

# H2Teesside Project

Planning Inspectorate Reference: EN070009

Land within the boroughs of Redcar and Cleveland and Stockton-on-Tees, Teesside and within the borough of Hartlepool, County Durham

The H2Teesside Order

Document Reference: 9.3: Statement of Common Ground between H2 Teesside Limited and Hartlepool Borough Council

The Planning Act 2008



**Applicant: H2 Teesside Ltd**

Date: September 2024

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**The Planning Act 2008**

**The Infrastructure Planning  
(Applications: Prescribed Forms and  
Procedure) Regulations 2009**

**The H2Teesside Order 202[ ]**

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**Statement of Common Ground between H2 Teesside Limited and  
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**STATEMENT OF COMMON GROUND**

**This Statement of Common Ground has been prepared and agreed by (1) H2 Teesside Ltd.  
and (2) Hartlepool Borough Council**

**Signed.....**

**[Name]**

**[Position]**

**on behalf of H2 Teesside Ltd**

**Date:**

**Signed.....**

**Jim Ferguson**

**Planning and Development Manager**

**on behalf of Hartlepool Borough Council**

**Date:**

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## 1.0 INTRODUCTION AND PURPOSE

### 1.1 Introduction

1.1.1 This Statement of Common Ground ('SoCG') relates to an application (the 'Application') made by H2 Teesside Limited (the 'Applicant'), to the Secretary of State for Energy Security and Net Zero for a Development Consent Order ('DCO') under Section 37 of the Planning Act 2008 (the 'PA 2008') for the H2Teesside Project.

1.1.2 The Application has been accepted for examination. The Examination commenced on 29 August 2024.

1.1.3 The Examining Authority's ('ExA') Rule 8 letter (Annex B) dated 30 August 2024 confirms that the Applicant should prepare a SoCG with Hartlepool Borough Council ('HBC') in respect of the Proposed Development.

### 1.2 Parties to the SoCG

#### The Applicant

1.2.1 The Applicant is a private limited company aiming to develop and operate the H2Teesside Project, which is an approximately 1.2-Gigawatt Thermal ('GWth') Carbon Capture and Storage ('CCS') enabled Hydrogen Production Facility and associated connections (together the 'Proposed Development') on land in Redcar and Cleveland, Stockton-on-Tees, and Hartlepool (hereafter referred to as the 'Proposed Development Site'). The Proposed Development will support the decarbonisation of UK-produced natural gas in Teesside for use in industrial applications, thus helping to achieve national targets in relation to net zero. It will also be a key contributor to restoring manufacturing jobs in the Tees Valley.

1.2.2 The Proposed Development Site covers an area of approximately 508 hectares (ha) and is located primarily within the administrative boundaries of Redcar and Cleveland Borough Council ('RCBC') and Stockton-on-Tees Borough Council ('STBC'). The Hydrogen Pipeline Corridor (refer to Figure 4-4 in ES Volume II) [APP-087] extends further north-west to also include land within the administrative boundary of Hartlepool Borough Council ('HBC').

1.2.3 The Hydrogen Production Facility will be located at the Main Site within the Teesworks development site, as shown in Figure 4-1: Proposed Development Site Boundary (including location of the Main Site) (ES Volume II) [APP-084].

#### The Role of HBC

1.2.4 HBC is a relevant local authority for the purposes of Section 42(1)(b) of the PA 2008. The northern extent of the Hydrogen Pipeline Corridor, including associated Above Ground Installations ('AGIs'), which form part of the Proposed Development, lies within HBC's administrative boundary on the northern side of the River Tees, to the east of Seal Sands. HBC is also the statutory planning authority for this area.

1.2.5 In addition to being a relevant local authority for the purposes of Section 42(1)(b) of the PA 2008, HBC is a Category 1 person under Section 44 of the PA 2008 as result of having a freehold interest in land that lies within the Proposed Development Site.

1.2.6 The Applicant and HBC are collectively referred to in this SoCG as ‘the parties’. The parties have been, and continue to be, in direct communication in respect of the Proposed Development.

### **1.3 The Purpose and Structure of this SoCG**

1.3.1 The purpose and possible content of SoCGs is set out in paragraphs 58 to 65 of the Ministry of Housing, Communities and Local Government guidance entitled ‘Planning Act 2008: examination of applications for development consent’ (April 2024). Paragraph 58 of that guidance explains the basic function of SoCGs as follows:

*“A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence.”*

1.3.2 SoCGs are therefore a useful and established means of ensuring that the evidence at the DCO examination phase focuses on the material differences between the main parties, and so aim to help facilitate a more efficient examination process.

