 2, Requirements 25 (Local liaison group) – What happens in the event that the Members of the Local Liaison Group are outnumbered by the representatives of the various developers that are listed in Requirement 25(1)? Could the various developers out vote the Members of the Local Liaison Group so as to prevent any motion being passed that the representatives of the various developers disagree with? Please explain what provisions will be put in place and secured through this Requirement to ensure such an event could not occur.
Q1.9.56	Applicant.	Error correction.

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ExQ1	Question to:	Question:
		Schedule 2, Requirements 25 (Local liaison group) – Requirement 25(4)(a) refers to ‘contractor’. Should this read ‘Contractor’? Please review and amend, as necessary.
Q1.9.57	Applicant.	Error correction. Schedule 2, Requirements 26 (Employment, skills and training) – The sentence in Requirement 26(3) appears to end prematurely. Should the word ‘authority’ be added to the end of the sentence? Please review and amend as required.
Q1.9.58	Applicant and LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body.	Clarification/ Views sought. Schedule 2, Requirements 26 (Employment, skills and training) – Should Requirement 26(5) include other major developments that are taking place or likely to take place in the vicinity of the Proposed Development at the same time? If so please provide details of those other major development including the relevant Planning Application Reference Number, the name of the Applicant and their contact details, the name of the Development and its location, the date of the permission granted along with a copy of that planning consent granted. If you consider no other major developments should be included in Requirement 26(5) please provide a full and reasoned explanation of your view.
Q1.9.59	Applicant.	Clarification. Schedule 2, Requirements 27 (CO ₂ transport and storage) – The ExA notes that ES Chapter 19 (Climate Change) [APP-072] assumes a 95% carbon capture rate and that this would be addressed through an EP. The Applicant is requested to explain how Requirement 27 of the draft DCO [AS-013] would operate to prevent either Work No. 1A.1 or Work No. 1A.2 from becoming operational before the Proposed Development can connect to a carbon capture and storage facility to achieve the assumed 95% capture rate.
Q1.9.60	Applicant.	Clarification. Schedule 2, Requirements 27 (CO ₂ transport and storage) – Requirement 27(1) specifies:

ExQ1	Question to:	Question:
		<p><i>“No part of the authorised development other than the permitted preliminary works may commence until evidence of the following (or such licence or consent as may replace those listed) has been submitted to and approved by the relevant planning authority—</i></p> <p><i>(a) that the carbon dioxide storage licence has been granted; and</i></p> <p><i>(b) that an environmental permit has been granted for Work No. 1A.1.”</i></p> <p>The ExA would ask why similar evidence is not required in relation to the construction of Work No. 1A.2? Please provide a full and reasoned explanation in response to this question.</p>
Q1.9.61	Applicant.	<p>Clarification</p> <p>Schedule 2, Requirements 33 (Disapplication of requirements discharge under the NZT Order 2024) – This requirement appears to disapply any requirement within the proposed DCO where the requirement has already been discharged pursuant to The NZT DCO. However, what happens where a requirement of the same name/ nature has been discharge under The NZT DCO but it has failed or does not cover all of the necessary details require to discharge the same Requirement imposed in any DCO made of the Proposed Development, if made. Please provide and full and reasoned argument when responding to this question.</p>
Q1.9.62	Applicant.	<p>Additional Information.</p> <p>Schedule 3 (Modifications to and amendments of the York Potash Harbour Facilities Order 2016) – The ExA would remind the Applicant of Section 5.11 25 of Advice Note 15 (drafting DCOs) concerning ‘Applications, modifications and exclusion of statutory provisions’, especially:</p> <ul style="list-style-type: none"> • Section 5.11 25.2 which states <i>“The power to apply, modify or exclude an existing statutory provision should be set out in an Article in the main body of the draft DCO. Those provisions that are proposed to be applied, modified or excluded by a DCO should be clearly identified, and, if extensive, identified in a Schedule or Schedules”</i> and • Good practice point 10. <p>In addition to the above, the ExA would point out, where the consent falls within a schedule to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015</p>

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ExQ1	Question to:	Question:
		<p>evidence will be required that the regulator has consented to removing the need for the consent in accordance with s150 of the PA2008.</p> <p>Anglo American in its RR are critical of the Applicant in regard to their communication with them and failure to include any detail as to how the proposed development will impact the York Potash Harbour Facilities Order 2016. This is especially true in terms of no details whatsoever being provided in Schedule 3 (Modifications to and amendments of the York Potash Harbour Facilities Order 2016), where it states: <i>“This Schedule has been left intentionally blank.”</i> The ExA notes the Applicant’s comments on this matter as set out in its EM [APP-028] (Paragraph 3.8.79) but is concerned about the lack of detail supplied and the claims of Anglo American related to the Applicants poor communication with them.</p> <p>It is noted by the ExA that a number of other RRs from other IPs repeat the same or similar claims regarding poor communication from the Applicant.</p> <p>Please provide full details of the content of Schedule 3 (Modifications to and amendments of the York Potash Harbour Facilities Order 2016) in the interests of openness and fairness.</p>
Q1.9.63	Applicant.	<p>Clarification/ Error correction.</p> <p>Schedule 8 (Land in Which New Rights etc. may be Acquired) Table 7, page 81 – reference is made to plots “...7/1, 7/1-...”. Should this be “...7/1, 7/10...”?</p>
Q1.9.64	Applicant.	<p>Clarification/ Error correction.</p> <p>Schedule 8 (Land in Which New Rights etc. may be Acquired) of the draft DCO [AS-013] at Table 7 (page 74) references Plot No. 13/6 as being coloured pink in relation to Work No. 1B.2. However, the BoR [AS-012] references this as being TP and is shown coloured yellow on the Land Plans [AS-003]. Please amend, as necessary.</p>
Q1.9.65	Applicant.	<p>Update.</p> <p>Schedule 12 (PPs) – A significant number of RR are critical of the Applicant in regard to their failure to engage with them in regard to PPs. Whilst seven PPs have been included in Schedule 12, these all appear to be generic, with no specific PPs being provided or agreed with any of those making RRs in this regard. The ExA is concerned about alleged lack of engagement with IPs concerning PPs and</p>

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ExQ1	Question to:	Question:
		<p>would urge the Applicant to engage with those IPs and reach agreement with them at the earliest opportunity. The ExA is aware of paragraph 6.15 of the SoS's Decision letter regarding NZT, dated 16 February 2024, where it was noted "...that 13 objections remain outstanding..." which the SoS considered "...this to be unsatisfactory considering the amount of time that has passed since the close of the examination." The SoS clearly stated they it was expected "...that parties should engage early and often to seek to reach agreement wherever possible." In the light of this clear statement the ExA expects the Applicant to engage early and often with IPs who have indicated that they are willing to enter into negotiations regarding PPs, with a view to reach agreement wherever possible and would ack the Applicant to provide an update in regard to PPs negotiations with each of those IPs through the Land Rights Tracker referred to in Annex F of the ExA's Rule 6 letter dated 31 July 2024 and Annex B of its Rule 8 letter dated 30 August 2024.</p>
Q1.9.66	Applicant.	<p>Clarification. Schedule 12 (PPs), Part 4 – (For the Protection Of National Grid Electricity Transmission Plc...) – The ExA notes that National Grid Electricity Transmission Plc's RR [RR-024], where they have included a copy of PPs with 'Track Changes'. Please review and update Schedule 12 (PPs), Part 4 accordingly or give full and reasoned justification as to why National Grid Electricity Transmission Plc's suggested revisions are not acceptable to you.</p>
Q1.9.67	IPs and Statutory Undertakers	<p>Clarification Schedule 12 (PPs) – Please provide details of discussions and progress regarding PPs (if applicable). If you are in agreement with PPs relevant to you, please confirm this, if not, either provide copies of preferred wording for PPs, or if you have provided it elsewhere (such as in a SoCG), signpost where it can be found and explain why you do not want the wording as currently drafted to be used. Note, if this is provided in the requested Land Rights Tracker please signpost this to the ExA.</p>
Q1.9.68	Applicant and LAs (HBC, RCBC and STBC), together with	<p>Clarification/ Views sought. Schedule 13 (Procedure for the Discharge of requirements) – Should Paragraph 1 define the word 'application' so it is clear that an 'application' must be valid for the remainder of the paragraphs to be</p>

ExQ1	Question to:	Question:
	any other relevant Authority/ Body.	triggered? Additionally, please signpost the ExA to the paragraph in this Schedule where the relevant planning authority is required to notify the Applicant of the start date, as defined in paragraph 1.
Q1.9.69	Applicant and LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body.	<p>Clarification/ Views sought.</p> <p>Schedule 13 (Procedure for the Discharge of requirements) and Schedule 15 (Appeals to the SoS) – A number of paragraphs within these Schedules specify the number of days by which specific tasks have to be undertaken by various named parties (ie Schedule 13, Paragraphs 3(2) and 3(3) and Schedule 15, Paragraph 2(d)). The number of working days specified are relatively short periods with a couple of periods in Schedule 13 being 5 working days. The ExA would be interested to hear from the Applicant and relevant LAs, as listed above, together with any other relevant Authority/ Body, whether these periods have been discussed between the parties and whether, in the opinion of the Relevant Planning Authorities or other relevant Authority/ Body whether the periods specified provide sufficient time to take into account any administrative functions, including the validation and registration of the application submitted.</p>
Q1.9.70	Applicant and LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body.	<p>Clarification/ Views sought.</p> <p>Schedule 13 (Procedure for the Discharge of requirements) – Paragraph 2 specifies provides for the granting of a deemed consent in the event that the relevant planning authority fails to determine the application. In this case the failure of the relevant planning authority to determine the application within an 8 week period, as defined in paragraph 1. Should the word ‘application’ be defined, so it is clear that an ‘application’ must be valid for the remainder of the paragraphs to be triggered?</p> <p>Additionally, paragraph 3 requires a statement to confirm whether it is likely that the subject matter of the application will give rise to any materially new or materially different environmental effects compared to those in the ES and, if it will, then states it must be accompanied by information setting out what those effects are.</p> <p>Bearing the above in mind the ExA would ask the Applicant/ Relevant Planning Authorities, as listed above, together with any other relevant Authority/ Body for them comments make observations on these matters, especially in related to:</p> <ul style="list-style-type: none"> i. a deemed consent being made after a period of 8 weeks in the event of the relevant planning authority failing to determine the application within that time period; and

