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## PLATES

There are no plates in this chapter.

## VOLUME II: FIGURES (ES VOLUME II, EN070009/APP/6.3)

No figures associated with this chapter.

## VOLUME III: APPENDICES (ES VOLUME III, EN070009/APP/6.4)

Appendix 7A: Marine Policy Assessment

Rev: 0

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## 7.0 PLANNING POLICY CONTEXT

### 7.1 Introduction

7.1.1 This chapter of the Environmental Statement (ES) provides an overview of the planning and energy policies of relevance to the Proposed Development.

7.1.2 The Development Consent Order (DCO) Application for the Proposed Development includes a Planning Statement that details the planning policies and guidance of relevance to the Proposed Development and includes an assessment of how the Proposed Development complies with those policies and guidance.

7.1.3 Development consent is required for the Proposed Development as it is the subject of a Direction dated 22 December 2022 made by the Secretary of State (SoS) under Sections 35(1) and 35ZA of the Planning Act (PA) 2008 (HM Government, 2008).

7.1.4 The following policies and guidance are considered to be of relevance to the Proposed Development:

- the National Policy Statements for Energy (Department for Energy Security and Net Zero (DESNZ), 2023a) (DESNZ, 2023b) (DESNZ, 2023c);
- relevant Marine Policy Statements and Plans (HM Government, 2009) (HM Government, 2011);
- relevant Government Energy and Climate Change Policy;
- the National Planning Policy Framework (Department for Levelling Up, Housing and Communities (DLUHC), 2023); and
- Local Planning Policy (Hartlepool Borough Council (HBC), 2018) (Stockton-on-Tees Borough Council (STBC), 2019) (Redcar and Cleveland Borough Council (RCBC), 2018a).

7.1.5 The above policies and guidance are considered below. In addition, each technical chapter of the ES refers to the policies and guidance that are relevant to the assessment of the environmental effects reported within that chapter and discusses how the Proposed Development interacts with those policies.

### 7.2 National Policy Statements for Energy

7.2.1 Under the PA 2008 regime, the policy framework for examining and determining applications for development consent is provided by National Policy Statements (NPSs). The NPSs are the primary policy used by the relevant SoS to examine and determine DCO applications.

7.2.2 The NPSs for energy were first designated in July 2011 by the SoS for the Department for Energy and Climate Change (DECC) (DECC, 2011a) (DECC, 2011b) (DECC, 2011c). DECC became part of the Department for Business, Energy & Industrial Strategy (BEIS) in July 2016, which existed until 2023 when BEIS was split to form the Department for Business and Trade (DBT), the Department for Energy