1.3.3 The purpose of this SoCG is therefore to summarise the agreements reached between the parties on matters relevant to the Examination of the Application and to assist the ExA. It also explains the matters which remain unresolved at the time of writing, but which both parties are working positively toward resolving. As such, it is expected that further iterations of the SoCG will be submitted to the ExA throughout the Examination and prior to the making of any DCO for the Proposed Development.

1.3.4 The SoCG has been prepared with regard to the above guidance and is structured as follows:

- Section 2 – sets out the engagement and related discussions held between the parties.
- Section 3 – sets out the matters discussed and agreed to date.
- Section 4 – sets out the matters that are under discussion and to be agreed and the proposed way forward, where relevant.

## 2.0 ENGAGEMENT WITH HBC

### 2.1 Summary of Engagement

2.1.1 A summary of the key engagement that has taken place between the Applicant and HBC is detailed in **Table 2.1** below.

**Table 2.1: Engagement between the Applicant and HBC**

DATE	FORM OF ENGAGEMENT	DOCUMENT REF. (IF ANY)	DETAILS
21 April 2023	Briefing meeting	n/a	The Applicant met with HBC to provide an overview of the Proposed Development and the proposals for consultation.
24 April to 5 May 2023	Non-statutory consultation on the Statement of Community Consultation ('SoCC')	Consultation Report [APP-030]	<p>The Applicant undertook non-statutory consultation with the relevant local authorities on a draft SoCC. This included HBC.</p> <p>A response was received from HBC on 9 May 2023. This referred the Applicant to HBC's Statement of Community Involvement and also advised that the Applicant should consult the following on the Proposed Development:</p> <ul style="list-style-type: none"> <li>• Hartlepool Rural Neighbourhood Plan Working Group.</li> <li>• The newly established Hartlepool Mayoral Development Corporation through TVCA.</li> <li>• The Royal Society for the Protection of Birds.</li> </ul>

DATE	FORM OF ENGAGEMENT	DOCUMENT REF. (IF ANY)	DETAILS
			<ul style="list-style-type: none"> <li>• Teesmouth Bird Club.</li> <li>• Health and Safety Executive.</li> <li>• Cleveland Fire Brigade.</li> <li>• EDF (Hartlepool Nuclear Power Station).</li> <li>• Environment Agency.</li> <li>• Natural England.</li> </ul> <p>The Applicant had already had regard to the HBC Statement of Community Involvement in developing the draft SoCC. The Applicant also reviewed the list of prescribed and non-prescribed consultees against the parties listed by HBC and added the additional parties to the list.</p>
17 May to 15 June 2023	Statutory consultation on the SoCC	Consultation Report [APP-030]	The Applicant undertook statutory consultation with HBC on a draft of the SoCC.
14 September to 26 October 2023	First Consultation (statutory consultation) in accordance with Section 42 of the PA 2008.	Consultation Report [APP-030]	The Applicant issued a Section 42 letter to HBC on 14 September 2023 consulting the Council on the Proposed Development. HBC provided a response on 23 October 2023 setting out a number of comments relating to the Proposed Development and the Preliminary Environmental Information Report ('PEIR') that has been made available as part of the



DATE	FORM OF ENGAGEMENT	DOCUMENT REF. (IF ANY)	DETAILS
			consultation, but raised no objections.
13 December 2023 to 23 January 2024	Second Consultation (statutory and non-statutory) in accordance with Section 42 of the PA 2008.	Consultation Report [APP-030]	The Applicant issued a Section 42 letter to HBC on 13 December 2023 consulting the Council on a number of changes to the Proposed Development as a result of further design development and technical work undertaken and also responses received to the First Consultation.
4 September to 7 October 2024	Consultation on proposed changes to the DCO Application.	n/a	A letter was issued to HBC on 4 September 2024 consulting the Council on a number of proposed changes to the DCO Application.

