

H2Teesside Project

Planning Inspectorate Reference: EN070009

Land within the boroughs of Redcar and Cleveland and Stockton-on-Tees, Teesside and within the borough of Hartlepool, County Durham

The H2 Teesside Order

Document Reference: 8.11.13 Response to ExQ1 Noise and Vibration

Planning Act 2008



Applicant: H2 Teesside Ltd

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1.0 INTRODUCTION

1.1 Overview

1.1.1 This document has been prepared on behalf of H2 Teesside Limited (the 'Applicant'). It relates to an application (the 'Application') for a Development Consent Order (a 'DCO'), that was submitted to the Secretary of State for Energy Security and Net Zero ('DESNZ') on 25 March 2024, under Section 37 of 'The Planning Act 2008' (the 'PA 2008') in respect of the H2Teesside Project (the 'Proposed Development').

1.1.2 The Application has been accepted for examination. The Examination commenced on 29 August 2024.

1.2 The Purpose and Structure of this document

1.2.1 The purpose of this document is to set out the Applicant's responses to the Examining Authority's ExQ1 on Noise and Vibration, which were issued on 4 September 2024 [PD-008]. This document contains a table which includes the reference number for each relevant question, the ExA's comments and questions and the Applicant's responses to each of those questions.

Table 1-1: Applicant's Responses to ExQ1 Noise and Vibration

EXQ1	QUESTION TO:	QUESTION:	RESPONSE
Q1.13.1	Applicant	Clarification. 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.	Maintenance of plant and machinery will not normally take a prolonged period of time and will be undertaken during the core construction hours where possible. However, there may be occasional circumstances where plant or equipment is required to be maintained outside the core construction hours to allow the construction works to continue. Maintenance of plant and machinery, if required outside core construction hours, will be managed so as not to exceed the construction noise thresholds in Requirement 20. The Applicant has amended the DCO to capture this.
Q1.13.2	Applicant	Clarification. 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.	A stack height for the boiler is not stated in Appendix 11B [APP-199] and has therefore not formed the basis of assessment. The noise source for the auxiliary boiler is from the boiler itself, which is located within a building. There would therefore be negligible noise from the auxiliary boiler stack meaning no effects could arise that exceed those in the ES. Therefore, a minimum stack height is not required for the noise assessment
Q1.13.3	Applicant	Clarification. 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].	The width/ diameters are not quoted in Appendix 11B (Operational Noise Information) [APP-199] and have therefore not formed the basis of the noise assessment. The noise source has been modelled as a point source at the top of the minimum stack height and so width/diameter parameters are not required. The maximum diameter parameters set in Schedule 16 of the draft DCO are set so as to align with the worst case diameters assessed in the Landscape and Visual Impact Assessment.
Q1.13.4	Applicant	Clarification. 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.	This is an error in the Schedule. ES Chapter 11:Noise and Vibration [PDA-007] concludes no LSEs for operational sound and so no mitigation is required to ensure no likely significant effects are felt. This is particularly the case given the scarcity of receptors in the area and thus limited scope for affecting health or quality of life. As operational noise will be regulated by the EA through the environmental permit duplicate operational controls set via requirement of the DCO are not required.
Q1.13.5	Applicant and LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	Clarification/ Views sought. 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?	The word 'avoid' is used in the Noise Policy Statement for England (NPSE) (2010) and so it is considered appropriate for use in this context.
Q1.13.6	Applicant	Clarification. 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]	The Environmental Permit will require the use of 'best available techniques' (BAT) for the control of operational noise and which will be further developed during the detailed design. This will include measures such as the selection of appropriate plant,

EXQ1	QUESTION TO:	QUESTION:	RESPONSE
		ensure the building contain the sound pressure level at 85dB to ensure noise calculations do not need to include elements of tonality, impulsivity, and intermittency?	building cladding, louvres and silencers/attenuators and controls on tonality, impulsivity, and intermittency.
Q1.13.7	LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<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> <p>Should the elements requiring 24 hour working specify a minimum period for advance notice to all affected parties?</p> <p>Should the Applicant/ Contractor need to demonstrate extenuation circumstances?</p> <p>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)?</p>	<p>The Applicant would emphasise that there is not latitude granted by the DCO.</p> <p>DCO Requirement 19 sets out construction working hours. Where activities are sought to be beyond that, they must be below a noise limit that is agreed with the relevant planning authority and must be prior approved by the relevant planning authority.</p> <p>Paragraphs 3.3.2 and 3.3.3 of the Framework CEMP control what can be done in the start-up and shut-down periods.</p> <p>Table 7.4 of the Framework CEMP required that the full CEMP(s) provide for <i>Regular communication with the local community throughout the construction period will also serve to publicise the works schedule, giving notification to residents regarding periods when higher levels of noise may occur during specific operations, and providing lines of communication where complaints can be addressed.</i></p> <p>There are therefore clear guardrails to the working hours for the Proposed Scheme where the LPAs will be to consider relevant controls to put in place.</p>
Q1.13.8	Applicant	<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>	<p>The Noise assessment in ES Chapter 11 [APP-063] presents a worst-case assessment and therefore it is not intended to submit the further detailed assessment to the ExA. The further detailed assessment is intended to be included in the Final CEMP, once the EPC Contractor(s) is engaged and the construction are details finalised to enable the EPC Contractor(s) to demonstrate in the future that any proposed works outside daytime hours would be acceptable. This will facilitate confirmation of the exact mitigation measures required to meet the construction noise thresholds in Requirement 20, based upon the specific contractor’s working methods and programme.</p> <p>A commitment to a further detailed assessment to inform the Final CEMP is contained within Table 7-4 of the Framework CEMP [APP-043].</p>
Q1.13.9	Applicant	<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 “...<i>use of temporary barriers or screens may also provide additional mitigation.</i>” (Underlining is the ExA’s 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?</p>	<p>Further detailed assessment is intended to be included in the Final CEMP, once the EPC Contractor(s) is engaged and the construction details are finalised. This will facilitate confirmation of the exact mitigation measures required to meet the construction noise thresholds in Requirement 20, based upon the specific contractor’s working methods and programme. The Applicant will be required to deliver the measures in the Final CEMP(s).</p>

EXQ1	QUESTION TO:	QUESTION:	RESPONSE
			<p>The assessment has provided details of potential mitigation measures, however, the Applicant has retained the flexibility for the EPC Contractor(s) to propose alternative mitigation, provided that it meets or exceeds the standard of mitigation assessed and presented in ES Chapter 11: Noise and Vibration [APP-063]. A commitment to a further detailed assessment to inform the Final CEMP(s) is contained within Table 7-4 of the Framework CEMP [APP-043].</p>
Q1.13.10	Applicant	<p>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.</p>	<p>Paragraph 2.3.2 of the Framework CEMP details a list of plans to be prepared as part of the Final CEMP. Part of this list includes a scheme for the notification of any significant construction impacts on local residents and for handling any complaints received from local residents. This scheme will be prepared and in place prior to construction and agreed with the relevant planning authority.</p>
Q1.13.11	LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body	<p>Views sought. The ExA would ask whether you are satisfied with the current level of mitigation proposed in regard to noise and vibration; and 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.</p>	n/a