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- Security and Net Zero (DESNZ) and the Department for Science, Innovation and Technology (DSIT).
- 7.2.3 In December 2020 the Government launched a review of the July 2011 NPSs to ensure that they reflected the legally binding commitment (through the Climate Change Act 2008 (2050 Target Amendment) Order 2019) (HM Government, 2019) to achieve net zero in terms of GHG emissions by 2050 and the Government's energy priorities as set out in the Ten-Point Plan and Energy White Paper. As part of the review, the Government consulted on draft revised NPSs for energy in September 2021.
- 7.2.4 Following the September 2021 consultation on the draft revised NPSs, the Government published the Net Zero Strategy: Build Back Greener (HM Government, 2021d), the British Energy Security Strategy (BESS) (HM Government, 2022) and then Powering Up Britain (HM Government, 2023a). These documents set out several commitments related to energy, planning reform and the energy NPSs. The Government subsequently made some material updates to the draft revised energy NPSs and launched a further consultation in March 2023 on those changes, which closed in June 2023.
- 7.2.5 Following the March 2023 consultation, revised NPSs for energy infrastructure were published by the Government on 22 November 2023 and were designated (i.e. came into force) on 17 January 2024. The revised NPSs are therefore relevant policy for applications for development consent submitted and accepted for examination following their designation. References to the NPSs within this Environmental Statement mean the NPSs designated in January 2024.
- 7.2.6 The following recently designated energy NPSs are considered to be of relevance to the Proposed Development:
- the Overarching NPS for Energy (EN-1) (DESNZ, 2023a);
  - the NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) (DESNZ, 2023b); and
  - the NPS for Electricity Networks Infrastructure (EN-5) (DESNZ, 2023c).
- 7.2.7 Where a relevant NPS has been designated, Section 104 of the PA 2008 requires the SoS to determine the application for development consent in accordance with the relevant NPSs and appropriate marine policy documents (if any) having regard to: any local impact report produced by the relevant Local Planning Authority (LPA); any matters prescribed in relation to development of the description to which the application relates (the Infrastructure Planning (Decisions) Regulations 2010); and any other matters which the SoS thinks are both '*important and relevant*' to their decision, unless this would:
- lead to the UK being in breach of its international obligations;
  - lead to the SoS being in breach of any statutory duty that applies to the SoS;
  - be unlawful by virtue of any enactment;
  - result in the adverse impacts of the development outweighing the benefits; or
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- result in any condition that is prescribed for deciding an application not being in accordance with the NPS.
- 7.2.8 Where a relevant NPS has not been designated, Section 105 of the PA 2008 (HM Government, 2008) applies.
- 7.2.9 Paragraph 1.3.5 of EN-1 (DESNZ, 2023a) states that where the need for a particular type of energy infrastructure set out at paragraph 1.3.2 is established by the NPS, but that type of infrastructure is outside the scope of one of the technology specific NPSs, EN-1 alone will have effect and be the primary basis for SoS decision making. It goes on to state:
- “This will be the case for, but is not limited to, unconventional hydrocarbon extraction sites, hydrogen pipeline and storage infrastructure, Carbon Capture Storage (CCS) pipeline infrastructure and other infrastructure not included in EN-2 or EN-3.”*
- 7.2.10 As outlined in Chapter 1: Introduction (ES Volume I, EN070009/APP/6.2), although works to construct the Proposed Development do not fall under the definition of a NSIP for the purposes of the PA 2008 (HM Government, 2008), the Applicant sought a Direction under Section 35 of the PA 2008 from the SoS for all the Hydrogen Production Facility and any part of the Hydrogen Pipeline Corridor that is not automatically a NSIP to be treated as development for which development consent is required.
- 7.2.11 On 22 December 2022, the SoS issued a Direction under Sections 35(1) and 35ZA of the PA 2008, that the Hydrogen Production Facility and any aspect of the Hydrogen Pipelines Corridor that is not automatically a NSIP should be treated as development for which development consent is required.
- 7.2.12 Further to the Energy Act 2023 (HM Government, 2023e) and recent Government consultations, the Government intends that hydrogen distribution will require a gas transporter licence. As such, consideration needs to be given to the Section 14 category of gas transporter pipelines, the criteria of which are defined by Section 20 of the PA 2008 (HM Government, 2008). The Hydrogen Pipeline Corridor proposed as part of the Proposed Development does not meet those Section 20 criteria, and therefore all aspects of it do not form a NSIP, and therefore fall under the ambit of the Section 35 Direction.
- 7.2.13 With regard to Section 35 directions, paragraph 1.3.10 of EN-1 (DESNZ, 2023a) states that:
- “EN-1, in conjunction with any relevant technology specific NPS, will be the primary policy for Secretary of State decision making on projects in the field of energy for which a direction has been given under section 35.”*
- 7.2.14 As such, the Application should be determined under Section 104 of the PA 2008 (HM Government, 2008).
- 7.2.15 Section 2.2 ‘Net zero by 2050’ of EN-1 confirms the Government’s legally binding target (legislated for through the Climate Change Act 2008 (2050 Target
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- Amendment) Order 2019 (HM Government, 2019)) of achieving net zero in terms of GHG emissions by 2050.
- 7.2.16 Section 2.3 'Meeting net zero' underlines how the provision of new energy infrastructure will be critical to the UK achieving net zero by 2050. Paragraph 2.3.3 confirms the Government's objectives for the energy system, which are to ensure our supply of energy always remains secure, reliable, affordable and consistent with meeting the UK's target to cut GHG emissions to net zero by 2050. It states that this will require a step change in the decarbonisation of our energy system. Paragraph 2.3.4 goes on to state that meeting these objectives necessitates a significant amount of energy infrastructure, both large and small-scale. This includes the infrastructure needed to convert primary sources of energy (e.g. wind) into energy carriers (e.g. electricity or hydrogen), and to store and transport these energy carriers into and around the country. It also includes the infrastructure needed to capture, transport and store carbon dioxide (CO<sub>2</sub>). It stresses that the requirement for new energy infrastructure will present opportunities for the UK and contribute toward our ambition to support jobs in the UK's clean energy industry and local supply chains.
- 7.2.17 Paragraph 2.3.6 of EN-1 underlines the need to transform the energy system by:  
*"... tackling emissions while continuing to ensure secure and reliable supply, and affordable bills for households and businesses. This includes increasing our supply of clean energy from renewables, nuclear and hydrogen manufactured using low carbon processes (low carbon hydrogen), and, where we still emit carbon, developing the industry and infrastructure to capture, transport and store it."*
- 7.2.18 Section 2.6 'Sustainable development' confirms (paragraph 2.6.1) that the Government's wider objectives for energy infrastructure include contributing to sustainable development and ensuring that our energy infrastructure is safe. Paragraph 2.6.2 is clear that sustainable development is relevant not just in terms of addressing climate change, but because the way energy infrastructure is deployed affects the well-being of the environment, society and the economy, for both current and future generations. For example, the availability of appropriate infrastructure supports the efficient working of the market so as to ensure competitive prices for consumers. The regulatory framework also encourages the energy industry to protect the more vulnerable.
- 7.2.19 Part 3 of EN-1 deals with 'The need for new nationally significant energy infrastructure projects'. It explains why the Government sees a need for significant amounts of new large-scale energy infrastructure to meet its energy objectives and why it considers the need for such infrastructure is urgent. However, it notes at paragraph 3.1.2 that it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts. It goes on to state that these impacts will be minimised by the application of policy set out in Parts 4 'Assessment Principles' and 5 'Generic Impacts' of the NPS.
- 7.2.20 Paragraph 3.2.2 of EN-1 confirms that the UK needs a range of different types of energy infrastructure and at paragraph 3.2.3 states that it is for industry to propose
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- new infrastructure within the strategic framework set by the Government. It also states that it is not appropriate for planning policy to set limits on different technologies. Furthermore, paragraphs 3.2.6 to 3.2.8 state that the SoS should assess all applications for development consent for the types of infrastructure covered by EN-1 on the basis that the Government has demonstrated that there is a need for those types of infrastructure which is urgent; that substantial weight should be given to that need; and that the SoS is not required to consider separately the specific contribution of any individual project to satisfying that need.
- 7.2.21 Paragraphs 3.2.11 and 3.2.12 together confirm that where an energy infrastructure project is not covered by Sections 15 to 21 of the PA 2008, but is considered to be nationally significant and is subject to a Direction under Section 35, then the application for development consent would need to be considered in accordance with EN-1:
- “In particular: ...*
- where the application is for hydrogen infrastructure not covered by sections 15-21 of the Planning Act, the Secretary of State should give substantial weight to the need established at paragraphs 3.4.12 to 3.4.22 of this NPS ...”*
- 7.2.22 Hydrogen is considered at Section 3.4 ‘The need for new nationally significant gas infrastructure’ of EN-1. As referred to above, the need for low carbon hydrogen infrastructure is set out at paragraphs 3.4.12 to 3.4.22 of EN-1. Paragraph 3.4.12 states that:
- “There is an urgent need for all types of low carbon hydrogen infrastructure to allow hydrogen to play its role in the transition to net zero.”*
- 7.2.23 Paragraph 3.4.13 of EN-1 goes on to state:
- “... the government is committed to developing low carbon hydrogen, which will be critical for meeting the UK’s legally binding commitment to achieve net zero by 2050, with the potential to help decarbonise vital UK industry sectors and provide flexible deployment across heat, power and transport.”*
- 7.2.24 Paragraph 3.4.21 of EN-1 goes on to state that in considering applications for low carbon hydrogen infrastructure, the SoS will expect applicants to consider foreseeable future demand when considering the size and route of their investments. Applicants may propose pipelines with a greater capacity than demand might suggest at the time of consenting. Paragraph 3.4.22 also confirms that *“to support the urgent need for low carbon hydrogen infrastructure, hydrogen distribution, pipelines and storage, are considered to be [Critical National Priority] CNP infrastructure”*.
- 7.2.25 Section 3.5 of EN-1 deals with ‘The need for new nationally significant carbon capture and storage infrastructure’. Paragraph 3.5.1 notes that:
- “There is an urgent need for new carbon capture and storage (CCS) infrastructure to support the transition to a net zero economy.”*
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- 7.2.26 While paragraph 3.5.2 highlights the Committee on Climate Change's statement that CCS is a necessity and not an option and that:
- "CCS infrastructure will also be needed to capture and store carbon dioxide from hydrogen production from natural gas ..."*
- 7.2.27 Paragraph 3.5.8 also confirms that *"to support the urgent need for new CCS infrastructure, CCS technologies, pipelines and storage infrastructure are considered to be CNP infrastructure."*
- 7.2.28 Parts 4 and 5 of EN-1 set out the 'assessment principles' and 'generic impacts' to be taken into account in respect of applications relating to energy infrastructure and covered by the NPS.
- 7.2.29 Part 4 'Assessment Principles' of EN-1 under 'General Policies Considerations' at paragraph 4.1.3 states that the SoS will start with a presumption in favour of granting development consent for applications covered by the energy NPS given the level and urgency of need for such infrastructure. The assessment principles to be taken into account, which are set out in Part 4, include matters such as the critical national priority for low carbon infrastructure; environmental effects; health; marine considerations; environmental and biodiversity net gain; criteria for good design for energy infrastructure; consideration of combined heat and power; carbon capture and storage; climate change adaptation and resilience; network connection; pollution control; safety; hazardous substances; common law nuisance and statutory nuisance; and security considerations.
- 7.2.30 One of the matters dealt with in Section 4.2 of Part 4 of EN-1, is 'The critical national priority for low carbon infrastructure'. Paragraph 4.2.4 confirms that the Government has concluded that there is a 'critical national priority' (CNP) for the provision of nationally significant low carbon infrastructure. As stated above, paragraphs 3.4.22 and 3.5.8 of EN-1 confirm that hydrogen and CCS infrastructure are considered CNP infrastructure and this is further confirmed by paragraph 4.2.5, which states that:
- "Low carbon infrastructure for the purposes of this policy means:*
- for other energy infrastructure, fuels, pipelines and storage infrastructure, which fits within the normal definition of "low carbon", such as hydrogen distribution, and carbon dioxide distribution*
  - for energy infrastructure which is directed into the NSIP regime under section 35 of the Planning Act 2008, and fit within the normal definition of "low carbon", such as interconnectors, Multi-Purpose Interconnectors, or 'bootstraps' to support the onshore network which are routed offshore."*
- 7.2.31 The Proposed Development as described in Chapter 4: Proposed Development (ES Volume I, EN070009/APP/6.2) is clearly for the provision of nationally significant low carbon infrastructure and is subject to a Section 35 Direction and as such, falls under the scope of the CNP policy.
- 7.2.32 Paragraph 4.2.7 of EN-1 confirms that the CNP policy applies following the normal consideration of the need case, the impacts of the project and the application of
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- the mitigation hierarchy, and does not create an additional or cumulative need case or weighting. It is therefore to be weighed against the residual impacts that have been identified. Paragraph 4.2.15 states that where non-Habitats Regulations Assessment (HRA) or non-Marine Conservation Zone (MCZ) residual impacts remain after mitigation, those residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. This presumption, however, does not apply to residual impacts which present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero.
- 7.2.33 Paragraphs 4.2.18 and 4.2.19 confirm that any HRA or MCZ residual impacts will be considered under the framework set out in The Conservation of Habitats and Species Regulations 2017 (HM Government, 2017) and the Marine and Coastal Access Act 2009 (MCAA) (HM Government, 2009) respectively, and where such residual impacts remain, the SoS will consider making a derogation under the relevant legislation.
- 7.2.34 Generic impacts (Part 5 of EN-1) are those impacts that arise from the development of all of the types of energy infrastructure covered by the energy NPSs. Generic impacts includes matters such as air quality and emissions; flood risk; historic environment; landscape and visual; noise and vibration; socio-economic impacts; and traffic and transport. The policy tests set out in this part of EN-1 have helped inform the development of the Proposed Scheme and the assessment methodologies and mitigation measures set out in this ES.
- 7.2.35 The NPS for Natural Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) (DESNZ, 2023b) is considered to be relevant as the Proposed Development includes pipeline infrastructure, notably a natural gas supply pipeline and hydrogen distribution pipelines. While the natural gas supply pipeline is not development for which development consent is required in its own right, it is associated development for the purposes of Section 115(1)(b) of the PA 2008 (HM Government, 2008), and paragraph 1.6.3 of EN-4 recognises that pipelines can be associated development by virtue of their connection with an NSIP (although the Proposed Development is not a NSIP, but is a project of national significance pursuant to the Section 35 Direction, the same logic is assumed to apply to the Proposed Development and so this NPS has been considered to be an important and relevant consideration for the Application).
- 7.2.36 EN-4 confirms (paragraph 1.6.6) that it has effect only in relation to natural gas infrastructure and does not have effect for hydrogen infrastructure, but that it *“... may be part of other matters which the Secretary of State thinks are important and relevant to their decision on applications for hydrogen infrastructure, in which case they would need to take it into account.”*
- 7.2.37 Section 2 of EN-4 deals with the assessment of and technology-specific information to be taken into account in the consideration of applications for the types of infrastructure covered by the NPS.
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- 7.2.38 The NPS for Electricity Networks Infrastructure (EN-5) (DESNZ, 2023c) is also considered to be relevant as the Proposed Development includes electricity grid connection infrastructure. While the electricity grid connection is not development for which development consent is required in its own right, it is associated development for the purposes of Section 115(1)(b) of the PA 2008 (HM Government, 2008) and paragraph 1.6.4 of EN-5 states that it will apply to such infrastructure if it constitutes associated development for which consent is sought along with an NSIP (although the Proposed Development is not a NSIP, but is a project of national significance pursuant to the Section 35 Direction, the same logic is assumed to apply to the Proposed Development and so this NPS has been considered to be an important and relevant consideration for the Application) .
- 7.2.39 As with EN-4 (DESNZ, 2023b), Section 2 of EN-5 (DESNZ, 2023c) deals with the assessment of and technology-specific information to be taken into account in the consideration of applications for or including electricity grid connection infrastructure.
- 7.3 Marine Policy Statements & Plans
- 7.3.1 As stated above, the wording of NPS EN-1 (DESNZ, 2023a) means that Section 104 of the PA 2008 (HM Government, 2008) applies to the Proposed Development and this requires the SoS to have regard to '*the appropriate marine policy documents*' that are determined in accordance with Section 59 of the Marine and Coastal Access Act (HM Government, 2009). A number of elements of the Proposed Development involve works within the UK Marine Area under the tidal River Tees. The marine policy documents that are relevant to the Proposed Development for the purposes of Section 104 are the UK Marine Policy Statement (MPS) (HM Government, 2011) and the North East Inshore and North East Offshore Marine Plan (HM Government, 2021e) – these documents are considered below.
- UK Marine Policy Statement (March 2011)
- 7.3.2 The UK MPS, adopted in March 2011, provides the policy framework for preparing marine plans and taking decisions affecting the marine environment. It has been prepared and adopted for the purposes of Section 44 of the MCAA 2009 (HM Government, 2009) and is intended to sit alongside terrestrial consenting regimes, including the PA 2008 (HM Government, 2008) regime. The MPS was subject to updates in September 2020 relating to how references to European Union (EU) law should be interpreted from 1 January 2021 following the UK's withdrawal from the EU.
- 7.3.3 Chapter 3 sets out the policy objectives for key activities that take place in the marine environment. Section 3.3 deals specifically with '*Energy production and infrastructure development*'. Paragraph 3.3.1 notes that a secure, sustainable and affordable supply of energy is of central importance to the economic and social well-being of the UK. Paragraph 3.3.4 sets out issues that decision makers should consider when examining and determining applications for energy infrastructure. Those of relevance to the Proposed Development, which will connect to a Carbon
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Capture, Usage and Storage (CCUS) cluster in Teesside, that should be taken into account include:

- *“the national level of need for new energy infrastructure, as set out in the Overarching National Policy Statement for Energy (EN-1)”;*
- *“the positive wider environmental, societal and economic benefits of low carbon electricity generation and carbon capture and storage as a key technology for reducing carbon dioxide emissions”;*
- *“that the physical resources and features that form oil and gas fields or suitable sites for gas or carbon dioxide storage occur in relatively few locations and need first of all to be explored for and can then only be exploited where they are found”;*
- *“the UK’s programme to support the development and deployment of Carbon Capture and Storage (CCS) and in particular the need for suitable locations that provide for the permanent storage of carbon dioxide”.*

North East Inshore and North East Offshore Marine Plan (June 2021)

7.3.4 Marine plans are intended to set out detailed policy and spatial guidance for a particular area. The UK is divided into several marine planning regions with associated plan authorities that are responsible for preparing marine plans. In England, the Marine Management Organisation (MMO) is the plan authority.