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ExQ1	Question to:	Question:
		<p>ii. the ability to submit applications that could give rise to any materially new or materially different environmental effects compared to those in the ES, and whether such applications have the potential to result in significant changes not previously considered and/ or resulting IPs being deprived of the opportunity to comment.</p>
Q1.9.71	<p>Applicant and LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body.</p>	<p>Clarification/ Views sought. Schedule 13 (Procedure for the Discharge of requirements), Paragraph 4 (Fees) – Paragraph 4(1) specifies a fee must be paid to the relevant planning authority for each application. However, the ExA would seek the views of the Applicant and relevant Planning Authorities, listed above, as to whether a fee should be paid in relation to each request within an application to discharge a Requirement?</p>
Q1.9.72	<p>Applicant and LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body.</p>	<p>Clarification/ Views sought. Schedule 13 (Procedure for the Discharge of requirements), Paragraph 5 (Appeals) – Paragraph 5(1) specifies a number of events after which the ‘Undertaker’ may Appeal. The ExA notes that the events listed in Paragraphs 5(1)(c) and 5(1)(d), would enable the undertaker to potentially Appeal prior to period specified in Paragraph 2(1). The ExA would ask the Applicant if this is their intent and for the views of the relevant Planning Authorities, as listed above, together with any other relevant Authority/ Body on the potential ability to appeal prior to the close of the period specified in Paragraph 2(1).</p>
Q1.9.73	<p>Applicant.</p>	<p>Justification/ amendments sought. Schedule 13 (Procedure for the Discharge of requirements), Paragraph 5 (Appeals) and Schedule 15 (Appeals to the SoS) – Schedule 13, Paragraph 5(2)(e) and 5(3) and Schedule 15, Paragraph 2(2)(g) - Please justify the time periods you are seeking to imposed on the ‘appointed person’ as specified in Schedule 13(5)(2)(e)), Schedule 13(5)(3) and Schedule 15(2)(2)(g). In the event failure to adequately justify the imposition of the time limit: i) All wording after the words ‘as soon as reasonably practicable’ in Schedule 13(5)(2)(e) should be deleted and replaced with the following punctuation and wording ‘; and’.</p>

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ExQ1	Question to:	Question:
		<p>ii) In Schedule 13(5)(3) delete the wording ‘within five working days’ and replace that wording with ‘as soon as reasonably practicable’.</p> <p>In Schedule 15(2)(2)(g) delete all wording after the words ‘as soon as reasonably practicable’ and replace with a full stop ‘.’</p>
Q1.9.74	Applicant.	<p>Justification/ amendments sought.</p> <p>Schedule 13 (Procedure for the Discharge of requirements), Paragraph 5 (Appeals) – Paragraph 5(4). This is the first reference to the word ‘timetable’ in this Schedule with no explanation or interpretation of what is meant by that term. Whilst it might seem obvious, there is potential for misunderstand of the term without clarification and therefore, in the interests of precision the ExA would ask the Applicant to clarify what is meant by the words ‘timetable’ and ‘revised timetable’ and amend the DCO document as may be necessary.</p>
Q1.9.75	Applicant.	<p>Clarification.</p> <p>Schedule 15 (Appeals to the SoS) – Paragraph 2(2)(b) should appeal documentation also comprise the relevant authorities reason for refusal? Please review and amend, if necessary.</p>
Q1.9.76	Applicant.	<p>Clarification.</p> <p>Table 4-1 of ES Chapter 4 (Proposed Development) [APP-056] and Schedule 16 (Design Parameters) of the draft DCO [AS-013] provide a maximum height for “Other Production Plant” of 36m aOD. This term is not defined in the draft DCO. As such the Applicant is ask to clarify if the term for “Other Production Plant” encompass all other forms of plant proposed for the Main Site, as listed in paragraph 4.3.10 in ES Chapter 4 (Proposed Development) [APP-056], including:</p> <ul style="list-style-type: none"> • Process Water Treatment Plant • Demineralisation Plant • Bio-treatment Plant • Effluent Treatment Plant

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ExQ1	Question to:	Question:
		<p>Additionally, the ExA notes Schedule 16 (Design Parameters) of the draft DCO [AS-013] does not include a maximum height parameter for AGIs; this information is provided in Table 4-1 of ES Chapter 4. Please explain why the maximum height parameter for AGIs has not been included in Schedule 16 (Design Parameters) of the draft DCO [AS-013].</p>
Q1.9.77	Applicant.	<p>Clarification.</p> <p>Schedule 16 (Design Parameters) – Table 11 shows the flare stack as a 4.0 diameter. However, the ExA notes the Applicant’s DAS [APP-034] gives the specification as ‘4.0 diameter (flare 1.0 and platform 4.0)’.</p> <p>Additionally, Table 11 also shows the CO₂ absorber column as ‘5.5 diameter (top section) 8.5 diameter (bottom section)’, whereas the Applicant’s DAS [APP-034] gives the specification as ‘8.5 diameter (bottom section – 0.0 to 30.0m above ground level) 5.5 diameter (top section – 30 to 48.0m above ground level)’</p> <p>Please clarify and amend, as necessary.</p>
Q1.9.78	Applicant.	<p>Clarification.</p> <p>Schedule 16 (Design Parameters) – Table 11 – The CO₂ absorber column, as specified in the Applicant’s DAS [APP-034] at Table 5.1 in the Maximum Width column states the top section of the column will be 48.0m above ground level, whilst Schedule 16 (Design Parameters), Table 11 specifies in the Maximum Height column a maximum height of 56m aOD. Please explain the different heights specified in the two different table columns.</p>
Q1.9.79	Applicant.	<p>Clarification.</p> <p>Schedule 16 (Design Parameters) – Table 11 – the abbreviation ASU is the first and only time it is used in the DCO. As such please use the full wording for this term.</p>
<p>10. Geology, Hydrogeology and Land Contamination</p>		

ExQ1	Question to:	Question:
Q1.10.1	<p>Applicant and relevant LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body</p>	<p>Clarification/ Views sought.</p> <p>Paragraph 10.3.19 of ES Chapter 10 (Geology, Hydrogeology and Contaminated Land) [APP-062] states the baseline conditions have been determined by a desk review of available information which is set out in the ES Appendix 10A (Desk Based Summary Report) [APP-194]). This document states confirmatory intrusive Ground Investigation (GI) will be undertaken to support the assessments and will also be used to inform the Proposed Development Site detailed design.</p> <p>Paragraph 10.3.21 of the same Chapter of the ES advises that the scope of the GI will be forwarded to the relevant authorities, as appropriate, prior to commencing works. This includes informing LAs, if appropriate, for GI associated with pipeline routes and for the engagement of relevant stakeholders in areas near sensitive ecological receptors.</p> <p>In relation to the above, can the Applicant :</p> <ul style="list-style-type: none"> i) provide details of the scope and the timetable for undertaking the intrusive GIs? ii) identify the provision within the draft DCO [AS-013] which ensures and sets out the timetable for undertaking the GI? iii) provide further details on the reporting process which will be adopted to inform the LAs on GI associated with pipeline routes? iv) clarify the Stakeholders that will be engaged in relation to areas near sensitive ecological receptors and what the engagement process will involve? v) provide an explanation of how the confirmatory GI will inform the design of the proposed Development? <p>In relation to the above, do the LAs or any other relevant Authority/ Body:</p>

ExQ1	Question to:	Question:
		<p>vi) consider that there should be any other body in addition to the LAs which should be consulted by the Applicant on the scope of the GI prior to the commencement of works?</p> <p>vii) have any comments or observations in relation to the baseline data in Appendix 10A (Desk Based Summary Report) [APP-194]?</p>
Q1.10.2	<p>Applicant and relevant LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body</p>	<p>Clarification/ Views sought.</p> <p>Paragraph 10.4.12 of ES Chapter 10 (Geology, Hydrogeology and Contaminated Land) [APP-062] states that there is one brinefield, for salt production, currently active in the study area which is near Seal Sands in Stockton-on-Tees. Additionally, it states that two further brinefields in the Seal Sands area have existing planning permissions, whilst two brinefield cavities at Wilton, in Redcar and Cleveland, have existing permission for extraction under an ‘Instrument of Consent’. It is noted that the Wilton cavities are presently used for gas storage, rather than extraction and that the British Geological Survey indicates brine extraction has limited viability of itself, but acknowledges that there may be future interest to create storage caverns for gas and other fluid.</p> <p>Paragraph 10.4.15 of the same Chapter 10 of the ES states that ten dormant minerals sites were identified in the Tees Valley, one of which has had new conditions approved for minerals extraction (the anhydrite mine at Billingham). Further, of the remaining nine it is now considered that seven of these sites are highly unlikely to ever resume extraction due to recent development, designations or proposed allocations for other uses. Land at the remaining sites at Low Middlesfield Farm and Eaglescliffe Brickworks (Stockton-on-Tees) may require new planning permissions to be approved before they could be reopened.</p> <p>Bearing the above in mind, can the Applicant provide evidence for the above conclusions related to the sites referred to, or direct the ExA to where in the submitted Application Documentation such evidence can be located. Additionally, please provide a plan that identifies the location of all of the sites mentioned above or signpost the ExA to where in the submitted Application Documentation such a plan can be located.</p> <p>Can the LAs, together with any other relevant Authority/ Body, confirm they agree with the Applicant’s assessment of the mineral sites, as set out in ES Chapter 10 (Geology, Hydrogeology and Contaminated Land) [APP-062]? If not, please can you set out any concerns or observations you have in this regard, giving full and reasoned explanations.</p>

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ExQ1	Question to:	Question:
Q1.10.3	Applicant and relevant LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body.	<p>Clarification/ Views sought.</p> <p>Paragraphs 10.4.9 to 10.4.18 of ES Chapter 10 (Geology, Hydrogeology and Contaminated Land) [APP-062] refers to 'Geological Features and Minerals', with Paragraph 10.4.17 referencing:</p> <ul style="list-style-type: none"> the Tees Valley Joint Minerals and Waste Development Plan Documents, Policies and Sites Development Plan Document; and the Tees Valley Joint Minerals and Waste Development Plan Documents, Core Strategy Development Plan Document, <p>which indicate that there are safeguarded mineral deposits beneath the site.</p> <p>Bearing the above documents in mind, please advise whether the Proposed Development would result in the loss of access to these safeguarded mineral deposits and explain how/ whether, as a result of the Proposed Development, it would accord with the above mentioned Development Plan Documents?</p>
Q1.10.4	IPs	<p>Views sought.</p> <p>Can the relevant bodies please confirm whether they have any comments or observations in respect of the Framework CEMP [APP-043]?</p>
Q1.10.5	Applicant, STDC and relevant LA (RCBC)	<p>Clarification/ Views sought.</p> <p>Paragraphs 10.5.12 -10.5.13 of ES Chapter 10 (Geology, Hydrogeology and Contaminated Land) [APP-062] states that STDC are currently completing site clearance and remediation works. The impacts from this activity have not been included in this assessment. It is currently anticipated that STDC will complete remediation works required to create a suitable development area before commencement of construction of the Proposed Development, with STDC to obtain the necessary planning and other consents. It is further stated that if the necessary planning approval is not forthcoming or remediation works are not undertaken with the appropriate timescales the Applicant would undertake the remedial works and this is assumed as the worst-case scenario for the ES.</p> <p>With the above in mind:</p>

