



Application by H2 Teesside Limited for the H2Teesside Project

The Examining Authority's second written questions and requests for information (ExQ2)

Issued on 28 November 2024

The following table sets out the Examining Authority's (ExA) second written questions and requests for information – ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annexe C to the Rule 6 letter of 31 July 2024. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 2 (indicating that it is from ExQ2). The second part of the unique reference number indicates the issue reference, for example, 1 = General and Cross-topic Questions, 2 = Air Quality and Emissions; the full list of topics is shown in the index on page 4. The third part of the unique reference is a sequential number for the question. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact h2teesside@planninginspectorate.gov.uk and include 'H2 Teesside Project' in the subject line of your email.

Responses are due by Deadline 5: Wednesday 18 December 2024



Abbreviations used:

AGI	Above Ground Installation	IP	Interested Party/ Parties
ALC	Agricultural Land Classification	Kellas	Kellas Midstream Ltd
AP	Affected Person(s)	ISH2	Issue Specific Hearing 2 (draft DCO)
APIS	Air Pollution Information System	MMO	Marine Management Organisation
BAT	Best Available Technique	NE	Natural England
BMV	Best and Most Versatile	NGET	National Grid Electricity Transmission Plc
BoR	Book of Reference	NWL	Northumbrian Water Ltd
CA	Compulsory Acquisition	NZT	Net Zero Teesside
CAH	Compulsory Acquisition Hearing	PDT	PD Teesport Ltd
CEMP	Construction Environmental Management Plan	PP	Protective Provision(s)
CNSL	CATS North Sea Ltd	RCBC	Redcar and Cleveland Borough Council
COMAH	Control of Major Accident Hazards	RR	Relevant Representation
DAS	Design and Access Statement	SAC	Special Area of Conservation
DCO	Development Consent Order	SMP	Soils Management Plan
DL	Deadline	SoCG	Statement of Common Ground
EA	Environment Agency	SoS	Secretary of State
EP	Environmental Permit	SPA	Special Protection Area(s)
ES	Environmental Statement	SSC	Seal Sands Chemicals (Company)
ExA	Examining Authority	SSSI	Site of Special Scientific Interest
ExQ1	First Written Questions	STBC	Stockton-on-Tees Borough Council
GHG	Greenhouse Gas	STG	South Tees Group
HDD	Horizontal Directional Drilling	USRN	Unique Street Reference Number
HRA	Habitats Regulations Assessment	UKHSA	United Kingdom Health Security Agency
HSE	Health and Safety Executive	WR	Written Representation



The Examination Library and Relevant Representations

References in these questions set out in square brackets and starting with APP (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link which will be updated as the examination progresses.

References in these questions set out in square brackets and starting with RR (eg [RR-001]) are to Relevant Representations submitted. References in these questions set out in square brackets and starting with AS (eg [AS-001]) are to Additional Submissions entered into the Examination.

The above References can also be seen by using the following link which will be updated as the examination progresses:

[Examination Library](#)

Citation of Questions

Questions in this table should be cited as follows:

Q : issue reference: ExQ reference: question number. For example, Q2.1.1 – refers to question 1 in this table.



Index

1.	General and Cross Topic.....	5
2.	Assessment of Alternatives	8
3.	Air Quality and Emissions.....	8
4.	Habitat Regulations Assessment, Biodiversity, Ecology and Nature Conservation, including Ornithology and Marine Ecology.....	11
5.	Climate Change	13
6.	Compulsory Acquisition and Temporary Possession.....	14
7.	Cultural Heritage	18
8.	Cumulative and Combined Effects	18
9.	Draft Development Consent Order	18
10.	Geology, Hydrogeology and Land Contamination.....	23
11.	Landscape, Visual Amenity and Design	25
12.	Material and Waste Management.....	26
13.	Noise and Vibration.....	26
14.	Socio-economics and Land use, including Human Health and Major Accidents and Disasters.....	26
15.	Surface Water, Flood Risk and Water Resources	29
16.	Needs Case and the Proposed Relationship with other Developments in the Area	30
17.	Traffic and Transportation.....	30

ExQ2: 28 November 2024

Responses due by Deadline 5: Wednesday 18 December 2024

ExQ2	Question to:	Question:
1. General and Cross Topic		
Q2.1.1	Applicant	Despite the Planning Inspectorate's Case Team previously raising concerns regarding searchable/ accessible PDF Documents, the Examining Authority (ExA) notes the Applicant continues to submit documents which do not meet this criteria. The Applicant is therefore instructed to review all the most up to date revisions of all of its documents submitted to date, ensuring they are both searchable/ accessible PDF documents. When such documents are identified, the Applicant is required to provide a list of to the ExA of those documents, which includes the document title and the Planning Inspectorate Examination Library reference numbers. The Applicant is also required to submit replacements for those identified documents ensuring that they, and all future PDF Documents submitted into the Examination, are both searchable/ accessible.
Q2.1.2	Applicant	The Applicant's documents variously refer to the HyGreen Project, a planning application submitted to Redcar & Cleveland Borough Council (RCBC) on 22 April 2024, reference R/2024/0271/ESM. Please can the Applicant confirm the current status of the HyGreen project and if there are any proposed changes to that planning application which may be important and relevant to the application for the Proposed Development.
Q2.1.3	RCBC	The HyGreen Project, referred to above, was submitted to RCBC as a formal planning application on 22 April 2024, under RCBC reference R/2024/0271/ESM. Please confirm the current status of this Application, including the stage in the planning process it has reached (ie validation, consultation, consideration, report writing (delegated or relevant Council committee), resolution, determination, Etc.). In the event the HyGreen application has been determined, please enter a copy of the decision into the Examination, together with any publicly available reports, including any minutes if reported to committee. Also please advise of any legal or other agreements being sought or entered into with the Applicant in regard to this Planning Application and enter a copy of such documents into the Examination if they have been completed.
Q2.1.4	Applicant and RCBC	Please submit to the Examination details of the Order limits for the HyGreen planning application referred to in the above questions. Please also submit any plans which show the proposed boundary of

ExQ2	Question to:	Question:
		the main site for the HyGreen project if contained within the planning application.
Q2.1.5	Applicant	<p>In terms of the interrelationship between the Proposed Development and the HyGreen project, please provide:</p> <ul style="list-style-type: none"> i) a plan at 1:2500 scale (ie the same scale as per the Works Plans) of the main site for H2Teesside with the main site for HyGreen shown in the same level of detail as contained within the planning application for HyGreen, this plan should include indicative boundaries for both projects. ii) a version of the Indicative Hydrogen Production Facility and Above Ground Installation (AGI) Plans, which includes the HyGreen main site, which should include the boundaries referred to in part i) of this question.
Q2.1.6	Applicant	<p>Please provide a copy of the following plans excluding the main site area (up to the indicative boundaries) of the HyGreen project, if it were to be consented as presented to RCBC:</p> <ul style="list-style-type: none"> i) Integrated Works Plan, sheet 8 of 11, and ii) the Indicative Hydrogen Production Facility and AGI Plans, drawing 2 of 5.
Q2.1.7	Applicant	<p>Paragraph 3.3.3 of the Interrelation Report [REP2-038] states that the exact location of Work No. 1A.2 (Phase 2) is subject to “...<i>favourable ground investigation results; satisfactory completion of demolition and remediation works; and compliance with applicable legislation, regulations, national and international design standards with regards to separation distances...</i>” and that this work will not be completed prior to the end of the Examination.</p> <ul style="list-style-type: none"> i) Has there been ground investigation reports to confirm favourable conditions for Phase 1 to allow the location of this to be finalised. ii) At Accompanied Site Inspection 1, the ExA evidenced the demolition and remediation work at the Foundry site. Please explain what differentiates ground conditions between the location of Phase 1 and the potential locations for Phase 2 and why it is possible to conclude the location of Phase 1 but not Phase 2, which is not anticipated to commence until 2028.