7.3.5 The Proposed Development Site lies within the ‘North East Inshore Marine Area’, which stretches from Flamborough Head in Yorkshire to the Scottish Border. The Plan Area contains three main tidal rivers, including the River Tees.

7.3.6 The North East Marine Plan (HM Government, 2021e) is intended to provide a strategic approach to decision-making on developments within the Marine Plan area, considering future use and providing a clear approach to managing resources, activities and interactions within the area.

7.3.7 Section 2 of the North East Marine Plan sets out the policies to support the delivery of the Plan objectives. Paragraph 32 confirms that the policies cover a wide range of topics, including activities and uses, economic, social and environmental considerations and cross-cutting issues such as integration of decision-making on land and at sea. The policies are set out in detail in the Technical Annex to the North East Marine Plan.

7.3.8 There are no policies that specifically cover hydrogen production or hydrogen infrastructure, however, Policy NE-CCUS-3 is considered to be of some relevance to the Proposed Development as it supports proposals associated with the deployment of low carbon infrastructure for industrial clusters, such as that being proposed on Teesside as part of the East Coast Cluster being advanced by the Northern Endurance Partnership (NEP). The Policy states:

*“The government identified potential regional clusters which can be utilised for low carbon development in the Delivering clean growth: CCUS Cost Challenge Taskforce report and the subsequent plan, The UK carbon capture, usage and storage (CCUS)*

*deployment pathway: an action plan. NE-CCUS-3 supports the development of low carbon industrial clusters where low carbon infrastructure, including carbon capture, usage and storage technologies could be deployed. Encouraging developments associated with industrial clusters aims to reduce the capital costs of deploying carbon capture, usage and storage, maximising the economies of scale."*

7.3.9 The North East Marine Plan also includes policies aimed at managing the impacts of development upon heritage assets (Policy NE-HER-1), seascape and landscape (Policy NE-SCP-1, air quality and emissions (Policy NE-AIR-1), water quality (Policy NE-WQ-1), enhancing biodiversity (Policies NE-BIO-1 to 3) and ensuring that developments demonstrate they are resilient to the impacts of climate change and coastal change (Policy NE-CC-2).

7.3.10 A Marine Policy Assessment has been undertaken to determine the potential effects of the Proposed Development on the policies included in the North East Marine Plan. The assessment is presented in Appendix 7A (ES Volume III, EN070009/APP/6.4).

#### 7.4 Energy and Climate Change Policy

7.4.1 Other matters that the SoS may consider important and relevant to their decision under Section 104(2)(d) of the PA 2008 (HM Government, 2008) include recent UK energy and climate change policy.

7.4.2 The Proposed Development will support the overarching objective of the Government to continue transitioning the UK to a low carbon economy and meeting the legally binding target of net zero GHG emissions by 2050. The important role that Hydrogen coupled with CCS/CCUS must play in achieving this transition is confirmed by recent Government energy and climate change policy, including:

- The Ten Point Plan for a Green Industrial Revolution (HM Government, 2020a);
- The Energy White Paper: Powering our Net Zero Future (HM Government, 2020b);
- Industrial Decarbonisation Strategy (HM Government, 2021a);
- North Sea Transition Deal (HM Government, 2021b);
- UK Hydrogen Strategy (HM Government, 2021c);
- Net Zero Strategy: Build Back Greener (HM Government, 2021d);
- British Energy Security Strategy (BESS) (HM Government, 2022);
- Powering up Britain (HM Government, 2023a);
- Powering up Britain: Energy Security Plan (HM Government, 2023b); and
- Powering up Britain: The Net Zero Growth Plan (HM Government, 2023c).

7.4.3 These policy documents are considered below.

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The Ten Point Plan for a Green Industrial Revolution (November 2020)

- 7.4.4 *'The Ten Point Plan for a Green Industrial Revolution – Building back better, supporting green jobs, and accelerating our path to net zero'*, was published on 18 November 2020 and is aimed at delivering a *'Green Industrial Revolution'* in the UK. The plan has a foreword by the Prime Minister stating that the plan will aim to mobilise £12 billion of Government investment and potentially three times as much from the private sector, to create and support up to 250,000 green jobs.
- 7.4.5 The Introduction to the Ten Point Plan (pages 5 and 6) states:
- "We will generate new clean power with offshore wind farms, nuclear plants and by investing up to half a billion pounds in new hydrogen technologies. We will use this energy to carry on living our lives, running our cars, buses, trucks and trains, ships and planes, and heating our homes while keeping bills low. And to the extent that we still emit carbon, we will pioneer a new British industry dedicated to its capture and return to under the North Sea. Together these measures will reinvigorate our industrial heartlands, creating jobs and growth, and pioneering world-leading SuperPlaces that unite clean industry with transport and power ...*
- "The cumulative effect of this plan will be to reduce the UK emissions by 180 million tonnes of carbon dioxide equivalent (Mt CO<sub>2</sub> e) between 2023 and 2032, equal to taking all of today's cars off the road for around two years...."*
- 7.4.6 The 'Ten Points' of the plan are summarised at page 7. Point 2 *'Driving the Growth of Low Carbon Hydrogen'* is covered at pages 10 to 11 and states (page 10):
- "Working with industry the UK is aiming for 5GW of low carbon hydrogen production capacity by 2030. Hubs where renewable energy, CCUS and hydrogen congregate will put our industrial 'SuperPlaces' at the forefront of technological development."*
- 7.4.7 It highlights how 5 gigawatt (GW) of low carbon H<sub>2</sub> production by 2030 could see the UK benefit from around 8,000 jobs across its industrial heartlands. This will be supported by a range of measures, including a £240 million Net Zero Hydrogen Fund. It goes on (page 10) to state:
- "Producing low carbon hydrogen at scale will be made possible by carbon capture and storage infrastructure, and we plan to grow both of these new British industries side by side so our industrial 'SuperPlaces' are envied around the world."*
- 7.4.8 Point 8 *'Investing in Carbon Capture, Usage and Storage'* (pages 22 and 23) identifies the ambition to capture 10 Mt of CO<sub>2</sub> a year by 2030 and the Government's commitment to invest up to £1 billion to support the establishment of CCUS in four industrial clusters in areas such as the North- East. It goes on to state how CCUS will be developed alongside hydrogen production in these locations.
- 7.4.9 The Proposed Development will contribute to the Ten Point Plan by delivering low carbon hydrogen at scale within what is an emerging CCUS cluster on Teesside. It will be able to link into the Northern Endurance Partnership (NEP) CCUS infrastructure (also known as Net Zero Teesside). The CO<sub>2</sub> created during the hydrogen production process will be captured and compressed for onward
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transportation and storage, under agreement with the NEP below ground within the Endurance storage site and other nearby CO<sub>2</sub> stores in the North Sea that NEP holds CO<sub>2</sub> storage licences for.

The Energy White Paper (December 2020)

- 7.4.10 The Energy White Paper 'Powering our Net Zero Future' (EWP) was presented to Parliament in December 2020 and builds on the Ten Point Plan. At the core of the EWP is the commitment to tackle climate change and achieve net zero. The EWP seeks to put in place a strategy for the wider energy system that transforms energy, supports a green recovery, and creates a fair deal for consumers (page 4). As with the Ten Point Plan, the EWP confirms the Government's support for new H<sub>2</sub> technologies and CCUS drawing upon the resources provided by the North Sea.
- 7.4.11 The Government estimates (page 15) that the measures in the EWP could reduce emissions across power, industry, and buildings by up to 230 Mt CO<sub>2</sub> in the period to 2032 and enable further savings in other sectors such as transport. In doing so, these measures could support up to 220,000 jobs per year by 2030. These figures include the energy measures from the Ten Point Plan as well as additional measures set out in the EWP. However, the EWP recognises that more will need to be done to meet key milestones on the journey to net zero.
- 7.4.12 The EWP (pages 16 to 17) provides an overview of the Government's key commitments to put the UK on a course to net zero. These are grouped under several headings and include:
- "SUPPORT A GREEN RECOVERY FROM COVID-19 ...*
- Increasing the ambition in our Industrial Clusters Mission four-fold, aiming to deliver four low-carbon clusters by 2030 and at least one fully net zero cluster by 2040.*
- Investing £1 billion up to 2025 to facilitate the deployment of CCUS in two industrial clusters by the mid-2020s, and a further two clusters by 2030, supporting our ambition to capture 10 Mt per year by the end of the decade.*
- Working with industry, aiming to develop 5GW of low-carbon hydrogen production capacity by 2030."*
- 7.4.13 Chapter 2 'Power' of the EWP sets out how it is proposed to decarbonise the power sector. This includes a commitment to consult on steps to ensure that new thermal plants can convert to low carbon technologies either through the retrofit of carbon capture plant or 'conversion to firing clean hydrogen'. (page 48)
- 7.4.14 Chapter 5 'Industrial Energy' sets out the goal for emissions from industry to fall by around 90% from today's levels by 2050. To achieve this (page 118) the Government:
- "...will:*
- *Create a sustainable future for UK manufacturing industry through improved energy efficiency and the adoption of clean energy technologies.*