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ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> i) Can the Applicant and STDC confirm the status of planning approval, permits and licences relating to the clearance and remediation works? ii) Can the Applicant and STDC confirm who will be responsible for the risk assessment and any long-term monitoring of the efficacy of any remedial works and how this has been secured? iii) Can the Applicant identify the relevant Requirement in the draft DCO [AS-013] which will ensure site clearance and remediation of the Proposed Development is undertaken by the Applicant should STDC not obtain the necessary planning permission or undertake the works within the appropriate timescale? iv) Can the relevant LA (RCBC) provide an update on the current position regarding the planning permission submitted by STDC in respect of the clearance and remediation works?
Q1.10.6	Applicant	<p>Clarification.</p> <p>Paragraph 10.5.14 of ES Chapter 10 (Geology, Hydrogeology and Contaminated Land) [APP-062] states you will also review the scope of any remedial measures considered to be required following the completion of, or in place of, the remedial works undertaken by STDC. You have referred to these as ‘additional remedial measures’.</p> <p>The ExA would ask how can such remedial measures be referred to as ‘additional remedial measures’ in the event of having to undertake the remedial works itself, should that work not have been completed by STDC and, for the sake of clarity, please signpost which Requirement in the draft DCO [AS-013] secures the delivery of the remediation of the site in the event that remedial works are not undertaken and completed by STDC?</p>
Q1.10.7	Applicant	<p>Clarification.</p> <p>Paragraph 10.5.17 of ES Chapter 10 (Geology, Hydrogeology and Contaminated Land) [APP-062] states if any contamination is found during the construction of the Proposed Development, which has not been previously identified, then an appropriate risk assessment will be prepared. Any actions/ remedial measures resulting from the risk assessment will then be agreed with the relevant LA(s), in consultation with the EA, where risks to controlled waters are identified, pursuant to the DCO Requirement.</p>

ExQ1	Question to:	Question:
		Can the Applicant explain the mechanism by which the relevant Requirement in the draft DCO [AS-013] secures the undertaking of the risk assessment and delivery of the 'additional remedial measures' resulting?
Q1.10.8	Applicant, STDC and relevant LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Clarification/ Views sought.</p> <p>The EA's RR [RR-009] notes that STDC are responsible for completing site clearance and remediation works. The EA states that the Applicant may not be aware that a site adjacent to a section of the proposed pipeline corridor (NGR NZ 51767 24084) is currently being investigated under Part 2A of the Environmental Protection Act 1990. The site was previously known as Seal Sands Chemicals Company (SSC). The site is heavily impacted by previous chemical manufacturing on site which disposed of waste to land which has gone on to impact shallow groundwater. The EA advise that they are investigating this site on behalf of STBC and that additional information can be sought from the LA.</p> <p>In consideration of the above,</p> <ul style="list-style-type: none"> i) Can the Applicant advise whether any of the land being referred to by the EA as "...being investigated under Part 2A of the Environmental Protection Act 1990..." falls within the Order Limits and if so, please signpost the plan which identifies the former SSC land? If no such plan has been provided, please enter such a plan into the Examination. ii) In addition to the above can the Applicant, STDC and the EA, together with any other relevant Authority/ Body, confirm what discussions have taken place with regard to the land being referred to by the EA as "...being investigated under Part 2A of the Environmental Protection Act 1990."? iii) If this land does fall within the Order Limits, the ExA would ask the Applicant where within the Application documentation it has assessed any risks and impacts (significant or otherwise) in relation to this land. iv) Where the assessment referred to in iii) above has been undertaken and submitted as part of the Application documentation can the EA, LAs and/ or any other relevant Authority/ Body confirm that the assessment has adequately assess that land in question. Should no such assessment of this land have been submitted can the EA, LAs and/ or any other relevant Authority/ Bodies advise whether such an assessment should/ should not be undertaken, which takes account of this land?
Q1.10.9	Applicant and relevant IPs	Clarification/ Views sought.

ExQ1	Question to:	Question:
		<p>Paragraph 10.5.10 of ES Chapter 10 (Geology, Hydrogeology and Contaminated Land) [APP-062] states that assessment of the significance of impacts will take into account the principles of assessment in the Construction Industry Research and Information Association (CIRIA) Report C552 (2001) and the EA's Guiding Principles for Land Contamination in assessing risks to controlled waters (EA, 2010). It also explains that any such risk-based assessment may indicate the need for mitigation measures additional to those as detailed in the ES. An environmental risk assessment has been submitted at ES Appendix 10C (Contaminated Land Environmental Risk Assessment) [APP-196].</p> <p>Bearing these documents in mind:</p> <ul style="list-style-type: none"> i) The Applicant is asked to explain how its risk assessments have taken into account the EA's Guiding Principles for Land Contamination. ii) All relevant IPs are asked to confirm whether they consider the Applicant has used the most up to date and appropriate approaches for undertaking such risk assessments (ie to controlled waters and human health); and if not to explain what approaches to such risk assessments the Applicant should have followed?
Q1.10.10	EA	<p>Clarification.</p> <p>In your RR [RR-009] you note that the proposed hydrogen pipeline corridor could be underground and advise that GI may be appropriate in this location, as detailed in Table 7-3 of ES Chapter 10 (Geology, Hydrogeology and Land Contamination) [APP-062]. However, the ExA is unclear which table you are referring to, as there is no Table 7-3 in this Chapter of the ES. Please clarify.</p>
<p>11. Landscape, Visual Amenity and Design</p>		
Q1.11.1	Applicant	<p>Clarification.</p> <p>Paragraph 1.1.23 of the DAS [APP-034] states that the approach to design has also been influenced by technical, engineering, environmental and safety considerations. However, functional design can represent 'good design' and in developing the design of the Proposed Development the Applicant has taken account of the Teesworks Design Guide and the relevant plot typology and sought to minimise impacts upon the surrounding area.</p> <p>Paragraph 4.7.1 and 4.7.2 of the same document:</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • states that STDC has published a design guide for Teesworks ('Teesworks - Design Guide for Development') in December 2020 and that the intended aim of the document is to guide the development of Teesworks, including the major development proposals that are being brought forward within the area; and • refers to the South Tees Regeneration Master Plan and Teesworks Design Guide, noting they do not form part of the local Development Plan and have no formal planning status, but that regard has been given to these documents. <p>Considering the above, please:</p> <ol style="list-style-type: none"> i) Provide a detailed explanation of how the design of the Proposed Development is consistent with the aims of the South Tees Regeneration Master Plan and Teesworks Design Guide (having regard to paragraphs 4.7.6 - 4.7.7 and 4.7.12 - 4.7.13 of the DAS [APP-034])? ii) Provide a summary of how the design process to date was undertaken and reviewed to ensure the buildings and structures comprising the Proposed Development achieve a high quality in terms of design and enhancement to the environmental quality of the surrounding area? iii) Clarify what design principles and proposals will be used in future design work to the Proposed Development?
Q1.11.2	<p>Relevant LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body</p>	<p>Views sought.</p> <p>Section 7.6 of the DAS [APP-034] provides limited information about the external appearance of the Proposed Development. Photomontages illustrating the Proposed Development from a range of viewpoints are provided as part of the ES (Figure(s) 16-7-1a to 16-7-4c Photomontages [APP-172] and Figure(s) 16-7-1a to 16-7-4f Photomontages [AS-019]).</p> <p>Paragraph 9.1.2 of the DAS [APP-034] states the draft DCO [AS-013]), contains a number of controls in the form of articles, schedules and requirements to ensure the detailed design of the Proposed Development will be in accordance with the information contained within the Application and the assessments and principles set out in ES Chapter 16 (Landscape and Visual Amenity) [APP-069]. Table 9.1 of the DAS [APP-034] sets out the controls over the detailed design with reference to the Articles and Schedules, including Requirements, of the draft DCO (See Requirement 3, which requires submission to and approval by the relevant planning authority of design details including external appearance.)</p>

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ExQ1	Question to:	Question:
		<p>The ExA is concerned there appears to be limited information in the DAS from which the relevant LAs will be able to assess the detailed design. With this in mind the ExA would ask:</p> <ul style="list-style-type: none"> i) Whether you consider the Articles and Schedules, including Requirements, are sufficient to secure the detail design of the buildings and structures within the Proposed Development? If not please provide a detailed explanation of why not? ii) Do you consider the information in the DAS [APP-034], especially at Table 9.1, together with the Articles, Schedules and Requirements contained in the current version of the draft DCO [AS-013], provide a sufficient basis to guide the detailed design of the development? iii) Do the LAs and/ or any other relevant Authority/ Body have the sufficient experience, expertise and/ or resources to process and determine the submissions concerning design post-consent? If the answer to this part of the question is 'no', could the relevant LAs, together with any other relevant Authority/ Body indicate what additional support would be necessary/ required, including whom such support should be sought from and how such support should be secured?* iv) Do you consider external design review to be required and/ or necessary? If the answer to this part of the question is 'yes', could the relevant LAs, together with any other relevant Authority/ Body indicate what such external Design Review should consist of, who should provide such external design review and how it should be secured?* <p>* For example secured by Article, Requirements or other form of agreement, such as an agreement under Section 111 of the Local Government Act 1972.</p>
Q1.11.3	Applicant	<p>Clarification.</p> <p>The DAS [APP-034] contains limited information regarding details of the final design of the Proposed Development and the choice of construction materials as these are to be secured by Requirements in the draft DCO [APP- 027]</p> <p>Please explain how the design quality of the proposed buildings and structure, together with the materials to be utilised, has been used to inform the assessment of landscape and visual effects in ES Chapter 16 (Landscape and Visual Amenity) [APP-069]?</p>
Q1.11.4	Applicant, relevant LAs (HBC, RCBC and	Clarification/ Views sought.

