

H2Teesside Project

Planning Inspectorate Reference: EN070009

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

The H2 Teesside Order

Document Reference: 8.20 Applicant's Response to Deadline 3 Submissions

The Planning Act 2008



Applicant: H2 Teesside Ltd

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1.0 INTRODUCTION

1.1 Overview

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

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

1.2 The Purpose and Structure of this Document

1.2.1 This document provides the comments of the Applicant in response to the submissions made by the following Interested parties at Deadline 3 of the Examination. The document also contains the Applicant's comments on Stockton on Tees Borough Council's (STBC) 'Responses to the Examining Authority's First Written Questions (ExQ1)' submitted for Deadline 2 [AS-033].

1.2.2 Accordingly responses to the following Interested Parties are contained in the subsequent sections of this document.

- Anglo American
- SABIC
- South Tees Group
- Environment Agency
- Marine Management Organisation ('MMO')
- STBC

1.2.3 BOC's Deadline 3 response raised a number of plots in which they consider their interest should be noted in the Book of Reference. The Book of Reference has been updated at Deadline 4 to account for this.

1.2.4 The Applicant's response to the Deadline 3 submissions of Climate Emergency, Planning and Policy ('CEPP') [REP3-017] have been submitted alongside this document at Deadline 4 (Document Reference 8.20a).

1.2.5 The Applicant has not commented on every point made within the Deadline 3 Submissions as many of the points raised were dealt with at CAH1 and ISH2. Instead the Applicant has sought to provide comments where it is helpful to the Examination to do so or where the Applicant considers that it would be appropriate for the Examining Authority ('ExA') to have the Applicant's view on the matter raised.

1.2.6 For the avoidance of doubt, where the Applicant has chosen not to comment on matters raised by an Interested Party, this is not an indication the Applicant agrees with the point or comment raised or opinion expressed.

1.2.7 Appendices have been provided where they are referred to in the response.

2.0 ANGLO AMERICAN

Table 2-1: Response to Anglo American Deadline 3 submission

REFERENCE	SOURCE DOCUMENT(S)	IP ISSUE/ THEME	APPLICANT RESPONSE
ANGLO1	<p>Comments on any submissions received at DL2, including in regard to any post-PM submissions and WRs [REP3-012]</p>	<p>Environmental Permit As part of Anglo American's Written Representations submitted at Deadline 2, a request was made for an amendment to the dDCO to account for Anglo American's concerns regarding compulsory acquisition of land in relation to Environmental Permits ("EP"). Article 48 was inserted into the dDCO as part of the Applicant's submission at Deadline 2. Anglo American is not satisfied with this provision for the reasons outlined below.</p> <p>The new clause 48 would not effectively avoid Anglo American's liability under the existing EP, should adverse effects (e.g. contamination) be caused by activity further to the works authorised by the dDCO, because the liability lies with AA unless the EP is surrendered, revoked or varied in accordance with the processes set out in The Environmental Permitting (England and Wales) Regulations 2016.</p> <p>A DCO may seek to remove statutory consent or authorisation to the extent the consent or authorisation is listed in Part 1 of the Schedule to The Infrastructure Planning (Miscellaneous Prescribed Provisions) Regulations 2015, and only with the consent of the 'relevant body' (i.e. the permitting body). The 2016 Regulations are listed in Part 1, however Anglo American raises the following queries for the Applicant:</p> <ol style="list-style-type: none"> a. The EP is concerned with the control of leachate and landfill gas – please could you clarify how activity of this nature from the proposed development could be distinguished from Anglo American's existing operations? b. How does the Applicant propose that the disapplication of consent (under s.150 2008 Act) in terms of its own activity (as distinct from AA activity) operate given that the EP predates the Application? c. Notwithstanding (b), we note that article 9 of the dDCO seeks to disapply consent for an environmental permit only in respect of flood risk activity. <ol style="list-style-type: none"> i. How does the Applicant propose that article 48 operate in the context of the EP given that article 9 does not seek to disapply the requirement for an environmental permit beyond flood risk activity? ii. It can be assumed that Environment Agency consent must be secured to achieve the intention of new article 48. Has this consent been sought, and how does the Applicant consider the new article 48 will operate should Environment Agency consent not be secured? 	<p>The Applicant would refer to its Summary of Oral Submissions for Issue Specific Hearing 2 (Document Ref. 8.22) submitted at Deadline 4 where it sets out its response to Anglo American's (AA) concerns about the environmental permit (EP) and article 48.</p> <p>Following the hearings, the Applicant has amended article 48 of the draft Development Consent Order (Document Ref: 4.1) submitted at Deadline 4 to remove "by the undertaker" from article 48(1).</p> <p>The Applicant's position in response to AA's submission is that it is not necessary for the Applicant to seek to secure the transfer for the EP. In respect of the specific points raised in this submission insofar as they were not directly addressed at the hearing the Applicant would make the following points:</p> <p>Responding to point a, the Applicant acknowledges that the EP is concerned with the control of leachate and landfill gas. The Applicant's activity will not introduce any additional leachate or landfill gas. Furthermore it is the Applicants understanding that the areas where the Applicant's works are planned do not contain any historical waste and hence the Applicants works are highly unlikely to cause any changes to the extant leachate or landfill gas situation. To provide comfort on this point the Applicant would propose an additional groundwater and landfill gas monitoring point is installed and monitored to confirm no changes to the extant situation as a result of the Applicant's activities. The Applicant proposes adding the following text to the draft Protective Provisions to cover this point:</p> <p style="text-align: center;"><i>"A scheme of monitoring will be developed and undertaken in consultation with Anglo American to monitor the impacts of the Proposed Development where it interacts with the permit limits of permit number EPR/FB3601GS and which provides for the results of that monitoring to be shared with Anglo American."</i></p> <p>Responding to points b and c of AA's submission, section 150/Article 9 of the draft DCO does not apply in this case, as article 48 does not seek to disapply the EP and therefore there is no need for Environment Agency consent under section 150 of the Planning Act 2008.</p>

