



Planning Inspectorate

Aldbrough Hydrogen Storage – EN030003

Aldbrough Hydrogen Storage Limited

Section 51 advice regarding draft application documents

Issued on 17 January 2025

On 6 December 2024 Aldbrough Hydrogen Storage Limited submitted the draft documents listed in the tables below for review by the Planning Inspectorate as part of its [Pre-application Service](#).

The advice recorded in the tables below relates solely to matters raised from the Planning Inspectorate's review of the draft application documents. The advice is limited by the maturity of the documentation provided by the applicant and the time available for consideration and is raised without prejudice to the acceptance decision, the decision about admission to the Fast Track procedure (where relevant) or the final decision about whether development consent should be granted. The applicant has been given the opportunity to comment on the Inspectorate's draft record of advice before it was published.

General	
Ref No.	Comment or question
1.	Due to accessibility for parties, the applicant may wish to review documents and ensure that the document titles for PDF files are reflected correctly at the top of documents when opened and is available for use by screen readers when the final documents are provided. The applicant may also wish to take care to ensure appropriate alt text is available within documents provided at the submission of an application.
2.	The Inspectorate notes that there are some inconsistencies throughout the draft documents in the volume of hydrogen storage proposed. For example, the Statement of Reasons (section 6.1), Explanatory Memorandum (section 4.4), and Planning Statement (Section 2.14) refer to a capacity of 330 million cubic metres, whereas the draft Development Consent Order (DCO) (throughout) and Environmental Statement Project Description chapter refer to higher volumes of 765 million standard cubic metres including hydrogen and cushion gas, with a working storage volume of 420 million standard cubic metres. The Inspectorate advises the applicant to undertake a consistency check across the documents, and where possible, utilise one unit of measurement (either m3 or sm3) throughout, or provide an explanation of the conversion rate between m3 or sm3 (for example, figures are given in the project description chapter 2.4.9.8).
3.	The Inspectorate notes, the Proposed Development appears to be reliant on at least one other development in order to be operational (one of which is referred to as the hydrogen pipeline and "Project Union"). The Inspectorate advises the applicant to provide an explanation of the anticipated relationship between the Proposed Development and other interrelated developments, for example anticipated locations, applicants, timescales etc.
4.	The applicant should undertake a comprehensive review of Works Plans to ensure that the works are clearly labelled and match the Works set out in the draft Development Consent Order. The applicant should also carry out a comprehensive review of the Land Plans to ensure clearly labelled and are in accordance with the Book of Reference.
5.	The applicant should ensure it is clear how they have had regard to section 51 advice they've been by the Inspectorate and other parties. Doing this clearly to assist the Inspectorate and parties to a potential future examination could be a way to demonstrate that the applicant has met the expectations around this at acceptance. The applicant may wish to consider whether a summary/table form or other format could do this and reflect this within their application submission.

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
1.	General	<p>The Inspectorate has noticed errors and inconsistencies within this document. As per Advice Note 15, before an application is submitted, the dDCO should be thoroughly checked to remove typographical errors, correct grammatical errors and to ensure consistency across the whole document. Whilst many errors and inconsistencies have been identified, the applicant should check for others and correct as appropriate.</p> <p>Some examples of the errors and inconsistencies are provided below, however this is not the comprehensive list:</p> <ul style="list-style-type: none"> Article 2 – Erroneous double commas and spacing in the text for “maintain” on page 4. Article 2 – Instances of article / schedule numbers not being filled in or random [(eg for "access and rights of way plans", “crown land plan”, “deemed marine licence”, “requirements”, “undertaker” (amongst numerous others)). Article 2 – Should the “undertaker” address be ‘Kingdom Street’ rather than ‘Kingdon Street’? Article 37 - ‘tress’ in the heading appears that it should be ‘trees’ Schedule 2, Requirement 13(3) and 16(1) – There appears to be a missingappearing to miss a full stop at the end of a sentence.
2.	Page 1	<p>There is no contents page – one will be needed. It is difficult to get an initial overview of the dDCO structure without a contents page.</p>
3.	Article 2	<p>The Inspectorate has noticed a number of apparent formatting errors or inconsistencies, examples of which are given below.</p> <ul style="list-style-type: none"> Is the (1) under the entry for “the 2016 Regulations” a footnote? – if so, this appears to have been omitted. Should paragraph (b) of “commence” on page 3 have either a semi-colon or full stop at the end?