ExQ2	Question to:	Question:
		<p>iii) Please explain what could constitute a failure of ‘<i>satisfactory completion of demolition and remedial works</i>’ being delivered through an approved planning application and associated conditions.</p> <p>iv) Please explain if the ‘<i>legislation, regulations, national and international design standards with regards to separation distances</i>’ are published and known, and if so why they cannot be used to assess where Phase 2 can be accommodated. Please further explain how it can be certain that Phase 2 can be accommodated within the Order limits, with or without the construction of the HyGreen project if there is uncertainty about design standards.</p>
Q2.1.8	South Tees Group (STG)	<p>Please provide details of:</p> <ul style="list-style-type: none"> i) the planned completion date for the remediation of The Foundry site; ii) how the remediation contract is required to, or will, meet the requirements of the Proposed Development; iii) if and how the requirements of the remediation on the main site of the Proposed Development differs to the requirements for the Net Zero Teesside (NZN) main site, which is close to completion; iv) the proposed completion date for the removal of the foundry core, which was viewed by the ExA at the Accompanied Site Inspection 1; and v) any differences in specification for the remediation works across the Foundry site, specifically the areas identified for NZT, Phase 1 and 2 of the Proposed Development and the main site for the HyGreen Project.
Q2.1.9	Applicant	<p>If the proposed HyGreen project were to be consented as per the planning application made to RCBC, as detailed above, please confirm that the Proposed Development could be constructed within the Order limits.</p>
Q2.1.10	Applicant	<p>Please provide a version of the Integrated Works plans which also shows the indicative locations of all works, e.g. pipelines, cable routes, AIGs etc.</p>
Q2.1.11	Applicant	<p>Please provide a version of the Integrated Works plans which also shows the indicative locations of all works e.g. the main production facilities, pipelines, cable routes, AIGs etc of the Proposed</p>

ExQ2	Question to:	Question:
		Development, NZT and HyGreen proposal.
Q2.1.12	Applicant	The Indicative Hydrogen Distribution Network Plan, drawing 3 of 16, shows the southernmost part of the Billingham Industrial Park pipeline connecting to New Road without AGI shown. Please explain what will happen to the pipeline which is shown to truncate on the pipe bridge over New Road.
Q2.1.13	Kellas Midstream Ltd (Kellas)/ CATS North Sea Ltd (CNSL)	Kellas and CNSL Deadline (DL) 4 submission [REP4-033] is noted. However the ExA would seek clarification in regard to paragraph 2.14 where it states "...Kellas and H2NE are maintaining their objection to the DCO" (Development Consent Order) and would ask whether this should read "Kellas and CNSL"?
2. Assessment of Alternatives		
Q2.2.1	Applicant	<p>The ExA notes your response at Q1.2.9 to its First Written Questions (ExQ1) [REP2-020] as well as the updated Report to Inform Habitats Regulations Assessment (HRA) [CR1-023]. It notes one of the two options proposed for effluent discharge has been removed, committing to the option involving discharge via the NZT outfall at Tees Bay (Case 2B) as the basis of the HRA.</p> <p>Removal of the alternative option (Case 1B) to transport Minimalised Liquid Discharge offsite is not included in the Change Application, but this is not surprising as it does not appear there would be any change to the infrastructure required or controls within the draft DCO arising from its removal. However, the ExA finds it a little confusing that only the Report to Inform HRA [CR1-023] refers to removal of Case 1B when it is still considered in other assessment work, eg the Nutrient Neutrality Assessment [APP-047], Water Framework Directive Assessment [APP-048] and Environmental Statement (ES) Chapter 9 Water Resources [APP-061], which have not been updated.</p> <p>Bearing the above in mind, please provide clarification that Case 1B has been removed and provide an explanation as to any implications for the draft DCO and/ or existing assessment work? If required, review the relevant Examination documentation, update it accordingly and enter such updated documentation into the Examination.</p>
3. Air Quality and Emissions		

ExQ2	Question to:	Question:
Q2.3.1	Applicant	Paragraph 1A.3.3 of your Change Application Report – Appendices [CR1-045] is noted. However, please signpost the ExA to where within the submitted documentation an explanation of what comprises scenarios 1, 2 and 3 for the start-up and emergency modes used in the air quality modelling for the flares can be located or provide a detailed explanation of these scenarios.
Q2.3.2	Applicant	Some of the values in the emissions inventory per unit data in Table 1A-3 of [CR1-045] are significantly reduced from those set out in the original air quality modelling (Table 8B-2 of Appendix 8B: Air Quality – Operational Phase [APP-191]). The Applicant is requested to provide a detailed explanation for these change in values or direct the ExA as to where within the submitted documentation a detailed explanation can be located.
Q2.3.3	Applicant	The updated air quality modelling in the Change Application Appendices [CR1-045] does not include a change in annual PM ₁₀ concentrations, as set out in the update to the information in Table 8b-21 of Appendix 8B: Air Quality – Operational Phase [APP-191] . Please explain why this was not included or direct the ExA to where the explanation can be located?
Q2.3.4	Applicant	<p>The ExA notes the Applicant’s response to ExQ1 Q1.3.3 [REP2-021]. Reference is made to the Common Wastewater and Waste Gas Treatment/ Management Systems in the Chemical Sector Best Available Technique(s) (BAT) Reference Documents, section 4.5.3, BAT 17, which identifies the use of flare to combust gaseous emissions as being BAT during start-up and shut-down but not for continuous use.</p> <p>Having considered the above in designing the Proposed Development, the Applicant states flaring is to be adopted as an embedded control measure during start-up and shut down.</p> <p>With this in mind, can the Applicant signpost how and where flaring during start-up and shut down will be secured in the draft DCO [CR1-015]* as an embedded control measure as part of the design of the Proposed Development.</p> <p>* Note: The most recent version of the draft DCO [REP4-004] was submitted at DL4.</p>
Q2.3.5	Applicant	The ExA advises that Q1.13.2 and Q1.13.3 in it’s ExQ1 [PD-008] incorrectly referred to stack parameters used as the basis for assessment in Appendix 11B [APP-199] . These questions should have referred to Appendix 8B (Air Quality – Operational Phase) [APP-191] . The Applicant is requested

