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

07 January 2025

Dear Christopher Butler,

Planning Act 2008, H2 Teesside Limited, Proposed H2 Teesside Order Deadline 5A Submission

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

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

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

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



Marine
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...ambitious for our
seas and coasts



Yours Sincerely,



Marine Licensing Case Manager

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1. Written Representation at Deadline 5A

1.1 Matters resolved

HDD Entry and Exit Pits

1.1.1 The MMO is satisfied that the launch and reception pit locations are above Mean High Water Springs (MHWS). The distances of which the Applicant has provided (REP4-013) for the distances between MHWS boundary and the launch and reception pits are satisfactory. The MMO therefore considers the matter raised regarding distances to marine receptors as resolved/agreed.

Use of Exemption

1.1.2 The Applicant considers the activities presented within the DCO to not require a Marine Licence, and as such, has not produced a draft Deemed Marine Licence (DML). The Applicant will be relying on Article 35 'Bored Tunnels' exemption within The Marine Licensing (Exempted Activities) Order 2011. The River Tees crossing and the Greatham Creek crossing are proposed to be undertaken via trenchless techniques which include micro bored tunnel (MBT) or Horizontal Directional Drilling (HDD) or a combination of the two.

'Bored tunnels

35.—(1) Article 4 applies to a deposit or works activity carried on wholly under the sea bed in connection with the construction or operation of a bored tunnel.

(2) Paragraph (1) is subject to conditions 1 and 2.

(3) Condition 1 is that notice of the intention to carry on the activity must be given to the licensing authority before the activity is carried on.

(4) Condition 2 is that the activity must not significantly adversely affect any part of the environment of the UK marine area or the living resources that it supports.

(5) But article 4 does not apply to any such deposit carried on for the purpose of disposal.'

1.1.3 The MMO defers to the Statutory Nature Conservation Body, Natural England, regarding habitats and species. The MMO confirmed at Deadline 5 that it is not requesting that a DML be added. The MMO has always stressed that the Applicant must satisfy themselves that the exemption is applicable and that they can meet the conditions of Article 35.

1.1.3 The Applicant is aware that any other works below MHWS may require a Marine Licence.

Risk of Bentonite Breakout

1.1.4 The MMO is satisfied with the measures to reduce risk of hydraulic fracture (and through this bentonite breakout) included in Tables 7-2 and 7-5 of the Framework CEMP (REP5-013). This includes a site-specific Hydraulic Fracture Risk Assessment, Pollution Prevention Plan and an Emergency Response Plan. The MMO is satisfied that this is secured within the DCO in Requirement 15 which ensures that final versions of the Hydraulic Fracture Risk Assessment are developed in accordance with this framework.

1.1.5 The MMO is content that the risk of bentonite breakout has been considered within ES Chapter 9: Surface Water, Flood Risk and Water Resources (APP-061) and with the

commitments outlined above to the final CEMP, the risk of bentonite breakout is considered minimal. The MMO considers this point now agreed.

1.2 Withdrawal From Examination

- 1.2.1 The MMO will no longer be providing responses to examination deadlines, since all concerns raised have now been addressed, and that there is no requirement for a DML to be added. The Applicant is aware and supports this decision.
- 1.2.2 If the ExA wishes to direct any specific questions to the MMO, it may still do so. The MMO requests that these are also emailed to us via the email marine.consents@marinemanagement.org.uk since we will be withdrawing from examination.
- 1.2.3 If any major issues arise and a DML is discussed, the MMO wish to be informed at the earliest opportunity.