



Application by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited for the Net Zero Teesside Project
The Examining Authority's second written questions and requests for information (ExQ2)
Issued on 9 August 2022.

The following table sets out the Examining Authority's (ExA's) second round of written questions and requests for information – ExQ2. Questions are set out using the same issues-based framework as ExQ1, derived from the Initial Assessment of Principal Issues provided as **Annex C** to the Rule 6 letter of 11 April 2022. 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 an alphabetical code and then has an issue number and a question number. For example, the first question on general matters is identified as GEN.2.1. 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 is available in [Microsoft Word](#).

Responses are due by Deadline 6: 23 August 2022.

Abbreviations used:

AOD	Above Ordnance Datum
AP(s)	Affected Person(s)
BoR	Book of Reference
BEIS	(Department of) Business, Energy and Industrial Strategy
CA	Compulsory Acquisition
CCGT	Combined Cycle Gas Turbine
CCR	Carbon Capture Readiness
CEMP	Construction Environmental Management Plan
CHP	Combined Heat and Power
CO₂	Carbon dioxide
CIAS	Cleveland Industrial Archaeology Society
D	Deadline
DAS	Design and Access Statement
DCO	Development Consent Order
dDCO	Draft Development Consent Order
EA	Environment Agency
EcIA	Ecological Impact Assessment
EIA	Environmental Impact Assessment
EM	Explanatory Memorandum
ES	Environmental Statement
ExA	Examining Authority



ExQ1	Examining Authority's First Written Questions
FEED	Front End Engineering Design
FZ	Flood Zone
HBC	Hartlepool Borough Council
HDD	Horizontal Direct Drilling
HP4	Hornsea Project Four
HRA	Habitats Regulations Assessment
IEMA	Institute for Environmental Management and Assessment
IP(s)	Interested Party (Parties)
LIR	Local Impact Report
m	metre
MMO	Marine Management Organisation
MMP	Materials Management Plan
MBT	Micro-Bored Tunnels
MWe	Megawatts
NE	Natural England
NO₂	Nitrogen dioxide
NSIP	Nationally Significant Infrastructure Project
NZT	Net Zero Teesside
NPS	National Policy Statement
PCC	Power Capture and Compression
PRoW	Public Rights of Way
R	Requirement

RCBC	Redcar and Cleveland Borough Council
RPAs	Relevant Planning Authorities
RR	Relevant Representation
SoCGs	Statements of Common Ground
SoS	Secretary of State
SPA	Special Protection Area
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
STBC	Stockton-on-Tees Borough Council
STDC	South Tees Development Corporation
SWMP	Site Waste Management Plan
WFD	Water Framework Directive
WSI	Written scheme of investigation
UXO	Unexploded Ordnance
ZTV	Zone of Theoretical Visibility

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link: <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010103/EN010103-001182-NZT%20EL.pdf>

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg GEN.2.1 – refers to the first question under the second round of questions for General and Cross Topic Questions in this table.

CONTENTS

GENERAL AND CROSS-TOPIC QUESTIONS	6
AIR QUALITY AND EMISSIONS	12
BIODIVERSITY AND HABITATS REGULATIONS ASSESSMENT	13
CLIMATE CHANGE	16
COMBINED AND CUMULATIVE EFFECTS	19
COMPULSORY ACQUISITION AND TEMPORARY POSSESSION	19
DESIGN, LANDSCAPE AND VISUAL	24
DEVELOPMENT CONSENT ORDER	26
GEOLOGY HYDROGEOLOGY AND LAND CONTAMINATION	31
HISTORIC ENVIRONMENT	33
MAJOR ACCIDENTS AND NATURAL DISASTERS	35
NOISE AND VIBRATION	36
PLANNING POLICY AND LEGISLATION	36
POPULATION AND HUMAN HEALTH	37
SOCIO-ECONOMICS AND TOURISM INCLUDING MARINE USERS	37
TRAFFIC AND TRANSPORT	37
WATER ENVIRONMENT	38

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
GENERAL AND CROSS-TOPIC QUESTIONS		
GEN.2.1	Applicants	<p>'Other Consents and Licences' [REP2-007] refers to a number of other consents, licences and permits that would be required for the Proposed Development.</p> <p>The Applicants are asked to:</p> <ul style="list-style-type: none"> i) Provide updates on progress with obtaining these consents, licences and permits throughout the Examination; and ii) Include a section providing an update on these consents, licences and permits in any emerging Statements of Common Ground (SoCG) that are being drafted with the relevant consenting authorities.
GEN.2.2	<p>Applicants</p> <p>Redcar and Cleveland Borough Council (RCBC)</p> <p>Stockton-on-Tees Borough Council (STBC)</p>	<p>Table 3.1 of the updated Planning Statement [REP1-003] and the updated Long and Short Lists of Developments [REP4-029 and Appendix 1, REP5-027] include a number of additional relevant development proposals in the vicinity of the Order Limits and updates to the status of previously known proposals.</p> <p>The Applicants are asked to:</p> <ul style="list-style-type: none"> i) At each Deadline, review the tables and figures to include relevant planning applications submitted or determined since production of the most recent lists and confirm whether any such updates would affect the conclusions reached in the Environmental Statement (ES) in particular with regard to cumulative effects; ii) Ensure there are no inconsistencies with the lists provided by RCBC and STBC at Deadline (D)4 and D5, [REP4-041, REP5-039 and REP4-044]; and iii) Provide confirmation that entries 73, 114 and 115 are linked to the same development site and confirm if/ when development has commenced. iv) With reference to the updated Long and Short Lists of Developments [REP4-029 and Appendix 1, REP5-027], the Relevant Planning Authorities (RPAs) are asked at each Deadline to provide details of any additional relevant major planning applications which have since been submitted, and updates to the status of the referenced planning applications as necessary including whether a decision has been made and if so, whether that development has commenced.
GEN.2.3	Anglo American Applicants	The SoCG between the Applicants and Anglo American plc [REP1-030] includes a plan at Appendix A1 providing a comparison of Net Zero Teesside (NZT) DCO Order Limits and Anglo

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
		<p>American Overlapping interests. In their response to ExQ1 GEN.1.39 [REP2-073], Anglo American provided some details regarding the current stage of construction of the Woodsmith Project and the Non-Material Change application to the York Potash Harbour Facilities Order 2016.</p> <ul style="list-style-type: none"> i) Can Anglo American provide any updates to these matters, including an anticipated construction start date for the harbour. ii) Are the Applicants aware of any implications for the current programme of construction of Proposed Development? iii) In respect of Appendix A1, due to its size the key is difficult to read and therefore the Applicants are asked to reproduce the key separate from the plan.
GEN.2.4	Applicants Interested Parties (IPs)	<p>At ISH1 and subsequently in the Written Summary of Oral Submission for ISH1 (item 7) [REP1-035] the Applicants stated that individual emitters submitted bids to the Department of Business, Energy and Industrial Strategy (BEIS) in January 2022, 14 of which are in the Teesside area. It was noted that the shortlist was being evaluated by HM Government.</p> <p>The Applicants and IPs are asked to provide an update on the process for securing emitters to join the carbon dioxide (CO₂) Gathering Network.</p>
GEN.2.5	Applicants	<p>At ISH1 and subsequently in the Written Summary of Oral Submission for ISH1 (item 5 and Appendix 5) [REP1-035] the Applicants outlined the timetable for securing consent for the offshore elements of the project.</p> <p>The Applicants provided an update at D5 [REP5-025] and are asked to provide an update at D6 if there is any change, and if appropriate, a further update at D12.</p>
GEN.2.6	STDC	<p>In its Relevant Representation (RR) STDC [RR-035] refer to Teesworks as being the site of the UK's largest Freeport.</p> <p>Please show the boundaries of the Freeport on a plan.</p>
GEN.2.7	Applicants Environment Agency (EA)	<p>The EA stated within its RR [RR-024] that the Applicants had not demonstrated that 'there are no foreseeable barriers' to the technical feasibility of installing their chosen carbon plan. Consequently, the EA requested further information from the Applicants regarding the Carbon Capture Readiness process. Responding, the Applicants [REP1-045] indicated that further information on Carbon Capture Readiness (CCR) would be provided to respond to the points raised by the EA and such information would be submitted to the EA for review.</p>

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
		The Applicants and the EA are asked to confirm whether this additional information has been provided to the satisfaction of the EA.
GEN.2.8	Applicants	<p>At D5 the EA [REP5-032] commented that the Environmental Permit will require that at least 95% CO₂ is captured in line with the EA's current Best Available Technique position. The Applicants' submission including the ES is based on a capture rate of 90% as a worst-case scenario.</p> <p>The Applicants are asked to confirm whether the 95% capture rate would be achievable using the technology currently proposed.</p>
GEN.2.9	Applicants	<p>At various places within the application documents including Table 5.1 of the Gas Connection and Pipelines Statement [APP-073] the range of different approaches to the installation of pipelines is described including tunnel (Micro Bored Tunnel (MBT)), auger bore, trenchless and open cut (and Horizontal Direct Drilling (HDD)).</p> <p>The Applicants are asked to explain why different approaches are required in different locations and the implications of different technologies/ approaches in terms of land requirements.</p>
GEN.2.10	Applicants	<p>Paragraph 5.3.10 of the CCR Assessment [APP-074] states that an ongoing review as part of two-yearly Status Reports is not considered necessary by the Applicants.</p> <p>Has this approach been discussed with BEIS or do the Applicants propose that this is addressed through the Development Consent Order (DCO) application process?</p>
GEN.2.11	Applicants	<p>Paragraph 6.1.1 of the CCR Assessment [APP-074] refers to the Dispatchable Power Agreement currently under development by BEIS. At D5 [REP5-025] the Applicants indicated that a decision by BEIS on NZT's bid is expected soon.</p> <ul style="list-style-type: none"> i) Has the Dispatchable Power Agreement now been completed and if so, what are the implications for the Proposed Development? ii) If not, is there a timescale for its likely conclusion?
GEN.2.12	Applicants RCBC STBC	Paragraph 5.3.76 of ES Chapter 5 Construction Programme and Management [APP-087] notes that spoil will be sampled, and any contaminated spoil identified will be managed in accordance with the Site Waste Management Plan (SWMP) and a Material Management Plan (MMP) which will be prepared and appended to the Final Construction Environmental Management Plan (CEMP). A Framework SWMP has been developed as part of the Framework CEMP [APP-246].