### 3.0 MATTERS AGREED

#### 3.1 Overview

3.1.1 This section sets out the matters agreed between the parties.

**Table 3.1: Matters Agreed between the Applicant and HBC**

NO.	MATTER AGREED	DOCUMENT REF (IF RELEVANT)	COMMENTARY
1.	Adequacy of consultation		It is agreed that the Applicant undertook an appropriate level of consultation on the Proposed Development in advance of the DCO Application being submitted.
2.	The need for and principle of the development at this location.	Need Statement [APP-033] Planning Statement [APP-031]	<p>It is agreed that there is an urgent need for the Proposed Development – as set out in the Need Statement [APP-033] and the Planning Statement [APP-031] – in order to provide low carbon hydrogen and a means to decarbonise existing and proposed industrial emitters on Teesside and that this is consistent with the Government’s legally binding commitment to achieve net zero in terms of greenhouse gas emissions by 2050.</p> <p>It is also agreed that the principle of the Proposed Development at this location is acceptable. The Proposed Development involves significant areas of previously developed land and the Hydrogen Pipeline Corridor involves areas identified within the local development plan for industrial and employment development.</p>
3.	National Policy Statements for Energy		<p>It is agreed that the policy framework for examining and determining applications for development consent is provided by the National Policy Statements (‘NPSs’) for energy and that the following NPSs are of particular relevance to the Proposed Development:</p> <ul style="list-style-type: none"> <li>• the Overarching NPS for Energy (EN-1);</li> </ul>

NO.	MATTER AGREED	DOCUMENT REF (IF RELEVANT)	COMMENTARY
			<ul style="list-style-type: none"> <li>• the NPS for Natural Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4); and</li> <li>• the NPS for Electricity Networks Infrastructure (EN-5).</li> </ul> <p>It is agreed that the above NPSs provide the primary basis for decision-making by the Secretary of State in respect of the DCO Application.</p> <p>It is agreed that the DCO Application should be determined in accordance with Section 104 of the PA 2008.</p>
4.	Energy and climate change Policy		<p>It is agreed that Section 104 of the PA 2008 states that in determining applications for development consent, the Secretary of State must have regard to any other matters that are “important and relevant” to the decision.</p> <p>It is agreed that the following statements of Government energy and climate change policy, in particular, are important and relevant:</p> <ul style="list-style-type: none"> <li>• The Ten Point Plan for a Green Industrial Revolution (November 2020).</li> <li>• The Energy White Paper – Powering our Net Zero Future (December 2020).</li> <li>• Industrial Decarbonisation Strategy (March 2021).</li> <li>• North Sea Transition Deal (March 2021).</li> <li>• UK Hydrogen Strategy (August 2021 and updates).</li> <li>• Net Zero Strategy: Build Back Greener (October 2021).</li> <li>• British Energy Security Strategy (April 2022).</li> </ul>

NO.	MATTER AGREED	DOCUMENT REF (IF RELEVANT)	COMMENTARY
			<ul style="list-style-type: none"> <li>• Powering Up Britain (March 2023).</li> <li>• Carbon Capture, Usage and Storage: a vision to establish a competitive market (December 2023).</li> </ul>
5.	National planning policy		<p>It is agreed that the following national planning policy documents may be important and relevant to the determination of the Application:</p> <ul style="list-style-type: none"> <li>• National Planning Policy Framework (December 2023).</li> <li>• Planning Practice Guidance.</li> </ul>
6.	Local development plan documents		<p>It is agreed that within the context of Section 104 of the PA 2008 local development plan documents may also be important and relevant. It is agreed that the following local development plan documents that apply to Hartlepool are of most relevance to the Proposed Development:</p> <ul style="list-style-type: none"> <li>• The Hartlepool Local Plan (adopted May 2018).</li> <li>• The Tees Valley Joint Minerals and Waste DPDs (adopted September 2011).</li> </ul>
7.	Local planning designations and policies	Planning Statement [APP-031]	<p>It is agreed that Section 3.3 of the Planning Statement [APP-031] provides an accurate description of the local planning designations and policies that apply to the Proposed Development Site within the administrative boundary of Hartlepool. The key planning allocations/designations and related policies that apply to the Site are:</p> <ul style="list-style-type: none"> <li>• Development Limits – Policies LS1 and RUR2.</li> <li>• Strategic Gaps – Policy LS1.</li> </ul>