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
		The applicant may wish to review the document and amend as considered appropriate.
4.	Article 9(1)	Make bold (a) for the footnote after '1990' – check all footnote references are in bold throughout.
5.	Article 10(2), Article 17(10), Article 29(3)(b) and Article 39(3)	Correct all 'Error! Reference source not found' messages.
6.	Article 11(2)	Remove space between 'Act' and footnote reference '(a)'?
7.	Article 12	The Inspectorate has noticed that there appears to be a formatting inconsistency with the heading of Article 12 as it is not aligned as is the case with other headings and in accordance with common formatting of headings in DCO. The Applicant may wish to review this formatting and check other formatting within the dDCO and amend the document as considered appropriate.
8.	Article 12(5)	Is the undertaker the street authority for any streets which might be affected? If not, should this be amended?
9.	Article 12(8)	Should [4] be in brackets? Check throughout for other occurrences of this and where square brackets are used.
10.	Article 13	Check whether the use of terms 'relevant planning authority', 'highway authority' and 'street authority' are correct and consistent.
11.	Article 16(1)	Should provision be made for any consent to be made subject to reasonable conditions and be more precise / specific regarding the purposes of the authorised development (eg construction, operation, maintenance)?

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
12.	Article 16(3), (4), (5) and (7)	Are references to 'paragraph 16' correct or should reference instead be made to 'Article 16' or 'this article'?
13.	Article 17(1)	This refers to the 'carrying out or maintenance' of the authorised development - check consistency of terms in all articles as others refer to eg construction, operation etc...
14.	Article 17(2)	Is (a) meant for a footnote? (a) and (b) are already used in preceding article.
15.	Article 17(7)	Is (b) a footnote? – there are no footnotes at the bottom of the page.
16.	Article 18(4)	Is reference to 'paragraph 15' correct and should the open bracket in 'and (6)' be deleted?
17.	Article 18(5)(c) and (d)	Should these refer to (4)(a) and (4)(b) rather than (4a) and (4b)?
18.	Article 18(6)	Should this refer to sub-paragraph (a), (c) or (d) and should it also be specified that these relate to paragraph (5)?
19.	Article 18(8)(b)	The term 'carrying out or use' is unclear – ensure consistency of terms.
20.	Article 18(12)(a) and (b)	Comma needed between 'operation' and 'maintenance' in (b) – also, these again refer to the 'carrying out' and 'use' of the authorised development – ensure consistent use of terms throughout all articles – eg other articles cite construction, operation and maintenance.

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
21.	Article 19(3)	Should this be every owner <u>and</u> occupier rather than every owner <u>or</u> occupier?
22.	Article 21	Insert time period.
23.	Article 23(10)(a), (b) and (c)	Check punctuation. Also, should (11) follow this or should it be part of (10) – also remove erroneous square bracket (and if part of (10) then subsequent paragraph numbering in this article would need to be updated).
24.	Article 23(12)(b)(i) to (iv)	Check punctuation and whether in (iv) reference to ‘in either case’ is correct given there appear to be three cases ((i) to (iii)) rather than two.
25.	Article 25(6)	Delete space before (b) (and before (a) in para (5)) and include the name of the Order.
26.	Article 25(9)	Include the name of the Order.
27.	Article 27(2), (4), (5) and (6)	Include name of the Order – also, is (6) here correct (other DCOs normally have ‘30. In this Schedule.....’ under the “Part 4 Interpretation’ section)?
28.	Article 29(1)(a)	Is there detail missing from here such as specification of the relevant column / schedule regarding eg land of which only temporary possession may be taken?
29.	Article 29(3)(a)	This refers to paragraph (1)(a)(a) but there is no such paragraph (this relates to the above point also).
30.	Article 29(9)(a)	Schedule 8 (or whichever schedule number is the relevant one in the application dDCO) will list land subject to temporary possession only. The provision under this article to allow for the acquisition of new rights and

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
		imposition of restrictive covenants over this land therefore seems to be an excessive power to be sought and inconsistent with Schedule 8. Normally, there would be no crossover between Schedule 8 and the schedule relating to new rights and restrictive covenants (Schedule 3?). The same could potentially be said for Article 29(9)(b). Further justification for these powers sought would need to be provided if the applicant intends to keep them and they are likely to be subject to detailed Examination if so.
31.	Article 30(5)	Should this rather form part of (4)? If so, subsequent paragraph numbering should reflect this.
32.	Article 30(13)	Add omitted text / numbers.
33.	Article 31	Correct reference to '2738']'.
34.	Articles 34 and 38	These articles refer to Schedule 11 though this schedule does not relate to these articles.
35.	Article 37(4)	As there is only one sub-paragraph, is a sub-paragraph needed?
36.	Article 37(5)	This refers to paragraph 3(a) or (b) – there do not appear to be any such paragraphs in this article.
37.	Article 37	Advice Note 15 states that a schedule and plan should be provided to identify relevant hedgerows or parts of hedgerows and whether they are 'important'. If this is not done, then any provision for hedgerow removal under the article should be subject to consent from the relevant planning authority. The article as written is thus potentially excessive in the powers sought. In addition, if there are any protected trees affected, these should also be identified in a schedule and on a plan and specific provision made in the dDCO for works to such trees.
38.	Article 39(1)	It tends to be normal practice is to include a separate schedule.