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
		<ul style="list-style-type: none">i) The Applicants are asked to explain why the MMP does not form part of the Framework CEMP.ii) How would the MMP be secured through the DCO?iii) RPAs are asked for their comments on the Framework CEMP [REP5-013], given that the RPAs will be responsible for approving a finalised version of the CEMP through Requirement (R)16 of the draft DCO (dDCO).
GEN.2.13	Applicants INEOS Nitriles Ltd Other IPs	<p>In various sections of the ES, it is stated that decommissioning relates to above ground infrastructure only. Nevertheless, in response to ExQ1 CA.1.11 INEOS Nitriles Ltd commented that decommissioning was considered to be inadequately dealt with in the scheme requirements with no objective trigger included. INEOS would like an independently enforceable obligation for the removal of redundant infrastructure including financial guarantees to be in place to ensure that this can be achieved without recourse to the existing landowners. Responding, the Applicants stated (section 9.2 of [REP3-011]) that R32 had been updated to provide for a decommissioning plan which secures the decommissioning of the Proposed Development, backed up by clear and stringent enforcement powers. Paragraph 9.2.3 references the need for a decommissioning fund being identified.</p> <ul style="list-style-type: none">i) The Applicants are asked to explain why the Proposed Development does not address the decommissioning of below ground structures. Is it appropriate that below ground structures are left in-situ? Further detail about the decommissioning fund should also be provided.ii) INEOS Nitriles is asked to comment on the Applicants' response [REP3-011] including the proposed amendments to R32 and the comments at paragraph 9.2.3.iii) Other IPs are also invited to comment on the provisions to address decommissioning.
GEN.2.14	Applicants EA	<p>At paragraph 5.1.2 of the Combined Heat and Power (CHP) Assessment [AS-016] it is stated that at that stage no detailed consultation with the EA had taken place about the heat loads used in the CHP Readiness Assessment.</p> <p>Can the Applicants and the EA confirm whether there was any subsequent discussion and agreement?</p>
GEN.2.15	Applicants	<p>Paragraph 5.2.4 of the CHP Assessment [AS-016] states that 'The Proposed Development is expected to start as a baseload plant but move to operate in dispatchable mode to support renewables penetration supplying the UK transmission system. This will result in the plant</p>

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
		<p>periodically not operating in response to the grid demands as well as maintenance requirements. Therefore, a back-up source of heat may also be required to supply and [sic] district heat network.'</p> <p>Explain what form the back-up source of heat would take and demonstrate how this has been taken into considerations about climate change.</p>
GEN.2.16	Applicants	<p>The CHP Assessment [AS-016] states (paragraph 6.2.4) that 'The CCGT [Combined Cycle Gas Turbine] plant is being developed for dispatchable operation with a baseload period for the first 1-3 years of operation. As more renewable capacity becomes available, the CCGT plant mode of operation will revert to being increasingly dispatchable. This flexibility is being accommodated within the CCGT and capture plant design.'</p> <p>Explain what is meant by 'flexibility is being accommodated within the CCGT and capture plant design'.</p>
GEN.2.17	Applicants	<p>Paragraph 4.3.3 of ES Chapter 4 Proposed Development [AS-019] indicates that in unabated mode (without carbon capture) power output could range from around 650 Megawatts (MWe) to over 850 MWe. It states that the upper limit on power output is ultimately limited by the grid connection, which is rated at 860 MWe.</p> <p>The Applicants are asked to clarify whether the output is reduced because it is being used for carbon capture rather than power being provided to the grid.</p>
GEN.2.18	Applicants	<p>According to ES Chapter 4 Proposed Development [AS-019] (paragraph 4.3.49) 'The design life of the HP [High Pressure] Compressor Station is longer than the power and capture elements of the Proposed Development. During operation of the Low-Carbon Electricity Generating Station, power for the HP Compressor Station (30 MWe) will be supplied from the generating station with back-up from National Grid's Tod Point substation. After the Low-Carbon Electricity Generating Station has been decommissioned power for the HP Compressor Station will solely come from Tod Point substation.'</p> <p>How has the use of the Tod Point substation been incorporated into considerations about climate change?</p>
GEN.2.19	Applicants	<p>ES Chapter 4 Proposed Development [AS-019] (paragraph 4.3.84) indicates that existing ground levels at the proposed location of the Power Capture and Compression (PCC) Site are approximately 4 to 8 m Above Ordnance Datum (AOD). Ground elevations post- site clearance</p>

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
		<p>and remediation are anticipated to be a maximum of 13m AOD for the development platform.</p> <ul style="list-style-type: none"> i) Where is the maximum ground level secured in the DCO? ii) Explain how this is compatible with the statement in REP2-016 that the STDC Remediation Strategy for the PCC site confirms that the development platform will be at an elevation of 7.3 m AOD. iii) Clarify why the development platform has apparently been significantly reduced in height. iv) Provide a plan showing the anticipated ground elevations for the PCC site and any other landraise within the development boundary. v) Estimate of the maximum volume of spoil to be generated by the Proposed Development following the initial and proposed change request proposals and tabulate where this would be generated and its final location on or off the site of the Proposed Development.
GEN.2.20	Applicants STDC	<p>In response to ExQ1 GEN.1.9 (ii) regarding the volume of material required to build the PCC platform, the Applicants stated that STDC has indicated that the PCC platform construction will be neutral in terms of cut and fill and no additional import of material would be required.</p> <p>The Applicants and STDC are asked to provide evidence to demonstrate that no additional import of material would be required.</p>
GEN.2.21	Applicants	<p>ES Chapter 4 Proposed Development [AS-019] (paragraph 4.3.58) confirms that natural gas will be used as the fuel for the operation of the Low-Carbon Electricity Station.</p> <p>What volume of natural gas would be required to operate the Proposed Development?</p>
GEN.2.22	Applicants	<p>In responding to the RR of NPL Waste Management Ltd [RR-032] the Applicants set out in Table 29.1 of Applicants' Comments on RRs [REP1-045] that they were not at that time 'able to confirm the exact size of pipeline to be installed as this is yet to be finalised however, it has been confirmed the asset will be a maximum of 22inch in diameter'.</p> <p>The Applicants are asked to clarify which pipeline would cross NPL land and where this diameter is controlled through the dDCO.</p>
GEN.2.23	Applicants	<p>Hartlepool Borough Council (HBC) responded to ExQ1 BIO.1.16 [REP4-038] with the Applicants commenting on the responses [REP5-028]. Table 7.2 indicates that the CEMP is secured through the dDCO at R16 and that this document must be prepared in accordance with the measures set out in the Landscape and Biodiversity Strategy [APP-079].</p> <p>The Applicants are asked to explain where in either the Framework CEMP or in the Landscape</p>

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

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		and Biodiversity Strategy this requirement is set out.
AIR QUALITY AND EMISSIONS		
AQ.2.1	RCBC	<p>At D4 [REP4-041], RCBC requested that an odour assessment should be submitted once the final design stage is finalised. The Applicants responded to say that this will be a consideration of the EA permit(s) [REP5-028].</p> <p>Is RCBC content with this response?</p>
AQ.2.2	Applicants Natural England (NE) EA	<p>At ISH4 the ExA requested an explanation of how the stated level of effects on air quality can be safeguarded without specifying a minimum height (Action 15 [EV8-006]). It is appreciated that conservative assumptions have been incorporated into the air quality monitoring. However, in the absence of an agreed minimum height the stack could be reduced to an unknown and uncontrolled extent following Front End Engineering Design (FEED) [REP5-027]. The emissions are highly sensitive to this parameter and modelling results suggest that NO₂ concentrations at ground level increase rapidly once the stack is less than 90 m in height (Diagram 8B- 2 of [APP-248]).</p> <p>The ExA has noted that dispersion modelling will be carried out on the post-FEED design to ensure that it does not lead to an increase in the level of effect that was presented in the ES and that this will be required by the EA to assist in determination of the permit [REP5-027]. However, an increase in emissions or change in distribution of these has the potential to have an effect on the European Sites that will need to be considered as part of the Habitat Regulations Assessment (HRA). The ExA will need sufficient information by the end of the examination period to make a recommendation to the Secretary of State (SoS) on this matter. There are also potential implications for the WFD assessment and potential effects on the Coatham Sands Site of Special Scientific Interest (SSSI).</p> <p>Please provide by D6:</p> <ul style="list-style-type: none"> i) an update to the HRA Report in respect of this matter taking into account all of the issues raised above; ii) an assessment of the potential effects on the Coatham Sands SSSI if the stack heights were at their lowest possible level; and iii) an assessment of the implications for the WFD assessment if the stack heights were at