ExQ2	Question to:	Question:
		to provide a response to those questions (Q1.13.2 and Q1.13.3) as relevant to Appendix 8B (Air Quality – Operational Phase).
Q2.3.6	Applicant and Natural England (NE)	<p>At NE9, [REP2-072], NE raised the issue of construction dust assessment and monitoring and the potential significant/ adverse effect on the Teesmouth and Cleveland Coast Site of Special Scientific Interest (SSSI)/ Special Protection Area (SPA)/ Ramsar.</p> <p>The ExA notes at NE9 [AS-039], NE does not agree that measures designed for protection of human health would automatically protect sensitive ecosystems, given the different mechanisms of impact and the differential proximity.</p> <p>The Applicant’s response in NE9 [AS-039] is human receptors are generally more sensitive to dust than ecosystems because of particulates in atmosphere that can be breathed into the lungs. In contrast, for ecosystems the main concern of dust is coating of vegetation (i.e. much larger than the particles that can be breathed into the lungs). The Applicant therefore considers measures that will control dust emissions to such an extent that small particulate release is minimised will be sufficient to prevent significant dust coating of vegetation. Indeed the Applicant’s Framework Construction Environmental Management Plan (CEMP) [REP2-011]*, at Section 9, sets out that one of the main aims of the monitoring regime is vegetation protection and advises this is set out in the Framework CEMP.</p> <p>The Applicant further states noting the above, and the commitment to consult with NE on the effectiveness of any proposed measures (including monitoring) in reducing effects on designated sites (see Table 7-2 of the Framework CEMP [REP2-011]*) and it considers this matter to be closed.</p> <p>Firstly, the ExA would ask the Applicant whether its reference to Table 7-2 of the Framework CEMP [REP2-011]* (Surface Water, Flood Risk and Water Resources) is correct or whether the correct reference should be Table 7-1 (Air Quality)?</p> <p>Secondly, the ExA would ask NE:</p>

ExQ2	Question to:	Question:
		<ol style="list-style-type: none"> 1. Does it have any further comments or observation in relation to the mitigation and enhancement measures set out in Table 7-1 Air Quality of the Framework CEMP [REP2-011]*? 2. Does it agree with the Applicant’s assessment and conclusions with respect of the sensitivity of ecosystems to dust emissions referred to above and agree with the Applicant that this matter should now be considered closed. 3. Do you consider that the provisions for the monitoring of vegetation set out in Section 9 the framework CEMP [REP2-011]* to be adequate and sufficient. <p>* The ExA notes the Applicant submitted Revision 2 of the Framework CEMP at DL3 (Examination Library reference [REP3-003]).</p>
Q2.3.7	NE	<p>The Applicant’s response to Q1.3.13 [REP2-021] is noted. The Applicant states “<i>The Applicant has reviewed the citation for the Durham Coast SAC (Special Area of Conservation) which lists the qualifying features as “H1230 Vegetated sea cliffs of the Atlantic and Baltic coasts”. Coastal Dune Grasslands are not a qualifying feature of the Durham Coast SAC and therefore it was not included in the Report to Inform HRA (Document reference 5.10) [AS-016]. However, this was included in the modelled air quality assessment presented in Appendix 8B (Document reference 6.4.8) [APP-191] because it is listed as an interest feature on the Air Pollution Information System (APIS).</i>”</p> <p>The ExA would ask NE to confirm whether it is satisfied with the approach adopted by the Applicant and if not, why not.</p>
4. Habitat Regulations Assessment, Biodiversity, Ecology and Nature Conservation, including Ornithology and Marine Ecology		
Q2.4.1	NE	<p>NE is requested to provide a response to Q1.4.17 in the ExA’s ExQ1 [PD-008] regarding any outstanding concerns in the Applicant’s approach to the inclusion of Option A for the hydrogen distribution network connection, including how it proposes to secure the detail design and maintenance of the Cowpen Bewley Open Space Replacement Land. In providing its response, the ExA requests NE to have regard to the information submitted by the Applicant in its “Response to ExQ1 (HRA and Ecology) [REP2-022]”, Q1.4.17.</p>

ExQ2	Question to:	Question:
Q2.4.2	NE	NE is requested to provide an update on matters raised at NE2 of its Relevant Representation (RR) [RR-026], affecting its advice for impact pathways as detailed in NE3 to NE8 of that RR following the Applicant's submission of the Supplementary Ornithology Baseline Report [AS-036] and updated Report to Inform HRA [CR1-023]. NE is requested to confirm if this information addresses its concerns and, if not, what matters remain outstanding and what information is required to address these. It is requested to advise if it considers there would be a material difference in the assessment conclusions were the Applicant to follow its suggested method for assessing impacts to bird qualifying features of the SPAs.
Q2.4.3	Applicant	The Applicant is requested to confirm what change it would anticipate to the conclusions of the Report to Inform HRA [CR1-023] in respect of impacts to the bird qualifying features of the SPAs if it followed the assessment method suggested by NE for impact pathways covered by NE3 to NE8 [RR-026].
Q2.4.4	Applicant	The Applicant is requested to submit a table detailing the quantum of functionally linked land to the Teesmouth and Cleveland Coast SPA and Ramsar site expected to be lost on both a temporary and permanent basis because of the Proposed Development, together with the function of the land (per NE3 [RR-026]). The ExA expects figures to be provided based on a worst case scenario.
Q2.4.5	Applicant	NE's DL4 submission [REP4-028] clarifies it's outstanding concerns on the HRA matters not agreed. In the light of this submission from NE please provide a full written response to outstanding matters NE7, NE8, NE10, NE12, NE14, NE15, NE17, NE18, and NE26, or otherwise confirm what steps you are taking to progress these matters and when you will be in a position to respond fully to these outstanding matters?
Q2.4.6	Applicant	The Applicant submitted an updated draft Statement of Common Ground (SoCG) with NE [REP4-022], which referred to [APP-064], paragraph 12.6.16 to justify why it concluded no likely significant effect to the European sites underpinned by the Teesmouth and Cleveland Coast SSSI, arising from change in air quality during operation. It stated that in-combination nitrogen deposition was predicted to be lower than historic levels, at 13.89 kgN/ha/yr compared to 14.77 kgN/ha/yr in 2003. [REP4-022] indicated that NE requested further information about cumulative nitrogen sources and confirmation that minor

ExQ2	Question to:	Question:
		increases would not hinder habitat recovery at the SPA and SSSI (NE17 and NE31 [RR-026]). The Applicant is requested to submit this information, together with a status update of engagement with NE, by DL5 of the Examination.
Q2.4.7	NE	Can NE clarify if it's comments under [RR-026] , NE28 and 29, relating to effects to the Teesmouth and Cleveland Coast SSSI from change to emissions to air, are relevant to the HRA (ie is it considered that these impacts could further affect the Teesmouth and Cleveland Coast SPA and Ramsar sites, underpinned by the SSSI) or are solely in the context of the Environmental Impact Assessment, and ES Chapters 8 [APP-060] and 12 [APP-064] . Please confirm if there has been any change in advice since [REP2-072] and, if so, on what basis.
Q2.4.8	Applicant	If NE's advice for [RR-026] , NE10, NE12, NE28 and NE29 remains unchanged by close of Examination, can the Applicant advise what mitigation would be available to address the identified potential effects from change to emissions to air and what steps it could take to secure this.
Q2.4.9	NE	The ExA notes the comments of the Marine Management Organisation (MMO) in its DL4 submission [REP4-026] , where it notes that to reduce the impact to the Teesmouth and Cleveland Coast SPA for Horizontal Directional Drilling (HDD) operations any pipe stringing area for HDD operations will be established a minimum of 30 metres away from the boundary of the SPA. The MMO defers to NE on whether this is an appropriate distance. As such the ExA would ask NE whether 30 metres is an acceptable distance from the SPA for such operations and if not what distance NE considers is acceptable, together with evidence justifying its position.
5. Climate Change		
Q2.5.1	Applicant	The Applicant's 'Environmental Screening Assessments for Proposed Development Changes' [CR1-044] at Table 4-1 (Page 53) screens out Change 1, which introduces an additional flare. The Applicant states that all of the Proposed Development Changes except Change 1 would result in a positive impact to climate assessments during the construction, operation and decommissioning of the Proposed Development. The assessment set out in Appendix 19A Climate Change Resilience Assessment [APP-215] therefore represents the worst-case scenario.