NO.	MATTER AGREED	DOCUMENT REF (IF RELEVANT)	COMMENTARY
			<ul style="list-style-type: none"> <li>• Underground Storage – Policy EMP6.</li> <li>• Safeguarded Land for Future Road Schemes – Policy INF2.</li> <li>• Internationally Designated Sites – Policy NE1a.</li> <li>• Local Wildlife Sites – Policy NE1c.</li> </ul>
8.	Planning history and current proposals	Planning Statement [APP-031]	It is agreed that Section 3.2 of the Planning Statement [APP-031] provides an accurate description of the planning history and current proposals of most relevance to the Proposed Development.
9.	Compliance with local planning policy		<p>It is agreed that there is no conflict between the Proposed Development and local planning policy.</p> <p><i>In the 23.10.23 HBC consultation response, HBC Planning Policy and HBC Economic Growth confirmed no objections.</i></p>
10.	Routing of the Hydrogen Pipeline Connection Corridor		It is agreed that the routing of the Hydrogen Pipeline Corridor is appropriate in terms of land use and planning designations.
11.	EIA assessment methodology	ES Chapter 2 [APP-054]	It is agreed that the assessment methodology set out in Chapter 2 ‘Assessment Methodology’ of the Environmental Statement (‘ES’) [APP-054] is appropriate and proportionate.
12.	Cumulative and combined effects	ES Chapter 23 [APP-076]	It is agreed that the approach taken to identifying developments for the assessment of cumulative and combined effects at Chapter 23 ‘Cumulative and Combined Effects’ of the ES [APP-076] is appropriate.

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<b>NO.</b>	<b>MATTER AGREED</b>	<b>DOCUMENT REF (IF RELEVANT)</b>	<b>COMMENTARY</b>
13.	DCO requirements	Draft DCO [APP-027]	It is agreed that the DCO requirements as drafted at Schedule 2 of the draft DCO [APP-027] are appropriate.
14.	Procedure for the discharge of DCO requirements	Draft DCO [APP-027]	It is agreed that the procedure set out a Schedule 13 of the draft DCO [APP-027] for the discharge of the DCO requirements is appropriate.

## 4.0 MATTERS TO BE AGREED

### 4.1 Overview

4.1.1 This section sets out matters that are under discussion between the parties and are to be agreed.

**Table 4.1: Matters to be Agreed between the Applicant and HBC**

NO.	MATTER TO BE AGREED	DOCUMENT REF (IF RELEVANT)	COMMENTARY	
			HBC POSITION	APPLICANT POSITION
1.	Alternatives – The approach that has been taken to the assessment of alternatives set out at Chapter 6 ‘Alternatives and design Evolution’ [APP-058] is appropriate and proportionate.	ES Chapter 6 [APP-058]		
2.	Design Parameters – The adoption of the ‘Rochdale Envelope’ approach and the use of maximum design parameters set out at Table 4-1 of Chapter 4 ‘Proposed Development’ of the ES [APP-056] for assessing the likely significant effects of the Proposed Development	Table 4-1 of ES Chapter 4 [APP-056]		

NO.	MATTER TO BE AGREED	DOCUMENT REF (IF RELEVANT)	COMMENTARY	
			HBC POSITION	APPLICANT POSITION
	is appropriate and proportionate.			
3.	Design – That the design of the Proposed Development is appropriate and represents ‘Good Design’.			
4.	Construction effects – The assessment of construction effects.			
5.	Air Quality – The assessment of effects on air quality.			
6.	Noise and Vibration – The assessment of effects in terms of noise and vibration.			
7.	Ecology and Nature Conservation – The assessment of effects on ecology and nature conservation interests and the approach to biodiversity enhancement and biodiversity net gain.		<p><i>23.10.23 HBC consultation response:</i></p> <p><i>HBC Ecology: The Ecology work done to date is thorough, and I currently have no concerns regarding due process.</i></p>	



NO.	MATTER TO BE AGREED	DOCUMENT REF (IF RELEVANT)	COMMENTARY	
			HBC POSITION	APPLICANT POSITION
			<p><i>I have looked at the Ecology sections and the non-technical summary of the PEIR.</i></p> <p><i>I support the non-technical summary findings in section 7.6 (Ecology and Nature Conservation including Aquatic Ecology).</i></p> <p><i>I support the non-technical summary findings in section 7.7 (Marine Ecology).</i></p> <p><i>I support the non-technical summary findings in section 7.8 (Ornithology)</i></p> <p><i>The development must consider the overlapping Phillips Tank Farm Grassland LWS, Greatham Creek North Bank Saltmarsh LWS and Greenabella Marsh LWS, as well as the adjacent Saltern Saltmarsh LWS; as well as the Teesmouth and Cleveland Coast SPA, Ramsar and SSSI.</i></p>	
8.	Ornithology – The assessment of effects on ornithology.		23.10.23 HBC consultation response:	

NO.	MATTER TO BE AGREED	DOCUMENT REF (IF RELEVANT)	COMMENTARY	
			HBC POSITION	APPLICANT POSITION
			<i>HBC Ecology: I support the non-technical summary findings in section 7.8 (Ornithology).</i>	
9.	Marine ecology – The assessment of effects on marine ecology.		<p><i>23.10.23 HBC consultation response:</i></p> <p><i>HBC Ecology: I support the non-technical summary findings in section 7.7 (Marine Ecology).</i></p>	
10.	Climate Change – The assessment of effects on climate change.			
11.	Landscape and Visual – The assessment of effects on landscape and visual amenity.			
12.	Geology, Hydrogeology and Contaminated Land – The assessment of effects on geology, hydrogeology and contaminated land.			

