

## **Stockton Borough Councils responses to the Questions general questions arising from the draft Development Consent Order (DCO) for H2 Teesside**

**Q1.2.10** 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]?

**No comments**

**Q1.3.4** 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:

- 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.

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.

**SBC can confirm that the distances are appropriate and acceptable**

**Q1.3.5.** 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 :

- 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.

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:  
i) considers the Study Area of 15 km to be satisfactory to assess the potential impacts on ecological receptors. ii) have any comments and observations on the additional areas included by the Applicant as the ecological receptors for the Study Area. 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].

**SBC defer to Natural England for this point**

**Q1.3.7.** 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. 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

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.

**i) SBC agree with the approach**

**ii) No comments**

**Q1.3.9** 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. Bearing in mind the above:

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. 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. 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).

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].

**i) SBC are satisfied with the list**

**ii) No comments**

**Q1.3.10** 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. 1) 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. li) 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.

**No comments**

Q1.4.17 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:

- 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;
- 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. The Applicant is requested to confirm if any of the woodland habitat to be lost at Cowpen Bewley comprises ancient woodland.

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.-

**STBC can confirm that discussions are ongoing about the replacement plan and its maintenance**

Q1.5.1 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.

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

### **No Comments**

Q1.5.3 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:

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.

### **No Comments**

Q1.6.41 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.

### **STBC confirm this is correct**

Q1.7.2 Assumptions and Limitations – Views sought. 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. Additionally, Paragraph 17.3.36 of Chapter advises "...some areas of the Proposed Development Site could not be accessed during the site walkovers due to lack of land access" and that "...the survival of 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." Are the LAs satisfied with this approach? If not please specify what measures need to be undertaken to satisfy the LAs in this regard.

### **Response from Tees Archaeology**

**The areas that could not be accessed for site walkovers are outside of the remit of Tees Archaeology and we have no comment on those locations.**

**We agree that additional evaluation and/ or monitoring of intrusive works may be required in these fields.**

Q1.7.4 Geophysical Survey – Views sought. 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).

### **Response from Tees Archaeology**

**17.4.37 – This is correct, however, while there are detailed results in the text of Appendix 17A, there are no figures of the survey results, which would make it difficult for others to assess the impact. Tees Archaeology were sent a copy of the geophysical survey report, and thus have access to these figures when replying.**

**17.4.38 – This is correct.**

**17.4.40 – We agree with this analysis. The site is undated and its significance is yet to be established, though based on the information so far, it is likely of local to regional interest.**

**17.4.41 – We agree with this analysis. The site identified on the geophysical survey appears to be a continuation of the regionally significant Romano-British site excavated to the south, and there is the potential for human remains to be present in this area.**

**17.6.30 – The full extent of the archaeological remains at GS Site 2 is not yet known, and thus the magnitude of the impact upon them cannot yet be ascertained. While these appear limited on the geophysical survey, not all archaeological remains appear on geophysical surveys. We agree that the pipeline and construction work will result in truncation and the removal of archaeological remains. We agree that there will be a significant adverse effect, though cannot comment on the magnitude until the full extent of the archaeological remains has been determined.**

**17.6.31 – Agree**

**17.8.1 – We agree that there will be a significant adverse effect on these two sites (GS Site 2 and GS Site 3), though cannot comment on the magnitude until the full extent of the archaeological remains has been determined**

**Table 17-6 – We agree that mitigation measures will reduce the magnitude of impact of the pipeline upon these two sites (GS Site 2 and GS Site 3). However, we disagree with the assessment of the magnitude of impact on other heritage assets within STBC/HBC land.**

**The WWII anti-landing glider posts should be of high significance – in discussions relating to the Environment Agency’s Greatham North East Flood Alleviation scheme, Historic England have confirmed that the anti-landing glider posts are likely the best surviving example of a defence of this type in England. These, along with the wider Greatham Creek World War II defensive infrastructure, are considered to be undesignated heritage assets of national importance, partly due to the intact nature of the landscape. These assets should be mitigated through design.**

