



# Net Zero Teesside Project

Planning Inspectorate Reference: EN010103

**Land at and in the vicinity of the former Redcar Steel Works site, Redcar and in Stockton-on-Tees, Teesside**

**The Net Zero Teesside Order**

Document Reference: 8.7 – Statement of Common Ground with Historic England

**The Planning Act 2008 – Section 37(3)(c)**

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 – Regulation 5(2)(q)



**Applicants: Net Zero Teesside Power Limited (NZN Power Ltd) & Net Zero North Sea Storage Limited (NZNS Storage Ltd)**

**Date: September 2022**

## DOCUMENT HISTORY

<b>Document Ref</b>	8.6		
<b>Revision</b>	2.0		
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<b>Signed</b>		<b>Date</b>	05.09.22
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## GLOSSARY

<b>Abbreviation</b>	<b>Description</b>
AD Guidance	Guidance on associated development applications for major infrastructure projects <sup>1</sup> (April 2013)
AGI	Above Ground Installation
Applicants	Together NZT Power and NZNS Storage
Application (or DCO Application)	The application for a DCO made to the SoS under Section 37 of PA 2008 in respect of the Proposed Development, required pursuant to Section 31 of the PA 2008 because the Proposed Development is a NSIP under Section 14(1)(a) and Section 15 of PA 2008 by virtue of being an onshore generating station in England or Wales of electrical capacity of more than 50 megawatts, and which does not generate electricity from wind, and by the Section 35 Direction
Associated Development	Defined under S.115(2) of PA 2008 as development which is associated with the principal development and that has a direct relationship with it. Associated development should either support the construction or operation of the principal development or help address its impacts. It should not be an aim in itself but should be subordinate to the principal development
BEIS	Department for Business, Energy, and Industrial Strategy
CCP	Carbon capture plant
CCGT	Combined cycle gas turbine
CCUS	Carbon capture usage and storage

Abbreviation	Description
CEMP	Construction and Environmental Management Plan
DCO	A Development Consent Order made by the relevant Secretary of State pursuant to the PA 2008 to authorise a NSIP. A DCO can incorporate or remove the need for a range of consents which would otherwise be required for a development. A DCO can also include powers of compulsory acquisition
EIA	Environmental Impact Assessment - the assessment of the likely significant environmental effects of a development, undertaken in accordance with the EIA Regulations
EIA Regulations	Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) setting out how the environmental assessment of NSIPs must be carried out and the procedures that must be followed
Electricity Generating Station (or CCGT / Low Carbon Electricity Generating Station)	A new electricity generating station fuelled by natural gas and with a gross output capacity of up to 860 megawatts
EPC Contractor	Engineering, Procurement and Construction contractor who will undertake the detailed engineering design, procurement and deliver the construction of the Proposed Development
ES	Environmental Statement, documenting the findings of the EIA
ExA	Examining Authority
Land Plans	The plans showing the land that is required for the Proposed Development, and the land over which interests or rights in land are sought as part of the Order
Limits of Deviation	The limits shown on the Works Plans within which the Proposed Development may be built
NSIP	Nationally Significant Infrastructure Project that must be authorised by the making of a DCO under PA 2008
NZT Power	Net Zero Teesside Power Limited
NZNS Storage	Net Zero North Sea Storage Limited
NZT	Net Zero Teesside - the name of the Proposed Development.
Open Space Land	The parts of the Order Land which are considered to be open space for the purposes of section 132