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
39.	Article 42(1)	This should be written as '42.-(1)'.
40.	Article 42(2)	Add a space between '(2)' and 'Save'.
41.	Article 42(3)	Make the (3) not bold.
42.	Article 42(2)(c)	Add name of the Order and add the word 'as if' before the words 'section 103(1)'.
43.	Article 43	<p>The Inspectorate wishes to draw the applicant's attention to the Demise of the Crown, in respect of the Crown of the United Kingdom, on 8 September 2022. Article 43 makes an erroneous reference to Her Majesty in right of the Crown rather than His Majesty in right of the Crown. The applicant may wish to correct this reference and check for other references to the Monarch and the Crown in the dDCO and other documents to ensure all future application documents reflect the effect of the Demise of the Crown in 2022.</p> <p>Any application should be accompanied by a Crown Land Plan (and given that the Book of Reference also identifies 'Open Space', a Special Category Land Plan also).</p>
44.	Article 45(9)(d)	The text starting with the words 'subject to paragraph (1)...' should be on a new line with appropriate spacing between it and the preceding sub-paragraphs. However, regarding the article generally, the applicant should demonstrate the likelihood of there being any human remains in order to justify it.
45.	Schedules general	Check throughout that schedule numbers and references to these elsewhere in the dDCO are correct – there are currently many inconsistencies (eg there are two Schedule 3 headings – one for street works and one for new rights and there is no Schedule 5 or 6 and others seem to be omitted also).

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
46.	Schedule 1	There is a Part 1 but no apparent Part 2. Also, ensure all schedule headings are consistent in style and formatting throughout.
47.	Schedule 1, Part 1	Change 'East Rising' to 'East Riding' and double check that reference to 'County' is correct given that East Riding of Yorkshire Council is a Unitary authority; remove the '1.' before the words 'A nationally significant infrastructure project...?'; also, where there are main work numbers and sub-work numbers (eg for Work Nos 4, 6 and 8), consider whether it is appropriate to cite it in this way given that the main work number is not defined as a specific area on the Works Plan and as such this might be confusing and unclear.
48.	Schedule 1, Part 1	Advice Note 15 sets out that 'metres' etc should be spelled out – either do this for all measurements or define, eg in Article 2, the terms m ³ (cited as 'cubic metres' in Schedule 2, Requirement 5), m ² , m, kV and AGL. Also, refer to m ³ throughout if using this convention rather than m3 as is done in places eg Work No. 3 (l). In addition, it would be preferable to use a m ² (or square metres) figure rather than 'hectares' (in Work Nos. 2 and 3) for consistency of area measurements.
49.	Schedule 1, Part 1, Work Nos.	<ul style="list-style-type: none"> • Work No. 4A – should 'Aldborough Road' be 'Aldbrough Road'? • Work Nos. 6A, 6B etc.. – these refer to 'Mean High Water Mark' and 'Mean Low Water Mark' (as do the Works Plan), though these terms are not defined in Article 2. However, Mean High Water Springs (MHWS) and Mean Low Water Springs (MLWS) are defined in Article 2 – ensure correct definitions are used and defined consistently. • Work No. 8 – define 'AGS' (eg in Article 2). • For 'Further associated development', the second (j) should be a (k).
50.	Schedule 2	There should be some reference in this schedule to where approvals or agreements are required for amendments to any approved plans, etc., that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
		the environmental statement. This appears to have been included regarding the Marine Licence conditions under Schedule 9 (eg Condition 39(2)) but does not appear to have been included regarding requirements under Schedule 2.
51.	Schedule 2, all requirements	There are numerous instances of square brackets not filled in (eg for Requirement 1 “decommissioned cavern” and Requirement 2, amongst others) – check all square brackets are replaced with correct cross referencing or figures / numbers / amounts, as necessary.
52.	Schedule 2, Requirement 1	<ul style="list-style-type: none"> • Should be written as ‘1. In this Schedule....’ • “brine discharge pipeline” should refer to ‘6G’ rather than ‘5G’. • “stage” – is reference to ‘paragraph 3’ here correct or should it be ‘requirement 4’?
53.	Schedule 2, Requirement 1 (and others)	Requirement 1 defines the term “local planning authority” though in Article 2 it defines the “relevant planning authority” – are these the same entities? If so, ensure consistency as necessary. There are also various uses of ‘local planning authority’, ‘relevant local planning authority’, ‘relevant planning authority’ and ‘relevant authority’ throughout all requirements. Again, ensure consistency throughout as necessary.
54.	Schedule 2, Requirement 2	Five years is standard.
55.	Schedule 2, Requirements 2 to 10	Appropriate spacing needed after the requirement number eg ‘2. The authorised development...’, ‘10. The authorised development...’ etc..