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

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		<p>their lowest possible level</p> <p>The ExA would welcome comments from NE and the EA on these matters.</p>
AQ.2.3	EA	<p>The EA asked for clarification on application of its M1 monitoring guidance in REP3-027 with particular reference to stack diameters of 6.5 or 6.6 m diameter. In REP5-027, the Applicants stated that the proposed diameters are in the normal range for a Large Combustion Plant and that the M1 guidance will be taken into account.</p> <p>Is the EA content with this response?</p>
BIODIVERSITY AND HABITATS REGULATIONS ASSESSMENT		
BIO.2.1	NE Applicants	<p>ES Chapter 15 Ornithology [APP-097] (paragraph 15.3.19) states that ‘The approach to baseline development and the wider EclA [Ecological Impact Assessment] has been discussed with Natural England and other relevant stakeholders throughout the process of Proposed Development design and EIA [Environmental Impact Assessment] to date.’</p> <ul style="list-style-type: none"> i) Can NE confirm that it is content with this approach? ii) The Applicants are asked to confirm which other relevant stakeholders were consulted and the responses which were received.
BIO.2.2	IPs	<p>Paragraph 15.3.20 of ES Chapter 15 Ornithology [APP-097] explains that ‘A desk study was undertaken throughout 2018/ 2019 and updated in 2020 to identify sites designated specifically for their ornithological interest, as well as protected and notable species of potential relevance to the Proposed Development.’</p> <ul style="list-style-type: none"> i) Are IPs content with the scope of the desk studies? ii) Is an update now required?
BIO.2.3	Applicants NE	<p>Paragraph 15.7.17 of ES Chapter 15 Ornithology [APP-097] describes how ecological monitoring would be confirmed and agreed as part of the discharge of a Requirement.</p> <ul style="list-style-type: none"> i) Why is it not proposed to establish the scope of monitoring within the Requirement? ii) Is NE content that monitoring is confirmed as part of the discharge of a Requirement?
BIO.2.4	Applicants	<p>ES Addendum Appendix B, paragraph 15.8.19 [AS-050] states that a requirement for visual screening (in addition to noise barriers) of the CO₂ pipeline is identified in the updated HRA Report [AS-018], recommending the use of visual screens at specific locations including when</p>

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		<p>working in or near the Special Protection Area (SPA)/ Ramsar pools and lagoons and/ or Dabholm Gut. It indicates that this will be secured as a requirement in the DCO through the Final CEMP.</p> <ul style="list-style-type: none"> i) As mitigation to address the impact of visual disturbance on breeding birds and species for which the SPA/ Ramsar and SSSI are notified, should it be secured through a specific requirement in the DCO rather than through a measure in the CEMP. ii) If not, where is it addressed in the Framework CEMP?
BIO.2.5	Applicants	<p>The application documents identify the following as providing an approach to addressing landscape/ biodiversity:</p> <ul style="list-style-type: none"> i) <u>Landscape</u> and Biodiversity Plan [AS-189] ii) Updated <u>Landscaping</u> and Biodiversity Plan (Schedule 14 of dDCO [REP5-002]; iii) Landscaping and Biodiversity Protection Plan (R4 of dDCO [REP5-002]); iv) Indicative <u>Landscape</u> and Biodiversity Strategy [REP5-011]; v) Indicative <u>Landscaping</u> and Biodiversity Strategy (Schedule 14 of dDCO [REP5-002] and vi) Landscaping and Biodiversity Management and Enhancement Plan (R4 of dDCO [REP5-002]). (Our underlining) <p>Explain how these documents relate to each other and confirm the correct title in each case.</p>
BIO.2.6	RCBC STDC/ Teesworks Estate Management Company Applicants	<p>ExQ1 BIO.1.20 noted that a brief monitoring report would be prepared each year and provided to RCBC and the Teesworks Estate Management Company as a record of compliance (paragraph 6.1.4 of the Landscape and Biodiversity Strategy [APP-079]). In its response, RCBC [REP2-094] expressed contentment with the approach generally and went on to ask whether the report would need to be signed off by RCBC and the Teesworks Estate Management Company. The Applicants [REP3-011] had no comment to make on this response.</p> <p>RCBC, STDC/ Teesworks Estate Management Company and the Applicants are asked to comment on whether or not a formal sign-off process should be required for the monitoring report and if so, how this should be secured.</p>
HABITAT REGULATIONS ASSESSMENT (HRA) REPORT		
BIO.2.7	Applicants	<p>Table 7.1 of the HRA Report [REP3-002] lists the plans and projects which could lead to in-combination effects with the Proposed Development. The Applicants' approach to the assessment only considers potential in-combination effects in relation to effects on site integrity</p>

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

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		and does not address the potential for in-combination likely significant effects. Please explain this approach.
BIO.2.8	Applicants Anglo American	In referring to York Potash construction works, the HRA Report Table 7.1 (page 72) [REP3-002] states that that the project is expected to be constructed in the next 1-2 years which is before any works on the Proposed Development begin. Please clarify the current timings for construction of the two projects.
BIO.2.9	Applicants	The HRA Report [REP3-002] refers to a Water Management Plan (paragraph 6.1.48) which would set out the measures to manage potential risks during construction. However, the Water Management Plan has not been included within the application documents and there is no reference to it in the dDCO. Please provide a version of the Water Management Plan at D6 or explain why it is not appropriate or necessary to do so.
BIO.2.10	Applicants NE EA	Process water discharges (particularly nitrogen) have the potential to have adverse effects on the site integrity of the Teesmouth and Cleveland Coast Ramsar, SPA and SSSI. NE has raised its concerns regarding the issue of nutrient neutrality in its Written Representation [REP2-065], SoCG [REP1-010] and in its D4 response [REP4-040]. The EA has raised the potential issue of cumulative impacts of dissolved inorganic nitrogen on WFD and the site integrity of nearby designated sites in its SoCG [REP1-009]. The ExA notes the response to this matter in the Applicants' response to ISH4 [REP5-027]. The Applicants, NE and EA are directed to a specific question on this issue below at WE.2.1.
BIO.2.11	NE	In its Written Representation NE [REP2-065] identified a concern about the potential impacts of installing rock armour protection, noting that this had not been addressed in the HRA. At D4 the Applicants responded, indicating that an assessment of installing rock armour protection had been included in an updated HRA Report submitted at D3 [REP3-002]. NE is asked to comment on this aspect of the updated HRA Report and to indicate whether or not it addresses its concerns.
CLIMATE CHANGE		
CC.2.1	Applicants	Paragraph 21.3.4 of ES Chapter 21 Climate Change [APP-103] states that 'The baseline comprises existing carbon stock and sources of GHG [Greenhouse Gas] emissions within the

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		<p>boundary of the existing Site described in Chapter 3. The Site covers approximately 462 hectares of which the PCC Site has an area of approximately 42.5 ha.'</p> <p>With the reduction in site area, both confirmed and proposed, will the baseline need to be adjusted and what would be the consequences for the GHG assessment?</p>
CC.2.2	Applicants	<p>Section 21.3 of the ES Chapter 21 Climate Change [APP-103] provides a GHG assessment. At paragraphs 21.3.15 and 21.3.16 it is explained that when calculating GHG emissions the seven Kyoto Protocol GHGs have been considered including CO₂. The seven GHGs are broadly referred to within the assessment under an encompassing definition of 'GHG emissions' with the unit of tonnes CO₂ equivalent or megatonnes of CO₂ equivalent.</p> <p>The Applicants are asked to explain:</p> <ul style="list-style-type: none">i) Why does the assessment unit cover CO₂ equivalent and does this exclude the other Kyoto Protocol GHGs?ii) To what extent does the Proposed Development produce the other Kyoto Protocol GHGs?iii) Does the Proposed Development aim to mitigate the production of the other Kyoto Protocol GHGs in any way? If not, why not?
CC.2.3	Applicants	<p>Paragraph 21.3.38 of ES Chapter 21 Climate Change [APP-103] comments that 6th carbon budget is currently under consideration by the UK Government. A note attached to Table 21-8 explains that it was published by the Climate Change Committee in November 2020 for the consideration of Government Ministers and that the budget was agreed by Parliament in April 2021 and due to be enshrined in legislation in June 2021.</p> <p>The Applicants are asked to provide an update in relation to the status of the 6th Carbon Budget and to explain any implications for the GHG assessment in ES Chapter 21.</p>
CC.2.4	Applicants	<p>ES Chapter 21 Climate Change [APP-103] sets out at paragraph 21.3.38ff the preliminary findings of the GHG impact assessment for the construction and commissioning, operation and decommissioning of the Proposed Development.</p> <ul style="list-style-type: none">i) With the evolution of construction and design proposals since the preparation of the ES do any of the assumptions in 21.3.39 and 21.3.40 need to be revised.ii) If so, what would the consequences be for the overall GHG assessment?

