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21 October 2024

Dear Christopher Butler,

**Planning Act 2008, H2 Teesside Limited, Proposed H2 Teesside Order
Deadline 3 Submission**

On 18 June 2024 the Marine Management Organisation (the MMO) received notice under section 56 of the Planning Act 2008 (the PA 2008) that the Planning Inspectorate (PINS) had accepted an application made by H2 Teesside Limited (the Applicant) for determination of a Development Consent Order (DCO) for the construction, maintenance and operation of the proposed H2 Teesside hydrogen production plant and associated infrastructure (the DCO Application) (MMO ref: DCO/2024/00007; PINS ref: EN070009).

The Applicant seeks authorisation for the construction, operation and maintenance of DCO Application, comprising of the construction, operation and decommissioning of an up to 1.2-Gigawatt Thermal (GWth) Lower Heating Value (LHV) Carbon Capture (CC) enabled Hydrogen Production Facility located in Teesside and all associated development (“the Project”).

The development includes pipeline infrastructure and utility connections. Carbon dioxide (CO₂) captured by the facility will be transported by pipeline to the separately consented Northern Endurance Partnership infrastructure on the adjacent Net Zero Teesside site.

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.



Yours faithfully,



Yvonne Golightly
Marine Licensing Case Officer

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1. MMO comments on any submission received at DL2, including in regard to ant post-PM submissions and WR's.

1.1 Framework Construction Environmental Management Plan (REP2-011)

1.1.1. The MMO has reviewed the updated Framework Construction Environmental Management Plan (CEMP) submitted under REP2-011 and welcomes the clarification that a Clean-up plan to deal with any pollution impacts arising from any Horizontal Directional Drilling (HDD) collapse will be produced as part of the Final CEMP. However, the Framework CEMP should include at this stage, measures to avoid and/or mitigate any 'frac out' incident including contingency measures should an incident occur. The MMO understands that the Applicant is continuing ongoing discussions with Natural England on this matter.

1.2 Natural England (REP2-072)

1.2.1. The MMO notes that Natural England have raised concerns in relation to the Designated Sites: Teesmouth and Cleveland Coast Special Protection Area (SPA)/Ramsar and North York Moors SPA/Special Area of Conservation (SAC) (REP2-072). Natural England are not yet satisfied that it can be ascertained beyond reasonable scientific doubt that the project would not have an adverse effect on integrity (AEoI) on the Teesmouth and Cleveland Coast Special Protection Area (SPA)/Ramsar and the North York Moors SPA/Special Area of Conservation (SAC).

1.2.2. Further information regarding assessing impacts to pathways has been requested in relation to impacts to Air Quality, Ornithology, Water Quality, Estuary and Marine impacts and finally In-combination and Cumulative effects (REP2-072).

Summary of key concerns

1.2.3. Air Quality Impacts on :

- Impacts from aerial emissions and the scope of such emissions (Construction and Operation).
- In-combination assessment and consideration of sites remain unclear, and some sources appear to be excluded.

1.2.4. Ornithology Impacts:

- Impact from aerial emissions on designated bird assemblages (Construction and Operation)
- Disturbance to designated bird assemblages, alone and in-combination (Construction)
- Impacts to Functionally Linked Land, alone and in-combination (Construction and Operation)
- Direct loss of habitat in the event of HDD collapse (Construction)

1.2.5. Water Quality Impacts:

- Impacts of nutrient enrichment from effluent (Operation)
- Impact of amines from aerial emissions (Operation)
- Clarification regarding proposed discharge of removed contaminants from process water (Operation)

- Ecotoxicological impacts from effluent discharges (Operation)

1.2.6. Estuary and Marine Impacts

- Impacts from increased scour and sedimentation to intertidal sedimentary habitats as a result of increased runoff (Operation)
- Impacts to Harbour Seal population (Construction and Operation)

1.2.7. In-combination and Cumulative effects –

- Uncertainty over timing of neighbouring projects and scope for project overlap ('temporal overlap').
- Number of projects potentially acting in combination and cumulatively over an extended period of years.

1.2.8. The MMO notes that Natural England are now satisfied that water quality (Construction) and impacts to migratory fish (Atlantic Salmon and Sea Lamprey) are unlikely to result in AEol of the River Tweed SAC and Tweed Estuary SAC, subject to a suitable requirement for the proposed Lighting Strategy (APP038 & APP046) being adequately secured:

1.2.9. The MMO notes that Natural England's position regarding nationally designated sites has not changed since submission of their Relevant Representations (RR-026). There are still concerns regarding the following sites:

- Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI)
- Lovell Hill Pools SSSI
- North York Moors SSSI
- Saltburn Gill SSSI
- Durham Coast SSSI
- Hart Bog SSSI

The MMO defers to Natural England on all matters related to SSSI but will maintain a watching brief on any matters below Mean High Water Springs (MHWS).

1.3 Environment Agency (REP2-064)

1.3.1. The MMO notes that the Environment Agency agrees with the Applicant's responses in relation to comments raised regarding Invasive Non-Native Species (INNS).

1.3.2. The MMO notes that the Environment Agency is satisfied that the drawings within ES Volume II (Figure 5-2) Indicative Pipeline Routings (APP-093) confirms that the crossing of the River Tees and Greatham Creek Tees is trenchless.

1.3.3. The Environment Agency considers that Applicant's responses regarding the identification of habitats is satisfactory.

1.4 NatureScot (REP1-037)

1.4.1. The MMO notes that Nature Scot will be deferring to Natural England for comment due to the River Tweed SAC being within England.

2. MMO comments on responses to ExA's ExQ1.

2.1.1. The MMO welcomes the ExA requesting clarification on the entry and exit pits (Q1.15.6) (PD-008). The MMO are content with the map supplied, but did raise a comment in our Deadline 2 Response regarding distances of the entry and exit pits to marine receptors (REP2-066).

3. MMO notification of wish to speak at the ISH schedule for week commencing 11 November 2024.

3.1.1. The MMO will not be attending the Issue Specific hearing (ISH) on 11 November 2024. This is because the MMO have no further comments to make at this time.

4. Any further information requested by the ExA.

4.1.1. The MMO can confirm that no Artificial Intelligence (AI) has been used to create or alter any part of our documents, information or data submitted as part of this Examination.

Yours faithfully,



Yvonne Golightly
Marine Licensing Case Officer

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