REFERENCE	SOURCE DOCUMENT(S)	IP ISSUE/ THEME	APPLICANT RESPONSE
		To legitimately remove AA liability under the EP in respect of works authorised by the dDCO, H2T should seek to secure the transfer of the EP.	
ANGLO2	Comments on any submissions received at DL2, including in regard to any post-PM submissions and WRs [REP3-012]	<p>Schedule 2 of the dDCO <i>Requirement 33</i> Anglo American also wishes to object to the amended Requirement 33 of the dDCO, which does not address its concern regarding Requirement overlaps with the Net Zero Teesside (NZE) DCO.</p> <p>The H2T dDCO seeks powers to construct and operate a Scheme which, although connected, is separate and distinct from the NZE scheme. The requirements included in Schedule 2 to the dDCO must be "in connection with the development for which consent is granted" (Planning Act 2008, section 120(1)) and therefore it is not legitimate that any such requirement can be discharged by virtue of actions to discharge a requirement under a separate DCO.</p> <p>Anglo American maintains the comments submitted at Deadline 2 in its Written Representations as regards Requirements 18, 22, 25, 28 and additional requirement (paragraph 1.40 Written Representation).</p>	<p>The Applicant would refer to its Summary of Oral Submissions for Issue Specific Hearing 2 (Document Ref. 8.22) submitted at Deadline 4 where it responds to Anglo American's comments about Requirements 18, 22, 25 and 28.</p> <p>The Applicant would reiterate its position that it would not be appropriate or necessary for Anglo American to be added as a consultee for these requirements.</p> <p>Also, in relation to Requirement 25, as the local liaison group is intended to be a community forum for local residents and the community, it is the Applicant's position that Protective Provisions will provide a mechanism for provision of information and engagement that will be better suited to Anglo American's needs as a corporate entity.</p> <p>In respect of Anglo American's consideration that there should be an additional requirement inserted into Schedule 2 of the draft DCO in respect of operational noise – please refer to the post-hearing note and table in the Summary of Oral Submissions for Issue Specific Hearing 2 responding to comments from South Tees Group about "missing requirements", which confirms that no significant operational noise effects have been identified in the ES, as such no operational noise DCO Requirement is necessary.</p> <p>In respect of Anglo American's comments in respect of Requirement 33, the Applicant would refer to its note about requirement 33 in the Summary of Oral Submissions for Issue Specific Hearing 2 as well as flag that the draft Development Consent Order (Document Ref: 4.1) submitted at Deadline 4 has been amended in response to concerns raised by Interested Parties and the Examining Authority.</p>