ExQ2	Question to:	Question:
		<p>The Applicant advises that the introduction of an additional flare, as proposed by Change 1, with the same operational specification as assessed in the ES, would result in an increase in greenhouse gas (GHG) but considers this increase would be immaterial to the overall assessment (given that flare pilot emissions would be less than 1% of the Proposed Development's operational GHG emissions). The Applicant also states that GHG increases, associated with Change 1, would be far exceeded by the benefits being introduced by Change 5.</p> <p>In the light of the above, the ExA would ask the Applicant to provide a more detailed explanation in regard to the above or signpost the ExA to where within the submitted documentation such a detailed explanation has been provided.</p>
6. Compulsory Acquisition and Temporary Possession		
Q2.6.1	Applicant	The Book of Reference (BoR) [REP4-002] , submitted at DL4, included text which is highlighted in yellow. Please advise if this has any significance and if so what that is.
Q2.6.2	Interested Parties (IPs) and Affected Person(s) (AP)	The BoR [REP4-002] has been updated by the Applicant at DL4. Are any Affected Persons or IPs aware of any inaccuracies that remain in the BoR? If so, please set out what these are and provide the correct details.
Q2.6.3	Applicant and BOC Ltd	In their DL2 submission [REP2-075] at paragraph 7.1, BOC stated the applicant is arguing that BOC should not be entitled to specific standalone Protective Provisions (PPs). Although evidence at Compulsory Acquisition Hearing (CAH) 1 suggested this had now progressed and that PPs were being discussed, please confirm this is the case.
Q2.6.4	Applicant and Lighthouse Green Fuels Ltd	Please provide an update on a potential alternative location for the Compulsory Acquisition (CA) of plot 9/16 as suggested in the Lighthouse Green Fuels response to Q1.6.62 [REP2-084] and as highlighted in CAH1.

ExQ2	Question to:	Question:
Q2.6.5	National Grid Electricity Transmission Plc (NGET)	In its DL2 Written Representation (WR) [REP2-068] NGET stated in paragraph 2.5 that it is "...unable to release, for third party development, any land immediately adjacent to its existing operational assets, including substations, on the basis that the land in question must remain safeguarded to allow for the development of those assets..." Please provide details of the safeguarding requirements in relation to the Proposed Development and advise the ExA if suitable PPs will ensure this safeguarding will be managed, or if the zones in question are absolute.
Q2.6.6	NGET	Please update the ExA regarding engagement with the Applicant as highlighted in the NGET DL2 WR [REP2-068] paragraphs 6.3 to 6.19 and also regarding the land in the environs of Saltholme Substation.
Q2.6.7	Applicant	In their response to ExQ1 [REP2-092] Q1.15.1, Northumbrian Water Ltd (NWL) confirmed that no agreement had been reached regarding water supply to the Proposed Development during operation. Please confirm that this lack of agreement will not give rise to the potential of additional or alternative land requirements.
Q2.6.8	Applicant	In their response to the Applicants reply to ExQ1 [REP3-021] Q1.6.17, SABIC stated that " <i>If the Applicant is unable to identify what rights it needs to extinguish then it is difficult to see how they can satisfy the Secretary of State (SoS) that the powers being sought are no more than is reasonably required for the purposes of the development</i> ". Please can the Applicant provide further explanation as to how they are able to satisfy the SoS that the rights sought to be acquired are reasonable.
Q2.6.9	Applicant	In response to ExQ1 [REP2-024] Q1.6.63, the Applicant stated that it is not anticipated to permanently extinguish existing rights over access roads, private roads or other rights of way and where new rights are being sought over such roads these are anticipated to co-exist with existing rights. The Applicants reply to ExQ1 Q1.6.9 goes on to state that they are committed to suspending rights only during construction and will remain for only as long as the Applicant is in possession of the land. Please advise if it is anticipated to temporarily close and deny access without alternatives along any road (whether private or public), access track or other means of access that are required by other parties to access and operate any part of their land or operation.

ExQ2: 28 November 2024

Responses due by Deadline 5: Wednesday 18 December 2024

ExQ2	Question to:	Question:
Q2.6.10	Applicant and Relevant IPs/APs	At CAH1, the question of routing of the hydrogen pipeline into the Billingham site was raised by a number of parties, in particular the potential use of the 'eastern pipe bridge route'. This was followed up by CF Fertilisers (UK) Ltd in their submission of 21 November 2024 [AS-024] which was accepted by the ExA following CAH1. Please can the Applicant respond to the points raised in this regard as raised at CAH1 and in the submission from CF Fertilisers (UK) Ltd. Please can relevant IPs/APs provide any further information relating to this matter, including any comments raised in the consultation period.
Q2.6.11	Applicant	In their DL4 submission [REP4-050], SABIC question how the SoS is to decide whether the level of security being provided under Article 47 (funding for CA compensation) is adequate, especially in light of its concerns about the serious consequences of an incidental suspension of an inconsistent right under Article 26. The Funding Statement [APP-025] at paragraph 3.1.2 states that financial provision has been made in this regard. Please explain how the ExA and SoS can be certain that this is adequately covered.
Q2.6.12	Applicant/ SABIC Companies	In their DL4 submission [REP4-050], SABIC question how the SoS is to decide whether the level of security being provided under Article 47 (funding for CA compensation) is adequate, especially in light of its concerns about the serious consequences of an incidental suspension of an inconsistent right under Article 26. Please confirm if these issues were concluded in the NZT DCO via suitable PPs and Heads of Terms agreements.
Q2.6.13	Applicant, Stockton-on-Tees Borough Council (STBC), Northern Gas Networks and Church Commissioners for England	Please provide an update on the agreement for the Cowpen Bewley Open Space replacement land. Please can STBC, Northern Gas Networks and Church Commissioners for England also advise if they have any comments on Article 29 (Special category land and replacement special category land) of the dDCO [REP4-004].
Q2.6.14	STG	In their DL3 submission [REP3-024] in reply to the Applicants response to ExQ1.6.10, STG state that the DCO should include the requirement for consultation on the drafting of restrictive covenants, something that in their reply at DL4 [REP4-013] the Applicant considers is not appropriate. Please explain further why this is considered necessary in this case and why the PPs and side agreement

ExQ2	Question to:	Question:
		would not be adequate.
Q2.6.15	Applicant	As discussed at CAH1, it is understood that the amount of land required and shown in the Land Plans [AS-003] uses the Rochdale Envelope principles and is required as ground investigation and detail design has not commenced or been completed. It is further understood that upon completion of these, the amount of land required will reduce. Please provide a comprehensive explanation of the process and anticipated timeline which allows the ExA to understand how a completed detailed design (which will be post close of the Examination) will result in reduced land requirements and how the ExA can be certain that this will lead to the minimum land and rights required to be acquired by compulsion, should that be necessary. Please reference the appropriate parts of the dDCO and relevant documents as included within Schedule 14 of the dDCO.
Q2.6.16	Applicant	The above question relates to the holistic approach to land requirements following detailed design. Please give further details specifically in regard to the crossing of the River Tees and how the ExA can be satisfied that only the land required is being sought and how this will be reduced following detailed design and ground investigation.
Q2.6.17	IPs and APs	At DL2, the Applicant provided a document Order Width Limit Explanatory Note [REP2-037] . Please provide any comments on this note if you have not done so at previous DLs.
Q2.6.18	Applicant	At DL2, the Applicant provided a document Order Width Limit Explanatory Note [REP2-037] , at paragraph 3.2.3 it is stated that the results of the archaeological survey in the Cowpen Bewley corridor will be completed in Q4 of 2024. Please advise when this will be undertaken and if these results will lead to a resolution of the 'coffee cup handle' options before the close of the Examination.
Q2.6.19	Applicant	At DL2, the Applicant provided a document Order Width Limit Explanatory Note [REP2-037] , at paragraph 3.2.5 it is stated that the width of the corridor at the railway is 120m; similarly paragraph 3.3.2 details the corridor width at Greatham Creek as 125m. Please explain why this width has been chosen and if any particular technical, geographical or physical features, for example, have dictated this width. Please also advise if any further information which supports the need for this amount of land and

