

Redcar and Cleveland Borough Council ID H2TS-ISP002

Response to ExA First Round Questions

Question Ref	Subject	Response / Comment
Q1.2.10	Connection Corridor	RCBC is satisfied as to the options under consideration
Q1.3.4	Air Quality	The Environmental Protection Team can confirm that the study area distances proposed by the applicant in paragraph 8.3.1-8.3.2 of Chapter 8, ES, are appropriate and acceptable and follow distances specified within the IAQM Guidance 2024.
Q1.3.5	Air Quality	The Environmental Protection Team can confirm that; (i) the 15km study area is acceptable for ecological receptors, (ii) no comments on the additional areas specified by the applicant, (iii) no additional comments to make.
Q1.3.7	Air Quality	The Environmental Protection Team agree with the applicants approach to combine phase 1 and phase 2 emissions to assess the combined impact at receptors likely to experience these emissions. There are no additional comments to make regarding paragraph 8.6 of the ES Chapter 8.
Q1.3.9	Air Quality	Can't think of any other developments on-going? Possible Ango-American tunnel? No observations on the cumulative assessment set out in 8B.11
Q1.3.10	Air Quality	Don't feel LA can offer comment on this aspect, would seek clarification from the EA who will regulate the installation on a daily basis and aspect will form part of the Environmental Permit.
Q1.5.1	Climate Change	<ul style="list-style-type: none"> i Consideration of a delay has not been considered by the LA to date, but it is envisaged that this would increase GHG and should be included in any recalculations. ii QUESTION FOR APPLICANT iii We would be interested in the Applicant's response to 1.5.1 ii.
Q1.5.3	Climate Change	<ul style="list-style-type: none"> i Para 19.5.13 - It should <u>not be</u> assumed that GHG from existing landfill sites would be minimal. Data from comparable projects could be utilised as a closer assumption. Para 19.5.15 – A more robust calculation of GHG associated with maintenance should be adopted. Weather conditions on the coast of the North East,

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		<p>topography, scale of project, nature of the project and general environment bear no relation to City of London projects.</p> <p>ii Table 19-2 Whole life cycle should include maintenance GHG calculations in operational emissions</p> <p>iii QUESTION FOR EA</p>
Q1.6.42	Special Category Land	
Q1.7.2	Cultural Heritage	
Q1.7.4	Geo Phys	
Q1.7.5	Impact Avoidance	
Q1.7.7	Mitigation	
Q1.8.5	Cumulative Impact	RCBC agrees with the plans or projects that have been included within the cumulative effects assessment
Q1.9.7	Draft DCO	RCBC submits there is an argument that any works of an intrusive nature such as ground investigation or archaeological assessment and which are required or intended to be carried out before the execution of permitted preliminary works could be excluded from the definition.
Q1.9.12	Draft DCO	RCBC is satisfied as to the extent of the 'Permitted Preliminary Works' set out in Article 2
Q1.9.16	Draft DCO	RCBC has no objection to the power being as wide ranged as necessary
Q1.9.20	Draft DCO	RCBC can confirm that there are no trees within the site are currently the subject of Tree Preservation Orders and no part of the site lies within a Conservation Area
Q1.9.21	Draft DCO	The removal of hedgerows within the Order limits is unlikely to raise any planning issue as such, such removal may of course will be subject to the provision of the Wildlife and Countryside Act and it would be appropriate for areas to be removed to be subject to checking surveys where this is within the bird breeding season. The DCO can of course make provision for compensatory planting where appropriate. It is assumed that power conferred by a DCO would supersede the Hedgerow Regulations otherwise removal notices where may be required.

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Q1.9.31	Draft DCO	RCBC – no comments
Q1.9.32	Draft DCO	This has been included within other DCO's can't see we would have enough evidence to object to inclusion.
Q1.9.35	Draft DCO	RCBC considers the period of 6 weeks to be appropriate RCBC does not seek a fee for such submissions
Q1.9.42	Draft DCO	RCBC would agree that the use of the term 'substantially' whilst conferring a degree of flexibility for the applicant brings with it an issue in terms of interpretation as to what is <i>substantially in accordance</i> , a better approach may to omit the term <i>substantially</i> , so that plans are required to be <i>in accordance</i> and place the issue of any departure at the discretion with the LPA, this is particularly the case where changes are to approved documents pursuant to a requirement rather than physical changes to the development
Q1.9.43	Draft DCO	Whilst RCBC notes the concerns of the ExA in respect of the use of <i>tail pieces</i> and, notwithstanding the legal principle established by <i>Hubert v Carmarthenshire</i> , the LPA takes the view that the use of such wording can still be appropriate for very minor changes; it is of course the case that where amendments are proposed the LPA can still rely on the provisions of the Act in respect of non-material, minor material and material amendments to the approved scheme.
Q1.9.45	Draft DCO	RCBC considers a period of five years acceptable
Q1.9.50	Draft DCO	The site remediated accordingly and should be suitable for ongoing future use and ensuring that no other preferential pathways are created causing additional significant pollution during development.
Q1.9.51	Draft DCO	At this stage the DCO can only reflect the existence of the Net Zero DCO and Hygreen, if other major developments are granted permission locally that may further impact construction traffic cumulatively one option would be to add to the condition to include any other major development interest as may be agreed with the LPA
Q1.9.52	Draft DCO	Given the location of the site and the distance to the nearest sensitive receptors RCBC has no objection to the hours specified

