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(Email only)

MMO Reference: DCO/2024/00007
Planning Inspectorate Reference: EN070009
Identification Number: 20049273

12 November 2024

Dear Christopher Butler,

Planning Act 2008, H2 Teesside Limited, Proposed H2 Teesside Order Deadline 4 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 Deadline 3 (DL3).

1.1 Environment Agency (REP3-101)

1.1.1. The MMO notes that the Environment Agency (EA) raised queries regarding the Integrated Works Plans document, in particular the section relating to “*Hydrogen Distribution Network - Overground and Underground Pipelines*”. The EA state it is not clear which of the two will be used and that confirmation is required from the applicant regarding the different flood risks associated with underground pipeline corridors and overground pipelines in Flood Zone 3. The EA also commented on the Order Width Limit Explanatory Note, stating whilst they support the use of Horizontal Directional Drilling (HDD) methods, an increase in corridor width could have potential flood risk implications, therefore a narrower corridor width is preferred.

1.2 Framework Construction Environmental Management Plan (REP3-004)

1.2.1. The MMO has reviewed the updated Framework Construction Environmental Management Plan (CEMP) submitted (REP3-004) and notes the following embedded mitigation measures to avoid and/or mitigate any 'frac out' incident:

- performing appropriate geotechnical investigations along the trenchless crossing alignment;
- designing the bore profile to pass at an appropriate depth below the watercourse (minimum depth assumed to be 10 metres). This will be further determined following ground investigations and the outcome of a frac-out risk assessment;
- Designing the bore profile to pass through competent soil layers identified in geotechnical investigations;
- the detailed design of the launch and exit points of the HDD to take account of geological layers and the intended drill path;
- performing drilling fluid hydrofracture analysis for each drilling operation and maintaining downhole pressures within recommended limits;
- using appropriate downhole pressure monitoring equipment;
- using a drilling fluid appropriate for the anticipated ground conditions;
- monitoring of drilling fluid parameters during drilling; and
- performing regular monitoring of the ground above the bore alignment for drilling fluid leaks to the surface.

1.2.2. The MMO welcomes that the final CEMP will include site-specific Hydraulic Fracture Risk Assessment following further investigation of specific ground conditions at the crossing locations, and that any further appropriate mitigation will be developed in line with best construction practice. Furthermore, the MMO welcomes that the final CEMP will include a Pollution Prevention Plan and an Emergency Response Plan.

1.2.3. Any remedial action required below Mean High Water Springs (MHWS), will need to be communicated to the MMO. We advise that the following is included in the Response Plan to ensure that any spills are appropriately recorded and managed to minimise the risk to sensitive receptors and the marine environment:

Any oil, fuel or chemical spill within the marine environment must be reported to the MMO Marine Pollution Response Team within 12 hours.

Within office hours: 0300 200 2024

Outside office hours: 07770 977 825

At all times if other numbers are unavailable: 0345 051 8486

Email: dispersants@marinemanagement.org.uk

Additionally, there may be licence implications for any works undertaken below MHWS if there is no Deemed Marine Licence (DML) as part of the Project.

- 1.2.4. The MMO notes that to reduce the impact to the Teesmouth and Cleveland Coast Special Protected Area (SPA) for HDD operations any pipe stringing area for Horizontal Directional Drilling (HDD) operations will be established a minimum of 30m away from the boundary of the SPA. The MMO defers to Natural England on whether this is an appropriate distance.