ExQ2	Question to:	Question:
		why geotechnical investigations were not available prior to submission of the Application.
Q2.6.20	Applicant	In ExQ1 Q1.6.30 [PD-008] , the ExA sought information about Government funding for the Proposed Development. Please update the ExA on any further developments or changes in this regard.
Q2.6.21	Applicant	In ExQ1 Q1.6.59 [PD-008] , the ExA sought information about parts of the Proposed Development where the indicative hydrogen pipelines shown on the Indicative Hydrogen Distribution Network Plans [AS-008] were seemingly touching or very close to the Order limits. The Applicant in their response [REP2-024] stated that this question was addressed in the Order Width Limit Explanatory Note [REP2-037] . However, the ExA is not certain that this is the case and would request the Applicant to signpost to the appropriate statement or provide further information to assure the ExA that the Proposed Development could be constructed within the Order limits.
Q2.6.22	Applicant	An Additional Submission from Greenergy International Ltd [AS-043] was accepted by the ExA on 13 November 2024. Please provide a response to this submission.
Q2.6.23	Applicant	In the Additional Submission from Greenergy International Ltd [AS-043] referenced above, they state that “... <i>It would be normal and expected for the applicant to make diligent inquiries of potential Section 44 parties and commence negotiation regarding purchase of land or interests ahead of CPO action..</i> ”. Please confirm if there are other parties listed in the BoR who may not have been approached, and if so please provide a list and an explanation of why they have not been approached by the Applicant.
7. Cultural Heritage		
Q2.7.1	N/A	No further questions at present, which aren't already covered by other questions within this document.
8. Cumulative and Combined Effects		
Q2.8.1	N/A	No further questions at present, which aren't already covered by other questions within this document.
9. Draft Development Consent Order		
Q2.9.1	Applicant/ PD Teesport Ltd (PDT)	Article 9 (Application and Modification of Statutory Provisions) PDT in its DL4 submission [REP4-048] , provides a summary of its oral submissions related to ISH2.

ExQ2	Question to:	Question:
		<p>These submissions primarily related to concerns regarding Article 9 (Application and Modification of Statutory Provisions) of the draft DCO (Current version [REP4-004]). The Applicant's document of its oral submissions concerning ISH2 are also noted. However, PDT are maintaining its request that Article 9 of the draft DCO be amended to remove the disapplication of the provisions as set out in Article 9(2)(a) and (b).</p> <p>The Applicant is asked to engage with PDT with a view to reaching a satisfactory resolution to PDT's concerns in regard to Article 9 of the draft DCO and advise the ExA as to what it is doing to resolve this matter.</p>
Q2.9.2	Anglo American	<p>Article 48 (Interface with Anglo American permit)</p> <p>The ExA noted Anglo Americans oral submissions during ISH2 related to the above mentioned Article and the fact that it considers the Environmental Permit (EP) (Number FB3601GS) should be transferred to the Applicant (as noted in Annex 2 of Anglo American's Oral submissions made at ISH2, made at DL4 [REP4-031]). These concerns and observations were also set out in Anglo-American's DL3 submissions ([REP3-012]). The Applicant in its response to DL3 submissions [REP4-013] has responded to Anglo Americans concerns in this regard in Table 2-1 and the ExA would ask Anglo American for its considered response, especially in regard to whether an additional groundwater and landfill gas monitoring point would adequately address Anglo-Americans concerns in this regard.</p>
Q2.9.3	Applicant	<p>Schedule 1 – Authorised Development</p> <p>The draft DCO [CR1-015]*, submitted with the change application, appears to retain both Work Nos.6A.3 and 6B.3 despite Change No. 2F in the Change Application [CR1-044] clearly indicating that Work Nos. 6A.3 "...is proposed to be removed..." (Paragraph 2.3.27) and Work Nos. 6B.3 "...is no longer required..." (Paragraph 2.3.28). Furthermore, Table 1 in your Change Application Cover Letter [CR1-043] and Table 2-1 in your Change Application Report [CR1-044] only refer to Work No. 6B.3. The ExA considers there needs to be consistency across the Examination documentation, especially the draft DCO [CR1-015]*, and as such the ExA requests:</p> <p>i) Confirmation that Change No 2F removes both Work Nos. 6A.3 and 6B.3; and</p>

ExQ2	Question to:	Question:
		<p>ii) All relevant Examination documents, submitted to date, are reviewed by you to ensure there is consistency with the Change Application.</p> <p>* Note: The most recent version of the draft DCO [REP4-004] was submitted at DL4.</p>
Q2.9.4	Applicant	<p>Schedule 1 – Authorised Development</p> <p>The ExA notes the Applicant’s responses to Q1.9.40 in [REP2-027] and Q1.11.11 and Q1.11.12 in [REP2-029] regarding why the dDCO [REP4-004] does not specify parameters for the Main Site electrical substations and administration, control room and stores. The Applicant is requested to explain how the ExA can be confident that the final built dimensions of these infrastructure components would be within the limited scale indicated by the responses as what has been used as the basis for assessment in the ES, when these are not subject to control within the dDCO?</p>
Q2.9.5	Applicant	<p>Schedule 2, Requirement 3 (Detailed Design)</p> <p>The ExA notes the Applicant’s response to Q1.9.44 in [REP2-027] stating that the Design and Access Statement (DAS) [APP-034] does not set out design principles and therefore it would not be appropriate for Requirement 3 of the draft DCO [REP4-004] to refer to it. The ExA considers that this response contradicts the Applicant’s responses in Q1.11.1 and Q1.11.2 of [REP2-029], which refer to design principles and state that Section 7.0 of the DAS sets out how the Proposed Development would achieve a high quality of design. The ExA also notes that ES Chapter 16 [APP-069], section 16.4.2 lists design principles within the DAS as forming impact avoidance measures for landscape and visual effects. The ExA is therefore not satisfied with the Applicant’s response to Q1.9.44 and requests that it submits further justification for its position and proposed revised wording on a without prejudice basis for Requirement 3 that would link approval of the detailed design to relevant components of the DAS.</p>
Q2.9.6	Applicant	<p>Schedule 2, Requirement 25 (Local Liaison Group)</p> <p>During ISH2 the Applicant clarified the Local Liaison Group, that would be secured under this Requirement was intended to be a forum is for local residents, rather than corporate parties. However, it is clear from Anglo American’s DL4 submission [REP4-031] that it also wishes to be included in some</p>