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- *Establish the UK as a world leader in the deployment of CCUS and clean hydrogen, supporting up to 60,000 jobs by 2030.*"
- 7.4.15 The EWP confirms that manufacturing and refineries, which form the bulk of industrial emissions, still account for around 16% of the UK's GHG emissions. About half of those emissions are concentrated in the UK's six major industrial clusters. This includes Teesside (Figure 8.1, page 121) which accounts for 3.9 Mt CO<sub>2e</sub> of emissions (2018 figures)."
- 7.4.16 To transform industrial energy, the EWP (page 122) states that the UK cannot rely on energy efficiency alone to reduce emissions in line with the Government's 2050 goal. Manufacturing industry will also need to capture its carbon for onward transport and storage and switch from using fossil fuels to low-carbon alternatives, such as hydrogen.
- 7.4.17 To bring about change in industrial energy, the EWP includes a commitment (page 124) to increase the 'Industrial Clusters Mission' to support the delivery of four low-carbon industrial clusters by 2030 and at least one fully net zero cluster by 2040. The EWP states that the Government will focus on the UK's industrial clusters:
- "... centres where related industries have congregated and can benefit from utilising shared clean energy infrastructure, such as CCUS and low-carbon hydrogen production and distribution. Decarbonisation in clusters will enable economies of scale, reducing the unit cost for each tonne of carbon abated, while clusters provide high quality jobs which tend to pay above the UK average wage."*
- 7.4.18 The EWP notes (page 124) that many clusters are in regions in need of economic revitalisation and that decarbonising those clusters can act as a driver of prosperity for the surrounding areas. Furthermore, that investments in key technologies like CCUS and hydrogen will be crucial to enhancing local economic growth and creating jobs together with prosperity.
- 7.4.19 Chapter 5 of the EWP includes a section on 'Clean Hydrogen' (pages 127 to 128). It identifies that hydrogen will be critical in reducing emissions from heavy industry, as well as in power, heat and transport. Clean hydrogen includes using natural gas and capturing the CO<sub>2</sub> by-product with CCUS or using renewable electricity to split water into hydrogen and oxygen (O<sub>2</sub>). It includes commitments to:
- work with industry to develop 5 GW of low-carbon hydrogen production capacity by 2030; and
  - create a Net Zero Hydrogen Fund to support low carbon hydrogen production, providing £240 million of capital co-investment out to 2024/25.
- 7.4.20 The EWP underlines (page 128) that a variety of hydrogen production technologies will be required to satisfy the level of anticipated demand for clean hydrogen by 2050, and that the Government hopes to see 1GW of hydrogen production capacity by 2025 on route to its 2030 goal.
- 7.4.21 The Proposed Development is clearly consistent with the commitments within the EWP as it will make a significant contribution to the delivery of low carbon hydrogen at scale, coupled with CCUS, within one of the UK's major industrial clusters.
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Industrial Decarbonisation Strategy (March 2021)

- 7.4.22 The Industrial Decarbonisation Strategy is the first strategy published by a major economy which sets out how industry can be decarbonised in line with net zero, while remaining competitive and without pushing emissions abroad. It builds on the Ten Point Plan and sets out the Government's vision for a prosperous, low carbon UK industrial sector by 2050, and aims to provide industry with the long-term certainty it needs to invest in decarbonisation.
- 7.4.23 The Ministerial Foreword (page 6) emphasises that the 2020s will be crucial to industrial decarbonisation, with the UK needing to deploy key technologies such as CCUS while beginning the journey of switching from fossil fuel combustion to low carbon alternatives such as hydrogen.
- 7.4.24 Chapter 1 'Why we need a strategy and our approach' sets out the Government's ambition for decarbonising industry in line with net zero. The expectation is that emissions will need to reduce by at least two-thirds by 2035 and by at least 90% by 2050, with 3 Mt CO<sub>2</sub> per annum captured through CCUS and a significant switching to low carbon fuels such as hydrogen by 2030. Significantly, the strategy (page 20) recognises that government should play a key role in the delivery of large infrastructure projects for key technologies such as hydrogen networks where there is a sharing of benefits, and the risk or cost is too great for the private sector.
- 7.4.25 Chapter 2 'Getting investors to choose low carbon' confirms the Government's commitment (Action 2.2) to put in place funding mechanisms to support the deployment and use of CCUS and low carbon hydrogen infrastructure. It states that (pages 29-30):
- "CCUS will be crucial to reaching net zero, and low carbon hydrogen has the potential to play a key role in enabling the economic transformation of the UK's industrial regions. With both technologies at early stages of development, government will need to play an active role in overcoming market failures; sharing the risk and costs of scaling up deployment of both CCUS and low carbon hydrogen.*
- .... We have already committed to a £1 billion CCS Infrastructure Fund to provide industry with certainty to deploy CCUS at pace and scale, alongside a £240 million Net Zero Hydrogen Fund. Later [in 2021], we will bring forward further details of the revenue mechanism to support business models for both industrial carbon capture and low carbon hydrogen projects."*
- 7.4.26 With regard to fuel switching (Action 4.2, pages 51 and 52), Chapter 4 of the strategy confirms that the Government is committed to developing a low carbon hydrogen economy in the UK. The Government sees it as critical to demonstrate fuel switching to hydrogen in industrial sites in parallel to ramping up low carbon hydrogen production.
- 7.4.27 The Proposed Development is well-located to make a major contribution to industrial decarbonisation being within a major industrial cluster on Teesside and in close proximity to a number of potential industrial users/offtakers for the low carbon hydrogen that will be produced.

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North Sea Transition Deal (March 2021)

- 7.4.28 The North Sea Deal is a transformational sector deal for the offshore oil and gas sector in recognition of the key role that it can play in helping the UK meet its net zero commitments. The document recognises (Foreword, page 6) that with declining output of hydrocarbons from the UK Continental Shelf (UKCS) and a projected decline in domestic demand, there is a clear need for determined action to be taken to build on the proven capabilities and skills within the existing sector to support the transition to net zero. It continues:

*“The UK already has the capability and skills within the existing sector to lead in new and emerging energy technologies such as Carbon Capture, Usage and Storage (CCUS) and the hydrogen economy as well as to support the growth of new sectors such as offshore wind...”*

*“Delivering large-scale decarbonisation solutions will strengthen the position of the existing UK energy sector supply chain in a net zero world, securing new high-value jobs in the UK, supporting the development of regional economies and competing in clean energy export markets.”*

- 7.4.29 The Executive Summary (page 8) states that the North Sea Deal is aimed at delivering on the commitments set out in the oil and gas chapter of the EWP and is closely aligned with the Prime Minister’s Ten Point Plan. It seeks to do this through the implementation of several commitments and measures, including supporting up to 40,000 direct and indirect supply chain jobs in decarbonising UKCS production and the CCUS and hydrogen sectors.

- 7.4.30 The North Sea Deal is built on five key outcomes – supply decarbonisation; CCUS; hydrogen; supply chain transformation; and people and skills. These are seen as being closely interlinked, meaning that they must be delivered as an integrated whole for the Deal to achieve its full potential. With regard to hydrogen, the Deal notes (at page 10) that:

*“Hydrogen is essential to meeting our net zero commitment in the UK. It could provide a clean source of energy across the economy, from industrial and domestic heat, to heavy transport, and flexible power and energy storage. The UK already has world-leading offshore wind potential and electrolyser capability, alongside unparalleled CCS sites that the UK can maximise to scale up low carbon hydrogen production.*

*“The hydrogen commitment in the North Sea Transition Deal focuses on creating the economic environment in which low carbon hydrogen production can flourish. This will help unlock billions of pounds of investment from the sector. The oil and gas sector is positioned to enable the production of low-carbon hydrogen at scale as part of a long-term competitive market, supporting the UK’s ambition to deliver 5 GW of low carbon hydrogen production capacity by 2030.”*

- 7.4.31 The Proposed Development is well placed to support the commitments set out in the North Sea Transition Deal, being able to link into the NEP infrastructure (part of the East Coast Cluster), which will make use of offshore skills, capabilities and resources.
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UK Hydrogen Strategy (August 2021)