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
CC.2.5	Applicants	<p>At paragraph 21.3.50 of ES Chapter 21 Climate Change [APP-103] it is stated that the gross electrical output of the CCGT at 95% capture rate is slightly lower than that when achieving a 90% capture rate because the higher capture rate requires increased steam demand from the CCGT, thereby reducing the steam available to generate electricity.</p> <p>Should the DCO seek to ensure that the CCGT operates to maximise carbon capture rather than gross electrical output? If so, how should this be secured? If not, why not?</p>
CC.2.6	Applicants	<p>Table 21-13 of ES Chapter 21 Climate Change [APP-103] shows that the Proposed Development operating with 90% carbon capture results in emissions of 41.2 tonnes of CO₂ per Gigawatt/ hour of electricity generated compared to 20.7 tonnes for 95% carbon captured (and 335.2 tonnes without carbon capture technology). The clear difference in emissions between 90% capture and 95% capture emphasises the importance of securing greater efficiency.</p> <p>How can the DCO ensure that a higher rate of efficiency is secured?</p>
CC.2.7	EA	<p>Paragraph 21.3.70 of ES Chapter 21 Climate Change [APP-103] refers to a request made by the EA to use renewable energy sources to offset parasitic loads. As grid electricity is only planned to be used during maintenance periods (approximately 14 days every year) and the national electricity grid is rapidly decarbonising, the Applicants considered that the benefits of this offsetting measure would not outweigh the costs.</p> <p>Is the EA content with this response?</p>
CC.2.8	Applicants	<p>Table 21-29 of ES Chapter 21 Climate Change [APP-103] presents Potential In-Combination Climate Change Impacts and Relevant Embedded Measures.</p> <p>On page one, do the responses correspond to headings? (Last five headings appear to result in six responses.)</p>
CC.2.9	Applicants	<p>Please check the text at the start of paragraph 21.6.3 of ES Chapter 21 Climate Change [APP-103] and confirm whether there are any emissions.</p>
CC.2.10	Applicants	<p>Paragraph 21.4.25 of ES Chapter 21 Climate Change [APP-103] references the UK Climate Change Risk Assessment 2017. In January 2022 HM Government published UK Climate Change Risk Assessment 2022.</p> <p>The Applicants are asked to explain whether using the revised risk assessment would change the findings of ES Chapter 21.</p>

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
CC.2.11	Applicants	<p>In response to the Written Representation of Climate Emergency Planning and Policy [REP2-061] the Applicants noted (section 6 [REP3-012]) that the Institute for Environmental Management and Assessment (IEMA) published an updated version of the IEMA Guide Assessing Greenhouse Gas Emissions and Evaluating their Significance in February 2022 subsequent to the acceptance of the application and the assessment undertaken. The Applicants assert that while the update provides more granular guidance for contextualising the impact of GHG emissions from a project, it would not change the outcome of the assessment presented in ES Chapter 21 [APP-103]. Nevertheless, the Applicants stated that an updated assessment of GHG emissions applying the updated IEMA Guidance and including BEIS/Defra emissions factors would be submitted at D5.</p> <p>As no updated assessment was submitted at D5 the Applicants are asked to provide the assessment at D6.</p>
CC.2.12	Applicants IPs	<p>In July 2022 the High Court handed down judgment in R. (on the application of Friends of the Earth Ltd) v Secretary of State for the Business, Energy and Industrial Strategy [2022] EWHC 1841 (Admin) which addressed the Secretary of State's obligations under the Climate Change Act 2008 s13 and s14 in relation to the Government's Net Zero Strategy.</p> <p>The Applicants and IPs are invited to comment on the relevance of this judgment in relation to the Proposed Development.</p>
COMBINED AND CUMULATIVE EFFECTS		
COM.2.1	Applicants	<p>Paragraphs 3.1-3.5 of STDC's Response to Comments on RRs [REP2-097c] references the Foundry and Long Acres sites.</p> <p>Have these projects been addressed in the combined and cumulative assessment?</p>
COM.2.2	Applicants	<p>In its response to the hearings held during w/c 16 May 2022 [REP5-038], Orsted stated that it does consider there to be an obligation on the Applicants to carry out an assessment of the impacts of the Northern Endurance Partnership (NEP) project on Hornsea Project Four (HP4) as part of the DCO. Schedule 2 of the Infrastructure Planning (EIA) Regulations 2017 uses the term 'project' rather than development.</p>

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
		i) Do the Applicants agree with the interpretation of 'project' in REP5-038? If not, please explain why. ii) Should the combined and cumulative effects of the wider NEP project and HP4 be assessed under the regulations? If not, please explain why.
COMPULSORY ACQUISITION AND TEMPORARY POSSESSION		
CA.2.1	Affected Persons (APs)	Are any APs aware of any further inaccuracies in the Book of Reference (BoR) [REP4-005], Statement of Reasons (SoR) [AS-141, AS-200] or Land Plans [AS-146]? If so, please set out what these are and provide the correct details.
CA.2.2	Applicants	Further to your response to ExQ1 CA.1.5 [REP2-016], can you provide an update to those access rights listed, and if there are any further land or rights acquisitions required before the Proposed Development could become operational?
CA.2.3	Applicants	A 'Guide to Land Plan Plots' was provided in April [AS-143]. Can you ensure that an updated version is provided with the forthcoming proposed changes to the Order Limits at D6.
CA.2.4	Applicants	At D5 an updated version of the Compulsory Acquisition (CA) Schedule [REP5-024]. Can you ensure this is updated at every deadline, providing a clean and tracked changed version.
CA.2.5	Sembcorp Utilities (UK) Ltd	RR-034, REP1-055, REP2-098, REP2-099, REP3-025, REP4-036 and REP5-031 refer to concerns relating to Sembcorp's pipeline corridors amongst other matters. Can Sembcorp provide a response to the following: <ul style="list-style-type: none"> i) Comment on the Applicants' post-hearing submission [Appendix 1, section 1.2 REP5-026] regarding a justification for corridor widths; ii) Comment on the Applicants' post-hearing note [Item 4, REP5-026] regarding duration of rights; iii) Comment on the relevant updates to the dDCO [REP5-002] which include Sembcorp as a consultee to a number of Requirements; and iv) Provide an update on discussions in relation to voluntary agreements.
CA.2.6	STDC	STDC [RR-035, REP1-056, REP2-097 a) to c), REP3-026 and REP5-042] have commented on

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
		<p>a range of land and CA issues.</p> <p>Could STDC provide a response to the following:</p> <ul style="list-style-type: none"> i) If a further SoCG is not being provided at D6/D7, please provide a general update to outstanding matters in terms of CA and Temporary Possession (TP); ii) Provide comments on the Applicants' post-hearing submission [Appendix 1, section 1.4, REP5-026] regarding a justification for corridor widths; and iii) Where possible, provide information on future development at Teesworks which you state would be 'impeded' by CA proposals for the Proposed Development, and clarify what weight should the ExA give to such matters in balancing public benefit against private loss.
CA.2.7	Applicants STDC	<p>STDC continue to raise concerns regarding the TP of Plots 274 and 279. The post-hearing note for the second CA Hearing (CAH2) [Item 4, REP5-026] refers to further discussions taking place in early August regarding construction access issues.</p> <p>Could STDC and the Applicants:</p> <ul style="list-style-type: none"> i) Submit an update on the dispute relating to Plots 274 and 279 and the proposed construction access from Tees Dock Road at D6; ii) If the Order Limits require amendment to include the alternative route suggested by STDC [Appendix 2, REP2-097a], provide a draft timetable for such changes to be submitted and agreed within the Examination timetable; and iii) Clarify if/ why the ExA need to be satisfied that the Applicants have demonstrated a reasonable alternative (via Lackenby Gate), given that the proposal relates to TP and not CA?
CA.2.8	Applicants	<p>STDC in various submissions [RR-035, REP1-056, REP2-097 a) to c), REP3-026 and REP5-042] have raised concerns that future development at Teesworks may be impeded by the CA/ TP proposals to enable the Proposed Development. Similar arguments have been raised by other APs including North Tees Group [RR-016, RR-022, REP2-070], PD Teesport [RR-033 and REP2-093] and CATS North Sea Limited [REP2-081 and REP4-032].</p> <p>Could the Applicants:</p> <ul style="list-style-type: none"> i) Explain if there is any provision in relevant legislation or policy relating to the effect of CA/TP proposals for a Nationally Significant Infrastructure Project (NSIP) on future

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
		<p>developments or investment (including those which are not yet the subject of a planning application or DCO or other type of application); and</p> <p>ii) Indicate what weight should the ExA give to such future projects when balancing public benefit against private loss in their recommendations to the SoS on CA matters.</p>
CA.2.9	Applicants PD Teesport CATS North Sea Limited	<p>PD Teesport [RR-033 and REP2-093] and CATS North Sea Limited [REP2-081, REP4-032] have raised the issue of a potential alternative to Plot 112. The Applicants provided a response relating to technical feasibility of the alternative plot [REP3-012, REP5-028].</p> <p>i) Can CATS North Sea Limited and/or PD Teesport provide comment on the Applicants' response [REP3-012 and REP5-028] and confirm if they are satisfied or have any further concerns or comments on this matter;</p> <p>ii) Can the Applicants, CATS North Sea Limited and/or PD Teesport confirm that if a sub-lease is agreed voluntarily, would the issue of a preferred alternative fall away?; and</p> <p>iii) Can the Applicants provide any further comments and reasoning for not pursuing the alternative suggested.</p>
CA.2.10	Anglo American	Could Anglo American provide comments on the Applicants' post-hearing submission [Appendix 1, section 1.3 REP5-026] regarding a justification for corridor widths.
CA.2.11	Applicants	<p>The D5 response from North Sea Midstream Partners (Teesside Gas Processing Plant Limited and Teesside Gas & Liquids Processing) (NSMP) [REP5-041] refers to a lack of engagement with Affected Persons (APs) and the late nature of discussions regarding alternatives to compulsory acquisition, regarding access to plots 105, 110 and 112.</p> <p>Can the Applicants:</p> <p>i) Explain the situation and give assurances that attention is now being given to engagement with NSMP with a view to resolving concerns set out in their response;</p> <p>ii) Provide an update on discussions regarding an alternative access from Seal Sands Road and confirm whether additional land would be required for such access; and</p> <p>iii) Confirm that a SoCG will be drafted with NSMP, and the expected deadline for submission.</p>
CA.2.12	North Tees Group	Your D5 submission [REP5-035] refers to the delayed response to ExQ1 CA.1.8. Please ensure the required information is submitted no later than D7.