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3.0 SABIC

Table 3-1: Response to SABIC's Deadline 3 submissions

REFERENCE	SOURCE DOCUMENT(S)	IP ISSUE/ THEME	APPLICANT RESPONSE
SABIC1	Comments on Applicant's Response to ExQ1 Compulsory Acquisition and Temporary Possession [REP3-020]	SABIC have raised concerns about the impact of the extinguishment of rights on their operations and that without identification of which rights are to be suspended or extinguished, a worst case approach should be assumed which could negatively affect their operations (including if third party rights are suspended over private rights which are stopped up). SABIC consider they should be protected against this, and clarity should be provided that the costs of the implications of this are (a) dealt with in the Funding Statement and (b) covered by the security to be considered by the Secretary of State under article 47.	<p>Please see the Applicant's response to the discussion of article 26 at CAH1 and in response to Action Point CAH1-AP2 (item 6(ii) of the Agenda). The Applicant is willing to work with SABIC to ensure its interests are adequately protected in the context of the powers sought.</p> <p>The Applicant can confirm that the implications of the extinguishment of rights are accounted for in the estimate of costs within the Funding Statement and that article 47 specifically states that these matters are covered by the compensation security (see the reference to article 26).</p>

4.0 SOUTH TEES GROUP

Table 4-1: Response to South Tees Group Deadline 3 submissions

REFERENCE	SOURCE DOCUMENT(S)	IP ISSUE/ THEME	APPLICANT RESPONSE
STG1	Response to Deadline 2 Submissions REP3-024	STG raise concerns about the uncertainty in extent and timing of Phase 2 of the Proposed Development. It considers that the Applicant should remove that land until it has greater certainty about its Phase 2 proposals, which should be subject to a separate application, not least because third parties are known to be interested in developing that land STG also request updates to the Interrelationship Document	In respect of Phase, 2, see the Applicant's Summary of Case at CAH1. The Applicant does not intend to update the Interrelationship document. It provides sufficient information to enable the ExA to understand the Proposed Development's relationship with development closest to it.
STG 2	Response to Deadline 2 Submissions REP3-024	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.	The Applicant would refer to its Summary of Oral Submissions for Issue Specific Hearing 2 (Document Ref. 8.22) and specifically to the post-hearing note and table setting out the requirements which appear in The Net Zero Teesside Development Consent Order 2024 but do not appear in the draft H2T Development Consent Order and providing an explanation why these have been omitted.

Table 4-2: South Tees Group Response to Applicant's ExQ1 Answers

EXQ1 NO.	STG RESPONSE AT DEADLINE 3	APPLICANT RESPONSE
1.1.8	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 (NZT) DCO and too broad generally. Although the Applicant states in its responses to ExQ1 (REP2-019) that it is "focussed on initial works that 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. STG requests that the ExA direct the Applicant to produce and share this information as soon as possible.	The Applicant would refer to its Summary of Oral Submissions for Issue Specific Hearing 2 (Document Ref: 8.22) submitted at Deadline 4 and to its response to ExQ1.1.8 in Response to ExQ1 General and Cross Topic [REP2-019] in respect of the Applicant's position about the drafting of Preliminary Permitted Works (PPW) definition. The Applicant is confident that protective provisions can be agreed that are sufficient to allay STG's concerns and ensure works are controlled and coordinated without the need to amend the definition of PPW in article 2. Also, the Applicant agreed in the Issue Specific Hearing 2 to provide a further control on PPW and include STDC as a consultee when the Permitted Preliminary Works Construction Environmental Management Plan is submitted to the relevant planning authority for approval. Requirement 15(1) of the draft Development Consent Order (Document Ref: 4.1) submitted at Deadline 4 has been amended accordingly.
1.6.5	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 Category 1 right in the BoR [REP1- 005].	The Applicant considers that it has identified the relevant Category 3 parties within the Book of Reference. However, it will undertake a review of the STG interests and make any updates required at Deadline 5. The Applicant believes all Category 3 interests have been properly identified based on our approach, which treats any party with a right of access over a particular plot as a Category 3 interest, irrespective of whether they are listed as a Category 1 interest. Although Plot 15/44 is no longer within the project limits, the same approach would have been applied to that plot.
1.6.9	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 interfered with. The blanket approach adopted by the Applicant is out of step with	The DCO Temporary possession powers in Article 32 of Part 5 have controls on how long a promoter can stay in temporary possession of land (i.e. a year from when works in that plot are