- 7.4.32 The UK Hydrogen Strategy sets out the Government's approach to developing a thriving low carbon hydrogen sector in the UK to meet its ambition for up to 5 GW of low carbon hydrogen production capacity by 2030.
- 7.4.33 Chapter 1 'The case for low carbon hydrogen' confirms that low carbon hydrogen will be critical for meeting the UK's legally binding commitment to achieve net zero by 2050 and Carbon Budget Six (HM Government, 2023d) in the mid-2030s. Hydrogen can support the deep decarbonisation of the UK economy, particularly in the "hard to electrify" UK industrial sectors, and can provide greener, flexible energy across power, heat and transport (page 7). It goes on (page 8) to state:
- "Today most hydrogen produced and used in the UK and globally is high carbon, coming from fossil fuels with no carbon capture; only a small fraction can be called low carbon. For hydrogen to play a part in our journey to net zero, all current and future production will need to be low carbon."*
- 7.4.34 Section 1.3 of Chapter 1 'The UK's hydrogen opportunity' sets out the Government's 'twin track' approach to hydrogen production, which seeks to capitalise on the UK's potential to produce large quantities of both electrolytic 'green' and CCUS enabled 'blue' hydrogen. It states that the UK has the technology, know-how and storage potential to scale up CCUS across the country, unlocking new routes to CCUS-enabled hydrogen production (page 10). It goes on to state:
- "Early deployment of CCUS technology and infrastructure will likely be located in industrial clusters. Many of these are in coastal locations, with important links to CO<sub>2</sub> storage sites such as disused oil and gas fields. Government aims to establish CCUS in four industrial clusters by 2030 at the latest, supporting our ambition to capture 10 Mt/ CO<sub>2</sub> per annum.*
- "In turn, industrial clusters and wider industry are significant potential demand centres for low carbon hydrogen. Today, numerous industrial sectors from chemicals to food and drink are exploring the role that hydrogen can play in their journey to net zero. UK Research and Innovation's (UKRI's) Industrial Decarbonisation Challenge provides up to £170 million – matched by £261 million from industry – to invest in developing industrial decarbonisation infrastructure including CCUS and low carbon hydrogen."*
- 7.4.35 Figure 1.3 at Chapter 1 of the strategy identifies Teesside as a location for both green and blue (CCUS-enabled) hydrogen production (page 11).
- 7.4.36 The strategy on page 33 highlights the potential of CCUS-enabled blue hydrogen production, stating:
- "Our Hydrogen Production Cost 2021 report suggests that, under central fuel price assumptions, CCUS-enabled methane reformation is currently the lowest cost low carbon hydrogen production technology. Given the potential production capacity of CCUS-enabled hydrogen plants, we would expect this route to be able to deliver a greater scale of hydrogen production as we look to establish a UK hydrogen economy during the 2020s."*
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- 7.4.37 The strategy considers the ‘Use of hydrogen in industry’ (pages 52 and 53) stating:
- “It is clear that UK industrial sectors will play a vital role in developing a hydrogen economy over the next decade. Industry produced 16 per cent of UK emissions in 2018, and hydrogen will be critical to decarbonise industrial processes that would be hard to abate with CCUS or electrification. The Industrial Decarbonisation Strategy published earlier this year sets out the policy and technology principles to decarbonise industry by 2050, including the installation of deep decarbonisation infrastructure such as hydrogen and CCUS networks in the 2020s.*
- Our industrial heartlands will likely lead the way for large scale low carbon hydrogen supply, and industrial users are expected to provide the most significant new demand for hydrogen by 2030 through industrial fuel switching. Today’s hydrogen economy will need to scale up from its current base in the oil refining and chemical sectors, to enter other parts of industry and the wider energy system. We will develop policy to support and deliver this change, and to drive the decarbonisation of existing industrial hydrogen use.”*
- 7.4.38 Since the UK Hydrogen Strategy was published (DESNZ, 2023d), the BESS (HM Government, 2022) has doubled the UK’s hydrogen production ambition from 5 GW to 10 GW by 2030. This was reflected in the ‘Hydrogen Strategy update to the market’ issued to BEIS in December 2022 (BEIS, 2022). The December 2022 Hydrogen Strategy update to the market (BEIS, 2022) also included the announcement on shortlisted hydrogen projects in the BEIS Phase 2 Cluster Sequencing Process (Cluster sequencing Phase-2: shortlisted projects (power CCUS, hydrogen and ICC), August 2022)), which identifies ‘bp H2Teesside’ as one of the shortlisted projects in the East Coast Cluster, to have moved to the due diligence stage of the process. The latest Hydrogen Strategy update to the market (August 2023) (DESNZ, 2023d) maintains the ambition and commitment to deliver hydrogen production at scale, including blue hydrogen, and the Proposed Development will make a significant contribution toward that.
- Net Zero Strategy: Build Back Greener (October 2021)
- 7.4.39 The ‘Net Zero Strategy: Build Back Greener’ expands on key commitments in the Ten Point Plan and the EWP, and sets out the next steps the Government proposes to take to cut emissions, seize green economic opportunities and leverage further private investment in net zero. The strategy sets an indicative delivery pathway for emission reductions to 2037 by sector. It is intended to put the UK on the path for Carbon Budget Six and ultimately on course for net zero by 2050.
- 7.4.40 Regarding power, the Net Zero Strategy states that the UK will fully decarbonise its power system by 2035 subject to security of supply. It states that the power system will consist of abundant, cheap renewables, cutting edge new nuclear power stations, underpinned by flexibility including storage, gas with CCUS and hydrogen (page 19).
- 7.4.41 For industry, the Net Zero Strategy states (page 21) that it will deliver four CCUS clusters, capturing 20-30 Mt CO<sub>2</sub> across the economy, including 6 Mt CO<sub>2</sub> of industrial emissions, per year by 2030. This will be done by supporting industry to

switch to cleaner fuels, such as low carbon hydrogen alongside renewable energy and CCUS. These clusters, including the East Coast Cluster, which includes Teesside, could have the opportunity to access support under the Government's CCUS programme (£1 billion). The Net Zero Strategy also states that the Government has set up the Industrial Decarbonisation and Hydrogen Revenue Support Scheme, providing up to £140 million to fund new hydrogen and industrial carbon capture business models. This is in addition to £240 million Net Zero Hydrogen Fund.

- 7.4.42 Whilst the Net Zero Strategy was the subject of a successful Judicial Review in 2022, the Court's decision did not quash the strategy, but instead ordered the Government to provide an update to that strategy by the end of March 2023 to add further explanation as to how the Government's aims set out in the Net Zero Strategy would be met. On 30 March 2023, the Government published the Carbon Budget Delivery Plan which fulfils the statutory duties under the Climate Change Act 2008 (Section 14) setting out the Government's proposals and policies to enable carbon budgets to be met, which includes the deployment of the four CCUS clusters by 2030. Further to this, the Carbon Budget Delivery Plan states that "*The approach set out in our October 2021 plan to deliver net zero, the Net Zero Strategy, remains the right one. The independent Net Zero Review led by Chris Skidmore MP supported this position.*"

British Energy Security Strategy (April 2022)

- 7.4.43 The BESS was published largely in response to soaring energy prices as a result of a sudden surge in demand following the Coronavirus (COVID-19) pandemic, compounded by the Russian invasion of Ukraine. Much of the focus of the strategy is upon providing financial assistance to families and businesses struggling with higher energy bills. It also looks at improved energy efficiency, reducing the amount of energy the UK need and addressing the underlying vulnerability to international oil and gas prices by reducing the UK's dependence on imported oil and gas.
- 7.4.44 Notably, the BESS identifies the importance of low carbon hydrogen, with an increased commitment to achieve up to 10 GW of hydrogen production by 2030, including CCUS-enabled blue hydrogen. The Proposed Development will contribute up to 1.2 GW of low carbon hydrogen toward this goal.

Powering Up Britain (March 2023)

- 7.4.45 On 30 March 2023 the Government published the 'Powering Up Britain' suite of policy documents comprising of 'Powering Up Britain', the 'Powering Up Britain: Energy Security Plan' and 'Powering Up Britain: Net Zero Growth Plan', following the judicial review of the Net Zero Strategy. All three documents provide details of the Government's measures to increase domestic energy production, ensure resilience in the energy supply and achieve net zero.
- 7.4.46 Regarding hydrogen, the Energy Security Plan sets out the measures to support the development of business models and finance for hydrogen projects, including the launch of Strands 1 and 2 of the Net Zero Hydrogen Fund. It also the shortlisted projects for the first electrolytic hydrogen allocation round. In addition to this, the



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Government is entering into bilateral negotiations with two CCUS-enabled hydrogen projects.

7.4.47 The Energy Security Plan signals continued support towards the CCUS industry most notably the announcement of eight Track-1 projects across the hydrogen, power, industry, and waste sectors which are progressing towards negotiations. This includes the Proposed Development, a CCUS-enabled hydrogen project, forming part of the East Coast Cluster. The Energy Security Plan also sets out the proposed reforms to the planning system, including publication of revised NPSs, which have since (January 2024) come into force.

7.4.48 The Net Zero Growth Plan sets out the actions by the Government to support the delivery of the hydrogen sector, consolidating measures set out in previous strategy documents such as the ambition to deliver 2 GW of low carbon hydrogen by 2025 and 10 GW by 2030. The plan also reiterates the measures outlined in the Energy Security Plan.

Carbon Capture, Usage and Storage: a vision to establish a competitive market (December 2023)

7.4.49 Carbon Capture, Usage and Storage: a vision to establish a competitive market (the 'CCS Vision') was published by DESNZ on 20 December 2023 and sets out plans for a new competitive market in CCUS to be established by 2035. It sets out how the UK will transition from early projects backed by government support to becoming a competitive market by 2035, meaning UK companies will compete to build carbon capture facilities and sell their services to the world. To achieve this goal, the CCS Vision includes the following measures:

- moving to a competitive allocation process for carbon capture projects from 2027 to speed up the building of the UK's CCUS sector;
- creating the conditions for projects that cannot transport CO<sub>2</sub> by pipeline to enter the market from 2025 onwards, using other forms of transport such as ship, road and rail; and
- establishing a working group led by industry to identify and adopt solutions to reduce the cost of capturing CO<sub>2</sub>.

7.4.50 Alongside the CCS Vision, the Government also announced significant progress in delivering on the four announced carbon capture clusters, which included agreeing initial commercial terms with the Northern Endurance Partnership (NEP) around Teesside and the Humber in respect of the East Coast Cluster (ECC), paving the way for the expansion of the cluster.

7.4.51 The CCS Vision and latest announcement underlines the progress that is being made in delivering the NEP infrastructure, which is in turn critical to the delivery of the Proposed Development.

7.5 National Planning Policy Framework (NPPF)

7.5.1 The National Planning Policy Framework (NPPF) was introduced in March 2012 and last updated in December 2023 (DLUHC, 2023). It sets out the Government's

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- planning policies for England. It is a material consideration in planning decisions. Although paragraph 5 of the NPPF confirms that NSIPs are to be determined in accordance with the decision-making framework of the PA 2008 and relevant NPSs, decision-making on NSIPs by the SoS should, in accordance with Section 104 of the PA 2008, also take account of any other matters which the SoS thinks are both *“important and relevant”*, which may include the NPPF.
- 7.5.2 Section 2 ‘Achieving sustainable development’ confirms (paragraph 7) that the purpose of the planning system is to contribute to the achievement of sustainable development, summarised as:
- “...meeting the needs of the present without compromising the ability of future generations to meet their own needs.”*
- 7.5.3 Paragraph 8 goes on to identify three overarching objectives to the achievement of sustainable development, which are interdependent and need to be pursued in mutually supportive ways. These are:
- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
  - an environmental objective – to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 7.5.4 Central to the NPPF is *“the presumption in favour of sustainable development”* as set out at Paragraph 11. For decision-taking, this means approving applications that accord with the development plan without delay.
- 7.5.5 The NPPF is supportive of infrastructure projects. One of the methods of fulfilling the objective of sustainable development listed at paragraph 8 under ‘a) an economic objective’ is through the *“provision of infrastructure”*.
- 7.5.6 Paragraph 157 in Section 14 ‘Meeting the challenge of climate change, flooding and coastal change’ states:
- “The planning system should support the transition to a low carbon future in a changing climate ... it should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of*
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*existing buildings; and support renewable and low carbon energy and associated infrastructure."*

7.5.7 Paragraph 163 states that when determining applications for renewable and low carbon development, there should be no requirement for applicants to demonstrate the overall need for renewable or low carbon energy and that applications for renewable or low carbon development should be approved if their impacts are (or can be made) acceptable.