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
56.	Schedule 2, Requirement 3	Without an explanation in the Explanatory Memorandum, the purpose and necessity of this requirement is unclear.
57.	Schedule 2, Requirement 5	The figure / amount in Requirement 5(a) does not appear to reflect that under Schedule 1, Work No. 1A(a) and a figure / amount in Requirement 5(b) is missing - check for consistency between all Work Nos and requirements where relevant.
58.	Schedule 2, Requirements 6 and 7	It is unclear what 'safety reports' these requirements are referring to, when they are to be submitted, and why they are seemingly to be submitted at a later date if they are to form part of the examination as the requirements suggest – this needs to be fully explained in the Explanatory Memorandum.
59.	Schedule 2, Requirement 6(c)	Should 'z2' be 'Z2' as elsewhere? Also, avoid the use of 'i.e.' as the dDCO should be specific and precise.
60.	Schedule 2, Requirement 6(d)	Should this be 'P/D (Pillar/Diameter)' rather than 'B/D (Pillar/Diameter)'?
61.	Schedule 2, Requirement 7	This (and elsewhere in the dDCO) refers to the 'East Riding of Yorkshire Council', whereas Requirement 1 refers to the 'County Council of East Riding of Yorkshire' (also see point above for Schedule 2, Requirement 1 regarding authority names/ references).

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
62.	Schedule 2, Requirement 8(d)	This states 'Tables 1 to 5 below' but there is just one table shown.
63.	Schedule 2, Requirement 9	Is this a separate requirement or incorrectly identified as such – should this instead be a sub-heading eg Table 1? (if incorrectly identified as Requirement 9 then the numbering of all subsequent requirements will need amending as necessary). In addition, the table here refers to 'AOD' – this should be defined.
64.	Schedule 2, Requirement 10(c)	It is unclear which 'compounds' this relates to.
65.	Schedule 2, Requirement 10(e)	Should this also make provision for construction lighting (as Requirement 11 (CEMP) does not appear to)?
66.	Schedule 2, Requirement 11(a), (b) and (c)	Remove double citing of (a), (b) and (c).
67.	Schedule 2, Requirement 11(a) to (o)	Consistency of capitalisation of 'A' / 'a'.

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
68.	Schedule 2, Requirement 12	In 12(1), if there is to be an outline version as part of the application, then the authorised development should be implemented in accordance with a detailed version (rather than the outline version), which should accord with the outline version (and which should be submitted to and approved by x, y, z); 12(2) – use consistent naming of documents and, if there is to be an outline version, then the words ‘in accordance with the outline written scheme of investigation’ could be inserted here (thus potentially negating the need for 12(1)).
69.	Schedule 2, Requirement 13(2)	Matters which must be included are missing.
70.	Schedule 2, Requirement 14(1)	It might be clearer if instead of the words cited, these instead read as ‘....must only take place between the hours of 0800 and 1800 on weekdays and 0800 to and 1300 on Saturdays, with no construction works taking place on (except public and bank holidays), except in the event of an emergency or unless a scheme for....’
71.	Schedule 2, Requirement 15(1)	Cite hours consistently eg ‘2300 and 0700’ as is done elsewhere in the dDCO.
72.	Schedule 2, Requirement 16(2)	Erroneous dash after the words ‘must include’; and should ‘demolition management plan’ be defined?
73.	Schedule 2, Requirement 16(2)(e)	Should this have a full stop at the end rather than a semi-colon?

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
74.	Schedule 2, Requirement 18(1)	If there is only the one sub-paragraph then (1) is not needed. Alternatively, if other sub-paragraphs are missing, then these should be included.
75.	Schedule 2, Requirement 42	Matters relating to requirements and appeals are dealt within in a separate schedule in the dDCO which appears to negate the need for this article.
76.	Schedule 2, Part 2	See Advice Note 15 regarding wording and need for justification for any deviation from it.
77.	Schedule 3 up to Schedule 7	Schedule numbering is inconsistent / repeated / missing and most of these have not been completed.
78.	Schedule 7, paragraph 2(1) and 4(1)(a)	If the (a) after the words '1973' and 'imposed' respectively relate to footnotes, then footnotes should be included at the bottom of the relevant page – check the whole of the dDCO for accurate footnote referencing.
79.	Schedule 7, paragraph 6(e)	Should this be (e) or just be a paragraph following on from and spaced from the end of (d)?
80.	Schedule 7, paragraphs 11 to 24	Are these paragraphs numbers correct or should they restart from 1?

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
81.	Schedule 8	Not completed.
82.	Schedule 9	Ensure all paragraphs/ sub-paragraphs are consistent with how other dDCO paragraphs are identified ie 1.-(1), 2.-(1), 3.-(1), 4.-(1), 5. This licence.... etc... and make sure headings / paragraphing / text is correctly justified to the left.
83.	Schedule 9, paragraph 1(1)	<ul style="list-style-type: none"> Semi-colon needed after third and fourth definitions. "EIA Regulations" should refer to 2017 rather than 2009. "undertaker" – should be spelled 'Aldbrough' rather than 'Aldborough'. Also, is 'Kingdon Street' correct or should it be 'Kingdom Street'? This refers to 'clause 55' (as does Schedule 9, paragraph 4) though there does not appear to be such a 'clause'. Should this instead refer to (the not completed Schedule 9, paragraph (or Condition?) 41?
84.	Schedule 9, paragraph 2(2)	Is the email address spelled correctly or should 'beverly' be spelled 'beverley'?
85.	Schedule 9	There is a 'PART 2 LICENCED ACTIVITIES' and a 'PART 2 Conditions' – might having two sections identified as 'Part 2' be confusing?
86.	Schedule 9, paragraph 3(1)(a) to (g)	Ensure correct use of punctuation at end of each sentence (currently a range of full stops, semi-colons or nothing).