EXQ1 NO.	STG RESPONSE AT DEADLINE 3	APPLICANT RESPONSE
	<p>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 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> <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>completed). In any event, the Applicant is engaging with all Affected Parties, including STG, to reach voluntary agreements where Temporary Possession powers are sought.</p> <p>As set out in its Summary of Case of CAH1, the approach to extinguishment/ overriding of rights may, at initial glance, appear relatively blunt but it is necessary to appreciate it through the lens of protective provisions on the face of the order and in private agreements with individual parties such as STG. An alternative to that approach (which the Applicant believes would be entirely impractical) would be to detail, on a plot by plot basis at this stage, precisely which plots and interests would need to be interfered with and to what extent. This is not a practical exercise because of the stage of detailed design and complexity of interests, including on STG plots, in this area.</p> <p>The second alternative, where the Applicant would be unable to extinguish or override rights where necessary, would jeopardise the timely implementation of the Proposed Development as the Applicant would have to go through a separate process of negotiation.</p> <p>STG's comments on the Change Request are noted. Part of the Change Request was made to deal with STG concerns and demonstrate the Applicants on-going willingness to undertake liaison with affected land interests.</p> <p>The Applicant continues to engage with STG on developing property arrangements including the interaction with rights. STG will note that whilst the Applicant requires the ability to extinguish rights which may interfere with the Proposed Development, it is confident that a collaborative approach can provide a satisfactory outcome for both parties. There is no precedent for requiring third party approvals for use of powers such as article 26 within the drafting of DCO articles.</p>
1.6.10	<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 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. 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>	<p>The Applicant does not consider that this approach is appropriate in the DCO and would create a precedent not found in any other DCO. The Applicant remains willing to enter into an Agreement with STG alongside relevant Protective Provisions to ensure that the impacts of restrictive covenants to STG's interests can be controlled.</p>

EXQ1 NO.	STG RESPONSE AT DEADLINE 3	APPLICANT RESPONSE
1.8.1	<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>The Proposed Development has not sought consent for demolition of Teesworks relic structures, or assessed it, as it has proceeded on the basis that this would be done by STG, pursuant to their planning permission. It is assumed that this would happen prior to any Proposed Development activities taking place, as set out in the ES.</p>
1.9.17	<p>Although the Applicant is not seeking permanent stopping up powers, STG 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>	<p>The Applicant would refer to its response to ExQ1.9.17 in Response to ExQ1 Draft Development Consent Order [REP2-027] which sets out the rationale behind why these powers are required for the project. It also explains how the Applicant does not anticipate that it would require the temporary closure of the whole width of any street and anticipates that other measures will be used so that traffic can be safely and adequately managed, alongside the works. The Applicant is confident that protective provisions can be agreed to allay STG's concerns.</p>
1.9.61	<p>STG's RR [RR-003] requested being a consultee in the Requirement 33 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 requirements relevant to H2Teesside.</p>	<p>The Applicant would refer to its Summary of Oral Submissions for Issue Specific Hearing 2 (Document Ref: 8.22) submitted at Deadline 4 for its explanation about the purpose of Requirement 33 and the post-hearing note about the amendments that have been made at Deadline 4.</p> <p>Requirement 33 has been updated in the draft Development Consent Order (Document Ref: 4.1) submitted at Deadline 4 to reflect the comments received from STG and the Examining Authority about this requirement during the hearing.</p> <p>The amendments include narrowing and focusing the requirement further so that Requirement 33 can only potentially apply to the discharge of Requirement 3 (Detailed Design) or Requirement 10 (Surface and foul water drainage).</p> <p>The new drafting also provides an additional control so that where a third party would need to be consulted by the relevant planning authority to discharge the relevant part of Requirement 3 or 10, then that third party must be consulted before the authority can give its approval under Requirement 33. STDC are already a consultee under Requirement 3 and 10.</p>
1.9.68	<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>The Applicant would refer to its response to ExQ1.9.68 in Response to ExQ1 Draft Development Consent Order [REP2-027] which sets out the Applicant's position that in Schedule 13 (Procedure for the Discharge of Requirements) to the draft Development Consent Order (Document Ref: 4.1) the word 'application' should be used in its normal day-to-day sense and that this drafting and approach is standard and well-precedented in various DCOs.</p>