Abbreviation	Description
	of the PA 2008 and as shown hatched blue on the Land Plans
Order	The Net Zero Teesside Order, being the DCO that would be made by the Secretary of State authorising the Proposed Development, a draft of which has been submitted as part of the Application
Order Land	The land which is required for, or is required to facilitate, or is incidental to, or is affected by, the Proposed Development and over which powers of compulsory acquisition are sought in the Order
Order Limits	The limits of the land to which the Application relates and shown on the Land Plans and Works Plans within which the Proposed Development must be carried out and which is required for its construction and operation
PA 2008	The Planning Act 2008 which is the legislation in relation to applications for NSIPs, including preapplication consultation and publicity, the examination of applications and decision making by the Secretary of State
PCC Site	Power, Capture and Compression Site - the part of the Site that will accommodate the Electricity Generating Station, along with the CCP and high-pressure compressor station
Proposed Development (or Project)	The development to which the Application relates and which requires a DCO, and as set out in Schedule 1 to the Order
Requirements	The 'requirements' at Schedule 2 to the Order that, amongst other matters, are intended to control the final details of the Proposed Development as to be constructed and to control its operation, amongst other matters to ensure that it accords with the EIA and does not result in unacceptable impacts
Site (or Proposed Development Site)	The land corresponding to the Order Limits which is required for the construction and operation of the Proposed Development
SoCG	Statement of Common Ground
Section 35 Direction	The direction under section 35 of the PA 2008 dated 17 January 2020 from the SoS that the Specified Elements together with any

Abbreviation	Description
	matters/development associated with them should be treated as development for which development consent under the PA 2008 is required
SoS	The Secretary of State - the decision maker for DCO applications and head of Government department. In this case the SoS for the Department for Business, Energy, and Industrial Strategy
Specified Elements	Those elements of the Proposed Development that, by virtue of the Section 35 Direction, are to be treated as development for which development consent under the PA 2008 is required being: the CO2 gathering network, including the CO2 pipeline connections from the proposed CCGT Electricity Generating Station and industrial facilities on Teesside to transport the captured CO2 (including the connections under the tidal River Tees), a high-pressure carbon dioxide compressor station to receive captured CO2 from the CO2 gathering network, and a section of the CO2 transport pipeline for the onward transport of the captured CO2 to a suitable offshore geological storage site
STDC	South Tees Development Corporation
Work No.	Work number, a component of the Proposed Development, described at Schedule 1 to the Order
Works Plans	Plans showing the numbered works referred to at Schedule 1 to the Order and which together make up the Proposed Development



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## 1.0 INTRODUCTION

### Overview

- 1.1.1 This Statement of Common Ground (Document Ref. 8.22) has been prepared by Net Zero Teesside Power Limited and Net Zero North Sea Storage Limited (the 'Applicants') in conjunction with Historic England in respect of the Net Zero Teesside Project (the 'Proposed Development').
- 1.1.2 The SoCG relates to the application (the 'Application') that has been submitted to the Secretary of State ('SoS') for Business, Energy and Industrial Strategy, under Section 37 of 'The Planning Act 2008' (the 'PA 2008'), seeking development consent for the Proposed Development. The Application was accepted for Examination by the SoS on 16<sup>th</sup> August 2021.
- 1.1.3 The SoCG sets out the matters of agreement between the Applicants and Historic England.
- 1.1.4 The agreements to date have been reached through consultation and continuing discussions between the parties, including interface meetings and regular face to face discussions.

### Description of Proposed Development

- 1.1.5 The Proposed Development will work by capturing CO<sub>2</sub> from a new the gas-fired power station in addition to a cluster of local industries on Teesside and transporting it via a CO<sub>2</sub> transport pipeline to the Endurance saline aquifer under the North Sea. The Proposed Development will initially capture and transport up to 4Mt of CO<sub>2</sub> per annum, although the CO<sub>2</sub> transport pipeline has the capacity to accommodate up to 10Mt of CO<sub>2</sub> per annum thereby allowing for future expansion.
- 1.1.6 The Proposed Development comprises the following elements:
- **Work Number ('Work No.') 1** – a Combined Cycle Gas Turbine electricity generating station with an electrical output of up to 860 megawatts and post-combustion carbon capture plant (the '**Low Carbon Electricity Generating Station**');
  - **Work No. 2** – natural gas supply connections and Above Ground Installations ('AGIs') (the '**Gas Connection**');
  - **Work No. 3** – an electricity grid connection (the '**Electrical Connection**');
  - **Work No. 4** – water supply connections (the '**Water Supply Connection Corridor**');
  - **Work No. 5** – waste water disposal connections (the '**Water Discharge Connection Corridor**');
  - **Work No. 6** – a CO<sub>2</sub> gathering network (including connections under the tidal River Tees) to collect and transport the captured CO<sub>2</sub> from industrial emitters (the

industrial emitters using the gathering network will be responsible for consenting their own carbon capture plant and connections to the gathering network) (the '**CO<sub>2</sub> Gathering Network Corridor**');