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ExQ1	Question to:	Question:
	<p>STBC), together with any other relevant Authority/ Body</p>	<p>Can the Applicant please identify what processes will be put in place, or have been put in place, for monitoring the quality of materials and finishes of the Proposed Development, including any buildings/ structures, allowed by the Proposed Development? Additionally, please explain how the construction of the Proposed Development, including buildings and structures, will ensure the design quality envisaged in the DAS [APP-034] is achieved?</p> <p>Do the LAs, together with any other relevant Authority/ Body, have any comments or observations on the DAS in regard to the mechanisms for monitoring design and quality during the construction period or in regard to Schedule 2, Requirement 3 (Detailed Design) of the draft DCO [AS-013]?</p>
<p>Q1.11.5</p>	<p>Applicant</p>	<p>Clarification.</p> <p>Paragraph 5.2.1 of the DAS [APP-034] states that the Proposed Development is a ‘First of its Kind’ project in terms of scale, while hydrogen production is a developing area and increasing investment in the sector is resulting in technological advancement. Further, it states that is important that the detailed design of the Proposed Development is able to take account of that technological advancement, while there are still some options being considered for certain elements.</p> <p>Can you provide details of the options under considerations and explain what the implications would be in terms of the overall design of the Proposed Development? Additionally, can you give an indication of and explain the potential future technological advancement envisaged?</p>
<p>Q1.11.6</p>	<p>Applicant</p>	<p>Clarification.</p> <p>Paragraph 5.2.2 of the DAS [APP-034] states that the design of the Proposed Development allows for its delivery in two separate phases (each of 600 thermal megawatts) and there could be scope to share plant and infrastructure between the two phases. However, it also explains that this may not be possible for technical and commercial reasons and therefore the design needs to allow for different outcomes.</p> <p>Please signpost to where in the Application documentation the explanation of how the different design outcomes, referred to above, have been assessed, in particular with regards to ES Figure 16-3 (Zone of Theoretical Visibility (ZTV) and Potential Viewpoint Locations) [APP-167]. If it is not possible to signpost the information, please provide a full and reasoned explanation.</p>

ExQ1	Question to:	Question:
Q1.11.7	Relevant LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Views sought.</p> <p>Paragraph 16.3.2 of ES Chapter 16 (Landscape and Visual Amenity) [APP-069] in relation to significant effects sets the study area at 10 km from the main site. This is based on a combination of the ZTV analysis set out in Figure 16.3 (ZTV and Potential Viewpoint Locations [APP-167]) and professional judgement. Further, paragraph 16.3.3 of ES [APP-069] states that a study area of 2 km for connection corridors has been applied.</p> <p>In relation to the above, please:</p> <ul style="list-style-type: none"> i) Confirm whether you consider the information provided by the applicant in ES Chapter 16 (Landscape and Visual Amenity) [APP-069] and Figure 16.3 (ZTV) [APP-167] provides adequate and sufficient basis for the assessment of the study areas and the assessment of significant effect? ii) Provide any comments or observation on the assessment and methodology included in Section 16.3 of ES Chapter (16 Landscape and Visual Amenity) [APP-069] and in ES Appendix 16A: (Landscape and Visual Methodology) [APP-211]? iii) Confirm whether ES Chapter 16 (Landscape and Visual Amenity) [APP-069] adequately assesses the relationship between visual sensitivity and magnitude of impacts in determining the effect level and significance, as depicted in 'Plate 16-1: Classification of Landscape and Visual', especially in terms of the assessment of the "worst case scenario"?
Q1.11.8	Relevant LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Views sought.</p> <p>The Applicant has listed a range of viewpoints within the ES at Figures 16-6-1a to 16-6-15a: Winter Viewpoint Photography [APP-170]; Figures 16-6-1b to 16-6-14b: Summer Viewpoint Photography [APP-171] and in Appendix 16C: Potential Viewpoints [APP-213].</p> <p>Please confirm whether you:</p> <ul style="list-style-type: none"> i) consider all viewpoints were agreed with you in terms of your jurisdiction prior to the Application being submitted? ii) were satisfied with the list of viewpoints listed in the above mentioned Figures? iii) were satisfied with the quality of the viewpoints and visuals provided? iv) consider the viewpoints specified above are representative of locations for sensitive receptors, including tourists and recreational users?

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ExQ1	Question to:	Question:
		<p>v) consider night-time visuals of certain viewpoints should be provided? If so at which locations should the night-time visuals be provided and why?</p> <p>vi) any additional viewpoints (including any outside of the study area) and/ or amendments to the existing viewpoints are necessary? If so what additional viewpoints or amendments to the existing viewpoints are required and why?</p> <p>The Applicant has provided Photomontages of the Proposed Development within the ES at Figure 16-7-1a to 16-7-4c [APP-172].</p> <p>vii) Do you have any comments or observation on these Photomontages [APP-172]?</p> <p>viii) Do you have any comments or observation on the ES Indicative Hydrogen Production Facility and above Ground Installation Plan [AS-028]?</p>
Q1.11.9	Relevant LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Views sought.</p> <p>In terms of landscape and visual impacts, do you have any comments/ observations in regard to the assessment of the impacts and LSEs arising from the Proposed Development, as presented in Section 16.5 of ES Chapter 16 (Landscape and Visual Amenity) [APP-069] and as informed by ES Appendix 16A: (Landscape and Visual Methodology) [APP-211]. When responding please bear in mind Table 16A-16 (Categories of Landscape and Visual Significance of Effect) contained in the Appendix document referenced above.</p>
Q1.11.10	Applicant	<p>Clarification.</p> <p>Paragraph 16.5.3 of ES Chapter 16 (Landscape and Visual Amenity) [APP-069] refers to the removal/ clearance of vegetation within the Main Site and Connection Corridors during construction. The assessment of the landscape effects is set out in Table 16-5 'Assessment of Landscape Effects – Construction (and Decommissioning)', whilst a summary of significant effects is set out in Table 16-9: 'Summary of Significant Effects During Construction (and Decommissioning) and Operation'.</p> <p>The ExA has noted the content of the above-mentioned tables, especially where Table 16.5 states in the majority of cases 'Impacts will be temporary in nature and reversible'. However, the ExA also notes Table 16-9 identifies no mitigation or enhancement in terms of Significant Effects During Construction (and Decommissioning) and Operation.</p> <p>Can the Applicant confirm whether:</p>

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ExQ1	Question to:	Question:
		<p>i) any of the vegetation removed/ cleared within the Main Site and/ or the Connection Corridors during construction is intended to be reinstated and if so how will such reinstatement be secured in the DCO?</p> <p>ii) there are any trees or vegetation within the main site or connection corridors of value or importance (ie Ancient Woodland, Veteran Trees, and/ or Trees covered by TPOs, etc.), especially in terms of being landscape features, proposed to be removed/ cleared.</p> <p>If the answer to ii) above is yes (ie there are trees/ vegetation within the main site or connection corridors of particular value or importance), please signpost the ExA to where these features have been assessed within the submitted Application documentation or provide such assessments justifying why they should be permitted to be removed/ cleared as part of the Proposed Development.</p>
Q1.11.11	Applicant	<p>Design Clarification.</p> <p>The maximum height dimensions for the electrical connection options at Pellet Sinter and the new substation on the NZT site are not presented in ES Chapter 4 (Proposed Development) [APP-056], Table 4-1, nor in Schedule 16 (Design Parameters) of the draft DCO [AS-013]. With the above in mind, the Applicant is requested to confirm what has been used as the basis for assessment in the ES and how it is proposed to secure these parameters in the DCO. The Applicant is also requested to clarify the reference made in these documents to a new electrical substation at Tod Point.</p> <p>The Applicant is requested to confirm if it is proposed that only one electrical connection option would ultimately be required and, if so, how this is restricted in the DCO.</p>
Q1.11.12	Applicant	<p>Design Clarification.</p> <p>The maximum parameters for the administration control room and stores (Work No. 1D) are not described although the buildings appear to be shown indicatively but not labelled on the Indicative Hydrogen Production Facility and AGIs Plan [AS-028] (not a document to be certified in Schedule 14 of the draft DCO). No widths or lengths are stated but the Works' Plans do define the maximum area within which these components could be constructed by reference to Work No. 1D.</p>

ExQ1	Question to:	Question:
		<p>The Applicant is requested to confirm the maximum parameters of the administration and control room and stores (Work No. 1D) used as the basis for assessment in the ES and explain how these are secured in the DCO.</p>
Q1.11.13	Applicant	<p>Design Clarification.</p> <p>The draft DCO [AS-013] does not specify if the natural gas connection corridor would be underground or overground or a combination. ES Chapter 4 (Proposed Development) [APP-056] at paragraph 4.2.3 describes it as being underground, whilst paragraph 4.3.19 states it will either be above or below ground or a combination. The Applicant is requested to clarify its proposal, and confirm how the worst case assessed in the ES is secured.</p>
Q1.11.14	Applicant	<p>Design Clarification.</p> <p>The Applicant is requested to provide a clearer explanation of its proposed approach to demolition and remediation of the Proposed Development site and how this relates to the powers sought in the draft DCO [AS-013] (particularly the proposed associated development described in Schedule 1, Work No. 11(j)(i) and (j)(iii)) and the provision in Schedule 2, Requirement 12 ((Contaminated land and Groundwater) and what has been assessed in the ES, noting that ES Chapter 5 (Construction Programme and Management) [APP-057] at paragraph 5.2.13 states it would be carried out by STDC.</p>
<p>12. Material and Waste Management</p>		
Q1.12.1	Applicant	<p>Clarification.</p> <p>Paragraph 21.3.8 of ES Chapter 21 (Materials and Waste Management) [APP-074] states that an assessment of material diverted from landfill has not been used as this is more relevant to small and less-complex projects. However, reduction in waste for disposal is a requirement of NPS EN-1. Please explain how reduction in waste to be disposed will be promoted and included within construction contracts to ensure this is seen. Please also explain how this will be secured in the DCO and what monitoring and incentive arrangements may be used to reduce the amount of waste.</p>

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ExQ1	Question to:	Question:
Q1.12.2	Applicant	Clarification Bullet point 4 in paragraph 21.3.20 of ES Chapter 21 (Materials and Waste Management) [APP-074] states that effects of decommissioning will be no worse than that experienced during the construction phase. Notwithstanding this, please detail what measures and design approaches have been undertaken to minimise waste and hazardous waste during the decommissioning phase and how this will be incorporated into a decommissioning environmental management plan.
Q1.12.3	Applicant	Clarification. Table 21-1 of ES Chapter 21 (Materials and Waste Management) [APP-074] states that changes in the availability of materials during the Operational phase has been scoped out of the Materials and Waste Assessment. Please detail what these materials and waste streams could be and if there is considered to be any potential impact from changes in these during Operation, even though they have been scoped out of the assessment.
Q1.12.4	EA	View sought. Table 21-10 of ES Chapter 21 (Materials and Waste Management) [APP-074] details the consultation and response to the EA in relation to the proximity of historic and operational landfills sites. Please confirm you are satisfied with the Applicants response, and if not please explain why.
Q1.12.5	Applicant	Clarification. Paragraph 21.6.10 of ES Chapter 21 (Materials and Waste Management) [APP-074] states that the assessment of waste quantity has been made based on the project cost and an expectation of equal waste production across each year of the construction phase. Paragraph 21.6.11 states that a best practice benchmark for average waste is 5.5m ³ per £100,000. Please explain the basis of this benchmark, please also explain how it is proposed to ensure waste generation and removal to landfill will be reduced within the construction contracts and how this will be monitored and enforced.
Q1.12.6	Applicant	Clarification.