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Q1.9.53	Draft DCO	RCBC confirms there are no other major developer interests at this time that it considers should be included in Requirement 25
Q1.9.54	Draft DCO	RCBC considers this a matter for the applicant but to be agreed with the LPA
Q1.9.58	Draft DCO	RCBC does not consider that it is appropriate to include other major development in this requirement. Whilst the Council welcomes the provision to include employment, skills and training, if required these are normally secured as a planning obligations under section 106 of the Act in the context of the tests set out in the NPPF. Not all developments within the Teesworks / Wilton areas attract a requirement for such obligations, indeed in terms of Teesworks most of the employment and training requirements are secured outside the planning process through other arrangements between the Council and the Tees Valley Combined Authority.
Q1.9.68	Draft DCO	RCBC would support the inclusion of a definition of application for clarity
Q1.9.69	Draft DCO	RCBC has no objections to the time periods specified
Q1.9.70	Draft DCO	(i) RCBC would support the inclusion of a definition of application for clarity. (ii) RCBC has no objection to an 8-week deemed consent provision. (ii) RCBC has no comment on the requirement to explain where applications are made that could give rise to any materially new or materially different environmental effects compared to those in the ES but it suggested it would be for the LPA to agree with the applicant what, if any, further action was required to ensure that those changes are appropriately dealt with.
Q1.9.71	Draft DCO	RCBC agrees that a fee can be for a single application to discharge a requirement or the same fee for an application to 'group' requirements.
Q1.9.72	Draft DCO	RCBC supports clarification of this point
Q1.10.1	Contamination etc	the EA should probably be consulted –baseline conditions have been determined by a desk review of previous GIs. The site has been remediated to approx 3m below ground and therefore baseline conditions only appropriate to a certain depth – if the proposal intends to use pile foundations then a pile risk assessment will be needed to prevent preferential pathways of pollution to groundwater.

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Q1.10.2	Contamination etc	Cant comment on neighbouring LAs Not aware that brine caverns used to store gas.
Q1.10.3	Geology	RCBC comments the safeguarding areas set out in the Joint Waste a Minerals Plan cover wide areas of the borough, RCBC is not aware there are specific deposits on the site of the former steelworks that would be prejudiced by the development of the site; the development site forms a fraction of the overall safeguarded area and so opportunities for extraction would arise elsewhere in the Borough. There are no current mineral extraction operations in the RCBC area and so the development will not prejudice current requirements. In addition, decommissioning of the development would, in any event provide a further opportunity for review of this issue.
Q1.10.5	Remediation Status	RCBC can confirm that planning permission was granted on 11 August 2022 for ENGINEERING OPERATIONS ASSOCIATED WITH GROUND REMEDIATION AND PREPARATION OF THE SITE (Ref R/2021/1048/FFM) The site area forms part of the proposed development for the hydrogen facilities but does not cover the total H2 DCO main area.
Q1.10.8	Contamination	Out of RCBC remit
Q1.11.2	Landscape	RCBC considers (i) the Articles and Schedules, including Requirements, are sufficient to secure the detail design of the buildings and structures within the Proposed Development (ii) RCBC considers the information in the DAS Table 9 together with the Articles, Schedules and Requirements contained in the current version of the draft DCO provide a sufficient basis to guide the detailed design of the development (iii) RCBC considers it has the necessary expertise to process and determine the submissions concerning design post-consent (iv) RCBC does not consider external design review to be required and / or necessary
Q1.11.4	Landscape	RCBC as LPA has recently appointed a new Compliance and Monitoring Officer as part of a restructured planning team that will deal with matters of