- **Work No. 7** – a high-pressure CO<sub>2</sub> compressor station to receive and compress the captured CO<sub>2</sub> from the Low Carbon Electricity Generating Station and the CO<sub>2</sub> Gathering Network before it is transported offshore (the '**HP Compressor Station**');
- **Work No. 8** – a dense phase CO<sub>2</sub> export pipeline for the onward transport of the captured and compressed CO<sub>2</sub> to the Endurance saline aquifer under the North Sea (the '**CO<sub>2</sub> Export Pipeline**');
- **Work No. 9** – temporary construction and laydown areas, including contractor compounds, construction staff welfare and vehicle parking for use during the construction phase of the Proposed Development (the '**Laydown Areas**'); and
- **Work No. 10** – access and highway improvement works (the '**Access and Highway Works**').

1.1.7 The electricity generating station, its post-combustion carbon capture plant and the CO<sub>2</sub> compressor station will be located on part of the South Tees Development Corporation ('STDC') Teesworks area (on part of the former Redcar Steel Works Site). The CO<sub>2</sub> export pipeline will also start in this location before heading offshore. The generating station connections and the CO<sub>2</sub> gathering network will require corridors of land within both Redcar and Stockton-on-Tees, including crossings beneath the River Tees.

#### The Role of Historic England

- 1.1.8 Historic England is a non-departmental public body. Its statutory purpose is to protect the historic environment of England by preserving and listing historic buildings, scheduling ancient monuments, registering historic Parks and Gardens and by advising central and local government. They are also responsible for the preservation and enhancement of the archaeological resource within England's Territorial Water (up to 12 nautical miles) and is a consultee for the resource in the UK Exclusive Economic Zone (EEZ).
- 1.1.9 Historic England's role in relation to the DCO process derives from the PA 2008 and secondary legislation made under the Act. The roles and responsibilities of Historic England under PA 2008 are outlined as follows:
- 1.1.10 Historic England is a consultee under section 42 of the PA 2008, meaning applicants must consult with Historic England before submitting a Nationally Significant Infrastructure Project (NSIP) application;
- 1.1.11 In more general terms aside from its responsibilities under PA 2008, Historic England is responsible for:
- caring for nationally important archive collections of photographs, drawings and other records;



- giving grants to national and local organisations for the conservation of historic buildings, monuments and landscapes;
- advising central UK government on which English heritage assets are nationally important and should be protected by designation;
- administering and maintaining the register of England's listed buildings, scheduled monuments, registered battlefields, World Heritage Sites and protected parks and gardens;
- advising local authorities on managing changes to the most important parts of heritage;
- providing expertise through advice, training and guidance to improve the standards and skills of people working in heritage, practical conservation and access to resources;
- consulting and collaborating with other heritage bodies, local and national planning organisations; and
- commissioning and conducting archaeological research, including the publication of Heritage Counts and Heritage at Risk on behalf of the heritage sector.

#### **The Purpose and Structure of this Document**

- 1.1.12 The purpose of this document is to summarise the agreements reached between the parties on matters relevant to the Examination of the Application and to assist the Examining Authority ('ExA').
- 1.1.13 The SoCG has been prepared with regard to the guidance in 'Planning Act 2008: examination of application for development consent' (Department for Communities and Local Government, March 2015).
- 1.1.14 The SoCG is structured as follows:
- Section 2 – sets out consultation and related discussions held between the Applicants and Historic England.
  - Section 3 – sets out the matters discussed and agreed to date.

## 2.0 SUMMARY OF CONSULTATION AND DISCUSSIONS

### Overview

2.1.1 This section provides a summary of how the Applicants have consulted Historic England on the Proposed Development and also sets out the discussions that have taken place between the parties.

### Consultation

2.1.2 **Table 2.1** (below) provides a summary of how the Applicants have consulted Historic England and how Historic England have responded to that consultation.