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ExQ1	Question to:	Question:
		Please explain, or signpost the ExA to the relevant documents, how/ where the cumulative effects of waste generation and material usage has been assessed in the application.
Q1.12.7	Applicant	Clarification. Please explain how the estimate of hazardous waste has been assessed and what effect the historic use of the site has had on this estimate. Please also detail what impact foundation design options may have on hazardous waste generation.
Q1.12.8	Applicant	Clarification. Paragraph 21.7.1 of ES Chapter 21 (Materials and Waste Management) [APP-074] states that there is a potential significant effect in relation to the excavation and disposal of hazardous material during the construction phase and volume estimates will be refined post DCO consent. Please explain how the ExA can be satisfied that the worst case scenario has been assessed in the ES and why no further mitigation measures are deemed appropriate. Please also explain why in 21.7.1 it is assumed that following further investigations, the proportion of waste material will reduce rather than increase?
Q1.12.9	STDC	View sought. Please comment on any potential residual issues that may impact waste generation and disposal following remediation work on the Foundry Site and if these have been adequately assessed within the Applicants ES.
Q1.12.10	Applicant	Clarification. The RR from the EA [RR-009] states that there is a site being investigated by them which could give rise to additional hazardous waste. Please comment on whether this was known by the Applicant and if so has any allowance been made of hazardous waste generation in light of this. Also see Q1.10.8 above.

ExQ1	Question to:	Question:
Q1.12.11	LAs (HBC, RCBC and STBC).	<p>Clarification.</p> <p>Please confirm that the information contained in the ES for the Proposed Development accords with the Tees Valley Joint Minerals and Waste strategy. If it does not, please give details of why this is the case. Also see Q1.10.3 above.</p>
Q1.12.12	Applicant and LAs (HBC, RCBC and STBC) (as the Waste Authorities), together with any other relevant Authority/ Body.	<p>Clarification/ Views sought.</p> <p>ES Chapter 21 (Materials and Waste Management) [APP-074] identifies a moderate adverse (significant) effect from changes in hazardous landfill void capacity during construction based on a worst case assumption of the volume (39,255m³). No additional mitigation is proposed in the ES at this time but it is stated that the estimates will be refined following site investigation.</p> <p>Question to the Applicant. Please confirm whether there is any additional mitigation that could be implemented if, following supplementary site investigation, the estimated volume of hazardous waste during construction is not reduced and a moderate adverse (significant) effect remains for hazardous landfill capacity. If so, how would the mitigation be secured.</p> <p>Question to HBC, RCBC and STBC (as the Waste Authorities), together with any other relevant Authority/ Body. Do you consider there to be any additional mitigation(s) that could be implemented if, following supplementary site investigation, the estimated volume of hazardous waste during construction is not reduced and a moderate adverse (significant) effect remains for hazardous landfill capacity. If so, how would the mitigation(s) be secured.</p>
13. Noise and Vibration		
Q1.13.1	Applicant	<p>Clarification.</p> <p>Please explain why Schedule 2, Requirement 19(4)(b) of the draft DCO [AS-013] would allow maintenance of plant and machinery at any time, when ES Chapter 5 (Construction Programme and Management) [APP-057] suggests that the ES is based on such activity occurring within the core construction hours with an extension of 0800 to 1700 on Sundays.</p>

ExQ1	Question to:	Question:
Q1.13.2	Applicant	<p>Clarification.</p> <p>A minimum stack height parameter for the auxiliary boiler stack has not been provided within ES Chapter 4 (Proposed Development) [APP-056] or Schedule 16 of the draft DCO [AS-013]. The ExA considers that in the absence of confirmed parameters, the Proposed Development could give rise to effects that exceed those assessed in the ES. Can the Applicant comment on the implications of committing to a minimum stack height consistent with the modelling in ES Appendix 11B (Operational Noise Information) [APP-199] and reflecting this in an updated version of the draft DCO.</p>
Q1.13.3	Applicant	<p>Clarification.</p> <p>Can the Applicant clarify why the width/ diameters of the stacks as secured in Schedule 16 of the draft DCO are different to those used in the modelling in ES Appendix 11B (Operational Noise Information) [APP-199].</p>
Q1.13.4	Applicant	<p>Clarification.</p> <p>The ExA would ask you to explain how details of operational noise management are proposed to be agreed through the DCO, noting that Table 2-4 to the Applicant's 'Schedule of Operational Mitigation and Monitoring' [APP-042] states that this would be secured through a Requirement but that the draft DCO [AS-013] only appears to contain a Requirement relating to construction noise management.</p>
Q1.13.5	Applicant and LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Clarification/ Views sought.</p> <p>Paragraph 11.2.49, first bullet point of ES Chapter 11 (Noise and Vibration) [PDA-007] reads: "...the first aim is to avoid noise levels above the SOAEL (Significant Observed Adverse Effect Level)". The ExA would ask whether the word 'avoid' should be replaced with the words 'not reach'? If not why not?</p>
Q1.13.6	Applicant	<p>Clarification.</p> <p>The assumptions set out in Paragraph 11.3.69 of ES Chapter 11 (Noise and Vibration) [PDA-007] are noted. However, the ExA would ask how will the draft DCO [AS-013] ensure the building contain the</p>

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ExQ1	Question to:	Question:
		<p>sound pressure level at 85dB to ensure noise calculations do not need to include elements of tonality, impulsivity, and intermittency?</p>
Q1.13.7	<p>LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body</p>	<p>Views Sought.</p> <p>Paragraph 11.5.4 of ES Chapter 11 (Noise and Vibration) [PDA-007] appears to seek a lot of latitude in terms of construction activities, especially in regard to ‘start up and close down’ procedures. The ExA would seek your views regarding the Applicant’s proposal set out in this paragraph, as well as any views you may have concerning what degree/ level of flexibilities you considers appropriate in terms of allowing other activities, such as concrete pours, surface water pumping, Etc., outside of the hours specified.</p> <p>In addition to the above the ExA would ask:</p> <ol style="list-style-type: none"> i. Should the elements requiring 24 hour working specify a minimum period for advance notice to all affected parties? ii. Should the Applicant/ Contractor need to demonstrate extenuation circumstances? iii. Whose responsibility should it be to notify all IPs, how should such notification take place and how should such responsibility be secured (ie as a requirement in the DCO or other mechanism)?
Q1.13.8	<p>Applicant</p>	<p>Clarification.</p> <p>The ExA notes Table 11-34: Residual Noise Effects of ES Chapter 11 (Noise and Vibration) [PDA-007] in regard to ‘Noise effects during construction of the Connection Corridors’ and that mitigation identified refers to “Further detailed assessment particularly regarding working outside of daytime working hours.” The ExA would ask when it is intended to undertake such an assessment and whether it is intended to submit it into the Examination for consideration?</p>
Q1.13.9	<p>Applicant</p>	<p>Clarification.</p> <p>Section 11.7 of ES Chapter 11 (Noise and Vibration) [PDA-007] sets out ‘Essential Mitigation and Enhancement Measures’, whilst Paragraph 11.7.3 of the same document set out the “...<u>use of temporary barriers or screens may also provide additional mitigation.</u>” (Underlining is the ExA’s</p>

ExQ1	Question to:	Question:
		emphasis). The ExA is concerned with the use of the word 'may' and similar such words elsewhere in the ES. There are lots of things you could do, but the ExA would ask what the Applicant is actually committing to?
Q1.13.10	Applicant	Clarification. Please provide details of its intended procedure for managing complaints and how it intends to liaise with members of the local community in regard to concerns raised by it. Please direct the ExA to where within the framework CEMP [APP-043] or other submitted Application documentation, where it has set a robust procedure for managing any such complaints.
Q1.13.11	LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	Views sought. The ExA would ask whether you are satisfied with <ul style="list-style-type: none"> i. the current level of mitigation proposed in regard to noise and vibration; and ii. how the Applicant intends to deal with complaints, including noise complaints, as the Framework CEMP [APP-043] in relation to this matter appears to contain limited information and Requirement 15 (CEMP) of the draft DCO [AS-013] requires a final CEMP to be agreed in substantial accordance with the framework CEMP.
14. Socio-economics and Land use, including Human Health and Major Accidents and Disasters		
Q1.14.1	UKHSA, EA and LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	Clarification/ Views sought. Paragraph 20.3.9 of ES Chapter 20 (Major Accidents and Disasters) [APP-073] states that a 5 km study area around the Proposed Development Site (the study area) has been considered recognising that this area of Teesside includes several installations regulated by the COMAH Regulations and Major Accident Hazards (MAH) pipelines which are regulated by the Pipelines Safety Regulations 1996. The study area has been selected on the basis that MAH sites greater than 5 km from the site are unlikely to be directly affected unless there is a Domino linkage with another site within the study area and this would be dealt with through the COMAH process.