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
87.	Schedule 9, paragraph 3(3)(a) to (e)	Punctuation needed at end of sentences; and check reference to 'Mean Low Water Mark' and 'Low Water Mark' is correct as these terms are not defined (whereas eg Mean Low Water Springs is).
88.	Schedule 9, paragraph 4(1)	(1) not needed if there is no (2) etc...
89.	Schedule 9, Condition 9(2)	Add a space between (2) and 'The undertaker...'. Also, if these are the start of the conditions, should paragraph / condition numbering restart at '1' here to reflect this and to make for simpler condition referencing?
90.	Schedule 9, Condition 11(1)	Should this refer to 'sub-paragraphs (2) to (5)' rather than 'paragraphs (2) to (5)'? Check all references to 'paragraph' / 'sub-paragraph' throughout the dDCO to ensure consistency.
91.	Schedule 9, Condition 12(1) and (2)	The title is 'Vessel movement management plans' so should this be reflected in (1) and (2) rather than the citing of a 'vessel movement plan'?
92.	Schedule 9, Condition 14(2)	This refers to 'Condition 1' and persons and vessels notified. It is unclear which condition is Condition 1 – if this refers to Schedule 9, paragraph (or Condition?) 9 (ie the first entry under 'Part 2 Conditions'), then perhaps these conditions should be renumbered starting from '1', as mentioned earlier? Also, notification of persons and vessels are dealt with in two separate areas (Schedule 9, paragraphs (or Conditions?) 9 and 10).

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
93.	Schedule 9, Condition 14(6)	Delete erroneous open bracket before 'The Kingfisher...'; and should the last line regarding the MMO be on a separate line?
94.	Schedule 9, Condition 14(8)	Should this also include Kingfisher Information Service of Seafish and Defence Geographic Centre (or any others eg Trinity House)?
95.	Schedule 9, Condition 15(a)	Semi-colon needed between the words 'references' and 'or'.
96.	Schedule 9, Condition 16	Add appropriate spacing ie '16. No licenced...' and delete erroneous space after the word 'below'. Also, this refers to 'submitted to and agreed with the MMO' – should this, for clarity, be consistent with eg paragraph 17, which requires details to be submitted to and approved in writing by the MMO, as the process to be 'agreed' is unclear? Also, add appropriate punctuation after sub-paragraphs (a) and (b).
97.	Schedule 9, Condition 18(1)	Should the words 'agreed with the MMO' in the first sentence rather be 'approved by the MMO' for clarity and consistency? Check elsewhere in the dDCO where agreed / approved is used interchangeably. In addition, the second sentence does not fully make sense and reads as if some words are possibly missing. Also, this paragraph / condition is titled 'Construction and Environmental Monitoring Plan' but in this section (and 18(2)), it refers to a 'construction monitoring plan' or just a 'monitoring plan' – ensure consistency of document names for clarity.
98.	Schedule 9, Condition 18(2)(a)(iii)	It is not clear if what is required in the second sentence is a separate process to that specified in 18(1).

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
99.	Schedule 9, Condition 18(2)(c)(v)	Move 'and' to end of (vii).
100.	Schedule 9, Condition 18(2)(c)(viii)	This mentions scour protection, though nowhere else does scour protection appear to be mentioned in the dDCO. Is it therefore correct to refer to it here?
101.	Schedule 9, Condition 19(1)	Should this refer to 'intertidal area' (which is defined) rather than 'intertidal zone' (which is not defined)?
102.	Schedule 9, Condition 19(2)(a)	Add 'and' after the semi-colon – check all other lists in the dDCO to ensure correct punctuation.
103.	Schedule 9, Condition 20	Should this specify who will provide the specified plan and who it will be provided to?
104.	Schedule 9, Condition 22(1)	This refers to 'paragraph []' – add the relevant paragraph reference.
105.	Schedule 9, Condition 23(1)	Should 'refereed to' be 'referred to'; is the reference to 'paragraph 18(3)' correct as there does not appear to be such a paragraph (or condition); should 'minimize' be 'minimise'; and the '2007 Regulations' do not appear to be defined anywhere (or perhaps reference to 2007 is a typo?).