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
CA.2.13	All APs	Do any APs have any concerns that they have not yet raised about the legitimacy, proportionality or necessity of the CA or TP powers sought by the Applicant that would affect land that they own or have an interest in?
CA.2.14	Applicants	Ensure any name changes, changes in rights and any further information in relation to unregistered/unknown plots are accounted for in the Book of Reference and noted in the CA Schedule
Protective Provisions		
CA.2.15	BT Telecommunications plc Vodafone Limited Cornerstone Telecommunications Infrastructure Limited Telefonica Applicants	<p>The Applicants confirmed at Appendix 2 of their Written Summary of Oral Submissions for CAH2 [REP5-026] that a number of electronic communications code operators may have apparatus within the Order Limits and the Book of Reference will be updated at D6 pending receipt of further information. A record of the consultation carried out for each specific operator is set out at section 2 of Appendix 2, and a list of those issued a request for information is at Appendix 2A. Can each of the operators listed:</p> <ul style="list-style-type: none"> i) Confirm whether they have any assets or interests within the Order Limits and if so, provide details of their location; and ii) Confirm if they are satisfied with the draft protective provisions set out in Part 2 of Schedule 12 of the dDCO, and if not satisfied provide comments accordingly. <p>Can the Applicants confirm that if the listed operators confirm (or fail to respond) that they do not have any assets or interests within the Order Limits, would Part 2 of Schedule 12 be deleted from the dDCO?</p>
CA.2.16	All APs	The Applicants' Written Summary of Oral Submissions for CAH2 [Item 7, REP5-026] confirms the statutory undertakers to whom standard protective provisions set out in Parts 1 and 3 of Schedule 12 of the dDCO would apply to, and bespoke protective provisions at Parts 10, 11, 13, 25 and 26 which apply to statutory undertakers who are listed in the Book of Reference. Are any APs aware of any additional statutory undertakers to whom protective provisions should apply?
CA.2.17	Applicants	Paragraph 9.1.31 of the Statement of Reasons [AS-141] refers to interactions with other privately owned or operated apparatus and states that Schedule 12 of the dDCO would also apply to any other mains, pipelines and cables that would not otherwise fall within the standard drafting and are not covered by bespoke PPs.

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
		<p>Can you respond to the following:</p> <ul style="list-style-type: none"> i) Such privately owned apparatus is not covered by Article 33 of the dDCO (and instead by Article 26 'Private Rights')? ii) Section 138 of the PA2008 does not apply to the ExA's considerations in respect of such private operators? iii) What consideration should the ExA give to such matters relating to private apparatus?
CA.2.18	Applicants	Are any other additional bespoke protective provisions likely to be added before the end of the Examination?
Crown Consent		
CA.2.19	Applicants	Provide an update on the progress made regarding obtaining Crown consent and whether this is likely to be achieved before the close of the Examination. Please note that should this matter not be resolved the ExA will require a submission setting out how the Proposed Development could proceed without Crown land by no later than D9.
Funding		
CA.2.20	Applicants	Provide an update to the Funding Statement to reflect any changes to the Order Limits.
DESIGN, LANDSCAPE AND VISUAL		
DLV.2.1	Applicants RCBC	<p>At ISH4 [EV8-001 to 006], the ExA highlighted the increasing emphasis on good design, which is not only set out in National Policy Statements (NPSs) but in a variety of other national publications and in relation to other NSIPs. The ExA pointed out the recommendations in the National Infrastructure Commission Design Principles Document for a design champion, and use of design review panels. Reference was made to 'iconic' structures and a 'strong visual beacon' as noted in the Teesworks Design Guide [REP2-055] design typology C5 (p.39). The ExA noted that the PCC site could be considered a 'gateway' site and put to the Applicants that its prominence requires further thought and justification. The site has the potential to become a local landmark as the blast furnace has been, and that this is highlighted by its exposed coastal location and the 'first of a kind' status of the Proposed Development.</p> <p>Whilst the ExA acknowledge the reference to the Design and Access Statement (DAS) in R3 in the D5 update to the dDCO [REP5-002], the ISH4 post-hearing note for Item 3 does not appear to confirm either way whether an amendment to R3 is necessary in terms of use of a design</p>

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
		<p>panel or design champion. Furthermore, no further consideration appears to have been given to the 'iconic' or 'local landmark' potential of the PCC site. The Applicants' representative Mr Turnbull indicated that it will consist of 'simple' structures, which blend into the skyline rather than stand out from it, which is at odds with the above and the comments from RCBC at the hearing.</p> <p>Can the Applicants provide further comments on the above, in particular:</p> <ul style="list-style-type: none">i) If: a) use of a design panel, design champion or consideration of an alternative approach to securing good design; and b) 'landmark' type structures are not considered necessary or appropriate, could you provide a more detailed explanation as to why not; andii) Provide an outline for a post-consent design review process. <p>Can RCBC provide comment:</p> <ul style="list-style-type: none">i) Do the amendments to R3 in terms of reference to the DAS provide a sufficient basis to secure a high quality detailed design of the development of the PCC site, or to encourage a 'landmark' type structure?ii) Does RCBC have the necessary expertise and resources to take on the design approval post-consent, or would an external design review be necessary? If so, indicate what additional support you believe would be required and from whom such support should come.
DLV.2.2	Applicants	<p>Paragraph 4.5.3 of NPS EN-1 seeks to ensure that energy infrastructure developments are sustainable and as attractive, durable and adaptable as they can be, taking into account both functionality (including fitness for purpose and sustainability) and aesthetics.</p> <p>Could the Applicants explain, in relation to fitness for purpose, sustainability, durability and adaptability, how good design for the PCC site has been demonstrated.</p>
DLV.2.3	Applicants	<p>In response to ExQ1 DLV.1.9 [REP2-016] the maximum heights of the buildings and stacks was clarified, and Item 6 of ISH4 [EV8-001 to 006] discussed the issue of the stack heights and their relationship to air quality matters. Nonetheless, the height of the development platform and its relationship to the Landscape and Visual Impact Assessment does not appear to have been clarified yet.</p> <p>Could the Applicants provide further detail to clarify the height of the development platform.</p>

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
DLV.2.4	Applicants	<p>In terms of design quality and monitoring of approved materials, it was explained at ISH4 [EV8-001 to 006] that any divergence from approved materials would constitute a criminal offence. Additionally, RCBC raised the issue of resources in terms of enforcement.</p> <p>Could the Applicants consider an appropriate mechanism for providing monitoring that would manage conflict regarding such matters?</p>
DLV.2.5	HBC	<p>Viewpoints 1 to 4 indicate views from the Hartlepool area [APP-181 to APP-191 and APP-217 to APP-222]. At ISH4, the ExA raised concerns in particular with the visuals from the promenade at Seaton Carew (viewpoint 2).</p> <p>Could HBC provide comments on the following:</p> <ul style="list-style-type: none"> i) Are you satisfied that viewpoints 1 to 4 are representative of typical views of sensitive receptors in these locations? ii) Did HBC have sight of these viewpoints in advance of submission of the Application, and if so, did you raise any issues? iii) The Applicants confirmed at ISH4 and in their post-hearing submission (Item 3, [REP5-027]) that amended visuals for viewpoint 2 are to be provided at D6. Do you consider there a need for any other amended or additional viewpoints from the Hartlepool area, including outside of the 5km Zone of Theoretical Visibility (ZTV)? Could you provide comments on the amended visuals by D8. iv) Provide any further comments you may have on the aforementioned visuals and Chapter 17 of the ES [APP-099] in terms of landscape and visual effects on the Hartlepool area.
DLV.2.6	Applicants	<p>In the response to ExQ1 DLV.1.14 [REP2-016] it was stated that ES Appendix 25A Commitment Register [APP-347] would be updated to include reference to the principles identified in ES Chapter 17 [APP-099], and the Indicative Lighting Strategy [AS-017] being incorporated to minimise impacts to visual receptors and ensure that predicted effects are no worse than identified in the ES.</p> <p>As no such update has yet been received, please provide this by D7.</p>
DEVELOPMENT CONSENT ORDER		
DCO.2.1	Applicants	<p>The third paragraph of the Preamble to the dDCO [REP4-002] refers to '[single appointed person]' whereas the second paragraph has correctly been updated to refer to a panel.</p>

