

H2Teesside DCO Examination

South Tees Group (20049389) – Deadline 3 Submissions

Response to Deadline 2 Submissions

STG has consolidated its general comments and its responses to several Deadline 2 submissions into this single document for submission at Deadline 3.

1 Integrated Works Plans [REP2-003]

- 1.1 The works plans as submitted at Deadline 2, primarily at sheets 8 and 9, show the impacts of the Proposed Development around the Teesworks site. For example, the shading on sheet 9 covers the whole of the Long Acres development area.
- 1.2 Although STG anticipates updated drawings will accompany the change application, if accepted by the Examining Authority, these broad areas of potential works are emblematic of the Proposed Development's effects in and around Teesworks. As drafted, they will have a real and negative impact on STG's live negotiations with commercial tenants. STG strongly requests the works areas be more tailored to the Applicant's specific needs.

2 Draft Development Consent Order [REP2-005]

- 2.1 STG's responses to the Applicant regarding various draft DCO (dDCO) articles as addressed in STG's responses to the Applicant's ExQ1 [PD-008] can be found in Table 1 below and are not replicated in this section.
- 2.2 STG reiterates comments from paragraphs 4.3 – 4.6¹ of its RR [RR-003] regarding Articles 10 – 19 of the dDCO, which requested the Applicant address them either via updated drafting or via protective provisions. STG is disappointed to note that these comments are yet to be substantially addressed in the Applicant's Deadline 2 dDCO submission [REP2-005]. STG proposes to reflect its amendments in its draft protective provisions.
- 2.3 The Applicant's changes to dDCO articles covering powers of acquisition do not address STG's concerns in paragraphs 4.7 and 4.8 of its RR [RR-003]. STG reiterates the request for updated provisions in these articles.
- 2.4 STG notes and welcomes its inclusion as a consultee in Requirement 10 of Schedule 2 to the dDCO.
- 2.5 STG reiterates its request from paragraph 4.12.2 of its RR [RR-003], that the Applicant be required to justify omission of several requirements that were included in the Net Zero Teesside DCO.

¹ Due to a numbering error in STG's RR, the two paragraphs after 4.5 are numbered 1.2 and 1.3. These comments are also reiterated here.

3 Land Rights Tracker [\[REP2-018\]](#)

- 3.1 The Applicant has provided a Land Rights Tracker in PDF format without line numbers, which makes it difficult to navigate and to reference. STG notes that a number of documents submitted at Deadline 2 were not Word searchable. STG requests that the Applicant provide information in a searchable format for Interested Parties' analysis.
- 3.2 As also noted in STG's Response to the Applicant's ExQ1 [\[PD-008\]](#) (see table below), the requirement for protective provisions is not generally present in the rows relating to STG entities. STG requests that the Applicant update the document with the correct status and line numbers before Deadline 5.

4 Order Width Limit explanatory note [\[REP2-037\]](#)

- 4.1 STG notes that the Order Width Limit explanatory note discusses the development of connection corridors – except for water, which is the only corridor on which STG responded at ExQ1.2.10 [\[REP2-110\]](#). STG therefore awaits the Applicant's direct response to its water corridors comment.
- 4.2 Additionally, the explanatory note expressly excludes the main site, temporary construction compounds and above-ground installations, so the Order Width Limits are only considered in areas around the main Teesworks site perimeter.
- 4.3 As the current document does not speak to STG's main interests and concerns, STG requests that the Applicant provide equivalent information for the main Teesworks site and water corridors before the November hearings, ideally in the form of a further version of the Deadline 2 document.

5 Interrelation Report [\[REP2-038\]](#)

- 5.1 Whilst the Interrelation Report provides some clarity on the physical and temporal relationships between projects on the Teesworks site, STG considers it needs to go further to provide the necessary clarity sought to properly inform STG's (and the Examining Authority's) consideration of the DCO application. STG asks that a further version of the document is produced addressing the following matters.
- 5.1.1 Appendix 1 shows interactions between the Proposed Development and HyGreen, and Appendix 2 shows interactions between the Proposed Development and NZT/NEP, but there is no plan showing the three plans overlaid – STG asks that this is added.
- 5.1.2 It is recognised that this will add more detail, but STG requests that plans at a more detailed scale are added to the document to accommodate this. Plans at greater scale will also allow the document to identify where projects share a common boundary, which is not possible to identify from the current plans shown.

- 5.1.3 It would also be helpful for the plans to identify the Teesworks site boundary, and for the document to acknowledge (and ideally show on overlay plans) the planning permissions for the site obtained by STG.
- 5.1.4 Finally, the plans should show on the main site of the H2T development the demarcation between Phase 1 and Phase 2, which is a key line of enquiry for STG but is not shown on any of plans.
- 5.2 It is noted that paragraph 2.3 gives the Applicant's reasons for not having finally determined the location for Phase 2 and, therefore, the need for the Applicant to retain maximum flexibility at the main Teesworks site for the foreseeable future. H2T's indicative Phase 1 construction timetable runs from 2025 – 2030, which means that the Applicant may not provide details of final Phase 2 siting for some years (if indeed it provides them at all). This is unacceptable to STG because it essentially delays and prevents development of large swathes of land that the Applicant *might* seek to acquire at some point in the future. This is land in which, it should be noted, STG is already discussing prospective land transactions with third parties. The relevant compulsory acquisition guidance is clear that the Applicant must have a clear need for the land.
- 5.3 More generally the Interrelation Report highlights the significant optionality that BP, as parent company to the various projects, is allowing for itself over the Teesworks Site, particularly around the main sites of NZT, H2T and Hygreen. This is not unacceptable from STG's perspective, since (as noted above) it prevents other significant developments coming forward. STG therefore considers that the flexibility sought by the Applicant is excessive, and that the Order Limits should be narrowed down to reflect only that land reasonably required for committed projects. STG queries why the Applicant, in the face of future uncertainty, cannot proceed with Phase 2 via a separate consent once it has determined its land requirements.

6 Statement of Commonality (SoC) [REP2-043] and Statement of Common Ground (SoCG) between H2 Teesside Limited and STG [REP1-023]

- 6.1 Table 2.1 of the SoC inaccurately reflects the status of the STG SoCG as 'initial' (i.e., no draft comments having been received in response to SoCG as issued).
- 6.2 STG reminds the Examining Authority that it was not afforded an opportunity to comment on and add to the SoCG submitted at Deadline 1. Accordingly, the Applicant's draft SoCG as submitted unilaterally at Deadline 1 [REP1-023] was inadequate and failed to accurately capture STG's concerns.
- 6.3 The Applicant agreed with STG to update its drafting and provide it to STG in good time before Deadline 2. However, despite having chased the Applicant several times in the lead-up to Deadline 2, STG received the updated SoCG less than 24 hours before the Applicant was due to submit it. Notwithstanding this, STG provided comments on the Applicant's updated SoCG on the day of Deadline 2, but it was not submitted to the Examining Authority.
- 6.4 STG has now mutually agreed an SoCG for the Applicant to submit at Deadline 3, but requests that the Examining Authority remind the Applicant of its duties to issue documents to third parties in a timely manner as the Applicant's failure directly impacts STG's ability to take part in the examination process.