7.5.8 NPPF policies of particular relevance to the Proposed Development include:

- Building a strong, competitive economy (Chapter 6);
- Making effective use of land (Chapter 11);
- Meeting the challenge of climate change, flooding and coastal change (Chapter 14); and
- Conserving and enhancing the natural environment (Chapter 15).

7.5.9 A summary of these policies is provided in Table 7-1.

Table 7-1: Relevant National Planning Policy Framework Policies

| POLICY  | POLICY SUMMARY  |
|---|---|
| Chapter 6 – Building a strong, competitive economy                                | Confirms that the Government is committed to securing economic growth and productivity and allowing each area to build on its strengths, counter any weaknesses and address the challenges of the future.<br>Paragraphs 85 and 86 make it clear that the planning system should do all it can to support sustainable economic growth through, amongst other measures, planning proactively and removing barriers to investment such as a lack of infrastructure.  |
| Chapter 11 – Making effective use of land   | Aimed at promoting the effective use of land, including by (paragraph 124c) giving substantial weight to the use of suitable brownfield land.   |
| Chapter 14 – Meeting the challenge of climate change, flooding and coastal change | Focuses upon adapting to and mitigating the effects of climate change.<br>Paragraph 157 highlights that planning plays a key role in helping shape places to secure radical reductions in GHG emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.<br>Paragraph 165 warns that inappropriate development in areas at risk of flooding should be avoided but where it is necessary the development should be made safe for its lifetime without increasing flood risk elsewhere. If it is not possible for development to be in zones with a lower risk of flooding the exception test may have to be applied. |

| POLICY   | POLICY SUMMARY  |
|--|---|
| Chapter 15 –<br>Conserving and<br>enhancing the natural<br>environment | Aimed at protecting and enhancing value landscapes, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital, minimising impacts on and providing net gains for biodiversity and preventing new and existing development from contributing to, being put at unacceptable risk from or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. |

7.5.10 The above NPPF policies are considered in detail within the Planning Statement, which forms part of the DCO Application for the Proposed Development.

## 7.6 Local Planning Policy

7.6.1 Local development plan documents can be a matter that is also important and relevant to decision-making by the SoS on applications for development consent. The development plan documents of relevance to the Proposed Development are set out below.

### Development Plan Documents

7.6.2 The Main Site is located within the administrative boundary of RCBC.

7.6.3 The Hydrogen Pipeline Corridor and other connections involve crossings of the River Tees and encompass land within the administrative boundaries of RCBC, STBC and HBC.

7.6.4 The relevant Development Plan Documents (DPDs) for the Proposed Development are as follows:

- RCBC Local Plan (adopted May 2018; RCBC, 2018a);
- STBC Local Plan (adopted January 2019; STBC, 2019);
- HBC Local Plan (adopted May 2018; HBC, 2018); and
- The Tees Valley Joint Minerals and Waste DPDs (adopted September 2011; Darlington Borough Council *et al.*, 2011).

7.6.5 The Tees Valley Joint Minerals and Waste DPDs comprise a Minerals and Waste Core Strategy DPD and a Minerals and Waste Policies and Sites DPD. The Joint Minerals and Waste DPDs were prepared together by RCBC, STBC, HBC and Darlington and Middlesbrough Councils.

7.6.6 The Joint Minerals and Waste DPDs are considered to be of limited relevance to the Proposed Development, as while some of the Site lies within a Minerals Safeguarding Area (MSA) and partly within a 'General Location for Large Waste Management Facilities', it is not subject to any site-specific minerals or waste policies.

7.6.7 Much of the Site is or has previously been covered by industrial development or already contains pipelines and utilities corridors. The Main Site is identified for industrial and energy development and the Proposed Development would not alter or preclude the ability to access minerals for future extraction or accommodate waste facilities within the wider area. As such, there is no conflict with the Joint Minerals and Waste DPD.

#### Supplementary Planning Documents

7.6.8 Parts of the Site lie within the boundary of the South Tees Development Corporation (STDC) area. STDC is a Mayoral Development Corporation, established to further the economic development of the South Tees Area through physical, social and environmental regeneration. However, RCBC retains planning powers for the area and continues to act as the LPA in respect of planning policy and development management and the processing and determination of planning applications.

7.6.9 STDC has produced a Master Plan (the '*South Tees Regeneration Master Plan*') to provide a flexible framework for the regeneration of the South Tees Development Corporation (STDC) (STDC, 2019). The Master Plan was prepared throughout 2017 (later revised in 2019 as STDC (2019)) as a supporting vision and development strategy document to inform the preparation of a Supplementary Planning Document (SPD) by RCBC for the South Tees Area. Following consultation, the Master Plan was launched alongside the South Tees Area SPD, which was formally adopted by RCBC in May 2018 (RCBC, 2018b). The Master Plan has no formal planning status, however, the South Tees Area SPD is a material planning consideration.

#### Planning Allocations/Designations and Policies

7.6.10 The key planning allocations/designation and related development plan policies (based upon the relevant policies maps) and relevant SPD designations and policies that apply to the Proposed Development Site within the administrative areas of RCBC, STBC and HBC are listed below.

7.6.11 The key planning allocations/designations and related development plan policies that apply to the Site within the RCBC area are:

- Development Limits – Policy SD3;
- Protected Employment Area – Policy ED6;
- South Tees Development Corporation Area – Policy LS4;
- 30 km wind farm safeguarding area for Durham Tees Valley Airport – Policy SD6;
- Sensitive Landscape Areas – Policy N1;
- Restoration Landscape Areas – Policy N1;
- Strategic Landscape Areas – Policy N2;
- Green Wedge – Policy N2;

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- Primary Open Spaces – Policy N3;
  - Special Protection Areas (SPAs) – Policy N4;
  - Sites of Special Scientific Interest (SSSIs) – Policy N4;
  - 6 km Special Protection Area (SPA) Buffer Zone – Policy N4;
  - Local Wildlife Sites – Policy N4;
  - Marine Dredged Sand and Gravel – Policies MWC4 and MWC5;
  - General Location for Large Waste Management Facilities – Policy MWC8;
  - South Tees Eco Park – Policies MWP8 and MWP10(b); and
  - Safeguarded Wharves – Policy MWC11.
- 7.6.12 Figure 2 of the South Tees Area SPD shows indicative clusters for key industries and processes within the South Tees Area. The Main Site is identified primarily as part of clusters for ‘manufacturing’ and ‘manufacturing and energy’ and ‘port-related uses’, while within its vicinity clusters are shown for ‘port-related uses’, ‘Redcar Bulk Terminal’, ‘other processing, advanced manufacturing and training, testing and research’.
- 7.6.13 The SPD divides the South Tees Area into five main development zones (as shown by Figure 6 of the SPD). These are the North Industrial Zone; North East Industrial Zone; Central Industrial Zone; South Industrial Zone; and Coastal Community Zone. The North Industrial Zone, which encompasses the Main Site is identified for development proposals relating to port related industry, major space users/large scale manufacturing, energy innovation, power generation and storage, bulk materials and mineral processing.
- 7.6.14 The SPD sets out several ‘*Development Principles*’ to guide the development of the South Tees Development Corporation (STDC). Those of particular relevance to the Proposed Development include:
- Development Principle STDC6: Energy Innovation;
  - Development Principle STCD7: Natural Environmental Protection and Enhancement;
  - Development Principle STDC10: Utilities; and
  - Development Principle STDC11: North Industrial Zone.
- 7.6.15 Development Principle STDC6 ‘Energy Innovation’ (pages 33 to 34) supports new energy generation within the area, including the promotion of renewable energy and innovative energy projects. STDC11 ‘North Industrial Zone’ states (page 49) that STDC will encourage development proposals relating to port related industry, major space users/large scale manufacturing, energy innovation, power generation and storage and bulk materials and processing within this area.
- 7.6.16 The key policies and development principles of relevance to the Proposed Development within the RCBC area are summarised in Table 7-2 below:
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Table 7-2: Redcar and Cleveland Borough Council Policies and Development Principles

| POLICY NO. | POLICY DOCUMENT | POLICY TITLE                    | SUMMARY OF POLICY  |
|------------|-----------------|---------------------------------|--|
| SD1        | RCBC Local Plan | Sustainable Development         | When considering development proposals, the Council will take a positive approach reflecting the presumption in favour of sustainable development within the NPPF. Developments should improve the economic, social and environmental conditions of the area.  |
| SD2        | RCBC Local Plan | Locational Policy               | Development will be directed to the most sustainable locations in the Borough. The majority of development will be focused in the urban and coastal areas. Priority will be given to brownfield land in sustainable locations that is not of high environmental value.   |
| SD3        | RCBC Local Plan | Development Limits              | Within development limits, development will be supported, subject to meeting other policies in the Local Plan. Development beyond development limits will be to specific circumstances such as where the development requires a countryside location due to technical or operational reasons or it involves the redevelopment of brownfield land that is not of high environmental value.  |
| SD4        | RCBC Local Plan | General Development Principles  | In assessing the suitability of a site or location, development will be permitted where it meets the requirements of the Locational Policy and will not have a significant adverse effect on amenity; result in unacceptable loss or significant adverse effect on the environment; avoids locations that put the environment or human health or safety at unacceptable; or results in adverse effects on nature conservation sites, amongst other matters. All development must be designed to a high standard. |
| SD6        | RCBC Local Plan | Renewable and Low Carbon Energy | Renewable and low carbon energy schemes will be supported and encouraged, and will be approved where their impact is, or can be made, acceptable. In determining applications for renewable and low carbon energy and associated infrastructure matters that will be taken into account include the scale of the   |



