

SOUTH TEES GROUP (20049389)

H2TEESSIDE DCO EXAMINATION

DEADLINE 1 SUBMISSION: WRITTEN SUMMARY OF SUBMISSIONS AT ISSUE SPECIFIC HEARING 1 HELD ON 28 AUGUST 2024

This document sets out South Tees Group’s (STG) written summary of comments made at Issue Specific Hearing 1 (ISH1) on the Scope of the development, including its relationship to the extent of the Order Limits, and progress of development design. Where an agenda item is not listed in the table below, it was not commented on by STG at the hearing.

	Agenda Item	Submissions
1	Welcome, preliminary matters and introductions	<p>Tom Henderson (TH), Partner at BDB Pitmans LLP represented the South Tees Group – which comprises three bodies as set out in RR-003:</p> <ul style="list-style-type: none"> - South Tees Development Corporation – mayoral development corporation for the Teesworks site - South Tees Developments Limited – owner of the majority of the site, and a wholly owned subsidiary of STDC - Teesworks Limited – public / private JV partnership which oversees the Teesworks site and has the benefit of options to acquire it <p>The umbrella term “South Tees Group” (STG) will be used in this examination except where context requires specific identification of one of the three parties.</p>
3	Scope of Development and its relation to the extent of the Order Limits	
3(i)	<p>How the order limits have been assessed in relation to the current level of design development.</p> <ul style="list-style-type: none"> - Whether due to this project being the ‘First of its kind’ plant there is a need for design flexibility and how this applies to the pipelines and what impact that may have had on the Order Limits. - How the Order Limits have been established in locations where existing infrastructure/ pipeline corridors will be used. - Whether all the pipeline and connection corridors in the Proposed Development are required for phase 1 and if there is a scenario where phase 2 does not happen and 	<p>To underpin the South Tees Group’s comments on this agenda item, and indeed later agenda items, the South Tees Group made the following general remarks:</p> <ul style="list-style-type: none"> - As set out in its relevant representation [RR-003], the South Tees Group is tasked with the regeneration of the Teesworks Estate, the UK’s largest freeport, and Europe’s largest brownfield site. - It is apparent from the DCO plans that the South Tees Group owns and manages a significant proportion of the land in the Order Limits, including the main site and connecting linear infrastructure. - Whilst the South Tees Group is an in-principle supporter of the proposed H2Teesside development, noting the extensive land-take over the Teesworks estate, the South Tees Group is concerned to ensure that the H2Teesside development comes forward in a way which minimises the impact on, and is

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	<p>there is not a requirement for all of the infrastructure that defines the order limits.</p> <ul style="list-style-type: none"> - How the Applicant's design has been used to establish the size requirements for the main site with unknown factors related to the design. - The Applicant to explain how the areas within the main site which do not have production facilities or buildings will be utilised and how this has defined the Order Limits. - How the design of the main site has been established when the two phases may not share infrastructure and the impact this may have on the Order Limits. 	<p>consistent with, other development on the Teesworks estate so that wider opportunities for job creation are not blighted.</p> <ul style="list-style-type: none"> - For those reasons the South Tees Group submitted its Relevant Representation in the form of a holding objection. - The South Tees Group was extensively involved as an interested party in the Net Zero Teesside DCO promotion. As a result of that process the South Tees Group secured reductions in the Net Zero Teesside Order Limits, and bespoke protective provisions on the face of that DCO. Those bespoke protective provisions contained a mechanism to relocate certain DCO works to be compatible with future changes to the Teesworks Estate e.g. new estate roads, other developments coming forward. <p>South Tees Group made the following comments on agenda item 3(i):</p> <ul style="list-style-type: none"> - As with Net Zero Teesside, the South Tees Group is again concerned to ensure that the Order Limits are minimised to include only that level of flexibility that is reasonably required and justifiable against the outline design. - In reviewing the submitted DCO application to prepare its relevant representations, it was not apparent to the South Tees Group that this test had been met. The South Tees Group struggled to understand the rationale for the extent of some of the Order Limits as applied for, and the specific works within the Teesworks Estate which justifiable those Limits. - It was unclear from the application documents that existing or consented infrastructure corridors had been taken advantage of, with Order Limits required to be no wider than necessary to use those corridors. - Some design elements appeared directly incompatible with other development, such as a proposed means of access which conflicts with a park and ride site. - The South Tees Group is still trying to understand the Authorised Development in light of the above. STG had seen the Applicant's proposed change request, which from an initial review seems to be positive in terms of the reduced impact on the Teesworks Estate. The South Tees Group reserves judgment until it has had an opportunity to analyse comment on the detail through consultation. <p>The South Tees Group highlighted that it was committed to working with the Applicant to resolve its concerns but will need to see a substantive increase in the level and frequency of engagement to address its concerns. STG made the following comments on the lack of engagement from the Applicant:</p>