**The ridge and furrow earthworks surrounding Cowpen Bewley are important illustrative evidence of the medieval origins of the village, forming a significant part of the conservation area. As such, it is considered that the harm or loss of the ridge and furrow would cause less than substantial harm to the setting of the Cowpen Bewley Conservation Area. Due to its positive impact on the setting of the conservation area, it is considered that the ridge and furrow is of medium value, not low, and the impact of the proposals on both the ridge and furrow and the conservation area is medium. This should be mitigated through a programme of archaeological investigations, such as an earthwork survey, prior to or during construction.**

Q1.7.5 Impact Avoidance – Clarification/ Views sought. 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. 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.

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?

### **Response from Tees Archaeology**

**No. Though in principle we have no issue the current wording of Requirement 13, we would suggest that an archaeological management plan/strategy is perhaps a more appropriate way of securing the cultural heritage mitigation than securing just the written scheme of investigation for each part. This could specify the mitigation measures set out in the CEMP Table 7-10: Chapter 17: Cultural Heritage (ES Volume I, EN070009/APP/6.2), including the the proposed protocols for dealing with previously unknown archaeological assets within unevaluated areas. Written Schemes of Investigation for each part of the development could then be submitted in accordance**

with the Archaeological Management Strategy. However, this would require the submission and agreement of an Archaeological Management Strategy between all relevant parties.

We do not think that the wording of Requirement 15 is adequate in terms of securing the Cultural Heritage mitigation and a Written Scheme of Investigation, and suggest that part (7) of Requirement 15 include 'Written Scheme of Investigation (or an 'Archaeological Management Strategy' if following the previous suggestion for Requirement 13)

Regarding 'Permitted preliminary works':

- We would like the definition of this to include 'intrusive archaeological surveys'.
- We note that the definition include 'the preparation of facilities for the use of contractors, the provision of temporary means of enclosure and site security for construction, temporary access roads, paving, diversion of existing services and laying of services (but not including the laying of any of Work Nos. 2, 3, 4, 5, 6, 7 and 8)'. Archaeological investigations often need to be carried out in advance of these works

Q1.7.7 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.

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.

### **Response from Tees Archaeology**

**We do not have an issue with the wording of the protocol, but are concerned about its implementation. While we appreciate protocols being put in place for the discovery of archaeological remains, how does the Applicant propose that these remains are identified? Unless particularly obvious, ground workers on site may not be able to identify archaeological remains, defeating the point of the protocol. Perhaps mitigation in the form of archaeological monitoring could be undertaken in selected areas of higher archaeological potential (i.e. geoarchaeological monitoring of areas with waterlogged and high-moisture content deposits for palaeoenvironmental remains), with the remainder subject to the proposed protocol?**

Q1.8.5 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 (e.g. 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.

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]?

### **SBC agree with the plans or projects that have been included**

Q1.9.12 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 why you are not satisfied and what you consider needs to be done to rectify the concerns you are raising.

### **No Comments**

Q1.9.16 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 any street within the Order limits. As such the ExA considers further justification should be provided clearly setting out why the power related to any streets within the Order limits is necessary (underlining is the ExA’s emphasis).

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?

### **STBC consider this should be more precise and refer to schedule 4 or the submitted plans**

Q1.9.20 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 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:

- 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:
  - 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.



**I can confirm that there are no TPOS within or adjacent to the red edge in STBC boundary, however Cowpen Bewley is a conservation area and a plan is attached.**

**A copy of the Conservation and Historic Environment Folder with all the relevant information is also attached or can be found at Supplementary Planning Document - Conservation and Historic Environment Folder (stockton.gov.uk).**

Q1.9.21 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:

- i) hedgerows within the Order limits; and
- ii) the Hedgerow Regulations 1997.

**THE LPA acknowledge the removal of the important hedge and have no concerns providing any other hedges meet the requirements of Section 6 of the HR 1997**

Q1.9.31 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).

**Further information is sought with regards to this as the implications are unknown**

Q1.9.32 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

ii) for their considered views on this Article and any implications that may arise as a result of its inclusion in the DCO.