| POLICY NO. | POLICY DOCUMENT | POLICY TITLE                | SUMMARY OF POLICY   |
|------------|-----------------|-----------------------------|---|
|            |                 |                             | development, impact on residential amenity, environmental impacts, the sensitivity of the landscape, airport and military considerations and the cumulative impact of proposals, amongst other matters.   |
| SD7        | RCBC Local Plan | Flood and Water Management  | Development in areas at risk of flooding will only be granted where it meets the sequential and exception tests, will be safe and does not increase flood risk elsewhere. Development will be expected to be designed to mitigate and adapt to climate change. A flood risk assessment will be required.  |
| ED6        | RCBC Local Plan | Promoting Economic Growth   | Policy ED6 confirms that land and buildings within existing employment areas shown on the Policies Map will continue to be developed and safeguarded for employment uses. It goes onto state that specialist uses, including energy and heavy processing industries and port logistics will be focused in the South Tees Area, Wilton International and Skinningrove. In these areas proposals falling within Use Classes B1, B2, B8 and suitable employment related sui generis uses will be supported. Proposals in the South Tees Area should have regard to the South Tees Area SPD. Proposals will need to demonstrate that there will be no adverse effects on the integrity of the nearby protected nature conservation sites. Proposals will be encouraged to improve the quality of the environment. |
| LS4        | RCBC Local Plan | South Tees Spatial Strategy | The Spatial Strategy includes the South Tees Development Corporation area, Wilton International, Teesport and the South Tees Industrial Estates and Business Parks. The Policy aims to support the delivery of significant economic growth and job opportunities in this area, including encouraging clean and efficient industry to help reduce carbon emissions and the development of Carbon Capture and Storage ('CCS') to decarbonise the local economy. The Policy also seeks to improve the  |

| POLICY NO. | POLICY DOCUMENT | POLICY TITLE                             | SUMMARY OF POLICY  |
|------------|-----------------|--|--|
|            |                 |  | environmental quality of the area and to protect the nearby nature conservation sites.   |
| N1         | RCBC Local Plan | Landscape                                | Policy N1 seeks to protect and enhance the Borough's landscapes. Development proposals will be considered within the context of the Landscape Character Assessment, the Landscape Character SPD and the Historic Landscape Characterisation. Proposals will not be permitted where they would lead to the loss of features important to the character of the landscape, its quality and distinctiveness, unless its benefits clearly outweigh landscape considerations.  |
| N2         | RCBC Local Plan | Green Infrastructure                     | The Council will aim to protect and enhance the green infrastructure network. Opportunities to incorporate green infrastructure into development proposals should be sought. Green infrastructure includes strategic green infrastructure corridors, strategic gaps, green wedges, open spaces, strategic landscape areas, heritage assets, public rights of way and beck valleys and watercourses. Where there is a loss of green infrastructure the principle of 'net gain' should apply.  |
| N3         | RCBC Local Plan | Open Space and Recreation                | Seeks to protect open space and recreation facilities from development.  |
| N4         | RCBC Local Plan | Biodiversity and Geological Conservation | Seeks to protect and enhance the Borough's biodiversity and geological resources. Development should avoid detrimental impacts on biodiversity and geodiversity whether individual or cumulative. Where this is not possible mitigation, or compensation must be provided. Development proposals will be considered in accordance with the status of biodiversity and geodiversity sites within the hierarchy. Priority will be given to the protection of internationally important sites such as the Teesmouth and Cleveland Coast SPA/Ramsar and the North York Moors SPA and SAC. Development that is not directly related to the management of such sites and |

| POLICY NO. | POLICY DOCUMENT     | POLICY TITLE                  | SUMMARY OF POLICY   |
|------------|---------------------|-------------------------------|---|
|            |                     |                               | which is likely to have a significant effect upon them will be subject to an Appropriate Assessment. Development that will have an adverse impact on nationally important sites such as SSSI will not be allowed unless the benefits of the development outweigh the impacts; no reasonable alternatives are available; and mitigation, or where necessary compensation, is provided for the impact. The Policy also seek to safeguard locally important nature conservation sites. Wherever possible, development should provide 'net gains' in the value of biodiversity. |
| HE2        | RCBC Local Plan     | Heritage Assets               | Seeks to protect designated heritage assets and their settings as well as non-designated heritage assets of archaeological interest.  |
| TA1        | RCBC Local Plan     | Transport and New Development | The Council and its partners will ensure that the transport requirement of new development, commensurate to the scale and type of development, are taken into account and seek to promote sustainable travel to minimise environmental impacts and support residents' health and wellbeing. The Council will support the preparation and implementation of travels plan to encourage the use of sustainable modes.  |
| STDC1      | South Tees Area SPD | Regeneration Priorities       | The Council in partnership with STDC will seek to achieve the comprehensive development of the South Tees Area in order to realise an exemplar world class industrial business park. This will include prioritising uses connected with advanced manufacturing and new technologies; promoting and supporting uses and infrastructure connected to a low carbon economy; focusing on high-skilled employment opportunities; protecting heritage assets; improving connectivity and environmental quality. Piecemeal development will be resisted.                           |
| STDC4      | South Tees Area SPD | Economic Development Strategy | The Council in partnership with STDC will support economic development of the South Tees Area for specialist industries and other   |

| POLICY NO. | POLICY DOCUMENT     | POLICY TITLE                                     | SUMMARY OF POLICY  |
|------------|---------------------|--|--|
|            |                     |  | industries which would benefit from a location in this area in accordance with Local Plan Policies ED6 and LS4.  |
| STDC6      | South Tees Area SPD | Energy Innovation                                | The Council in partnership with STDC will promote and support the development of new energy generation in the South Tees Area, including renewable energy development and the promotion of other innovative energy projects. All energy generation should be appropriately sited and designed in order to avoid unacceptable adverse environmental or amenity impacts.   |
| STDC7      | South Tees Area SPD | Natural Environmental Protection and Enhancement | Seeks to protect and, where appropriate, enhance designated and non-designated sites of biodiversity and geodiversity interest and value. All development proposals will be required to comply with Local Plan Policy N4 which seeks to protect the internationally and national designated nature conservation sites within the area. The provision of green infrastructure will be supported in accordance with Local Plan Policy N2. Proposals will be required to have regard to forthcoming biodiversity and open space strategies. |
| STDC8      | South Tees Area SPD | Preserving Heritage Assets                       | The Council in partnership with STDC will seek to identify those industrial assets which it is appropriate and viable to retain as part of the development of an industrial heritage trail. Development proposals that will affect a designated or non-designated heritage asset or its setting should be in accordance with Local Plan Policy HE2.  |
| STDC10     | South Tees Area SPD | Utilities  | The development of new infrastructure relating to energy generation will be supported, including power generation facilities utilising both conventional and renewable resources and Carbon Capture and Storage ('CCS').   |
| STDC11     | South Tees Area SPD | North Industrial Zone                            | Will encourage development proposals relating to port related industry, major space users/large scale manufacturing, energy  |

| POLICY NO. | POLICY DOCUMENT     | POLICY TITLE               | SUMMARY OF POLICY  |
|------------|---------------------|----------------------------|--|
|            |                     |                            | innovation, power generation and storage, bulk materials and mineral processing. The potential for an open space recreation and heritage area within the North Industrial Zone ('NIZ') and incorporating the Redcar Blast Furnace is being explored. Development proposals should be in accordance with Local Plan Policy N4 and the requirements of the forthcoming biodiversity strategy, which will consider the need for a buffer zone to protect the existing environmental assets within and adjacent to the North Industrial Zone. Proposals should also take account of flood risk in accordance with Local Plan Policy SD7. |
| STDC12     | South Tees Area SPD | North East Industrial Zone | Will encourage development proposals relating to advanced manufacturing, research and development, testing and laboratory services and industrial and technology training. Proposals should accord with Local Plan Policies N4 and SD7.  |
| STDC15     | South Tees SPD      | Coastal Community Zone     | The Council in partnership with STDC will support proposals for environmental enhancement, small-scale leisure and community uses and improved public access subject to compliance with Local Plan Policies N4, SD7 and HE2. Opportunities for renewable energy generation and energy storage will be explored.  |

7.6.17 Key planning allocations/designations and related development plan policies for the STBC administrative area are:

- Development Limits – Policies SD2, SD3, SD4 and SD5;
- General Employment Allocation/Locations – Policies SD4 and EG1;
- Employment Areas/Specialist Use Locations – Policies SD4 and EG4;
- Reserve Housing Land – Policies H1 and H2;
- Durham Tees Valley Airport Safeguarding Area – Policy EG5;
- Internationally Designated Sites (SPAs and Ramsar sites) – Policies SD5 and ENV5;
- Nationally Designated Sites (SSSIs) – Policies SD5 and ENV5;

- Locally Designated Sites (Local Nature Reserves) – Policies SD5 and ENV5;
- Locally Designated Sites (Local Wildlife Sites) – Policies SD5, ENV5; and
- Open Space – Policies SD5 and ENV5.