ExQ2	Question to:	Question:
		<p>form of Local Liaison Group even if this is separate from a local residents forum. Please advise what is being done to satisfy Anglo American in this regard and whether the applicant is intending to discuss and agree an alternative arrangement that would include Anglo American?</p>
Q2.9.7	Applicant	<p>Schedule 2, Requirement 27 (Carbon dioxide transport and storage)</p> <p>The ExA notes the Applicant’s response to Q1.9.59 and Q1.9.60 in [REP2-027] regarding the operation of Requirement 27 (Carbon dioxide transport and storage) in the draft DCO [REP4-004]. However, the ExA remains concerned that there is no control on phasing within the draft DCO. The Applicant is therefore requested to submit proposed revised wording on a without prejudice basis for Requirement 27 that would prevent operation of either Work No.1A.1 or Work No.1A.2 before connection to a carbon capture and storage facility is available.</p>
Q2.9.8	Applicant	<p>Schedule 2, Requirement 33 (Disapplication of requirements discharged under the NZT Order 2024)</p> <p>A number of IPs have raised concerns regarding this Requirement. Indeed the nature of this Requirement, its precision, enforceability and whether it would be reasonable in all other respects were touched on in the Issue Specific Hearing related to the DCO (ISH2). It is clear to the ExA that the proposed draft DCO seeks powers to construct and operate a Scheme which, although connected, is separate and distinct from the NZT development. As such the ExA would question whether it is legitimate for a Requirement to be discharged by virtue of actions to discharge a Requirement under a separate DCO. It would also ask how such a Requirement would comply with Section 120(1) of the Planning Act 2008, which states the draft DCO must be “in connection with the development for which consent is granted”.</p>
Q2.9.9	Applicant	<p>Schedule 2, Requirements - Control of Noise - Operations</p> <p>The Applicant’s responses regarding ‘missing requirements’ when comparing the Requirements in the NZT DCO and the Applicant’s proposed draft DCO, as set out in the Applicant’s ‘Summary of Applicant’s Oral Submissions at ISH2’ [REP4-016] are noted. However, the ExA notes that Anglo American in in Annex 2 of its Oral submissions made at ISH2, also submitted at DL4 [REP4-031] maintains that an additional requirement in respect of Control of noise - operation should be contained within Schedule 2 of the dDCO.</p>

ExQ2	Question to:	Question:
		<p>Anglo American considers that such a Requirement should be included to the effect that the authorised works should not be brought into use until such time as a scheme for management and mitigation of noise during operation is consistent with principles of the Environmental Statement. It argues that such a Requirement is relevant particularly in the current absence of an assessment of the cumulative environmental effects of the Proposed Scheme taking Anglo American's operations into account.</p> <p>Whilst noting the Applicant's response, as stated above, and the use of such a Requirement in the NZT DCO, the ExA would ask the Applicant to provide, on a without prejudice basis, a form of wording for inclusion within the draft DCO for a Requirement that relates to the Control of Noise - Operations, should the ExA consider such a Requirement to be necessary.</p>
Q2.9.10	Applicant	<p>Schedule 14 - Documents and Plans to be Certified.</p> <p>The draft DCO [CR1-015]* submitted with the change application does not include eg the Change Application Report [CR1-044] or Appendices [CR1-045] in the list of Documents to be Certified in Schedule 14. As these documents have information of relevance to the Environmental Impact Assessment, can the Applicant confirm that they will be added to the list of documents forming the ES in Table 10 of Schedule 14.</p> <p>* Note: The most recent version of the draft DCO [REP4-004] was submitted at DL4.</p>
Q2.9.11	IPs/ APs	<p>PPs/ Side, or other, Agreements</p> <p>The ExA would ask any IPs/ APs with whom PPs are being sought whether they are satisfied with the PPs included within the draft DCO [REP4-004] to date and whether any side, or other form of legal agreement is required by the IP/ AP? In the event an IP/ AP is not satisfied, please explain why you are not satisfied and what is required to be undertaken to make the PPs and any side/ other agreement acceptable.</p>
Q2.9.12	IPs/ APs	<p>PPs/ Side, or other, Agreements</p> <p>The ExA would ask any IP/ AP who wish to have PPs, who haven't already submitted their preferred PPs, to submit a copy of their preferred PPs into the ExA for its consideration.</p>

ExQ2	Question to:	Question:
10. Geology, Hydrogeology and Land Contamination		
Q2.10.1	Applicant	<p>The Environment Agency (EA), in its RR [RR-009], has previously referred to land currently being investigated under Part 2A of the Environmental Protection Act 1990. It is noted the EA considers the Applicant's response to this, as also set out in the Applicant's 'Response to ExQ1 (Geology Hydrogeology and Land Contamination) [REP2-028], where it advises "the site is not being investigated under Part 2A" is incorrect. The ExA also notes the response of STG in its 'Responses to the ExA's ExQ1' [REP2-110].</p> <p>Irrespective of the above, the EA have advised that its original response included an incorrect grid reference and this may be the reason for the Applicant's incorrect response. It advises the correct grid reference for the site, previously known as Seal Sands Chemicals Company (SSC), is NZ 53843 24721 and notes this area is adjacent to Work No. 6A.1 (Hydrogen Distribution Network - Overground and Underground Pipelines) and includes a Part 2A inspection area. It further notes the Applicant's 'Response to ExQ1 Geology Hydrogeology and Land Contamination' [REP2-028] included a list of intrusive Ground Investigations to be completed. However, it advises it is unclear if the area adjacent to the Part 2A inspection site has been included or not.</p> <p>Bearing the above in mind,</p> <ol style="list-style-type: none"> i. Can the Applicant advise whether any of the land being referred to by the EA as "...being investigated under Part 2A of the Environmental Protection Act 1990..." falls within the Order Limits and if so, please signpost the plan which identifies the former SSC land? If no such plan has been provided, please enter such a plan into the Examination. ii. In addition to the above can the Applicant, South Tees Development Corporation and the EA, together with any other relevant Authority/ Body, confirm what discussions have taken place with regard to the land being referred to by the EA as "...being investigated under Part 2A of the Environmental Protection Act 1990."? iii. If this land does fall within the Order Limits, the ExA would ask the Applicant where within the Application documentation it has assessed any risks and impacts (significant or otherwise) in relation to this land.

ExQ2	Question to:	Question:
		<p>iv. Where the assessment referred to in iii) above has been undertaken and submitted as part of the Application documentation can the EA, Local Authorities 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, Local Authorities and/ or any other relevant Authority/ Bodies advise whether such an assessment should/ should not be undertaken, which takes account of this land?</p> <p>v. Can the Applicant provide a plan that identifies whether the SCC land forms part of the boundary of the Order Limits.</p>
Q2.10.2	Applicant	<p>From a flood risk perspective, the EA has stated it supports the use of HDD methods, as it will minimise surface disruption as well as ensure that ground levels remain unchanged throughout the process. However, it notes an increase in corridor width could have potential flood risk implications. The EA advises it understands the need for a wider corridor width whilst ground investigation has not been conducted, as it allows for wider flexibility for the location of the drilling path. However, it advises that if the drilling path and related corridor are 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>The ExA would ask the Applicant to respond to the EAs concerns in this regard and advise how it intends to ensure there is no damage or destabilisation to any flood defence infrastructure resulting from undertaking the HDD or the development in general.</p>
Q2.10.3	Applicant	<p>The EA advise that final drill routes and methods should be included in the Construction Environment Management Plan or other relevant document and shared with them for approval. Please confirm how you will comply with this request from the EA and how it will be secured in the draft DCO.</p>
Q2.10.4	EA	<p>The Applicant provided an update to the ExA during ISH2 (DCO) with regard to its Application for an EP. This information is reflective of the position set out in the draft SoCG [REP4-019] between the Applicant and the EA, and in subsequent response submitted by the Applicant. As such the ExA would seek an update in regard to the status of the EP from the EA, which confirms the current position</p>