5.0 ENVIRONMENT AGENCY

Table 5-1: Response to Environment Agency's Deadline 3 submission

REFERENCE	SOURCE DOCUMENT(S)	IP ISSUE/ THEME	APPLICANT RESPONSE
EA1	Comments on Deadline 2 Submissions [REP3-010]	<p>REP2-003 Integrated Works Plans</p> <p>This document helps to provide more clarity on the land uses associated with the works on one consolidated map. The key still uses "Work No. 6A.1 - Hydrogen Distribution Network - Overground and Underground Pipelines", meaning it is not clear at this stage which of the two will be used in these areas. There will be different flood risks associated with underground pipeline corridors and overground pipelines in Flood Zone 3. This should be confirmed by the applicant. The plans also continue to identify areas of temporary storage that will be in flood zones. As previously discussed, this will require a permit/disapplication and additional mitigation will be required to ensure no increase in risk.</p>	<p>The Pipelines Statement [CR1-021] identifies which sections of the Hydrogen Distribution Network are intended to be run along existing overground pipeline corridors, associated crossing locations and sections of buried pipelines.</p> <p>In respect of temporary storage in flood zones, this is noted and the Applicant has already accounted for this through Article 9 of Part 2 of the DCO and Requirements 11 and 15 in Schedule 2.</p> <p>Once the precise location of the temporary compounds within Flood Zone 2 and Flood Zone 3 are finalised mitigation requirements will be considered on a site-by-site basis. This was also identified in the Applicant's Responses to D2 submission (EA1: FRA) [REP3-006]. Any mitigation measures will be outlined in the details to be provided pursuant to Requirements 11 and 15 of the DCO. Examples of mitigation measures that could be employed include header drains or drainage ditches around the edge of the compound, storm drains through the site, bunds and grading of the site to be on a slope.</p>
EA2		<p>We previously flagged for information to the applicant in our Relevant Representations response, dated 1 July 2024, of a site that is currently being investigated under Part 2A of the Environmental Protection Act 1990. Reviewing this, we wish to make the applicant aware that our response included an incorrect grid reference. The site was previously known as Seal Sands Chemicals Company (SSC) and the correct grid reference is NZ 53843 24721. For information, we can confirm that this area adjacent to Work No. 6A.1 - Hydrogen Distribution Network - Overground and Underground Pipelines, includes a Part 2A inspection area.</p>	<p>Noted, please see response below.</p>
EA3		<p>A list of intrusive ground investigations (GI) to be completed has been included in this document. It is unclear if the area adjacent to the Part 2A inspection site is included.</p> <p>Q1.10.8 within this document asks about the Part 2A inspection area, with the response stating the site is not being investigated under Part 2A. This is incorrect, and as flagged above, could be due to the EA providing an inaccurate grid reference in our Relevant Representations response. The correct grid reference is NZ 53843 24721 and the original site was known as Seal Sands Chemicals Company (SSC), rather than the current owner Vertellus.</p>	<p>Following the provision of a revised grid reference, the Applicant is currently engaging with Stockon-on-Tees Borough Council for further information on the Part 2A inspection area and will provide an update on this matter in due course.</p>
EA4		<p>From a flood risk perspective, we support the use of Horizontal Directional Drilling (HDD) methods, as it will minimise surface disruption as well as ensure that ground levels remain unchanged throughout the process.</p>	<p>To the extent that drilling works could affect flood defences, the Environment Agency will have plan approval of the detail of the works pursuant to their Protective Provisions in the draft DCO.</p>

REFERENCE	SOURCE DOCUMENT(S)	IP ISSUE/ THEME	APPLICANT RESPONSE
		<p>However, an increase in corridor width could have potential flood risk implications. We understand the need for a wider corridor width whilst GI has not been conducted, as it allows for wider flexibility for the location of the drilling path, however, if located near a flood defence, a narrower corridor width would be preferred as it can be more closely managed to ensure no damage or destabilisation to any flood defence infrastructure.</p> <p>Final drill routes and methods should be included in the Construction Environment Management Plan or other relevant document and shared with the Environment Agency for approval.</p>	

6.0 MARINE MANAGEMENT ORGANISATION ('MMO')

Table 6-1: Response to MMO's Deadline 3 submission

REFERENCE	SOURCE DOCUMENT(S)	IP ISSUE/ THEME	APPLICANT RESPONSE
MMO1	REP3-011	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.	The Applicant has included measures to avoid and/or mitigate a 'frac out' incident occurring within the Framework CEMP submitted with the DCO Application. The primary measure is the conducting of a site-specific Hydraulic Fracture Risk Assessment, developed prior to construction following further investigation of the specific ground conditions at the crossing locations. This is covered in Table 7-2 of the most up to date Framework CEMP [REP3-003]. Following this assessment, appropriate mitigation will be adopted and incorporated into the Final CEMP in line with best construction practice, as required.
MMO2		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).	<p>The Applicant has provided clarification to the MMO via email on 21 October 2024 and awaits feedback from the MMO.</p> <p>For clarity, the distances to mean high water springs (MHWS) of the River Tees from the entry pit is 56 meters and from the exit pit is 90 meters.</p> <p>The distances to MHWS of Greatham Creek from the entry pit is 518 meters and from the exit pit is 98 meters.</p>