- 6.5 Additionally, row 9.9 of Table 3.1 of the SoC suggests the only relevant matters for STG are CA/TP, DCO articles/provisions, land interests/agreements, protective provisions and the Applicant's change application. However, the updated SoCG received from the Applicant shortly before D2 categorises topics differently, so it is not clear which SoCG topics relate to which Table 3.1 topics. STG requests that the Applicant be required to reformat using the same categories to assist analysis.
- 6.6 More specifically, STG raised several points around highways and access in its updates to the Applicant's draft SoCG and this is not identifiably reflected in Table 3.1. The areas STG has now marked agreed in the SoCG are also not reflected in Table 3.1, which may reflect the Applicant not having uploaded the STG SoCG at Deadline 2.
- 6.7 Overall, the SoC document and the version of the SoCG made available to the Examining Authority as at Deadline 2 do not accurately represent the state of play between STG and the Applicant.

H2Teesside DCO Examination

South Tees Group (20049389) – Deadline 3 Submissions

Response to the Applicant's ExQ1 answers

The South Tees Group (**STG**)'s responses to the Applicant's answers to the Examining Authority's First Written Questions (**ExQ1**) [[PD-008](#)] are set out in the tables below. For reasons of efficiency, STG has consolidated the relevant questions and answers from across several documents submitted by the Applicant at Deadline 2. Each table is headed accordingly.

Response to ExQ1 General and Cross Topic [REP2-019]			
ExQ1	Question	Applicant's answer	STG's response
Q1.1.8 (to the Applicant)	<p>Clarification/ Information sought.</p> <p>Chapter 5 (Construction Programme and Management) of the Environmental Statement (ES) [APP-057] refers to a range of 'Permitted Preliminary Works' that could be undertaken prior to discharge of any DCO requirements. The Applicant is requested to provide a definitive list of the works that it proposes could be undertaken, particularly regarding the final bullet at paragraph 5.3.8 (ie "any other works agreed by the relevant</p>	<p>Article 2(1) (Interpretation) of the draft Development Consent Order [AS-013] provides the following definition for Permitted Preliminary Works (PPW) as follows:</p> <p><i>'means works consisting of environmental surveys, geotechnical surveys, surveys and protection of existing infrastructure, and other investigations for the purpose of assessing ground conditions, the preparation of facilities for the use of contractors, the provision of</i></p>	<p>STG's position regarding the definition of 'permitted preliminary works' (PPW) remains as stated in paragraph 4.1 of its Relevant Representation (RR) (RR-003) and throughout its responses to ExQ1 (REP2-110): the definition as drafted is more extensive than the equivalent in the Net Zero Teesside (NZN) DCO and too broad generally.</p> <p>Although the Applicant states in its responses to ExQ1 (REP2-019) that it is "focussed on initial works that</p>

	<p>planning authority...”). In addition to the above, the Applicant is requested to explain what process would be in place to ensure that such activities did not give rise to materially new or different effects from that assessed in the ES, and how any potential adverse effects associated with such activities would be mitigated in the absence of final management plans.</p>	<p><i>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), the temporary display of site notices or advertisements and any other works agreed by the relevant planning authority, provided that these will not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.’</i></p> <p>A similar approach to both the structure and wording of the PPW definition has precedent in The Net Zero Teesside Order 2024 and numerous other DCOs. They reflect the desire of the Applicant to ensure that the critical national priority infrastructure that is the Proposed Development can be developed as expeditiously as possible, and are focussed on initial works that facilitate main works construction start. The process in place to ensure that activities did not give rise to materially</p>	<p>facilitate main works construction start”, it has not responded to either STG’s request for more information on the scale, timing and location of the PPW; or the ExA’s requests for a definitive list of works to be undertaken.</p> <p>STG requests that the ExA direct the Applicant to produce and share this information as soon as possible.</p>
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		have not been excluded from relevant DCO Requirements.	
Q1.1.14 (to the Applicant)	<p>Clarification/ Update</p> <p>The South Tees Group (STG) at paragraph 5.2 of its RR [RR-003] refer to sensitive receptors as set out in ES Chapter 3 (Description of the Existing Area) [APP-055] relating only to residential properties and ecological designations. However, it notes existing industrial uses within the Teesworks Masterplan area have not been included. Please review and include all sensitive receptors, as appropriate, within the ES or explain why all such sensitive receptors do not need to be considered in the ES.</p>	<p>The intention of the sensitive receptors presented in Chapter 3 [APP-055] is to contextualise the immediate environment surrounding the Proposed Development and is not intended to be a definitive list of sensitive receptors that have been considered in the Environmental Statement.</p> <p>Each technical chapter (Chapters 8 – 22) [APP-060] – [APP-075] identifies the sensitive receptors to be assessed in accordance with discipline specific methodology, this is set out in each technical chapter.</p> <p>Following Statutory Consultation, the Northumbrian Water Bran Sands offices were included as a receptor within the noise assessment, presented in Chapter 11: Noise and Vibration [APP-063] (ES Volume I, EN070009/APP/6.2). Northumbrian Water Bran Sands offices are included as NSR H7. Table 11-34</p>	The Applicant's answer is noted and the clarification is welcomed.

		<p>identified no likely significant effects for this NSR during construction, operation or decommissioning.</p> <p>The Seal Sands Offices are also included in the assessment as NSR H4. Other industrial uses would be classified as low sensitivity, due to typical 8 hour work periods and the premises typically not being frequented by vulnerable members of the population (children and the elderly for example). Even with a high magnitude of impact this would have no bearing on the significance ratings reported in the noise and vibration assessment. As per Table 11-14, a high magnitude of effect on a low sensitivity receptor would result in a Minor Adverse (Not Significant) effect. Notwithstanding this, Table 11-31 reported very low magnitudes of impact for NSR H4 and NSR H7, resulting in Negligible (Not Significant) effects on both Noise Sensitive Receptors. For this reason, other industrial uses were not considered in the noise and vibration assessment.</p>	
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		<p>Industrial use receptors are covered by Health and Safety regulations and would not normally be included in an EIA for air quality.</p> <p>The Applicant therefore considers the appropriate sensitive receptors have already been identified and assessed in the Environmental Statement.</p>	
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Response to ExQ1 Assessment of Alternatives [REP2-020]			
ExQ1	Question	Applicant's answer	STG's response
Q1.2.4 (to the Applicant)	<p>Consideration of alternatives - Clarification.</p> <p>How can the ExA be certain the flexibility and the amount of land included within the limits of deviation, referred to in Paragraph 6.6.1 of ES Chapter 6 (Needs, Alternatives and Design Evolution) [APP-058] are those strictly required and related to this NSIP Application, especially</p>	<p>For the avoidance of doubt, no powers in the DCO could be used for anything other than the Proposed Development. Not only would this be non-compliant with section 122 of the PA08, but articles 22 and 25 are clear that its powers can only be used for the authorised development, to facilitate it or to be independent of it. The Applicant does not consider it would be possible to use such</p>	<p>STG's response to the Applicant's Interrelation Report [REP2-038] can be found above, in paragraph 5 of this document.</p> <p>Regarding the Applicant's reservation of flexibility for siting on Phase 2 of the H2Teesside project, STG reiterates its well-rehearsed concerns (see [RR-003], [REP2-110], [REP2-111]) that if the Applicant's</p>

