

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: 8.32 Applicant's Response to Deadline 6 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 Interested Parties at Deadline 6 of the Examination.

1.2.2 This document does not respond to comments made in respect of progress with discussions on Protective Provisions, save with regards to drafting points raised by Sabic below. An update on the position on negotiations is set out at Appendix 1 to the Applicant's Written Summary of Oral Submissions at CAH2.

1.2.3 It also does not respond to:

- STG's comments, as it is considered that their principle concern about the extent of the Order limits is dealt with in the Applicant's Written Summary of Oral Submissions at CAH2;
- Sabic's comments on specific Protective Provisions drafting, as it is considered that the issues raised will be dealt with through the Protective Provisions negotiations. If an agreed solution cannot be found, the Applicant will respond to the points in Examination.
- Anglo American, as the Applicant's position is that the issues raised are all capable of being dealt with through Protective Provisions, and it has responded to the point on the operational noise requirement in its response to Second Written Question 2.9.9 (REP5-045).

2.0 RESPONSE TO ENVIRONMENT AGENCY'S DEADLINE 6 SUBMISSIONS

Table 2-1: Response Environment Agency's Deadline 6 Submissions

PARTY	SOURCE DOCUMENT(S)	EA COMMENT AT DEADLINE 6	APPLICANT RESPONSE
Environment Agency	[REP6-008] EA Comments on Applicant's response to ExQ2.10.1	<p>Whilst there is no overlap between the Part 2A site and the Order Limits of the DCO, as the proposed works are immediately adjacent to the Part 2A site, there could be contaminated land impacts.</p> <p>We would request that the applicant confirms what works are proposed in this area, specifically if there is any breaking of the ground involved. If the works proposed involve breaking ground, we would request that further site investigation and assessment of risk is provided given the known contamination of the neighbouring site.</p> <p>If the works in this area pose a low risk, which do not include the breaking of ground, we would accept that no further assessment or consideration is required regarding the site.</p>	<p>The current indicative scope of work within the Order limits near Part 2A site, includes the installation of an above ground Hydrogen Pipeline along existing pipe racks, operation of an existing natural gas pipeline with no associated construction works and the creation of a temporary construction laydown area including temporary access, offices and welfare, pipe and materials laydown, plant and equipment storage.</p> <p>These activities are not currently considered likely to involve ground breaking, but this cannot be confirmed at this stage (e.g. if foundations are needed for temporary buildings).</p> <p>However, to the extent that this such works are required, requirement 12 of the DCO would apply and the Applicant would through this be able to confirm with the Environment Agency whether site investigation is needed, although this is considered unlikely at this stage.</p>
Environment Agency	[REP6-008] EA Comments on Applicant's response to ExQ2.10.2	<p>We are happy to accept the applicant's response to this point, as long as flood protection will remain unchanged.</p> <p>The applicant has highlighted that they are aware of the EA's concerns regarding potential damage of the EA flood defence assets and will take this into consideration in the final design phase. Finalised methods and any potential risks to our flood defence asset should be assessed as part of protected provisions and requirement 11. Additionally, any potential interference with the structure or stability of the levee and potential of affecting its flood protection capacity should be considered as part of protected provisions and requirement 11. The applicant has stated this will be included within their final CEMP, which the EA have asked to review as part of protected provisions.</p>	As stated, these matters will be able to considered pursuant to the Protective Provisions and Requirement 11, not the CEMP.
Environment Agency	[REP6-008] EA Comments on Applicant's response to ExQ2.10.3	The EA agrees that we would like to see finalised drill routes and methods in pursuant of protected provisions. The EA is flexible regarding how and in which document this information is provided, as long as we are informed where this information will be held, all requested details are included as part of protected provisions and our flood risk concerns are satisfied with appropriate mitigation.	Noted – this information would be provided as part of the details approved under the protective provisions.
Environment Agency	[REP6-008] EA Comments on Applicant's response to ExQ2.15.2	The applicant has included more detail within document EN070009-001329-H2T DCO 5.5 Pipelines Statement Tracked Rev 1 16 Oct 24.pdf on the type of pipeline being utilised across the site. This has provided more clarity on which sections of pipeline will be above and below ground and which pipeline which will use new or existing infrastructure. The applicant has also included an updated visual map for clarity. This will help us to assess associated risk in pursuant of protected provisions.	The Applicant welcomes the Environment Agency's agreement on this point.

PARTY	SOURCE DOCUMENT(S)	EA COMMENT AT DEADLINE 6	APPLICANT RESPONSE
Environment Agency	[REP6-008] EA Comments on Applicant's response to ExQ2.15.3	We have assessed the updated Flood Risk Assessment (FRA) submitted with Deadline 5 documents. The applicant has taken our considerations into account regarding storage and compound sites. We expect to see further detail for temporary storage areas and associated mitigation as part of protected provisions and requirement 11.	The Applicant welcomes the Environment Agency's agreement on this point. Further details on temporary storage areas and associated mitigation (as required) will be provided as part of the discharge of Requirement 11 in due course.
Environment Agency	[REP6-008] EA1	We agree with the applicant's response in that we would like to see details of flood risk mitigation for both the construction and operational phases as part of requirement 11. We are satisfied with the applicant's response that they will provide evidence through modelling to support the effectiveness of the proposed flood risk mitigation measures. We acknowledge that including this information within the FRA is not strictly necessary. Whilst we believed the FRA would be the most appropriate and easily accessible location for this information, the EA is flexible regarding how and in which document this information is provided if all requested details are included as part of protected provisions and requirement 11.	The Applicant welcomes the Environment Agency's agreement on this matter. Details of any flood risk mitigation (as required) for the construction and operational phases of the Proposed Development will be provided as part of the discharge of Requirement 11 in due course.
Environment Agency	[REP6-008] EA2	We have assessed the updated FRA within deadline 5. We are happy the applicant is applying flood resilience design as described in section 9A.9.34 for the pipeline corridors. We are also pleased the applicant has stated in section 9A.9.30 that all critical infrastructure shall be raised above the design flood level. Furthermore, we still advise the applicant to consider exact heights (mAOD) for any newly built pipelines and pipe bridges that are above ground and within flood zone 3 against the design flood level (mAOD). This will help to determine flood risk and the most appropriate mitigation. This could be submitted as part of the design process.	The Environment Agency's comment is noted. The Environment Agency will be able to consider this matter in considering whether the flood risk mitigation scheme presented under Requirement 11(3) is appropriate.
Environment Agency	[REP6-008] EA3	As stated under reference 'EA1', the EA is flexible regarding how and in which document this information is provided, as long as all requested details are included as part of requirement 11 and our flood risk concerns are satisfied with appropriate mitigation.	The Applicant will provide further details on this matter as part of the discharge of Requirement 11 in due course.
Environment Agency	[REP6-008] EA8	We understand that Location D is closest to the discharge point. The points explaining benzo(g,h,i)-perylene are noted, and the details will be looked at in further detail at the permitting stage.	Noted.
Environment Agency	[REP6-008] EA23	The EA's legal team are in the final stages of drafting a standard set of protective provisions for the EA, which will be shared with the applicant as soon as they are signed off for circulation.	The Applicant notes the Environment Agency's comment and awaits the standard set of protective provisions.