1.3 Applicant's Response to Deadline 2 submissions (REP3-006)

- 1.3.1. The MMO has reviewed the Document Reference *8.17 Applicant's Response to Deadline 2 submission* (REP3-006) and notes that the applicant has reviewed the concerns raised by Natural England and has committed to providing an updated Cumulative Effects Assessment and a Report to Inform Habitats Regulations Assessment at the Deadline 5 response submission.
- 1.3.2. The MMO notes that there are no responses to our deadline 2 representation (REP2-066) within this document. In our deadline 2 response point 3.1.2, we noted that the Applicant stated that there is an agreed position between the Applicant and MMO on the location of the crossings entry and exit pits being above MHWS. Although the maps originally provided showed that the pits are above MHWS, the MMO queried the data set used to inform the MHWS line. The MMO sought the distances from the pits to MHWS, to ensure that they are a sufficient distance away from marine receptors. The MMO requested that this topic is changed from 'agreed' to 'ongoing discussion' until this clarification is provided. The MMO has now received this information on 21 October 2024, and we are content with both the Ordnance Survey (OS) Mastermap dataset used and the distances to MHWS. Please see Annex 1 for the further information received.

2. MMO comments on Examination Progress Tracker submitted at DL3

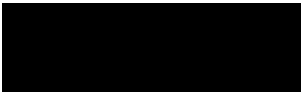
- 2.1.1. The MMO notes that the Examination Progress Tracker reports on what the Applicant considers are the principle, and other notable issues in the Examination. Point 7 details that the MMO are considering whether the Article 35 exemption within the Marine Licensing Exempted Activities Order 2011, can be applied. The MMO agrees with the 'RAG' rating of Amber, meaning that it is subject to further/ongoing discussion.
- 2.1.2. The MMO noted at Deadline 1 (REP1-034) that, as the competent authority (Conservation of Habitats and Species Regulations 2017), Natural England is not satisfied that it can be excluded beyond reasonable scientific doubt that the project would have an adverse effect alone or in-combination on the integrity of the:
 - Teesmouth and Cleveland Coast Special Protection Area (SPA)/Ramsar
 - North York Moors SPA/Special Area of Conservation (SAC)
 - Northumbria Coast SPA/Ramsar
 - Durham Coast SAC

The MMO notes that the Applicant will be submitting an updated HRA in due course, to take into account discussions held with Natural England regarding these sites. The MMO will maintain a watching brief on further comments raised by Natural England.

3. Any further information requested by the ExA.

3.1.1. 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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Annex 1

Name	Distance to MHWS (m)
Microtunnel launch	56
Microtunnel Reception	90

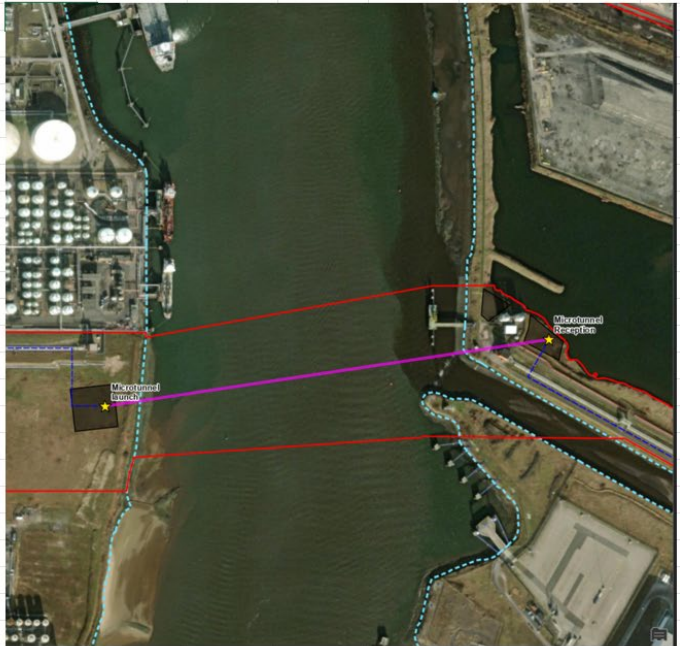


Figure 1: Distances from River Tees HDD pits to MHWS. Information and images provided by H2 Teesside Limited.

Name	Distance to MHWS (m)
HDD Entry	518
HDD Exit	94



Figure 2: Distances from Greatham Creek HDD pits to MHWS. Information and images provided by H2 Teesside Limited.