	<p>bearing in mind the reference at Paragraph 6.5.9 of the above mentioned document to the potential synergies to be explored in relation to the development referred to as 'HyGreen' and the number of concerns raised in RRs about the Compulsory Acquisition (CA) of land and rights of land.</p>	<p>powers to build a green hydrogen facility, which by definition is not a carbon capture enabled hydrogen production facility (as defined in Work 1.A.1 and 1.A.2). Within Schedule 1, all of the Connection Corridors relate back (either directly or indirectly) to Work 1.A.1 and 1.A.2 and so can only be built in relation to the blue hydrogen facility that is the Proposed Development. The Applicant is exploring synergies with the nearby major developments such as Hygreen.</p> <p>This is explained further in the Interrelation Report submitted into examination at Deadline 2 alongside this document (Document Reference 8.14). As that document explains the Applicant is mindful of both its existence (and so the need for set-offs etc) but also its potential absence (e.g. if it did not obtain Government support) meaning that the HyGreen land could be used for the Proposed Development. The extent of the Order limits is therefore accounting for the need for flexibility in the location of Phase 2 of the Hydrogen</p>	<p>proposed Order Limits remain as broad as they are to account for Phase 2, which is not to STG's knowledge scheduled to begin before 2028, then other very significant development proposals for the main Teesworks site will be negatively impacted and, in some cases, effectively blocked from proceeding at all. As noted in its response to ExQ1.6.46 [REP2-110], there are third parties currently in negotiation with STG to acquire land that is still included within the Order Limits.</p>
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		Production Facility, not for flexibility to construct anything other than the Proposed Development.	
Q1.2.11 (to the Applicant)	<p>Connection Corridor Routing (Electrical Connection) – Clarification.</p> <p>Please explain the alternatives considered specifically for the electrical connection from the main site to the Tod Point Sub Station, as detailed on the Indicative Electrical Connection Plan [APP-014]. Please detail the reason why a route in a similar corridor to the indicative hydrogen and natural gas connection in this area is not considered suitable.</p>	<p>The Hydrogen pipeline has an indicative route through the Bran Sands corridor, which is an area under DCO application by Anglo American for the York Potash Project. This route is expected to be congested.</p> <p>Electrical cables can induce AC currents in parallel steel pipelines which can cause corrosion. AC cables must therefore be separated from pipelines. The separation distance will be determined in the detailed design phase, and is currently unknown, hence the routes were separated. Because the Bran Sands corridor is known to be congested, an alternative route to the east was found for the electrical cable, crossing the roads and railways towards Tod Point. This is shown indicatively on the Works Plans.</p>	<p>The Applicant’s answer is noted and the clarification is welcomed.</p> <p>It is important that, as is currently drafted in Requirement no.3 of the draft Order [REP2-005], the made Order ensures that STDC (STG) is consulted on the final proposals for the routing and method of installation of pipelines and other utilities including electrical supply.</p>

		<p>The Applicant has decided to include both the Bran Sands route and the alternative eastern route in both the Hydrogen Connection (Work No. 6) and the Electrical Connection (Work No. 3) to allow either both to be routed through Bran Sands if there is sufficient space for separation, or both to be routed through the alternative route if the corridor is taken entirely by Anglo American. The final route of both services will be determined in the detailed design phase. The decision to show the indicative route being different for the two services was to highlight the two route options.</p>	
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Response to ExQ1 Climate Change [REP2-023]			
ExQ1	Question	Applicant's answer	STG's response

<p>Q1.5.7 (to Applicant and all IPs)</p>	<p>Views sought.</p> <p>The Supreme Court has recently (20 June 2024) handed down judgment in the case of R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council and others.</p> <p>To the Applicant: Following the Supreme Court judgment, please comment on the relevance or otherwise of the above mentioned Supreme Court judgment, especially in regard to your assessment of GHG emissions in ES Chapter 19 (Climate Change) [APP-072].</p> <p>To IPs: Please comment on the relevance or otherwise of the above mentioned Supreme Court judgment in regard to this Proposed Development.</p>	<p>The Supreme Court judgment in Finch seeks to ensure that EIAs sufficiently consider 'indirect effects'.</p> <p>It emphasised the need for an ES to consider all impacts where there can be considered to be an 'inevitable causation' between a project and an effect.</p> <p>Such effects must, however, not be mere 'conjecture or speculation' i.e. the relevant information needs to be available or an appropriate methodology able to be applied.</p> <p>Furthermore, it emphasised that an assessment should only be required if a reasoned conclusion is able to be reached — there must be sufficient evidence to draw the link between the project and effect.</p> <p>Most relevantly, it highlights the need to ensure that an ES, particularly in respect of GHG assessments, considers the potential upstream and downstream effects of the project, which could be adverse or beneficial.</p>	<p>STG considers the Applicant's answer to be reasonable and STG has nothing further to add on the matter.</p> <p>Ultimately, it is for the Applicant to ensure it reflects relevant judgements in the approach it adopts to assessing the environmental effects of the Proposed Development.</p>
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		<p>The Applicant can confirm that the assessments in Chapter 19 of the ES (APP-072) have considered indirect effects.</p> <p>From an upstream point of view, the Applicant has considered:</p> <ul style="list-style-type: none"> • the emissions associated with construction supply chains; and • the emissions associated with its 'feed' supply of 'well to tank' CH4 emissions and imported electricity. <p>From a downstream point of view, the Applicant has considered:</p> <ul style="list-style-type: none"> • emissions associated with the carbon dioxide transport and storage infrastructure; • residual methane; and • the beneficial use of hydrogen as a replacement gas supply for off takers. <p>It is noted that the latter position is the most directly analogous to Finch, where the judgement concluded that an assessment should have been</p>	
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		<p>made of the combustion of oil extracted at the development in question.</p> <p>The uncertainties section of the Chapter goes on to note other indirect downstream impacts which are not able to be quantified - to do so at this stage would be conjecture and speculation.</p>	
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Response to ExQ1 Compulsory Acquisition and Temporary Possession [REP2-024]			
ExQ1	Question	Applicant's answer	STG's response
Q1.6.5 (to the Applicant)	<p>The accuracy of the BoR, Land Plans and points of clarification.</p> <p>Please provide further details of the process for identifying Category 3 persons and if the Applicant considers these inquiries are complete. Are there any other persons who might be entitled to make a relevant claim if the draft DCO</p>	<p>The process for identifying Category 3 persons, as defined under Section 57(4) PA2008, involved a thorough assessment of potential claimants who may be entitled to compensation due to the implementation of the DCO. This includes those who may not have a direct legal interest in the land but could be affected by its compulsory acquisition or the</p>	<p>STG queries whether all the Category 3 interests are accounted for in the BoR [REP1-005]. For instance, South Tees Developments Limited is named as a potential Category 3 person in relation to (among others) plot 15/129 but not plot 15/44 – although both are listed as plots in which South Tees Developments Limited has a</p>

	<p>were to be made and fully implemented and should therefore be added as Category 3 parties to the BoR.</p>	<p>exercise of other powers within the DCO.</p> <p>The Applicant has conducted a comprehensive impact assessment, which included a detailed evaluation of both environmental and property impacts, to identify potential effects of the project on surrounding properties and businesses. These assessments carefully considered any potential loss or damage that could give rise to compensation claims under the Compensation Code. Based on the findings, the assessments concluded that no parties are currently entitled to make a relevant claim under the Compensation Code if the DCO were to be made and fully implemented.</p>	<p>Category 1 right in the BoR [REP1-005].</p>
<p>Q1.6.6 (to the Applicant)</p>	<p>The accuracy of the BoR, Land Plans and points of clarification.</p> <p>The BoR [AS-012] details the parcels of land in unknown ownership. Please confirm that this is an up to date list of those plots of land where ownership still remains unknown and indicate whether and, if so, what further steps</p>	<p>The Applicant can confirm that the list of parcels of land in unknown ownership, as detailed in the BoR [REP1-004], is up to date as of 9 September 2024. The list reflects the most current information regarding plots of land where ownership remains unregistered or unknown.</p>	<p>STG has highlighted concerns about unregistered / unknown interests in its plots and awaits a response from the Applicant on these points at Deadline 3.</p> <p>STG notes and welcomes the Applicant's confirmation of steps it has been taken (and will take in the</p>