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
106.	Schedule 9, Condition 23(2)	Delete erroneous word 'in' and in (b) add 'and' after 'technologies' (also do this for 24(a)).
107.	Schedule 9, Condition 24	Remove erroneous '20' and correctly format – ensure all numbering of articles, requirements, paragraphs, conditions etc.. is properly formatted (ie '23.–(1) The undertaker shall....' and '24. In paragraph...' etc..).
108.	Schedule 9, Condition 26	Should a process for agreement be defined; is '(1)' needed if there is no (2)?
109.	Schedule 9, Condition 27	27(1) includes 'fishermen's organisations' - should 27(3) refer to this also?
110.	Schedule 9, Condition 29(4)	Is reference to 'paragraph (30)' here correct?
111.	Schedule 9, Condition 33(1)	Delete space between 'features' and the full stop.
112.	Schedule 9, Condition 36(1)	Define 'EA' or use Environment Agency as elsewhere.

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
113.	Schedule 9, Condition 36(2)(a)	Add 'and' after the semi-colon if not further sub-paragraphs.
114.	Schedule 9, Condition 38	Numbering of sub-paragraph runs (1), (2), (3) then (2) again instead of (4).
115.	Schedule 9, Condition 40(1)	Should this be limited to 'method statements' or are there other types of documents which would require approval (eg certain 'plans' are referred to in some of the conditions).
116.	Schedule 9, Condition 40(3)(b)	Check reference to 'paragraph 11' is correct – it is unclear what this means. Should it instead refer to 'sub-paragraph (2)'?
117.	Schedule 9, Condition 40(5), (6) and (8)	These appear to reference the incorrect sub-paragraph numbers; and in (8), change 'undertakeras' to 'undertaker as'
118.	Schedule 10, Part 1 and Part 2	These are fairly standard dDCO protective provisions, though there are many errors with paragraph numbering and formatting throughout this schedule.
119.	Schedule 10	As per Advice Note 15, the applicant is strongly encouraged to agree any bespoke protective provisions with relevant parties prior to submission of the application. Where agreement has not been reached during the pre-application stage, the applicant should, as a minimum, submit with their application the standard protective provisions for all relevant protected parties with any amendments that the applicant is seeking annotated with

Draft Development Consent Order (DCO)

Ref No.	Article / Schedule / Requirement	Comment or question
		full justification included within the Explanatory Memorandum. Submitting blank protective provisions schedules is not acceptable and is likely to pose a serious risk to the acceptance of any application. Note that Statutory Instrument drafting requires the numbering of the paragraphs of the protective provision schedule to follow sequentially throughout all parts the schedule and not re-start at '1' with each part.
120.	Schedule 11	This is fairly standard in most dDCOs, though there are many errors with paragraph numbering and formatting throughout this schedule.
121.	Explanatory note	This should refer to 'compulsory acquisition' rather than 'compulsory purchase'; there is an incorrect article cited; and the location of where documents can be viewed needs completing.
122.	General	It is noted that the authorised development would be reliant on the approval of other applications eg a future hydrogen pipeline (as noted in 2.2.1.42 of the Proposed Development Description) – in light of this, should there be a requirement to restrict the commencement of the authorised development until other such applications are consented?
123.	General	The Inspectorate are not sure that there is a full description of the development and associated development provided. The applicant may wish to review the draft DCO and provide this description as deemed appropriate.

Draft DCO Explanatory Memorandum

Ref No.		Comment or question
1.	General	There are a number of formatting issues eg bold and italics in paragraph numbering, some sub-headings are in the wrong place eg Article 38 and there is a repeated sentence in paragraph 9.103.

Draft DCO Explanatory Memorandum

Ref No.		Comment or question
2.	Schedules	The sections on Schedules will require completing prior to the submission of any application.
3.	Schedule 1	It would be helpful to explain what comprises the NSIP development, the 'associated development' and 'the further associated development' as set out in the dDCO and why the different elements are defined as such and what the terms mean for the purposes of the Planning Act 2008 and the application.

Draft sample Works Plans and Land Plans

Ref No.	Plan Name and Ref	Comment or question
1.	Land Plan Plots 01-001 to 01-005	These plots are described in the BoR as being 'east of Aldbrough Road' but Aldbrough Road is not shown on page 1 of the Land Plans
2.	Onshore Work Plans	There is no scale on the plan and says 'DO NOT SCALE' in the top right