ExQ1	Question to:	Question:
		<p>i) Does the UKHSA, EA and LAs, together with any other relevant Authority/ Body, agree with the 5 km threshold? If not, please state the reasons?</p> <p>ii) Can the Applicant please sign post the ExA to the document which summarises the Pipelines Safety Regulations 1996 requirements in relation to MAH/ COMAH pipelines?</p>
Q1.14.2	<p>UKHSA, EA, LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body</p>	<p>Views sought.</p> <p>The Applicant describes the Proposed Development as a ‘First of its Kind’ project in terms of scale stating that hydrogen production is a developing area. The Applicant further states that increasing investment in the sector is resulting in technological advancement (Paragraph 5.2.1 of the DAS [APP-034]).</p> <p>In light of the above:</p> <p>i) Can the EA, UKHSA, and/ or LAs, together with any other relevant Authority/ Body, comment on the Applicant’s approach to the assessment of major accidents as set out in ES Chapter 20 [APP-073]?</p> <p>ii) Are the EA,UKHSA and LAs, together with any other relevant Authority/ Body, satisfied that the Applicant has identified and adequately assessed the potential risks associated with the Proposed Development, including the Hydrogen production and capture and compression of CO₂ together with its transport?</p>
Q1.14.3	<p>Applicant/ EA</p>	<p>Clarification/ Views sought.</p> <p>Table 20-2: Responses to the Statutory Consultation Feedback of ES Chapter 20 (Major Accidents and Disasters) [APP-073] sets out the EAs response where they noted several other issues and concerns, including in relation to the Preliminary Environmental Information Report (PEIR) missing a list of proposed dangerous chemicals and a proposed inventory. In response the Applicant has stated that a provisional chemical list is provided in ES Chapter 21 (sic) (Major Accidents and Disasters), but does not actually direct the reader to that list. It is assumed that the Applicant is referring to Table 20-4 of ES Chapter 20 (Major Accidents and Disasters) [APP-073].</p> <p>Can the Applicant confirm the above assumption is correct?</p>

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ExQ1	Question to:	Question:
		Does the EA consider that the Applicant's response in Table 20-4 of the above mentioned Chapter of the ES is adequate and can it confirm whether or not the other issues and concerns raised by them, as referred to in Table 20-2 have been addressed?
Q1.14.4	Applicant	<p>Clarification.</p> <p>The ExA notes in Paragraph 20.3.23 of ES Chapter 20 (Major Accidents and Disasters) [APP-073] states that the Applicant has had regular engagement with the Health and Safety Executive (HSE).</p> <p>Can the Applicant please provide a summary of the consultation which has taken place with HSE and provide copies of correspondence received from the HSE regarding the Proposed Development or signpost where such correspondence can be located in the submitted Application documentation?</p>
Q1.14.5	Applicant	<p>Clarification.</p> <p>Paragraph 20.3.26 of ES Chapter 20 (Major Accidents and Disasters) [APP-073] notes that due to construction phasing, there may be a period following opening of Phase 1 where that phase will be operational and Phase 2 will be in construction. This paragraph notes the potential for a major accident and disasters event is increased in the event that construction and operational activities are occurring on adjacent sites.</p> <p>Can the Applicant explain what risk assessments, mitigation measures and necessary revisions to the Framework CEMP have/ will be undertaken to demonstrate that construction activities for Phase 2 can be conducted safely adjacent to the operational activities related to Phase 1?</p>
Q1.14.6	Applicant, EA, UKHSA, HSE, and LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Clarification/ Views sought.</p> <p>Paragraph 20.3.27 of ES Chapter 20 (Major Accidents and Disasters) [APP-073] states in addition to the Proposed Development there are other neighbouring projects which are ongoing with different delivery timescales, ie HyGreen and NZT Power. These projects will be in different stages of implementation through the construction, commissioning and operation of Phases 1 and 2 of the Proposed Development. The Proposed Development Site is located within an area which has several COMAH installations where the risks or consequences of a major accident may be increased due to the proximity of the sites to each other.</p>

ExQ1	Question to:	Question:
		<p>i) Please can the Applicant explain what appropriate modelling, safe distance and plant design will be adopted to demonstrate that risks are as 'Low As Reasonably Practicable'?</p> <p>In addition to the above, it is noted that the Proposed Development is to form part of a cluster of existing and other proposed developments that are or will be COMAH sites, which may increase the potential risks associated or consequences of a major accident due to the presence of a domino group .</p> <p>ii) Can the Applicant please explain how the embedded measures in the design and construction of the Proposed Development will be sufficient to reduce or off-set any increased potential risks associated with major accidents due to the domino group?</p> <p>iii) Does the, UKHSA, HSE, EA and LAs have any comments on the Applicant's assessment of the existing and proposed domino developments in respect of Credible Scenarios and embedded mitigation?</p> <p>The ExA notes from Paragraph 20.3.23 of ES Chapter 20 (Major Accidents and Disasters) [APP-073] that the Applicant has been in consultation with the HSE.</p> <p>iv) Can the Applicant and/ or relevant LAs advise whether the HSE have provided any site plans showing HSE Zones related to other uses (existing or proposed) in the area of the Proposed Development, which have implication for COMAH and whether the HSE have issued any 'Advise Against' or 'Do Not Advise Against' advice letters in relation to the Proposed Development?</p>
Q1.14.7	Applicant	<p>Clarification.</p> <p>Paragraphs 20.3.29 - 20-3.30 of ES Chapter 20 (Major Accidents and Disasters) [APP-073] sets out the assumptions that have been made in relation to the construction and operational phase of the Proposed Development.</p> <p>i) Can the Applicant please explain what assumptions have been made in the assessment about the design of, and safety and control systems for, any novel technology and/ or processes used within the Proposed Development, given current industry standards are not yet in place?</p>

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ExQ1	Question to:	Question:
		<p>ii) Please also explain the Applicants level of confidence in these assumptions for the purpose of reaching a conclusion, in regard to paragraph 20.9.1 ‘Summary of Residual Effects’ in this Chapter of the ES, of residual effects being ‘not significant’, given the novel nature of the Proposed Development?</p>
Q1.14.8	Applicant	<p>Clarification.</p> <p>Paragraphs 20.3.20 of ES Chapter 20 (Major Accidents and Disasters) [APP-073] sets out the assumptions that have been made for the operational phase of the Proposed Development and states at this stage in the Proposed Development, safety and control systems have not yet been designed, however, standard industry approaches to managing risk will be used. In addition, equipment such as process monitoring and safeguarding systems, and embedded mitigation, such as fire, flammable gas, toxic gas and leak detection, fire protection systems and emergency shutdown systems, will be installed as required.</p> <p>Can the Applicant please explain as the Proposed Development is a ‘First of its Kind’ Project what certainty can the ExA have that, at least in principle, the embedded design of the Proposed Development will be sufficient to prevent, control and mitigate major accidents during the operational phase?</p>
Q1.14.9	UKHSA, EA, and LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Views sought.</p> <p>Please confirm whether you have any comments or observations with regards to the following paragraphs and/ or tables contained in the Applicant’s ES Chapter 20 (Major Accidents and Disasters) [APP-073]:</p> <ul style="list-style-type: none"> • Proposed Development Design and Impact Avoidance/ Minimisation (Paragraphs 20.5.1 - 20.5.25); • Impacts and LSEs, including the Shortlisted Major Accidents and Disasters Scenarios (Paragraphs 20.6.1 - 2.6.16); and • The ‘Credible Scenarios Related to the Construction of the Proposed Development’ (Table 20-3).

ExQ1	Question to:	Question:
Q1.14.10	LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Views sought.</p> <p>Paragraphs 18.3.2 to 18.3.5 of ES Chapter 18 (Socio-economics and Land Use) [APP-071] defines a Study Area for the socio-economic assessment. Are the extent of the Lower layer ((sic) (Local)) Super Output Areas (LSOA) and the Wider Impact Area: Middlesbrough and Stockton Travel To Work Area (TTWA), as set out in the document reasonable or do you consider they need to be drawn wider? If the latter please fully justify your reasoning.</p> <p>In addition to the above, Paragraph 18.3.3 of ES Chapter 18 (Socio-economics and Land Use) [APP-071] states only a small proportion of the Hartlepool LSOAs lies within the boundary of the Proposed Development Site and therefore these areas have not been included in the H2Teesside Study Area.</p> <p>Do LAs, together with any other relevant Authority/ Body, agree with the Applicant that the Hartlepool LSOAs should be excluded from the study area? If not please provide your full reasoning as to why you disagree.</p>
Q1.14.11	LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Views sought.</p> <p>Paragraph 18.3.6 of ES Chapter 18 (Socio-economics and Land Use) [APP-071] sets out the assessment of the potential effects of the Proposed Development on baseline socio-economic conditions, whilst the socio-economic receptors are set out in Paragraph 18.3.7 of the same document. Table 18-1 of ES Chapter 18 (Socio-economics and Land Use) [APP-071] sets out the criteria for assessing and classifying levels of receptor sensitivity based on professional judgement, whilst Paragraph 18.3.9 and Table 18-2 of the same document assesses the magnitude of the socio-economic impacts associated with the Proposed Development.</p> <p>Do LAs, together with any other relevant Authority/ Body, have any comments or observations on or in relation to the Applicant's approach to these assessments?</p>
Q1.14.12	LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Views sought.</p> <p>Paragraph 18.3.14 of ES Chapter 18 (Socio-economics and Land Use) [APP-071] assesses the duration of the permanent and temporary effects. The short-term effects are of one year or less, medium-term effects of one to five years and long-term effects are for effects with a duration over five years.</p>

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ExQ1	Question to:	Question:
		Do the LAs, together with any other relevant Authority/ Body, agree with the assessment? If not please fully justify your reasoning.
Q1.14.13	Applicant and LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Clarification/ Views sought.</p> <p>Paragraph 18.3.25 of ES Chapter 18 (Socio-economics and Land Use) [APP-071] states the number of workers on site during the construction period for the Proposed Development will go up or down depending on the intensity of construction activity during this time. During the construction phase the peak number of workers present on site will be between approximately 800 and 1,300 workers.</p> <ul style="list-style-type: none"> i) Can the Applicant please explain what data has been used to inform the assessment of peak number of workers on site during the construction phase? ii) Do the LAs, together with any other relevant Authority/ Body, have any comments or observations to make with regards to the assumptions set out? If so please fully explain your response.
Q1.14.14	Applicant, LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Clarification/ Views sought.</p> <p>Paragraph 18.3.26 of ES Chapter 18 (Socio-economics and Land Use) [APP-071] sets out the assumptions made in regard to the operational phase of the proposed Development, including the assumed number of workers employed in direct operational jobs per annum, whilst Section 18-4 of this Chapter sets out 'Baseline Conditions'.</p> <ul style="list-style-type: none"> i) Can the Applicant explain what data and assessments were used to make the assumptions in respect of the number of workers during the operational stage of the Proposed Development. ii) Do the LAs, together with any other relevant Authority/ Body, have any comments or observations with regards to the Applicants assumptions in this regard and do you agree that the Applicant's assessment presents a reasonable 'worst-case' approach based on the minimum scenario for employment at the Proposed Development? iii) Do the LAs, together with any other relevant Authority/ Body, have any comments or observations in relation to the assessment of the 'Baseline Conditions'?