	<p>are intended to be carried out to ascertain the ownership of these unregistered parcels of land?</p>	<p>To further address this issue, we intend to take the following steps to ascertain the ownership of these unregistered parcels of land:</p> <p>Continued Investigation: We will conduct ongoing investigations, including reviewing/refreshing land registry data, and any other relevant legal documents ascertained from stakeholders that may help to clarify ownership.</p> <p>Public Notices: As part of a belt and braces approach, we have erected unknown land notices at unregistered land plot locations in conjunction with the change notification consultation to invite any potential land interests to come forward with evidence of ownership. These are being maintained on site.</p>	<p>future) to ascertain the owners of the unregistered/unknown interests in the Book of Reference, including on STG's sites.</p> <p>STG requests regular updates from the Applicant in this regard and reserves the right to make further detailed comments on it depending on what is reported.</p>
<p>Q1.6.9 (to the Applicant)</p>	<p>The scope and purpose of the CA Powers sought.</p> <p>Paragraph 6.1.17 of the SoR [APP-024] states that Articles 23 and 26 of the draft DCO [AS-013] give the</p>	<p>The Applicant's aim is that the interfaces with other parties' rights and land can be addressed through agreements, rather than relying on the use of compulsory acquisition powers pursuant to the DCO. Those</p>	<p>In accordance with the relevant compulsory acquisition guidance, the Applicant should have a clear idea of how it intends to use the land. It should therefore be able to say whether existing rights will be</p>

	<p>Applicant the Power to override easements and other rights.</p> <p>Please provide details of the rights that are anticipated to be extinguished.</p> <p>Please confirm that all parties or people with rights to be extinguished have been identified and detail how negotiations are being undertaken with people who are not listed in the Schedule of Negotiations and Powers Sought [APP-029].</p> <p>Please explain how rights will be reestablished for people who will continue to require them after the construction phase is complete.</p> <p>Please detail if and how rights holders will be consulted on temporary and/or permanent alternative routes etc when rights are suspended or extinguished.</p>	<p>powers are however required in order to ensure that the Proposed Development can be delivered.</p> <p>In respect of point i), At this stage, due to the ongoing design progress, the Applicant is unable to provide specific examples of rights that will need to be extinguished. The Applicant is committed to avoiding the extinguishment of rights wherever possible, and to suspend rights only where interference is necessary to facilitate the construction of the project. If, in circumstances, the extinguishment of rights becomes unavoidable, the Applicant will look to provide equivalent replacement rights where feasible to minimise disruption to affected parties and/or provide compensation.</p> <p>In respect of point ii), At this time, no specific parties have been identified whose rights will be extinguished. For parties not listed in the Schedule of Negotiations and Powers Sought, if and when they are identified, the Applicant will follow a similar process of engagement and negotiation the</p>	<p>interfered with. The blanket approach adopted by the Applicant is out of step with the need for compulsory powers to be proportionate. STG considers that the Applicant could have delayed DCO submission until such time that it knew what rights would need to be extinguished. STG suggests that the Examining Authority may wish to consider controls on the Applicant's blanket powers to extinguish existing rights, e.g. by requiring consent of the relevant landowner (not to be unreasonably withheld).</p> <p>STG also notes that there are no controls within the dDCO on how long the Applicant can remain in temporary possession. Given that STG manages a large estate with several tenants, it is reasonable for such powers to be controlled, rather than being blanket powers that result in detriment to STG's estate.</p> <p>STG welcomes the Applicant's engagement to acquire rights and land by agreement but notes that as yet, no agreements have been</p>
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		<p>parties are fully informed and fairly compensated where necessary.</p> <p>In respect of point iii), for those persons who have had rights suspended during the construction period, these will only remain suspended and unenforceable for as long as the Applicant remains in possession of the land (as set out in Article 26(4)). Once the Applicant ceases to be in possession of the land then the rights would no longer be suspended and would be reestablished.</p> <p>In respect of point iv), Where interference is necessary, rights holders will be consulted on both temporary and permanent alternative routes or solutions, with the Applicant seeking to minimise disruption, and the Applicant's preferred route is to enter into a voluntary agreement. Feedback from rights holders will be considered, and the Applicant will maintain clear communication to ensure that any arrangements meet the needs of those affected.</p>	<p>reached. In particular, as noted in STG's RR [RR-003] and its response to ExQ1.6.25 [REP2-110], the Applicant has not yet sufficiently engaged in developing easement agreements that would render unnecessary the compulsory acquisition of land currently proposed for easement corridors.</p> <p>STG has also provided the Applicant with a response to its consultation on the proposed changes to the Order. Concerns remain about the extent of the land the Applicant seeks to acquire.</p> <p>STG reserves the right to make further detailed comments about the Applicant's proposals to acquire (and later to re-establish) any of STG's rights that it proposes to extinguish. To date, the Applicant has not engaged with STG on this point, which increases the already unwelcome level of uncertainty for STG that is associated with the Proposed Development.</p>
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			<p>STG considers it odd that the Applicant concedes it has not identified or engaged with any parties whose rights will be extinguished, but at the same time, the Applicant states its preferred option is to consult and enter into a voluntary agreement with rights holders. STG is seeking protective provisions to protect its interests.</p>
<p>Q1.6.10 (to Applicant)</p>	<p>The scope and purpose of the CA Powers sought.</p> <p>The SoR [APP-024], paragraphs 6.1.14 and 6.1.15, refers to Article 25 of the draft DCO [AS-013] and provides a description of the land which is subject to the acquisition of rights or the imposition of restrictive covenants:</p> <p>Please provide an indication of the anticipated content and/ or an initial draft of any restrictive covenants intended to be imposed.</p> <p>Should a requirement for consultation with relevant owners/ occupiers as</p>	<p>The Applicant is in negotiation with relevant owners / occupiers about the interface between the Proposed Development and their apparatus and land/rights. Consultation about any restrictive covenants or similar restrictions within voluntary agreements required forms part of these negotiations, which will continue even after the DCO is granted if they have not yet been concluded, and so it would not be appropriate nor is it necessary for a requirement for consultation to be imposed.</p>	<p>STG remains concerned about the lack of progress on voluntary negotiations, as originally set out in paragraph 3.28 and elsewhere in [RR-003]. This is equally true for land subject to the proposed acquisition of rights or imposition of restrictive covenants, as it is to land subject to outright acquisition.</p> <p>STG recognises that requiring the Applicant to consult on the drafting of restrictive covenants may not be standard practice or relevant to a DCO. However, STG also believes that given the Applicant's inability to provide more detail at this point – which would provide much-needed</p>

	regards the drafting of any such restrictive covenants be imposed?		<p>certainty to STG as it continues to plan for and develop the main Teesworks site – the ExA should impose such a requirement in this instance.</p> <p>As things stand, negotiations between the Applicant and STG have progressed to a point in respect of an option to acquire land and the grant of easements, but they are proving to be protracted and remain some way from being concluded to STG’s satisfaction.</p>
Q1.6.22 (to Applicant)	<p>Whether all reasonable alternatives to CA have been explored.</p> <p>The CA Guidance, paragraph 25, state that applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.</p>	<p>The Applicant has actively sought to negotiate with all affected land interests in order to acquire the land and rights necessary for the Proposed Development through voluntary agreements.</p> <p>As demonstrated in the Schedule of Negotiations and Powers Sought [APP026], the Applicant has engaged in discussions with all affected parties to seek voluntary agreements for the</p>	<p>As set out in STG’s response above, and as restated throughout its RR [RR-003], written representations [REP2-111] and responses to ExQ1 [REP2-110] from before the H2Teesside application was made, the Applicant has not engaged with sufficient proactivity and regularity with STG.</p> <p>As stated in its post-hearing note to its ISH1 Written Summary [REP1-</p>

