

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

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Planning Act 2008



Applicant: H2 Teesside Ltd

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TABLE OF CONTENTS

1.0	INTRODUCTION	2
1.1	Background	2
1.2	The Purpose and Structure of this Document	2
2.0	RESPONSE TO APPLICANT'S TO NTG'S DEADLINE 7A SUBMISSIONS	3

TABLES

No table of figures entries found.

APPENDICES

APPENDIX 1 RESPONSE TO NGT'S DEADLINE 7A SUBMISSIONS

1.0 INTRODUCTION

1.1 Background

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 recent submissions made by North Tees Group Limited at Deadline 7.

2.0 RESPONSE TO APPLICANT'S TO NTG'S SUBMISSIONS

PARTY	COMMENTS	APPLICANT RESPONSE
North Tees Group (NTG)	<ol style="list-style-type: none"> 1. Engagement 2. Protective Provisions 3. Key concerns - routing of any pipeline to be approved by NTL, does not unnecessarily sterilise land, does not cause an increased hazard, allows for use of the corridor by other existing and future users and allows for maintenance activities, clear access for emergency services and environmental monitoring by NTL. 4. Interface with railway line, its ability to become live in the future and protection of future operational use. 5. Huntsman Drive and private road network within NTL land – access, maintenance and protection of existing rights. 6. Monitoring boreholes - for monitoring and management of groundwater and potential contamination or migration of contamination and submitted these should therefore be protected throughout the construction period. 7. Development site authorised by planning permission 01/2203/P - the land is in the process of being infilled to form a development platform. Submissions made that it is necessary to maintain the hydrological link between adjacent land and the River Tees and deal with the planning and construction of facilities to manage surface water. 8. Parcel 8/13 identified on Lands Plans Sheet 8 is the sole access for NTL's office as a result rights need to be preserved and access maintained at all times. 9. Parcel 8/13, together with parcel 9/42 and 9/33 form operational routes for the infilling operation and formation of the development platform. 10. NTL intends to construct a weighbridge within parcel 8/13 in connection with the infilling operations. 11. NTL object to the extent and designation of parcel 9/19 on Lands Plan sheet 9. It was specifically agreed within NZT discussions that this land was for temporary use only as a construction and maintenance strip. Furthermore, it was agreed that the parcel would be reduced in size to remove a section at the westernmost extent to ensure that the land to the south was not landlocked from accessing the link line service corridor. 12. NTL have significant concerns about the permanent acquisition of parcel 9/16 as this will severely obstruct and restrict access to the link line corridor. 	<p><u>Engagement</u></p> <p>The Applicant acknowledges the engagement concerns raised by North Tees Group Limited (NTG). However, it is important to clarify that whilst engagement has been sporadic and high level with regards to H2Teesside, the approach taken was mutually agreed upon rather than dictated by the Applicant. Specifically, NTG and Dalcour Maclaren together with bp, agreed to focus discussions on the NZT/NEP discussions. This was a practical approach to prioritising resources and discussions effectively following representations from North Tees Group, that they had limited availability due to commercial priorities elsewhere within their estate.</p> <p>NTG, Dalcour Maclaren and bp acknowledged H2Teesside throughout their continued engagement, including at multiple meetings throughout Summer 2024 and in early 2025 and is focussing on reaching voluntary agreements with regard to the Proposed Development as soon as possible in that context.</p> <p><u>Protective Provisions</u></p> <p>The Applicant incorporated Protective Provisions (PPs) for the benefit of NTG in Schedule 41 of the draft DCO at deadline 7 and made submissions on the appropriateness of these at deadline 7A, having regard to the written submissions received from NTG at Deadline 7. The Applicant responded to these matters in their Deadline 7A PP Position Statement for North Tees Group [Rep7A-036]. This has been further updated at Deadline 9.</p> <p><u>Pipeline Routing</u></p> <p>The Applicant is utilising established pipeline corridors and is not proposing to create new pipeline corridors on NTG's land.</p> <p>With regards to access roads, the Applicant notes that compared to NZT, the volume of usage of private access roads will be different, but the type of usage will not, as the infrastructure being serviced is similar.</p> <p>The Applicant notes its commitment in the FCEMP: <i>The Applicant must seek to minimise the interference with or suspension of rights of access during the construction of the authorised development, including those held by the Mission to Seafarers. The Applicant must notify any party whose rights of access may be affected by the authorised development prior to their access being affected, and provide, except in an emergency, and where reasonably practicable, a diversion route for their access requirements whilst their existing route is affected.</i></p> <p>This, alongside the Protective Provisions for the asset owners within the land that is owned by NTG, will ensure that all relevant parties are able to access the pipeline corridor if needed.</p> <p><u>Interface with Railway 3.4.2 and 3.4.3</u></p>