ExQ2	Question to:	Question:
		regarding EP, including whether the EP Application has now been accepted by the EA as duly made. If not yet accepted as 'duly made' please advise what information/ details remain outstanding.
Q2.10.5	Applicant	<p>The MMO in its DL4 submission [REP4-026] advises any remedial action required below Mean High Water Springs, will need to be communicated to the MMO. It also advises that the following should be 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:</p> <p><i>“Any oil, fuel or chemical spill within the marine environment must be reported to the MMO Marine Pollution Response Team within 12 hours.</i></p> <p><i>Within office hours: 0300 200 2024</i></p> <p><i>Outside office hours: 07770 977 825</i></p> <p><i>At all times if other numbers are unavailable: 0345 051 8486</i></p> <p><i>Email: dispersants@marinemanagement.org.uk”</i></p> <p>Additionally, the MMO advises there may be licence implications for any works undertaken below Mean High Water Springs if there is no Deemed Marine Licence as part of the Project.</p> <p>Please could the Applicant advise how it intends to address these comments and ensure that any oil, fuel or chemical spill within the marine environment is notified to the MMO and appropriate licences are sought from them, especially in the absence of a Deemed Marine Licence.</p>
Q2.10.6	Applicant	<p>The EA’s DL4 response [REP4-025] is noted. Whilst the EA have commented on a number of the Applicant’s previous responses made at DL3, the ExA specifically notes the EA’s comments regarding EA8: Benzo (g,h, i) – perylene. The ExA would ask for a full and considered justification to be submitted that sets out why location D was chosen to represent the ambient concentration, as opposed to location B that has the highest maximum concentration. The ExA would also request a full and considered explanation as to why the concentration of benzo(g,h,i)-perylene is expected to increase within the two deepest water layers if the plume is buoyant.</p>
<p>11. Landscape, Visual Amenity and Design</p>		

ExQ2	Question to:	Question:
Q2.11.1	Applicant	The ExA notes the Applicant's response to its ExQ1 concerning 'Landscape, Visual Amenity and Design' set out in [REP2-029] , especially the response to Q1.11.10 concerning the removal/ clearance within the main site and connection corridors during the construction of the Proposed Development. It is noted that the Applicant states that a minor (not significant) effect has been identified with the heritage assessment related to the removal of two small sections of important hedgerows within the Cowpen Bewley Conservation Area, where it is proposed to temporarily remove these hedgerows to construct the hydrogen pipeline, with them being reinstated post construction. Can the Applicant signpost the ExA to the mechanism within the dDCO [REP4-004] that will govern the removal and ensure the reinstatement post construction?
12. Material and Waste Management		
Q2.12.1	STBC	STBC is requested to provide a response to Q1.12.12 in [PD-008] regarding any additional mitigation it advises could be proposed for effects to hazardous landfill capacity.
13. Noise and Vibration		
Q2.13.1	N/A	No specific questions at present, which aren't already covered by other questions within this document.
14. Socio-economics and Land use, including Human Health and Major Accidents and Disasters		
Q2.14.1	Health and Safety Executive (HSE) and United Kingdom Health Security Agency (UKHSA)	Does the HSE and UKHSA have any comments or observations on the Applicant's responses set out in Q1.14.5 - Q1.14.8 [REP2-032] and the approach adopted to the assessment of major accidents in the context of the Proposed Development comprising elements of novel technology.
Q2.14.2	HSE	The draft SoCG between the Applicant and the HSE [REP1-015] sets out the information to be submitted by the Applicant as part of its Control of Major Accidents Hazards (COMAH) notification. Bearing in mind this document is in draft and not yet agreed by either the Applicant or the HSE, the ExA would ask the HSE for any comments or observation on the response provided to date by the Applicant?
Q2.14.3	Applicant	The Applicant's response to ExQ1 (Socio Economics and Land Use) [REP2-032] at Q1.14.5 is noted, especially where in relation to the COMAH Safety Report it states "it will demonstrate that major accident hazards and possible major accident scenarios have been identified and that the necessary

ExQ2	Question to:	Question:
		<p>measures have been taken to prevent such accidents and to limit their consequences for human health and the environment.”</p> <p>The ExA also notes in the same document, the Applicant’s response to Q1.14.6 (ii) where it advises the Safety Report will also need to consider both risks to the Proposed Development from adjacent sites and risks to adjacent sites from the Proposed Development.</p> <p>Bearing this in mind, can the Applicant explain how its responses referred to above address the question raised in Q1.14.6(ii) in respect of how the embedded measures in the design and construction of the Proposed Development will be sufficient to reduce or off-set any increased potential risks associated with major accidents due to the domino group?</p>
Q2.14.4	Applicant	<p>The ExA notes the Applicant’s response to ExQ1 (Socio Economics and Land Use) [REP2-032] at Q1.14.13 (i) in respect of the assessment of the peak number of workers on site during the construction period for the Proposed Development. Bullet points 1-5 of Q1.14.13(i) set out the factors considered by the Applicant to inform the assessment of the construction phase estimates for the peak number of workers on site. Bearing this in mind, can the Applicant:</p> <ul style="list-style-type: none"> i. signpost in the application documents the primary design information referred to in bullet point number 2 which was used to inform the approximate number of people required and how many people can “fit” in the area to safely construct the plant; ii. signpost in the application documents the data used as the basis of the Industrial Standard Estimators; and iii. signpost where the data from Historical Projects refer to in bullet point 3 can be found in the application documents.
Q2.14.5	Applicant/ NE	<p>NE in its RR [RR-026], as repeated in its WR [REP2-072] states at ‘NE Key Issue Ref: NE35 <i>“Whilst NE accepted that there is no mitigation for the permanent loss of agricultural land due to permanent development, appropriate mitigation to prevent the potential loss of BMV (Best and Most Versatile) land, including the restoration of disturbed land to the baseline ALC (Agricultural Land Classification) Grade, should be set out in the assessment. This would require a detailed ALC survey of the pipeline routes to inform appropriate restoration. For all areas of agricultural land subject to temporary and</i></p>

ExQ2	Question to:	Question:
		<p><i>permanent loss, in which Post-1988 ALC survey information is not available, an ALC survey should be undertaken...”</i></p> <p><i>The Applicant response to NE35 is set out in its ‘Responses to NE’s RR’ [REP1-007], where the Applicant advised “BMV land across the Proposed Development boundary is limited, with the majority of the Main Site and Connection Corridors classified as Urban and Non-Agricultural. A small portion of the Hydrogen Pipeline Corridor north of the River Tees has land classified as Grade 3, 4 and 5. As a worst case scenario Grade 3 land, at the Cowpen Bewley Replacement Land, is assumed to be Grade 3a, making it BMV land for the purposes of the assessment presented in Chapter 10: Geology, Hydrogeology and Contaminated Land [APP-062].</i></p> <p><i>Taking into account the above, the Applicant does not propose to undertake supplementary ALC surveys of the Proposed Development Site at this time. However, the Applicant recognises the need for careful soil management and handling. The framework CEMP (current version [REP3-004] will be amended to include the production of a Soils Management Plan (SMP), included as part of the Final CEMP, produced prior to construction.”</i></p> <p>Considering the above:</p> <ul style="list-style-type: none"> i. Can the Applicant confirm or signpost the mechanism which will be used to ensure the inclusion of SMP as part of the Final CEMP. ii. Does the NE have any comments or observation on the Applicant’s approach and assessment of BMV land across the Proposed Development boundary, as set out above. iii. Does NE have any comments or observation in regard to the Applicants revised ALC maps submitted at DL2 [REP2-017] (ES, Volume II, Figure 10-19 Agricultural Land Classification Rev.1)?
Q2.14.6	Applicant/ RCBC	<p>The ExA notes RCBC response to the ExA’s ExQ1 at Q1.14.13 and Q1.14.17 [REP2-044], which notes NZT is set to start construction in early 2025 and raises concern as to whether the Tees Valley will be able to provide the volume of construction workers required for major projects starting around the same time. RCBC states that there is a need to have training opportunities in place now for local residents to up skill to access the future construction jobs.</p> <ul style="list-style-type: none"> i. Can the Applicant and RCBC update the ExA on the progress of discussions regarding the above.