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ExQ1	Question to:	Question:
		<p>Paragraph 18.4.42 of ES Chapter 18 (Socio-economics and Land Use) [APP-071] states that future projections for the H2Teesside Study Area and the Middlesbrough and Stockton TTWA are not available. In the absence of this information.</p> <p>iv) Can the Applicant explain how it has ensured the accuracy of the assessment of future socio-economic baseline conditions?</p> <p>v) Do the LAs, together with any other relevant Authority/ Body, have any comments or observations with regards to the future baseline conditions (see Paragraph 18.4.41 - 18.4.48 of the above mentioned Chapter of the ES)?</p>
Q1.14.15	Applicant	<p>Clarification.</p> <p>Paragraph 18.3.28 of ES Chapter 18 (Socio-economics and Land Use) [APP-071] refers to the potential overlap following completion of Phase 1 construction where Phase 1 will be operational and Phase 2 in construction. This paragraph also states the worst-case scenario for construction and operation concurrently has been defined and assessed, resulting in Phase 1 being considered a more robust (worst-case) construction stage evaluation. This conclusion is drawn from the increased construction activity in Phase 1 compared to a combined assessment involving Phase 1 operational and Phase 2 construction. The operational stage worst case commences on completion of Phase 2.</p> <p>Can the applicant explain what data was used to evaluate the level of activity in the construction and operational stage and used to inform the assessment of worst-case scenario for construction and operation concurrently?</p>
Q1.14.16	LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Views sought.</p> <p>Do the LAs, together with any other relevant Authority/ Body, have any comments or observations in relation to the assessment of impacts and LSEs set out in 18.6 of ES Chapter 18 (Socio-economics and Land Use) [APP-071]?</p>
Q1.14.17	Applicant and LAs (HBC, RCBC and STBC), together with	<p>Clarification/ Additional information/ Views sought.</p>

ExQ1	Question to:	Question:
	<p>any other relevant Authority/ Body</p>	<p>Paragraph 18.6.11 of ES Chapter 18 (Socio-economics and Land Use) [APP-071] indicates that based on the gross construction worker requirements in the construction schedule and the additionality factors outlined in previous paragraphs, it is estimated that 780 (net) construction jobs would be generated by the construction of the Proposed Development, of which around 585 are expected to be from the Middlesbrough and Stockton TTWA.</p> <p>Irrespective of this, the ExA has been unable to locate the ‘requirement construction schedule’ in this Chapter of the ES and is unclear as to what it is or how this has been assessed. Bearing this in mind, the ExA would ask:</p> <ul style="list-style-type: none"> i) the Applicant to submit the ‘requirement construction schedule’ and advise how it has been assessed and/ or signpost where within the submitted Application documentation the ‘requirement construction schedule’, together with the explanation of how it has been assessed, can be located. ii) whether the LAs, together with any other relevant Authority/ Body, have any comments or observations on the Applicant’s estimates relating to construction phase employment?
<p>Q1.14.18</p>	<p>LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body</p>	<p>Views sought.</p> <p>Paragraph 18.6.25 of ES Chapter 18 (Socio-economics and Land Use) [APP-071] assesses the gross operational employment at a minimum level for both Phases 1 and 2 to be 60 gross direct jobs. Do the LAs, together with any other relevant Authority/ Body, have any comments or observations on the Applicant’s assessment? If so please fully explain your response.</p>
<p>Q1.14.19</p>	<p>LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body</p>	<p>Views sought.</p> <p>Paragraph 18.7 of ES Chapter 18 (Socio-economics and Land Use) [APP-071] sets out the Applicant’s Essential Mitigation and Enhancement Measures. Do the LAs, together with any other relevant Authority/ Body, have any comments or observations they wish to make in regard to the mitigation and enhancement measures set out by the Applicant in this regard? If so please fully explain your response.</p>
<p>Q1.14.20</p>	<p>Applicant and LAs (HBC, RCBC and STBC), together with</p>	<p>Clarification/ Update/ Views sought.</p> <p>Paragraph 18.5.6 of ES Chapter 18 (Socio-economics and Land Use) [APP-071] refers to the mitigation of “...the land loss associated with Cowpen Bewley Woodland Park, for sections of the pipeline...” with trenchless methods of construction being used to avoid the removal of any existing trees. The Applicant</p>

ExQ1	Question to:	Question:
	<p>any other relevant Authority/ Body</p>	<p>states “Therefore, there will be a line of trees between the railway and the AGI which are left intact throughout construction, providing some visual screening of the activities north of the railway.”</p> <p>i) Can the Applicant please signpost where the impacts of this loss of land, significant or otherwise, has been assessed within the submitted Application documentation?</p> <p>ii) Please explain how the mitigation measures described in the above are to be secured through the draft DCO?</p> <p>Paragraph 18.5.10 of ES Chapter 18 (Socio-economics and Land Use) [APP-071] states “The Applicant intends to mitigate the permanent loss of land at Cowpen Bewley Woodland Park with a replacement area of land that would be of at least the same size and standard as the land required by the project.” It also indicates it will work with STBC to agree the layout and planting of this land.</p> <p>i) Can the Applicant and STBC provide an update on their discussions regarding layout and planting of the replacement area of land?</p> <p>ii) Can the Applicant explain how the process to agree and secure layout and planting with STBC will be secured (ie in the draft DCO [AS-013] or via another mechanism)?</p>
Q1.14.21	<p>Applicant</p>	<p>Clarification.</p> <p>Paragraph 18.4.14 of ES Chapter 18 (Socio-economics and Land Use) [APP-071] states that there are multiple footpaths that lie within the boundary of the Proposed Development Site and lists them. The footpaths are also shown in Figure 3-1 (Environmental Constraints within 1 km of the Proposed Development Site) [APP-080], which shows all Public Rights of Way (PRoW) within 1 km of the Proposed Development Site. The following Paragraph (Paragraph 18.4.15) states that PRoW listed may be affected by the selected routes of the hydrogen pipelines and other connections. In addition, a number of other byways, bridleways and footpaths are listed in this and subsequent paragraphs. These include, but are not limited to:</p> <ul style="list-style-type: none"> • Byway 30 (adjacent to the Proposed Development site, north of Wolviston Back Lane). • Bridleway 102/194/2 (located adjacent to the Proposed Development site in Grangetown). • Footpaths and bridleways that are also located to the north-east of the Proposed Development site, in Warrenby and Coatham. • Bridleways 116/32/1 and 116/36/1 (located closest to the Proposed Development site some 310m north-east).

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ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • Bridleways 116/32/1 and 116/33/1 (part of the England Coastal Path (Filey Brigg to Newport Bridge)). <p>Please confirm:</p> <ul style="list-style-type: none"> i) The level of consultation which has taken place with the LAs, with regards the PRoW referred to in this Chapter of the ES, which may be affected by the selected routes of the hydrogen pipelines and other connections? ii) How the potential closure of the PRoWs set out in Figure 3-1 (Environmental Constraints within 1 km of the Proposed Development Site) [APP-080] has been addressed in the draft DCO [AS-013] and whether it envisages the closure of these PRoW to be temporary or permanent? <p>In addition to the above, the ExA notes Paragraph 18.4.16 of ES Chapter 18 (Socio-economics and Land Use) [APP-071] cites Paragraphs 102 and 104 of the National Planning Policy Framework (2023) as follows: “access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well- being of communities” (Paragraph 102) and “decisions should protect and enhance public rights of way and access” (Paragraph 104). Please:</p> <ul style="list-style-type: none"> iii) signpost where the impacts and LSEs of the closure of PRoW have been assessed in ES Chapter 18 (Socio-economics and Land Use) [APP-071], including how they may be affected by the selected routes of the hydrogen pipelines and other connections? iv) explain how the Proposed Development accords with the National Planning Policy Framework 2023 in this regard?
Q1.14.22	Applicant	<p>Clarification/ Additional Information sought.</p> <p>NE in its RR [RR-026] stated that further assessment of construction phase impacts to Best and Most Versatile (BMV) agricultural land is required to inform mitigation. It requests an agricultural land classification survey of the pipeline routes and areas of agricultural land proposed to temporarily or permanently lost, together with confirmation of the amount of BMV land by grade that would be lost, be supplied.</p> <p>Please supply the further assessment and surveys sought by NE, or signpost the ExA to where within the Application documentation the assessment and survey have been provided.</p>

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ExQ1	Question to:	Question:
Q1.14.23	Applicant	<p>Information Requested.</p> <p>ES Chapter 20 (Major Accidents and Disasters) [APP-073] states that risk assessments and revisions to the CEMP would be undertaken in respect of additional risk from major accidents and disasters associated with operation of Phase 1 simultaneously with construction of Phase 2. The ExA notes that there is currently limited information in the Framework CEMP [APP-043] in relation to this matter and no reference in Requirement 15 of the draft DCO [AS-013] to updating mitigation to suit the final phasing. The Applicant is requested to provide an outline of the anticipated risks and risk assessment process, together with confirmation as to how it is proposed to secure commitments to assessment and additional mitigation (if required).</p>
Q1.14.24	Applicant/ HSE	<p>Information requested/ views sought.</p> <p>The adopted Scoping Opinion [APP-185] requested an explanation of design guidance and criteria being followed for the hydrogen pipeline and how health and safety risks would be managed, noting that hydrogen is an emerging technology for which regulatory standards are likely to evolve. The Applicant in its Scoping Opinion Responses [APP-188] stated that this information is presented in ES Chapter 20 (Major Accidents and Disasters) [APP-073], where at section 20.2 it describes existing legislation, policy and guidance of relevance to the Proposed Development. However, there is limited reference to hydrogen specific information.</p> <p>Can the Applicant provide confirmation of any hydrogen specific design guidance and criteria that are being followed for the Proposed Development, including any emerging guidance that may affect ongoing design development.</p> <p>Can the HSE comment on the Applicant’s approach to assessment of major accidents as set out in ES Chapter 20 (Major Accidents and Disasters) [APP-073] in the context of the Proposed Development comprising emerging hydrogen technology. Does the HSE consider that the Applicant has identified and assessed the potential risks associated with the hydrogen pipeline and production components?</p>