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		compliance and monitoring during a developments construction, this is in addition to the role of Senior Planning Enforcement Officer and a planning case officer that will continue to manage the implementation of the DCO with the applicant or their agents.
Q1.11.7	Landscape	RCBC considers the LVIA a robust analysis and assessment of the proposed development which reflects the pre application sought and advice given in respect of this matter. (i) RCBC considers the information provided by the applicant in ES Chapter 16 etc an adequate and sufficient basis for the assessment of the study areas and the assessment of significant effects (ii) RCBC has no further comments in respect of the LVIA
Q1.11.8	Landscape	RCBC can confirm (i) all viewpoints were agreed with the Council prior to the Application being submitted (ii) RCBC is satisfied with the list of viewpoints listed in the mentioned Figures (iii) RCBC is satisfied with the quality of the viewpoints and visuals provided (iv) RCBC considers the viewpoints specified are representative of locations for sensitive receptors, including tourists and recreational users (v) RCBC does not consider that night-time visuals are critical to the planning decision but if the ExA takes the view that some should be provided RCBC suggests this could be limited to those viewpoints on the exposed coastal area (VP 4,5,7)
Q1.11.9	Landscape	RCBC has no further observations on the issue of LVIA
Q1.12.11	Minerals and Waste	RCBC confirms that the information contained in the ES for the proposed development accords with the Tees Valley Joint Minerals and Waste Strategy.
Q1.12.12	Minerals and Waste	
Q1.13.5	Noise and Vibration	Would we not suggest replace 'avoid' with 'prohibit'?
Q1.13.7	Noise and Vibration	i) Yes a minimum period for notification should be provided, e.g. 4 weeks? ii) Yes extenuating circumstances should be demonstrated, otherwise justification for completing 24-hour operations cannot be agreed.

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		iii) Notification a requirement within the DCO and responsibility on the applicant / contractor to inform all interested parties.
Q1.13.11	Noise and Vibration	Paragraph 9.1.2 of CEMP states that the ‘Appointed EPC contractor will ensure 100% compliance and no complaints’. Finalisation of the CEMP should be agreed when a final version is available to view.
Q1.14.1	Socio Economics etc	RCBC agrees with the 5km threshold
Q1.14.2	Socio Economics etc	RCBC has no comments on this matter
Q1.14.6	Socio Economics etc	RCBC has no comments on this matter (iii) In respect of point (iv) RCBC did receive a letter dated 4 May 2023 in respect of Scoping but perhaps the applicant is best placed to provide an update in respect of engagement with the HSE.
Q1.14.9	Socio Economics etc	RCBC has no further comments on the matters specified in Ch20
Q1.14.10	Socio Economics etc	Would suggest the study area defined is reasonable. To include Hartlepool LSOA would misrepresent baseline statistics.
Q1.14.11	Socio Economics etc	RCBC has no comments
Q1.14.12	Socio Economics etc	RCBC agrees with the ES assessment
Q1.14.13	Socio Economics etc	NZT is also set to start construction in early 2025 – concern is will Tees Valley be able to provide the volume of construction workers required for major projects starting around the same time. Need to have training opportunities in place now for local residents to up skill to access the future construction jobs. Happy to work the applicant, TVCA and Teesworks Skills Academy on this.
Q1.14.14	Socio Economics etc	ii) and iii) RCBC agrees with ES assessment v) RCBC agrees with ES assessment of future baseline conditions.
Q1.14.16	Socio Economics etc	RCBC has no comments
Q1.14.17	Socio Economics etc	ii) As per response to Q1.14.13 concern is will Tees Valley be able to provide the volume of construction workers required for major projects starting around the same time. Need to have training opportunities in place now for

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Q1.14.18	Socio Economics etc	RCBC has no comments
Q1.14.19	Socio Economics etc	The employment effects will be enhanced by the Applicant providing support to local businesses and stakeholders and supporting skills development at the Proposed Development. Happy to work with the Applicant, (TVCA and Teesworks Skills Academy) on shaping their employment strategy which will provide local jobs for local residents and support local supply chain businesses to access opportunities.
Q1.14.20	Socio Economics etc	RCBC has no comments
Q1.17.5	Transport / Highways	Agreed, no further comments to make.
Q1.17.6	Transport / Highways	Agreed, subject to final agreement associated with the wording of condition.
Q1.17.8	Transport / Highways	Route 4 via the A174 should be the primary route for all construction traffic. Traffic movements can predominantly be limited to the Trunk Road and internally to Teesworks and Wilton sites.
Q1.17.9	Transport / Highways	Route 4 via the A174 should be the primary route for all construction traffic. Traffic movements can predominantly be limited to the Trunk Road and internally to Teesworks and Wilton sites.