ExQ2	Question to:	Question:
		ii. Can RCBC confirm whether or not it is satisfied that its concerns set out above have been or are being adequately addressed and if so how.
Q2.14.7	Applicant/ STBC	STBC in response to the ExA's ExQ1 [AS-033] state at Q1.14.19 that discussions are ongoing regarding the Applicant's 'Essential Mitigation and Enhancement Measures' as set out in Paragraph 18.7 of the ES Chapter 18 (Socio-economics and Land Use) [APP-072]. Can the Applicant and STBC provide the ExA with an update on the progress of these discussions and signpost the mechanism in the draft DCO which secures the 'Essential Mitigation and Enhancement Measures'.
Q2.14.8	Applicant	The ExA notes PDT's concerns regarding the proposed crossing of the River Tees and the potential impact the Proposed Development could have on both the existing Riverside Ro-Ro and the proposed Northern Gateway Container Terminal. In regard to the latter development the ExA notes the deep sea terminal which will ultimately consist of over a kilometre of quay, channel deepening and associated landside infrastructure. It further notes the quay construction will require piles to be driven to significant depth which could impact on any subsurface pipeline infrastructure. Please can the Applicant advise how it intends to ensure there is no conflict between the two developments, especially in relation to the piles and dredge pockets associate with the quay construction and the Applicants pipeline infrastructure, including its method of construction.
15. Surface Water, Flood Risk and Water Resources		
Q2.15.1	Applicant	In their response to ExQ1 Q1.15.1, NWL confirmed that no agreement had been reached regarding water supply to the Proposed Development during operation. Please provide and update on this and explain if and how this is expected to be resolved by the close of the Examination.
Q2.15.2	Applicant	The EA notes in its DL3 submission [REP3-010] that Work No. 6A.1 (Hydrogen Distribution Network - Overground and Underground Pipelines) remains unclear, as it refers to overground or underground pipelines. The EA seeks clarification as to which will be used in these areas, as different flood risks will be associated with the different pipelines. The ExA would ask the Applicant to resolve the matter with the EA and clarify to the ExA where within Work No. 6A.1 the different pipelines will be above and/ or below ground.

ExQ2	Question to:	Question:
Q2.15.3	Applicant	The EA in its DL3 submission [REP3-010] notes the submitted Works Plans continue to identify areas of temporary storage that will be in flood zones. It points out such temporary storage will require a permit/ disapplication and additional mitigation to ensure there is no increase in risk. Please direct the ExA to where, within the submitted Application documentation, this has been addressed and what additional mitigation measures are being proposed to ensure there is no such increase in risk. In the event the Applicant is unable to direct the ExA to the location of such evidence in the Application documents, please: confirm you are aware that a permit/ disapplication will be required in relation to the proposed temporary storage in the flood plain; provide evidence that you are seeking to resolve the position with the EA; and confirm what additional mitigation is being proposed to ensure there is no increase in risk.
Q2.15.4	Applicant	The ExA notes the Applicant's response to Q1.15.1 in [REP2-033] that engagement with NWL to date has indicated that sufficient raw water supply would be available; however, NWL [REP2-092] has advised that supply is unclear in the absence of agreement. The Applicant is requested to: <ul style="list-style-type: none"> i) Set out the process for ensuring the Proposed Development will have the required water supply. ii) Confirm the timescales being worked to for agreement in this matter and if this is proposed to be achieved prior to close of Examination. iii) Submit any evidence it holds to support the assertion that sufficient supply would be available.
16. Needs Case and the Proposed Relationship with other Developments in the Area		
Q2.16.1	N/A	No specific questions at present, which aren't already covered by other questions within this document.
17. Traffic and Transportation		
Q2.17.1	STBC	The Access and Rights of Way Plans [AS-006] plan shows Huntsman Drive as a Private Road, which was confirmed as correct by STBC at ISH2 and again in their DL4 submission [REP4-024]. However, as highlighted by Mr Dagg representing Sabic, the national streetworks gazetteer shows this road as maintainable at public expense with a Unique Street Reference Number (USRN) of 38204763. Please can STBC confirm that the gazetteer is incorrect.

ExQ2: 28 November 2024

Responses due by Deadline 5: Wednesday 18 December 2024

ExQ2	Question to:	Question:
Q2.17.2	Applicant	The ES Chapter 15, Traffic and Transport [APP-068] , at paragraph 15.6.3, gives details of the access routes to the proposed site construction compounds. Please provide a plan of these routes and detail if there will be a need to restrict access along any of these routes at any time, and if so please provide detail of such.
Q2.17.3	Applicant	At DL4, the Applicant submitted an updated plan of Heavy Goods Vehicle Routes to and from the Site [REP4-009] . Please confirm if this relates to the operational or construction phase. Please also confirm if these are the complete routes or only where they relate to public roads. If the latter, please update the plan to show the complete routes, whether on public or private roads.
Q2.17.4	RCBC	In their response to ExQ 1.17.8 and 1.17.9 [REP2-044] RCBC highlighted the appropriate construction route for route 4 via the A174. Please confirm that these are shown correctly in the Application documents.
Q2.17.5	STG	In the SoCG between the Applicant and STG submitted at DL3 [REP3-008] , SoCG ID2 states that STG have concerns about the potential impact on the highway network and means of access to the Teesworks site. Please provide further details of these concerns and whether STG considers whether its concerns will be resolved by the close of the Examination.
Q2.17.6	National Highways and Local Highway Authorities	In its DL4 submissions, the Applicant has updated the Framework Construction Traffic Management Plan, with the tracked change version [REP4-008] showing changes to the modelled Construction HGV traffic data (primarily in table 2-4) and a number of other changes. Please advise if this changes your previous comments or assessment about the impact of construction traffic on the strategic highway network.
Q2.17.7	Applicant and National Highways	In the latest version of the SoCG between the Applicant and National Highways submitted at DL4 [REP4-021] SoCG ID 5 states that National Highways consider a Requirement in the DCO relating to mitigation of staff trips should be included. Can the Applicant please advise if this is considered appropriate and can National Highway confirm that if this were to be included, this remaining issue can

ExQ2: 28 November 2024

Responses due by Deadline 5: Wednesday 18 December 2024

ExQ2	Question to:	Question:
		be resolved.
Q2.17.8	Applicant	Please confirm if any public highway is subject to CA powers and if so has the relevant highway authority agreed to this and are they protected via suitable PPs.