

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: 9.4: Statement of Common Ground between H2 Teesside Limited and Health and Safety Executive

The Planning Act 2008



Applicant: H2 Teesside Ltd

Date: September 2024

**The Planning Act 2008
The Infrastructure Planning (Applications:
Prescribed Forms and Procedure)
Regulations 2009
The H2Teesside Order 202[]**

**Statement of Common Ground between H2 Teesside Limited and the
Health and Safety Executive**

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Approved By	

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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) the Health and Safety Executive

Signed.....
[Name]
[Position]
on behalf of H2 Teesside Ltd
Date:

Signed.....
[Name]
[Position]
on behalf of the Health and Safety Executive
Date:

CONTENTS

1.0	INTRODUCTION AND PURPOSE.....	5
1.1	Introduction	5
1.2	Parties to the SoCG	5
1.3	The Purpose and Structure of this SoCG.....	6
2.0	ENGAGEMENT WITH THE HEALTH AND SAFETY EXECUTIVE.....	7
2.1	Summary of Engagement.....	7
3.0	MATTERS AGREED	9
4.0	MATTERS UNDER DISCUSSION	10
5.0	MATTERS NOT AGREED.....	11

TABLES

Table 2.1:	Engagement between the Applicant and HSE.....	7
Table 3.1:	Matters Agreed between the Applicant and the HSE	9
Table 4.1:	Summary of Matters under Discussion between the Applicant and the HSE.....	10
Table 5.1:	Summary of Matters Not Agreed	11

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 the Health and Safety Executive ('HSE') 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 HSE

- 1.2.4 The Control of Major Accident Hazards Regulations 2015 ('COMAH') is enforced by a Competent Authority ('CA') that comprises HSE, or the Office for Nuclear Regulation ('ONR') for nuclear establishments, acting jointly with the appropriate environmental agency. In England, this is the Environment Agency ('EA').
- 1.2.5 Every operator must take all measures necessary to prevent major accidents and to limit their consequences for human health and the environment. Every operator
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must demonstrate to the competent authority that it has taken all measures necessary as specified in these Regulations.

- 1.2.6 The Applicant and HSE 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 to be agreed and the proposed way forward.
 - Section 5 – sets out the matters, if any, where there is disagreement.

2.0 ENGAGEMENT WITH THE HEALTH AND SAFETY EXECUTIVE

2.1 Summary of Engagement

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

Table 2.1: Engagement between the Applicant and HSE

DATE	FORM OF ENGAGEMENT	DOCUMENT REF. (IF ANY)	DETAILS
May 2023	Fact Finding meeting	n/a	East Coast Cluster Fact Finding meeting with the HSE. Including bp Teesside Hydrogen Vision and project status update.
27 June 2023	Hydrogen and Industry Round Table	n/a	Face to face round table in Buxton with a focus on Hydrogen. Discussion included high pressure hydrogen pipelines.
25 July 2023	Briefing meeting	n/a	The Applicant met with HSE to provide an overview of the Proposed Development as part of the Northern Endurance Partnership and East Coast Cluster which includes H2 Teesside.
14 September 2023	First Consultation (statutory consultation) in accordance with Section 42 of the PA 2008.	See Consultation Report [APP-030]	The Applicant issued a Section 42 letter to the HSE on 14 September 2023 consulting it on the Proposed Development.
3 October 2023	Briefing meeting	n/a	The Applicant met with the HSE as part of the Northern Endurance Partnership and East Coast Cluster discussions.
13 December 2023	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 the HSE on 13 December 2023 consulting it 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.

DATE	FORM OF ENGAGEMENT	DOCUMENT REF. (IF ANY)	DETAILS
15 January 2024	Briefing meeting	n/a	The Applicant met with the HSE as part of the Northern Endurance Partnership and East Coast Cluster discussions.
20 May 2024	Briefing meeting	n/a	The Applicant met with the HSE as part of the Northern Endurance Partnership and East Coast Cluster discussions.
4 September 2024	Consultation on proposed changes to the DCO Application.	n/a	A letter was issued to the HSE on 4 September 2024 consulting it on a number of proposed changes to the DCO Application.

3.0 MATTERS AGREED

3.1.1 **Table 3.1** below sets out the matter agreed between the parties.

Table 3.1: Matters Agreed between the Applicant and the HSE

MATTER AGREED	AGREED POSITION

4.0 MATTERS UNDER DISCUSSION

4.1.1 This section sets out the matters under discussion between the parties and the proposed way forward. **Table 4.1** provides a summary of the issues raised between the parties.

Table 4.1: Summary of Matters under Discussion between the Applicant and the HSE

SOCG ID	MATTER	APPLICANT POSITION	HSE POSITION
1.	HSE Approach to Regulation	<p>The Applicant agrees that it will need to submit the information set out in ES Appendix 20C ‘COMAH Flowchart’ to HSE [APP-219] as part of its COMAH Notification. Other information that will be submitted will include:</p> <ul style="list-style-type: none"> • Notification of Construction Works – The Construction (Design and Management) Regulations 2015. • Gas Safety Case – The Gas Safety (Management) Regulations 1996 (Regulation 3). • Pipeline Safety Notification – The Pipeline Safety Regulations 1996 (Regulation 20). <p>The HSE will consider matters such as the appropriateness of consequence modelling, safe distances/set offs, plant design, clustering and domino effects and the appropriateness of the scenarios provided. It will also consider how any previously</p>	TBC

SOCG ID	MATTER	APPLICANT POSITION	HSE POSITION
		granted Hazardous Substances Consent ('HSC') or consideration of matters for other projects may be affected by the application of the COMAH Regulations to the Proposed Development.	

5.0 MATTERS NOT AGREED

5.1.1 Table 5.1 provides a summary of the matters not agreed between the parties.

Table 5.1: Summary of Matters Not Agreed

SOCG ID	MATTER	APPLICANT POSITION	HSE POSITION