	<p>Please demonstrate the Applicant's compliance with this aspect of the CA Guidance.</p> <p>Has the Applicant offered full access to alternative dispute resolution techniques for those with concerns about the CA of their land or considered other means of involving those affected? If so please explain these.</p>	<p>use of their land, and these are ongoing.</p> <p>All affected landowners and interested parties have been encouraged to engage third-party consultants, such as legal advisors or land agents, to provide advice on the land negotiations and any protective provisions. This ensures that landowners have the necessary support and information to engage effectively in the negotiations.</p> <p>While the Applicant has not directly provided formal access to dispute resolution, Alternative Dispute Resolution (ADR) options, such as mediation, can be considered if requested by a landowner. The Applicant is open to considering such methods on a case-by-case basis to help address specific concerns raised by landowners or where the Applicant considers that ADR may help to unlock a particular issue.</p> <p>In the scenario where negotiations conclude without a voluntary agreement being entered into, the</p>	<p>049], STG expects more substantive and frequent engagement from the Applicant in order to resolve its concerns about the Applicant's proposed acquisitions in and around the main Teesworks site.</p>
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		Applicant is confident that all reasonable alternatives would have been explored and that the use of CA powers under the DCO would be justified and in the public interest.	
Q1.6.46 (to the Applicant and STG)	<p>Objections to the grant of powers of CA and TP.</p> <p>The RR of the STG [RR-003] paragraph 3.4 states that the Order Limits shown are outside the scope of the option agreement for the Proposed Development. Please can STG explain the consequences of this and how this impacts the proposal. Can the Applicant please comment on this concern raised by the RR.</p>	<p>The option agreement referred to by the STG relates to Phase 1 of the Proposed Development — the initial focus - and acknowledges that the Order Limits also include Phase 2 of the Proposed Development.-</p> <p>The Applicant is in discussions with the STG about appropriate agreements, including protective provisions, relating to the whole of the Proposed Development.</p>	<p>As noted above, if the Applicant's proposed Order Limits remain as broad as they are to account for Phase 2, which is not to STG's knowledge scheduled to begin before 2028, then STG's ongoing and upcoming development plans for the main Teesworks site will be negatively impacted. As noted in its response to ExQ1.6.46 [REP2-110], there are third parties currently in active negotiation with STG in respect of potentially very significant transactions to acquire land that is still included within the Order Limits.</p> <p>STG plans to provide its preferred form of protective provisions in due course, for inclusion within the draft Order.</p>

<p>Q1.6.61 (to the Applicant)</p>	<p>General, Detailed or Other Matters.</p> <p>Land Plan [AS-003] Sheet 15 of 21 and Works Plans [AS-005] Sheet 22 of 44 show a large area of land in the vicinity of the a1085 Trunk Road roundabout and the railway line. The indicative location of the pipelines does not indicate how this extent of land will be used, however there is a substantial area shown as required for electrical connections and natural gas connection. Please explain the requirement for permanent acquisition of land rights over the entire area, including land which is remote from indicative works. Please explain when the preferred location of the pipeline, electrical connections and gas connections will be established and when non-required land will be known. If this is expected to be after the close of the examination, please explain the process for reducing the land requirements and how this is secured in the draft DCO.</p>	<p>The Applicant is currently consulting, following the submission of the Change Notification Report (PDA-019), on proposed changes to remove substantial areas from the Order limits in this area.</p> <p>The Applicant is also in discussions with the relevant Interested Parties, including South Tees Group (STG), regarding the infrastructure routing in this area.</p> <p>The Applicant expects that the final routing in this area would be known before the close of the examination, and the Order limits and draft DCO would reflect this before the close of the examination.</p>	<p>STG responded to the Applicant's proposed changes, but its concerns remain about the extent of land still within Order Limits.</p> <p>STG welcomes the certainty that understanding the final proposed connections routing would bring but also requests that the Applicant be required to publish its proposals with time remaining in the examination period to allow for STG to consider and respond to them.</p>
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<p>Q1.6.62 (to Applicant, relevant IPs)</p>	<p>General, Detailed or Other Matters.</p> <p>Please detail any land which, following acquisition of rights or freehold and extinguishment of existing right, will be inaccessible, severed, have no access or will be economically unviable.</p>	<p>The Applicant has designed the Proposed Development considering the current use of the affected land and has sought to minimise severance and disruption as far as possible. The Applicant has identified possible severance in the following locations:</p> <p>Plot 3/18 - the current outline of the Order limits severs this plot from the remainder of the freehold interest owned by National Grid Electricity Transmission (NGET). The plot is outside NGET's operational boundary and on the perimeter of their freehold. However, the Applicant remains in active discussions with NGET regarding the precise location of the Above Ground Installation (AGI) which will be situated within plot 3/19. The Applicant is seeking to limit the physical size of the AGI as much as possible, and the Applicant will seek to avoid severance and minimise impact on access.</p> <p>Plots 11/56, 11/66 - There are a number of existing pipelines and</p>	<p>The Applicant does not consider in its list any of the land in which STG has interests.</p> <p>In paragraph 1.9 of and throughout its RR [RR-003], STG noted that the Proposed Development would sterilise the main Teesworks site and negatively impact STG's pre-existing and ongoing development. These concerns were reiterated in STG's response to ExQ1.6.45 and ExQ1.46, and its position remains as stated in its response to ExQ1.6.62 [REP2-110].</p> <p>STG awaits publication of the Applicant's proposed changes to the Order Limits before being able to respond more concretely to this query.</p>
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		<p>access along the northern edge of the freehold interest held by Navigator Terminals Seal Sands Ltd. As far as possible the Tunnel Head arising from the required river crossing will take account of the existing easements and keep severed areas to a minimum.</p>	
<p>Q1.6.68 (to the Applicant)</p>	<p>Paragraph 3.1.37 of the SoR [APP-024] states that there are various options for electrical connections to the main site. Paragraph 3.1.38 signposts to Figure 4-6 [APP-089] for the options. Please confirm that the work area for electrical connection shown on the Indicative Electrical Connection Plan [APP-014] encompasses all potential connection options and further, please explain when the assessment required to refine these options and reduce the land area required will be completed.</p>	<p>The Applicant confirms that the Indicative Electrical Connection Plan [APP-014] shows the indicative route for each of the three alternatives being considered.</p> <p>It is envisaged that the final electrical supply connection route will be determined before the close of the examination.</p> <p>The Applicant is currently consulting on a Change Notification Report [PDA-019] that includes removal of substantial areas of land from the Order limits that currently relate to the electrical connection corridors.</p>	<p>STG welcomes the Applicant's proposed reductions to the Order Limits as they relate to electrical connection corridors and urges the Applicant to engage with STG to work out further potential reductions to other aspects of the Proposed Development.</p>

Response to ExQ1 Cumulative and Combined Effects [[REP2-026](#)]