Draft Consultation Report, including section 42 consultee list

Ref No.	Paragraph / Section	Comment or question
1.	Appendix A, Table A4	It is noted that a number of consultees in this list are likely to be statutory consultees as detailed within the regulation 11 contact list issued to the applicant during Scoping. The Inspectorate advises the applicant to explain why some of these are now regarded to be non-statutory consultees.
2.	Throughout	The Inspectorate draws the attention of the applicant to the email sent on 22 May 2024 and published as section 51 advice reflecting the changes to statutory consultees required by amendments to The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, which postdates the issuing of the regulation 11 list. The Inspectorate advises that the consultation report should explain how it has incorporated the amended requirements of this legislation.
3.	Section 8 and Appendix I1	The Inspectorate draws the applicant's attention to the apparent absence of reference or evidencing of consideration in the draft Consultation Report, except in the section 55 checklist included as Appendix I1 of the Consultation Report, to statutory guidance 'Planning Act 2008: Application form guidance' as referenced in Box 33 of the section 55 checklist.
4.	Appendix I1 – Box 8	It is noted that the applicant has referred to the identification of the South Yorkshire Combined Authority as being a boundary 'A' Authority but then states that it is not thought to fall within the definition of such an Authority under section 43 of the Planning Act 2008, at the time of submission. The main Consultation Report lists the South Yorkshire Combined Authority as a Non-Statutory Consultee.
5.	Appendix A – List A1	The Inspectorate notes the list of prescribed consultees under section 42(1)(A) provided as list A1 in Appendix A. The Inspectorate is unclear where the Inspectorate is listed as a prescribed consultee under section 42(1)(A) and is unsure whether the listed Parish Authorities is a comprehensive list. The Inspectorate is notified under section 46 on behalf of the Secretary of State, rather than section 42. A number of listed Parish Councils may fall outside of the relevant Parish Council designation in the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations) and some that may fall within that definition for this case may not be listed or engagement evidenced by the applicant. For example, the neighbouring Roos Parish Council does not appear to be listed but Sproatley Parish Council which appears to be a neighbouring Parish Council to a neighbouring Parish Council is listed. The applicant may wish to review this list and ensure

Draft Consultation Report, including section 42 consultee list

Ref No.	Paragraph / Section	Comment or question
		that it is clearly demonstrated that the required consultees for a Statutory Consultation undertaken following April 2024 have been captured and given an opportunity to comment on the proposed scheme prior to submission, if they have not to date.
6.	General	The attention of the applicant is drawn to Nationally Significant Infrastructure Projects: Advice for submitting representations or comments with respect to the advice given in relation to the inclusion of hyperlinks.
7.	Appendix B	The applicant may wish to review how it is demonstrating its evidence of its compliance when sending communication to section 42 consultees to ensure that a robust approach is being taken to data protection and that their approach is not counterproductive to the approach to data protection they took at the time of the consultation.
8.	Appendix F	The applicant may wish to review Appendix F and provide additional labelling or contextual information to the information contained within this appendix. Some of the images are unclear exactly what is being demonstrated, for example, in Appendix F7 images are provided showing the poster advertising the consultation in noticeboards, but it is not clear where these noticeboards are located. In Appendix F8 which is stated to contain photos of consultation materials in deposit locations, includes photos of what appears to be at least one residential property, a doorstep, the interior of a porch as well as other venues with consultation material present but no clear way to identify which deposit location these are intended to be demonstrating the material having been deposited at and how this relates to the locations mentioned in section 5.8.7 and 5.8.8 of the main Consultation Report.

Draft Environmental Statement Project Description Chapter

Ref No.	Paragraph / Section	Comment or question
1.	Paragraph 2.2.1.1	Where the phrase “cushion gas” is used, the project description chapter does not state what gas this is e.g. hydrogen, nitrogen etc. The Inspectorate advises the applicant to provide this information if known.
2.	Paragraph 2.2.1.7	The project description chapter refers to the salt pillars being a minimum three times the diameter of the caverns. With reference to 2.4.9.11, which states a cavern diameter of 100m, this would mean that each cavern would require c. 400m width, resulting in c. 3,600m for the nine caverns, which appears to be wider than the given area shown on the accompanying works plans. The Inspectorate advises the applicant to explain the proposed layout of the caverns and how it is to be ensured that these stay within the lateral order limits and specified works plans areas.
3.	Section 2.6	The Inspectorate advises the applicant to confirm whether the proposed marine infrastructure is proposed to be decommissioned, and how any assessments of the effects of this have been undertaken, or list any anticipated monitoring and management measures if the equipment is to be left in situ.
4.	Throughout	There are numerous references to assessments being undertaken within the PEIR, or to where the ES is proposed to provide information. The Inspectorate advises the applicant to undertake a check of the draft documents to ensure all references / cross references to other chapters or assessments are based on the latest versions.

Draft Habitats Regulations Assessment (HRA) Report

Ref No.	Paragraph / Section	Comment or question
1.	Section 1.3	The description section does not appear to refer to the onshore works. The Inspectorate advises the applicant to provide further detail on the assessment of the onshore works and potential effects on European sites.