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
		The Applicants are asked to make a change to refer to the panel in paragraph 3.
DCO.2.2	Applicants RCBC STBC STDC Sembcorp Utilities (UK) Ltd	R3(7) refers to the approximate number and location of cathodic protection posts and marker posts forming part of Work No.6 to be submitted to and approved by the RPA following consultation with STDC. How would 'approximate' be determined? Should the word 'approximate' be removed?
DCO.2.3	Applicants	Schedule 12 of the dDCO includes the address of some of the parties subject to each Part of the Schedule, but not every party. Should the address be provided in each case? If not, please explain the difference in approach?
DCO.2.4	RCBC STBC	The RPAs are each asked to provide a statement as to how they would resource the discharge of the DCO requirements, and whether they foresee any issues with being able to carry out the discharges effectively in accordance with the procedures and timescales set out in Schedule 13.
DCO.2.5	Applicants	The Schedule of Changes to the dDCO [REP2-004] comments on a change to Schedule 15 (Design Parameters). The Applicants are asked to clarify the missing text at the bottom of page 12.
DCO.2.6	Applicants	An updated version of the Explanatory Memorandum (EM) was provided at D5 [REP5-005/REP5-006]. Updated versions (clean and tracked) should be provided with each revision of the dDCO to explain the changes to the dDCO throughout the Examination with a final version provided at D11. The next update should also include (but is not limited to) the following: <ul style="list-style-type: none"> i) Paragraph 3.3.2 Explain why the text has been amended to delete reference to the Limits of Deviation. ii) Paragraphs 3.4.16/17 Explain why Articles 14 and 15 needed for the Proposed Development? iii) Paragraph 3.6.14 Explain how Article 25 addresses the Housing and Planning Act 2016 and precedent Orders.
DCO.2.7	Anglo American	The Applicants' Comments on D3 Submissions and Updates to Previous Submissions [REP4-025] refer to Anglo American's D3 submission [REP3-016]. Paragraph 2.2.4 explains that the "mirror" protection in the York Potash Order has been deleted on the basis that it serves no purpose following the expiry of Anglo American's powers of compulsory acquisition under Article

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
		<p>27 of the York Potash Order. Additionally, paragraph 2.2.7 states that following the expiry of Anglo American's compulsory acquisition powers, the Applicants' position is that the retention of paragraph 193 of Part 17 of Schedule 12 of the DCO would in effect, give Anglo American a veto over the exercise of compulsory acquisition powers over the shared land in circumstances where there is no need for a reciprocal safeguard for the benefit of the Applicants. Consequently, the Applicants' position is that the deletion of paragraph is both reasonable and necessary.</p> <p>Anglo American is asked to specifically comment on these provisions and to confirm whether or not they are acceptable.</p>
DCO.2.8	Applicants	<p>R3 of the dDCO [REP5-002] does not specifically refer to the use of trenchless technologies for the installation of pipelines. The CEMP [APP-347] states that trenchless technologies will be used 'where reasonably practicable' (Table 5A-6).</p> <p>Should the use of trenchless technologies be referenced in the DCO? If not, why not?</p>
DCO.2.9	EA Applicants	<p>The EA notes [REP5-032] that R31 provides no requirement to construct Work No. 6, the CO₂ Gathering Network such that the construction of the new power station could occur without the benefit of the CO₂ Gathering Network.</p> <ul style="list-style-type: none"> i) The EA and the Applicants are asked to comment on whether R31(3) [REP5-002] would address this concern. ii) Should R31(3) be extended to include reference to Work No 6?
DCO.2.10	Applicants EA	<p>Responding to the EA's RR [RR-024], the Applicants indicated [REP1-045] that the EA will be consulted on the Decommissioning Environment Management Plan when appropriate.</p> <p>Should this provision be incorporated into R32 of the dDCO?</p>
DCO.2.11	North Tees Limited	<p>In their Written Representation North Tees Limited [REP2-070] identified the need for the inclusion of suitable Requirements in the dDCO to give North Tees Group of Companies the opportunity as a consultee to review and approve detailed design of the CO₂ pipeline as part of the NZT Project Scheme.</p> <p>North Tees Limited are asked to provide further justification for such a provision and to suggest the specific wording which any such Requirements should take.</p>
DCO.2.12	MMO	<p>Condition 23 of Schedules 10 and 11 of the dDCO [REP5-002] has been amended to specify</p>

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
	Applicants	<p>that the MMO must consult the EA before approving the unexploded ordnance (UXO) clearance methodology.</p> <ul style="list-style-type: none">i) Is the MMO content with this amendment?ii) Does the MMO's position remain as set out [REP3-011] that the matter should not be included within the Deemed Marine Licence and that activities related to UXO should be consented separately?iii) The Applicants and the MMO are asked to provide an update at D6 on discussions to address the wording of the Deemed Marine Licence generally and the MMO's position regarding UXO which was highlighted at D5 [REP5-034].iv) Should UXO be defined in either Schedules 10 and 11 or in Article 2?
DCO.2.13	Applicants ClientEarth	<p>At D5 ClientEarth provided a D5 submission made to Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order Examination (Annex A [REP5-030]). This indicates that the Applicant in that case was prepared to modify a number of definitions to embed the 90% capture rate and conveyance of it to the wider carbon transport and storage network. This formed part of the Applicant's Final Preferred draft DCO. The ExA also recognises that the Applicants' position expressed at ISH3 [REP5-025] that the capture rate will be controlled via the environmental permit for the generating station and so does not need to be and should not be duplicated in the requirement.</p> <p>Whilst noting that the ExA's Report has not yet been published and the Secretary of State's decision has not been made, the Applicants are asked to comment on the position adopted by the Applicant and its professional advisors in the submission to the Keadby 3 Examination and why it is considered that a different approach should be adopted in this Examination.</p> <p>ClientEarth is asked to comment on the Applicants' position that including the capture rate in R31 is an unnecessary duplication of a control which will be provided through the environmental permits.</p>
DCO.2.14	Orsted The Crown Estate	<p>At D5 [REP5-002] the Applicants proposed amendments to Article 49 which provide for Modification of the Interface Agreement. The EM [REP5-005] explains the effect and purpose of the provision.</p> <p>Orsted and The Crown Estate are asked to comment on the revisions to Article 49 including whether, in their view, the proposed changes would remove the need for Crown consent. Comments on the EM are also invited.</p>

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
DCO.2.15	Orsted The Applicants	<p>In the Position Statement between the Applicants and Orsted Hornsea Project Four Limited [REP5-022] Orsted commented (paragraph 2.1.5) that the need for and appropriateness of a provision in the NZT DCO which interferes with the Interface Agreement should be fully examined in the NZT examination and considered by the SoS in the context of the facts and circumstances at the time of the NZT DCO decision. The Applicants' Summary of Oral Submissions for ISH3 [REP5-025] provides documents which had been submitted to the Hornsea Four Examination, namely the Interface Agreement and NZT's commentary on the Interface Agreement.</p> <p>Orsted and the Applicants are asked to confirm whether there are any other documents submitted to the Hornsea Four Examination which are of relevance to, and have not yet been submitted to, this Examination.</p>
DCO.2.16	Applicants	<p>In the Position Statement between the Applicants and Orsted Hornsea Project Four Limited [REP5-022] the Applicants stated (paragraph 2.1.4) that the need for Article 49 is to deal with the situation where the SoS finds it appropriate to include a provision dealing with the Interface Agreement in the HP4 DCO but nonetheless refuses that application for other reasons or the HP4 DCO is granted subject to such provision but not implemented. The Applicants also recognise that where the SoS does not consider it appropriate to include a provision in the HP4 DCO dealing with the Interface Agreement, it would not be appropriate to include the equivalent provision in the NZT DCO.</p> <p>The Applicants are asked to clarify why, when the Order Limits do not extend to the Endurance Store, this DCO should address matters where there is a 'lack of direct physical conflict between the development proposed in the NZT DCO and HP4'.</p>
DCO.2.17	Orsted	<p>In the Position Statement between the Applicants and Orsted Hornsea Project Four Limited [REP5-022] and its Written Summary of Oral Case at ISH3 [REP5-038] Orsted stated that it considers that the need for and appropriateness of a provision in the NZT DCO which interferes with the Interface Agreement should be fully examined in the NZT examination.</p> <ul style="list-style-type: none">i) Does Orsted consider that the NZT DCO could or should provide for interference with the Interface Agreement given the lack of direct physical conflict between the development proposed in the NZT DCO and HP4?ii) Explain why it is considered that the introduction of a provision to disapply or otherwise address matters in the Interface Agreement would be a material change to the NZT DCO.