**STBC Agree with statement providing construction management plan is robust to ensure noise is kept to a minimum and all suitable mitigation measures are in place.**

Q1.9.35 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.

**STBC suggest that**

**i) Six weeks is adequate as it does give scope for the period to be extended**

**ii) A fee should be payable (similar to a discharge of condition fee)**

Q1.9.42 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.

**STBC consider this wording to be sufficiently precise**

Q1.9.43 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 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. 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).

**STBC consider requirement 31 should be included and gives sufficient controls**

Q1.9.45 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

**STBC considered five years is a reasonable timeframe and is used by this authority.**

Q1.9.50 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: "...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." The ExA would ask:

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?

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?

**STBC Contaminated Land Officer commented**

**I would recommend that any schemes previously approved by the local authority may be outdated and may not reflect the current land conditions. I would recommend that the local contaminated land officer is consulted to determine whether further additional information is required and the suitability of historical approvals.**

**Any proposed changes which are made to already approved works , such as site investigation and remediation, should be submitted to the contaminated land officer for approval and Planning Department informed for the relevant consultees to be consulted upon. This should be undertaken prior to the works being carried out.**

Q1.9.51 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 "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." 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.

**STBC consider that this should be reviewed and agreed with the Las at the time of submission of the CTMP**

Q1.9.52 Schedule 2, Requirements 19 (Construction hours) – Requirement 19(4)(a) makes reference to ‘Start-up’ and ‘Shutdown’ periods.

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.

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.

**The LPA would request more clarification is required for what this means/ is required however please refer to comments within local impact report in relation to hours of operation.**

Q1.9.53 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.

**No Comment**

Q1.9.54 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.

**No comments**

Q1.9.58 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.

**No comments**

Q1.9.68 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 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.

**STBC consider that Para 1 should define Application as a valid application.**

Q1.9.69 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.

**STBC confirm that no timeframes have been discussed, however 5 days is not considered reasonable. In addition a some consultees require 21 days to look at any application due so may not respond in the set timeframes.**

Q1.9.70 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?

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. 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:

- 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
- 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.

**STBC consider it should be clear that an ‘application’ must be valid for the remainder of the paragraphs to be triggered?**

**AS the majority of the site Pipelines in STBC I would suggest RCBC are best tor espond to this question.**

Q1.9.71 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?

**No Comments**

Q1.9.72 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).

**STBC consider it reasonable to tie the period back to that specified in Paragraph 2(1).**

Q1.10.1 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.

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. In relation to the above, can the Applicant :

- 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?

In relation to the above, do the LAs or any other relevant Authority/ Body:

- 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?
- vii) have any comments or observations in relation to the baseline data in Appendix 10A (Desk Based Summary Report) [APP-194]?

**STBC Contaminated Land Officer has no comments to make in this regard.**

Q1.10.2 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.

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. 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.

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.

**STBC agree with the assessment.**

Q1.10.3. 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:

- 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, which indicate that there are safeguarded mineral deposits beneath the site.

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?

**STBC consider that the proposed development would not result in the loss of access to site in SBC area.**

Q1.10.8. 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.

In consideration of the above,

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?

#### **Response from STBC Contaminated Land Officer**

**STBC has no records relating to this site and request further information in relation to this matter from the EA so a suitable response can be given**

Q1.11.2 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]). 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.) 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:

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?\* \* For example secured by Article, Requirements or other form of agreement, such as an agreement under Section 111 of the Local Government Act 1972.

**No comments**

Q1.11.4 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?

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]?

**No comments / observations**

Q1.11.7 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. In relation to the above, please:

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"?

**STBC confirm that the information provided is acceptable and have no comments / observations to make**

Q1.11.8 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]. Please confirm whether you:

- 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?
- 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?
- 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? The Applicant has provided Photomontages of the Proposed Development within the ES at Figure 16-7-1a to 16-7-4c [ APP-172]. vii) Do you have any comments or observation on these Photomontages [APP-172]? viii) Do you have any comments or observation on the ES Indicative Hydrogen Production Facility and above Ground Installation Plan [AS-028]?