15. Surface Water, Flood Risk and Water Resources

ExQ1	Question to:	Question:
Q1.15.1	Applicant/ Northumbrian Water Ltd (NWL)	<p>Information/ Update sought.</p> <p>The Application documentation submitted indicates that raw water supply will be required for various processes, including for cooling water, as well as domestic and sanitary use. Paragraph 4.3.27 of ES Chapter 4 (Proposed Development) [APP-056], states that it would be from the existing NWL raw water supply to the STDC site or a new connection to the NWL supply via tie into NZT infrastructure or a new connection. ES Chapter 9 (Surface Water, Flood Risk and Water Resources) [APP-061], Table 9-19 summarises the clean water requirement (m³/ hour) for the operational phase.</p> <p>Can the Applicant/ NWL provide an update on the status of any agreements between the parties for water supply to the Proposed Development during operation.</p>
Q1.15.2	Applicant	<p>Review/ Clarification.</p> <p>The EA in its RR [RR-009] notes ES Chapter 9 (Surface Water, Flood Risk and Water Resources) [APP-061] includes some areas highlighted as compounds being located within Flood Zone (FZ) 2 and FZ 3 and as such it considered additional mitigation maybe required to ensure these are not at risk of flooding or increase flood risk elsewhere. Please review your Appendix 9C (FRA) [APP-192] and update that document to include an assessment of the flood risks associated with the compound areas, together with any appropriate mitigation, or provide a detailed explanation as to why such an update is not required.</p>
Q1.15.3	Applicant	<p>Evidence/ Clarification sought.</p> <p>The EA in its RR [RR-009] states in regard to ES Chapter 9 (Surface Water, Flood Risk and Water Resources) [APP-061] “There is inadequate evidence that demonstrates that all of the proposed infrastructure, in particular the pipeline corridors and critical plant equipment in FZ3 will remain safe in times of a flood...” As such the EA considers there to be a “...risk that elements of the proposed development will not be safe for its lifetime.” It sets out a suggested solution in it’s RR but ultimately advises “Evidence should be provided in the FRA demonstrating how the design of existing pipelines in FZ3 are:</p> <ol style="list-style-type: none"> 1) flood resilient, 2) if they can currently withstand floodwaters as stated in section 9A.9.27 of the FRA CIRIA Report C688 'Flood Resilience and Resistance for Critical Infrastructure' (CIRIA, 2010), and

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		<p>3) if the existing infrastructure in FZ3 will be altered/ refurbished to meet this standard of protection for the lifetime of the development.</p> <p>In addition to the above the EA advise that confirmation is also required on whether the crossing at the River Tees is below ground, above ground or both, as there is reference to both types of crossing in different documents.</p> <p>Please provide the evidence sought by the EA above, or signpost the ExA to where within the submitted Application that evidence is to be found. Additionally, please clarify for the EA whether the crossing of the River Tees is above or below ground (or both) updating the submitted Application documentation, as may be necessary.</p>
Q1.15.4	Applicant	<p>Review/ Update sought.</p> <p>ES Chapter 9 (Surface Water, Flood Risk and Water Resources) [APP-061], as supported by the Appendix 9C: FRA [APP-192], describes several temporary construction and enabling works such as, but not limited to, temporary storage in the floodplain, open-trench channels and trenchless channels, directional drilling under the tees, utilising existing culverts and overbridges. However, the EA appears concerned that these have not been adequately considered within the FRA.</p> <p>The EA advise in it RR [RR-009] that any such works in FZ3 have potential to increase of flood risk and those such works (the temporary construction and enabling works in FZ3) need to be assessed and considered in the FRA. The EA advises the FRA should demonstrate the use of operational controls and/ or mitigation measures throughout the construction phase, and minimise flood risk in areas at high-risk of flooding.</p> <p>In addition to the above, the EA advises it is vital there are no adverse impacts to the EA's flood defence assets along Greatham Creek.</p> <p>Bearing the above in mind, please review the FRA, in the light of the above comments, and amend Chapter 9 (Surface Water, Flood Risk and Water Resources) [APP-061] as necessary and advise whether any adverse impacts to the EA's flood defence assets along Greatham Creek will occur/ or are likely to occur as a result of the Proposed Development.</p>
Q1.15.5	Applicant	Clarification/ Amendments sought.

ExQ1	Question to:	Question:
		<p>The EA in its RR [RR-009] raises a number of concerns/ issues in regard to Appendix 9B (Water Quality Modelling Report) [APP-193]. These concerns/ issues include/ relate to:</p> <ul style="list-style-type: none"> • Section 9B.5 Water Quality Modelling. • Plate 9B-9: Salinity Data for Tees Bay. • Figure 9B-15 (sic) (Plate 9B-15). • Table 9B-10: Effective Volume Flux Calculations. • Benzo(g,h,i)-perylene, pages 56-57. <p>Please review and respond to the concerns raised by the EA, as set out above, providing evidence (where necessary) or signpost the ExA to where within the submitted Application Documentation you have addressed the concerns/ issues raised by the EA or provided the evidence sought.</p>
Q1.15.6	Applicant	<p>Clarification/ Information sought.</p> <p>The Marine Management Organisation in its RR [RR-021] advises “<i>It is unclear whether the entry and exit pits for the trenchless crossings are above Mean High Water Springs...</i>” (Paragraph 4.1.1) and that section 4.10 of ES Chapter 4 (Proposed Development) [APP-056] does not present a map detailing these locations. Please provide such a plan or signpost the ExA as to where in the submitted Application Documentation such a plan is to be found.</p>
16. Needs Case and the Proposed Relationship with other Developments in the Area		
Q1.16.1	Applicant	<p>Clarification.</p> <p>Paragraph 5.1.2 of the Need Statement [APP-033] refers to the H2Teesside project being an additional anchor project for the Northern Endurance Partnership. Please confirm which other projects are anchor projects for the Northern Endurance Partnership?</p>
Q1.16.2	Applicant	<p>Clarification.</p> <p>Paragraph 5.1.6 of the Need Statement [APP-033] states “<i>There are multiple industries within the Teesside cluster that have expressed an interest in the use of low carbon hydrogen to support their decarbonisation.</i>”, whilst paragraph 5.1.7 states “Teesside has several existing industrial parks which</p>

ExQ1	Question to:	Question:
		<p>could attract new business entrants, including potential users of low carbon hydrogen, to build upon an initial infrastructure investment.”</p> <p>Bearing the above in mind, the ExA would ask:</p> <ul style="list-style-type: none"> i) Whether any of these industries/ business, which have previously expressed an interest in the use of low carbon hydrogen, have withdrawn that interest or indicated to you their intention to do so? ii) What would the implications be for the Proposed Development should a single party or multiple parties withdraw their interest in the use of low carbon hydrogen?
17. Traffic and Transportation		
Q1.17.1	Applicant and relevant IPs	<p>Update/ Views sought.</p> <p>It would be necessary to use accesses in the ownership and use of a number of IPs and other operators. A number of RRs have raised maintenance of their access rights as an issue. Please could all parties provide an update on whether access concerns remain and if the DCO or relevant PPs offer suitable protection to IPs?</p>
Q1.17.2	Applicant	<p>Clarification.</p> <p>ES Appendix 15A Transport Assessment [APP-210], paragraph 15A.5.4 states that it has been assumed in the transport assessment for the construction phase that there will be an average of two workers per car travelling to the construction sites. Please detail, or signpost the ExA to, how this will be monitored and managed and who will be responsible for this during the construction phase and how this is secured in the DCO.</p>
Q1.17.3	National Highways	<p>Clarification.</p> <p>Please confirm that the RR [RR-025], which has been sent exclusively from Jacobs Systra Joint Venture, is fully the opinion of National Highways and that the ExA should treat it as such.</p>
Q1.17.4	National Highways	<p>Clarification.</p>

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ExQ1	Question to:	Question:
		<p>In their RR [RR-025], National Highways state that assessing Phase 1 construction as the worst case scenario for construction movement is in conflict with the assumption of 1,300 construction workers being employed on site. Please explain this concern further.</p>
Q1.17.5	<p>National Highways and Local Highway Authorities</p>	<p>Views/ Explanation sought.</p> <p>Are National Highways and Local Highways Authorities content that ES Chapter 15 (Traffic and Transportation) [APP-068] and associated framework plans form an appropriate basis for the framework CEMP as written? If not, please provide details of your concerns.</p>
Q1.17.6	<p>Applicant, National Highways and Local Highway Authorities</p>	<p>Clarification/ Views sought.</p> <p>ES Chapter 15 (Traffic and Transportation) [APP-068] paragraph 15.5.5 states that each Engineering, Procurement and Construction contractor will have their own Final Construction Traffic Management Plan. Please explain what information will form the basis of these plans, how they will be approved and how this is secured in the draft DCO. Are National Highways and Local Highways Authorities content that this approach will be appropriate.</p>
Q1.17.7	<p>Applicant</p>	<p>Clarification.</p> <p>How is the Decommissioning Traffic Management Plan referred to in paragraph 15.5.9 of ES Chapter 15 (Traffic and Transport) [APP-068] secured through the DCO?</p>
Q1.17.8	<p>Applicant and Local Highway Authorities</p>	<p>Clarification/ Views sought.</p> <p>ES Figure 15-2 (Heavy Goods Vehicle Routes to and from the Proposed Development Site) [APP-162] and ES Figure 15-4 (Traffic Routes) [APP-164] detail the traffic and Heavy Goods Vehicle routing to the Proposed Development. These figures appear to only show this routing to the main site.</p> <p>Please could the Applicant provide a plan and detail the routing to the other construction compounds.</p> <p>Please can the relevant Local Highway Authority comment on the general suitability of access to the remote construction compounds.</p>

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ExQ1	Question to:	Question:
Q1.17.9	Applicant and Local Highway Authorities	<p>Clarification/ Views sought.</p> <p>Paragraph 15.3.6 of ES Chapter 15 (Traffic and Transportation) [APP-068] states that abnormal routing via the road network only has been considered as this represents the worst case scenario for traffic assessment.</p> <p>Could the Applicant, please:</p> <ul style="list-style-type: none">i) comment on the potential suitability of other methods of transporting abnormal loads and the likelihood of this being used.ii) detail if there will be a need to transport abnormal loads to locations outside the main site area and if so, how has the suitability and method for undertaking this been assessed? <p>Could the relevant Local Highway Authorities please comment on the general suitability of potential abnormal loads access to the remote construction compounds.</p>
Q1.17.10	Applicant	<p>Clarification.</p> <p>Please detail how it is envisaged that co-ordination between various construction projects, including those being promoted on the Foundry Site, will be undertaken so as to minimise the traffic impact in both construction and operational phase. Please also detail how this is secured in the draft DCO.</p>