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

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		iii) Noting Orsted's comment at 2.1.8 of the Position Statement, Orsted is asked to comment on the re-drafting of Article 49.
DCO.2.18	Applicants Orsted	<p>In the Position Statement between the Applicants and Orsted Hornsea Project Four Limited [REP5-022] Orsted confirmed (paragraph 3.1.7) that it had submitted a draft set of protective provisions for inclusion in the NZT DCO (Appendix 1 [REP2-089]). (At D3 the Applicants indicated (paragraph 13.3.3 [REP3-012]) that they did not propose to comment on the detail of Orsted's protective provisions because there was no need/ justification for them.) The Applicants' position (paragraph 3.1.2 [REP5-022]) is stated to be that they are not aware of any explanation having been advanced by Orsted as to the need for additional protective provisions in the NZT DCO in the scenario where Orsted's submissions as to protective provisions on the HP4 DCO have been accepted by the SoS.</p> <ul style="list-style-type: none"> i) The Applicants are asked to comment on Orsted's proposed protective provisions [REP2-089]. ii) Orsted is asked to clarify why it requires protective provisions in the NZT DCO for the benefit and protection of HP4 when the NZT DCO does not extend to the Endurance Store? iii) Should measures to safeguard the delivery of the HP4 be managed through the approvals process for the offshore elements of the NZT project rather than the NZT DCO? iv) Has Orsted sought to discuss issues and propose protections with the advisors to the decision maker in respect of the storage permit process and the related EIA process?
DCO.2.19	Applicants	<p>At D1 [REP1-036] the Applicants stated that the R16(2) (a) to (g) list is consistent with that in the Framework CEMP. The Applicants indicated that a Dust Management Plan would be covered by limb (b), a scheme for the control of any emissions to air. The list (a) to (g) does not include specific plans which are named in the Framework CEMP such as an Asbestos Management Plan.</p> <ul style="list-style-type: none"> i) The Applicants are asked to consider amending R16(2) to ensure that all management plans required to be provided as part of the CEMP are specifically listed. ii) The RPAs are also invited to comment on this approach.
GEOLOGY, HYDROGEOLOGY AND LAND CONTAMINATION		
GH.2.1	RCBC	RCBC's Local Impact Report (LIR) [REP1-046] stated that to ensure full characterisation of the

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

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	EA	<p>site the standard Contaminated Land Condition should be applied to any planning permission granted. The EA also asked for amendments to the wording of R13 [REP-032]. The Applicants have since amended R13 in relation to 'Contaminated land and groundwater' [REP5-002].</p> <ul style="list-style-type: none">i) RCBC are asked to comment on R13 and to indicate whether or not this meets its original request to apply their standard condition.ii) The EA is asked to confirm that R13 now meets its requirements.iii) If it does not meet your concerns, proposed amendments to R13 should be provided by D6 and the Applicants response provided at D7.
GH.2.2	Applicants RCBC STBC EA	<p>Details of additional site investigation, conceptualisation and risk assessment has been provided [APP-092, APP-293, APP-294, REP4-027]. It is the ExA's understanding that STDC has applied for permission to undertake additional works in 2022. It is also our understanding from SoCGs that discussions are being held between the parties in respect of all of the above.</p> <p>Please provide comment on whether or not after remediation and in the context of R13, as a minimum land is unlikely of being capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.</p>
GH.2.3	Applicants	<p>The EA has recommended changes to R23 and R25 to reference the most up to date ground investigation work [REP5-032].</p> <p>Please provide an update to the ExA on this issue.</p>
GH.2.4	RCBC STDC	<p>Services are likely to be affected by differential movement allowance needs to be made to install flexible connections for water and gas lines to accommodate ground movement Paragraph 10.6.70 of ES Appendix 10A [APP-292]. These are secured via R3, R34 and Schedule 14 of the DCO. The local authorities are responsible for approving the works.</p> <p>Are the local authorities satisfied that the requirements in the DCO will provide them with sufficient detail and control over this aspect?</p>
GH.2.5	Applicants	<p>In the response to ISH4 [REP5-027] the Applicants state that the <i>'method and mitigation... differ from those discussed at a meeting with Natural England on 12th July 2022 following receipt of updated information from potential HDD contractors'</i>.</p> <p>Please provide further details of how the HDD method and mitigation has changed, and provide an update on discussions with NE in this respect.</p>

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
GH.2.6	Applicants	<p>The response to ISH4 [REP5-027] states that NE requested a 'clean-up plan' in relation to HDD collapse in its letter dated 1 July 2022.</p> <p>How is it proposed that this will be addressed and what is the timescale for this?</p>
GH.2.7	NE	<p>An 'example' of how the risks from frac-out and drilling mud spillage would be mitigated and controlled is provided in the updated CEMP [REP5-013]. The formal plan to prevent risks of frac-out and minimise any associated risk of pollution will form part of the final CEMP.</p> <p>Is NE satisfied that the risks from frac-out from HDD operations would be adequately controlled by the DCO?</p>
HISTORIC ENVIRONMENT		
HE.2.1	RCBC HBC Historic England	<p>The Applicants' responses to ExQ1 HE.1.5 and HE.1.6 [REP4-028] provide assessments of significance of the blast furnace and associated steel works infrastructure, and the setting of the conservation areas at Coatham, Kirkleatham, Yearby, Wilton and Seaton Carew.</p> <p>Can RCBC, HBC and Historic England confirm their satisfaction with these assessments of significance and effects, or do they require any further information or clarification?</p>
HE.2.2	Historic England	<p>In Historic England's response to ExQ1 HE.1.5 it is noted that 'a request for listing the Blast Furnace has been received from a member of the public and it is currently being looked at'. Please provide an update.</p>
HE.2.3	RCBC STBC HBC Historic England MMO	<p>The Applicants' response to ExQ1 HE.1.1 [REP4-028] provides details on the scope of archaeological investigation, and states that construction activity would not impact buried archaeological remains and that therefore mitigation set out in a Written Scheme of Investigation (WSI) is not required. The response also includes the WSI for marine archaeology. The updated Framework CEMP [REP5-014] includes procedures for reporting, protection and management of unexpected archaeological discoveries.</p> <ul style="list-style-type: none"> i) Could the RPAs (in consultation with the relevant archaeology service for your area as necessary) and Historic England confirm their satisfaction with this approach, or if they require any further information or clarification? ii) Could the MMO and Historic England confirm satisfaction with the WSI for marine archaeology, or if they require any further information or clarification?

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
HE.2.4	Applicants RCBC STDC	<p>Development Principle STDC8 of the South Tees Area SPD [REP2-054] 'Preserving Heritage Assets' supports proposals which contribute to the development of an industrial heritage trail. Paragraph 3.67 of the SPD notes that this will likely be handled as a discrete project placed under the direct control of RCBC working with local heritage groups.</p> <p>Part A.4 of the Teesworks Design Guide [REP2-055] 'Landscape and Public Realm Strategy' and section 12 of the South Tees Regeneration Masterplan [REP2-053] also refer to the importance of preserving aspects of the existing fabric to ensure the area's industrial heritage is not lost, and the creation of a consistent identity for the wider Teesworks development. A number of potential site entrances from the England Coastal Path/ Teesdale Way/ Black Path PRoW are shown on the illustrative plan on page 161 of the Masterplan as being close to the Order Limits of the PCC site.</p> <p>Could the Applicants consider:</p> <ul style="list-style-type: none">i) The potential for the Proposed Development to contribute to such a project for a heritage trail; andii) Could any remaining former industrial infrastructure on and around the PCC site be incorporated into a future landscaping scheme to assist in this vision for a heritage trail? <p>RCBC and STDC:</p> <ul style="list-style-type: none">i) Are you able to provide any further information or update on future plans for an industrial heritage trail?
HE.2.5	Applicants RCBC	<p>ExQ1 HE.1.3 asked IPs whether R14 of the dDCO would be appropriate in safeguarding any known and unknown archaeological features, and if not sought suggested amendments to the wording. RCBC [REP2-094] indicated that it had no adverse comments to make however guidance from Cleveland Industrial Archaeology Society (CIAS) would also be recommended. Commenting on the response, the Applicants [REP3-011] noted that CIAS is not a statutory consultee but a local society that makes records of industrial sites and equipment, carries out historical research and works to help the preservation of business records and physical relics.</p> <ul style="list-style-type: none">i) Can the Applicants and RCBC confirm that they are content with the current wording of R12 and that consultation of CIAS can be undertaken without amendment of the Requirement.ii) Should the Applicants and RCBC not agree with this approach, can you propose an

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
		alternative.
HE.2.6	Applicants RCBC	<p>The nearest Listed buildings to the PCC site are located at Marsh Farm, Warrenby. A limited assessment of the group of three Listed buildings at Marsh Farm is provided within ES Chapter 18 (paragraphs 18.6.14 to 18.6.24). Paragraph 18.6.4 of ES Appendix 18 [APP-338] notes that the buildings date from the late 18th Century.</p> <p>ExQ1 HE.1.4 iv) asked whether the Applicants' assessment of impacts to the setting of nearby designated heritage assets in ES Chapter 18 (paragraphs 18.6.14 to 18.6.24) was sufficient, and whether their significance has been adequately identified and assessed. RCBC in their response [REP2-094] stated that 'there is potential for greater impact on setting, for example even from Huntcliff overlooking Saltburn'.</p> <p>Could RCBC explain further their response and provide comments specific to the group of Grade II listed buildings at Marsh Farm.</p> <p>Could the Applicants:</p> <ul style="list-style-type: none"> i) Provide a copy of the List descriptions for all three listed buildings at Marsh Farm; and ii) Provide a more detailed assessment of their significance and the effect of the Proposed Development on their setting in accordance with section 5.8 of NPS EN-1 so that the ExA is able to make an informed recommendation in accordance with Section 3(1) of the Infrastructure Planning (Decisions) Regulations 2010.
MAJOR ACCIDENTS AND NATURAL DISASTERS		
MA.2.1	EA	<p>In Table 22-1 of Chapter 22 of the ES [APP-104] the EA is quoted as requesting that the EIA contains a worst-case estimation of firewater runoff production, including for remediation following a fire, and demonstrate that a solution to containment, treatment and/ or removal can be met on the site. Details have not been provided regarding provision of a detailed firewater containment system. The Applicants have stated that it will be required as part of a permit and details will therefore be agreed at that stage.</p> <p>Is the EA content with this approach?</p>
MA.2.2	Applicants	<p>Section 22.7 [APP-104] refers to proposed use of dense phase CO₂ dispersion modelling to understand the potential hazards of a major release, and that the outcomes of this modelling would be incorporated into the design of the Proposed Development. In REP2-016 the</p>