ExQ1	Question	Applicant's answer	STG's response
Q1.8.1 (to Applicant)	<p>Other Development – Demolition/</p> <p>Paragraph 3.3.4 of ES Chapter 3 (Description of Existing Area) [APP-055] states that existing structures on the Main Site will be demolished by South Tees Development Corporation (STDC) prior to the Proposed Development commencing. Paragraph 3.5.2 states that as of March 2024 much of the infrastructure has been demolished or is being dismantled.</p> <p>Bearing the above in mind, the Applicant is asked:</p> <p>i. to provide an update on the demolition works that have been undertaken on the site to date and provide commentary whether the current site reflects the baseline as assessed in the ES;</p>	<p>i. Demolition works are being led by STDC. Above ground demolition at the Main Site is largely complete, save for the core of the former Blast Furnace, in the northeast of the Main Site. Subsurface demolition has recently been completed for the southern area of the site which will include parts of the Proposed Development Site. Further information about sub surface demolition in the north of the Main Site is expected to be provided to the Applicant from STDC. The Applicant considers the current site continues to reflect the baseline as assessed in ES Chapter 3 [APP-055] Paragraph 3.5.2 which states that “As of March 2024, much of the site infrastructure including industrial buildings and overhead pipes has either been demolished or is in the process of being dismantled. A</p>	<p>It is STG's intention to reach agreement with the Applicant whereby STG (STDC) is responsible for site preparation, including demolition of relic structures, and obtaining of the necessary consents for such. However, at the current time, such agreement has not been entered into. It is, therefore, necessary for the Applicant to contemplate a scenario whereby that responsibility rests with itself. Therefore, the impacts (direct and cumulatively) of demolition activities should be assessed within the EIA ES as part of the construction impacts associated with the Proposed Development.</p>

	<p>ii. explain how, throughout the examination, the demolition works dovetail into the Proposed Development, as set out in the ES, ensuring that effects and timescales remain separate; and</p> <p>iii. how the ExA can be satisfied, throughout the examination, the Proposed Development and demolition works will not result in unacceptable combined and/ or cumulative effects.</p>	<p>combination of hardstanding and road networks remain on the Main Site, surrounded by informal vegetation (primarily grass), with occasional shrubs and small trees.”</p> <p>ii. ES Chapter 3 [APP-055] Paragraph 3.3.4 states that “Existing structures currently located within the Main Site will be demolished to clear the site (by South Tees Development Corporation (STDC)), prior to and irrespective of the commencement of works associated with the Proposed Development.” The Applicant can confirm that the relationship between demolition works and the Proposed Development construction is a simple relationship in which the demolition works will take place irrespective of the Proposed Development going ahead or not, and the Proposed Development will only commence construction following the completion of demolition works.</p> <p>iii. The ExA can be satisfied that no unacceptable combined and / or cumulative effects will occur between the demolition works and</p>	
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		<p>the construction of the Proposed Development because they will be completed at distinctly separate periods of time, with the construction of the Proposed Development commencing only when the demolition works are complete. The methodology for ES Chapter 23 [APP[1]076] notes that for an Other Development to be taken forward in the cumulative assessment to the short list stage (Stage 2), one of the factors considered is temporal scope (paragraph 23.3.24). Therefore, as there is no temporal overlap, the Applicant considers that there is no potential for combined and/or cumulative effects.</p>	
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Response to ExQ1 Draft Development Consent Order [REP2-027]			
ExQ1	Question	Applicant's answer	STG's response
Q1.9.17 (to the Applicant)	Justification.	The Applicant is not seeking any permanent stopping up powers	Although the Applicant is not seeking permanent stopping up powers, STG

	<p>Article 13 Temporary stopping up and restriction of use of streets – The Applicant's EM [APP-028], especially paragraphs 3.4.7 to 3.4.9 are noted. However, notwithstanding other precedents, the ExA considers further justification should be provided as to why the powers secured in this Article are considered to be appropriate and proportionate having regard to the impacts on pedestrians and others of authorising temporary working sites in these streets. Please provide such further justification or explain why such further justification is not necessary in this instance.</p>	<p>anywhere across the Order limits. Accordingly, no streets will be permanently closed.</p> <p>Article 13 allows the undertaker to temporarily stop up, prohibit or restrict the use of, alter or divert any street or public right of way (PRoW). Article 16 includes powers to manage vehicles, such as through prohibiting stopping or parking, or to make provision for the direction or priority of traffic. These powers will allow the undertaker to be able to safely manage streets and PRoW, as is commonly required for any project which is undertaking works in the vicinity.</p> <p>The Applicant does not anticipate requiring the temporary closure of the whole width of any street, and instead anticipate that other measures will be used so that traffic can be safely and adequately managed, alongside the works. This may include for instance closing each lane of traffic in turn (not both at the same time), and managing</p>	<p>reiterates its concerns about the specific temporary measures described in paragraph 4.5 of its RR [RR-003]. STG is also concerned about the breadth of the Applicant's general Article 13 powers and the potential adverse effects on its operations of the Applicant's powers over rights of way in traffic regulation.</p>
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		<p>traffic through the use of temporary traffic controls.</p> <p>The Applicant does not anticipate temporarily stopping up any PRow, although it may be necessary to provide for short sections of diversion, which will be in the immediate vicinity of the existing PRow. This would be in order to ensure the safety of users of the PRow, by avoiding conflict with the construction works. No impacts on the flow of traffic or on PRow are therefore expected.</p>	
Q1.9.47 (to the Applicant and STDC)	<p>Views sought.</p> <p>Schedule 2, Requirements 10 (Surface and foul water drainage) — Requirement 10(3) — Should STDC be included in the list of consultees?</p>	<p>The Applicant notes that STDC is a consultee in relation to the equivalent Requirement in the Net Zero Teesside Order 2024 (Requirement 11 (Surface and foul water drainage)). In view of this, the Applicant has amended Requirement 10(3) of the draft DCO submitted at Deadline 2 to include STDC as a consultee.</p>	<p>STG notes and welcomes the change to the draft DCO as submitted at Deadline 2.</p>
Q1.9.61 (to the Applicant)	<p>Clarification</p>	<p>Net Zero Teesside and H2Teesside are separate projects, however, due</p>	<p>STG's RR requested [RR-003] being a consultee in the Requirement 33</p>