**Table 2.1: Summary of Consultation**

Consultation Stage/Date	Historic England Response
September 2019 (Stage 2 consultation – Preliminary Environmental Information (PEI) Report)	Historic England were consulted on the Scoping Report prepared by the applicant in February 2019 and provided feedback on the extents of the study area and the retention of the Redcar Steel Works blast furnace.
January 2021 (Further consultation)	Historic England provided a comment to say they had nothing to add further to the comments made in September 2019.
May 2022 (email SOCG consultation)	Consultation between Historic England and the Applicant regarding the SOCG requested between the two parties as part of the Rule 8 letter [PD-011]. Emails were exchanged in advance of the submission of the first round of written questions.
June 2022 (Letter from Historic England)	The Applicant received a letter from Historic England as part of the requirements of the Rule 6 letter, published by PINS (via email) requesting that the SOCG should be focused on the following headings – <ul style="list-style-type: none"> <li>- Development Consent Order</li> <li>- Existing onshore historic environment including identification and assessment of significance of designated and non-designated heritage assets</li> <li>- Marine heritage</li> <li>- Approach to mitigation.</li> </ul> Historic Englands response to the ExA 1 <sup>st</sup> written question responses have also been included to inform the SOCG.
July 2022 (emails to and from Historic England)	Email correspondence between Historic England and the Applicant to address issues raised in the SOCG.
August 2022 (emails to and from Historic England)	Email correspondence between Historic England and the Applicant to finalise the SOCG.

### 3.0 MATTERS AGREED

3.1.1 The below Table 3.1 contains a list of “matters agreed” along with a concise commentary of what the item refers to and how it can be agreed between the two parties. The correspondence around each point has been tabulated in Appendix A.

**Table 3.1: List of Matters Agreed between the Applicant and Historic England**

<b>Matter Agreed</b>	<b>Historic England Response/ Applicant’s Response</b>
<b>Draft Development Consent Order Requirements 14, 15</b>	<p>The Applicants have updated Requirement 14 of the Draft DCO at Deadline 2 [REP2-002] to specifically require that the scheme to be submitted must include “a process for how unexpected finds will be dealt with”, which is considered to adequately secure the matters referred to in Historic England’s response. The appropriate form of that process can be considered by the relevant planning authority at the time and can if appropriate include detailed measures such as those set out in Historic England’s response.</p> <p>The Applicants will update Condition 15 of the Deemed Marine Licences in Schedules 10 and 11 of the DCO to specify that the WSI must be submitted to and approved by the MMO following consultation with Historic England.</p> <p>The Applicant agrees to update Conditions 15 of Schedules 10 and 11 of the draft DCO [REP2-003] to reflect the level of detail necessary to complete the assessment recommended in paragraph 19.7.1 of Chapter 19 [APP-101] of the Environmental Statement.</p> <p>Further correspondence around these points has been tabulated in Appendix A.</p>
<b>The existing onshore historic environment, including identification and assessment of significance of designated and non-designated heritage assets.</b>	<p>The parties agree the assessment of impacts on known designated heritage assets (listed Gr I or II* or Scheduled Monuments) is appropriate and sufficient and their settings are both adequately identified and impacts on their settings and significance are appropriately assessed.</p> <p>The parties agree the Redcar Blast Furnace is no longer within the Order Limits of the Proposed Development as indicated on REP3-005.</p>
<b>Marine Heritage</b>	<p>The parties agree the approach to the identification and assessment of known marine non-designated heritage assets are appropriate and proportionate.</p> <p>The parties agree the measures proposed for mitigation and enhancement of marine heritage are appropriate.</p>
<b>Approach to Mitigation</b>	<p>The Applicant has updated the CEMP [REP5-014] to require the Construction EMP to include procedures for the reporting,</p>

	<p>protection and management of unexpected terrestrial archaeological discoveries.</p> <p>The Framework CEMP [REP5-014] has been updated to include the following wording:</p> <p>A programme of geoarchaeological assessment and analysis would be carried out in order to mitigate impacts to deposits with palaeoenvironmental potential. The scope of geoarchaeological assessment would be set out in a Written Scheme of Investigation (WSI) which would be approved in writing by the local authority. The commitment to a scope of archaeological investigation is set out in the EMP.”</p> <p>The Applicant has updated the Framework CEMP [REP5-014] in line with section 19.7.2 of the ES to include the requirement for the WSI to include a protocol for the reporting and management of unexpected marine heritage finds.</p>
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NZT Power Ltd & NZNS Storage Ltd  
Statement of Common Ground with Historic England  
Document Reference: 8.7



On behalf of: Historic England

Date: 6 September 2022



Signed

On behalf of: NZT Power Ltd. and NZNS Storage Ltd.