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
		Applicants confirm that this will be undertaken. Provide an update on the dense phase CO ₂ dispersion modelling.
MA.2.3	Applicants	Section 22.4.4 of ES Chapter 22 Major Accidents and Natural Disasters [APP-104] states that the geology underlying the Site is of no to low risk of hazards from ground stability. The ExA has noted the Applicants' response in relation to earthquakes [REP2-016]. Could this statement also be resolved in the context of the hazards listed in Table 10D-2, in particular that lateral displacement was observed to have caused structures in the vicinity of the former sinter plant to crack and in light of the hydraulic fill identified at the site.
MA.2.4	UK Health Security Agency	Can the UK Health Security Agency comment on the Applicants' approach to assessment of major accidents as set out in ES Chapter 2 Major Accidents and Natural Disasters 2 [APP-104] in the context of the Proposed Development comprising elements of novel technology.
MA.2.5	UK Health Security Agency	Does the UK Health Security Agency consider that the Applicants have identified and assessed the potential risks associated with the carbon capture, transport and storage component?
NOISE AND VIBRATION		
NV.2.1	Applicants	R21 and R22 of the dDCO [REP5-002] establish controls for noise during construction and operation. Please signpost how noise would be controlled during decommissioning or explain its omission.
NV.2.2	RCBC STBC	Noise and vibration from trenchless technologies for water supply and discharge corridors have been scoped out on the basis that there are significant distances to receptors and works of a minor nature compared to PCC [paragraph 11.6.22 of APP-093 and REP2-016]. In addition, there is potential that vibration impacts could cause to occupants of the office spaces in the industrial developments (paragraph 11.5.9). For this reason, issues in relation to vibration will be covered in the final CEMP. Are the Local Authorities content with this approach?
PLANNING POLICY AND LEGISLATION		
PPL.2.1	Applicants RCBC	Sections 3.3, and 4 and 5 of the Planning Statement [REP1-003] refer to the local and national policy context. The Applicants and RPAs are asked to confirm if they are aware of any additional local or national policy or guidance which has been issued since production of the Planning

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
	STBC	Statement in May 2022. If so, provide details of relevance to and implications for the Proposed Development.
POPULATION AND HUMAN HEALTH		
The ExA does not wish to ask any further questions on this topic at this point in the Examination.		
SOCIO-ECONOMICS AND TOURISM INCLUDING MARINE USERS		
SET.2.1	RCBC	Section 19 of the Applicants' response to D2 submissions [REP3-011] provides comment on RCBC's answer to ExQ1 SET.1.6 [REP2-094] in relation to Redcar Town Football Club. Are RCBC satisfied with the response or do you have any further comment to make on this matter?
SET.2.2	Applicants PD Teesport	The Applicants' response to ExQ1 SET.1.5 [REP2-016] refers to an intention to seek to agree that Navigational Risk Assessments undertaken are appropriate with each relevant authority via SoCGs. The response by PD Teesport to ExQ1 SET.1.5 [REP2-093] refers to raising the query with the Harbour Master. i) Can PD Teesport provide an updated response to the question regarding whether the scope of the Navigational Risk Assessment is adequate and appropriate; and ii) Can PD Teesport and the Applicants confirm whether such matters will be included in the next version of the SoCG.
TRAFFIC AND TRANSPORT		
TT.2.1	RCBC	In its D2 response [REP2-094] RCBC said that they would now prefer junction surveys over three days within the period Tuesday to Thursday, with a fortnight duration automatic traffic counter process to establish the baseline traffic flows. The Applicants responded [REP3-011] stating that the methodology was standard and had been agreed between the parties in January 2020. RCBC is asked to provide an update on its position in light of the Applicants' response.
TT.2.2	Applicants	RCBC state that the 'Construction traffic management plan' and 'Construction workers travel plan' are acceptable if accompanied by 'formal monitoring'. Can the Applicants provide details of how such monitoring would be secured in the DCO.

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
TT.2.3	Applicants	<p>Provide an update on discussions with PD Ports regarding transport and delivery of Abnormal Indivisible Loads.</p> <p>What confidence can the ExA have that the option to transport Abnormal Indivisible Loads will be possible via the port?</p>
TT.2.4	RCBC	<p>Additional traffic modelling has been provided at the behest of RCBC [REP3-013 and REP4-026].</p> <p>Do RCBC have any comments to make on the modelling and subsequent conclusions?</p>
TT.2.5	STDC	<p>REP3-013 includes consideration of use of the Lackenby Steelworks Gate as an alternative access for HGV traffic to Tees Dock Road.</p> <p>Given the concerns raised by STDC at D3 [REP3-026] in relation to this matter, please provide an update on the situation and comments on the additional modelling undertaken.</p>
WATER ENVIRONMENT		
WE.2.1	Applicants EA NE	<p>Process water discharges (particularly nitrogen) have the potential to have adverse effects on the site integrity of the Teesmouth and Cleveland Coast Ramsar, SPA and SSSI. NE has raised its concerns regarding the issue of nutrient neutrality in its written representation [REP2-065], SoCG [REP1-010] and in its D4 response [REP4-040]. The EA has raised the potential issue of cumulative impacts of dissolved inorganic nitrogen on WFD and the site integrity of nearby designated sites in its SoCG [REP1-009]. The ExA notes the response to this matter in the Applicants' response to ISH4 [REP5-027].</p> <ul style="list-style-type: none">i) Modelling of discharges to the Tees Estuary and Dabholm Gut, and the conclusions of discussions between the parties have not been provided to the ExA. As this has implications for both the HRA and WFD assessments, this is now considered a matter of some urgency.ii) All – provide an update on the outcome of the Applicants' modelling of the effects on the estuary and subsequent discussions between the parties on this matteriii) EA – confirm whether or not you agree with the conclusion in REP5-027 that the foul effluent discharges to Marske-by-the-Sea will not affect nutrient neutrality.iv) All – update the position with respect to discharges to Dabholm Gut and discussions regarding <i>de minimis</i> levels.

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

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WE.2.2	EA	<p>It is understood that the Applicants presented additional modelling to the EA in April 2022 regarding atmospheric deposition of nutrients to WFD water bodies.</p> <p>The EA is asked to confirm whether or not it is content that the effects on the WFD water bodies from atmospheric deposition of nutrients would be negligible and that no deterioration would be caused. Does the EA also agree with the Applicants' conclusion that this deposition does not need to be considered in combination with direct discharges to water bodies? Please bear AQ.2.2 in mind when answering this question.</p>
WE.2.3	Applicants	<p>In response to the ExA's WE.1.28 regarding the EA's [RR-024] request for a hazardous substance assessment, the Applicants explained that this would be addressed in a Hazardous Substances Management Plan.</p> <p>How is this Plan secured in the DCO?</p>
WE.2.4	EA	<p>The CEMP outlines monitoring requirements in respect of the temporary impact from increased turbidity during construction to Redcar Coatham Bathing Water [paragraph 9.6.13 of ES Chapter 9, APP-091].</p> <p>Is the EA content that the provisions in the CEMP are sufficient to undertake its duties in respect to protection of water quality?</p>
WE.2.5	Applicants	<p>The Above Ground Installation at Bran Sands (Works No 2B) is in Flood Zone (FZ)3. Works No 2B contains <i>inter alia</i> instrumentation, communications equipment and parking, and is potentially vulnerable to flooding. The explanation of how the sequential test was applied to this potentially vulnerable use provided in REP5-027 is noted.</p> <p>Please provide a map that shows the scale of the above ground works and illustrates the alternative areas considered in the context of the flood mapping.</p> <p>Given that FZ3 is narrow in this area, has consideration been given to splitting the works and potentially putting some elements in less vulnerable areas?</p>
WE.2.6	Applicants	<p>A sequential test should be applied to all potentially vulnerable uses at the site level to minimise risk, not just the AGIs. While it is appreciated that the overall scheme is 'essential infrastructure', placement of the more vulnerable uses within this should still follow a sequential approach. As an example, Works No 9D (Saltholme laydown) is in FZ3. The dDCO defines this part of the development as including contractor compounds and welfare facilities, which would be vulnerable to flooding, and further justification should therefore be provided for locating it in a</p>

ExQ2: 9 August 2022**Responses due by Deadline 6: 23 August 2022**

ExQ2	Question to:	Question:
		high risk area. Please provide details of all potentially vulnerable uses in FZ2 or FZ3. This should be accompanied by a sequential test for each identified use.
WE.2.7	Applicants	The development includes substantial earthworks, including a new platform at the PCC site. Please confirm if any landraise will be in FZ2 and FZ3. If this occurs, provide an assessment of the effects of this from displacement of potential floodplain storage and an explanation of why areas of lower risk are not appropriate for such works.