Draft Habitats Regulations Assessment (HRA) Report

Ref No.	Paragraph / Section	Comment or question
2.	Section 1.5 / Footnote 18	The Inspectorate notes that the HRA does not propose to undertake an assessment of decommissioning. The dDCO includes consent for decommissioning works and these are described in the ES Project Description. The HRA Report must provide information to enable the SoS as Competent Authority to either exclude likely significant effects, or an assessment of adverse effects on European site integrity, resulting from the decommissioning phase.
3.	Table 2-1 and Table 4-1	The Inspectorate advises the applicant to provide a final summary table of all relevant sites, qualifying features and pathways / pressures and why these have been screened in or out of further assessment, in order to aid the ease of reading of the HRA report. The applicant is referred to the published advice page Nationally Significant Infrastructure Projects: Advice on Habitats Regulations Assessments .
4.	Section 2.7.2	Where the HRA relies on primary surveys or other data, if these are provided to the examination (for example as appendices to the ES), the Inspectorate advises the applicant to provide a cross reference / signpost to where the results are provided.
5.	Sections 3.2 and 3.3	The screening assessment is presented in three stages, with section 3.2 providing a preliminary screening out of certain sites and features, section 3.3 providing further detail for screening out of various pathways and receptors, and finally section 4 proving the determination of likely significant effects (LSE). The Inspectorate advises that the information is consolidated into one section covering the broadest scope, and summarised at the end with a table.
6.	Table 3-2	The table includes the Humber Estuary Ramsar site. The Inspectorate advises that this should be included and screened for LSE.
7.	Table 4-1	It is not clear from the final column of this table whether it considers the Proposed Development alone, in combination, or both, as variable wording is used, and there is currently no detailed in-combination assessment in the draft version provided. The Inspectorate advises that the HRA should ensure to clearly define where the assessment is being undertaken for the Proposed Development alone, or in combination.

Draft Planning Statement

Ref No.	Paragraph / Section	Comment or question
1.	General	The applicant is reminded of the guidance provided on the Nationally Significant Infrastructure Projects: Advice for submitting representations or comments Advice Page published by the Inspectorate on 8 August 2024, regarding the inclusion of hyperlinks to webpages. The applicant may wish to review its approach and ensure that any provided hyperlinks are only to documents on our website, other government websites that have a gov.uk address or other limited professional websites such as the Royal Town Planning Institute (RTPI) in accordance with that guidance.
2.	Figure 4.1 Site Location Plan	The applicant has included a plan at an A3 paper size named as Figure 4.1 Site Location Plan within the Planning Statement. This plan does not state its scale at A3, as it refers to seeing the scale bar for the scale. Therefore, it is difficult to know how the scale of the plan relates to the requirements of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, if this plan is submitted separately as an application document in future. The applicant may wish to reflect on this and amend the plan as necessary.
3.	6.13	<p>The Planning Statement states that “<i>Other consents that may be required for the Proposed Development, and which can be exempted through the DCO process, include for example, the following:</i></p> <ul style="list-style-type: none"> • <i>Pipeline Works Authorisation for the construction of pipelines for seawater abstraction and discharge of brine – Regulatory Authority: North Sea Transition Authority;</i> • <i>Ordinary Watercourse Consent – Regulatory Authority: ERYC as the Lead Local Flood Authority (LLFA).”</i> <p>It is assumed from paragraph 6.12 that the intent is for these consents to be exempted by the Development Consent Order in order to authorise the Proposed Development in its entirety, but as currently framed this could be unclear to parties to a possible future examination.</p>

Draft Planning Statement		
Ref No.	Paragraph / Section	Comment or question
4.	Appendix 4 NPS Accordance Tables	The applicant may wish to ensure that a policy compliance table, covering more policies than solely the National Policy Statements is provided to assist parties to a possible future examination.

Draft Book of Reference (BoR)		
Ref No.	Page / Plot Ref	Comment or question
1.	Part 1, Page 3 to 11	The plots on these pages do not have anything under 'Description of land'.
2.	Part 1 Page 1-11	Some plots on these pages are described as Rights A or D under 'Extent of acquisition or use' however these terms are not explained.
3.	Plot 01-016	This plot is described as 'Freehold Acquisition' but is coloured on the plan as 'Acquisition of Rights & Subsurface Freehold Acquisition' as opposed to just 'Freehold Acquisition'.
4.	General	There are no persons named in the BoR so the Inspectorate is unable to check all persons in Part 3 are included in Part 1.

Draft Statement of Reasons (SoR)

Ref No.	Paragraph / Section	Comment or question
1.	General	Due to plot numbers being provided in isolation without clear labelling that this is what the numbers represent, the clarity of this document may be limited for parties to a potential future examination and result in requests for further clarity on which plots are subject to which powers in terms of land or rights ownership or possession. The applicant may wish to review this approach and make it explicit where plot numbers are given for each type of rights.
2.	General	The Inspectorate has noticed the drafting notes on the draft Statement of Reasons document relating to updating prior to submission and the ensuring of consistency. The applicant is reminded of the importance of ensuring this is done and that accuracy and consistency between application documents at the time of submission. The applicant may, therefore, wish to undertake a thorough check between application documents to ensure cross referencing is accurate and consistent.
3.	General - Formatting	This document appears to have smaller text and be using a less easily read typeface when viewed electronically than other documentation and this may make it harder to read for parties to a potential future examination. The applicant may wish to review this formatting choice and consider whether amendments are justified to ensure these documents are as clear and as easy to read for all parties in light of expectations around accessibility of documents.