**STBC confirm that the information provided is acceptable and have no comments / observations to make**

Q1.11.9 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.

**STBC have no comments / observations to make**

Q1.13.5 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?

**Agree that the word should be not reach.**

Q1.13.7 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. In addition to the above the ExA would ask:

- 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)?

**Working outside of hours should be for critical work not due to time limits on deadlines. Advanced warning should be given. COPA s61 should be sought and timeframe from application submission to determination is 28days. However, given the limited scale of works within STBC I would defer to Redcar and Cleveland. Further advice would be sought to the scale of work required within STBC.**

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

- 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.

**i. In Para 11.7.1 of the noise assessment it states “The working methods and extents of the Connection Corridors are currently being refined, noting that evening, weekend and night-time working will be kept to a minimum”. This is noted and the suggested mitigation measures appear acceptable but these should be fully defined and secured in the CEMP.**

**ii STBC observe that complaints appear to be logged but there is no information on how any complaints will be rectified – this needs to be included in any CEMP**

Q1.14.1 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)

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?

- 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?

**Cleveland Emergency Planning have no concerns with the information submitted**

Q1.14.2 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]). In light of the above:

- 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])?

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 CO<sub>2</sub> together with its transport?

**Cleveland Emergency Planning have no concerns with the information submitted**

Q1.14.6 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.

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'? 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 .

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?

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? 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.

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?

**Cleveland Emergency Planning have no concerns with the information submitted**

**STBC is not aware of any information from HSE.**

Q1.14.9 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]:

- 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)

**Cleveland Emergency Planning have no comments or observations to make.**

Q1.14.10 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.

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.

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.

**No Comments or actions from STBC**

Q1.14.11 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.

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

**No Comments or actions from STBC**

Q1.14.12 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.

Do the LAs, together with any other relevant Authority/ Body, agree with the assessment? If not please fully justify your reasoning.

**No Comments or actions from STBC the measures appear reasonable**

Q1.14.13 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.

- 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.

**STBC have no comments to make.**

Q1.14.14 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'.

- 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' 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.
- iv) Can the Applicant explain how it has ensured the accuracy of the assessment of future socio-economic baseline conditions?
- 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)?

**No Comments or actions from STBC the measures appear reasonable**

Q1.14.16 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]?

**No Comments or actions from STBC.**

Q1.14.17 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. 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:

- 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?

**STBC would recommend the engagement of Stockton Employment and Training Hub for future recruitment needs [Stockton \(stocktonemploymenttraininghub.co.uk\)](http://stocktonemploymenttraininghub.co.uk)**

Q1.14.18 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.

**No Comments or actions from STBC the measures appear reasonable**

Q1.14.19 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.

**Discussions are ongoing with regards to the replacement land**

Q1.14.20 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 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."

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?

ii) Please explain how the mitigation measures described in the above are to be secured through the draft DCO?

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.

i) Can the Applicant and STBC provide an update on their discussions regarding layout and planting of the replacement area of land?

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)?

**i) Conversations are ongoing with regards to this matter, it is expected that the layout and planting of this open space can be secured via a legal agreement and /or planning conditions although this has not yet been discussed.**

Q1.17.5 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.

**STBC LHA have no concerns in this regard**

Q1.17.6 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.

**STBC LHA have no concerns in this regard and are content with the approach**

Q1.17.8 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. Please could the Applicant provide a plan and detail the routing to the other construction compounds.

Please can the relevant Local Highway Authority comment on the general suitability of access to the remote construction compounds

**STBC LHA have no concerns in this regard however there are numerous 7.5 tonnes environmental weight restrictions in Billingham which permit use for access purposes, but not as a through route, please see map attached**

Q1.17.9 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. Could the Applicant, please:

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?

Could the relevant Local Highway Authorities please comment on the general suitability of potential abnormal loads access to the remote construction compounds.

**STBC LHA have no concerns in this regard however there are numerous 7.5 tonnes environmental weight restrictions in Billingham which permit use for access purposes, but not as a through route, please see map attached**