	<p>Schedule 2, Requirements 33 (Disapplication of requirements discharge under the NZT Order 2024) — This requirement appears to disapply any requirement within the proposed DCO where the requirement has already been discharged pursuant to The NZT DCO. However, what happens where a requirement of the same name/nature has been discharge under The NZT DCO but it has failed or does not cover all of the necessary details require to discharge the same Requirement imposed in any DCO made of the Proposed Development, if made. Please provide and full and reasoned argument when responding to this question.</p>	<p>to the nature of their location and their Applicants' corporate relationship with bp, there are also potential overlaps for some elements which require the discharge of requirements.</p> <p>This includes the creation of a Local liaison group (Requirement 29 of the Net Zero Teesside Order 2024, Requirement 25 of H2T) and of the Employment, skills and training plan (Requirement 30 of NZT and Requirement 26 of H2T). The two projects anticipate working closely to deliver these elements together in a joined-up approach.</p> <p>The purpose of Requirement 33 is to enable the relevant planning authority to disapply a requirement in the H2T DCO if it has already been discharged by NZT in its activities in implementing its projects. The idea is that this would prevent the duplication of work of discharging what is effectively the same Requirement twice and so save time and resources</p>	<p>process for the Applicant to disapply requirements from the H2Teesside DCO where they have already been discharged under the NZT DCO. The intention was to provide a safeguard against the possibility that the discharge of an NZT requirement does not adequately account for matters relevant to H2Teesside.</p> <p>The Applicant notes that Requirement 33 as drafted may help avoid duplication of work to discharge essentially the same requirement under two separate projects, and that it is constrained by the need to obtain the local planning authority's approval.</p> <p>Instead of making STG a consultee in the LPA approval process, the Applicant has amended the drafting to focus Requirement 33 on certain situations. Although STG welcomes this narrower drafting, it still requests that the ExA direct the Applicant to create a consulting role for STG by way of additional safeguard against lax practice in discharging</p>
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		<p>for both of the projects and the relevant planning authority.</p> <p>The power in Requirement 33 is limited and constrained by the fact that this can only be done with the relevant planning authority's approval. If the equivalent NZT requirement has been refused or does not cover all the necessary details to discharge the same requirement in H2Teesside, then the relevant planning authority will be able to refuse to allow the requirement to be disapplied and require the undertaker to make an application to discharge the requirement.</p> <p>After considering the ExA's question, the Applicant has amended the drafting to remove the generality of Requirement 33 and focus it on the Requirements where the Applicant considers there is sufficient overlap that the discharge of the Requirement by the Net Zero Teesside project may be sufficient to discharge the equivalent Requirement in the H2Teesside DCO. The drafting set</p>	<p>requirements relevant to H2Teesside.</p>
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		<p>out in the draft DCO submitted by the Applicant at Deadline 2 is as follows:</p> <p><i>33. Subject to the relevant planning authority's approval-</i></p> <p><i>(a) requirements 25 and 26 in this Schedule may be disapplied where the requirements 29 and 30 have already been discharged pursuant to The Net Zero Teesside Order 2024;</i></p> <p><i>(b) requirement 3 in this Schedule may be disapplied where requirement 3 has been discharged pursuant to The Net Zero Teesside Order 2024 in respect of any infrastructure that is to be utilised for the purposes of the authorised development and the authorised development as defined in The Net Zero Teesside Order 2024; and</i></p> <p><i>(c) requirement 10 in this Schedule may be disapplied where requirement 11 has been discharged pursuant to The Net Zero Teesside Order 2024 in respect of any surface and foul water drainage systems that are to be utilised for the purposes of the</i></p>	
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		<i>authorised development and the authorised development as defined in The Net Zero Teesside Order 2024.'</i>	
Q1.9.65 (to the Applicant)	<p>Update.</p> <p>Schedule 12 (PPs) — A significant number of RR are critical of the Applicant in regard to their failure to engage with them in regard to PPs. Whilst seven PPs have been included in Schedule 12, these all appear to be generic, with no specific PPs being provided or agreed with any of those making RRs in this regard. The ExA is concerned about alleged lack of engagement with IPs concerning PPs and would urge the Applicant to engage with those IPs and reach agreement with them at the earliest opportunity. The ExA is aware of paragraph 6.15 of the SoS's Decision letter regarding NZT, dated 16 February 2024, where it was noted "...that 13 objections remain outstanding..." which the SoS considered "...this to be unsatisfactory considering the amount of time that has passed since</p>	<p>Negotiations with those IPs that have requested bespoke protective provisions are ongoing and the Land Rights Tracker submitted by the Applicant at Deadline 2 [Document Ref. 8.3] includes the latest position on these continuing discussions.</p>	<p>The Land Rights Tracker submitted by the Applicant at Deadline 2 [REP2-018] does not reflect the agreed requirement for protective provisions in the rows relating to STG entities.</p>

	<p>the close of the examination."The SoS clearly stated they it was expected "...that parties should engage early and often to seek to reach agreement wherever possible." In the light of this clear statement the ExA expects the Applicant to engage early and often with IPs who have indicated that they are willing to enter into negotiations regarding PPs, with a view to reach agreement wherever possible and would ack the Applicant to provide an update in regard to PPs negotiations with each of those IPs through the Land Rights Tracker referred to in Annex F of the ExA's Rule 6 letter dated 31 July 2024 and Annex B of its Rule 8 letter dated 30 August 2024.</p>		
<p>Q1.9.68 (to the Applicant)</p>	<p>Clarification/ Views sought.</p> <p>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</p>	<p>The drafting for Schedule 13 (Procedure for the discharge of requirements) is standard and word 'application' used in its normal day-to-day sense throughout is sufficiently certain to have been approved and well precedented in various DCOs including The Net Zero Teesside Order 2024, The Mallard Pass Solar</p>	<p>STG maintains its response to the Applicant's response to Q1.9.70 in the Examining Authority's First Written Questions [REP2-110]: It would be beneficial to define "application" in order to add clarity.</p>

	<p>remainder of the paragraphs to be triggered?</p> <p>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.</p>	<p>Farm Order 2024 and The Drax Power Station Bioenergy with Carbon Capture and Storage Extension Order 2024.</p> <p>From a practical perspective, the Applicant and the relevant planning authority will be in communication with each other throughout the process of implementing the development consent. The relevant planning authority will also have experience of these applications when dealing with other DCO projects (such as Net Zero Teesside), and from analogous applications received to discharge planning conditions from many developments.</p> <p>Paragraph 2(3) also sets out how the application must confirm whether the subject matter of the application would give rise to any materially new or materially different environmental effects compared to those in the ES.</p> <p>As a result, when the relevant planning authority does receive an application from the Applicant, it is in the context of those wider</p>	
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		<p>discussions, experience with other projects and the inclusion of a statement pursuant to paragraph 2(3) of Schedule 13. Consequently, it will be apparent on the face of the application that it is related to the obtaining consent, agreement or approval under the Order and that the DCO timeframes apply without any definition or further formalities.</p> <p>In response to the second element of the question, the "start date" is defined as the date of the notification given by the Secretary of State (SoS) under paragraph 5(2)(b) of Schedule 13.</p> <p>In paragraph 5(2)(b) the SoS is required to notify parties of the identity of the appointed person and the date of that notification is the "start date" for the purposes of paragraph 5(2)(c).</p> <p>There is no requirement on the SoS to specifically notify the Applicant of the "start date" - it is simply the date of the notification that is issued under</p>	
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		<p>5(2)(b).</p> <p>This is standard drafting approved by SoS in other DCOs such as The Net Zero Teesside Order 2024 and Keadby 3 (Carbon Capture Equipped Gas Fire Generating Station) Order 2022.</p>	
<p>Q1.9.69 (to the Applicant and LAs (HBC, RCBC and STBC), together with any other relevant Authority/Body.)</p>	<p>Clarification/ Views sought.</p> <p>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</p>	<p>The purpose of Schedule 13 is to set out a bespoke mechanism and procedure in the DCO so that the relevant planning authority's assessment of the information submitted by the undertaker are both robust but carried out in a timely and efficient manner. This is so that the anticipated timeframe of the authorised development is not disrupted.</p> <p>Schedule 13 sets out the same procedure as approved by the Secretary of State for the Net Zero Teesside Order 2024 and which apply to two out of three of the relevant planning authorities relevant to H2Teesside. As a result, the timeframes set out have precedent</p>	<p>STG has no comment on the Applicant's answer.</p>

	<p>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.</p>	<p>and have been considered to be reasonable by the SoS.</p> <p>From a consistency perspective, it would be beneficial if the procedure for discharge of requirements and the timeframes were the same as those for Net Zero Teesside. From the planning authority perspective, two of the three relevant planning authorities (Redcar and Cleveland and Stockton-on-Tees borough councils) have a procedure in place for Net Zero Teesside and the Applicant believes that to have H2Teesside following the same procedure would reduce potential confusion about timeframes for responses and actions, and allow for consistency in approach. Neither Redcar and Cleveland [REP1-043] or Stockton-on-Tees [REP1-045] have raised any issue with the procedure set out in Schedule 13 in their respective Local Impact Reports. The two instances in Schedule 13 where a period of five working days is set are only in cases where there is a requirement consultee who needs to be informed that an application for</p>	
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		<p>discharge of their requirement has been received. In order that timely and effective consultation can be undertaken during the procedure, it is only correct that the relevant planning authority should notify these parties as soon as possible so they can mobilise their own resources to review and comment on the material provided as soon as possible. Also, it is not requiring the relevant planning authority to make a decision or analyse any information during that time period.</p>	
<p>Q1.9.70 (to the Applicant and LAs (HBC, RCBC and STBC), together with any other relevant Authority/Body.)</p>		<p>In respect to the first question about whether 'application' should be defined, see the Applicant's response to FWQ 1.9.68.</p> <p>Responding to point i), please see the Applicant's response to FWQ 1.9.69 above.</p>	<p>STG's response to the Applicant's answer to the first question can be seen above, at the row responding to Q1.9.68.</p> <p>STG's response to the Applicant's answer to point i) can be seen above, at the row responding to Q1.9.69.</p>