Date: September 8, 2022

## APPENDIX A

Historic England Comment	Applicant Response
<p>Historic England Comment on Requirement 14:  Land-based heritage is dealt with in R14 and it is important that the provisions appropriately deal with archaeological issues. Historic England consider this to be primarily a matter for the LPA heritage and conservation advisors, as those best placed to advise on their local heritage.  However, we do note that there should be a provision for submission of a WSI and a requirement to carry out the scheme in accordance with the approved WSI. Historic England suggest that the wording of 14(2) may need to be amended to reflect this as the current wording refers to a part of the ES which is not an approved document.</p> <p>The LPA and ExA may wish to consider if the following may be appropriate to be included in R14 to ensure the safeguarding any known and unknown archaeological features:</p> <ul style="list-style-type: none"> <li>i) Any archaeological remains not previously identified which are revealed when carrying out the authorised development must be retained in situ and reported to the relevant planning authority, as soon as reasonably practicable from the date they are identified.</li> <li>ii) No construction operations are to take place within 10 metres of the remains referred to in sub-paragraph (i) for a period of 14 days from the date of any notice served under sub-paragraph (i) unless otherwise agreed in writing by the relevant planning authority in consultation with any other body as required.</li> </ul> <p>If the relevant planning authority determines in writing that the archaeological remains referred to in sub-paragraph (i) require further</p>	<p><b>Comment responded to in REP3-011 –</b></p> <p>Historic England’s response is noted including deferring to local planning authorities in relation to non-designated heritage assets. The Applicants do not agree that Requirement 14(2) of the Draft DCO [REP2-002] needs to be updated – it appropriately refers to Chapter 18 of the Environmental Statement, which is part of the certified documents (as per Schedule 14 to the Draft DCO). The Applicants have also updated Requirement 14 of the Draft DCO at Deadline 2 to specifically require that the scheme to be submitted must include “a process for how unexpected finds will be dealt with”, which is considered to adequately secure the matters referred to in Historic England’s response. The appropriate form of that process can be considered by the relevant planning authority at the time, and can if appropriate include detailed measures such as those set out in Historic England’s response. The Applicants will update Condition 15 of the Deemed Marine Licences in Schedules 10 and 11 of the Draft DCO to specify that the Written Scheme of Investigation must be submitted to and approved by the Marine Management Organisation (‘MMO’) following consultation with Historic England.</p>

Historic England Comment	Applicant Response
<p>investigation or mitigation, no construction operations are to take place within 10 metres of the remains until provision has been made for such mitigation or the further investigation and recording of the remains in accordance with details to be submitted in writing to, and approved in writing by, the relevant planning authority in consultation with any other body as required.</p>	
<p>Historic England comments on Requirement 15  With regards to the Marine Heritage (DML Req15 ) we note that the geo-archaeological assessment should be included within the protocol to be agreed in consultation with the MMO. We would anticipate that the MMO would consult with Historic England about this matter at that time.</p> <p>We have also provided suggested wording that yourselves, the LPA and ExA may wish to consider using to address the issue of unexpected discoveries primarily for terrestrial heritage, but which could also be phrased to be inserted into the DML R15.</p>	<p>Requirement 15 in the Draft DCO [REP4-002] has been updated to include geo-archaeological assessment.</p>
<p>Historic England consider that the applicants have accurately assessed and identified the known marine non-designated heritage assets and the potential for unknown assets. The changeable nature of the marine environment is such that previously unknown wrecks can come to light, so the mechanism provided by the reporting and recording "Archaeological Protocol" (Deemed Marine Licence (DML) requirement 15 (see [APP-005]: Schedule 11 Deemed Marine Licence (DML), Requirement 15) to be agreed in consultation with the MMO should deliver the measures for recording unexpected assets.</p>	<p><b>Comment responded to in REP3-011 –</b>  The Applicants have no further comments</p>