		<p>Network Rail Infrastructure Limited is the freehold owner of the 'railway property' (as defined in Schedule 21 of the draft DCO - Protective Provisions for the Protection of Railway Interests) that is referred to in the written representation made by NTG and this 'railway property' therefore benefits from the protections contained within those protective provisions. Paragraph 4 is particularly emphasised in this regard:</p> <p><i>"4. The undertaker must not under the powers of this Order do anything which would result in railway property being incapable of being used or maintained or which would affect the safe running of trains on the railway."</i></p> <p><u>Huntsman Drive and Road Network Considerations (3.4.4)</u></p> <p>The Applicant considers that access to Huntsman Drive can be maintained without adversely impacting NTG's ongoing and future operations and the Applicant's preferred protective provisions for the benefit of NTG have been updated to include a new paragraph which reflects this, as submitted alongside this document. The Applicant will also discuss any payment considerations in the context of voluntary land agreements with NTG.</p> <p><u>Monitoring Boreholes</u></p> <p>The boreholes shown on the drawing provided by NTG at Appendix 2 of their written submissions at Deadline 7 [Rep7-055] are within the freehold land of North Tees Limited and North Tees Land Limited and are within/adjacent to the Order limits.</p> <p>Under the Applicant's preferred protective provisions for NTG (as contained in the Applicant's Deadline 7A PP Position Statement for North Tees Group [Rep7a-036] and in the draft DCO [Rep7a-004]), NTG will be provided with 'works details' (as defined) for any part of the authorised development which would have an effect on the operations or access to any land owned by the NTG entities stated, which is adjacent to the Order limits. NTG are required to approve such 'works details' acting reasonably but subject to reasonable requirements as NTG may require to be made for them to have reasonable access with or without vehicles to the operations and any land owned by the affected entities, which is adjacent to the Order limits. Therefore access to the boreholes would be protected through this consent mechanism.</p> <p>However, noting NTG's duties under existing Environmental Permit(s), the Applicant considers that additional comfort can be provided to NTG through adding a paragraph into the Applicant's preferred NTG PPs which explicitly protects access to these boreholes, as submitted alongside this document.</p> <p><u>Planning permission 01/2203/P</u></p> <p><u>Any interaction with this development will be managed pursuant to the Protective Provisions where, through works details approvals, NTG would be able to ensure that the works are carried out in a way that enables NTG to be able to comply with its planning permission.</u></p> <p><u>Furthermore, the effect of article 39 of the draft DCO is that activities undertaken pursuant to the DCO would not be a breach of the existing planning permission in any event.</u></p> <p><u>Finally, it is noted that through the discharge of DCO Requirements 12 and 15, the LPA will be able to consider how the Applicant proposes to manage the interaction with the environmental</u></p>
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		<p><u>elements of NPG's activities pursuant to this planning permission (such as surface water management and ground water management).</u></p> <p><u>Site Office Access (3.4.6.4)</u></p> <p>The Applicant confirms that it will maintain access to NTG's site office and surrounding operational areas throughout the construction and operation of the Proposed Development.</p> <p><u>Plot 9/19 (3.4.6.5)</u></p> <p>The land is required for the construction and maintenance of the pipeline and necessitates permanent rights. Access can only be secured via adjacent landowners within the Order Limits, who are protected by the Protective Provisions for their benefit.</p> <p>The Applicant is willing to engage with NTG to further discuss access requirements and potential mitigation measures but in practical terms the other Protective Provisions, plus the commitments in the CEMP, will ensure that access via this plot for NTG's tenants will be able to be maintained as necessary.</p> <p><u>Plot 9/16 (3.4.6.6)</u></p> <p>The Applicant acknowledges NTG's concerns regarding land not within its ownership at Plot 9/16. Under the Applicant's preferred protective provisions for NTG (as contained in the Applicant's Deadline 7A PP Position Statement for North Tees Group [Rep7a-036] and in the draft DCO [Rep7a-004]), NTG will be provided with 'works details' (as defined) for any part of the authorised development which would have an effect on the operations or access to any land owned by the NTG entities stated, which is adjacent to the Order limits. NTG are required to approve such 'works details' acting reasonably but subject to reasonable requirements as NTG may require to be made for them to have reasonable access with or without vehicles to the operations and any land owned by the affected entities, which is adjacent to the Order limits. As Plot 9/16 is adjacent to land owned by the stated NTG entities, these protective provisions will apply to protect NTG in these circumstances.</p> <p>The Applicant confirms that appropriate agreements are being actively progressed with the freeholder of this land to secure the necessary rights for the project. These discussions are ongoing.</p>
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