Response to ExQ1 Geology Hydrogeology and Land Contamination [REP2-028]

ExQ1	Question	Applicant's answer	STG's response
<p>Q1.10.5 (to Applicant, STDC and relevant LA (RCBC))</p>	<p>Clarification/ Views sought.</p> <p>Paragraphs 10.5.12 -10.5.13 of ES Chapter 10 (Geology, Hydrogeology and Contaminated Land) [APP-062] states that STDC are currently completing site clearance and remediation works. The impacts from this activity have not been included in this assessment.</p> <p>It is currently anticipated that STDC will complete remediation works required to create a suitable development area before commencement of construction of the Proposed Development, with STDC to obtain the necessary planning and other consents. It is further stated that if the necessary planning approval is not forthcoming or remediation works are not undertaken with the appropriate timescales the Applicant would undertake the remedial works and this is assumed as the worst-case</p>	<p>i) STDC planning applications for remediation relevant to the DCO Main Site have been submitted as follows;</p> <ul style="list-style-type: none"> • R/2024/0177/CD (South-west of DCO Main Site) Partial discharge 16/5/2024 of condition 15 (Remediation Scheme) of outline planning permission R/2020/0821/ESM • R/2024/0414/CD (South-east of DCO Main Site) Partial discharge 5/8/2024 of condition 15 (Remediation Scheme) of outline planning permission R/2020/0821/ESM, <p>The Applicant understands a further full planning application is due to be made for central east area of DCO Main Site, which is adjacent to land in R/2020/0821/ESM. The three areas of DCO Main Site listed above include the all of the land required for H2Teesside Phase 1.</p>	<p>The Applicant's answer should be read alongside that provided by STG to Q1.10.5 in the Examining Authority's First Written Questions [REP2-110]. STG's answer is considered to provide a more up-to-date position.</p>

	<p>scenario for the ES. With the above in mind:</p> <p>i) Can the Applicant and STDC confirm the status of planning approval, permits and licences relating to the clearance and remediation works?</p> <p>ii) Can the Applicant and STDC confirm who will be responsible for the risk assessment and any long-term monitoring of the efficacy of any remedial works and how this has been secured?</p> <p>iii) Can the Applicant identify the relevant Requirement in the draft DCO [AS-013] which will ensure site clearance and remediation of the Proposed Development is undertaken by the Applicant should STDC not obtain the necessary planning permission or undertake the works within the appropriate timescale?</p> <p>iv) Can the relevant LA (RCBC) provide an update on the current position regarding the planning</p>	<p>We understand that STDC is progressing their application for a Deposit for Recovery (DfR) Permit for Foundry Central West with the EA. We understand that pre application advice is to commence shortly for a DfR Permit for Foundry Central East.</p> <p>ii) Condition 15 of STDC outline planning permission R/2020/0821/ESM requires the development shall be carried out in accordance with the approved remediation scheme, unless otherwise approved. Condition 16 requires Verification Reports to be approved by the LA before discharge.</p> <p>STDC DfR permits will likely require monitoring to be completed by STDC to support formal permit surrender.</p> <p>iii) If the DCO is granted, ancillary work (j) in Schedule 1 of the DCO [AS-013] authorises remediation works. Requirement 12 sets out the requirements for remediation, which must occur before the commencement of the authorised development, which includes the</p>	
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	<p>permission submitted by STDC in respect of the clearance and remediation works?</p>	<p>ancillary works. Please also see the response to 1.10.6 below.</p>	
<p>Q1.10.6 (to Applicant)</p>	<p>Clarification.</p> <p>Paragraph 10.5.14 of ES Chapter 10 (Geology, Hydrogeology and Contaminated Land) [APP-062] states you will also review the scope of any remedial measures considered to be required following the completion of, or in place of, the remedial works undertaken by STDC. You have referred to these as 'additional remedial measures'.</p> <p>The ExA would ask how can such remedial measures be referred to as 'additional remedial measures' in the event of having to undertake the remedial works itself, should that work not have been completed by STDC and, for the sake of clarity, please signpost which Requirement in the draft DCO [AS-013] secures the delivery of the remediation of the site in the event that remedial works are</p>	<p>As noted in Paragraph 10.5.13 of ES Chapter 10 (Geology, Hydrogeology and Contaminated Land) [APP-062] the Applicant expects STDC to undertake the remediation of the Main Site. However, a worse-case scenario was assumed in preparation of the ES, where the remediation works had not been undertaken by STDC for any reason. 'Additional' was used to differentiate between STDC remediation works and any residual remediation works that may be required by the Applicant.</p> <p>In any event, the key point is that remediation is secured through Requirement 12 of the DCO (see paras 2(b) and (c)), if the Applicant is to undertake it.</p>	<p>STG notes, and agrees with, the Applicant's reference to Requirement 12 providing the ultimate responsibility and requirements for securing consent for all necessary remediation works and their subsequent monitoring and maintenance.</p>

	not undertaken and completed by STDC?		
Q1.10.8 (to the Applicant, STDC and relevant LAs (HBC, RCBC and STBC), together with any other relevant Authority/ Body)	<p>Clarification/ Views sought.</p> <p>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.</p> <p>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,</p>	<p>Stockton on Tees BC have confirmed that the Seal Sands Chemical works site is not being investigated as Part 2A but is categorised as PCC2 (medium risk). Under their Contaminated Land Strategy it is proposed that the site is investigated for land contamination under the Planning Regime during re-development. Further details of the boundary are awaited and whether the SSC site falls within the Order Limits. Once the Applicant receives this data, the Applicant can:</p> <ul style="list-style-type: none"> • signpost the relevant plan showing the SSC site or provide a new plan showing same; and • confirm if the application documentation has assessed any risks in relation to this land, and consider if any updated assessments are required. 	<p>STG is content with the Applicant's response on this matter and its proposed way forward.</p>

	<p>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.</p> <p>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."?</p> <p>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.</p> <p>iv) Where the assessment referred to in iii) above has been undertaken and</p>		
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	<p>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?</p>		
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Response to ExQ1 Traffic and Transportation [REP2-035]			
ExQ1	Question	Applicant's answer	STG's response
Q1.17.1 (to Applicant and relevant IPs)	<p>Update/ Views sought.</p> <p>It would be necessary to use accesses in the ownership and use of a number of IPs and other operators. A number of RRs have raised maintenance of their access rights as an issue. Please could all parties</p>	<p>The Applicant is currently in negotiations with a number of IPs in respect of Protective Provisions which will deal with matters in relation to access. Please see the Land Rights Tracker (Document Ref. 8.3) submitted at Deadline 2 for an update</p>	<p>STG reserves the right to comment further regarding the use of its accesses, once protective provisions are at a more advanced stage.</p>

	provide an update on whether access concerns remain and if the DCO or relevant PPs offer suitable protection to IPs?	about the status of these negotiations.	
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