7.6.18 The key policies of relevance to the Proposed Development within the STBC area are summarised in Table 7-3 below:

Table 7-3: Stockton-on-Tees Borough Council Policies

| POLICY NO. | POLICY DOCUMENT | POLICY TITLE                                     | SUMMARY OF POLICY   |
|------------|-----------------|--|---|
| SD1        | STBC Local Plan | Presumption in favour of Sustainable Development | When considering development proposals, the Council will take a positive approach reflecting the presumption in favour of sustainable development within the NPPF.  |
| SD2        | STBC Local Plan | Strategic Development Needs                      | In order to provide sufficient employment sites to meet existing needs and new investment the Policy allocates land for employment, including 120 hectares for specialist uses, including the chemical and process industry, energy generation, waste processing, port-related uses and other uses, which demonstrate operational benefits to the North and South Tees Cluster.     |
| SD4        | STBC Local Plan | Economic Growth Strategy                         | Economic development needs will be directed to appropriate locations to ensure the delivery of sustainable economic growth. The Policy states that The Seal Sands, North Tees and Billingham Industrial Park are the main growth areas for a range of specialist uses, including energy generation and carbon capture and storage, which have operational benefits for the cluster. |
| SD5        | STBC Local Plan | Natural, Built and Historic Environment          | Seeks to conserve and enhance the natural, built and historic environment and meet the challenge of climate change, flooding and coastal change through a variety of methods, including supporting proposals for renewable and low carbon energy.   |
| SD6        | STBC Local Plan | Transport and Infrastructure Strategy            | Seeks to promote and deliver a sustainable transport network.   |



| POLICY NO. | POLICY DOCUMENT | POLICY TITLE                               | SUMMARY OF POLICY  |
|------------|-----------------|--|--|
| SD7        | STBC Local Plan | Sustainable Design Principles              | Development proposals should be designed to the highest possible standard, taking into consideration the context of the surrounding area, including matters such as landscape character and the need to protect and enhance ecological and green infrastructure networks and assets.                           |
| EG4        | STBC Local Plan | Seal Sands, North Tees and Billingham      | Development proposals for emerging specialist sectors will be directed to available sites and expansion land in Billingham Industrial Park, North Tees and Seal Sands. It will need to be demonstrated that development would not adversely impact on the protected nature conservation sites within the area. |
| EG5        | STBC Local Plan | Durham Tees Valley Airport                 | Within the safeguarded area surrounding the Airport (identified on the Policies Map) it will be necessary to consult the operator of the Airport on relevant development proposals.  |
| T11        | STBC Local Plan | Transport Infrastructure                   | Seeks to promote and deliver a sustainable transport network. Requires development proposals to be accompanied by an assessment of transport impacts and promote the use of sustainable modes through travel plans.  |
| ENV1       | STBC Local Plan | Energy Efficiency                          | The Council will encourage all development to minimise the effects of climate change and will require all major development to demonstrate how it will contribute to the greenhouse gas emission reduction targets set out in the Stockton-on-Tees Climate Change Strategy 2016.                               |
| ENV2       | STBC Local Plan | Renewable and Low Carbon Energy Generation | The Council encourages and supports the local production of energy from renewable and low carbon sources to help reduce carbon emissions and contribute towards the achievement of renewable energy targets.   |
| ENV4       | STBC Local Plan | Reducing and Mitigating Flood Risk         | All new development will be directed toward the areas of lowest flood risk and where it is proposed in Flood Zones 2 and 3 it must satisfy the sequential and exception tests and  |

| POLICY NO. | POLICY DOCUMENT | POLICY TITLE   | SUMMARY OF POLICY  |
|------------|-----------------|--|--|
|            |                 |  | be supported by a flood risk assessment demonstrating it will be safe and not increase the risk of flooding.   |
| ENV5       | STBC Local Plan | Preserve, Protect and Enhance Ecological Networks, Biodiversity and Geodiversity | Seek to protect and enhance the biodiversity and geological resources within the Borough. This includes the protection, and where appropriate, enhancement of internationally designated nature conservation sites, nationally and locally designated sites. Development proposals should seek to achieve net gains in biodiversity wherever possible.   |
| ENV7       | STBC Local Plan | Ground, Air, Water, Noise and Light Pollution                                    | Development proposals that may cause pollution will be required to incorporate measures to prevent or reduce pollution so as not to cause unacceptable impacts on residential amenity or the character and appearance of the surrounding area of environment. Development will not be permitted if it is considered that it will result in unacceptable effect on human health or the environment. |
| HE2        | STBC Local Plan | Conserving and Enhancing Stockton's Heritage Assets                              | Development proposals should conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance. This includes assets the Council has identified on a local listed, which are considered as having local heritage significance.  |

7.6.19 Key planning allocations/designations and related development plan policies for the HBC administrative area are:

- Development Limits – Policies LS1 and RUR2;
- Strategic Gaps – Policy LS1;
- Underground Storage – Policy EMP6;
- Safeguarded Land for Future Road Schemes – Policy INF2;
- Internationally Designated Sites – Policy NE1a; and
- Local Wildlife Sites – Policy NE1c.

7.6.20 The key policies of relevance to the Proposed Development within the HBC area are summarised in Table 7-4 below:

Table 7-4: Hartlepool Borough Council Policies

| POLICY NO. | POLICY DOCUMENT       | POLICY TITLE  | SUMMARY OF POLICY   |
|------------|-----------------------|---|---|
| LS1        | Hartlepool Local Plan | Locational Strategy                                   | The development of Hartlepool will be based on a strategy of balanced urban   |
| EMP6       | Hartlepool Local Plan | Underground Storage                                   | Development of essential infrastructure must avoid areas of high hazard   |
| INF2       | Hartlepool Local Plan | Improving Connectivity in Hartlepool.                 | Delivering sustainable transport in Hartlepool will be achieved through a balance package of measures that seek to maximise the level of sustainable access to areas of development and through measures that develop further opportunities for sustainable modes of transport to serve existing communities. |
| NE1a       | Hartlepool Local Plan | Natural Environment- Internationally designated sites | Sites designated for nature conservation will be protected, and where appropriate enhanced taking into account an (a)- (c) hierarchy comprising the following:  |
| NE1c       | Hartlepool Local Plan | Natural Environment- Locally Wildlife sites           | Sites designated for nature conservation will be protected, and where appropriate enhanced taking into account an (a)- (c) hierarchy comprising the following:  |

7.6.21 The policies of most relevance from the Joint Minerals and Waste Plan are set out below in Table 7-5.

Table 7-5: Minerals and Waste Policies

| POLICY NO. | POLICY DOCUMENT       | POLICY TITLE   | SUMMARY OF POLICY  |
|------------|-----------------------|--|--|
| MWC4       | Minerals & Waste DPDs | Safeguarding of Mineral Resources from Sterilisation | Within minerals safeguarding areas, non-minerals development will only be permitted if it would not sterilise or prejudice future extraction of the resource; the mineral will be extracted prior to development; or the need for the development outweighs the need for the mineral resource. |
| MWC8       | Minerals & Waste DPDs | General Locations for Waste                          | Allocations and development proposals for large waste management facilities should be located in areas such as south of the River Tees (e.g. around Teesport). In determining  |

| POLICY NO. | POLICY DOCUMENT       | POLICY TITLE                             | SUMMARY OF POLICY  |
|------------|-----------------------|--|--|
|            |                       | Management Sites                         | the suitability of sites within such areas, consideration will be given to the potential impact of the protected nature conservation sites.  |
| MWC11      | Minerals & Waste DPDs | Safeguarding of Port and Rail Facilities | Development which is proposed on or in the vicinity of certain safeguarded port and rail facilities (e.g. Tees Dock) will only be permitted where it would not prejudice the transportation of minerals and resources and waste materials by water and rail. |

7.6.22 The above policies and development principles, and how the Proposed Development complies with them, are considered within the Planning Statement (EN070009/APP/5.2) that forms part of the Application.

#### Local Climate Change Policy

7.6.23 RCBC has set an ambitious target for a carbon neutral Borough by 2030, which includes the adoption of its Climate Change Strategy (2021-2030) and Action Plan (2021-2025) which sets out the vision and how it will be delivered.

7.6.24 The Climate Change Strategy (2021-2030) states that around of 85% of overall emissions within the RCBC area comes from industry and commerce, predominantly the large industrial installations at the Wilton International Site and Teesport areas. It acknowledges that the Borough will exceed its allocated carbon budget for 2100 under the Paris Agreement by 2033. To achieve RCBC's target for carbon neutrality by 2030, the emissions must be reduced by more than 10% each year, with the biggest changes needed from industry and commerce.

7.6.25 The Climate Change Action Plan (2021-2025), whilst not specific to hydrogen, sets out actions to promote renewable and low carbon energy production.

7.6.26 STBC adopted its Climate Change Strategy in 2016, while more recently HBC adopted a Net Zero Strategy and Action Plan in November 2023, setting out a pathway to net zero emissions by 2050.

7.6.27 The Proposed Development would support the delivery of the local climate change strategies by supplying low carbon hydrogen to local industries helping them to decarbonise. The significant role that the Proposed Development could play in this is underlined by the fact that a large percentage of the emissions on Teesside come from industry and commerce.

## 7.7 Summary

7.7.1 The NPSs are the primary basis for decision-making by the SoS on applications for development consent.

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- 7.7.2 NPS EN-1 (Part 3) confirms the need for new nationally significant energy infrastructure projects. It explains why the Government sees a need for significant amounts of new large-scale energy infrastructure to meet its energy objectives and why it considers the need for such infrastructure is urgent. It notes (paragraph 3.1.2) that it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts. Paragraphs 3.2.6 to 3.2.8 state that the SoS should assess all applications for development consent for the types of infrastructure covered by EN-1 on the basis that the Government has demonstrated that there is a need for those types of infrastructure which is urgent, and that substantial weight should be given to that need.
- 7.7.3 EN-1 also confirms (paragraphs 3.2.11 and 3.2.12) that where an energy infrastructure project is not covered by sections 15 to 21 of the PA 2008, but is considered to be a project of national significance for which development consent is required and subject to a Direction under Section 35, then the application for development consent would need to be considered in accordance with the policy in EN-1. In particular, it specifically refers to hydrogen infrastructure, such as the Proposed Development, and the substantial weight that should be given to the need for such infrastructure established at paragraphs 3.4.12 to 3.4.22 of EN-1.
- 7.7.4 Notably, EN-1 (paragraphs 3.4.22 and 4.2.5) defines low carbon hydrogen infrastructure such as the Proposed Development, as critical national priority (CNP) infrastructure. Paragraph 4.2.7 explains how that CNP status is to be weighed against any residual impacts identified following the normal consideration of the needs case, the impacts of the project and the application of any mitigation.
- 7.7.5 While the SoS must decide the application in accordance with any relevant NPSs, the SoS must also have regard to the appropriate marine policy documents (as discussed earlier in this chapter), local impact reports and any other matters that are both important and relevant to their decision. It is considered that such matters include the Government's energy and climate policy.
- 7.7.6 The energy and climate change policy considered in this chapter underlines the important role that hydrogen, coupled with CCUS, will play in achieving the UK's transition to a low carbon economy and the Government's legally binding target of net zero GHG emissions by 2050. In particular, hydrogen is identified as being critical to the decarbonisation of industries that are hard to electrify.
- 7.7.7 Other important and relevant matters that the SoS can take into account when examining and determining the application for development consent can include the NPPF and local development plan documents, planning policy and guidance.
- 7.7.8 The Application for the Proposed Development includes a Planning Statement that considers in detail the policies and guidance of relevance to the Proposed Development and includes an assessment of how it complies with those policies and guidance.

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## 7.8 References

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