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		<ul style="list-style-type: none"> - through pre-application the South Tees Group was not provided sufficient information to understand the justification for the extent of the H2Teesside proposals; - the South Tees Group does not yet have a draft SoCG from the Applicant and has not received a response to its relevant representations; - there are as yet no bespoke protective provisions in the draft DCO drawn from the Net Zero Teesside protective provisions; - land agreements in relation to a number of elements outside the main site have not been progressed; and - the South Tees Group did not receive direct notification about the proposed changes on the Teesworks Estate and so found out about these only by proactively checking the Inspectorate's website. <p>POST HEARING NOTE: <i>STG has now received consultation materials on the proposed change application by letter dated 4 September 2024. STG intends to formally respond to the Applicant. Whilst these are generally positive changes for STG, it has caused STG to question why changes on this scale were not implemented before submitting the DCO application, given the time and expense incurred by STG in reviewing application documents and preparing responses focussing particularly on the issue of land-take. This was a common theme during the Net Zero Teesside DCO examination. As set out in the relevant guidance, post-application changes "should not be the routine practice" (Guidance Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects at Paragraph 018 Reference ID 07-018-20240430).</i></p> <p><i>STG continues to question the extent of the Order Limits, which it considers can and should be further reduced, and requests that the Examining Authority interrogate this matter, and whether the Applicant intends to make further rounds of changes, as they did on the Net Zero Teesside DCO.</i></p> <p><i>STG notes that the Examining Authority requested a Statement of Common Ground (SoCG) between the Applicant and STG at Deadline 1. Accordingly, STG had expected to receive a draft SoCG from the Applicant well in advance of Deadline 1, allowing STG to carry out a review and add comments.</i></p> <p><i>However, STG is disappointed to report that (at the time of writing) it has not been provided with any draft, despite having chased the Applicant for the same and having been advised that a draft would be available by 11 September 2024. At ISH1 STG's</i></p>

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		<p><i>representative noted that an increase in the frequency and intensity of engagement from the Applicant was required, but this is yet to materialise. Providing documents late in this manner is not acceptable as it impairs STG’s ability to take part effectively in the examination. STG notes that the guidance document Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects (April 2024) encourages SoCGs to be prepared during the pre-application period and included in the DCO application, which puts into sharp relief the absence of an SoCG with STG, the major affected landowner, at this stage of the process.</i></p> <p><i>Both parties need to be able to contribute to the SoCG in order for it to reflect an accurate position and assist the Examining Authority. The Applicant’s failure to provide documents in a timely fashion directly impacts the examination process. STG respectfully requests that the Examining Authority encourage the Applicant to comply with its SoCG obligations and provide STG with draft documents sufficiently far in advance of examination deadlines. STG intends to review and submit the SoCG by Deadline 2, provided that the Applicant shares a draft.</i></p>
3(ii)	<p>Coordination with other consented and proposed NSIPs in the vicinity.</p> <ul style="list-style-type: none"> - The Applicant to explain the overlap with both the consented Net Zero Teesside and the proposed HyGreen proposal and whether there is an overlap on requirements for pipeline infrastructure in addition to the main site. - Whether the main site levels above Ordnance Datum (aOD) statements align with those of the adjacent Net Zero and HyGreen proposals/ sites and how this has been allowed for within the current order limits and limits of deviation. - How the design flexibility requirements for connections with the other NSIPs at the Foundry site has influenced the Order Limits. - How the design of H2Teesside has been undertaken to consider, minimise or avoid impacting on the York Potash consented DCO. - Whether any emerging NSIPs in the vicinity of the Proposed 	<p>The South Tees Group retains concerns around the impact to the Teesworks Estate as a result of the H2Teesside proposal in combination with other major schemes, most notably Net Zero Teesside and HyGreen.</p> <p>The South Tees Group has not yet been able to understand whether the Applicant has actively looked to rationalise and minimise the impact on its estate by using the same corridors for utilities and access for construction and operation. The Applicant should set this out as part of its suite of documents.</p> <p>The South Tees Group notes the application contains a Shared Area Plan [APP-020] which is helpful, but in STG’s view does not go far enough. STG formally requested a document which addresses the overlaps and interfaces more widely.</p> <p>The document would need to provide for the following:</p> <ul style="list-style-type: none"> - a plan or set of which overlays the respective Order Limits between the Applicant’s present proposals, Net Zero Teesside, HyGreen, and the existing Teesworks Estate, showing the extent and type of overlapping land acquisition powers, linear works, indicative locations, designs. - the document could also address the temporal aspect – e.g. a table laying alongside each other the major schemes and the timings of their key phases of work.

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	Development have been considered in the design process and in setting the Order Limits.	<p>The South Tees Group is aware of similar “interrelationship” documents being prepared in other DCO promotions for example on Lower Thames Crossing, and believes that such a document is needed here.</p> <p>POST HEARING NOTE: STG looks forward to reviewing the proposed Interrelation Report to be submitted by the applicant at Deadline 2, in accordance with ISH1 Action 2 (ISH1-AP2)</p>
4	Progress of design development	
4(ii)	<p>Timeline for design refinement and how this is secured in the DCO</p> <ul style="list-style-type: none"> - The Applicant to give further details of how the detailed design will progress during and after the Examination. - Whether the detailed design process and development is adequately secured in the DCO. 	<p>The South Tees Group requires bespoke protective provisions in the DCO to provide a mechanism to address its concerns about extent and impact of DCO works, and to facilitate compatibility with other development in the future.</p> <p>The protective provisions should include a prior approval mechanism for detailed design as included in the made Net Zero Teesside Order.</p> <p>POST HEARING NOTE: STG had expected that the application draft of the Order, would contain protective provisions for the benefit of the STG, given that protective provisions had been secured over the same area of land in the Net Zero Teesside DCO 2024. The parties have now agreed to the principle of protective provisions being included in the DCO, and a draft is being prepared by STG. STG observes that earlier engagement by the Applicant on this matter, with the preparation of protective provisions in the draft DCO, could have reduced the amount of work STG has been put to at this stage.</p>