

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: 9.13: Statement of Common Ground between H2 Teesside Limited and Anglo American Woodsmith Limited, Anglo American Woodsmith (Teesside) Limited and Anglo American Crop Nutrients Limited (together 'Anglo American')

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 with Anglo American

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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) Anglo American Woodsmith Limited, Anglo American Woodsmith (Teesside) Limited and Anglo American Crop Nutrients Limited (together 'Anglo American')

Signed.....
Elnur Ibrahimzade
Senior Project Engineer
on behalf of H2 Teesside Ltd.
Date:

Signed.....
Rachel Dolby
Head of Corporate Affairs, Land and Permitting
on behalf of Anglo American Woodsmith Limited, Anglo American Woodsmith (Teesside) Limited and Anglo American Crop Nutrients Limited (together "Anglo American")
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 Anglo American Woodsmith Limited, Anglo American Woodsmith (Teesside) Limited and Anglo American Crop Nutrients Limited (together 'Anglo American') 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 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 Anglo American

- 1.2.4 Anglo American is developing its polyhalite supply business consisting of a mine in North Yorkshire with the associated processing and port infrastructure in Teesside.
- 1.2.5 The Applicant and Anglo American 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.
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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 ANGLO AMERICAN

2.1 Summary of Engagement

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

Table 2.1: Engagement between the Applicant and Anglo American

DATE	FORM OF ENGAGEMENT	DOCUMENT REF. (IF ANY)	DETAILS
9 February 2023	Face to Face Meeting	n/a	Meeting held directly between AA and bp to discuss the project.
12 September 2023	Face to Face Meeting	n/a	Meeting held directly between AA and bp to discuss the project.
14 September 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 Anglo American on 14 September 2023 consulting it on the Proposed Development.
9 December 2023	Virtual Meeting	n/a	Meeting held directly between AA and bp to discuss the project.
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 Anglo American 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.
26 April 2024	Virtual Meeting	n/a	Technical interface meeting between the parties.
15 May 2024	Virtual Meeting	n/a	Technical interface meeting between the parties.
17 June 2024	Virtual Meeting	n/a	Technical interface meeting between the parties.

DATE	FORM OF ENGAGEMENT	DOCUMENT REF. (IF ANY)	DETAILS
2 September 2024	Virtual Meeting	n/a	Technical interface meeting between the parties.
4 September 2024	Consultation on proposed changes to the DCO Application.	n/a	A letter was issued to Anglo American 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** sets out the matters agreed between the parties.

Table 3.1: Matters Agreed between the Applicant and Anglo American

NO.	MATTER AGREED	DOCUMENT REF (IF RELEVANT)	COMMENTARY
1.	Party Interfaces	N/A	<p>Applicant: The parties acknowledge that regular communication is essential to address concerns at the earliest opportunity. Following initial interface meetings, the parties have agreed and scheduled regular monthly interface meetings.</p> <p>Anglo American: Regular and ongoing discussions are being held between Anglo American and the Applicant.</p>

4.0 MATTERS TO BE AGREED

4.1.1 **Table 4.1** 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 Anglo American

NO.	MATTER TO BE AGREED	DOCUMENT REF (IF RELEVANT)	COMMENTARY	
			ANGLO AMERICAN POSITION	APPLICANT POSITION
1.	Location of Apparatus	n/a	There remains uncertainty on the location and nature of the Applicant’s proposed apparatus, and the interact this would take with the York Potash DCO. Discussions are ongoing.	The Applicant and their representatives have corresponded with Anglo American to provide clarity regarding the proposed location of apparatus, particularly the natural gas AGI and the routing of the H2 pipeline. Anglo American require certainty that the overland conveyor element of the York Potash Harbour Facilities Order 2016 can be constructed without hinderance due to the Applicant’s projects. Discussions are ongoing between the parties.
2.	Property Agreements	n/a	Initial engagement has taken place in relation to use of Anglo American’s land however, a Side Agreement and related Property Agreements are yet to be discussed in detail. Discussions are ongoing.	Initial engagement has taken place in relation to use of Anglo American’s land however, a Side Agreement and related Property Agreements are yet to be discussed in detail.
3.	Protective Provisions	n/a	A basis for the draft Protective Provisions has been agreed, along an approach for	The Applicant’s appointed solicitors have commenced discussions with solicitors

NO.	MATTER TO BE AGREED	DOCUMENT REF (IF RELEVANT)	COMMENTARY	
			ANGLO AMERICAN POSITION	APPLICANT POSITION
			proposed amendments to the draft DCO. Discussions are ongoing.	representing Anglo American and have agreed a basis for the draft Protective Provisions.

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.