7.0 RESPONSE TO STOCKTON ON TEES BOROUGH COUNCIL DEADLINE 2 SUBMISSION

Table 7-1: Response to STBC's Deadline 2 submission [AS-033]

REF NO.	STBC RESPONSE	APPLICANT'S D4 RESPONSE
<p>WQ1.17.8</p> <p><i>ES Figure 15-2 (Heavy Goods Vehicle Routes to and from the Proposed Development Site) [APP-162] and ES Figure 15-4 (Traffic Routes) [APP-164] detail the traffic and Heavy Goods Vehicle routing to the Proposed Development. These figures appear to only show this routing to the main site. Please could the Applicant provide a plan and detail the routing to the other construction compounds. Please can the relevant Local Highway Authority comment on the general suitability of access to the remote construction compounds</i></p>	<p>STBC LHA have no concerns in this regard however there are numerous 7.5 tonnes environmental weight restrictions in Billingham which permit use for access purposes, but not as a through route, please see map attached.</p>	<p>Any changes to HGV routing from the weight restrictions in Billingham will only impact HGV routing to the north of the River Tees. This has been considered and the Applicant can confirm that there would be no change in the conclusions as set out in Chapter 15: Traffic and Transport [APP-068].</p> <p>The Applicant thanks STBC for this information and as a result of the weight reduction the HGV routing has been changed. The changed routes are shown in the updated Figure 15-2 [APP-162] and Figure 15-4 [APP-164] and Framework Construction Traffic Management Plan [APP-050], submitted into the Examination at Deadline 4.</p> <p>This change would lead to a reduction in HGV traffic on the A1046 Haverton Hill Road (Link 13) and Belasis Avenue (Link 15) and an increase on the A1185 (Link 14).</p> <p>From Table 15-12 of Chapter 15 Traffic and Transport [APP-068] there is, at the peak of construction, predicted to be a total of 18 daily HGVs on Haverton Hill Road (Link 13), 18 on Belasis Avenue (Link 15) and 36 on the A1185 (Link 14). With reductions on both the A1046 and Belasis Avenue, as set out above, the magnitude of impact as set out in Table 15-13 of Chapter 15: Traffic and Transport [APP-068] will reduce on those two links.</p> <p>As set out in Table 15-15 of Chapter 15: Traffic and Transport [APP-068], the effects on both A1046 Haverton Hill Road (Link 13) and Belasis Avenue (Link 15) is Negligible (Not Significant), and this will not change as a result of the reductions in flow discussed above. The conclusions in ES Chapter 15: Traffic and Transport [APP-068] therefore remain valid for these links.</p> <p>In terms of the A1185 (Link 14), an increase in HGV traffic is predicted, due to this link now being the main access route for traffic serving the Proposed Development around Seaton Carew Road and the unnamed Road to the east of the roundabout to the River Tees northern bank.</p> <p>With reference to the future baseline traffic flows presented in Table 15-9 of Chapter 15 Traffic and Transport [APP-068], the baseline number of HGVs already on the A1185 (Link 14) is 1,101 HGV per day at the peak of construction.</p> <p>Taking a worst case assumption that all HGVs to the north of the River Tees will now use the A1185, (which in reality is considered unlikely as some HGVS will still use both the A1046 and Belasis Avenue to access construction works in those areas), a total of 72 HGVs (36 already on the A1185 and the increase of 18 each from Haverton Hill Road and Belasis Avenue) will now use the A1185. Based upon this total, and with reference to Table 15-13 of Chapter 15: Traffic and Transport [APP-068], the percentage increase in HGVs will increase from 3.3% to 6.5%.</p> <p>With reference to Table 15-3 of Chapter 15: Traffic and Transport [APP-068], this percentage increase in HGVs is considered to result in a Very Low magnitude of impact. Based upon the low sensitivity of Link 14 from Table 15-2, this will result in a Negligible (Not Significant) effect from Table 15-4. Therefore, the conclusions presented in ES Chapter 15: Traffic and Transport [APP-068] remain valid for Link 14.</p>

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