NO.	MATTER TO BE AGREED	DOCUMENT REF (IF RELEVANT)	COMMENTARY	
			HBC POSITION	APPLICANT POSITION
13.	Historic Environment – The assessment of effects on the historic environment.		<p><i>23.10.23 HBC consultation response:</i></p> <p><i>Tees Archaeology:</i></p> <p><i>We note that a DBA (Appendix 17a) and chapter on Cultural Heritage (Chapter 17) are included within the Preliminary Environmental Information Report.</i></p> <p><i>The DBA states:</i></p> <p><i>The following actions will be carried out to finalise the baseline conditions for heritage assets and inform the assessment to be presented within the ES:</i></p> <ul style="list-style-type: none"> <li><i>- additional walkover surveys of the Proposed Development Site;</i></li> <li><i>- geophysical survey of suitable areas where archaeological potential has been identified, specifically the fields adjacent to the Romano-British settlement at the energy plant, Saltholme Statera, to the west of the</i></li> </ul>	

NO.	MATTER TO BE AGREED	DOCUMENT REF (IF RELEVANT)	COMMENTARY	
			HBC POSITION	APPLICANT POSITION
			<p><i>A1185, and the fields to the north and south of Cowpen Bewley (as outlined in Chapter 17: Cultural Heritage, PEI Report, Volume I);</i></p> <p><i>stakeholder engagement will continue with archaeological advisors and conservation officers as the Proposed Development progresses to discuss the assessment findings and agree a proportionate scope of mitigation.</i></p> <p><i>We agree that these actions should be undertaken and used to inform the assessment within the Environmental Statement.</i></p> <p><i>Chapter 17 sets out the proposed mitigation measures for the development site. This includes avoiding heritage assets through design, establishing a programme of archaeological evaluation and mitigation prior to construction, as well a protocol establishing the procedures for the reporting, protection and management of unexpected archaeological discoveries; all archaeological investigations are to be</i></p>	

NO.	MATTER TO BE AGREED	DOCUMENT REF (IF RELEVANT)	COMMENTARY	
			HBC POSITION	APPLICANT POSITION
			<p><i>carried out in accordance with a Written Scheme of Investigation that has been agreed</i></p> <p><i>be the relevant archaeology officer/s and approved in writing by the relevant LPAs. We also note that as the Proposed Development design progresses the assessment regarding mitigation during operational and decommissioning stages will be updated for the ES and the need for additional mitigation reconsidered.</i></p> <p><i>We consider that the proposed mitigation measures set out in Chapter 17 are reasonable, though they may need to be reviewed once the assessment within the Environmental Statement has been completed.</i></p>	
14.	Major Accidents and			

NO.	MATTER TO BE AGREED	DOCUMENT REF (IF RELEVANT)	COMMENTARY	
			HBC POSITION	APPLICANT POSITION
	Hazards – The assessment of effects in respect of major accidents and hazards.			
15.	Socio-economics and land use – The assessment of effects in terms of socio-economic and land use.			
16.	Traffic and Transport – The assessment of traffic and transport effects.		<p><i>23.10.23 HBC consultation response:</i></p> <p><i>HBC Traffic and Transport: No highway or traffic concerns. During construction of the pipe lines in the Hartlepool area close consultation with the Highway Authority will be required.</i></p>	
17.	Public Rights of Way ('PRoW') – The assessment of effects on and management of PRoW.			
18.	Surface water, flood risk and water resources – The assessment of effects on the water environment.		<p><i>23.10.23 HBC consultation response:</i></p> <p><i>HBC Flood Risk Officer: No comments.</i></p>	

NO.	MATTER TO BE AGREED	DOCUMENT REF (IF RELEVANT)	COMMENTARY	
			HBC POSITION	APPLICANT POSITION
19.	Materials and waste management – The assessment of effects on waste.			
20.	Land agreements			The parties are discussing terms for a voluntary property agreement.

4.1.2 The parties are committed to taking forward discussions on the above matters as necessary, so whilst they are not yet agreed, both parties hope to reach agreement in the near future.